

JULY 7, 2008

The Board of Commissioners met in a regular session on Monday, July 7, 2008 at 10:00 a.m., in the Pender County Commissioners meeting room, 805 S. Walker Street, Burgaw, NC 28425.

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

OTHERS PRESENT: Paul Parker, Interim County Manager; Trey Thurman, County Manager; Melinda Knoerzer, Deputy Clerk to the Board; other staff and members of the public and Press.

Chairman Williams called meeting to order at 10:00 a.m.

Commissioner Tate gave the invocation.

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

There was a brief presentation by Ken Jones of the Maple Hill Fire Department on the acquisition of a new pumper truck and financing package to incorporate their existing debt into one payment of \$12,301 per year. This will be a USDA loan at 4.5% for 20 years.

CONSENT AGENDA

Chairman Williams presented the Consent Agenda and asked for any questions or discussion. He stated that item # 2C has been revised to reflect an expenditure of \$50,000 and not \$130,000. Commissioners and press were provided with revised copies of the corrected resolution. Upon the motion of Mr. Rivenbark and second by Mr. Brown, the Board unanimously approved the consent agenda as follows:

1. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.
- 2a. Resolution Authorizing the Issuance of a Purchase Order to Dell, Inc. for Eight Laptops: \$10,000.64.
- 2b. Resolution Authorizing a Purchase Order to Southern Health Partners, Inc. for Medical Expenses for the Jail: \$130,000.
- 2c. Resolution Authorizing Issuance of a Purchase Order to North Carolina Department of Corrections for Medical Expenses for Inmates in Safekeeping: \$50,000.
- 2d. Resolution Authorizing Purchase Orders for Food and Provisions for Nichols Foods (\$75,000), NC Correction Enterprises (\$15,000), US Foods (\$15,000) and Merita Bakeries (\$7,000).
- 2e. Resolution Approving a Contract Amendment with the North Carolina Department of Health and Human Services, Division of Social Services, to Extend the Child Support Enforcement Agreement through June 30, 2009

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- 3a. Resolution to Approve Health Department Medical Professional Liability Renewal Premium for Fiscal Year 2008-2009: \$9,857.08.
- 3b. Resolution to Approve Health Department Radiology and Mammography Services Contracts for Fiscal Year 2008-2009: \$18,500.
- 3c. Resolution to Approve Health Department After Hours Services and Flu Vaccine Purchase for Fiscal Year 2008-2009: \$25,500.
- 3d. Resolution to Approve Health Department Specialized Laboratory Testing for Fiscal Year 2008-2009: \$36,900.
- 3e. Resolution to Approve Health Department Animal Control Services Contract for Fiscal Year 2008-2009: \$70,000.
- 3f. Resolution to Approve Health Department Dental Supply/ Equipment and Waste Removal Contracts for Fiscal Year 2008-2009: \$90,000.
- 3g. Resolution to Approve Health Department School Nurse Initiative Agreement for Fiscal Year 2008-2009: \$100,000.
- 3h. Resolution to Approve Health Department Consultant Services Contract for Fiscal Year 2008-2009: \$130,322.
- 3i. Resolution to Approve Health Department Pediatric Services Contract for Fiscal Year 2008-2009: \$199,944.
- 3j. Resolution to Approve Health Department Dental Services Contracts for Fiscal Year 2008-2009: \$528,564.
- 4. Resolution to Approve Floor Maintenance Contract and P.O. Execution to Scott's Floor Shine: \$19,572.
- 5. Resolution in Support of Pender County Christian Services.
- 6. Approval of the Home and Community Care Block Grant for Older Adults Agreement for the Provision of County-Based Services for FY 2008-2009.

MAPLE HILL

Chairman Williams convened a meeting of the Maple Hill Water & Sewer District Board of Directors.

- 7. Resolution Authorizing a Purchase Order to Utility Service Co., Inc. for Annual Maintenance of Water Storage Tank for Maple Hill Water District: \$8,895.**

Utilities Director, Michael Mack presented this item and said that this is for the annual contract for elevated storage tank maintenance. Upon the motion of Mr. Blanchard and second by Mr. Rivenbark, the Board unanimously approved item #7.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT

Chairman Williams convened a meeting of the Rocky Point Topsail Water and Sewer District. Mr. Mack presented the following items and received approvals as follows:

- 8a. Resolution Authorizing a Purchase Order to Engineered Fluid, Inc. for Technical Support of and Maintenance of the Water System's Scada System: \$15,000.**

Motion by Mr. Blanchard, second by Mr. Brown, unanimous approval.

- 8b. Resolution Authorizing a Purchase Order to Environmental Chemists (Envirochem) for Testing and Sampling: \$20,000.**

Motion by Mr. Rivenbark, second by Brown, unanimous approval.

8c. Resolution Authorizing a Purchase Order to HD Waterworks for Water Service Installation Supplies: \$70,000.

Motion by Mr. Tate, second by Mr. Brown, unanimous approval.

8d. Resolution Authorizing a Purchase Order to Utility Service Co., Inc. for Annual Maintenance of Three Elevated Water Tanks and One Ground Storage Tank: \$38,863.25.

Motion by Mr. Blanchard, second by Mr. Brown, unanimous approval.

8e. Resolution Authorizing a Purchase Order to Iris Redifer for Reading Meters: \$40,000.

Motion by Mr. Brown, second by Mr. Rivenbark, unanimous approval.

8f. Resolution Authorizing a Purchase Order to T&D Quality Utilities for Water Service Installations: \$110,000.

Motion by Mr. Rivenbark, second by Mr. Brown, unanimous approval.

9. Resolution Authorizing Approval to Reclassify Appraiser I Position to Tax Analyst.

Tax Assessor, Coby Heath said this follows up on priorities outlined at the retreat. He said they have a fourth (4th) appraiser position that has not been filled and they would like to change that to a Tax Analyst. He said this person would support software functions in that office and maintain the tax database. He said they send 50,000 tax bills per year each containing some 300 fields of information – equating to the potential for 15 million errors. He said that Keystone (Tax office software vendor) claims Pender County is the only county that does not have such a position. He recommended approval. Upon the motion of Mr. Tate and second by Mr. Brown, the Board unanimously approved item #9.

10. Resolution Authorizing the Re-Allocation of Position Approved in 08-09 Budget.

DSS Director, Dr. Reta Shiver said that when the budget was approved, it contained \$84,129 for the hiring of a DSS attorney. She said that position is now a contract position. She said that instead, they need to hire two (2) new caseworkers. Upon the motion of Mr. Rivenbark, and second by Mr. Tate, the Board unanimously approved item #10.

11. Resolution Authorizing Consent of Contract Assignment: City of Wilmington Water & Sewer Conveyance of Agreements to the Cape Fear Public Utility Authority.

Mr. Mack said now that the City of Wilmington and New Hanover County have consolidated into the Cape Fear Public Utilities Authority, our agreements with the City of Wilmington need to be assigned to the new entity (New Hanover County agreements were previously assigned). Upon the motion of Mr. Tate and second by Mr. Blanchard, the Board unanimously approved item #11.

12. Resolution Authorizing Eight Year Extension of Existing Waste Industries Contract (To June 20, 2018) and Approving Purchase Order for FY08/09: \$3,755,437.

Mr. Mack said that this is for management of Pender County's Solid Waste. He said that in 2005, the county contracted with Waste Industries for this service, the costs of which would be annually adjusted according to the Transportation segment of the Consumer Price Index. He said that due to the increases in fuel costs, Waste Industries is contractually entitled to receive a 9.35% increase this year. In addition, he noted that minimum wages will be increasing again in the next fiscal year. Finally, the state legislature has enacted a \$2 per ton Solid Waste Tax, and while a bill is currently pending to suspend the implementation until January 2009, it will certainly impact the County this year. He said that after negotiations with Waste Industries, they agreed to rebate some incremental costs for hauling and disposal and to tie the future increases to the Utilities transportation segment of the Transportation Price Index (which increases moderately in comparison with the index currently being used). In return for these considerations, Waste Industries wants an additional eight (8) years extension in the contract, to the year 2018. They will guarantee the County space in their landfill if we execute this extension, which allows them to better plan for their future landfill space. He said this has the potential to save \$1.3 million over the next eight (8) years. He said the County has prepared for this cost by increasing the tipping fee from \$64 to \$70, the user/recycling fees to \$149 and \$74 respectively. He recommended approval of this resolution which also includes approval of the purchase order for this fiscal year. Mr. Blanchard said he had asked the County Manager to retain a contract attorney to review this contract. Mr. Parker indicated that he has only had Mr. Thurman, the County Attorney, review this document. Mr. Blanchard asked if he wouldn't want another attorney to review this document. Mr. Thurman explained that it is not a new contract, rather an "extension" of an existing contract. Mr. Blanchard said he wanted a second opinion due to the length of time and the costs involved with the contract. Mr. Brown asked Mr. Thurman if he felt he needed outside help on this contract. Mr. Thurman said that although another set of eyes never hurts, he is fully capable of reading this contract. Mr. Mack noted that this is Pender County's 20th year of doing business with Waste Industries. Mr. Brown made a motion to approve the resolution, which died for lack of a second. It was noted that the current contract would still stand and is in effect until 2010. The Board did separate the resolution and vote to approve the purchase order portion. Mr. Brown made a motion to approve the PO for FY 08/09 and Mr. Tate seconded the motion. A brief discussion ensued during which Mr. Tate requested feasibility studies to be conducted to determine if these sites are in the best locations. He noted that he is not advocating for any site to be moved. The vote on the underlying motion was unanimous to approve the purchase order.

Mr. Thurman agreed to consult with others on the County Attorney Listserv regarding this contract.

13. Resolution Approving Execution of Leases and Authorizing Purchase Orders for Convenience Center Leases: \$10,500.

Mr. Mack presented this item which is the annual renewal of the county's convenience center leases. Upon the motion of Mr. Rivenbark and second by Mr. Blanchard, the Board unanimously approved item #13.

14. Resolution Approving Legal Advertising Contracts with the Pender Post and Topsail Voice and Authorizing Purchase Orders: \$8,320 and \$7,000 Respectively.

Ms. Knoerzer presented this item and said this service was bid last year but not this year. She said that each newspaper agreed to hold their pricing for the upcoming fiscal year. Upon the motion of Mr. Blanchard and second by Mr. Tate, the Board unanimously approved item #14.

15. Resolution to Approve Health Department Fee Schedule for Fiscal Year 2008-2009.

Health Director, Dr. Jack Griffith presented this item and highlighted the changes in the fee schedule. He noted that they now charge a \$25 re-inspection fee in situations where they conduct the first inspection but the lot was not properly prepared. He said they give each applicant extensive preparation but in many cases they have to make subsequent visits to complete the evaluation. He said they are now also responsible for public swimming pool reviews. He said temporary food establishments such as hot dog stands at festivals now require a permit with a \$50 fee. He noted that Pender County has had no problems with food borne illnesses. Upon the motion of Mr. Tate and second by Mr. Blanchard, the Board voted unanimously to approve item #15 as presented.

16. Resolution Approving NC DOT Secondary Road Right of Way Agreement: North Chubb Road Re-Alignment.

Mr. Parker said that NC Department of Transportation now wishes to completely realign the intersection of Highway 117 and North Chubb Road. He said McKim & Creed advises that the town of Burgaw can still build a lift station on what is left. Mr. Brown asked if this would affect any personal property and Mr. Parker said none other than those DOT has already dealt with. Mr. Thurman said this is a right of way agreement and the County retains ownership. Upon the motion of Mr. Brown and second by Mr. Rivenbark, the Board unanimously approved item #16.

17. Resolution Authorizing a Contract with and Purchase Order to Southern Engineering for Design and Permitting of Snag and Drag Project for The Black River: \$12,450.

Mr. Parker said that Commissioner Tate has obtained a \$100,000 grant from the state for a project to conduct snagging and dragging of the Black River. He said it is necessary to hire an engineer to design the project and plans and specifications and see it through to permitting. He said that Southern Engineering can do all of this for \$12,450, which would come from Stormwater Capital Improvement Plan funds, thereby leaving the entire \$100,000 to complete the project. Upon the motion of Mr. Tate and second by Mr. Blanchard, the Board unanimously approved item #17.

DISCUSSIONS

18. Further Discussion of Capacity Fees.

Mr. Mack reiterated what had been discussed at the June 16th meeting at which the Board announced they might be favorably disposed to temporarily suspend collection of the "Impact Fees" currently being charged for individual residential connections only. He reviewed the history of these fees initially enacted in 2005 and explained that they are used to offset the amount of funding needed for future construction. If the Board is inclined to approve a suspension of the collection of these fees, he recommended that it be done as follows:

- Only applies to individuals who are on existing water lines today
- Not applicable to developer installed water mains
- All applicants pay current \$850 tap fee and \$25 inspection fee
- Effective tomorrow (July 8 through August 1, 2008)
- All applicants are required to connect their home within 60 days (regardless of actual use, they will be billed \$25 per month availability fee)

Mr. Williams asked about folks who already signed up and paid the fees. Mr. Mack confirmed that this was a total of six (6) individuals. Mr. Thurman suggested that the Board take separate votes on these as two (2) separate matters.

Chairman Williams convened the Board of Directors of the Rocky Point Topsail Water and Sewer District. Mr. Brown made a motion to suspend collection of the capacity/impact fees for water as outlined above. Mr. Tate seconded the motion and it carried by unanimous vote. Mr. Blanchard then made a motion to refund the capacity/impact fees already paid by the individuals. The motion was seconded by Mr. Brown and carried by unanimous vote.

19. Proposal to Establish Planning Board Committees.

Planning Director Patrick Davenport presented this request for concurrence in establishing two (2) committees to assist in the preparation of the Unified Development Ordinance (UDO) and a County-wide Comprehensive Land Use Plan (CLUP). He said that the Wooten Company, the paid consultant, has recommended the formation of these two committees who would report directly to the Planning Board. Mr. Davenport also requested that the Board allow the Planning Board's discretion in selecting these committee members so that they may balance concerns regarding representation of various interests and districts. He said he is working with Mr. Thurman to finalize the professional services agreement with the Wooten Company, who will head this effort.

Mr. Brown asked if this is like a technical review committee? Mr. Davenport said "no, a TRC would involve department heads and agencies involved in the development process, whereas these committees would support the Planning Board and the Wooten Company in their efforts to devise these two (2) important county plans." Mr. Tate said he believes it would be important to have representation from each commissioner district. Mr. Davenport said it is also important to have agricultural, legal, environmental preservation, and developer interests represented.

Mr. Davenport said they have separate application forms for people who are interested to fill out. He said they would invite interest, and then the Planning Board would review the applications. He asked for approval to proceed with promoting and implementing these committees. The Board consensus was affirmative for them to proceed.

APPOINTMENTS

20. Resolution Approving Appointments to The Pender County Fire Commission.

Mr. Rivenbark stated that each of these folks are chosen by their Fire Department. Mr. Brown confirmed that this will not remove anyone who wishes to serve. Upon the motion of Mr. Rivenbark and second by Mr. Blanchard, the Board unanimously approved these appointments.

21. ITEMS FROM THE COUNTY MANAGER/ COUNTY ATTORNEY/COUNTY COMMISSIONERS

Mr. Thurman said he has items for closed session.

Mr. Brown said that on May 29th he attended a meeting in New Hanover County with the Nuclear Regulatory Commission regarding General Electrics' planned Uranium Enrichment Program.

Mr. Williams commented that, with regard to our pending contract with Waste Industries, there is a moratorium currently enacted by the NC Legislature on construction of new landfills. He said that we are currently negotiating with the person who "owns" the landfill, which gives them the upper hand. He said he believes the moratorium is short-sighted.

Mr. Tate publicly thanked Dee Turner for all her efforts in getting the Willard walking trail accomplished. He said he attended a July 4th grand opening with the Willard Outreach group and this was very well received. He said he was the keynote speaker at the C.F. Pope Annual reunion, which he said was very well attended and covered in the press.

Mr. Tate said he had been successful in arranging a meeting with the NC DOT to discuss the closing of medians in lieu of the I-40 breakaway barriers and the concerns posed by Emergency Management. He stated that meeting had been set for July 21st, which was then determined to be a regular BOCC meeting date. He said he was hopeful this could be moved to the 28th.

Mr. Rivenbark thanked staff for purchasing a hat rack for the meeting room.

PUBLIC COMMENT

No one came forward for public comment.

CLOSED SESSION

At 11:12 a.m., Commissioner Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11 (3) (5) (6). This motion was seconded by Mr. Blanchard and carried by unanimous vote of the Board.

OPEN SESSION

At 12:20 Mr. Rivenbark made a motion to come out of closed session, which was seconded by Mr. Blanchard and approved unanimously.

ANNOUNCEMENTS

Mr. Williams announced that County staff is negotiating space for rent in the Hampstead area to potentially move the Hampstead offices. In addition, he said this move is in conjunction with possible assistance to the location of the Topsail Humane Society.

Respectfully Submitted,



Melinda Knoerzer, Deputy Clerk to the Board

Reviewed By,



Glenda Pridgen, Deputy Clerk to the Board