

MONDAY, OCTOBER 20, 2008

The Pender County Board of Commissioners met in regular session on Monday, October 20, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: None.

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 4:00 p.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Norma Troutman, Pender County Humane Society: Recognition of Darlene Clewis, Pender County Animal Control Officer, for her Services in Rescuing Animals.**

Ms. Gloria Johnson of the Humane Society read a plaque and presented it to Ms. Clewis on behalf of all the animal rescues she had made. She said Ms. Clewis goes beyond her job to save animals and that she makes a tremendous difference. Ms. Troutman commended Ms. Clewis and said she is a great lady. Mr. Williams also thanked Ms. Clewis.

Mr. Williams announced that the County had received a \$1.4 million grant from the Clean Water Management Trust Fund for the Maple Hill Sewer Project. Mr. Bryant Shephard of Maple Hill gave a history of the project. He said he and his wife, Nina Baccanari of the North Carolina Rural Communities Assistance Program and other citizens got together and started planning for this project in 2003 or earlier. Mr. Rivenbark said all good things come to those who wait. Mr. Williams said he thanks the Nature Conservancy, the Clean Water Management Trust Fund, the Rural Center, Congress and all agencies involved in the project. Mr. Brown thanked staff for their help on the project.

CONSENT AGENDA

Chairman Williams presented the five items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Rivenbark made a motion to approve the Consent Agenda as presented, Mr. Blanchard seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

2. Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: \$4,494.
3. Resolution Authorizing the Issuance of a Purchase Order to Security Plus Electrical to Install and Run Electrical and Network Cabling to Allow County Staff Access to County Systems (Phone/Data) at the New Hampstead Annex Location: \$8,800.
4. Resolution Approving a Purchase Order to Netmotion for Software for Mobile Project: \$17,437.50.
5. Resolution Authorizing Purchase Order to Lawmen's Supply of Raleigh, NC for the Purchase of Twenty Tasers: \$18,255.90.

6. Resolution Accepting Petition to Add Azalea Drive, Blue Bird Lane and Mullberry Circle in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.

RESOLUTIONS

7. **Resolution to Adopt the 2010-2011 Work First Plan.**

DSS Director Dr. Reta Shiver explained that the Work First Plan is a requirement of the State for all counties; that on August 18, 2008 the Board of Commissioners unanimously approved Pender County to remain a Standard county for the Work First Program, which means that the Department of Social Services is the lead agency with DSS Board oversight; that their goal is to take people off welfare and put them to work; that in July 1995 Pender County had 611 families in its Work First (AFDC) caseload and as of July 2006, the number of Work First families had decreased to 258, a reduction of more than 78.2%; and that as of August 2008, 218 families are receiving Work First benefits in Pender County representing an overall reduction of more than 70%. Dr. Shiver thanked Utilities Director Michael Mack for his contribution to the 2010-2011 Work First Plan. Mr. Blanchard made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

8. **Resolution Approving the Pender County 20-Year Capital Improvement Plan for Water and Sewer Infrastructure.**

Mr. Mack explained that Pender County received a Capacity Building Grant several years ago from the Rural Center in the amount of \$40,000, in part to prepare a preliminary engineering report and capital improvements plan related to the U.S. Highway 421 Industrial Park; that the initial project budget was amended to include a water/sewer engineering alternatives analysis for a thirty-year term; that the total project budget was \$212,396.50, which includes the Rural Center grant; that as a condition of the grant, Pender County was required to prepare and adopt a twenty year Capital Improvements Plan for water/sewer infrastructure; that the final grant report had been prepared and submitted to the Rural Center; and that a copy of this adopted Capital Improvements Plan will be forwarded immediately after adoption. Mr. Mack also delivered a Power Point presentation summarizing the plan. The presentation included What is a CIP, Why Long-Term Plan, primary goals, steps in the CIP process, what a CIP is not, a Pender County population profile and economic profile and general information. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

9. **Resolution Approving the Pender County Identity Theft Prevention Policy and Program.**

Mr. Mack explained that in September 2008, local and county governments in North Carolina were informed by the League of Municipalities (NCLM) and North Carolina Association of County Commissioners (NCACC) of a new Federal Trade Commission (FTC) requirement concerning the adoption of identity theft prevention programs by all forms of local government that have utility accounts. He said these entities must have written procedures/programs in place by November 1, 2008 that help protect consumers' identity and fight theft of customer account information and that the programs must identify, detect and respond to possible signals of identity theft known as "Red Flags." Mr. Mack said their investigation of the FTC law leads them to believe that other departments of Pender County Government may also trigger the "Red Flags Rules." Mr. Mack delivered a Power Point presentation which included What is Identity Theft, purpose of the program, definitions, Privacy Committee and program administration, detection and identification of red flags, preventing and mitigation identity theft, program updates, staff training and reports, service provider arrangements, and specific program elements and confidentiality. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

10. **Resolution to Grant the Pender County Board of Equalization and Review Authority to Hear Appeals for Exemptions and Exclusions after Formal Adjournment.**

Tax Assessor Coby Heath explained that General Statutes state that the denial of an application for exemption or exclusion may be appealed to the Board of Equalization and Review or the Board of County Commissioners; that currently, the Pender County Board of Equalization and Review only hears tax exemption and exclusion appeals before their real property adjournment in May; that afterwards, only the Board of Commissioners may hear these appeals; and that if this authority is granted, it would permit the Board of Equalization and Review to hear all tax exemption and exclusion appeals both before and after the real property adjournment. Mr. Rivenbark instructed Mr. Heath to study the effectiveness of this action for one year and bring back a report to the Board. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

11. **Resolution Authorizing a Construction Contract and Purchase Order to Insight Builders, Inc. in the Amount of \$229,254.**

Mr. Parker explained that as part of the FY 08-09 Capital Improvement Program, the Board authorized design of renovations to the DSS Building (vacant space from relocation of the Jail kitchen) and renovations to Building 805 for efficiency and more customer-friendly use; that the design was completed for both projects and reviewed by staff; that the two designs were combined to obtain a better bid and a cost savings; that informal bids packages were sent to eight bidders and a pre-bid conference was held; that bids were opened on October 14th with six bidders submitting; that the Architect did a bid tabulation and certified the low bidder to be Insight Builders, Inc.; and that he and the Architect did due diligence on Insight and found them to be a reputable contractor. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

DISCUSSIONS

12. **Mike Taylor, Library Director: Planning Sessions for Public Input for New Topsail Regional Branch Library: Thursday, October 23, 2:30 p.m. and 7:00 p.m., Hampstead Library.**

Mr. Williams noted he had gotten a lot of positive input concerning the new library. Mr. Taylor said consultant Phillip Barton will be conducting the two public meetings on behalf of the County to allow the public to express their opinions about what features they would like to see in the new building and to allow the public the opportunity to ask questions of the consultant; that press releases have been sent to all local newspapers, signs are posted in the Library and the Library's roadside sign on US 17 are all promoting the meetings to get the word out to the public; that Mr. Barton will be interviewing Library staff between the meetings to gather their ideas and will be meeting with the representatives of County and Library Administration, the Advisory Library Board and Friends of the Library; that the study will result in a written building program to guide the architect; and that the document by Mr. Barton should be completed in December. Mr. Blanchard asked if it is too early to "tap" folks for monetary donations, such as some of the foundations. Mr. Taylor said he'll be meeting with the Friends of the Library on Friday and they'll discuss it. He said most library money is raised locally; that there are no local foundations or large businesses to donate significant grants; and that a campaign to canvass the community will be considered.

13. **Zoning Ordinance Revisions: Conduct a County-Wide Rezoning by Deleting Flood Hazard Area Zoning Districts, Rezoning Certain Parcels According to a Prescribed Method and Create a Flood Hazard Overlay District.**

Planning Director Patrick Davenport initiated a discussion regarding revising the zoning map and zoning ordinance to eliminate the Flood Hazard Area (FA) Zoning District and rezone parcels with FA designation to an appropriate zoning district. Mr. Davenport stated that the FA Zoning District is causing problems with staff determining permitted uses and causes confusion with property owners. Mr. Williams asked if this action will allow staff to apply more "common sense" and Mr. Davenport responded yes, it will make it easier for staff to figure out what can go on property. Mr. Williams said this is a good step. Mr. Rivenbark asked if this would make the property more valuable and Mr. Davenport said that is yet to be determined but probably so as a result of it no longer being zoned flood hazard. Mr. Rivenbark said if the maps are incorrect, we could be missing out on tax values. Mr. Davenport said we have a flood damage prevention ordinance which will eventually be in the Unified Development Ordinance. Mr. Davenport said other ordinance revisions include establishing a Flood Hazard Overlay District to replace the FA Zoning District and that the Overlay District would be tied to the FEMA Flood Hazard Maps. Mr. Williams asked if this would reduce the amount of people that have to get flood certificates and Mr. Davenport responded people will still have to comply with current regulations. Mr. Davenport said this is a preliminary step to get ready for the Wooten Company to initiate the zoning ordinance rewrites. He said he's asking for a nod of approval from the Board to authorize staff to hold a public hearing at the December 2nd Planning Board meeting and the January 19, 2009 Board of Commissioners meeting. Mr. Williams asked if that would allow ample time to hold more public hearings. Mr. Thurman said they will get a good sense of how people feel at the Planning Board meeting and said he thinks people will feel good about what Planning staff is trying to accomplish. He said it can also be discussed at the retreat. Mr. Benton noted they will have the regular meeting in January. The Board agreed to direct staff to proceed with the revisions.

APPOINTMENTS

14. Resolution Approving Appointment to the Pender County Tourism Development Authority.

Ms. Pridgen explained the two applications were the same ones brought to the Board at the previous meeting and the appointment was tabled. Mr. Blanchard made a motion to appoint John Wharton to the TDA and Mr. Rivenbark seconded the motion. Mr. Tate said he's really not comfortable voting on this today because he had wanted to talk with both applicants and hadn't had time to do so. He asked if this item could be brought back to the next meeting so he can contact the applicants. Mr. Rivenbark then made a motion to table the appointment, Mr. Blanchard seconded the motion and it was unanimously approved.

15. ITEMS FROM THE COUNTY MANAGER

There were no items from the County Manager.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said Attorney Charles Meeker, representing the County, wanted the Board of Commissioners to discuss (today if possible) to determine whether the Board wants to "compromise" on property tax penalties, etc. or move forward with the company appealing the Property Tax Commission ruling in favor of the County. He stated the Board can discuss it in closed session if desired, and that Mr. Meeker would come down and address the Board personally if needed. Mr. Blanchard said we'll take our chances in court. Mr. Tate said it was inappropriate that Attorney Alfred Carlton approached him and Mr. Blanchard at a Lower Cape Fear Water and Sewer meeting and said he asked Mr. Carlton why he is representing someone that is suing Pender County, when he is on the LCFW&S Board and Pender County is a member of the Authority. Mr. Blanchard said he was told that the people that won't pay their taxes are the people that run the rides at the State Fair. It was the consensus of the Board not to negotiate with the company.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said he attended to an NCACC Committee meeting today planning for the next Legislative Goals Conference. He said they will be discussing the proceeds from the education lottery and will be asking legislature to do something about the formula. They also will discuss construction of school buildings and noted that the drop-out rate for students in Pender is at an all time high. Mr. Rivenbark said he will be attending an Agriculture Committee meeting in Raleigh on Wednesday.

Mr. Williams said we need to have the Finance Officer give a "State of the Union" address on the County's finances at the next meeting or the meeting in December to find out where we stand now and if we will need to make cuts. He said he was impressed with Mr. Thurman's presentation at the U.S. Supreme Court and that Pender County was well represented.

Mr. Blanchard was concerned about a statement he said Mr. Brown made to a local newspaper accusing him of embarrassing and intimidating employees in public and said Mr. Brown himself had embarrassed previous employees in public. A discussion ensued concerning who was embarrassed and intimidated and by whom. Mr. Blanchard and Mr. Brown both agreed that options are needed on how to deal with the situation. Mr. Brown inquired about asking an attorney from the School of Government (SOG) what options are available for Commissioners intimidating employees and whether or not they can be censured. Mr. Thurman said he can ask Fleming Bell and David Lawrence at the SOG; that there is a procedure by which a Board member can be removed; and that he would get additional information on this. Mr. Brown said he wants the censuring issue put on the next agenda.

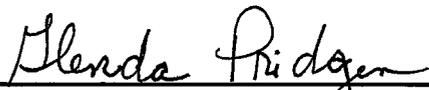
PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There were no public hearings for the 7:00 session, Mr. Tate made a motion to adjourn which was seconded by Mr. Blanchard and unanimously approved. The meeting adjourned at 5:30 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board