

## MONDAY, MAY 4, 2009

The Pender County Board of Commissioners met in regular session on Monday, May 4, 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; 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 led the Pledge of Allegiance.

Mr. Benton said County Attorney Trey Thurman had called to say he was having car trouble and may be late for the meeting.

Mr. Blanchard said he needs to be excused at 12:00 noon. Mr. Blanchard also said he will not sit next to a Commissioner who continues to malign his character. He said he will continue to serve on the Board with him, but it doesn't mean he has to sit next to him. Mr. Blanchard asked the Chairman to change the seating arrangement so he would no longer have to sit next to Mr. Brown. Mr. Tate allowed Mr. Blanchard to move to Mr. Williams, Mr. Williams moved to Mr. Rivenbark's seat and Mr. Rivenbark moved to Mr. Blanchard's seat.

### PUBLIC INFORMATION

#### 1. **Presentation of the Cape Fear Public Utility Authority's US 421 Corridor Wastewater Master Plan by McKim & Creed.**

Public Utilities Director Michael Mack provided an Executive Summary of the project. With reference to Purpose, he said the Cape Fear Public Utility Authority, recognizing the benefits of comprehensive master planning, and desiring to determine the best strategy to provide wastewater service to the US 421 Corridor, authorized McKim & Creed, PA to prepare this US 421 Corridor Wastewater Master Plan, and the purpose of this project is to determine the best strategy to meet the near-term and long-term wastewater needs of the US 421 Corridor and to preserve the Authority's US 421 WWTF NPDES permit for the discharge of 4 million gallons per day (MGD) of treated wastewater effluent to the Cape Fear River. With respect to Scope, he said the scope of the project was focused on the US 421 Corridor in New Hanover County with the goal of developing the optimal strategy and infrastructure to provide wastewater service to this area; that additionally, an opportunity for a regional approach in conjunction with Pender County to provide wastewater service in the Corridor was identified and evaluated; that Pender County has indicated a significant interest in developing a public wastewater system in this area, which was evaluated in the *Pender County Wastewater Master Plan* (McKim & Creed, 2006); that subsequently, Pender County has been a primary participant and stakeholder in the development of this document; and that this document includes wastewater flow projections, an alternatives analysis for

wastewater infrastructure, and a recommended wastewater solution to meet the 20-year wastewater needs of the US 421 Corridor.

Tony Boahn of McKim & Creed delivered a Power Point Presentation entitled "US Highway 421 Corridor Wastewater Master Plan." The presentation included: CFPUA 421 Corridor Wastewater Master Plan, 2006 Pender County Master Plan, Recommended WWTP Location, Pender Commerce Park Site, CFPUA Demand Projections, Regional Solution, Mutual Benefits, Recommendations, Total Probable Project Costs-WWTP Only, Schedule and Next Steps, West Regional Treatment and Dispersal, and Wastewater System. The presentation in its entirety is on file with the permanent records in the County Manager's Office.

Mr. Boahn said having a centrally located plant makes more sense than having two individually run plants. Mr. Blanchard asked if this means it may be ten years instead of twenty. Mr. Boahn said the growth model they picked mirrored Brunswick County and they will revisit it every five years or so. He said the regional approach is positive for the County because CFPUA owns a 4 million gallon per day permit and Pender County owns the land; that one 12" MGD is less costly than two 6"; and that we can use the pipe that BASF currently has. Mr. Rivenbark asked if the pipe will take us to 6 million and Mr. Boahn said "no", we would have to parallel. Mr. Boahn said that any capacity over 4 million gallons per day would be land based disposal/dispersal and our own Master Plan didn't include any discharge into the river. Mr. Tate said he wasn't on the Board when the permit was obtained but he did research and found out that it is good for five years, and some time has passed since it was obtained. He asked if anyone had been in contact with the State to see if it is still good. Mr. Boahn said "yes, we still have time to protect the permit." Mr. Boahn said in summary, they are recommending a regional approach. Mr. Williams said he and Mr. Rivenbark were sitting on the Board when the land was purchased and that it was a good move. Mr. Williams said he is glad we are back on direction with CFPUA and asked what we need to do. Mr. Benton said we don't need to take any action today. He said staff and McKim & Creed will put together a strategy.

Mr. Tate thanked Scott Satterfield (who was in the audience) for his help with this project.

#### **CONSENT AGENDA**

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

2. Approval of Minutes for the Closed Session Meeting of April 6, 2009, and Regular & Closed Session Meeting of April 20, 2009.
3. Resolution Approving Tax Releases and Refunds.
4. Budget Ordinance Amendment to Accept Grant from the Bill and Melinda Gates Foundation (\$2,000) and Partial Match from the Friends of the Pender County Library (\$600): Totaling \$2,600.
5. Resolution Authorizing Purchase Order for Furniture and Painting of Former Topsail High School to become the New Topsail Middle School – Interior Systems, Inc. - \$153,275.56 and Nolan Painting Company, Inc. - \$98,500.
6. Resolution Authorizing Purchase Order for Furniture, Playground Equipment and Carpeting for the Former Topsail Middle School to become the new Topsail Elementary School: Interior Systems, Inc. - \$96,592.59, Playgrounds of the Carolinas- \$83,329.38, and Bender Burkot East Coast School Supply - \$3,749.29.

## RESOLUTIONS

7. **Resolution to Adopt Proclamation by the Pender County Board of Commissioners: National County Government Week: May 3 – 9, 2009.**

Administrative Assistant Melinda Knoerzer explained the proclamation to adopt May 3 – 9, 2009 as National County Government Week. She said that the National Association of Counties (NCACC) created National County Government Week in 1991 to raise public awareness and understanding about the roles and responsibilities of the nation's counties to meet the needs of the community; that there wasn't enough time for staff to put together a program this year, but will next year; and that the proclamation was recommended by Mr. Rivenbark, who is a member of the NCACC Board of Directors. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

8. **Resolution to Adopt Proclamation by the Pender County Board of Commissioners: Travel and Tourism Week in Pender County: May 9 – 17, 2009.**

Tourism Director Monique Baker explained the proclamation to adopt May 9 -17, 2009 as Travel and Tourism Week in Pender County. She explained the impact that Travel and Tourism has on the economy for the State of North Carolina and for Pender County and that the proclamation is in concurrence with the US Travel Association. She said in the future we will have county events that will show our support for travel, but first we have to address crucial components for the Tourism Department & the TDA. Ms. Baker presented to the Board Tourism's new logo & slogan – *Visit Pender and See Friendly Faces and Places*, the cover of new Visitors Guide and the homepage of the new website. Mr. Rivenbark said it is obvious Ms. Baker is doing a good job. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved. Ms. Baker introduced Ms. Cathy Cherry, Chairman of the Tourism Development Authority (TDA). Mr. Tate thanked Ms. Baker and Ms. Cherry for doing a good job with the TDA and Ms. Cherry thanked Board members and the County Manager for their support.

9. **Request to Transfer Bond Funds (\$240,731.98) from the Penderlea School Project to the Topsail School Project for US 17 Highway Access Improvements.**

David Smith, Director of Auxiliary Services for the Pender County Schools, explained that the School System is requesting to use bond funds from projects that have been completed at Penderlea School to pay for the access and road improvements required by the N.C. Department of Transportation at the new Topsail High School. He said the bond had passed and the Topsail School project was under construction before they knew the extent of improvements required by DOT, and said it was in the fall of 2008 before they learned the cost would be approximately \$1,000,000. Mr. Smith said that on all past bond projects, money save during construction was moved to other projects or used to buy furniture and other capital items, and that the projects identified by the Board of Education for the Penderlea School have been completed. Mr. Brown verified with Mr. Smith that this is money left over and nothing is left "hanging out there" at Penderlea School. Mr. Blanchard asked how old the school is and Mr. Smith said it is roughly 70 years old. He said it is on the 10-year plan to be replaced. Mr. Brown asked if the \$1 million is something that wasn't planned for. Mr. Smith said it is due to requirements imposed by the DOT that were unexpected; that the requirements exceed what has been required in the past; and that they have been unsuccessful in getting funds elsewhere. Mr. Tate said the Board of Education needs to lobby DOT for help. Mr. Blanchard said he is nervous about taking money from a building that old because he knows it needs some work. Mr. Rivenbark said he had been getting calls from teachers at Penderlea School upset about moving the money from their school, and Mr. Tate said he had been getting calls also. Mr. Tate asked about electronic chalk boards and asked if Penderlea School only has one. Superintendent Sholar said that may be true; she said electronic components were just coming in within the last year and that technological improvements are planned for all schools. Mr. Williams said that the Board of Commissioners shouldn't be micromanaging the Board of Education; that they did what they said they were going to do before the bond; and that they didn't "pull the rug from under anyone." Mr. Brown said if all projects are satisfied they don't have any other choice but to use the money, but the problem is the perception of what citizens see. Mr. Tate suggested the Board of Education have a public information

session with teachers to inform them of what is going on. Mr. Smith noted the former Superintendent moved funds to other schools. Mr. Rivenbark said they need to let people in that area know what is going on and said he didn't know about the 10-year plan. Mr. Tate said they should lobby for public funds and get DOT to help with funding. Mr. Smith noted there is \$300,000 left in West Pender funds that they anticipate requesting to be moved as well. Mr. Brown said bond funding cannot be used for anything other than construction and the problems noted at Penderlea would still be there. Mr. Williams said bond money is used only for bricks, mortar, etc. Mr. Brown asked what kind of timeline are we looking at and Mr. Smith said we currently have a purchase order open for \$89,000. Mr. Blanchard made a motion to allow Mr. Tate to work with School Board Chairman Tom Roper and Ms. Sholar to try to identify alternative funding, and if they can't identify alternative funding, to revisit this item at the next meeting. Mr. Rivenbark seconded the motion and it was approved by a 3-to-2 vote, with Mr. Brown and Mr. Williams voting in opposition.

**10. Resolution Approving Professional Services Contract and Purchase Order for Pender County Water Treatment Plant Environmental Assessment Update.**

Mr. Mack explained that the County is currently in the development stage to construct a water treatment facility to provide a safe and dependable source of drinking water for County residents; that a review of current and future water demands has prompted the County to consider increasing the capacity of the facility from 2 MGD to 6 MGD; that an Environmental Assessment (EA) for the proposed 2 MGD water treatment facility and high-service transmission main was conducted and a Finding of No Significant Impact (FONSI) was obtained in February 2008 by McKim & Creed; that in order to increase the capacity to 6 MGD, the EA document must be updated to reflect the larger facility, service area, and water demands; that the contract fee is an amount not-to-exceed \$15,250; and that funds for the contract and fees are available in the Water Treatment Plant Project Fund and may be reimbursable by USDA-RD if the project is approved for 6 MGD. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

**11. Resolution to Amend Animal Control Ordinance.**

Health Director Dr. Griffith said the Animal Control Ordinance and associated fees had all been discussed before, so he didn't go into any further explanation. Mr. Blanchard said, speaking for himself, fifty years ago Duplin County had imposed a dog tax and it was the most hated tax in the county. He said we should make rabies shots more available everywhere in the County and keep the fees reasonable; that he is "scared to death" about the licensing thing; and that we should take the money out of taxpayers. Dr. Griffith said if the County supports Animal Control we wouldn't have to charge fees and said the Health Board had a hard time making these decisions. Mr. Brown said he thought there were going to be public hearings before we vote on this and Mr. Tate agreed. Dr. Griffith said people can come to the Board of Health meeting and make comments but it would still have to come back before the Board of Commissioners. Mr. Williams said a pet license is more a municipal issue than a county issue and said instead of charging fees, penalties for violations should be charged. Dr. Griffith said they are trying to eliminate the existence of puppy mills and asked for financial support for the program. Mr. Brown asked if charging fees reduces the number of folks that are not responsible for their animals. Mr. Williams suggested putting the item on as a public hearing. Mr. Blanchard said it should be held at the 7:00 p.m. meeting. Mr. Williams made a motion to hold a public hearing on the Animal Control Ordinance at the May 18<sup>th</sup> meeting at 7:00 p.m., Mr. Brown seconded the motion and it was unanimously approved.

**12. Resolution Approving the Annual Plan and Funding Recommendations of the Juvenile Crime Prevention Council (JCPC) for FY 2009-2010.**

Planner II Dee Turner explained the following: The JCPC is a state mandated county board tasked with overseeing the distribution of state funds for programs serving youth who are currently in the juvenile justice system or are at-risk of entering it; the Department of Juvenile Justice and Delinquency Prevention has projected that the Pender County JCPC will receive \$119,569 in funding for FY 09-10; in order to receive these funds, the JCPC must complete an Annual Plan; the major component of this plan is doing an assessment summary of the risks, needs and available resources for the youth of Pender County; as a

result of these assessment summaries, funding priorities were established for needed programs and a request for proposals was advertised for programs that could meet identified needs; and based on proposals received the Pender County JCPC recommends that the following programs receive funding: Skills for Success - \$9,132, Juvenile Restitution/Community Service - \$22,938, Teen Court - \$13,633, JCPC Administration - \$15,500, Psychological Services - \$40,000, and Unallocated - \$18,366. Ms. Turner said she is glad for the unallocated amount in case the State doesn't fund as much as they said. Mr. Brown asked if the list comes up to the \$119,569 and Ms. Turner said "yes." Mr. Brown made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**13. Resolution Authorizing a Purchase Order to Miracle Recreation Equipment Company for Playground Equipment: Pender Memorial Park Expansion: \$55,000.**

Ms. Turner explained the following: The equipment is the same as that at Hampstead Kiwanis Park; prior to installing the equipment at Hampstead, a sub-committee did extensive research on the various playground equipment and companies; Miracle playground equipment was unanimously the choice by the sub-committee; since installing the equipment in 2006, they have had no problems, defects, etc. with the equipment; the playground equipment and border timbers are on sale; and this sale includes free freight on the playground equipment, plus a free bench. Mr. Tate said he had visited the park recently and was very pleased. He thanked Ms. Turner for her work with our parks. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

**14. Resolution for Purchase Order to Smith Turf and Irrigation Company for Turf Maintenance Sprayer: \$10,500.**

Ms. Turner explained the following: it is necessary to apply chemicals (fertilizer, herbicides, pesticides, etc.) to turf to achieve and maintain optimal turf; the turf on the athletic fields at Hampstead Kiwanis Park Phase I and being sprigged in Hampstead Kiwanis Park Phase II and Pender Memorial Park Expansion are a hybrid Bermuda specifically designed for athletic fields and will require a year round maintenance schedule; upon purchasing of the sprayer, a turf maintenance schedule will also be developed for the common areas within both parks and other County grounds such as the Courthouse Square; this will help control weeds; the sprayer is just coming off a lease; and they had checked with other companies and this sprayer was the best. Mr. Williams asked if this is a Toro and Ms. Turner responded "yes." Mr. Brown asked what a new one would cost and Ms. Turner said at least double this amount. Mr. Blanchard asked if we would have a certified sprayer. Ms. Turner said she has a license and the grounds workers can spray under her supervision. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Tate thanked Ms. Turner for her work on this project.

**15. Resolution Authorizing Acquisition of Properties for Maple Hill Water and Sewer District and Amending the Project Ordinance.**

Mr. Benton explained the following: In 2006 the Board initiated a project to establish a public sewer system in Maple Hill; the project cost is estimated at \$4.2 million; the project requires the acquisition of suitable land for a spray irrigation field; after an extensive search by project engineers within the project area, uplands land suitable for the spray irrigation field has been identified and negotiations have been underway to secure the properties; there is a 135 acre tract (from The Nature Conservancy) composed of wet lowlands, with a purchase price of \$175,00, and a 60 acre tract (from a private citizen) which is largely uplands and contains soils suitable for the spray irrigation field, with a purchase price of \$60,00 plus an exchange of the 135 acre tract; and a project ordinance amendment is necessary to reflect the cost of the acquisitions, as the original project ordinance adopted in January, 2007 (\$82,500 purchase price) and both expected revenues and expenditures have changes since that time. Mr. Blanchard made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

## **APPOINTMENTS**

### **16. Resolution Approving Appointment to the Tourism Development Authority (TDA) and Appointment of Chris May to the Military Growth Task Force.**

Mr. Brown noted that after much advertising and word of mouth, there was no interest from Rocky Point residents to represent District 3 on the TDA. He said the applicant, Ms. Tina Sikes, lives in District 5 but she is capable of serving in this position. Mr. Brown made a motion to approve the appointment of Ms. Sikes to serve a three-year term on the TDA representing District 3, with term to expire August 31, 2012. Mr. Rivenbark seconded the motion and it was unanimously approved.

Mr. Williams explained that due to a new job, Mr. Tom Roper has resigned from the Military Growth Task Force and he is recommending Mr. Chris May of the Cape Fear Council of Governments (COG) be appointed to replace him. Other Board members generally agreed that Mr. May would be a good replacement. Mr. Williams made a motion to appoint Mr. May to the Military Growth Task Force, Mr. Rivenbark seconded the motion and it was unanimously approved. There was no term set.

### **17. ITEMS FROM THE COUNTY MANAGER**

There were no items from the County Manager.

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

The County Attorney was not present.

### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Williams said the Pecan Grove Homeowners Association had filed a suit to block the sale of the proposed water access property at the end of Lewis Road. He said that the lawsuit stems from a dispute between the Homeowners Association and its Developer, David Greer, over a promised deep water private access located adjacent to Pecan Grove, who also owns the seven acres of land the state is trying to purchase for the boat access; that when he found out they had filed a lawsuit, it felt like a "punch to the gut"; that he thought things were being done in good faith and then in the eleventh hour they filed the lawsuit; that he has talked to people in Pecan Grove and not all are in agreement with the lawsuit; that there are about 160 stakeholders in the development and some are putting their personal interests ahead of over 50,000 people in the County; that he feels they are trying to blackmail the County and State to get a permit to dredge an area that may never get dredged because it contains eel grass; that it was his understanding that the State had tried to buy the property except for their easement where the parking places would be; and that he hopes we get a judge who will throw the case out. Mr. Brown asked what the deadline is on the money we have now and Mr. Benton said the grant's deadline for use of the money is June 30<sup>th</sup>. Mr. Benton said State Property Manager John Barbour and the grant agencies really want this ramp in Pender County, and said we have several other options. Mr. Brown asked the size of the easement they have and Mr. Benton responded 17 parking spaces or about 7,000 sq. ft. Mr. Brown said Mr. Williams had worked very hard on this project. Mr. Tate agreed with Mr. Brown that Mr. Williams had worked hard on the project and thanked Mr. Williams for his leadership in the project.

Mr. Rivenbark spoke about the bill in the Legislature regarding the State stopping paying tax rebates to hospitals. He said New Hanover Regional will be hit hard if their tax exemptions are taken away and said whatever affects New Hanover, would affect Pender Memorial too. Mr. Tate said the Manager had drafted a letter to send to Senator Soles in support of New Hanover Regional and said Pender Memorial and New Hanover Regional would be holding a meeting tomorrow.

### **PUBLIC COMMENT**

Mr. Bill Morrison of the Topsail Beach spoke on behalf of the Topsail Island Shoreline Protection Commission. He said North Carolina Department of Environment and Natural Resources' (NCDENR) had been working for the last eighteen months to develop what is known as North Carolina Beach and Inlet Management Plan (BIMP) to obtain coastal data relative to the beaches. He said they are doing a regional impact study that will benefit the three towns on Topsail Island. Mr. Morrison invited the Board

to a meeting of the Topsail Island Shoreline Protection Commission to be held on May 12<sup>th</sup> at the Surf City Welcome and Visitors' Center. Mr. Tate said we need to go and show our support.

Mr. Jimbo Robbins of Penderlea spoke against transferring money from Penderlea School to the Topsail High School DOT project. He said the people in the area voted for the bond and it is not right that years later \$240,000 would be taken away from the 71 year old school. He said they could find something else to do with the money besides just "bricks and mortar." Mr. Robbins encouraged the Board to let the money remain at Penderlea School.

Mr. Robbins invited the Board and audience to Penderlea Homestead Museum Day on June 13<sup>th</sup> from 11:00 a.m. to 3:00 p.m., and thanked the Board for their support.

Mr. Tate acknowledged Mr. Robbins' invitation and also thanked Mr. Benton for his leadership as we celebrate County Government Week.

**RECESS**

The Board recessed for lunch at 12:00 noon and reconvened for a Budget Work Session at 1:00 p.m.

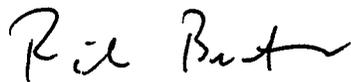
Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Rick Benton, Clerk to the Board