



REQUEST FOR BOARD ACTION

ITEM NO. 3.

DATE OF REQUEST: March 12, 2009

REQUESTED BY: Glenda Pridgen, Administrative Assistant

SHORT TITLE: Approval of Minutes for the Regular Meeting of March 2, 2009.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, MARCH 2, 2009

The Pender County Board of Commissioners met in regular session on Monday, March 2, 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 thanked and welcomed all to the meeting.

INVOCATION

Commissioner Blanchard offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

PUBLIC HEARING

- 1. Public Hearing and Resolution Approving Grant Application and Authorizing Local Share of Community Transportation Program Operated by Pender Adult Services for FY 09-10: \$17,450.0.**

The public hearing opened at 10:02 a.m. Ms. Judy Cromer of Pender Adult Services (PAS) explained that Pender Adult Services acts as Transportation Coordinator for Pender County; that this year PAS is requesting \$116,334 from NC Department of Transportation, requiring a local match of \$17,450; that this service is required by law, to be provided for the benefit of Department of Social Services' clients; that in addition, the service is available to all residents of Pender County; and that Public Involvement Forms are available for anyone wishing to comment. There were no questions or comments and the public hearing closed at 10:03 a.m. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

- 2. Update on Long Creek Grady Volunteer Fire Department: Shannon Bennett, President/Chairman, Board of Directors.**

Mr. Bennett said he is not here to ask the Board for anything in particular, but to bring the Board up-to-date on the Department. His highlights for the Department for 2008 included: completely updated fleet; replaced out date equipment; set up annual operating budget; received grants to completely outfit trucks and purchase EMT medical equipment; completed short and mid-range goals; currently working on long-term goals; currently in the running for five different grants; and in process of having insurance rating reduced within their six mile district. Mr. Bennett thanked the Board for allowing him to come before them and invited them to attend some of their meetings. He noted Mr. Brown had attended several of their meetings.

Mr. Brown said that in the last couple of years, the Department had showed lots of progress. He said he knows Mr. Bennett had a lot of problems going in, but they had shown great progress; he thanked Mr. Bennett for his hard work.

Mr. Tate agreed with Mr. Brown said and he is glad to see the Department is seeking alternative funding.

3. 2010 U.S. Census Bureau Update: Constance Hyman, U.S. Census Bureau.

Ms. Hyman explained that everyone in the United States has to be counted in the Census; that she is a Partnership Specialist and she will be working with Pender County seeking to develop a partnership; that they will be working to promote awareness and to get as accurate count as they could; and that she had already met with County staff and they had agreed to work to form the partnership. ITS Director Erik Harvey said that County staff did agree to help; that they would form a committee in which they would ask each Commissioner to appoint someone from his district; that Addressing Coordinator Jan Dawson would act as liaison for the Committee; and that Mr. Rivenbark is a Special Commissioner for the Census.

CONSENT AGENDA

Mr. Tate presented the four 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 Meeting of February 16, 2009.
5. Resolution Requesting Signature Card Update to the Asset Management Reserve Account for Seven Oaks of Pender, LLC.
6. Resolution Requesting Approval of a Purchase Order to Turner Business Appraisers, Inc. \$81,805.29.
7. Resolution Authorizing James Fields, Supervisor of Public Works/Mosquito Control Division or Patricia E. Simmons, Administrative Officer, to Sign and Execute All Necessary Papers and Documents in Connection With the Department of Environment, Health and Natural Resources for Aid in Mosquito Control.

RESOLUTIONS

8. **Resolution Authorizing a 5 Year Lease from Inttek, Internet Technologies, Inc. for Upgrading Website Backup and All Office Technology from Recording Instruments to Certified Copies of Vital Records: \$22,000.**

Register of Deeds Faye Prevatte explained that she is requesting authorization for a five year lease from Inttek, Internet Technologies, Inc. for upgrading Website backup and all office technology from recording instruments to certified copies of Vital Records; that she is requesting this action in order to bring Pender County in line with what the State of North Carolina mandates and to help the people of Pender County more efficiently; that Inttek, Internet Technologies, Inc. is the firm selected by the Register of Deeds Office; that Inttek is one of three companies in the state that is in total compliance with the State of North Carolina and is endorsed by the Secretary of State; that this program will replace four vendors that we are presently using that are outdated; that the cost will be \$22,000 for a one-time setup and data conversion feed; and that it is budgeted for in the 08/09 budget and will come out of the AE&P Fund.

Mr. Tate said Ms. Prevatte mentioned three services and asked why she chose this one. Ms. Prevatte said she chose this one because it is in total compliance with the State, that it is more convenient because it is located in Wilmington, and because of their reasonable price. She said she checked with Duplin and Brunswick Counties, who use Inttek, and they said Inttek provide great services.

Mr. Blanchard asked if \$22,000 is the total and Ms. Prevatte said "no, it is the set-up fee and the monthly fees will be \$2,500."

Mr. Tate asked if Mr. Thurman had reviewed the contract. Mr. Thurman said he had reviewed it and he has some language issues, but he is working with Inttek to resolve them. He said if the Board approves the resolution, they should approve it subject to contract provisions being approved by the County Attorney, and this should be included in the motion.

Mr. Rivenbark asked if we are "stuck" with these figures for five years and Ms. Prevatte responded "yes."

Mr. Blanchard said in some neighboring counties, it takes under 20 minutes to record a deed. He asked if that is where Ms. Prevatte is headed and she responded "yes." Mr. Blanchard made a motion to approve the resolution, subject to Mr. Thurman's approval of the contract, Mr. Rivenbark seconded the motion and it was unanimously approved.

9. Resolution to Approve a Purchase Order to Purchase Computer Hardware to Support Electronic Medical Records: \$35,850.

Health Director Dr. Jack Griffith explained that this resolution is requested to be approved because the State has required the Health Department to update their electronic equipment. He said it is already budgeted for. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

10. Resolution Authorizing a Purchase Order for Replacement of HVAC Units and Air Handlers for the ITS Data Center, Operations Center and Switch Rooms to Tim's Heating and Air Conditioning, Inc.: \$51,483.

ITS Director Erik Harvey explained that in April 2008, the Board authorized a HVAC study to be conducted for Building 805, along with a design of recommendations; that the study was conducted in conjunction with the renovation design of Building 805 and DSS; that during the budget process the HVAC upgrades were not funded, only the renovations which included an expanded ITS Data Center and Operations Room; that now that the renovations are near completion without any HVAC changes, the mechanical and electrical engineers have determined that the existing air conditioning system will not adequately keep the ITS Data Center, Operation Center, and Switch Rooms cool; that the engineers recommend that this part of the HVAC upgrades be completed to resolve cooling problems; and that this is needed in order for ITS to provide adequate services to the County system. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

11. Resolution Authorizing a Purchase Order to Black Dog Fence Company: Installation of Ball Field Fencing and Backstops for Pender Memorial Park Expansion: \$32,214.

Mr. Williams commented he is glad to see the Pender Memorial Park expansion is moving forward. Parks and Recreation Director Dee Turner explained that she is requesting a purchase order for installation of ball field fencing and backstops for Pender Memorial Park Expansion; that bid specifications were distributed to seven fencing companies and bids were received from five companies; that the low bid was Black Dog Fence Company; and that she has dealt with Black Dog Fence Company before. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

12. Resolution Authorizing a Purchase Order to McCall's Hurricane Fence Company: Installation of Ball Field Fencing and Backstops for Phase II of Hampstead Kiwanis Park: \$33,520.

Ms. Turner explained that she is requesting a purchase order for installation of ball field fencing and backstops for Phase II of Hampstead Kiwanis Park; that bid specifications were distributed to seven fencing companies and bids were received from five companies; that the low bid was McCall's Hurricane Fence Company; and that this company does the majority of fencing of Pender County Schools. Mr. Blanchard said he commends Ms. Turner on posting bids so the public can see. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

13. Resolution to Repeal the Existing Park Ordinance and Adopt the Presented Pender County Park Ordinances.

Ms. Turner explained that this is the second reading for the Ordinance; that in her attempt to number the original Ordinance, she found there were two existing Park Ordinances in the Pender County Code of Ordinances under Article III, Parks; that these two Ordinances apply only to Pender Memorial Park and their substance is addressed in the new Park Ordinances; therefore the two existing Park Ordinances need to be repealed. Mr. Williams said he didn't see any difference from the first reading and Ms. Turner responded

she took out the section on sex offenders because sex offenders is a standalone ordinance, and she changed "service dogs" to "service animals." Ms. Turner said the only calls/comments she received regarding the Ordinances were from a member of the Flyers' Association that has been using the Park for the past two year to fly electric model airplanes, but as the Ordinance was written, the Association would still be able to use the park to fly the electric airplanes in a designated area; and Hampstead Kiwanis Park, Inc. Board members want a tobacco free park. Mr. Rivenbark noted we need separate motions – one to repeal the existing park ordinances and one to adopt the new Ordinances. Mr. Rivenbark made a motion to approve repealing the existing Park Ordinances, Mr. Williams seconded the motion and it was unanimously approved. Mr. Rivenbark made a motion to approve adopting the presented Park Ordinances, Mr. Blanchard seconded the motion and it was unanimously approved.

14. **Resolution Approving and Consenting to the Town of Wallace Acquiring Land by Eminent Domain.**

Wallace Town Manager Ken Cornatzer said they recognize this action as putting the Board in an awkward position, but by law this is the only way they can obtain the property, and State statute gives them the right to acquire it. He said the Town of Wallace has had a good business relationship with Pender County – that Pender County is their largest water customer, and Pender County works with them with fire, water and airport projects. Mr. Cornatzer said trees must be removed from the glide slope areas, that they would have to have three appraisals if they were to purchase the property, and that they could only pay fair market value.

Mr. Brown asked if it is normal to take on eminent domain before you negotiate with the property owner and Mr. Thurman responded "no." Mr. Brown said he contacted the family that owns the property and they said they didn't know Wallace was initiating eminent domain and that no one had made them an offer. Mr. Cornatzer said they didn't make an offer because the property hadn't been surveyed. Mr. Brown said the owners seemed willing to talk to the Town. Mr. Cornatzer said he is not talking about taking the property today, but they want to be able to do so if it gets to that point.

Mr. Williams asked if it is a deal in which someone offers a million dollars and the owner wants two million and Mr. Cornatzer said "yes."

Mr. Brown said the owner seems willing to negotiate, that he has real concerns with eminent domain and that he is not comfortable with moving on this. Mr. Williams said he agrees with Mr. Brown.

Mr. Tate said he came prepared to vote on this tonight, but he was unaware of what he is hearing; he said he thought the Town of Wallace had made offers to the owners several times. Mr. Williams said we need to do due diligence.

Mr. Blanchard said he has complete confidence in Wallace's attorney that he is not going to do anything "shady."

Mr. Brown said he doesn't know the attorney or any other officials, that he has relatives in Wallace, and that he is concerned that the gentleman he spoke with said he had no communication with the Town regarding this matter. Mr. Williams recalled the Board once was about to condemn property to build a water tower on and he personally went and talked to the property owners and they came to an agreement. He said Wallace officials should try to work this out with the property owner and then bring it back at the next meeting. Mr. Tate said he agrees with Mr. Williams. He said they should go back and talk to the property owners and if they don't come to an agreement, Wallace officials would be able to show they had exhausted their efforts. Mr. Brown made a motion to table the item, Mr. Williams seconded the motion and it was approved by a 4-0 vote, with Mr. Blanchard voting against tabling it.

15. **Resolution Supporting NC Department of Transportation Modification of Existing Cross Section of US 17 at SR 1561 (Hilltop) into a Superstreet Configuration.**

Mr. Williams commented he and a lot of others are glad DOT has a plan for this area. Mr. Benton introduced Mr. Robert Vause, District Engineer of NC DOT. Mr. Vause said the Department has proposed a project to modify the existing cross section of US 17 at the intersection of SR 1561, Sloop Point Road, into a superstreet configuration that is being funded using state allocations. He said the main reason for this is safety issues, that a resolution is required and that they are requesting a resolution of support from the Board of Commissioners in order for the project to proceed. Mr. Brown asked once they start, how long will it take. Mr. Vause said construction will take two months and they will let the Board know when the rest is completed. Mr. Vause distributed maps of the site to the Board. Mr. Rivenbark mentioned the possibility of tying this in with the Highway 17 By-Pass Project but Mr. Vause noted that tying it in with that project would slow down this one. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

16. **Resolution Adopting 2009-2011 Board of Commissioners Action Plan.**

Mr. Benton explained the following: a two-year action plan has been developed outlining a multitude of projects and program objectives to be completed over the next two years; the work plan addresses major projects or programs important to the Board and to Pender County; the plan was developed with Board and staff input; the plan can be amended as new objectives and priorities are established; the objectives touch every department and function of Pender County government, and will be used to guide budget preparation and as a measure of performance and accomplishment for the Board and staff; and the plan will eventually become incorporated into an overall county-wide "strategic" plan in the near future. Mr. Blanchard said he sees this as a preliminary road map and the first step of a fine starting point. Mr. Williams said it is an awesome start. Mr. Tate said he concurs with Mr. Blanchard and Mr. Williams and he looks forward to a strategic plan coming into effect. Mr. Benton said this is a plan documenting ongoing projects, that it is flexible and can be added to and taken away from, and that it is not a strategic plan. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

APPOINTMENTS

17. **Resolution Appointing Applicants for the Pender County Housing Initiative Board.**

Ms. Keith explained that since its inception in 1999, the Pender County Housing Initiative Advisory Board (PHI) has strived to provide housing opportunities in Pender County; that currently the Board consists of members representing the low income population, the private and business sector and county representatives; that in an effort to revive the commitment to affordable housing and due to low attendance, the board reached out to members that were listed on the roster but had not attended meetings in the past year; and that members that resigned or did not respond to the notice were removed from the roster and new representatives from the community were nominated by the board. Mr. Williams made a motion, Mr. Brown seconded the motion and it was unanimously approved that the following people be nominated to join the Pender County Housing Initiative Board:

Low Income Representatives

Jimmy Tate, Chairman of the Pender County Board of Commissioners
Allison Sholar, Superintendent Pender County Schools

Private Sector Representative

Denise Clarke, Business Sector

County Employee Representative

David McCole, Finance Officer Pender County Government

18. **ITEMS FROM THE COUNTY MANAGER**

Mr. Benton called Planning Director Patrick Davenport forward and recognized him for achieving AICP certification from the American Institute of Certified Planners. He said Mr. Davenport and his staff does a good job. The Board and audience applauded Mr. Davenport. Mr. Davenport said he hopes to put all he learned to good use for Pender County citizens.

Mr. Benton said he asked Dr. Griffith to be present to hold a discussion on vicious animal regulations, and the Public Utilities Director to be present with representatives from CDM to give an update on design and construction of the US 421 Water Treatment Plant.

Dr. Griffith said in response to a citizen complaint to the Board concerning her dog and a neighbor's being killed by two pit bulls in December, that Animal Control got there within an hour and captured the animals and they were euthanized. Dr. Griffith said there are lots of dogs running at-large in the County; that there is no way Animal Control Officers can be there before an incident happens; and that the County is 875 miles with only three Animal Control Officers. Dr. Griffith reviewed the current Animal Control Ordinance. He said he and the Board of Health will look into strengthening the County's current Animal Control Ordinance, using New Hanover County's as a guide, and bring it back to the Board. He said New County Hanover's Animal Control Ordinance is strong.

Dr. Griffith introduced Stephen Throneburg, the Animal Control Supervisor. He then reviewed a report entitled "Dangerous Dogs", which is on file with the permanent records in the County Manager's Office. The report includes some laws from the County Ordinance, some from State Statute, and some statistics from the Animal Control Office. The report includes: Dangerous Dog Definition; Nuisance; Animal At Large; Control of Dangerous Dogs; Confinement or Leashing of Vicious Animals; Impoundment; Confinement of all Biting Dogs and Cats; Penalty; Exceptions; Statistic on Dog Bites 2004-2008; Breed Bite Comparison; Frequency of Bites; and Pit Bull Bites 2004-2008.

Mr. Williams asked why wouldn't you euthanize a vicious dog immediately and Dr. Griffith said there are State laws you have to follow.

Mr. Brown asked how hunting dogs are exempt and Dr. Griffith said they have no problems with hunting dogs. He said if they find any running loose, they return them to their owners if they have a collar.

Mr. Williams said we need to fine people as much as we can if they are irresponsible with their animals.

There was some discussion of barring Pit Bulls from the entire County, but no decision was made.

Mr. Mack introduced Brenan Buckley of CDM. Mr. Buckley said the Water Treatment Plant would serve the Rocky Point/Topsail and Scotts Hill Water & Sewer Districts; that the Treatment Plant consists of two phases – the Plant on Hwy 421 and a transmission main down Hwy 421; and that they submitted a package on behalf of the County on Friday, requesting funding from the Stimulus Bill. Mr. Buckley delivered a Power Point presentation entitled Pender County Water Treatment Plant and Transmission Main – Progress Update. The report included: Pender County WTP Site Update; Treatment Plant Site Layout; Treatment Module; Subsurface Conditions; Transmission Main Update; Key Findings from NC DOT Meeting; Project Design Options – Treatment Plant Capacity; Interbasin Transfer (IBT) Regulations; Possible Interbasin Transfers in Pender County – River Basins and Subbasins; Project Configuration Options, which included 2 MGD Capacity with provision for future expansion, 4 MGD Capacity with bid alternate for up to additional 2 MGD (6MGD total), and 6MGD Capacity with provision for future expansion (Mr. Buckley noted his choice would be the 4 MGD and said if we go with the 2 MGD, we would be at capacity immediately when construction is complete); Summary of Design Options; Action Items to Implement 4 or 6 MGD Treatment Plant; Project Funding Update; and Project Schedule. A copy of the report is on file with the permanent records in the County Manager's Office.

Mr. Williams asked if we go with Option 2 (4 MGD), how soon we will know if we have to have an IBT certificate and Mr. Buckley said probably within the next couple of weeks.

Mr. Tate asked Mr. Buckley if the Environmental Assessment (EA) study and Preliminary Engineering Report (PER) are already completed for 2 MGD and Mr. Buckley said "yes." Mr. Tate asked if this schedule is part of their contract and Mr. Buckley said "yes." Mr. Tate asked if they are on schedule and Mr. Buckley said they are behind. Mr. Tate said we haven't identified where all the funding is coming from for 2 MGD and CDM is talking about building a larger plant. He asked why CDM was studying an expansion of the plant from a 2MGD plant to a 6 MGD plant without Board direction, causing delays. He said we have current and future water demands and folks are depending on CDM to deliver for us. Mr. Mack said he had initiated CDM's expansion study and they were behind because he had instructed them to do the study. He said if we spend \$20 million to build a 2 MGD plant, we can build one three times larger (6 MGD) for 2/3 more (\$12 million for a total of \$32 million). Mr. Tate asked if we can stop in the middle of building the 2 MGD plant and change to 6 MGD. He said the 2 MGD was originally estimated to cost \$17.5 million and now it is estimated at \$21 million. Mr. Thurman said it was always understood that CDM could offer design alternatives for a bigger plant. Mr. Buckley said they have not done anything outside of their contract; that projections show the 2 MGD plant would be at capacity when construction is estimated to be complete in late 2011; that they programmed the site for 6 MGD because that is standard procedure; that they are just trying to get the County the plant that they think the County needs, but they will do whatever the Board instructs them to do; and that he would give the Board an update once he had an estimate for any delays involved with a larger plant, which would require an expanded environmental assessment modification.

Mr. Blanchard asked if the delays Mr. Buckley is speaking of relate to timing and money issues and Mr. Buckley said "yes." Mr. Blanchard said that after he came on Board, they discussed the possibility of letting Lower Cape Fear Water & Sewer Authority build the plant and the County becoming a customer, along with another entity, which would make it more feasible. He said that possibility was rejected by the Board, causing delays.

Mr. Brown asked if we would have to get an Interbasin Transfer certificate if we choose Option 2. Mr. Buckley said "yes, but McKim & Creed will do the modification to the Environmental Assessment since they did the original document." He said he will bring a report back in two weeks.

Mr. Tate thanked Mr. Buckley for clearing up the concerns he had.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman had no items.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said he has received numerous calls from people on this side of the County who do not get cable and want to be able to get it. He asked staff to contact Time Warner and have them make a presentation to the Board.

Mr. Williams said there is a particular piece of County property a gentleman called him and expressed interest in purchasing it; he said he told him to make an offer to the County Manager.

Mr. Blanchard said at the Topsail Shoreline Protection Commission meeting, they learned that the State had hired a consultant to study the State's long-term plans and they realize how much shoreline protection means to the Tourist Industry in Eastern North Carolina.

Mr. Tate thanked Mr. Benton for arranging the meetings with the Legislative Delegation last week in Raleigh. He said they were very positive meetings; the Delegation is aware of Pender County's beaver, drainage and other issues, and they are willing to help. Mr. Tate said they also met with John Southerland of Water Resources and it was also a very positive meeting.

PUBLIC COMMENT

Mr. Robert King of Virginia Creek Campground was concerned that he pays a private hauler but each one of his travel trailer tenants is being billed by the County for Solid Waste fees; he said they are paying double. Mr. King's representative from Waste Management verified that Mr. King does have a contract with Waste Management and said in addition, Waste Management has to pay dumping fees.

Mr. Tate asked if staff is aware of this and Administrative Assistant Melinda Knoerzer said "yes." Ms. Knoerzer explained that the tenants who live at the campground more than six months of the year pay the availability fee as everybody else in the County that has a private hauler; she said they are treated the same. She said Mr. King provides the Tax Office with a listing each year of the campers meeting this criteria, and the bills are generated from the list.

Mr. Thurman reiterated what Ms. Knoerzer said, confirming that residents with private haulers are still required to pay the recycling fee, but it is the reduced fee.

Mr. Blanchard asked if the people at the campground where the amusement equipment is has to pay this fee and Ms. Knoerzer said she doesn't know.

Mr. King said he realized he made a mistake in that the list of tenants he has to turn in to the Tax Office at the beginning of each year, he listed everyone and should have only listed the ones that live there more than six months. Mr. King said there is also a problem with the solid waste stickers because temporary people from out of town receive them.

Mr. Tate asked if we only charge the people who live there more than six months rectify the problem. Mr. King said they are still being charged twice. Mr. Thurman again explained they are being charged the reduced rate, the same as other residents.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn and the meeting adjourned at 12:30 p.m. The Board then attended a luncheon and presentation at Cooperative Extension Service.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board