

**MONDAY, SEPTEMBER 15, 2008**

The Pender County Board of Commissioners met in regular session on Monday, September 15, 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 David Williams.

**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**

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.

**EXCUSE OF COMMISSIONER**

Vice Chairman Tate announced that due to a previous commitment, Chairman Williams would not be at the meeting. Mr. Rivenbark made a motion to excuse Mr. Williams from the meeting, Mr. Brown seconded the motion and it was unanimously approved.

**PUBLIC INFORMATION**

**1. Presentation by Mr. Joe Ramirez of USMCB Camp Lejeune: Grow the Force Initiative.**

Mr. Ramirez said he is the liaison for the Marine Corp Bases being affected by the additional growth: Camp Lejeune, New River and Cherry Point. He said the Military Growth Task Force was formed to study the impact on infrastructure and community issues for the counties/municipalities that are affected, and each county/municipality involved has members on the Military Growth Task Force, including Pender County. Mr. Ramirez's summary included: by September 2009 all 11,500 additional marines may be in place; 5,000 are already here; the marines are arriving faster than anticipated; most of the growth is due to more recruitment, which in turn creates more enlistments; there will be a total of approximately 20,000 people added to the area, including the marines' dependents; the budget has increased from \$182,000 to \$202,000; they have set aside \$330,000 for interim housing; the funds are coming from the Department of Defense to support all the new marines coming in; they have completed a traffic study and are proposing to put in a new access gate; the new growth is predominantly at Camp Lejeune; and the USMCB Grow the Force Initiative's sole purpose is to work with planners to identify deficiencies in infrastructure and other areas. Mr. Blanchard asked how many of the new soldiers coming in are enlisted and how many are officers and Mr. Ramirez said approximately 70% are enlisted and 30% are officers. Mr. Rivenbark asked if there would be increased traffic and Mr. Ramirez responded "yes, we already see more traffic." Mr. Ramirez said the Additional Base Entry Project calls for an access point that would begin in the vicinity of the unutilized gate at Bell Fork Road, and this will help the traffic problem. Mr. Tate thanked Mr. Ramirez for working with the Pender County Planning Board in this matter.

**2. Presentation by the Pender County Board of Education Regarding the 2008 School Enrollment Long Range Plan.**

School Board Chairman Tom Roper, School Superintendent Allison Sholar and other School staff were present. Mr. Roper presented the Board with a report entitled *Pender County Public Schools – School Enrollment Long Range Plan*; the entire report is on file with the public records in the County Manager’s Office. Mr. Roper said the report is a 20 year plan and is designed to provide information from multiple state, national and county sources to determine general population growth and local student enrollment growth, and said a major component in the report is annual tracking of growth data which allows the report to be updated, verified and modified as necessary. Areas of research of the report include population trends, development trends, water and sewer infrastructure, school enrollment and school facility needs. Mr. Roper’s summary included: Population Trends – in the year 2000, there were 41,082 people and 16,054 households in the county and by 2006, the population had grown to 48,630, which represented an 18.4% increase in six years; Change Can Affect Long-Range Plans, e.g., Governor Mike Easley’s mandatory initiative to reduce class sizes in the primary grades, and the state provided no funding to build additional classrooms; Trends and Status – Pender County is the sixth fastest growing county in North Carolina for the 1990-2000 period, and the 2000 population is expected to grow to 52,858 by 2010; Constraints on Growth/Water and Sewer Infrastructure – the primary constraint on growth is the presence of large wetland and conservation areas in addition to the absence of water and sewer services in large areas of the county; Current and Anticipated Residential Development – According to the Pender County Planning Department there are 14,568 planned housing units that have approval to begin development (not all will come to fruition but the Schools will still be affected if only a few come); and School Enrollment – The housing growth information indicates that Pender County could double in population by 2028, which would be nearly 50,000 housing units. The report showed charts with statistics to support 5-year growth patterns in all levels of schools; Mr. Roper said the statistics are all Pender County folks because they have a moratorium on all out-of-county transfers. Mr. Roper said that in the next twenty years Pender may have to spend approximately \$189 million to build new schools; that one of the most anticipated areas of growth for the school system is the Surf City area; that we have grown this year by more than 278 kids or 4.1 percent; and he presented a list of schools that would need to be renovated and/or new schools over the next five, ten and twenty years. There was discussion of Pender Early College and the School Board having to pay \$1 million to help build the roads for the new Topsail High School. Mr. Tate said this has been a real meaningful document and commended the School Board on it. A citizen asked how much Pender receives from the lottery and Mr. McCole said \$350,000 a year, but this is not a consistent figure.

**CONSENT AGENDA**

Vice Chairman Tate presented the two items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Blanchard 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:

3. Approval of Minutes: August 18, 2008 Closed Session & September 2, 2008 Regular & Closed Session Board Meetings.
4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.

**DISCUSSIONS**

**5. Presentation of the Pender County Classification and Compensation Study by Springsted, Incorporated.** Mr. Benton introduced Mr. John Anzivino, Senior Vice President of Springsted, who said Springsted is a national company. Mr. Anzivino said that their objective was to determine if Pender County’s pay system was adequate, needed to be updated or needed a complete overhaul, and they decided that the system needed an overhaul. He said that they met with department heads and employees to discuss their position duties; that they were sure to tell employees to keep ideals realistic and let them know there is not necessarily big pay increases in the wind; that they used data gathered in Pender County and compared it to like duties in twelve other counties and municipalities, including Brunswick, Carteret, Columbus, Cumberland, Duplin, New Hanover, Onslow and Sampson Counties, the cities of Jacksonville and Wilmington, and the Pender County School System; that it was determined that 210 positions of 314 in the county are below the minimum requirements for salary; that there are internal inadequacies because some departments are finding it hard to recruit and retain employees; that they reviewed and adopted administrative guidelines for implementation and maintenance; that the pay plan should be updated on an annual basis; that the county needs an in-house Human Resources Director position; and that job evaluations should be based on a

Systematic Analysis and Factor Evaluation (SAFE), in which you look at the job, not the people in the job. Mr. Anzivino gave six options to deal with the problem, all ranging in price from a little over \$574,000 to over \$1.6 million; they recommended Option 5, which if implemented on October 1, will cost a little over \$743,000. This option would bring the employees who are underpaid up to their proper pay grade by giving them a one percent increase for every two years of service to the county in that position and would equal to an 8.81 percent increase to the county payroll. Mr. Anzivino noted that with respect to fringe benefits, almost all of Pender's are consistent with the market study. Mr. Tate asked if they created new job descriptions and Mr. Anzivino said they created some that the positions are now vacant. Mr. Brown said the \$743,000 would only be for the remainder of this fiscal year and next year it would be more because it would encompass the entire year. Mr. Brown said he would like to look at this further before making a decision. Mr. Tate said the amount is under the more than \$800,000 the county had budgeted to spend on pay increases, but said the Board needs time to review the document. He said he would like to see the issue come back before the Board at the first meeting in October. There was some discussion of implementing a merit pay system and what is included in cost-of-living raises. An employee asked if gas prices are included in cost-of-living raises and Mr. Anzivino responded that cost-of-living raises include heating, gas, rent and a wide range of different factors.

**6. Findings of Fact for Special Use Permit # 0808-18, 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 asked that this item be delayed, at the applicant's request, and the Board agreed to delay it.

**7. Update on the Comprehensive Plan and UDO (Uniform Development Ordinance) Committees and Planning Workshop Announcement.**

Planning Director Patrick Davenport explained that the Planning Board appointed two groups of citizens to serve on two committees in support of the Comprehensive Plan and UDO projects. He also informed the Board of a two-day planning workshop on October 14 and 15, 2008, sponsored by the Wooten Company staff, to provide an educational session for the committee members, Planning Board and Commissioners in preparation for the two projects getting started, and then the Planning Board and Board of Commissioners could give their input on how to proceed. A list of the two committees, the by-laws, operating guidelines, and a draft agenda of the workshop were provided. Mr. Blanchard said he could count only one person on the committees west of US Highway 117. Mr. Davenport responded they had advertised the positions in the local papers and on the internet and that he had talked to some people that were located in the rural parts of the County, but they didn't show any interest. He said they will go to different communities and ask for citizen input. Mr. Rivenbark asked if they are limited to the number of applicants they have now and Mr. Davenport said they can add others if anyone else is interested. Mr. Brown asked about the fact that Erik Litvak is listed on both committees and Mr. Davenport said that is a misprint; Al Freimark's name should be on the Comprehensive Plans and Policies Committee instead of Mr. Litvak's. Mr. Tate said he is concerned about the expertise of the committee members, that 13 seems like a large number and that he is more concerned about having qualified people than having a certain number. Mr. Davenport said the Planning Board appointed all who had applied.

**8. Update on the Pender County Drainage Task Force.**

Mr. Parker said that at the June 2, 2008 meeting, the Board of Commissioners requested staff to form a task force to address drainage issues in the County; that a Scope of Work was developed and Southern Engineering was hired to conduct the study; that on July 31, 2008 a community meeting was held at the Penderlea School, primarily to introduce members of the committee; that a small Task Force meeting was held September 4, 2008; that they will address the future; and that tonight the Board would receive a brief outline of where the Task Force is at this time and where they're headed. Mr. Greg Thompson of Southern Engineering delivered a Power Point presentation. The presentation included a review of the July 31<sup>st</sup> Workshop: Introduction of the Task Force Members, with public members acting as contacts; Existing Regulatory Structure to Control - Water Quantity and Water Quality, with the US Army Corps of Engineers acting as Lead Agency; Areas of Public Concern; and Drainage Issues. Pictures of Sills Creek the Black River and scenes from Hurricane Floyd of 1999 were included in the presentation. Also included in the presentation were items from the September 4, 2008 Task Force Meeting: Review of the July 31<sup>st</sup> meeting; Legacy (current) Issues; Future Issues; Potential Solutions; Recommendations for Existing Drainage Problems; and Pending Task Force Meeting - review and discuss options to address future drainage issues. Mr. Tate said Mr. Parker spoke about

addressing the future but we have immediate needs; that the Task Force needs to categorize their plans by phases; and that in order to get grant funding, they need a document in place that the Board can show Legislators what will be done with the funds. Task Force member Mr. TK Kea said we need to put more emphasis on inmate labor versus using heavy equipment to help with drainage problems. Task Force member Reverend Newkirk thanked Mr. Tate and others for continuing to meet with them and said they need to organize a plan. He said this is the fourth meeting and they've done nothing but talk; now he wants to see something being done.

#### **APPOINTMENTS**

##### **9. Resolution Approving Appointment of Citizen to the Tourism Development Authority and/or the Pender County Nursing/Adult Home Care Advisory Board; & Appointment of Citizen to the Pender County Health Board.**

Ms. Pridgen explained that Mr. Bryan Stange is applying for the Tourism Development Authority and/or the Nursing/Adult Home Care Advisory Board. Mr. Blanchard asked if there are any minorities on the Tourism Board; no one knew and staff was instructed to find out the answer and bring back to the next meeting. Mr. Brown asked if the Health Board appointment is replacing anyone and Health Director Dr. Griffith came forth and said that by state law, when a representative of the general public is appointed due to the unavailability of a licensed physician, dentist, pharmacist, etc., that a public member shall serve only until a licensed physician, dentist, pharmacist, etc. becomes available for appointment. He said that Dr. Anthony Zambrowski has applied for the position of a licensed Dentist on the Health Board to replace Malcolm Lea, a public representative currently holding the position. Mr. Tate asked if Mr. Lea had been notified and Dr. Griffith responded they intend to do so. Mr. Rivenbark made a motion to appoint Mr. Stange to the Nursing/Adult Home Care Advisory Board to serve a one-year term, with term to expire June 30, 2009, and to re-advertise the Tourism Development Authority position. Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Rivenbark made a motion to approve Dr. Robert Zambrowski to serve a three-year term on the Pender County Health Board representing the Dentist position, with term to expire January 31, 2012. Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

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

There were no items from the County Manager.

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

Mr. Thurman said he would have items for Closed Session citing Items #3, 5 & 6 of G.S. 143-318.11.

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

Mr. Rivenbark said he would like to receive the exact figure the county receives from the Education Lottery.

Mr. Tate asked if we have a county-wide vehicle policy and Mr. Benton responded we have no written policy. Mr. Tate instructed staff to evaluate a vehicle policy and bring back to the next meeting. Mr. Tate asked how much does it cost in gas now for employees driving county vehicles home; staff is to provide the answer later.

##### **PUBLIC COMMENT**

Pender County Department of Social Services employee Cheryl Highsmith addressed the Board and said the county has treated her differently than whites in regards to annual leave time and longevity pay because she is black. Mr. Tate asked if Ms. Highsmith wants to discuss the matter in closed session and Ms. Highsmith said she wants to discuss it in the open. Ms. Highsmith said that the root of the problem has to do with an interpretation of the county employment policy that allows employees to accrue annual leave and longevity pay; that she was employed in Pender County from 1980 to 1988 when she took a position in New Hanover County; that she left Pender County because of the pay scale; that when she returned to Pender County in 1999 she was promised she would be reinstated not as a new employee, but at the same rate she left, allowing her to keep her accrued rate of annual leave and longevity pay; and that her supervisor, Dr. Reta Shiver, made the promise because there was no Pender County Manager at the time. Ms. Highsmith said employees are treated differently and asked Mr. Parker (who is white), who had recently returned to work for the County, if he was rehired as a new employee or was he given his longevity and annual leave. Mr. Parker said he was not hired back as a new employee, that he had an employee contract. Ms. Highsmith then said she had met

with Mr. Benton and Mr. Tate and that when she left that meeting, she felt that Mr. Benton was biased. The Board invited Ms. Highsmith to meet in closed session later in the meeting.

Chip Davis, Director of the Hampstead Pines Homeowners Association (HPHOA), addressed the Board concerning longstanding issues the HPOA has with respect to the bond for their wastewater treatment facility and the roads in the subdivision. Mr. Davis' concern was with the \$175,000 bond that the original developer had obtained and which is still in effect, but the developer is no longer involved and now the homeowners are paying fines out of their pockets. The Board directed Mr. Thurman to meet with Mr. Davis directly after the meeting.

#### **PUBLIC HEARINGS: RESOLUTIONS/ZONING MAP AMENDMENT**

##### **11. Public Hearing & Resolution Approving the N.C. Department of Transportation 2008-2009 Road Construction Program.**

The public hearing opened at 7:10 p.m. N.C. Department of Transportation staff Robert Vause, P.E., District Engineer, and Glenn Crews, Pender County Maintenance Engineer, were present. Mr. Vause said he extends Division Engineer Allen Pope's regrets for not being able to attend the meeting as planned, but Mr. Pope had a last minute conflict and said Mr. Pope asked him to express to the Board to give him a call if he can be of any assistance.

Mr. Crews came forward and read the letter dated August 28, 2008 from N.C. DOT regarding the Secondary Road Construction Plan. He said they anticipate having \$903,000 for Pender County for this upcoming construction season, available in highway fund (standard), trust fund (standard), and highway fund (paved road improvements). Mr. Crews read a list of roadways to be paved or improved. Mr. Tate asked if Bay Road and Willard Road in Willard can be addressed and Mr. Crews responded affirmatively. Mr. Brown asked about Joshua James Road and Mr. Crews said they're paving it up to the Onslow County line. The public hearing closed at 7:20 p.m. Upon the motion of Mr. Rivenbark and second by Mr. Blanchard, the 2008-2009 Secondary Road Construction Program was unanimously accepted as presented, by a 4-0 vote.

##### **12. Public Hearing & Zoning Map Amendment: Stephen Carpenter, H. Burkert & Co., Applicant: Request to Rezone 82.47 Acres from R20, Residential District, to PD, Planned Development District, Located on the Southeast Side of US Highway 17 between Topsail Greens Drive and Edens Lane, Hampstead.**

The public hearing opened at 7:20 p.m. Mr. Davenport showed slides of the property and explained that the rezoning request is consistent with the 2005 Land use Plan and the 2005 CAMA Land Use Plan; that the Planning Board voted unanimously to recommend approval of the request at their August 5, 2008 meeting; and that staff recommends approval of the request. It was noted that the applicant and owner were present to answer any questions. There was no public comment. The public hearing closed at 7:23 p.m. Mr. Blanchard made a motion to approve the rezoning request, Mr. Rivenbark seconded the motion and it was unanimously approved.

#### **CLOSED SESSION**

At 7:25 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; (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 4-0 vote. The Board came out of closed session at 8:30 p.m. Upon exiting the closed session, Mr. Thurman announced no decisions were made.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:30 p.m.

Respectfully Submitted

*Glenda Pridgen*

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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

*Rick Benton*

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Rick Benton, Clerk to the Board

Review of Planning Items:

*Richard J. Boyd*

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Planning Staff