

MONDAY, JULY 21, 2008

The Pender County Board of Commissioners met in regular session on Monday, July 21, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: Chairman Williams joined the meeting at 5:15 p.m.

Mr. Rivenbark made a motion to excuse Chairman Williams, Mr. Brown seconded the motion and it was unanimously approved.

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

CALL TO ORDER

Vice Chairman Tate called the meeting to order at 4:00 p.m. and welcomed all to the meeting.

INVOCATION

Commissioner Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Special Recognition for Outstanding Service to Mrs. Joyce A. Harrell for Years of Service to the Pender County Arts Council, Spring Fest, the Town of Burgaw, and Pender County.

Vice Chairman Tate thanked Ms. Harrell for all her years of service to the community and presented her with a certificate which read "Special Recognition for Outstanding Service is Awarded to Joyce A. Harrell for Achieving and Maintaining a High Standard of Excellence for her Years of Service to the Pender County Arts Council, Spring Fest, the Town of Burgaw and Pender County. Our Heart Felt Thanks and Appreciation for a Job Well Done." Ms. Harrell said it is the community standing behind you that makes these things possible; she added that this is a great community to live in.

2. Bond Order for Introduction: Bond Order Authorizing the Issuance of General Obligation Water Bonds of Columbia-Union Water & Sewer District in the Amount of \$50,000,000.

Utilities Director Michael Mack explained that in 2006, the voters of the Columbia-Union Water & Sewer District defeated the \$44,000,000 Bond Referenda that would have financed the construction of a "backbone" water distribution system. He said that due to requests from the District, the Board has instructed staff to take steps to place this bond referendum on the ballot for the November 4, 2008 election. Mr. Mack said that since the \$44,000,000 cost estimate was based on 2006 dollars, staff requested the Engineer to update the estimate; that McKim & Creed took into account a 7% annual increase in construction costs since 2006 and now estimates this figure to be closer to \$50,000,000; that on June 16, 2008 the Board approved a resolution stating intent to proceed with the general obligation water bond election for Columbia-Union Water and Sewer District in the maximum amount of \$50,000,000; and that the next required step in the process is to authorize the issuance of the bonds and to set a public hearing, which will be accomplished in an accompanying resolution. Mr. Parker added the water bond vote will only be on the ballot in the Columbia-Union Water District precincts and won't be on other ballots in the County. Mr. Tate asked about community meetings and Mr. Mack responded that # 3 on the agenda is setting a public hearing. Mr. Blanchard asked if the water would come from the Wallace plant or the new county water plant and Mr. Mack said he can't say which one at this time. It was suggested that the public hearings be held at Columbia precincts. Mr. Thurman added that

the bond approval does not mean the bonds are immediately issued. Mr. Rivenbark made a motion to approve the Bond Order, Mr. Blanchard seconded the motion and it was unanimously approved by a 4 to 0 vote.

CONSENT AGENDA

Vice Chairman Tate presented the seven 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 by a 4 to 0 vote to approve the Consent Agenda as follows:

3. Resolution Setting Public Hearing and Authorizing Filing of Debt Statement for the Columbia-Union Water and Sewer District.
4. Approval of Minutes for the June 16, 2008 Regular Board Meeting.
5. Resolution Authorizing Purchase Order to W.T. Cox Subscriptions for Annual Library Periodical Renewals: \$6,075.35.
6. Resolution to Authorize a Purchase Order to The Library Corporation in the Amount of \$11,990.16 for the Renewal of Software Support.
7. Resolution Approving the Payment of Membership Dues: Southeastern Economic Development Commission (SEDC): \$4,519 & North Carolina Association of County Commissioners (NCACC): \$7,224.
8. Renewal of Beaver Management Contracts.
9. Budget Ordinance Amendment Approving Day Care and Work First DOT Funds: \$288,431.

RESOLUTIONS

10. Resolution Approving Annual Settlement of the Pender County Tax Collector.

Mr. Parker explained that North Carolina General Statutes require that each County Tax Collector make an "annual Settlement," which indicates unpaid taxes for the current years, as well as prior years. Mr. Blanchard asked for further clarification and Mr. Rivenbark said it is closing out of last year's unpaid taxes. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4 to 0 vote.

11. Resolution Authorizing, Empowering, and Commanding the Tax Collector of Pender County to Collect Taxes.

Mr. Parker explained that once again this is an annual formality which is required at the beginning of each new fiscal year. He said that it is basically giving the Tax Collector authority to collect taxes, to levy on, and sell real or personal property set forth in the tax records filed in the Office of the Pender County Tax Collector. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4 to 0 vote.

12. Resolution to Solicit Bids for the 2011 Reappraisal.

Tax Assessor Coby Heath explained that North Carolina General Statutes require that a county-wide reappraisal be completed every eight years; that the last revaluation was completed for January 1, 2003 and the next revaluation is required by January 1, 2011; that he is recommending that the 2011 revaluation be contracted out to a qualified vendor; that the advantages of contracting the reappraisal far exceed the advantages of an in-house revaluation; that he is recommending that a Request for Proposal (RFP) be offered to qualified vendors and bid proposals be solicited immediately to complete the reappraisal in a timely manner; and that there are eight qualified contractors certified by the State of North Carolina that can do the reappraisal. Mr. Heath gave a Power Point presentation which included goals and the advantages of in-house versus contracting out the services. Mr. Tate asked if basically, Mr. Heath is only asking for approval of RFP's today and Mr. Heath responded affirmatively. Mr. Rivenbark said past sitting boards had talked about contracting revaluation out several times over the years but they never did. He added that this is the first time a board has had a good explanation why it's better to contract it out. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4 to 0 vote.

13. Resolution Approving Renovations to Admin Building at 805 S. Walker St., Burgaw: Design Fee Proposal for Renovations: \$15,950; HVAC Modifications: \$14,925.

Mr. Parker explained that part of the Open Space Development Plan is renovations to the building to make it more efficient for the employees and more customer-friendly; that the IT Department office space had been done in-house and the rest of the renovations will require a contractor; that the proposed layout of the building has been reviewed several times by departments in the building; that a finished floor plan had gone to the architect for design; that this is budgeted in the CIP; and that this resolution is to award design of the building to Warren Wilson, Architect. IT Director Eric Harvey added that the main hall in the building is being designed to serve the public in a manner they need; that some of the space will consist of a conference room and storage for files; that the IT Department had been moved to the back of the building; and that they had a study done and the current HVAC equipment is outdated. Mr. Tate thanked Mr. Harvey for taking a lead in this project. Mr. Tate asked about the central receptionist and who would be in that position. A discussion ensued and it was noted that the position had been cut from the budget as of the present time, but it would eventually be filled. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4 to 0 vote.

14. Resolution Approving Design Fee Proposal for Phase I Renovations to the Pender County Courthouse: \$44,275.

Mr. Parker explained that this item is also budgeted in the CIP and has been budgeted for years; that Courthouse improvements started in 2005 with a new roof and waterproofing the outside of the building; that since that time a Courthouse Renovation Committee had been meeting on a regular basis to plan improvements to the building; that one of the results of this committee is to do a Phase I construction which will consist of security improvements and enhanced functionality of the Courthouse; and that this resolution is for the design of these improvements. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4 to 0 vote.

15. Resolution Approving Agreement for Professional Services Between the Wooten Company and Pender County.

Planning Director Patrick Davenport explained that the Board of Commissioners previously authorized Planning staff to negotiate an agreement for services with the Wooten Company regarding two projects known as the Comprehensive Land Use Plan and the Unified Development Ordinance. He said that the Unified Development Ordinance is a combination of the Zoning and Subdivision Ordinances; that staff and the County Attorney reviewed the contract and came to a satisfactory agreement with the Wooten Company on the terms of the contract; and that the total estimated budget for the project is approximately \$222,000. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4 to 0 vote.

16. Reconsideration of Resolution Authorizing Eight Year Extension of Existing Waste Industries Contract (To June 20, 2018).

Mr. Mack distributed a new amendment which he said came in from Waste Industries after the agenda packets had gone out. He said the new amendment includes Section 12, which is only "legalese." Mr. Mack said that former Interim County Manager Al Greene had negotiated this amendment with Waste Industries; that the amendment includes a reduction of \$1.00 per ton on all MSW from the Transfer Station at Hampstead, effective July 1, 2008 prior to CPI increase; that Waste Industries will rebate \$2.00 per ton on all C&D and MSW waste after the CPI increase; that Waste Industries will absorb \$.50 per ton Administrative Fee for the reporting of tonnage to the State of North Carolina; that the trash tax will apply with the State's activation of the tax and Waste Industries agrees to handle all reporting requirements with the NC Department of Revenue in conjunction with the remittance of this tax; that there will be an overall cost savings to the County of \$1.3 Million over the next eight years; and that extension of the contract helps Waste Industries target landfill expansion according to their customer base. Mr. Mack said this is a "win win" situation. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4 to 0 vote.

17. Resolution Authorizing a Purchase Order to Tim's Heating & Air conditioning, Inc. to Replace One 5-Ton Trane Split Heat Pump at the Pender County Library: \$8,924.

Public Buildings Supervisor Jimmy Fields explained that numerous repairs had been made to the existing unit; that it was manufactured in 1991; and that after evaluation, it was determined that the unit needs replacement due to mechanical problems with a compressor. Mr. Parker added that funds are budgeted each year in the CIP for air conditioning repairs because we anticipate problems each year; that this is an emergency Purchase Order; and that due to emergency repairs, bids were not obtained. Mr. Blanchard clarified that by this being under state contract, we are "free" from sending out for bids. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4 to 0 vote.

18. Resolution Authorizing a Purchase Order to Fairway Ford for Vehicle Purchases: \$224,863.

Mr. Parker explained that a total of 14 replacement vehicles are needed; that replacement vehicles are budgeted in the CIP each year and approximately one half goes to the Sheriff Department; and that the vehicle for Public Works will be used to haul street signs and generators. Administrative Assistant Pat Simmons added that these vehicles are all bought through state contract. There was some discussion concerning sales of county surplus vehicles. Mr. Harvey said they are in the process of evaluating sales through Govdeals.com. Mr. Blanchard said local citizenry should be able to vote on the surplus equipment. Mr. Rivenbark said he knows the need for the vehicles is there, but he is concerned that the public will complain about us purchasing 14 new vehicles at one time. It was noted that not all the vehicles are new. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4 to 0 vote.

19. Resolution to Approve Contract Service Renewals for the Information Technology Services Department for Fiscal Year 2008-2009: \$115,259.

Mr. Harvey explained that this is the annual renewal for standard IT contracts. Mr. Tate thanked Mr. Harvey for the update to the County web site. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4 to 0 vote.

20. Resolution to Approve Capital Outlay for Information Technology for Fiscal Year 2008-2009: \$142,785.

Mr. Harvey explained that each new fiscal year the IT Department evaluates the computer inventory to determine what they need to replace or purchase new equipment. He said this year's Capital Outlay includes a combination of 21 laptops, PCs and servers from the computer replacement schedule; a new Document Management System which will allow us to go paperless (filing); 4 switches to accommodate DSS, Health, IT and the Library; 2 server racks; 1 GPS Trimble Unit for GIS; MS Exchange – a new e-mail system which is "cream of the crop"; and NetMotion – used in the field and in patrol cars. Mr. Thurman added that the new e-mail system will update the County to State's standards. Mr. Brown asked about Board meetings being aired live and Mr. Harvey responded that they are working toward it. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4 to 0 vote.

APPOINTMENTS

21. Resolution Approving Appointment/Re-Appointment of Citizens to Various Boards/Committees/ Commissions.

Ms. Pridgen explained with respect to the ABC Board applicant, that the position is for District 4 and the applicant lives in District 2. Mr. Rivenbark said we have appointed people before who were from a different district. Mr. Rivenbark made a motion to approve appointment of Mr. Henry A. Jordan, Jr. to the ABC Board representing District 4, with term to expire June 30, 2011. Mr. Blanchard seconded the motion and it was unanimously approved by a 4 to 0 vote. Ms. Pridgen explained that the term for the CJJP Board would be set by the CJJP Board; that this would be Ms. Meadows' second term if re-appointed to the Hospital Board; and that this would be Mr. Owens' first full-time term if appointed to the Hospital Board. Mr. Brown clarified with Ms. Pridgen that none of the appointments would be replacing a current board member. Mr. Blanchard made a motion to approve the following appointments, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4 to 0 vote: Mr. Thomas J. Bradshaw to the CJPP Board to serve a term to be set by the CJPP Board; Ms. Elizabeth Meadows to serve a three-year term on the Pender Memorial Hospital

Board, representing District 3, with term to expire July 25, 2011; and Mr. Al Owens to serve a three-year term on the Pender Memorial Hospital Board, representing District 5, with term to expire July 25, 2011.

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

Mr. Thurman said he would be in Court with the Donald Sullivan case on Monday July 28th and said he has an item for closed session.

Mr. Rivenbark said that with respect to code enforcement concerning abandoned vehicles and trailers, the County should seek help from legislation; that there will be a Commissioner School in January and he hopes all five Pender County Commissioners will attend; and that with respect to the voting delegate to NCACC Annual Conference, he had already been appointed but another person should be appointed. It was decided that since the Chairman wasn't present at this time, this item would be discussed at the next meeting.

Mr. Tate had the following items: A meeting with NC DOT at the Penderlea Fire Department on Monday, July 28, 2008, concerning close-off of emergency traffic turnarounds on I-40; a meeting at Penderlea Middle School Auditorium on Thursday, July 31, 2008, with the Task Force on Drainage Problems; and he invited all to Moores Creek Baptist Church on Sunday, July 27, 2008, at which he would be speaker for their Men's Day Program.

PUBLIC COMMENT

There were no comments from the public.

CLOSED SESSION

At 5:15 p.m. Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (3) to consult an attorney employed or retained by the public body in order to preserve the attorney-client privilege; (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the (public body); (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; and (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session. Mr. Blanchard seconded the motion and the Board unanimously approved going into Closed Session by a 4 to 0 vote.

Chairman Williams arrived as the closed session was beginning.

Mr. Rivenbark made a motion to come out of closed session, Mr. Tate seconded the motion and it was unanimously approved. Upon exiting the closed session, Chairman Williams announced that the Board had discussed leasing office space on the eastern side of the County but said the County is still in negotiations and will announce the status later. Mr. Williams also said they had discussed hiring a permanent County Manager and would know something pretty soon. Mr. Tate said he was prepared to vote on appointment of a permanent County Manager tonight.

PUBLIC HEARINGS: RESOLUTION/SPECIAL USE PERMIT REQUESTS

23. Second Public Hearing to Receive Public Comment on the County's Intention to Apply for Fiscal Year 2008 Community Development Block Grant Scattered Site Program Funding under Title I of the Housing and Community Development Act.

The public hearing opened at 7:03 p.m. Mr. Reed Whitesell of Holland Consulting Planners, Inc. explained that five households had been chosen for relocation/rehabilitation for the Fiscal Year 2008 Community

Development Block Grant Scattered Site Program and that the application would go in on July 29, 2008. Mr. Whitesell distributed a list of the chosen households and the three alternate households and an information statement. There were no sign-ups and no one asked to speak. The public hearing closed at 7:05 p.m. Mr. Rivenbark made a motion to approve submittal of the application, Mr. Tate seconded the motion and it was unanimously approved.

24. Public Hearing & Resolution Authorizing Fiscal year 2008-2009 Rural Operating Assistance Program Grant Application: \$172,993.

Ms. Judy Cromer of Pender Adult Services (PAS) explained that each year, PAS applies for and manages the Rural Operating Assistance Program which provides the funding for Pender County's transportation program. She said this year's application provides for three levels of funding, the latter of which was added last year: The EDTAP component is \$80,411 and provides Elderly and Disabled Transportation Assistance; the Employment Transportation Assistance Program (EMP) component is \$12,074 and provides transportation to work for folks who are in transitional work situations; and the Rural General Public (RGP) component is \$80,508 and, requires a 10% local match which PAS will generate by collecting a fee of \$3 one-way per ride and by selling advertising on the vans. There were no sign-ups and no one asked to speak. The public hearing closed at 7:08 p.m. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

25. Public Hearing & Special Use Permit: Mihaly-Cirello, PLLC, Applicant: Request for Approval to Construct a Wastewater Treatment Plant, Located near the Corner of Peanut Road and Pansy Lane Hampstead, NC.

The public hearing opened at 7:08 p.m. Mr. Thurman swore in the witnesses. Planner Ken Vafier explained that the plant will provide wastewater service to Cypress Grove, which is an approved development of 54 townhomes on a 21.5 acre site; that the master plan for Cypress Grove was approved by the Pender County Planning board on November 8, 2006; that the preliminary plat for Phase I, comprised of 54 townhomes, was subsequently approved by the Planning Board on March 6, 2007; that the intent to serve the homes with the wastewater treatment plant was demonstrated at each hearing and the location and infrastructure of the plant was shown on each submitted project map; that the system has been permitted by the North Carolina Department of Environmental Health, On-Site Wastewater; and that the conditions on this project are the standard conditions. Mr. Mike Gallant, Project Engineer, said this is a subsurface disposal system and said the project was reviewed by the State Department of Environmental Health, Wastewater Section in Raleigh, NC. Mr. Williams said he wants to get on record that the Board of Commissioners does not have anything to do with the "scientific" end of the project. The public hearing closed at 7:16 p.m. Mr. Brown made a motion to approve the special use permit, Mr. Tate seconded the motion and it was unanimously approved.

26. Public Hearing & Special Use Permit: Mihaly-Cirello, PLLC, Applicant: Request for Approval for a Proposed Commercial Development Consisting of Various Uses, Located on the North Side of US Hwy 17, across from Whitebridge Road, Hampstead, NC.

The public hearing opened at 7:18 p.m. Mr. Thurman swore in the witnesses. Mr. Vafier explained that in October 2006 the applicant requested a rezoning of the property from RT, Rural Transition to B-2, Highway Business, but the request was denied by the Pender County Board of Commissioners on the basis that all proposed uses would be permitted via a special use permit; that a special use permit for this same proposal was approved by the Pender County Board of Commissioners on November 20, 2007, but due to market conditions and permitting requirements, the project was not initiated immediately and expired one year after the date of issuance; and that because no formal request for extension was made prior to the expiration date, the applicant must come before the board of Commissioners to request a new special use permit. Mr. Vafier said the only change from the original request is that with respect of Condition # G1, the term of the special use permit shall expire within 36 months, instead of 12 months. Mr. Gallant said the plan hasn't changed since they brought it the first time. Mr. Brown asked for clarification about the 36 months – he asked if it can be for 12 months and they can apply for extensions. Mr. Wright Holman, Developer, said this is basically an oversight on his part that the permit expired and that it is no way a reflection on Pender County staff. Mr. Brown asked if we had ever granted more than 12 months and Mr. Williams said he thought we did one time. Mr. Brown was concerned that if the allowed 36 months on this project, others would start asking for special consideration for

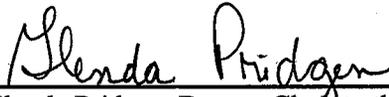
36 months. The public hearing closed at 7:28 p.m. Mr. Brown made a motion to approve the special use permit request, with the condition that Condition #G1 be changed to 12 months, and allowing for two 90-day extensions. Mr. Tate seconded the motion and it was unanimously approved.

At 7:30 p.m., Mr. Williams announced that a ten minute break would be taken while he made a phone call. The Board then entered into closed session again at 7:40 p.m. and came out at 8:00 p.m. Upon exiting the closed session, Mr. Williams announced that the Board had entered into a verbal agreement with Rick Benton from Roanoke Rapids to be the new Pender County Manager. Mr. Williams said Mr. Benton will begin on August 4, 2008 with a salary of \$115,000 and \$10,000 a year travel allowance. Mr. Tate made a motion to formally appoint Mr. Benton as permanent County Manager, Mr. Blanchard seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:05 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Melinda Knoerzer, Deputy Clerk to the Board

Review of Planning Items:



Ken Vafier, Senior Planner