

WEDNESDAY, JANUARY 21, 2009

The Pender County Board of Commissioners met in regular session on Wednesday, January 21, 2009 at the Surf City Welcome & Visitors Center, 102 N. Shore Dr., Surf City, North Carolina.

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

MEMBERS ABSENT: Chairman Tate.

NOTE: It was noted that Chairman Tate had been involved in an accident on his way to the meeting, and would be attending later. Mr. Rivenbark made a motion to excuse Mr. Tate, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

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

Mr. Brown called the meeting to order at 10:25 a.m. and welcomed all to the meeting.

INVOCATION

Mr. Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Mr. Williams led the Pledge of Allegiance.

PUBLIC INFORMATION

There were no public information items.

CONSENT AGENDA

Mr. Brown presented the three 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 unanimously voted, by a 4-0 vote, to approve the Consent Agenda as follows:

1. Approval of Minutes for the Regular & Closed Session Meeting of January 5, 2009.
2. Resolution Authorizing a Purchase Order to Pender Plumbing Company, Burgaw, N.C., for Plumbing Repairs at the Government Complex/Health Department: \$27,749.19.
3. Budget Ordinance Amendment Bringing Forward Special Adoption Funds from FY 07-08: \$60,368.84.

RESOLUTIONS

4. **Emergency Operations Center (EOC) Grant Request.**

Mr. Benton explained that there is an opportunity for the County to possibly receive a grant for a new Emergency Operations Center, which would house Pender EMS and Rescue, Emergency Operations Center and administrative office complex. He said this resolution is requesting authorization from the Board to apply for the grant. Mr. Williams noted this grant would help offset costs for building the new building. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

5. Resolution Approving Purchase Order for Keystone's Mobile PAAS Software: \$30,455.

Tax Assessor Coby Heath explained that this CAMA software addition would allow the field appraisers to enter appraisal data from the field, increasing the productivity and quality of work of the appraiser dramatically by eliminating several steps involved in the assessment process. He said there would be significant cost savings to the County. Mr. Rivenbark said that in the future, he would like to see departments give an estimate of cost savings. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

**6. Resolution Approving Purchase Order to Assessment Solutions, Inc.: \$690,000 & Presentation
By Tim Cain, Assessment Solutions, Inc.**

Mr. Heath explained that the County Manager successfully negotiated a contract with Assessment Solutions, Inc. in the total amount of \$690,000 to perform the Pender County 2011 Revaluation, and that Assessment Solutions had begun work on the reappraisal. Mr. Cain's Power Point presentation included: 1) Why Revalue? – To appraise real property at market value, to “re-equalize” the tax base, and because it's the law; 2) The “Market Value” Standard – appraising property at its true value in money; 3) Project Goals – simplification, accuracy and equity; and 4) What Happens Next? The presentation in its entirety is on file with the permanent records in the County Manager's Office. There was some discussion and questions by Board members. Mr. Williams asked if the appraisal would take effect when the FY 2011-12 budget is voted in and Mr. Cain responded affirmatively. Mr. Williams asked about the effective tax rate and lottery results. Mr. Rivenbark noted that at the Legislative Goals Conference, some of them voted on changing the funding allocation but it was outvoted. Mr. Rivenbark said he likes what Mr. Cain is saying because some of the revaluations in the past have been affected by storms and this revaluation covers that. Mr. Rivenbark asked if Mr. Cain was aware of any problems in the beach areas with some folks saying their property is overvalued and some saying theirs is undervalued. Mr. Cain said he is not aware of any problems with this, but they are trying to make everything equitable. Mr. Rivenbark said he wants the media to publish the statement that they are trying to make everything equitable. Mr. Williams said there was the case of a gentleman who was paying taxes on two side-by-side lots and thought his neighbor should be paying double on his one lot, but the State said that was not the case. Mr. Cain said they will make the appraisals specific to the area the property is located in; Mr. Brown said he appreciates Mr. Cain's approach. Mr. Heath said the company will actually start the field work of the revaluation this month. Mr. Thurman suggested Mr. Cain give staff information to make available on the web site because there are some property owners who don't live here; that we should work with the beach towns in advance and they can get notice out; and that Mr. Cain did a good presentation. Mr. Williams said it will definitely be smoother than the last one we did. Mr. Cain said all members of their staff are certified appraisers, that they have no temps, that they will be geographical specific and said Pender County is lucky to have an Assessor who is also a certified appraiser. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

7. Resolution to Authorize the Gross Receipt Tax for Heavy Equipment.

Mr. Heath explained that the General Assembly has classified or removed the authority to tax heavy equipment that is leased for 364 days or less, but it enacted a heavy equipment gross receipts tax in lieu of property tax. He said a county may, by resolution, impose a tax at the rate of 1.2% on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail; that the heavy equipment subject to this tax is exempt from property tax and the gross receipt tax provides an alternative or replacement to a property tax on the equipment; and that the tax will become effective April 1, 2009. Mr. Brown asked if it is paid at the time the lease takes place and Mr. Heath said yes; he said the taxpayer has to fill out a quarterly report and submit it like they do sales taxes. Mr. Brown asked what if the lease is for more than a year and Mr. Heath said only the regular property tax would be paid. Mr. Blanchard asked who is responsible for auditing this – the counties or the state and Mr. Heath responded the County Tax Office. Mr. Rivenbark asked about the amusement park equipment at the river and Mr. Heath said that company lost their appeal to the Property Tax Commission and they now have to go through the Court of Appeals. Mr. Williams said that money is due to the County. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

8. **Resolution Authorizing the Pender County GIS Data Use Policy and Pender County GIS Data and Map Price List.**

IT Director Erik Harvey said that IT/GIS Administrator Jerry Simmons started research on the data agreement and different departments got together and looked at what other counties and the State did; that they pursued different avenues to provide services and to make sure county departments are consistent; that the GIS Data Distribution Agreement will protect the County from any liability in the use of or alteration of distributed GIS data; that the GIS Data Distribution Agreement and Map Price List will allow the County to have a uniform price list on current products and establish a price list for new GIS products and services; that the GIS price list will establish the IT Department as another internal service fund; that we will now have our own infrared; and that orthophotography would be ready for delivery at the end of the month. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

9. **Resolution to Establish the Rocky Point-Topsail Water and Sewer District Connection Fee Hardship Payment Plan.**

Utilities Director Michael Mack explained that at the December 1, 2008 Board meeting, Pender County Utilities was requested to present options for a Connection Fee Hardship Payment Plan for the Rocky-Point-Topsail Water & Sewer District and bring back to the Board. Mr. Mack offered the following facts and statistics: staff collected U.S. Census Bureau data from the latest available in order to better determine the extent of financial hardship that may exist in Pender County; this data revealed that Pender has the third lowest percentage of its population below poverty compared to the seven surrounding counties and is only .4% below the state-wide average; staff surveyed several local county, municipal and/or authority water purveyors for information about their connection requirements, rate structures, and payment plan options; nine of the eleven purveyors contacted charge some form of tap, capacity, or system development fee at the time of application; of those nine, six offer no payment or financing options and only three offer a payment plan, but all three require the tap fee to be paid in full prior to tap installation; the proposed Rocky Point-Topsail Connection Fee Hardship Payment Plan will be made available to only residential property owners who provide a documented "Letter of Hardship" from the Pender County Department of Social Services verifying the applicant qualifies under U.S. Department of Housing and urban Development guidelines for the low to moderate income classification in Pender County; the 2008 median income for a four-person household is \$49,400; they will provide twelve months interest free to make partial payments of \$72.92 per month towards the tap fee of \$850 and inspection fee of \$25.00 and upon payment in full of the \$875, the water tap will be installed and water service can begin; the pre-payment of the tap and inspection fee prior to installation allows Pender County Utilities to recover the actual cost of the tap and reduces the risk of default for all the rate payers of the RPTWSD; once the tap and inspection fees are paid, the applicant may finance the capacity fee amount of \$1,440 interest free in 36 equal monthly payments of \$40, in addition to their regular water bill each month, with a three-year statute of limitation; if the applicant defaults in the payment of the finance amount and/or their regular water bill, water service will be suspended until all arrears are paid in full, plus any applicable reconnection service charges; and there is a risk of default on the account if the resident sells or moves. Mr. Rivenbark asked if Mr. Mack questioned how the payment plan was working out for the three counties that have it and Mr. Mack said he did not, since they were prepayment plans. Mr. Rivenbark said he thinks what Mr. Mack is offering is a good compromise. Mr. Blanchard asked about putting a lien on the tap and Mr. Thurman said if you put a lien on the property, you will have to pay a filing fee and file it, and in order to have an effective lien, you have to do a title search. There was discussion about what to do if a person sells their property and Mr. Thurman said we can tell the new owner that in order to get water, they will have to catch up the back bill. Mr. Mack said the new person can argue that the meter transfers with the property and Mr. Thurman said it can be made part of the policy stating if the property is sold, the new person has to pay any bills not paid. Mr. Brown asked if the three counties that have plans include capacity fees in the plans and asked can there be an option included that both are paid up front. Mr. Williams said this item was requested by Mr. Tate and he wants to table it until Mr. Tate can be present to vote on it. He said he wouldn't have voted on it today anyway because he feels capacity fees need to be paid up front too. The Board members generally agreed that everything needs to be paid up front. Mr. Williams made a motion to table the resolution to the next meeting, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

A break was taken at 11:20 a.m. and the Board reconvened at 11:25 a.m.

DISCUSSION

10. Review of Executive Summary of Topsail Regional Library Building Program.

Library Director Mike Taylor explained that the County contracted with Library Building Consultant Phillip Barton to write a detailed facility program for the Topsail Regional Branch Library; that Mr. Barton presented the program in great detail to the Library Advisory Board on January 15; and that he is requesting the Board to review the attached executive summary, for informational purposes, in advance of the CIP review coming up at the Board Retreat; that the building program is based on the Pender County Public Library Strategic Plan for Library Facilities, and that the program also reflects community input obtained through two public forums and meetings with key library staff and the Topsail Regional Library Building Committee. Some of the facts about the proposed building are: consists of 21,000 square feet; projected to serve the area for the next twenty years; shelving capacity for 78,000 items; seats 96 people; public meeting room with seating for 120 people and a catering kitchen and storage area; large children’s area; public computer center for teens and adults; adequate staff work space; technologically modern; and compliant with requirements of the Americans with Disabilities Act. Mr. Rivenbark asked if there is a possibility of adding onto the building. Mr. Williams asked if it is designed so it can be added onto without having to redo the whole building and Mr. Taylor responded affirmatively. Mr. Brown asked about the kitchen and Mr. Taylor said the kitchen would be used for warming food only, not for cooking.

APPOINTMENTS

11. Resolution Approving Appointments/Re-Appointments to the Hampstead Kiwanis Park Board; Pender County Parks & Recreation Board; Pender County Health Board; Pender County Library Board; and Pender County Planning Board.

Ms. Pridgen explained that the Hampstead Kiwanis Park Board and the Parks and Recreation Board positions are new positions, and that the Health Board, Library Board and Planning Board positions are all re-appointments. Ms. Pridgen noted that it is the Board’s policy that an individual can only serve ten consecutive years on any Board and that Judy Blanchard will have served nine years and Roberta Bost will have served twelve. She said, however, that due to the fact that some positions are hard to fill, the Board had made exceptions in the past. Mr. Rivenbark said that in view of the fact that it is difficult to find people to fill some positions, he will move to approve all the positions. Mr. Williams said he will second the motion if Mr. Rivenbark will amend it to postpone the District 1 position on the Planning Board. Mr. Thurman said Mr. Blanchard wishes to abstain from voting for Ms. Blanchard (his wife) because she does receive a nominal fee serving on the Health Board and it may constitute a conflict of interest. Mr. Williams made a motion to re-appoint Ms. Blanchard to the Pender County Health Board representing the Pharmacist position, with such term to expire January 31, 2012; Mr. Rivenbark seconded the motion and it was approved by a 3-0 vote, with Mr. Blanchard abstaining from voting. Mr. Rivenbark then made a motion to approve the remaining positions, with the exception of Karen Gonzales, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote. The appointees and their terms are as listed below:

BOARD/COMMITTEE/ COMMISSION	NAME	TERM ENDING	NEW TERM EXPIRATION	DISTRICT/ POSITION
Hampstead Kiwanis Park	Scott Lawson	New	6/30/2010	County Staff
Parks & Recreation	Wilfred Nixon	New	6/30/2011	At-Large
Health Board	Corine Bellamy	Second	1/31/2012	Public Member
	Judy Blanchard *	Third	”	Pharmacist
	Roberta Bost **	Fourth	”	Nurse
	Heather O’Brien	First	”	Veterinarian
	Perry Motsinger	Second	”	Optometrist
	Bobby Watkins	Second	”	Public Member
Library Board	Shelby Battle	First	1/31/2012	District 3
	Meg Franklin	Second	”	District 4
Planning Board	William Marshburn	First	1/31/2012	At-Large

Mr. Blanchard said he and Mr. Williams had talked and Mr. Williams had agreed he could replace him on the Topsail Shoreline Commission. Mr. Rivenbark made a motion to that effect, Mr. Williams seconded the motion,

and it was unanimously approved by a 4-0 vote that Mr. Blanchard would replace Mr. Williams on the Topsail Shoreline Commission.

12. ITEMS FROM THE COUNTY MANAGER

There were no items from the County Manager.

ITEMS FROM THE COUNTY COMMISSIONERS

There were no items from the Commissioners.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he would have items for closed session.

PUBLIC COMMENT

Mr. Thurman distributed a Fact Sheet from the Business Alliance for a Sound Economy that was given to him by Mr. Hiram Williams, a Pender County citizen and developer, and said Mr. Williams wishes to address the Board. Mr. Williams said that currently, we are dealing with two separate insurance issues which will affect the eighteen coastal counties, including Pender: 1) surcharges and deductible increases to the Beach/FAIR plan were approved by the Insurance Commissioner on November 21, 2008 – for the Beach Plan, the surcharges for new and renewal policies are increasing from 1.15% to 1.25% (full peril) and 1.15% to 1.15% (wind only); and 2) on December 18, 2008 the Insurance Commissioner approved a settlement agreement with the N.C. Rate Bureau that will increase homeowner insurance for all coastal counties and for many of the interior counties – the increases approved are 17.5% for the barrier islands and nearly 30% for mainland areas. He said the rate increases have nothing to do with whether you're on the beach. Mr. Blanchard asked for clarification that everybody in the County will be affected and Mr. Williams said yes, everybody will pay the same rate increase. Mr. Williams said Dare County and some others had filed lawsuits against the Department of Insurance and Pender can get involved by calling Dare County. He said the things that can be done to get involved are 1) they are accepting \$10,000 from each county and \$5,000 from each municipality – if it goes to litigation the money will be pooled; 2) everybody get formally involved; and 3) get involved politically – he said Representative Justice and Senator Soles had already been notified. He added it is definitely not a fair increase. Commissioner Williams said we can send a resolution to Legislation and join in the lawsuit but hold off on a financial commitment for a week or two, noting Mr. Tate is not here. Mr. Rivenbark said this was discussed last week at the Legislative Conference and some of the Commissioners there were already on and pled others to join. Mr. Thurman said he had reviewed some of the legislation. Commissioner Williams instructed staff to have a resolution at the next meeting. He said they can then discuss the financial aspect and where the money will come from if we do commit financially.

CLOSED SESSION

At 12:04 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; and (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. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session.

Mr. Tate arrived at the beginning of the closed session.

The Board came out of closed session at 1:00 p.m. Mr. Tate announced that due to icy road conditions, the Board made a decision to continue the public hearings session of this meeting to February 2, 2009 at 7:00 p.m. The regular session of the February 2, 2009 meeting would begin at 4:00 p.m. instead of the customary 10:00 a.m.

NOTE: DUE TO THE POSSIBILITY OF ICY ROAD CONDITIONS, ALL PLANNING ITEMS WERE CONTINUED TO THE FEBRUARY 2, 2009 BOARD MEETING AT 7:00 P.M.

PUBLIC HEARINGS: RESOLUTIONS/ZONING AMENDMENT/TEXT AMENDMENT/SPECIAL USE PERMIT REQUESTS/SPECIAL USE PERMIT AMENDMENT

13. Public Hearing & Text Amendment Proposal: Penny L. Olson, Applicant: Request to Amend the Current Pender County Zoning Ordinance §8.9 Table of Permitted Uses to Allow WHOLESALING in the RA, Rural Agricultural District.
14. Public Hearing & Special Use Permit: Willie Mae Perry, Applicant & Owner: Request for a Family Cemetery, Located at 27846 Little Kelly Road, Rocky Point, NC.
15. Public Hearing & Special Use Permit: Stroud Engineering, P.A., Applicant: Request to Construct a Wastewater Treatment Facility, Located South of Ashton Road and West of Ford Lane, Rocky Point, NC.
16. Public Hearing & Special Use Permit: James R. Faircloth, Applicant & Owner: Request to Temporarily Store and Collect Scrap Metal for Processing, Located at 16222 U.S. Hwy 421 N., Burgaw, NC.
17. Public Hearing & Special Use Permit: J. F. Larsen, Applicant: Request to Operate a Boat Repair Service in an Existing Commercial Structure, Located at 21417 U.S. Hwy 17 N, Hampstead, NC.
18. Public Hearing & Zoning Text Amendment, Planning Staff: Request to Revise §15.4C General Provisions Concerning Special Use Permits-Expirations.
19. Public Hearing & County-Wide Zoning Map Revision and Zoning Text Amendment: Deleting Flood Hazard Area and Flood Hazard Dash Zoning Districts, Rezoning Certain Parcels According to a Prescribed Method and Create a Flood Hazard Overlay District.

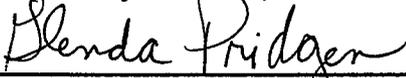
DISCUSSION

20. Update, Discussion and Direction of Highway 17 Overlay Committee's Results.

ADJOURNMENT

There being no further business, Mr. Rivenbark made a motion to adjourn and the meeting adjourned at 1:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board