

MONDAY, JANUARY 5, 2009

The Pender County Board of Commissioners met in regular session on Monday, January 5, 2009 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: None.

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

CALL TO ORDER

Chairman Tate called the meeting to order at 10:00 a.m. and welcomed all to the meeting.

INVOCATION

Vice Chairman Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Greg Thompson: Update on Drainage Task Force.**

Mr. Thompson gave an update on the Drainage Task Force which included:

Task Force Goals and Objectives

1. Review existing drainage issues in the County (what the Taskforce was originally created to do)
2. Meet with Regulatory Agencies & develop an understanding of the roles of each
3. Develop an understanding of the areas of public concern
4. Develop recommendations to address drainage issues in the County.

Efforts to Date

1. Task Force has held 4 meetings
2. Southern Engineering has provided field investigations to review drainage issues
3. Several public meetings have been held with the public, Commissioner Tate and Representative Sandra Spaulding Hughes
4. Interviews with Commissioner Tate and Southern Engineering by newspaper
5. Black River Snag and Drag Project: Completed application package and maps for project; permit application submitted and awaiting for Corps to issue permit; field inspection by NCWRC to review project conditions.

Drainage Problems in Pender (Not necessarily listed in order of importance/priority)

1. Beaver Dams
2. Ditch Maintenance
3. Lack of cooperation between property owners (educational – impact on others)

4. Lack of coordination with existing drainage related programs/agencies – USCOE, NCDENR, NCWRC, NCDOT, USDA, Soil & Water Conservation – (all have programs to improve drainage, such as DOT does ditch maintenance, but no one agency to coordinate all)
5. Limited resources for County residents (information, engineering, legal) – most options to resolve drainage problems in Pender require professional support
6. Limited Funding – always a primary concern.

Task Force Recommendations to Date

September 4, 2008

1. Public creek clean-up campaign
2. More Snag-and-Drag Projects (creeks and rivers)
3. Seek more funding to support efforts
4. Use Inmate labor.

Note: At this meeting, Mr. Tate requested the Taskforce to go back and develop a specific plan, which resulted in the following:

November 2008

1. Develop County Drainage (approved by August 2009)
 - a. Establish authority to address drainage
 - b. Set standards
2. Develop a County Drainage Program
 - a. Work to address existing drainage issues
 - b. Work to avoid future drainage issues
3. Provide new staff or contract effort out to support program.

Mr. Tate asked where we are in the development of the plan. Mr. Thompson said the draft ordinance is currently developed but the program needs a hands-on interaction with the public and regulatory agencies. Mr. Parker said the ordinance will be presented during the retreat, and there will be an opportunity for public input. He said funding will also be needed to implement the program. Mr. Thompson said one possible funding source is a drainage tax or charging fees for future development. Mr. Tate asked if Mr. Parker's office is currently responsible for drainage problems and Mr. Parker responded affirmatively. Mr. Williams said it is a "huge, tall" task, but we're ahead of where we started. Mr. Rivenbark said he wants to congratulate Mr. Tate on his efforts. He said when Mr. Tate first brought it up, it was an "up-hill battle" but now we can ask for more funds and be ready for the next storm. Mr. Tate said he and others will go to legislators to seek more funding; that Mr. Thompson had done an exceptional job in limiting the number of phone calls he has received concerning drainage issues; and recognized Mr. Pete Pridgen in the audience, a member of the Task Force.

2. Jimmy Smith of Four County Electric EMC & Wayne Batten of Cooperative Extension Service Pender Incubator Kitchen Status Update.

Mr. Smith explained Pender Economic Development Alliance (PEDA) and Pender County applied for and received funding for a Community Development Block Grant Project. Mr. Smith's report included: PEDA received a Type II, 3-year grant of \$225,000 (\$75,000/yr.) from the Duke Endowment through Pender Memorial Hospital; the grant was awarded for Economic Development to help clients who have been left behind; PEDA selected four target areas to satisfy the grant – one target area was to establish a regional, commercial shared-use kitchen incubator to provide hourly access to entrepreneurs within a one hour radius of Burgaw, including Pender and surrounding counties; PEDA envisioned educational support services to be provided by the NC Community College System and UNC SBTSS in the region; PEDA

initially reviewed five buildings in Pender County, none of which were suitable; PEDDA approached Cape Fear Community College (CFCC) about use of space at the Burgaw Campus and CFCC agreed regarding use of space for kitchen; PEDDA is not a 501(c) 3 or (c) 4 organization, so it looked for a turnkey solution to manage and operate the kitchen under its wing through a subdivision of the state or a private, nonprofit organization; PEDDA approached three entities about the turnkey solution at CFCC – Pender County, CFCC and the Town of Burgaw; none had the resources, staff or time to take on the responsibility of managing, operating and marketing the kitchen incubator; PEDDA raised nearly \$500,000; efforts to establish the facility in Pender County failed; N.C. Department of Commerce monitored progress and gave additional time to find a solution; Pender County Schools needed additional space for Pender Early College High School at CFCC so PEDDA approached Department of Commerce about staging the kitchen somewhere else in the region and Commerce agreed; PEDDA approached Bladen County EDC and James Sprunt Community College (JSCC); Commerce wanted to pull grant in early December 2008 but gave PEDDA one last reprieve if they could identify interest by December 15, 2008; Bladen dropped out due to time constraints as a result of industrial activity; proposals were submitted by JSCC and the Town of Burgaw; PEDDA voted to recommend to Pender County to enter into a subrecipient agreement with JSCC – Board member Becky Porter abstained from voting because of potential conflict – the majority supported it, with the exception of one vote against the recommendation; it has been a long odyssey for PEDDA to get to this point today; the JSCC proposal gives us the total, turnkey solution for the proposed kitchen; and on behalf of PEDDA Board, Mr. Smith is asking the Pender County Board of Commissioners to approve entering into a subrecipient agreement with JSCC for the use of grant funds set aside for the proposed, regional kitchen incubator project.

Dr. Lawrence Rouse, President of JSCC, spoke on behalf of the project going to JSCC. He said that JSCC proposes to develop a commercial research kitchen facility to include modular kitchens and laboratories tailored to meet the specific needs of developing food products from fruits and vegetables; that it will be developed as a regional approach; that the kitchen will house an extensive inventory of equipment; that small scale processes can be assembled in the facility for production of consumer test products; that the College proposes to locate the kitchen in the Westpark Workforce and Business Development Center located in Warsaw; and that JSCC will manage and staff the facility with competent professionals to insure that all users will have a high quality experience in utilizing the commercial research kitchen. Mr. Williams asked if someone wants to schedule the kitchen, do they call JSCC and Mr. Rouse said yes. Mr. Williams said he understands that Pender folks want to keep it in Pender, but he thinks it will work out fine at JSCC. He said it's not far from Pender and he supports it. Mr. Blanchard asked if Pender is going to be able to "share in the glory" and Mr. Rouse said "absolutely." Dr. Rouse provided drawings of the facility.

Mr. Rivenbark asked, for the benefit of everyone present, for an explanation of the subrecipient agreement as far as dollars and cents and how it will benefit Pender County. Mr. Batten said the subrecipient agreement is a requirement of the Department of Commerce; that the funds will still go through Pender County; and that the agreement releases Pender County of any obligations. Mr. Thurman added that that was one of the problems before and that shifting of the funds and obligations to the College will release Pender County. Mr. Rivenbark expressed concern about the distance of the facility from Pender County and how it would affect Pender County citizens' use of it. Mr. Brown asked about the December 15th deadline being past. Mr. Smith said they went through so many ups and downs and that Commerce gave them one last reprieve to get proposals in by December 15th. Mr. Brown asked why Burgaw didn't get their proposal in early on and Mayor Pete Cowan said the Old Jail was not available at the time. Mr. Cowan said the Town would prefer this money stay in Pender County and they can't keep the \$75,000 if the project is moved out of county. He said Administrative Assistant/PEDA Board member Melinda

Knoerzer had suggested pursuing the use of the new Topsail High School industrial kitchen. Mr. Williams said it is not a reality that Topsail High can be used for this project. Mr. Blanchard asked if JSCC is ready to go next week with the project and the response was affirmative.

Ms. Gailyn Gagliardi spoke in favor of keeping the project in Pender. She said Pender has a need for jobs and this will create some. Ms. Gagliardi said being able to market the facility in the County will be a success and that she knows small business entrepreneurs who can't afford this otherwise. Mr. Tate asked if there was any restrictive use when the old Jail was deeded to the Town and Mr. Cowan said no. Mr. Brown said he thought the old Jail was to be used for a museum and said he was under the impression that we conveyed it to the Town of Burgaw for that purpose. Mr. Thurman said it was conveyed for public use. Mr. Brown asked what it would entail to get the Jail upfitted for the kitchen, how many feet would the kitchen need and how many feet the Jail is. Mr. Batten said the kitchen would need 2,000 to 4,000 square feet. Mr. Cowan said the Jail is 2,000 square feet on each floor and said he's not sure as to what the upfit cost would be. Mr. Tate noted the College is already ready for the kitchen. Mr. Rivenbark noted this is listed under Public Information but there is a resolution. Mr. Tate said he agrees but we must move forward on it due to time constraints. Mr. Tate said he is affiliated with James Sprunt Community College and he had talked to Mr. Thurman about whether he could vote on it. Mr. Thurman said Mr. Tate can vote on it, and in fact, according to North Carolina Law, it would be improper for him not to vote. Mr. Williams made a motion to approve the authorization to execute a subrecipient agreement with James Sprunt Community College for the use of Pender Incubator Kitchen Project funds to be used to establish a regional commercial kitchen incubator at WestPark Workforce and Business Development Center in Warsaw, Mr. Brown seconded the motion and it was approved by a four-to-one vote with Mr. Williams, Mr. Brown, Mr. Blanchard and Mr. Tate voting in favor of it. Mr. Tate asked if there is a motion to vote against it and Mr. Rivenbark said he is voting against it.

3. Topsail Humane Society: Proposal to Use Former Hampstead Annex Building for an Animal Shelter & County Animal Control Services.

Commissioner Williams made a note that he is not related to anyone on the Topsail Humane Society (THS) Board. Ms. Kathy Lewis of THS asked the Board to consider entering into a contract for the land at the former Annex. She said THS had already spent a lot of money updating the animal control facility on the west side of the County after taking over the responsibility of housing animals for the County, and spent a lot on acquiring property off Hwy 210 for their new eastside facility, before withdrawing a rezoning request after neighbors complained about the location. She said they are not sure if the Transfer Station Road property will perc and they are uncomfortable spending funds on an engineer without a contract. She said they cannot continue to spend money on land that may or may not work for them. Mr. Brown asked how much the County is currently paying THS and Ms. Lewis said \$60,000 per year. Mr. Brown asked Ms. Lewis if she could put a value on services THS is giving to the County other than the \$60,000 and Ms. Lewis said not at this time, but she can find out. Ray Blackburn, Attorney for THS, said before THS goes any further, they want a commitment from the County to either sell or lease the property, preferably to sell for a nominal fee, since a lease is more short term and a sale more permanent. Mr. Blackburn said because THS is a charitable group and according to their charter, should they cease to exist, any land would have to be given to a similar use. He said they can't sell the property to make a profit and then move on. Mr. Williams suggested THS come up with several options to present for the Board to consider. He said he thinks nine out of ten people want THS at that location and that the County will be and has been getting a quality service. Ms. Lewis agreed that the location is good for a facility. She said they are limited in where their facility can be located; that this land is between the Transfer Station and a cemetery and should not bother anyone. Mr. Blanchard said he is aware THS wants to purchase the land but he would also like to see an option of leasing. He said "marriages fail, they

breakup” and he would like to see an option that addresses “if this marriage fails.” Mr. Williams agreed that THS should come back before the Board with several options. Ms. Lewis and Mr. Blackburn said they will present a proposal to the Board. Mr. Blackburn asked if there are any guidelines the Board wants in the proposal. Mr. Thurman said he doesn’t want the County to convey the property before it is determined if the land is suitable. He said he will work out terms with Mr. Blackburn. Mr. Blackburn said they will make terms contingent upon a favorable engineering report.

CONSENT AGENDA

Chairman Tate presented the five items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Rivenbark made a motion to approve the Consent Agenda as presented, Mr. Blanchard seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

4. Approval of Minutes for the Regular & Closed Session Meeting of November 17, 2008 & Regular & Closed Session Meeting of December 1, 2008.
5. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
6. Resolution Accepting Petition to Add Bristle Cone Ct., Heartwood Dr., Tamarak Dr., Hemlock Ct., Firefly Dr., and Conifer Dr., in Hampstead Pines Subdivision, Hampstead, to the State Maintained System, & Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
7. Resolution Authorizing a Purchase Order to Tim’s Heating & Air Conditioning, Inc., to Replace One (1) 4 Ton Lennox Gas Package Heat Unit: \$5,900.
8. Budget Ordinance Amendment Approving Additional Crisis Intervention Payment Funds: \$43,346; LIEAP & CIP Administration Funds: \$6,707; and Donations & Foster Care: \$2,040.

RESOLUTIONS

9. Resolution to Appoint Ada Ammons as Deputy Finance Officer.

Mr. Benton said Finance Officer David McCole is not present due to illness. Mr. Benton explained that the Deputy Finance Officer assists the Finance Officer in running the Finance Office and performs duties in the absence of the Finance Officer; and that the Board customarily appoints the Deputy Finance Officer. Mr. Blanchard made a motion to appoint Ms. Ammons as Deputy Finance Officer, Mr. Brown seconded the motion and it was unanimously approved.

10. Resolution Renewing Insurance Contracts: Medical/Dental, Worker's Compensation, Life and Business Insurance.

Mr. Benton explained that Mr. McCole said this item was approved during the budget process, but he wanted to formally present it on an agenda. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

11. Resolution Approving Not-to-Exceed Contract Fee for Administrative Services by Holland Consulting Planners, Inc. for the 2008 CDBG-Scattered Site Program.

Planning Director Patrick Davenport explained that Pender County was awarded a \$400,000 FY 2008 CDBG-SS Grant in November 2008 from the N.C. Division of Community Assistance to provide housing assistance to five low-middle income households living in severely deteriorated housing; that a contract for Phase 1-Application Services was executed on June 2, 2008 between Pender County and Holland Consulting Planners (HCP) in the amount of \$5,000 to prepare the application and the environmental review record; and that in order to move forward with implementation of the project (Phase II), HCP has proposed a not-to-exceed fee of \$50,500 for administrative services. Mr. Tate said he had concerns about the fees but after talking to Mr. Benton, he was assured the fees are in line with the grant requirements.

Mr. Tate added that HCP has long-standing experience in CDBG administration services. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

12. Resolution Approving Administrative Guidelines for the 2008 CDBG-Scattered Site Program.

Mr. Davenport explained that the Administrative Guidelines are actually twelve resolutions combined into one for formal approval by the Board. Mr. Tate asked if this is a "normal" resolution for administrative guidelines and Mr. Davenport responded affirmatively. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

13. Resolution Approving Tourism Development Authority Restructuring.

Mr. Tate said he's had the pleasure of serving on the Tourism Development Authority Board (TDA) Board for several months. Mr. Tate commended and thanked Representative Carolyn Justice, who was instrumental in getting the TDA started. Mr. Benton explained that the TDA has recommended moving to a nine member board versus an eleven member board as it is currently structured; that it is recommended to have three Tax Collectors; one member representing each district of the County; one rotating member of a Chamber of Commerce; and the County Finance Officer and Cooperative Extension member as Ex-Officio members; and that if the recommended restructuring is approved, four vacancies would need to be filled. Mr. Thurman added that legislation requires that occupancy tax collectors represent 1/3 of the TDA membership; that occupancy tax collector positions are difficult to fill; that geographical diversity of the County limits the number of occupancy tax collectors; that if we drop back to a nine member board, only three occupancy tax collectors would be required. Mr. Williams noted he had previously served on the TDA and having a fourth occupancy tax collector was cumbersome. Mr. Rivenbark said he is concerned about having only one Chamber of Commerce representative each year for all the Chambers. He asked if he could appoint someone when it is Burgaw's time. He said he wants to go on record that he wants a Burgaw Chamber member to be appointed. Mr. Williams noted that it has always been the practice of the Board that any Commissioner can make a recommendation for an appointment to any board or committee. Mr. Williams made a motion to approve the resolution approving Tourism Development Authority Restructuring, Mr. Brown seconded the motion and it was unanimously approved.

DISCUSSION

14. Boards/Committees/Commissions on which Commissioners Currently Serve: Annual Review/ Modify.

Mr. Tate noted that Mr. Blanchard has a conflict and has to resign from the Social Services Board; he said Mr. Rivenbark is willing to replace Mr. Blanchard on that Board. Mr. Williams made a motion to appoint Mr. Rivenbark to the Social Services Board to replace Mr. Blanchard, Mr. Blanchard seconded the motion and it was unanimously approved.

Mr. Brown asked if his position on the Nursing/Adult Care Homes Advisory Committee is an alternate position and Ms. Pridgen responded affirmatively.

Board members generally agreed to continue to evaluate these appointments and bring back any change requests as necessary.

APPOINTMENTS

15. Resolution Approving Re-Appointments/Appointments to the Pender County Board of Adjustment; the Cape Fear Area Rural Transportation Advisory Committee; and the Tourism Development Authority (TDA).

Ms. Pridgen explained the following re-appointments/appointments are requested:

BOARD/COMMITTEE/ COMMISSION	NAME	TERM	TERM EXPIRATION	DISTRICT/ POSITION
Board of Adjustment	Erwin Kane	Second	1/4/2012	District 3
Cape Fear RTAC	George Brown	"	1/31/2011	Commissioner
Tourism Development	Carolyn Justice	First	8/31/2011	Hampstead Collector Representative
	William Fowler	First	8/31/2009	Topsail Chamber Representative

Mr. Williams made a motion to approve the re-appointments/appointments, Mr. Blanchard seconded the motion and it was unanimously approved.

16. Designation of Voting Delegate to the 2009 NCACC Legislative Goals Conference.

It was noted that Mr. Rivenbark would be the only one attending the Legislative Goals Conference. Mr. Williams made a motion to nominate Mr. Rivenbark as the Voting Delegate to the 2009 NC Legislative Goals Conference, representing Pender County, Mr. Brown seconded the motion and it was unanimously approved.

17. ITEMS FROM THE COUNTY MANAGER

Mr. Benton noted the items included in the agenda packets with respect to Atkinson Fire Department, Sloop Point Fire Department, Cape Fear COG – Area Agency on Aging, and information from NCACC with respect to proposed Legislative Goals/Policy Statements. He said Mr. Rivenbark is on the NCACC Board of Directors.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he would have an item for closed session, citing Item #3 of the General Statutes.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said that with respect to the proposed Legislative Goals/Policy Statements, he hopes the Commissioners had taken time to read it because a lot of hard work went into it. He said it will be considered at the NCCACC Legislative Goals Meeting in January.

Mr. Tate said that at a Priority One meeting, he and School Board members discussed requesting County representation on the Cape Fear Community College Board of Trustees. He thanked Mr. Thurman for his efforts to facilitate adequate representation for Pender County.

Mr. Tate asked about the possibility of incorporating the January 20th regular Board meeting into the retreat meeting on January 21st. Mr. Williams was concerned if there would be public hearings and the advertisement requirements; Mr. Davenport said staff has scheduled public hearings for this meeting. Ms. Knoerzer noted the public hearings advertisements hadn't gone to press yet and that they could be changed to reflect they would be held on the 21st at 7:00 p.m. The Board agreed to start the regular Board meeting at 10:00 a.m. on the 21st and to hold the public hearings at 7:00p.m.

Mr. Tate said he applauds the Mayor and residents of the Town of Atkinson for successfully seeking and receiving a grant for their water system.

Mr. Brown thanked the employee Christmas Party Committee and said it was a really enjoyable, light-hearted occasion. Mr. Brown also reminded staff about water system capacity fees and options to help folks get on the water system; he asked to have this placed on the next agenda.

PUBLIC COMMENT

Mr. James May of 207 Betty Drive in Burgaw spoke on the matter of his house burning in July and the fact that they had received a warning letter from the Planning Department saying they had until January 9th to remove the debris. He said they're still fighting the insurance company; that someone had told the Press they had already gotten the settlement, which they hadn't; and that they're not going to run off anywhere. Mr. Thurman said they recognize that there was extensive damage to the property, but the concerns are a safety issue. He said we are not saying we are going to go ahead with any proceedings, but there is a process and setting a date is the first step of the process. He said we will work with Mr. May to get the issue resolved. Mr. Tate thanked Mr. Thurman for his willingness to work with Mr. May. Mr. Brown said this got started because someone called him with a safety concern and he sent it to the Manager. He said after evaluating the matter, he saw the "big picture" and knew there were extenuating circumstances. Mr. Brown said he and other members of the Board extend their sincere sympathy for the May's loss.

Mr. Raul Rojas spoke about E911 reflective signs and asked that the County Address Ordinance be reviewed and readdressed because it is sometimes hard for emergency vehicles to find addresses. Mr. Benton said he will ask staff to review the Ordinance. Mr. King said the current ordinance does not require address signs to be reflective but they should have letters a different color from the background.

CLOSED SESSION

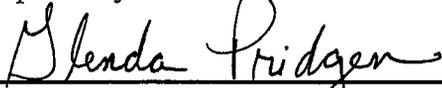
At 12:10 p.m. Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (3) to consult an attorney employed or retained by the public body in order to preserve the attorney-client privilege. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session. A break was taken and the Board went into closed session at 12:20 p.m. The Board came out of closed session at 12:25 p.m. There were no announcements made upon exiting the closed session.

Mr. Tate thanked all for attending the meeting.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn and the meeting adjourned at 12:25 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board