REQUEST FOR BOARD ACTION

ITEM NO. 3.

DATE OF MEETING: November 21, 2011

REQUESTED BY: Glenda Pridgen, Administrative Assistant

SHORT TITLE: Approval of Minutes: Regular & Closed Session of November 7, 2011

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, NOVEMBER 7, 2011

The Pender County Board of Commissioners met in regular session on Monday, November 7, 2011 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; Vice Chairman Jimmy Tate; and Commissioners F.D. Rivenbark, Chester Ward and David Williams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Rick Benton, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER
Chairman Brown called the meeting to order at 4:04 p.m. and thanked and welcomed all to the meeting.

INVOCATION
Commissioner Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE
Commissioner Williams led the Pledge of Allegiance.

Chairman Brown announced that Commissioner Tate would be a few minutes late. Mr. Williams made a motion to excuse Mr. Tate until he gets here, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Tate arrived at 4:14 p.m.

PUBLIC INFORMATION
1. **Presentation of Small Area Planning Initiative in Pender County.**
Planner Ken Vafier explained: Board priorities as outlined in the 2010-2012 Priority Implementation Plan, as well as specific policies set out in the County's adopted Comprehensive Plan, have directed staff to develop Small Area Plans for populated communities throughout the County; the current Comprehensive Plan contains three Small Area Plans-the Coastal Pender area, the Rocky Point area and the US 421 Corridor; a Small Area Plan analyzes, evaluates, and reviews the constraints and opportunities, and develops goals and policies beyond the Comprehensive Plan within a specified geographic area; the primary purpose of the Small Area Plan is to develop a vision and subsequent actions that will realize the needs and uniqueness of a specific community; and the communities of Currie, Penderlea, Maple Hill and Willard are all excellent communities in which to initiate the Small Area Plan process. Mr. Vafier delivered a Power Point presentation which included: What is a SAP; History of SAP in Pender County; Future SAP in Pender County; Example Small Area Boundary Map; Common Elements Evaluated in a SAP; Common Outcomes of SAP; and Creation of a SAP. Mr. Rivenbark asked the Utilities Director how this might impact infrastructure and Michael Mack came forward. He said he hasn't seen the plan yet, but will, and Planning and Utilities do consult each other on such projects. Mr. Rivenbark asked Chuck Wilson in the audience if this fits in with his concerns in Hampstead. Mr. Wilson said he had planned to make remarks under the Public Comment section. He said he would like to disassociate himself with Planning staff's comments. He distributed a handout entitled "Request of Board of

Commissioners Regarding Commercial Setbacks" and explained he is asking the Board to formally request that Planning staff study the recently adopted 25 foot commercial setback (versus 100 foot setback) on County highways and report back to the Board of Commissioners and the Planning Board. The handout listed Mr. Wilson's recommendations, including establishing setback standards to reflect the possible widening of Highway 17 to six lanes. Mr. Breuer noted a resolution had previously been adopted to not widen Highway 17 to six lanes without a by-pass. In response to question, Mr. Vafier said setbacks are not going to be regulated in this document. After more discussion and questions, staff was instructed to look into the recommendations further and bring their thoughts back to the Board in December or January.

2. **Presentation of Rocky Point Regional Park Update.**

Planner Dee Turner explained: Planning Department staff and the Parks and Recreation Advisory Board have been working to develop a conceptual plan for the Rocky Point Regional Park, located adjacent to Heide Trask High School; the park is identified as a recommended regional park opportunity within the 2010 Pender County Comprehensive Parks and Recreation Master Plan; and staff would like to get a nod from the Board if it is something the Board would like them to proceed with. Ms. Turner provided a map and described wetlands delineation on the property. Ms. Turner noted there is a concern with there being only one way in and out of the property and said Juniper Road had been considered as potential access to the property. Mr. Brown said right now personally, he can't see proceeding with this because we have too many other things going on, and there is no grant money for it. Mr. Williams said if you already have a plan in place for the future, you will be prepared when the potential for grant money comes along. Ms. Turner spoke about a PARTF Grant. Mr. Rivenbark made a motion to not take this under consideration until the budget is in place; the motion died for lack of a second. Mr. Benton explained staff is not asking for any funding now; they just want to have a plan in place. Mr. Williams made a motion authorizing staff to proceed with a plan development in-house, with no funding involved. Mr. Ward seconded the motion and it was unanimously approved.

3. **Presentation of 2010 Community Health Assessment.**

Health Director Carolyn Moser explained: Every four years, local health departments must submit a Community Health Assessment to the Division of Public Health; this involves a review of the latest Pender County data as well as a community survey to gain input regarding health concerns and issues residents feel are important; the assessment was due in December 2010, but was not completed until recently by the new administration; the Health Board reviewed and approved the assessment on October 25, 2011; the assessment is being presented to the Commissioners for information only; and no board action is necessary. Some of Ms. Moser's highlights included: Comparison of Health Concerns/Issues 2006 vs. 2010; History of Public Health in Pender County; Demographics of Pender County; Number of Primary Care Physicians and Dentists per 10,000 Population 2000 through 2008; Infant Mortality Rates, 2005-2009; Prenatal Care Information; Adult Health; Causes of Cancer; and Child/Adult Obesity. Ms. Moser said in between the years they don't submit the Community Health Assessment, they submit a State of the County Health Report, which they will submit in January, 2012. Mr. Tate asked about Geriatric physicians and if Pender County is trying to address this issue. Mr. Moser said there may be some Geriatric physicians in New Hanover County but she doesn't think there are any in Pender. She said geriatric health issues are generally addressed by physicians, family practitioners, internists, etc., when specialists are not available. Mr. Tate asked about cancer education and Ms. Moser said this item will be addressed by the new RN. Mr. Brown spoke as a member of the Health Board, publicly commending Ms. Moser on the great job she has done as the Health Director so far.

PUBLIC COMMENT
There was no one present for further public comment.

CONSENT AGENDA
Mr. Brown presented the ten items on the Consent Agenda and asked for any discussion or questions. Mr. Ward requested that Items Numbers 6a and 6b be discussed separately. Mr. Brown requested that Item Number 10 be discussed separately. Mr. Rivenbark made a motion to approve the Consent Agenda, minus Items 6a, 6b and 10, Mr. Tate seconded the motion and the remainder of the Consent Agenda was unanimously approved as follows:

4. Approval of Minutes: Special Meeting of October 5, 2011; Regular Meeting of October 17, 2011.
5. Resolution Approving Tax Releases and Refunds as Listed Herein.
7. Resolution to Authorize a Contract and Purchase Order with McLaughlin Young Employee Services to Expand Employee Assistance Program Services: $6,718.32.
8a. Resolution to Approve Purchase Order for Dental Hygienist Contract for FY 11-12: $21,200.
8b. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2011-2012: $8,471.00.
9. Resolution Authorizing a Purchase Order to Turner Business Appraisers, Inc. in the Amount of $25,373.
11. Resolution Authorizing Increase in Purchase Order to DRC for Hurricane Irene Debris Management from $31,360 to $36,360; and Authorizing Increase in Purchase Order to SAIC for Hurricane Irene Debris Management Monitoring from $15,000 to $43,000.

6a. **Resolution Authorizing a Purchase Order to McClamrock Business Forms for Printing of 2012 Solid Waste Stickers in the Amount of $5,500.**

Mr. Ward asked if it is necessary to have stickers on windshields and Mr. Mack explained the stickers are used to better control access and use of the County's Convenience Centers. Mr. Ward asked how we pay Waste Industries and Mr. Mack said by the ton. Mr. Ward was concerned if the Waste Industries employees that staff the centers are really going to enforce use by County citizens only. He asked if it is necessary for us to use stickers, can we change them every two years instead of annually. He said the County could save $14,500 if the stickers are given out every two years. Mr. Mack explained the cost for the stickers is recovered by the Solid Waste fee. He said they don't send the stickers out until the fees are paid and this verifies citizens have paid their fees. Administrative Assistant Melinda Knoerzer explained the sticker program in further detail, noting how it was being reported some centers were being used by out-of-County people. Mr. Ward asked what we can do to cut this cost by not mailing the stickers out. He said we can save by not having to mail out every year. It was agreed that staff would research the possibility of a multi-year sticker for consideration in the upcoming budget.

6b. **Resolution Authorizing a Purchase Order to Professional Mail Services, Inc., for Mailing of 2012 Solid Waste Stickers in the Amount of $9,000.**

Mr. Mack explained the savings realized by having a mail service mail the stickers out instead of trying to do it in-house. He said PMSI is the mail handling service chosen by the Tax Assessor's office as their software for tax billings and the Solid Waste database for this mailing originates from the Tax Assessor's office. Mr. Ward said this item is something we maybe should further

look into and bring it back. Again, staff will research a multi-year sticker option for future consideration.

10. **Resolution Authorizing Lease Extension for the USDA Farm Service Agency Center Offices in Burgaw.**

Mr. Brown asked how much space we have for the DMV Office and Mr. Benton said he is not sure exactly but he thinks approximately 300 or 400 square feet.

After more discussion and questions, Mr. Williams made a motion to approve Items 6a., 6b., and 10. Mr. Tate seconded the motion and the items were unanimously approved.

RESOLUTIONS

12. **Resolution Authorizing Issuance of Purchase Order: Dell, Inc. for the Purchase of Computers to be used in Sheriff's Office Patrol Division Vehicles: $20,616.50.**

Sheriff Smith explained: Several years ago the Sheriff's Office began using computers in patrol vehicles to increase productivity and put more information at the deputy's fingertips; the computers currently in use were purchased used and they are having increased difficulty in keeping them in good running order; the deputies still share computers and most of them are used around the clock; the State has stopped using paper warrants; and the computer purchase is from Dell Inc., using state contract pricing. Mr. Ward said this purchase is a good thing. He said before they had computers, when a call came, they had to take it to the dispatchers for them to type it in. Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion, and it was unanimously approved.

13. **Resolution Authorizing Release of Escrow Funds to Mill Creek Waterway Restoration, Inc.: $71,409.69.**

Ms. Knoerzer explained: Beginning in 2007, Mill Creek Waterway Restoration, Inc., (MCWR) with the aid and assistance of a NC DENR Water Resources Grant and in partnership with Pender County, was able to undertake the dredging of the Mill Creek waterways complex for the benefit of the community's homeowners, their guests, and other members of the boating public, including commercial fishermen; the grant funds were in the amount of $702,687.28 and MCWR matched this with $79,872 of private contributions; the County provided no funding for this project; MCWR obtained all permits, coordinated engineering and construction of the project, and submitted invoices to the County for reimbursement from the State; all state funds passed through Pender County and the County withheld 10% of the state funding for 24 months in order to guarantee performance and to make sure no claims have been made against the project; according to the signed certification from Martin J. Evans, President of MCWR, there are no outstanding issues relative to this project; and as they have complied with all provisions of their contract with the County, staff recommends reimbursement of the retainage in the amount of $71,409.69. Ms. Knoerzer introduced John Brinkhouse of MCWR, Inc. Mr. Brinkhouse said MCWR formed for the express purpose of undertaking this dredging project and the $79,872 was strictly a voluntary effort to raise funds that the grant didn't cover. Mr. Brinkhouse said MCWR, Inc. was formed for express purpose of undertaking this dredge project and the $79,872 was strictly a voluntary effort to raise funds that the grant didn't cover. Mr. Brinkhouse said the dredge project is still holding up, and thanked Ms. Knoerzer and commended her for all her assistance with the project. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion, and it was unanimously approved.

Mr. Ward said he has a problem with #14a through 14d. Mr. Ward's questions and comments included: Why is this money being spent for technology enhancements when money was appropriated for technology during the budget process? Whenever he goes into the schools, he hears everything is going good and no one ever says they have a problem with technology. Why is Topsail Elementary getting more than the others? And finally, why are we spending bond money when the tax was never implemented to repay it? Schools Director of Auxiliary Services David Smith said old, outdated equipment will be replaced; it is all coming out of bond money; and the amount being spent on Topsail Elementary is what was left in their account. Mr. Brown said whether or not the Board implemented the tax to repay the bond funding, the schools must spend the bond money. Mr. Thurman spoke about the bonds, taxes, sale of the bonds, capital expenditures, and said we are now committed to paying the bonds back. Mr. Williams explained we had delayed implementing the 3¢ tax because people didn't want a tax increase. Mr. Brown said implementing the tax is not an item for discussion with this request today. Mr. Ward asked if we have to spend the bond money now and how long do we have to spend it. Mr. McCole explained it is open-ended but you can't hold on to it forever. Mr. Thurman said he will find out if there is a limit on expenditures of School Bond Funds. Mr. Rivenbark said it is not in the County's jurisdiction to dictate line items for the Board of Education to spend money. Mr. Smith said if you don't buy these items now, they will only be more expensive in the future. Mr. Williams and Mr. Tate said they respect Mr. Ward's statements but they want to move forward. Mr. Tate asked for clarification from Mr. Rivenbark that this Board can't dictate what the Schools spend money on. Mr. Rivenbark said once we give them their budget, we can't tell them which line item to spend. Mr. Thurman explained we can't give them the line item, but for bond funds they have to come back to the Board for approval of contracts. Mr. Rivenbark said in his opinion, the Pender County people voted on this money and it is up to the School Board how to spend it. After more discussion, Mr. Rivenbark made a motion to approve Items 14a through 14e, Mr. Williams seconded the motion, and items 14a through 14e were unanimously approved as follows:

14a. Resolution Authorizing a Purchase Order to Dell in the Amount of $5,059.82 for Netbooks for Burgaw Elementary School.

14b. Resolution Authorizing a Purchase Order to Dell in the Amount of $6,002.17 for Technology Enhancements at West Pender Middle School.

14c. Resolution Authorizing a Purchase Order to Dell in the Amount of $10,752.11 for Technology Enhancements at Penderlea Elementary School.

14d. Resolution Authorizing a Purchase Order to Apple, Dell and Troxell in the Amount of $46,766.06 for Technology Enhancements at Topsail Elementary School.

14e. Resolution Authorizing a Contract with and Purchase Order to Raysand Building Corp., in the Amount of $183,965 for Construction of the New Topsail High School Athletic Building.

15. **Resolution Authorizing a Purchase Order to Pender Electric Corporation for Relocation of the Primary Electric Service at the Former BASF Administration and Warehouse Buildings in the Amount of $28,739.**

Mr. Mack explained: In December 2010, Pender County purchased the former BASF vitamin production facility on US Highway 421 to expand the Pender Commerce Park site; as part of the purchase agreement, BASF is responsible for the demolition of any on-site infrastructure; the Board elected to retain an office building, the chiller building, and an administration/warehouse building at the site in addition to two wastewater treatment facilities; the County later entered into a lease agreement with the Contractor building the Water Treatment Plant to allow for their use of

the office and warehouse areas during the construction of the water plant; in order to retain electrical service for the office and administration/warehouse buildings, the primary electrical service components must be relocated from their current location and reestablished in the mechanical room of the administration building; the current location of the electrical components is in a section of the building scheduled for demolition within the next 30 days; staff estimates the total cost of the electric service relocation to be $37,000; staff solicited proposals from electrical contractors to complete the relocation work; and four proposals were received ranging in cost from $28,739 to $50,000. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion, and it was unanimously approved.

16. **Resolution Supporting an Agreement with the Lower Cape River Water & Sewer Authority, the Cape Fear Public Utility Authority, and the North Carolina Department of Environment and Natural Resources to Address Potable Water Supply.**

The Lower Cape Fear Water & Sewer Authority and the Cape Fear Public Utility Authority have agreed by resolution to request the NC Department of Environment and Natural Resources enter into an agreement with the appropriate local governments and water authorities for the identification of appropriate water supply needs, sources and projects to meet long term water supply needs; the two authorities have agreed to share in the cost of a feasibility study and associated analysis estimated to cost $100,000; and the authorities have asked for supporting resolutions from regional partners, including Pender County. Mr. Brown asked about the $100,000 and would the users have to pay it. Mr. Mack said he asked Don Betz of the Lower Cape Fear if they are going to increase our water rates and Mr. Betz said the $100,000 expenditure would not affect our rate at this time, and said it was pre-programmed. After discussion, Mr. Rivenbark made a motion to approve the resolution. Mr. Tate noted he would have liked to make the motion since he is Chairman of the Lower Cape Fear Water & Sewer Authority. Mr. Rivenbark withdrew his motion. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion, and it was unanimously approved. Mr. Tate clarified he is making the motion to support the agreement, but not for the users to pay the $100,000

ITEMS FROM THE COUNTY MANAGER

Mr. Benton's first item was concerning redistricting. He distributed maps showing six scenarios and said they can possibly narrow down the number of maps and then have public hearings, possibly one on this side of the County and one in Hampstead. Mr. Williams explained how he, Mr. Rivenbark and Mr. Brown went to Raleigh and used their computer. Among other items on redistricting, there was discussion of whether the maps need to go to Raleigh to be put on their computer or if they could be done in-house; whether these maps will match the ones in Raleigh; splitting subdivisions; matching the maps with census; and putting the maps on the web site.

Mr. Benton spoke about the letter received from the Military Growth Task Force with respect to reappointment of Chris May. Mr. Williams noted he and Mr. May had been put on this Board to represent Pender County, but the group has winded down some now since it was first created. Mr. Benton was instructed to put the item on the November 21st agenda.

There was discussion concerning the newspaper article about Wilmington Mortuary's owner falsely signing an agreement with the State saying he had never committed a felony. Mr. Brown noted a local service is interested in performing the services. It was noted that there is a 90 day

termination notice in the County's contract with Wilmington Mortuary. Mr. Benton was instructed to put the contract out for proposals and put it on the December agenda.

The Board took a break at 6:20 p.m. and resumed the meeting at 6:30 p.m.

Former Addressing Coordinator Jan Dawson gave a history of road names and the Road Naming Ordinance. Ms. Dawson said when the Planning Board took on the project, they gave citizens the opportunity to choose their own names and at the time, the Board of Commissioners didn't think there was going to be problems with duplicate/triplicate road names because most were on the east or west side of the County, not on the same side. Ms. Dawson said the Road Naming Ordinance states there should not be duplicate road names. Mr. Brown said we should either abide by the Ordinance or change the Ordinance. Mr. Brown asked if there are duplicate names, do you see which one was named first and rename the other one. Ms. Dawson said all the ones listed will probably not be able to be renamed easily because you may not find any historical information on some of them.

ITEMS FROM THE COUNTY ATTORNEY
Mr. Thurman had no further items.

ITEMS FROM THE COUNTY COMMISSIONERS
Mr. Rivenbark gave a history of how the Highway 17 By-Pass got started; said he wants the Manager to provide the Board with a report on possible cuts from the County's upcoming budget; and talked about a newspaper article concerning the State cutting the Teaching Fellows Program. Mr. Benton was instructed to prepare a resolution by the Board to send to our legislators to reconsider cutting this program.

Mr. Williams said there is a press release that Scotts Hill water is up and running and he is happy that it is.

Mr. Brown said when some of the Commissioners met with Senator Rabon, NC DOT and others in Raleigh concerning the Hampstead By-Pass, and it was a very productive meeting. Mr. Williams noted Al Freimark had gone with them as a citizen advocate and said they were showed other options. Mr. Brown and Mr. Williams agreed that the officials "really heard them this time." Mr. Tate thanked Mr. Brown and Mr. Williams for moving forward on this. Mr. Brown said he commends Mr. Williams for working on it. Mr. Williams commended Mr. Freimark for working on the by-pass for years.

CLOSED SESSION
At 6:53 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public

body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; 5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the Amount of compensation and other material terms of an employment contract or proposed employment contract; and 6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting, and including discussion of Carolina Water versus Pender County. Mr. Williams seconded the motion and it was unanimously approved. The Board exited the Closed Session at 8:00 p.m. There were no announcements upon exiting the Closed Session.

ADJOURNMENT

There being no further business, the meeting was recessed to 2:45 p.m. on November 21, 2011. The meeting adjourned at 8:00 p.m.

Respectfully Submitted,

Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

Rick Benton, Clerk to the Board