

## MONDAY, FEBRUARY 4, 2008

The Pender County Board of Commissioners met in regular session on Monday, February 4, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

**MEMBERS PRESENT:** Chairman James David Williams, Jr., presiding; Vice Chairman Jimmy Tate; and Commissioners Norwood Blanchard, George Brown and F.D. Rivenbark.

**MEMBERS ABSENT:** None.

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

### CALL TO ORDER

Chairman Williams called the meeting to order at 10:00 a.m.

### INVOCATION

Commissioner Tate offered the Invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

### CONSENT AGENDA

Mr. Williams presented the three items on the Consent Agenda and asked for any questions or discussion. Mr. Rivenbark questioned Item Number 1 and the fact that Ms. Pridgen had passed out a revised page of the Minutes. Ms. Pridgen explained that Planning Director Joey Raczkowski had revised a few remarks in his items after the agenda was printed. Mr. Rivenbark made a motion to approve the Consent Agenda as revised, Mr. Rivenbark seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

1. Approval of Minutes for the Regular & Closed Session Meetings of January 22, 2008.
2. Resolution Approving Tax Releases and Refunds to the Individuals Listed Herein.
3. Resolution Accepting Petition to Add Sweet Bay Court, Post Oak Court, Laurel Oak Court and Spanish Moss Court in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.

### RESOLUTIONS

4. **Resolution Authorizing a Purchase Order For Nash Equipment Company for a Commercial Zero Turn Mower: \$9,800.**

Mr. Williams read the resolution. Mr. Blanchard said he had discussed this item with Parks & Recreation Director Dee Turner and asked her about postponing it and Ms. Turner agreed. Mr. Williams asked why Mr. Blanchard wants it postponed; asked is someone challenging it; and asked where the other vendors are located. Parks & Recreation Director Dee Turner said no one is challenging it. She said they received bids from four vendors and the groundworkers visited all four to test and compare the mowers. Mr. Williams again asked why Mr. Blanchard wants it postponed and Mr. Blanchard said he has some questions for the vendor. Mr. Tate asked if this will affect the Willard Project and Ms. Turner responded "no." Mr. Rivenbark made a motion to delay

the resolution, Mr. Blanchard seconded it and it was approved by a vote of 4 to 1, with Mr. Williams voting against it.

**5. Resolution Authorizing a Purchase Order to CR Peele Construction, Inc. for Grading Turner of Pender Memorial Park Expansion: \$132,494.**

Ms. Turner explained that bid packages were distributed to six contractors but only one bid was received – from CR Peele Construction, Inc. She said this was included in the budget. Mr. Blanchard asked that since this is grant money, will there be a problem in having only one bid. Ms. Turner responded negatively. Mr. Williams said they had struggled with the Pender Memorial Park Expansion Project for years just to get it on the ground and he thinks it's great that it's making progress. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded it and it was unanimously approved.

**6. Resolution Authorizing a Purchase Order to CR Peele Construction, Inc. for Grading of Phase II Hampstead Kiwanis Park: \$144,298.**

Ms. Turner explained that bid packages were distributed to seven contractors; that bids were received from three contractors; that one was not eligible due to not having the required General Contractor's License; that CR Peele Construction was the lowest responsible bidder; and that CR Peele's bid is within the budget estimate provided by the Engineer for this phase of the project. Mr. Williams said he is excited about this project as a citizen and as a Commissioner. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

**7. Program Amendment for the FY05 CDBG Scattered Site Program.**

Planning Director Joey Raczkowski explained that this item is to request the Board to approve a program amendment for the FY05 Community Development Block Grant (CDBG) Scattered Site Program to include a revised line item budget which involves transferring \$39,000 in surplus Rehabilitation Funds into the Relocation line item budget. He said it is just "housekeeping" because you're only moving funds from one line item to another. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

**8. Resolution Stating Intent to Proceed with General Obligation Water Bond Election for Columbia-Union Water and Sewer District.**

Mr. Thurman explained that Mr. Tate asked that we set this in motion because residents had approached him about it. Mr. Tate said he wants to move this to the November election in order to have time to get more information out and that he'll meet with Administrative Assistant Melinda Knoerzer to discuss going out into the community with information. Mr. Williams said he will go out into the community with Mr. Tate. Mr. Tate said he gets lots of calls concerning this. Mr. Thurman said the Board can vote to move this to November. Mr. Tate made a motion to proceed with the General Obligation Water Bond Election with the date amended to the November election. Mr. Rivenbark seconded the motion and it was unanimously approved.

**MAPLE HILL WATER & SEWER DISTRICT**

**The Board convened as the Maple Hill Water & Sewer District Board at 10:14 a.m.**

**9. Resolution Authorizing Increase in Water Rates for the Maple Hill Water & Sewer District.**

Ms. Knoerzer explained that since 1989, the County has contracted with the Chinquapin Water Association to provide water for the Maple Hill Water District. She said that over time, the Association has raised prices to keep up with costs and Pender Utilities received a notice of increase for 2008 rates, which will be effective for the March billing. Ms. Knoerzer said that from 2006 to 2008, this rate was \$2 per thousand gallons; that the proposed increase of \$.50 cents per thousand gallons will bring the total rate to \$2.50 per thousand gallons; and that in order to make the projected budget for FY07/08, it will be necessary to pass this cost on to the consumer. Ms. Knoerzer said we need to either pass the increase on to residents or suffer a deficit in that budget. Mr. Blanchard mentioned the fact that the contract with Wallace is locked in and this is just an open contract. It was suggested that staff look into getting this contract locked in. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**The Board reconvened as the Pender County Board of Commissioners at 10:18 a.m.**

## **DISCUSSION**

### **10. Readdress Appointment to the Pender County Planning Board Made on January 22, 2008.**

This item involved the Board appointing Hiram Williams to the Planning Board to replace current member Kevin Reynolds. Mr. Rivenbark made a motion to reconsider the item, Mr. Brown seconded the motion and it was approved by a 4-to-1 vote, with Mr. Blanchard voting against it. Mr. Williams said that he should have looked at this further before taking a vote on it, that he should have learned more about the appointment process and that he should have "banged the gavel" and had more discussion on it. Mr. Williams said Mr. Reynolds served as Chairman of the Planning Board and said that he has nothing against either Mr. Williams or Mr. Reynolds, but the people on the Planning Board said Mr. Reynolds is who they want as their Chairman. Mr. Tate asked if they can appoint an additional member and Mr. Thurman said you would have to amend the Ordinance and have to advertise it. Mr. Williams said we can't change the makeup of the Board now. Mr. Tate asked why Mr. Blanchard made the nomination when the person is in Mr. Brown's district. Mr. Thurman said the Planning Board is not appointed by district as some other boards are; members are appointed by position. Mr. Blanchard said the position didn't indicate a Commissioner district and said he had an obligation and a right to choose someone. Mr. Brown said he doesn't mind admitting he made a mistake his first day sitting on the Board of Commissioners when he saw a member removed from a board so someone else could be appointed. He said he was confused and wasn't aware of any problems with Mr. Reynolds; he thought Mr. Reynolds was just stepping down. He said that if a person wants to step down that's okay, but you shouldn't replace someone to put someone else on just for the sake of putting them on. There was discussion of districts, positions and various other matters. Mr. Blanchard asked if there are any minorities on the Planning Board. Mr. Raczkowski asked if by minority, Mr. Blanchard meant women or what and Mr. Blanchard said Blacks. Mr. Blanchard said we need to make a more conscious effort to reach out to all minorities. Mr. Tate said he doesn't always agree with Mr. Blanchard but he agrees with him on this and he is really moved by Mr. Blanchard's comments. Mr. Williams said they advertise all vacancies and minorities don't always apply. Mr. Rivenbark made a motion to delay this item until later in the meeting to allow Ms. Pridgen to bring the applications back for review. Mr. Blanchard said he doesn't agree with Mr. Rivenbark and said he won't second the motion. This motion died for lack of a second. Mr. Tate said we need to have district representation and said he wants to talk to Mr. Thurman about the whole procedure. Mr. Williams said whether it is "yea" or "nay", we need to address Item Number 10 today. Mr.

Blanchard made a motion to put it off to another meeting and look at the whole big picture. Mr. Tate seconded the motion saying he needs more information and pending a thorough research by Mr. Thurman. The Board voted 3-to-2 to delay the item with Mr. Williams and Mr. Brown voting against it. Mr. Williams and Mr. Brown agreed it was just becoming more confusing and more complicated to not settle it tonight. Mr. Thurman asked if the Planning Department should delay swearing in Mr. Williams and Mr. Tate said "yes." Mr. Thurman said they could make a motion to rescind Mr. Williams' appointment but at this point he's not a member of the Planning Board. Mr. Brown made a motion to delay Mr. Williams being sworn in until the Board could discuss again, Mr. Tate seconded the motion and it was approved by a vote of 3-to-2 with Mr. Blanchard and Mr. Rivenbark voting against it. Staff was instructed to bring the applications back to the Board.

## **OLD BUSINESS**

### **11. Consideration of Appointing the US Highway 17 Corridor Overlay Advisory Task Force.**

Mr. Williams said that at the last meeting it was decided to appoint two citizens from three districts of Hampstead (northern portion, middle portion, and southern portion), but it could be a conflict if a citizen is also a member of a group. He said he and Mr. Blanchard had discussed this because the citizens are from both their districts and it was decided they would choose four citizens from his district. Mr. Rivenbark asked if the Task Force members will be voting on anything. Mr. Raczkowski said they will only make recommendations to the Planning Board and the Planning Board would then send the recommendations to the Board of Commissioners. Mr. Rivenbark said having an uneven number of members will be better. Mr. Raczkowski suggested having two Planning Board members on the Task Force and the Board generally agreed. Mr. Williams recommended the following as his citizen appointees: Robert (Bob) Constine of Belvedere, Robert Murphy of Jensens, Chuck Wilson of Howards Lane and Stuart Mossman of Hughes Rd. Mr. Blanchard recommended Anthony (Tony) Musolino of Washington Acres and Ellery Murphy of Woodside. Charles Demers and Doug Medlin were chosen as developers. It was later noted that Doug Medlin lives in Onslow County and an amendment was made to have Surf City recommend someone who lives in Pender County. Gary Poirier was recommended as a Business Owner and Bonnie Smith was recommended to represent Real Estate. Mr. Williams said PenderWatch will recommend their designee. Mr. Brown made a motion to appoint all the recommendations, Mr. Blanchard seconded the motion and it was unanimously approved.

## **APPOINTMENTS**

### **12. Resolution Approving Appointment of Citizens to Various Boards, Committees, Commissions.**

Mr. Blanchard said Board members are not doing a good job recruiting people to serve on boards and said it is especially hard to find people to serve on the Nursing/Adult Care Home Advisory Board. Mr. Rivenbark added it is important to look out for the people in these homes. Before each appointment, Mr. Brown asked if the applicant was replacing anyone already serving on the particular board; none were. Mr. Blanchard made a motion to appoint Jason Leary to the Health Board to serve a three-year term representing a public member position, with term to expire January 31, 2011. Mr. Brown seconded the motion and it was unanimously approved. Mr. Rivenbark made a motion to appoint Elaine Lyons to the Nursing/Adult Care Home Advisory Board to serve a one-year term representing a public member position, with term to expire June 30, 2009. Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Blanchard made a motion to appoint BJ Ryan to the Tourism Development Authority to serve the remainder of a three-year term representing an At-Large position, with term to expire August 31, 2010. Mr. Tate seconded the

motion and it was unanimously approved. Mr. Brown made a motion to appoint Walter Walker to the Tourism Development Authority representing the Hampstead Chamber of Commerce, with term to expire August 31, 2011. Mr. Blanchard seconded the motion and it was unanimously approved.

### **13. ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Rivenbark said he attended a workshop in Wilmington entitled "Regional Leadership" to promote regionalism and that he will be attending the Legislative Conference in Washington, DC; he invited other Commissioners to attend the Conference.

Mr. Tate said Congressman Mike McIntyre will be attending the Black History Conference and invited all Commissioners to attend.

Mr. Blanchard said they didn't accomplish much at the TIP meeting but they impressed upon DOT the importance of the Hwy 17 By-pass. Mr. Williams said Mr. Tate represented him at the TIP meeting and said we will keep on DOT about the by-pass.

Mr. Brown said he wants to thank everyone who showed support on the passing of his father. He said he did this at the last meeting but the room was mostly empty.

### **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said a gentleman had approached him concerning waiver of fees for a construction permit for the Animal Shelter; that he had addressed it with the Planning Director and former County Manager; and asked if the Board wanted to address it. Mr. Rivenbark made a motion to add this item to the agenda, Mr. Tate seconded the motion and it was unanimously approved.

Taylor Grant, a volunteer with the Topsail Humane Society Board of Directors, said they are making improvements to the Animal Shelter; that they are covering one third of the expenses and the Health Department is covering the rest; and asked the Board if they will approve waiving the \$50 construction fee. Mr. Williams asked if we can do that and Mr. Thurman responded affirmatively. Mr. Tate made a motion to waive the fee, Mr. Blanchard seconded the motion and it was unanimously approved.

### **PUBLIC COMMENT**

Kevin Reynolds thanked the Board for reconsidering the appointment to the Planning Board and said that he feels like he's an asset to the Planning Board; that the Planning Board had voted him Vice-Chairman and Chairman; and said he would answer any questions the Board has.

Burt Millette spoke on behalf of Mr. Reynolds. He said Mr. Reynolds always raises important points and that's why they unanimously chose him for Chairman and said Mr. Reynolds is respectful and had made many accomplishments. He said had the Board of Commissioners known Mr. Reynold's qualifications, they would have voted differently and said he respectfully requests that the Board revisits this.

Lewis Felton of Atkinson was concerned about junk cars, old trailers, etc. in the Currie and Atkinson areas. He said he'd complained about this before and has seen no change; that somebody should inspect these things to see that they come into compliance; and that he sees things the County doesn't know about. Mr. Williams advised Mr. Felton to call Code Enforcement Officer

Ralph Kays to come and check it out. Mr. Tate said he's been over there before and has seen what Mr. Felton is referring to and he will go out there with Mr. Felton.

Charles Sparkman said there's something going on in the County he doesn't understand. He said there has been four County Managers in five years and either the persons hired are not qualified or the Board is not doing what it should. Mr. Sparkman said the Board should hire someone that's going to be forceful and get the job done and said it is an embarrassment to the County to have this kind of turnover.

### **CLOSED SESSION**

At 11:16 a.m. Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (3) To consult an attorney employed or retained by the public body in order to preserve the attorney-client privilege; (5) to establish, or 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 or 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. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session. Mr. Blanchard seconded the motion and the Board unanimously approved going into Closed Session. At 12:15 p.m. Mr. Rivenbark made a motion to come out of Closed Session, Mr. Blanchard seconded the motion and it was unanimously approved.

Upon exiting closed session, Mr. Thurman asked the Board to appoint Al Greene as Interim County Manager at a salary of \$8,000 per month with a minimum 90-day contract. Mr. Rivenbark made a motion to instruct Mr. Thurman to formalize a contract, Mr. Tate seconded the motion and it was unanimously approved. Mr. Williams noted Mr. Greene will be here on Monday, February 11, 2008. Mr. Williams said they looked at several candidates, that Mr. Greene comes highly recommended by the NCACC, that the Board will take a thorough, methodical approach for hiring a new Manager, and that there will be some overlap to bring the new Manager up to speed. Mr. Williams also distributed Mr. Greene's resume.

Mr. Blanchard made a motion to continue the meeting to Friday, February 8, 2008 at 8:00 a.m. to interview a potential Public Utilities Director. Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Williams said he had interviewed the candidate with a panel but he wants the whole Board to interview him. Mr. Thurman said he had sent the Board the County Manager advertisement for review. Mr. Tate asked that he add grant writing as a requirement. Mr. Williams added "successful grant writing."

**ADJOURNMENT**

At 12:20 p.m., the meeting was continued to Friday, February 8, 2008 at 8:00 a.m.

Respectfully Submitted,

*Glenda Pridgen*

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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

*Melinda Knoerzer*

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Melinda Knoerzer, Deputy Clerk to the Board