

TUESDAY, SEPTEMBER 2, 2008 – 10:00 A.M.

The Pender County Board of Commissioners met in regular session on Tuesday, September 2, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: Vice Chairman Jimmy Tate.

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 Williams called the meeting to order at 10:00 a.m. and welcomed all to the meeting.

INVOCATION

Commissioner Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

EXCUSE OF COMMISSIONER

Mr. Williams announced that due to some unforeseen family matters, Mr. Tate would not be at the meeting. Mr. Rivenbark made a motion to excuse Mr. Tate, Mr. Brown seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

Emergency Management Director Eddie King gave an update on Hurricane Hanna. Mr. King gave a PowerPoint presentation provided by Steve Pfaff of the National Hurricane Center in Wilmington, NC. He noted that this update was done at 5:00 a.m. – the forecasts change every six hours and the next one would be at 11:00 a.m. The highlights included: Hanna is a Category 1 Hurricane; currently, there are no watches or warning in this area; it could possibly be on the Georgia Coast later in the week and Pender County could be affected; the latest forecast track slipped up Central South Carolina Coast from Georgia; Hurricane Center doesn't really have true consensus model yet; North Carolina could be in the 10-15% range within five days; there are already rip currents and high waves; it's too early to look at specific rainfall amounts, beach erosion, etc. it's a situation that has to be watched day-by-day; and that Pender County is making preparations – today the generators are being tested and the EOC room is being set up.

CONSENT AGENDA

Chairman Williams presented the nine 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. Brown seconded the motion and the Board voted unanimously, by a 4-0 vote, to approve the Consent Agenda as follows:

1. Approval of Minutes for the Regular Meeting of August 18, 2008.
2. Resolution Authorizing a Purchase Order to United Rentals to Purchase a Used 2001 Model Komatsu Forklift: \$11,200.
3. Budget Ordinance Amendment to Approve Increase in Health Department Revenues & Expenditure for Fiscal Year 2008-2009: Childhood Lead Poisoning Prevention: \$500.
4. Budget Ordinance to Approve Decrease in Health Department Revenues & Expenditures for Fiscal Year 2008-2009: School Nurse Initiative Funds: \$100,000.
5. Budget Ordinance Amendment – Fire Departments Tax Revenue: FY 2007-08: \$87,122.91 Increase.
6. Resolution to Declare Vehicles and Equipment as Surplus for the Purpose of Disposal.
7. Resolution Accepting Petition to Add Worth Beverage Drive in Burgaw to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
8. Proclamation by the Pender County Board of Commissioners: Fall Litter Sweep: September 20 – October 4, 2008.

9. Resolution Authorizing a Lease Agreement with Dept. of Correction for the Probation and Parole Office, 312 W. Williams St. Burgaw, NC.

RESOLUTIONS

10. Resolution Approving Increase in Funding for the Criminal Justice Partnership Program and Authorizing Expenditure of the \$2,125 Increase.

Administrative Assistant Melinda Knoerzer explained that since the Division of Community Corrections requires contract execution before the State Budget is adopted, funding is based on the current year's funding and once the State Budget is adopted, each county's share is adjusted up or down accordingly for the next fiscal year; that this year, Pender County was granted a \$2,125 increase in funding; and that at the CJPP's Board meeting in June, they decided to utilize the additional funding to implement Anger Management sessions and to increase treatment time for sexual abuse offenders. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

11. Resolution Authorizing Purchase Orders to Capital Ford-Raleigh, Capital Ford-Wilmington, North Carolina Highway Patrol, East Coast Emergency Lights, Padgett Installation, and Motorola, Inc., for the Purchase and Equipping of Law Enforcement Vehicles: \$263,767.

Sheriff Carson Smith explained that each year a number of vehicles are replaced out of the county fleet, including the Sheriff's Office, from the Vehicle Replacement Fund; that this year their office will purchase fourteen vehicles, new and used, to replace both aging vehicles with very high mileage and to increase the size of the fleet due to the addition of personnel in the Sheriff's Office; that the vehicles also have to be equipped and they will work with several different vendors to obtain the best prices for the vehicles and the equipment; that the equipment includes emergency lighting, radio consoles, sirens/speakers, and radios; that in some cases, equipment will be reused off of the vehicles that are to be replaced; and that the funds are already budgeted. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

12. Approval for County Staff to Perform Building Inspections for the Town of Atkinson.

Planning Director Patrick Davenport explained that due to the Town's current inspector leaving, the Town sent a letter to the County requesting the County Commissioners to allow County Permit Technicians and Inspectors to perform building permit intakes, issue building permits and conduct inspections for the Town. He said that the Town will be responsible for providing an approved zoning permit to be attached to all building permit applications; that the Town did not specify a duration for the requested service but the inspections and permitting staff will be able to handle the increased workload for the foreseeable future; and that the Town's current inspector will complete all active projects and County staff will take over on new projects. Mr. Rivenbark asked if there would be any problems with an "open ended" contract or should they look at it on a year-to-year basis. Mr. Thurman said that he, the Planning Director and County Manager had discussed all the details and they decided that it will be best to let staff perform the services for the remainder of FY 08-09 and see how it works out, and then go to a year-to-year basis. Mr. Williams asked about fees and how they will be collected and Mr. Davenport said the County will collect the fees and they will go into the County's system. He added that the County will not be doing any zoning permits. Mr. Rivenbark made a motion to approve the resolution, on the condition that the services will be provided for the remainder of the current fiscal year and it won't be an "open ended" contract, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

13. Resolution Approving and Authorizing Execution of Lease Agreement for Property Located at 18676 Highway 17, Hampstead, NC.

Mr. Benton distributed a draft lease agreement and explained that the County had been negotiating a lease arrangement for this project over the past several months to provide space for Hampstead Annex services, including Planning, Building Inspections and Health services. Mr. Williams said that basically, the real lease is on its way to the County and that if we vote today to get this out of the way, it will be a step in the right direction. Mr. Blanchard made a motion to approve the proposed lease agreement, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

14. Resolution to Authorize the Pender County Manager to Negotiate a Contract with Assessment Solutions, Inc. for the 2011 Revaluation in an Amount Not-to-Exceed \$15.00 Per Parcel.

Tax Assessor Coby Heath explained that Assessment Solutions, Inc. is a local company, originally from Bladen County. Mr. Blanchard asked if this is the same company that performed Duplin County's revaluation and the response was "no." Mr. Heath gave a PowerPoint presentation which included spreadsheets showing evaluations of all the submitted proposals in the different categories, and explained the remarks describing the different categories. Mr. Heath said the

most important issues to consider in choosing a company to do the revaluation are quality, value and confidence. Mr. Heath's summary in choosing Assessment Solutions were: lowest bid, highest quality of appraisal, local company, computer savvy, they offer training for County staff, and there is a pinch for time. Mr. Rivenbark was concerned about the possibility of increased taxes – he said we're trying to hold down tax rates, that if there is an increase we have to look at employee salaries, that we don't want to scare people, and that he's concerned about what affect tax increases would have on the elderly. Mr. Heath said some people's tax rates will be higher and some lower after the revaluation. Mr. Williams said that's what people look at – when you say taxes might go up; he said he had been getting lots of questions after a particular statement was made that taxes might go up. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

DISCUSSIONS

15. Findings of Fact for Special Use Permit # 08-08-18, Wastewater Treatment Plant, Stroud Engineering, P.A., Applicant, on Behalf of Shaw Holding Group, L.L.C., Owner. The Request was Denied Unanimously August 18, 2008.

Mr. Thurman said that due to technical difficulty, he would like to continue this item to the next meeting. Mr. Williams asked what will be expected of the Board and Mr. Thurman said the Board needs to discuss the findings and approve them. Mr. Blanchard made a motion to table the item, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

16. Update on Utilities Projects.

Utilities Director Michael Mack gave a PowerPoint presentation entitled "Public Utilities Department Project Update." The presentation included: The current number of water and sewer customers in the Maple Hill WSD & Rocky Point/Topsail WSD; Water and Sewer Projects – Water Treatment Plant, Regional Sewer Plant, Highway 117 Sewer (Mr. Mack noted that Burgaw is proceeding with wastewater system improvements at an estimated total of \$12.3 and Pender County's portion at \$3 million), Maple Hill Sewer (he noted that suitable land for drip or spray irrigation has been difficult to find), Rocky Point/Topsail WSD, Rocky Point/Topsail – Interim Water Supply, Rocky Point/Topsail Sewer, and Scott's Hill WSD-Water Distribution. The complete presentation is on file with the permanent records in the County Manager's Office.

Mr. Brennan Buckley, P.E. of Camp, Dresser & McKee (CDM) distributed a September 2008 update entitled "Pender County 2 MGD Water Treatment Plant and Force Main - Proposed Final Design and Permitting Schedule" and explained the dates/proposed dates for Notice to Proceed, Treatment Alternatives Study, Preliminary Design Phase, Final Design, Permitting, Contractor Pre-Qualification, Bidding, Notice of Award, Construction Notice to Proceed and Substantial Completion. This update is also on file with the permanent records in the County Manager's Office. Mr. Mack noted that the plant location will be within the County Industrial Park; that he and others had visited another water treatment plant project designed by CDM and were pleased with the facility; and that they want to put a plan together for concurrent design and bid-alternate for a 4 MGD plant. This will be brought back to the Board at a future meeting, but Mr. Mack stated that he wished to have the Board's concurrence to investigate it. Mr. Rivenbark asked where the access road will be and Mr. Mack said NC DOT would likely require an alignment with the existing Cowpen Landing/Highway 421 intersection, and that there will be a traffic light for the main entrance into the Industrial Park. A separate service road will access the water treatment plant. Mr. Rivenbark said he is disappointed by the fact that completion reaches out to 2011 and Mr. Buckley said they will look at that and try to come up with something better. Mr. Williams added "the sooner the better." Mr. Rivenbark asked how we are coming on dealing with the financial shortfall and are there more meters coming on. Mr. Mack responded "yes, we are a little ahead of the ballgame." Mr. Rivenbark said looking ahead to starting the new budget process in January-February, where will we be on customers and Mr. Mack responded that we appear on track with his projections.

Mr. Blanchard asked if our water lines on Highway 210 will run parallel with Surf City's and Mr. Mack said ours will be on the opposite side of Surf City's. Mr. Thurman said USDA requires us to put the line in so it can loop with our other existing water lines. Mr. Williams added that it's a part of USDA Projects requirements and "we have to play by their rules." Mr. Mack said the Highway 210 portion of the project was included in the USDA funding and the County must ensure that its customers have adequate pressure and water quality. Mr. Mack discussed the possibility of getting more water capacity from the Town of Wallace, Surf City and Cape Fear Public Utilities Authority (CFPUA), and said he needs the Board's permission to pursue these options. The Board generally agreed that this approach is okay. Mr. Mack said CFPUA asked that we give them time to "get on their feet." Mr. Williams said CFPUA will also be a customer of ours when we get the water plant up. Mr. Brown asked where Surf City gets its water and Mr. Mack said the source is

groundwater from various wells. Mr. Williams said he's glad to get an update on all the water and sewer projects and they as a Board, as well as the public, would like to get updates periodically.

17. Discussion of School Resource Officer Placement in the Schools.

Sheriff Smith said that four School Resource Officer (SRO) positions were approved in the budget this year to allow for SRO coverage in the Middle Schools; that that senior sheriff's office staff and senior school staff have requested that one of the new SRO's be assigned to Pender Success Academy (PSA); that both agencies believe the likelihood an SRO will be needed more at PSA than some of the middle schools; that this would require one of the new SRO's work two middle schools; that since this year's funding was for middle school SRO's, the Sheriff is requesting approval from the County Commissioners to make this change; and that he would recommend sharing an SRO between Penderlea Elementary/Middle and West Pender Middle School because they are the two middle schools that have the least problems. Mr. Blanchard asked how many officers are being hired through the previously presented Gang Resistance Unit Grant and Sheriff Smith said three. Mr. Brown said he didn't think the gang officers were SRO's and Sheriff Smith verified that they are not. Sheriff Smith said that in looking at the resources the Sheriff's Office have, they want to do the best they can and they will take what they have in this budget and do the best they can. The Board generally agreed with this approach to allow one of the SRO's to go to PSA.

APPOINTMENTS

18. Resolution Approving Appointment of citizen to the Pender County Nursing/Adult Home Care Advisory Board.

Mr. Williams introduced the resolution. Mr. Brown asked if this is replacing anyone and Ms. Pridgen responded "no." Mr. Rivenbark made a motion to appoint Harry L. Brown, Jr. to serve a one-year term on the Pender County Nursing/Adult Home Card Advisory Board representing a public member position, Mr. Blanchard seconded the motion and it was unanimously approved.

19. ITEMS FROM THE COUNTY MANAGER

Mr. Benton presented the following items which were included in the agenda packages:

1a. US Highway 17 Overlay District.

Mr. Benton said noted a written report had been prepared by Penny Tysinger, the Project Coordinator for Cape Fear Council of Governments and was attached. Mr. Williams asked if all the folks involved with the Highway 17 Overlay Committee know what they need to do now and Mr. Benton responded "yes."

1b. US 421 Industrial Park Property.

Mr. Benton said County staff and WID staff are moving forward with the site certification process and asked for the Board's concurrence for moving forward.

1c. Code Enforcement Policy.

Mr. Davenport was concerned about whether code enforcement should become proactive or continue only investigating cases that had been reported. Mr. Rivenbark asked if they had hired the part-time person the Board authorized and Mr. Davenport responded affirmatively. Mr. Brown said he had supported hiring an additional full-time person and that he was under the impression that code enforcement would remain reactionary. He said he wasn't aware that we had moved to proactive and said he wants us to remain reactionary. Code Enforcement Officer Ralph Kays said that when the additional position was given in May, he was under the impression that the Board said we could go proactive. He said they've had seven proactive cases since May that they came across during the course of investigating reported violations. He stressed the importance of "consistency" and said they cannot ignore one violation simply because it was not reported, while concurrently pursuing compliance on the same or similar "reported" violation. Mr. Kays gave some statistics on the number of cases they were handling. Mr. Brown said he doesn't see the need to get aggressive at this point, that things are going good right now and we should leave things as they are.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he would have a discussion of a potential litigation matter for Closed Session, citing Item #3 of G.S. 143-318.11.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said at the 101st Annual NCACC Conference, he was appointed as District Director of District 4 on the Board of Directors. District 4 includes Pender, Brunswick, Columbus and New Hanover Counties.

Mr. Williams said freeing up the old Annex space should help the Topsail Humane Society, that we need to figure out what to do about a long-term solution for the Hampstead Library and office space; and that we are still in negotiations with the Hampstead Kiwanis Park for land for office space.

Mr. Blanchard said he wants to clear up with Mr. Brown concerning an article in a past newspaper which said Mr. Blanchard won't talk to Mr. Brown. Mr. Blanchard asked Mr. Brown if he was misquoted. Mr. Brown said he and Mr. Blanchard do talk to each other but they don't really hear each other." Mr. Blanchard asked why Mr. Brown talks to the newspaper instead of him. He said if he needs to apologize for anything he will; Mr. Brown said "no apology is needed."

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

At 11:39 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. Blanchard seconded the motion and the Board unanimously approved going into Closed Session.

At the end of the Closed Session, Mr. Rivenbark announced that he wanted to go back into Closed Session to discuss a personnel issue, citing Item No. (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. The Board came out of closed session at 11:50 a.m. and immediately went back in.

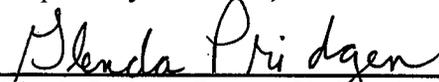
The Board came out of closed session at 12:00 p.m.; there were no announcements upon exiting.

With respect to Wilmington Industrial Development trying to set up a meeting with the Commissioners and Del Labs officials, Board members agreed on October 20, 2008 at 10:30 a.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:41 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board