

MONDAY, APRIL 6, 2009

The Pender County Board of Commissioners met in regular session on Monday, April 6, 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 Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown the Pledge of Allegiance.

PUBLIC INFORMATION

Mr. Tate said that normally, the public would speak under Public Comment, but Rivenbark had requested to recognize Ms. C.P. Kelly at the beginning of the meeting. Ms. Kelly of Atkinson spoke concerning the proposed Rails to Trails Project. She said she is concerned that the Board and other county agencies allowed Pender County's name to be published on pamphlets and stuck in people's doors; the railroad beds go through their properties; the Conservancy is allowing trails from Wilmington to Fayetteville; this is a perfect drug route from Fort Bragg to the water; the trail would be used for more than walking – there would be bicyclists, horses, ATV's and anything else that could ride on the trail; County agencies approved this without consulting the property owners (she read a list of agencies); and a public meeting was held concerning this issue but landowners were notified after the fact. She said she is asking the Board and the other County agencies to rescind their approval. Mr. Williams said it is not rails – it is Rails to Trails. Mr. Blanchard said it is fairly common knowledge that the railroad lines may open back up within the next twenty-five years, and asked what impact this would have. Mr. Thurman said as long as the corridor itself is preserved, it would not adversely affect the project. He said it is a nationwide program that has been used in a variety of places as green space. Mr. Brown said he had attended several meetings and it is his understanding that this line will never reopen. He said Highway 117 bed is the one the State had taken control of. Mr. Tate said that at this point in time, the Board is only reviewing information concerning the project. He said Ms. Kelly is the first person he has heard oppose this; everyone else thinks it's great. Mr. Brown said this is only the "first leg." of the project. He said the Board had to commit to support it in order to get the planning process started, and said there will be public meetings and public hearings where people can voice their opinion. Ms. Kelly reiterated that landowners didn't know about it until after the fact. She said she doesn't want this through her front yard; that she is speaking on behalf of all the property owners; and she doesn't know why the Board is approving this. Ms. Kelly asked who's going to patrol this trail because the County can't afford extra people to patrol it. Mr. Williams said the Board voted to pursue it because it is a good thing to do and said they generally vote to pursue something when it is a good thing. Mr. Brown asked if notification had been mailed and Mr. Davenport said notices were sent to adjacent property owners. Mr. Brown asked if Ms. Kelly received the letter before the public meeting and Ms. Kelly responded "yes." Mr. Davenport said the project is in the planning process and information will be

brought to the Planning Board and then the Board of Commissioners. He said more public meetings will be held this summer. No action was taken.

PUBLIC RECOGNITION

1. **Recognition of Jackie Williams, DSS Employee, and Kyle Breuer, Planning Department Employee, for Receiving Cape Fear Council of Governments' (COG) Award Recognition.**

DSS Director Dr. Reta Shiver recognized Ms. Williams and noted she is a Social Work Program Manager and has been with DSS for more than ten years.

Planning Director Patrick Davenport recognized Mr. Breuer and noted he has been with the Planning Department for almost two years and noted his extensive work with the Highway 17 Overlay Committee.

Mr. Rivenbark noted he represents the Pender County Board of Commissioners on COG Board of Directors.

PUBLIC HEARING

2. **Public Hearing for Consideration of Community Development Block Grant.**

The public hearing opened at 10:05 a.m. Mr. Benton explained that the public hearing is being held to solicit public input into the identification of economic needs and desired economic development activities with respect to applying for a CDBG grant. No one from the public spoke. At 10:06, Mr. Blanchard made a motion to close the public hearing, Mr. Brown seconded the motion and it was unanimously approved. Mr. Rivenbark made a motion to approve moving ahead with a grant application, Mr. Williams seconded the motion and it was unanimously approved.

CONSENT AGENDA

Mr. Tate presented the eight 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. Williams seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

3. Approval of Minutes for the Regular Meeting of March 16, 2009.
4. Resolution Approving Tax Releases and Refunds.
5. Resolution Accepting Petition to Add Hawk Hollow Trail and Cat Rush Lane in Burgaw to the State Maintained System and Authorizing the County Manager to Submit the Petition to N. Department of Transportation.
6. Resolution Authorizing a Contract with and Purchase Order to Stanley Security Solutions, for Door Locks for the New Topsail Middle School: \$9,265.20.
7. Resolution to Appropriate the Fund Balance to Pay for the FY 08/09 Invoices for the 2011 Revaluation.
8. Resolution Requesting Approval of Purchase Orders for Chemicals for Giant Salvinia Project: \$26,597.90.
9. Proclamation by the Pender County Board of Commissioners: Child Abuse Prevention Month: April, 2009.
10. Proclamation by the Pender County Board of Commissioners: Spring Litter Sweep: April 18 – May 2, 2009.

RESOLUTIONS

11. **Resolution Awarding Housing Rehabilitation Contract for the FY 2008 CDBG-SS Program.**

Mr. Danny McKeown of Holland Consulting Planners, Inc. explained that they had publicly bid this work to complete one unit housing rehabilitation for the FY 2008 CDBG Scattered Site Program, and Holland Construction was the low bidder. He said Holland Construction is not related to Holland Consulting Planners, Inc. Mr. Blanchard asked Mr. McKeown to state it again loudly that there is no relation between the two firms and Mr. McKeown did so. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

12. Resolution to Amend Animal Control Ordinance.

Health Director Dr. Jack Griffith presented proposed changes to the Animal Control Ordinance and said they were based on New Hanover County's. Dr. Griffith's highlights included: the Pender County Animal Control Ordinance was last amended by the Board on December 21, 1998; the new amendments will assist the Animal Control Program in protecting citizens of Pender against rabies; every dog and cat will be vaccinated against rabies and licensed; the Board of Health will establish a preset fee for each license certificate and this will help fund Animal Control; the County would likely ask veterinarians to help with the rabies and licensing program; kennels that breed animals would require permits and rabies vaccinations for all cats and dogs; the Board of Health unanimously voted to request that the Board of Commissioners adopt the changes and amendments; and the Ordinance Amendment is presented as a first reading and will be brought back to the Board. The proposed changes in the Animal Control Ordinance in their entirety are on file with the permanent records in the County Manager's Office.

Mr. Brown asked if this would change anything for hunters and Dr. Griffith responded "no." He said the Ordinance is not intended for hunters, it is more to keep people from breeding animals just to make money. He said they don't get complaints about hunting dogs.

Mr. Blanchard asked if the fees would be reasonable and Dr. Griffith responded "yes."

Mr. Brown asked who would enforce the Ordinance and Dr. Griffith said Animal Control.

Mr. Blanchard said he is nervous about putting veterinarians in charge and giving them the authority to tell people what to do about their animals.

Mr. Tate said he is concerned about charging people to have pets with today's economy the way it is. He asked what happens to people that already have pets. Dr. Griffith said Animal Control now is totally County funded and the taxpayers are already paying for it. In addition, he said they anticipate the licensing program would be voluntary to begin with.

Mr. Rivenbark said there have been several cases of rabies in the County and this will help control the problem.

No formal action was needed at this time, as this was the first reading of the ordinance.

13. Resolution to Deny Designation of an Animal Cruelty Investigator.

Dr. Griffith explained that the Board of Health feels that the work provided by an independent Animal Cruelty Investigator would duplicate the duties already performed by the Animal Control Officers; that an Animal Cruelty Investigator would have no authority to go onto people's property; and that it is better to let Animal Control do their job. Mr. Williams said he totally agrees with this and gave an example of some Hampstead residents taking it upon themselves to enforce zoning. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

14. Resolution to Deny the Formation of a Board of Commissioners Appointed Animal Control Advisory Committee (ACAC); to Authorize the Formation of a "Friends of Animals" Volunteer Group.

Dr. Griffith explained that the Board of Health believes that there is no need for a Board of Commissioners appointed Animal Control Advisory Committee, and they think such a formal committee would likely create management conflicts. He said the Board does strongly support the need for volunteers to informally organize a group of residents who would work to find monetary resources for Animal Control, work to help improve spay-neutering programs, and promote the adoption of animals from the shelter. Dr. Griffith said a group such as "Friends of the Library" might work well with Animal Control. Mr. Tate and Mr. Williams commended Dr. Griffith and Animal Control staff for their work. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

15. Resolution Authorizing Voluntary Early Retirement Plan.

Mr. Benton explained that Pender County and all local governments are experiencing financial and budget pressure due to the state of the economy, and that Pender County initiated steps last fall to reduce FY 08/09 budget expenditures in advance of expected revenue shortfalls. He said this action might help to avert a Reduction in Force (RIF). Mr. Blanchard asked if he had any interest from employees and Mr. Benton said he wanted to get the Board's support first before presenting it to employees. In response to a question from Mr. Tate, Mr. Benton said if employees choose to take early retirement, it may provide an opportunity to reorganize or consolidate some services. Mr. Blanchard said he hopes to not have to lay anyone off. Mr. Tate thanked Mr. Benton for being practical. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

16. Resolution Authorizing the County Manager to Pursue Establishment of a Human Relations Commission for Pender County.

Mr. Tate explained that he had requested the resolution to form a Human Relations Commission to promote understanding, communication, opportunity and good will among all citizens in Pender County, regardless of demographical and socio-economical differences. He said as he travels throughout the County, he sees many differences and such a committee can advise us on different issues. He said it would allow folks to see how we can embrace each other on diversity issues. Mr. Williams said we can at least pursue the issue and see what we can come up with. Mr. Rivenbark mentioned hiring a Human Relations person. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

APPOINTMENTS

17. Resolution Approving Appointments to the Criminal Justice Partnership Program (CJPP) Board, Pender County Tourism Development Authority Board (TDA), and the Pender County Planning Board.

Mr. Tate introduced the resolution. Mr. Williams made a motion to appoint Timothy Townsend to the CJPP to serve in a public member position, with a term expiring June 30, 2011. Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Williams made a motion to appoint Barbara Baker to the TDA representing District 1, with a term expiring August 31, 2012. With respect to the Planning Board appointment, Mr. Brown said he made a suggestion two weeks ago concerning letting the Planning Board help with the appointment because this appointment had been clouded. He said he wasn't trying to throw this off on the Planning Board but he feels like they could have provided input. Mr. Blanchard said that since Mark Walton, Engineer, had stepped down, there has not been an Engineer on this board and he noted Malcolm Boney, an engineer, had applied for the appointment. Mr. Blanchard made a motion to appoint Mr. Boney to the Planning Board to represent a "Professional" position, with the term to expire January 31, 2012. Mr. Rivenbark seconded the motion and it was approved by a 4-1 vote, with Mr. Brown voting in opposition.

18. ITEMS FROM THE COUNTY MANAGER

Mr. Davenport presented information concerning abandoned manufactured homes legislation. He said that as of July 1, 2009, legislation will require counties to either consider implementing a program for the management of abandoned manufactured homes, and to amend the Solid Waste Management Plan to either outline the program adopted or explain that the County would opt out of implementation. He said part of the cost could be absorbed through increased mobile home permit fees. Mr. Rivenbark asked if we can get help from stimulus money and Mr. Benton said he is not aware of any particular program under the stimulus program. Mr. Rivenbark said Brunswick County has an abandoned manufactured homes plan. Mr. Davenport said Brunswick County has spent in excess of \$4 million and has a full time staff dedicated to working with the plan. Mr. Blanchard said Duplin and Sampson Counties have ordinances that limits the age of mobile homes being brought into their respective counties. Mr. Brown asked what they consider "abandoned." Mr. Davenport said possibly when a property owner has left the premises and no longer lives there. Mr. Brown said some people go around and cut up abandoned mobile homes for the metal and we might consider this as an option. Mr. Williams said a long time ago, someone did apply for a permit to do that. Mr. Blanchard said we need to come up with a minimum

age people can bring mobile homes into Pender from another county. Mr. Davenport was instructed to research the options and costs associated with implementing an abandoned manufactured homes removal program.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said the Settlement Agreement for Hampstead Pines Homeowners Association, Inc. is included in the package. He thanked Mr. Benton, Mr. Davenport and Planner Ashley Frank for their assistance on this issue. Mr. Williams made a motion to approve the Settlement Agreement, Mr. Brown seconded the motion and it was unanimously approved.

Mr. Thurman said he also has an item for closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr Rivenbark said he attended a Legislative Education Committee meeting and said he provided the Board information concerning this in their agenda packets. Mr. Rivenbark said the NCACC has a discount drug program citizens can use at no cost to the County. He said the cards and information concerning them should be put in drug stores and made more visible to the public.

Mr. Williams thanked everyone that supported him during his recent illness.

Mr. Tate mentioned the blue ribbons provided by DSS in recognition of Child Abuse Prevention Month and thanked Dr. Shiver and her staff. Mr. Tate said he and the Manager will be attending the Watha Town Council meeting tonight, and invited all the Board members to join them.

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

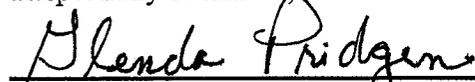
At 11:26 a.m. Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (3) to consult an attorney employed or retained by the public body in order to preserve the attorney-client privilege; and (5) to establish or instruct the public body's staff or negotiating agents concerning 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.

The Board came out of Closed Session at 12:05 p.m. There were no announcements.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn and the meeting adjourned at 12:05 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board