

**MONDAY, JULY 20, 2008 – 4:00 P.M.**

The Pender County Board of Commissioners met in regular session on Monday, July 20, 2009 at the Maple Hill Community Civic Club, 545 Maple Hill School Road, Maple Hill, North Carolina.

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Rick Benton, 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**

Chairman Tate called the meeting to order at 4:00 p.m., and thanked 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. Delivery of Draft MGTF Regional Growth Management Plan: Jay Bender, Military Growth Task Force.**

Mr. Bender thanked the Board, on behalf of the Military Growth Task Force, for participating the past 18 months—financially and for providing members. He said between ten and twenty Pender County members have been involved and he is especially glad Pender County participates since it is a non-host county. His highlights included: the Board has a hard copy of the draft plan, there was a press release of it; it is on the MGTF web site and on CD's; one of their primary goals was to put together a comprehensive draft; they used a regional approach – federal officials told them that is the only way to get funds; and their strategies were brought together by participation. Mr. Bender distributed to the Board an addendum for which Mr. Benton had made corrections and additions to the Pender County section. He told Board members to direct questions and comments to Mr. Benton by August 25<sup>th</sup> and they will be integrated into the document and have a final plan by the end of September. Mr. Williams asked if the comments the Manager sent in the document will be on the web and Mr. Bender said “no, but it will be posted as a separate item and will be called the Pender County Addendum.” Mr. Brown said everyone’s concern is will it be in the Pender County section of the final document. Mr. Bender clarified that in the final document, it will be in the Pender County section and not be an addendum. Mr. Bender encouraged Board members to at least read the regional part of the document as well as Pender’s part.

**2. Prescription Drug Discount Program: Dr. Reta Shiver, DSS Director.**

Dr. Shiver explained the following: the Commissioners and NACo are launching a program to help families save money on prescription medicine not covered by insurance; the card will save an average of 22% off the price of all commonly prescribed medications; in addition to a number of Pender County pharmacies participating in the Program, Walmart, Rite-Aid, Walgreen and Wallace Drug Company in surrounding counties will also participate; the cards will be dispensed at all local drug stores, DSS, the Health Department, Pender Adult Services, and the Libraries in Burgaw and Hampstead; there is no enrollment form, no membership fee and no restrictions or limits on frequency of use; cardholders and their family members may use the card any time their prescriptions are not covered by insurance; residents do not have to be Medicare beneficiaries to be eligible to for the Program; and the card cannot be used in conjunction with any other kind of discount. Dr. Shiver thanked the Board for their support and especially thanked Mr.

Rivenbark for initiating the Program. Mr. Rivenbark said he had been trying to get the Program for Pender County for several years and thanked Dr. Shiver for bringing it to fruition. Mr. Tate thanked Dr. Shiver on behalf of the Board, thanked Mr. Benton for his role in the Program and thanked the people who promoted it on the National level.

### CONSENT AGENDA

Mr. Tate presented the thirty-three items on the Consent Agenda and asked for any questions or discussion. Mr. Blanchard said with respect to Item Number 17, it is his understanding that New Hanover and Brunswick Counties haven't approved a resolution yet. He asked that the item be pulled from the agenda and asked Mr. Benton to collaborate with New Hanover and Brunswick and to do more research. Mr. Williams said the NC 20 Organization is doing a good job with the insurance issue and said we might hurt ourselves if we approve this resolution. Mr. Blanchard made a motion to pull the resolution from the agenda, and to refer back to the Manager for further research on why New Hanover and Brunswick haven't approved it yet. Mr. Williams seconded the motion and it was unanimously approved. Mr. Rivenbark made a motion to approve the Consent Agenda, excluding Item Number 17, Mr. Brown seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

3. Approval of Minutes for the Regular and Closed Session Meetings of June 22, 2009.
4. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.
5. Resolution Approving the Payment of Membership Dues: Southeastern Economic Development Commission: \$4,519; The School of Government: \$5,291; North Carolina Association of County Commissioners: \$6,743; Cape Fear Council of Governments: \$21,203 (\$5,000 goes for Rural Transportation Planning Organization).
6. Resolution Authorizing Purchase Order for River Monitoring: \$5,600.
- 7a. Resolution Approving Legal Advertising Contracts with the Pender Post and the Topsail Voice and Authorizing Purchase Orders: \$7,000 and \$8,500 Respectively.
- 7b. Resolution Approving Execution of Leases and Authorizing Purchase Orders for Payment of Rent for the Solid Waste Convenience Sites that are Not Owned by the County: \$10,500.
- 7c. Resolution Approving Purchase Order to Central Carolina Tire for Tire Hauling and Disposal for FY 2009/2010: \$72,000.
8. Resolution Authorizing Purchase Order to Journal Communications for the NC Division of Tourism's Travel Guide and Website Advertising Package in the Amount of \$9,730.
9. Resolution Authorizing Purchase Orders to Educational Services Contractor in the Amount of \$10,600 for Replacement and Refurbishing of White Boards at the New Topsail Elementary School.
- 10a. Resolution Authorizing Purchase Order to W.T. Cox Subscriptions for Annual Library Periodical Renewals: \$5,647.61.
- 10b. Resolution Authorizing Approval of Annual Renewal of Licenses and Maintenance Agreement for Library Automation System with Library Corp.: \$15,268.
- 11a. Resolution to Approve a Full Service Contract with Johnson Controls, Inc. and Authorize a Purchase Order for Maintenance Service on the Chiller/Boiler at the Government Complex: \$28,670.
- 11b. Resolution to Approve a Purchase Order to TKF Homemovers, Wilmington, N.C., to Move Two Modular Office Units for DSS: \$37,000.
- 11c. Resolution to Approve a Purchase Order to Pratishttha Garg for FY 09/10 Lease Agreement at the Hampstead Annex, 18576 US Highway 17, Hampstead, NC 28443: \$117,923.04.
- 12a. Resolution to Approve a Purchase Order for Health Department Medical Professional Liability Renewal Premium for Fiscal Year 2009-2010: \$9,228.62.
- 12b. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2009-2010: Farm Worker: \$11,000.
- 12c. Resolution to Approve Purchase Orders for Health Department Radiology and Mammography Services Contracts for Fiscal Year 2009-2010: \$13,119.
- 12d. Resolution to Approve Purchase Orders for Health Department After Hours Services and Flu Vaccine for Fiscal Year 2009-2010: \$27,500.

- 12e. Resolution to Approve Purchase Orders for Health Department Specialized Laboratory Testing for Fiscal Year 2009-2010: \$57,900.
- 12f. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2009-2010: Community Health Grant: \$75,000.
- 12g. Resolution to Approve Purchase Orders for Health Department Medical & Dental Supplies/ Equipment and Waste Removal Service Contracts for Fiscal Year 2009-2010: \$112,000
- 12h. Resolution to Approve Purchase Orders for Health Department Consultant Services Contracts for Fiscal Year 2009-2010: \$127,088.
- 12i. Resolution to Approve Purchase Orders for Health Department Pediatric Services and Adult Primary Care Contracts for Fiscal Year 2009-2010: \$449,941.
- 12j. Resolution to Approve Purchase Orders for Health Department Dental Services Contracts for Fiscal Year 2009-2010: \$545,850.
- 13a. 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, 2010.
- 13b. Resolution Authorizing the Issuance of Purchase Orders to NC Department of Correction: \$20,000; and Columbus County Sheriff's Office: \$20,000 for Medical and Housing Expenses for Inmates.
- 13c. Resolution Authorizing Purchase Orders for Food and Provisions for Nichols Foods: \$75,000; NC Correction Enterprises: \$10,000; Maola Milk: \$15,000; and Merita Bakeries: \$7,500
- 13d. Resolution Authorizing a Purchase Order to Southern Health Partners, Inc. for Medical Expenses for the Jail: \$187,200.
- 14a. Resolution Approving Annual Settlement of the Pender County Tax Collector.
- 14b. Resolution Authorizing, Empowering, and Commanding the Tax Collector of Pender County to Collect Taxes.
- 15. Resolution Approving Designation of F.D. Rivenbark as Voting Delegate to the 2009 NACo Annual Conference.
- 16. Resolution Amending the Pender County Pay and Classification Plan.

#### **MAPLE HILL WATER & SEWER DISTRICT CONSENT AGENDA ITEM**

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

The Board convened as the Maple Hill Water & Sewer District. Utilities Director Michael Mack explained the resolution is for annual maintenance of the Maple Hill Water Storage Tank and that it is a revolving ten-year service. Mr. Blanchard made a motion to approve the item as presented, Mr. Rivenbark seconded the motion and it was unanimously approved.

#### **ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT CONSENT AGENDA ITEMS**

The Board convened as the Rocky Point-Topsail Water & Sewer District. Mr. Mack briefly explained the items. Mr. Benton noted these are consent agenda items so the Board doesn't have to vote on each one individually. Mr. Williams made a motion to approve the items as presented, Mr. Blanchard seconded the motion and the Board voted unanimously to approve the items as follows:

- 19a. Resolution Authorizing a Purchase Order to Amerochem Corporation for Chemicals Needed for Water and Sewer Operations: \$5,500.
- 19b. Resolution Authorizing a Purchase Order to Engineered Fluid, Inc. for Technical Support and Maintenance of the Water System's SCADA System: \$15,000.
- 19c. Resolution Authorizing a Purchase Order to Environmental Chemists (Envirochem) for Testing and Sampling of Water and Sewer Systems: \$20,000.
- 19d. Resolution Authorizing a Purchase Order to Utility Service Company, Inc., for Annual Maintenance of Three (3) Elevated Water Tanks and One (1) Ground Storage Tank for the Rocky Point Topsail Water and Sewer District: \$42,196.
- 19e. Resolution Authorizing a Purchase Order to HD Waterworks for Water Service Installation Supplies: \$90,000.

- 19f. Resolution Authorizing a Purchase Order to T&D Quality Utilities for Water Service Installations: \$120,000.

## **RESOLUTIONS**

20. **Resolution Approving Funds to Assist Burgaw Dixie Youth Major Team in Traveling to 2009 World Series.**

Mr. William Woodcock, Jr., Vice President of Burgaw Dixie Youth, gave statistics on the Burgaw Dixie Major Boys Team and how they earned the NC State Championship in their division and how they earned the privilege of traveling to North Charleston, SC to represent the State of North Carolina at the Dixie Major Series. Mr. Woodcock said this is the first time this age group (16-19) had made it to the World Series and said they had been having fund raisers to help fund the trip to South Carolina. Dominick Badami, one of the players, made a presentation on the team's accomplishments, including the State Championship was won for the first time in baseball and thanked the Board for their support in the past. Mr. Brown said after Mr. Woodcock's request had been made, he found out other teams are going to the World Series. He said he was approached by the girls' softball team and that there may possibly be another team going. Mr. Woodcock said the Dixie Boys are currently playing in a tournament. Mr. Michael Collier, Coach for the girls' team, noted the girls' team will be representing the State also and said they need financial assistance. Mr. Williams said the Board can go ahead and authorize the Manager to designate funds for the third team also because we won't be having another meeting before they play. Mr. Tate said he agrees with Mr. Williams – if we help one, we help all. Mr. Thurman cautioned the Board that funding these additional teams is not on the agenda and there needs to be a separate motion made. Mr. Williams made a motion to consider funding the other two teams (if the third team makes it to the World Series), Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Blanchard said we should give each team \$1,000. Mr. Brown said he was looking at giving each team \$1,500 and made a motion to that effect. Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Collier thanked the Board for their support. All coaches and team members present came forward and shook hands with the Board and audience members applauded all.

21. **Resolution Regarding Funding for the Burgaw Depot Renovation Project.**

Mr. Rivenbark presented the item and asked Burgaw officials to come forward and make their case. Mr. Rivenbark asked how much the Town had asked for originally and Mr. Benton said \$50,000. Mr. Benton said that due to a difficult budget year, he suggests giving them \$25,000 this year and maybe consider another \$25,000 next year. Mayor Pete Cowan said: they had come before the Board before and are back now with this request; the Depot is a very important historical building; the total project cost is approximately \$1,000,000; the Town has invested approximately \$650,000 in the project; and they need about \$300,000 more, as well as funds for landscaping and streetscaping-they plan to make Dickerson street a one-way street. Mr. Williams asked what the return on investment for the County would be and Mr. Cowan said the building would be used for various projects, including meeting rooms, a kitchen, a place for weddings, bring Tourism to Burgaw and also part of the Civil War Trail. Mr. Tate asked if it is on the Historical Register and Mr. Cowan responded affirmatively. Mr. Brown asked if they are trying to restore it to its original state and Mr. Cowan responded "yes." He said the only addition would be the kitchen. There was discussion of whether fees would be charged and Mr. Cowan said some fees would be charged but some things would be free. Mr. Tate said we like to help those who help themselves and Mr. Cowan gave a history of grants they had pursued. Mr. Williams asked if he believes Pender County could use the building as well as the Town of Burgaw. Mr. Cowan responded affirmatively. Mr. Brown asked how many other historical agencies we had funded and Interim Town Manager Martin Beach said "Penderlea Museum" and "Missiles and More." Mr. Rivenbark made a motion to transfer \$25,000 from Contingency to the Burgaw Depot renovation project, Mr. Blanchard seconded the motion and it was unanimously approved.

22. **Resolution Approving Emergency Notification System Contract Award.**

Emergency Management Director Eddie King explained that as a result of a Pandemic Flu Exercise sponsored by the Pender County Health Department, the After Action Report recommended that Pender County develop some form of emergency notification system to alert citizens in the event of a pandemic or

other situation where information needs to be delivered to the public in a rapid fashion. Mr. King explained the following: the system is a reverse action of 911 and is totally internet based; the system will generate phone calls to each resident; citizens can come on line and enter their address information; a working group evaluated five different systems and narrowed the choice to two companies; and after further investigation, Connect CTY was chosen as the recommended vendor based on company out-bound call volume, ability to adjust the company's calling system to local telephone switch capabilities, ability to have multiple user accounts for the County, ability to send both text and e-mail messages as well as voice without additional charges, and the fact that the Towns of Surf City and Topsail Beach are already under contract with this company for a like service to their citizens. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**23. Resolution Approving Post Disaster Debris Removal Contractor Selection.**

Mr. King said that as instructed by FEMA, Pender County started working on a Debris Management Plan a little over a year ago. He said the following: in preparation for hurricane season and as a portion of the creation of the Pender County Debris Management Plan, the Emergency Management Office, working with Johnson Environmental & Disaster Consulting, prepared and distributed a Request for Proposals to select a primary and an alternate vendor to perform debris removal and disposal site management for both vegetative and construction and demolition debris; eight companies responded to the RFP and were evaluated by the consultant; after reviewing the cost and evaluating each bid, a deeper, due diligence evaluation was performed on the primary and secondary companies; staff reviewed the consultant's documents and concurred; DRC Emergency Services of Mobile, Alabama was chosen as the primary contractor; and Crowder-Gulf joint Ventures, LLC of Theodore, Alabama was chosen as the secondary contractor. Mr. Blanchard asked if Homeland Security or some other agency like it will help and Mr. King responded negatively. Mr. Blanchard noted all the contractors are out of Alabama and asked if there is anybody in eastern North Carolina that can get certified to do debris removal. Mr. King said no local vendors participated. Mr. Williams said these folks will hire local folks as sub-contractors and they can deal with the Federal Government and assure we get reimbursed. Mr. Rivenbark asked with respect to due diligence, did they find anything derogatory with these two contractors and Mr. King responded negatively. Mr. Brown asked about having a primary and secondary contractor. Mr. King explained how the contract works. He said if the first contractor doesn't work out, we go to the second one. Mr. Thurman said they do have an obligation to the County. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved. Mr. Tate and Mr. Williams thanked Mr. King for his thirteen years of service to Pender County. Mr. King thanked the Board for allowing him to serve the County.

**24. Approval of a Contract with Excel Property Management, Inc. for the Property Management of Seven Oaks Apartment Complex (Seven Oaks of Pender, LLC).**

Housing Director Angela Keith explained the following: due to budgetary cut backs by its National branch, Volunteers of America of the Carolinas requested termination of their contract managing Seven Oaks Apartment Complex, effective July 31, 2009; the Pender Housing Initiative Advisory Board, which serves as the managing board for Seven Oaks, conducted an extensive search and by majority approved Excel Management, Inc.; if approved by the Board, Excel Management will be signed to a two-year initial contract, renewing on a month-to-month basis; current staff at Seven Oaks will remain as employees of Excel Management upon completing company checks; and in addition, by way of this resolution, Ann Hanson, President of Excel and Rita Blackmon, Vice President, will replace Volunteers of Americas CEO Robert Rogers and CFO David Greever as authorized signatures at Newbridge Bank. Mr. Rivenbark noted there had been problems in the past and asked if they had checked the company out; Ms. Keith responded affirmatively. Mr. Rivenbark asked if the staff working there now will remain and Ms. Keith said yes. She said Volunteers of America will work with Excel for a smooth transition. Mr. Blanchard said Excel is an excellent company. Mr. Tate asked if Mr. Thurman had reviewed the contract and Mr. Thurman responded affirmatively. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**25. Resolution Authorizing a Purchase Order to Waste Industries for Waste Disposal and Hauling Services for FY 2009/2010: \$3,721,000.**

Mr. Mack explained the following: Pender County is in year fifth year of a thirteen-year contract with Waste Industries; the contract contains a provision for annual adjustments tied to the Consumer Price Index (CPI-U) Urban-Unadjusted-Water and Sewer and Trash Collection Services for the period of December to December of each prior year; based on that calculation, Waste Industries is entitled to a 6.5% increase in the cost of services for this fiscal year; and in consideration of the current economic conditions, Waste Industries has agreed to lower this to 3.5%, saving the County an estimated \$115,000. Mr. Rivenbark asked what the status is of improvements to the Burgaw Convenience Site and Mr. Mack said they do have a strategy, including moving the scale and solving some drainage problems. Mr. Williams spoke about a traffic light or turn lane at the Hampstead site and asked staff to investigate what it would take to put a turn lane on the south side. Mr. Mack said he had spoken with Mr. Benton about using the Schools' property for access. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

**26. Discussion on Vote to Restore Control of the Agenda to all the Citizens.**

Mr. Blanchard asked that this item be put off until the 7:00 session to give more people a chance to attend and speak publicly about the policy. Mr. Williams said he is confused about the item and not sure anyone would know what it meant. Mr. Blanchard said if a citizen or group calls the County Manager's Office at 4:00 on Friday before the meeting, they should be given a chance to be heard, and he doesn't like manipulating the agenda just for a few. Mr. Tate said he does not make the decision what to put on the agenda. He said he confers with the County Manager and County Attorney and takes their advice. Mr. Williams said the Board's policy was not intended to keep people from being heard, but to assure that they could be heard and not have items slipped past them at the last minute. Mr. Williams said we have a public comment section and people shouldn't be able to call at 4:00 on Friday before a meeting and be put on the agenda; that we have never turned anyone down at public comment; and that the Board voted to add additional items if they're important, by a unanimous vote of the Board to add the item. Mr. Brown said he doesn't know of anyone who has not been allowed to speak before the Board and said the policy we have now is not to lessen folks' rights, but to increase them. Mr. Brown said that by listing items on the agenda before a vote can take place, citizens can make a determination on whether or not to attend the meeting without fear that something would be added on in the last minute without the chance to give input. Mr. Blanchard asked Mr. Tate to poll the people in the audience to see if they were against the policy and to see where they reside but Mr. Tate asked for comment instead. Mr. Tate said if there are any people here to speak now, they can speak, and if people want to speak at 7:00, they can do so then.

Mr. Beach said the Manager works hard to put agenda packages together and said it takes time to get information to the Commissioners for their decisions.

Mr. Al Freimark of Hampstead said he is not here to speak on this matter but he is a good example of how the policy works. He said he had wanted an item on the agenda but was too late, so he came to the meeting to present his item during Public Comment and to ask if the Board will vote on it at the next meeting. He said he supports the policy. Mr. Freimark reminded Mr. Blanchard how he, Mr. Rivenbark and former Commissioner Bill Moore were the ones who allowed an unannounced last minute vote on redistricting and said that was those Board members biggest transgression.

Mr. Brown reiterated that people are not being kept from being put on the agenda. He said Mr. Blanchard is purposely distorting the facts about the policy. He said we are increasing the ability for people to know what's going on and he thinks that's what bothers Mr. Blanchard. Mr. Williams said Mr. Blanchard is bringing the Board down to a level where it need not be. He said to him, this is bringing the four Commissioners down to a level of looking like buffoons. Mr. Blanchard asked for clarification of what the buffoon comment meant and Mr. Williams said he stands by his opinion that Mr. Blanchard is bringing the Board down to his level and the Board is looking like buffoons. He added he was clear with his comment. It was the consensus of the Board that the item would be taken back up at the 7:00 p.m. session.

## **PUBLIC COMMENT**

Mr. Freimark said he is here representing the Greater Hampstead Homeowner's Association and spoke to the Board concerning Titan Cement. He distributed a letter they had sent to Governor Perdue concerning Titan and said they are not anti-Titan, but are concerned about any industry that might put our County at risk. His highlights included: the environmental risks appear to out-weigh any potential economic gains; the State should provide for independent studies to remove all reasonable doubt; the resources of all regulatory channels should be utilized, both State and Federal; the State must complete its due-diligence before making any decisions; the citizens of coastal Pender County are not willing to accept a short term economic gain which may result in a long term environmental loss; and New Hanover County did not do due diligence. Mr. Freimark asked the Board to send a letter to legislature asking them to protect us and have all due diligence done. He stressed that the letter should not come across as anti-Titan. Mr. Williams said he doesn't think it's proper for us to vote on this tonight. Mr. Blanchard said we should see what the folks in Raleigh have to say. Mr. Brown said he wants a chance to look at the letter and if the Board wants, they can vote on it later. Mr. Rivenbark said he wants to see what both sides have to say. Mr. Williams said Titan is not trying to do anything illegal, but we need to protect ourselves for future industries coming up. Mr. Tate said the Board needs a chance to look at the letter and we can put it on the agenda for next time.

## **APPOINTMENTS**

### **27. Resolution Approving Appointments to the Fire Commission, Nursing/Adult Care Homes Advisory Committee or Parks and Recreation Advisory Board; and Re-appointment to the Pender Memorial Hospital Board.**

Ms. Pridgen explained the appointments listed and said a couple of additional applications had been received after the agenda was printed. The applications were as follows: Mark Baribeault – Fire Commission; Catherine Jacobs – Nursing Home Advisory Board or Parks and Recreation Advisory Board; Ken Johnson re-appointment – Pender Memorial Hospital Board; Scott Borah – Nursing Home Advisory Board; and Barney Roughton – Parks and Recreation Advisory Board. Mr. Williams said he knows Mr. Johnson is a good member on the Hospital Board and made a motion to re-appoint him. Mr. Brown seconded the motion and Ken Johnson was unanimously approved to serve another three-year term on the Pender Memorial Hospital Board representing District 1, with term to expire July 25, 2012. Mr. Blanchard made a motion to appoint Mark Baribeault to the Fire Commission, Mr. Brown seconded the motion and Mr. Baribeault was unanimously approved to serve a three-year term on the Fire Commission representing an At-Large position, with term to expire June 30, 2012. Mr. King noted that historically, there is a representative from the east and west side for the At-Large position on the Fire Commission and the Board had recently appointed someone from the east side, and Mr. Baribeault is from the east side. He added though that these positions have been vacant for almost a year. Mr. Blanchard said "it doesn't matter where he's from, as long as we have a warm body, we should go ahead and appoint him." Mr. Brown spoke on behalf of Mr. Roughton. He said Mr. Roughton had wanted to be on the Parks & Recreation Advisory Board for a long time and he had told him we would keep him in mind for the next available opening. Mr. Brown made a motion to appoint Mr. Roughton, Mr. Rivenbark seconded the motion and Mr. Roughton was unanimously approved to serve a three-year term on the Parks and Recreation Advisory Board representing an At-Large position, with term to expire June 30, 2012. Mr. Williams said it looks like Catherine Jacobs is qualified for the Nursing Home Advisory Board and made a motion to appoint her. Mr. Tate said he had spoken with Mr. Borah and he would be okay with not getting appointed – he just wanted to get involved. Mr. Brown seconded the motion and Ms. Jacobs was unanimously approved to serve a one-year term on the Nursing Home Advisory Board representing a Public Member position, with term to expire June 30, 2010. Mr. Tate said we will hold Mr. Borah's application and he will be next in line when another vacancy comes on the Nursing Home Advisory Board.

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

Mr. Benton's only item was for the designation of a Voting Delegate to the NCACC Annual Conference to be held August 27-30, 2009. Mr. Williams made a motion to designate Mr. Rivenbark, Mr. Brown seconded the motion and it was unanimously approved.

## **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said he attended the County Attorneys Summer Conference and the attempt to remove Governmental immunity from counties and cities was delayed.

## **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Williams said he has some boat ramp news but due to the time, he won't talk about it at this time. He said the press can call him.

All other Board members said due to the time, they won't comment at this time. Mr. Tate said he has an item for Closed Session.

## **PUBLIC COMMENT**

There was no other public comment.

## **CLOSED SESSION**

At 6:20 p.m. Mr. Blanchard 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. Mr. Williams seconded the motion and it was unanimously approved. The Board came out of Closed Session at 7:04 p.m. No announcements were made.

### **29. PRESENTATION: Maple Hill Sewer Project Update**

Mr. Benton said after the community meeting held on July 13, 2009, he wants Mr. Mack to brief the Board and citizens on the project and the community meeting and give them a chance to make comments or ask questions. He noted Mr. Jeff Thompson of Hobbs, Upchurch and Associates is also present. Mr. Mack explained that at the meeting they discussed technical design; costs; land acquisition; grant funding, including Clean Water Management Trust Fund; and septic tank maintenance information on the residents' current systems. He said there were twenty people at the meeting that weren't on the original sign-up list. Mr. Mack said the next step is moving forward with the final property acquisition if the Board concurs. Mr. Williams said at one point we had lost momentum with respect to this project, but we now have momentum and need to move forward with land acquisition before we lose the chance to acquire it. Mr. Rivenbark said this project has been a long time in making it "shovel ready" and we need to start "turning dirt." Mr. Benton noted we have acquired the Nature Conservancy property and are waiting for the Board to give the go ahead to acquire the Morris property. Mr. Tate noted that even in these economic times, an additional \$200,000 had been designated to the sewer project by the Board of Directors of the Maple Hill Water and Sewer District. He said Mr. Blanchard negotiated acquiring the property and this shows that the members of the Board care about the folks in Maple Hill. Ms. Toodle asked why the sewer line isn't coming up Hwy 53 and Mr. Benton said we will look into it and get back with her. Mr. James Thompson of 105 Luby Hill Rd. asked who they purchased the land from. Mr. Blanchard said we purchased the land from the Nature Conservancy but there wasn't enough for a spray field so we will swap it with Jeff Morris who owns the blueberry fields there. Mr. Thurman verified that the Board is giving consent to proceed with the acquisition and Board members said "yes."

### **26. Continuation of Discussion on Vote to Restore Control of the Agenda to all the Citizens.**

Discussion of Item Number 26 was continued before the public hearings. Mr. Blanchard restated his position, adding that he did not like this policy and that he felt it takes away from the people's right to be heard. He said he wants the citizens and the Commissioners to be able to place things on the agenda. He said the policy about any item has to be placed on the agenda came about because a small group of people from Hampstead polled some of the Commissioners. Mr. Williams said right now, any citizen can get an item on the agenda, just not at the "11<sup>th</sup> hour" without the public being given a chance to give their input, and reiterated that anybody can speak about anything under Public Comment. Mr. Williams said the policy in place now doesn't allow any three Commissioners to come up with an item that affects the whole County without everyone in the County being able to see it on the agenda and given the opportunity to say they like

it or not. He said you should have to go through the proper steps to get something voted on and that is what the policy is for. Mr. Brown said right after he came on board, items were voted on that the public didn't know about and that is why he pushed for the rule. He said the rule was not to stop anyone from speaking – it increased citizens' rights and that he had no intentions of keeping anyone from speaking. Mr. Brown said if the policy was removed, it would allow any Commissioner to push through a vote without the public's knowledge until it was too late. He said this puts everyone on an equal playing field and said we need input from the public. Mr. Leslie Green of Maple Hill said he supports the policy and said too often people find out what has happened when it is too late. Mr. Tate said the Board should look into restructuring the agenda to move Public Comment to the beginning so the public can comment about an item before it is voted on. Mr. Brown and Mr. Green said they agree.

Mr. Tom Bradshaw of St. Helena said you are elected because people have confidence in you; just because one group can pack a room in certain places is no reason to make a decision based on that. He said if you're not competent enough to make a decision, it affects the rest of the citizens.

Mr. Brown said we need input from citizens of the County to let us know how they feel.

Mr. Green asked how many Commissioners have been to Maple Hill in the past year. He said the Commissioners don't know what is going on in Maple Hill and said he agrees with Mr. Brown about letting the people know what's going on.

Ms. Louvenia Toodle of 17485 Hwy 53E asked why the water doesn't go all the way to the County line. Mr. Mack said there are mains out there but there are population/property density requirements. Ms. Toodle said there are about twenty people living out there.

Mr. Hiram Williams of Hampstead said he thinks moving the Public Comment section to the beginning of the agenda is a great idea. Mr. Tate said he will collect comments about moving the Public Comment section and let the Board members think about it a few days.

Ms. Katie Watkins of 7292 Hwy 50 asked about assistance with drainage problems, mosquito control, ditches growing up with trees and water back up. Mr. Blanchard said the County has a Mosquito Spraying Program. He said if a ditch runs right beside the main road, we can get DOT to take care of it. But we can't do anything about side ditches. He said if it is beaver problems, we can take care of that also. Ms. Watkins said no mosquito spraying had been done in Maple Hill this season.

Mr. Tate said we've been hearing about drainage problems repeatedly in different districts and have begun addressing the problem and having meetings in different communities. He said we went to Raleigh to lobby legislators and will go again.

Ms. Doris Lee Jordan of 8848 Hwy 50 spoke about drainage problems at her residence from regular rains, not just hurricanes. She said the drainage on Highway 50 is closed up. Mr. Tate said the County has formed a Drainage Task Force and started looking at the problems but hadn't heard anything from Maple Hill. He said he will ask our Engineer, Greg Thompson, to look into setting up a community meeting in Maple Hill. Ms. Jordan said drainage was there but it closed up. Ms. Jordan's sister, Ms. Hannah Green, spoke on her behalf.

Ms. Teresa Wooten of 1578 Webbtown Rd. said something should be done about some County employees' attitudes. She said she was treated very rudely by a county employee. Mr. Tate said if she has this problem, she should call the County Manager's Office and it will be taken care of.

Ms. Mary Jordan of Maple Hill thanked the Board for being in the area and complimented them. She said instead of just scheduling meetings addressing drainage, mosquitoes, etc. staff should slate schedules for actually doing something. She said no mosquito spraying had been done. Mr. Williams said we have to

meet because we have to have plans to get federal and state monies to support these programs. He said we can't just go and say "we want to do this."

Administrative Assistant Pat Simmons said they are spraying by schedule, they try to get each area once a week and gave her phone numbers for individuals to call. With respect to drainage, she said they will go out and look at the areas that have standing water.

Mr. James Avon Newkirk of 8505 Hwy 50 spoke about summer beach traffic pulling boats and travel trailers and pulling gravel completely off their driveways. He also spoke about the logging going on in the area and the drop offs it's causing on the road and asked to have DOT to look into this. Mr. Tate noted the County has no power over DOT, we can only ask. He said when we go back to Raleigh, we can look into charging loggers fees and setting up a drainage program.

Mr. Bryant Shephard of 7954 Highway 50 spoke concerning drainage and said the ditches in that area hadn't been cleaned out in over 30 years. He said if you clean out the main ones, the perpendicular ones are still stopped up. Mr. Shephard invited Mr. Blanchard to ride out with him and Mr. Green to get an overall look at the ditches.

Mr. Brown noted you can't just go out and clear ditches now. He said you have to deal with the Corps of Engineers, DOT and possibly other agencies and get permits. He said it was his understanding Pender County had gotten in trouble before for digging out Burgaw Creek.

#### **PUBLIC HEARINGS**

##### **30. Public Hearing & Resolution Authorizing Fiscal Year 2009-10 Rural Operating Assistance Program Grant Application: \$186,129.**

The Public Hearing opened at 8:25 p.m. Ms. Cromer explained that each year Pender Adult Services applies for and manages the Rural Operators Assistance Program which provides the funding for Pender County's transportation program and the application being submitted is for funding from July 1, 2009 to June 30, 2010. Ms. Cromer said this year's funding application provides for three levels of funding: EDTAP – Elderly and Disabled Transportation Assistance; EMP – Employment Transportation Assistance Program; and RGP – Rural General Public, which is open to anyone. The Public Hearing closed at 8:43 p.m. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

##### **31. Public Hearing & Special Use Permit Request: Stroud Engineering, Applicant: Request for the Addition of Four Additional Boat Docking Slips to an Existing Boat Access Facility, Located Along the East Side of Hughes Road, Approximately 500' North of Anna Court, Hampstead, NC.**

The Public Hearing opened at 8:28 p.m. Mr. Thurman swore in the witnesses. Planner Kyle Breuer explained the following: anything over 4 slips is considered a "marina"; the property is zoned R-20C, Residential Conventional District, and a marina is permitted via Special Use Permit; the Special Use Permit contains the classifications of Urban Growth and Conservation Area I according to the 2005 CAMA Land Use Plan; in addition to local policies that do not permit new development in floodways and in the Hydric soils, the County will not knowingly issue permits or approve developments that are under its jurisdiction that conflict with the CRC use standards for estuarine and public trust waters; the adjacent property to the west and east (across from Mill Creek) contain single-family structures, the property directly adjacent to the north is the Washington Acres Homeowners Association community access, then single-family structures, property south of the proposal is mainly vacant with a couple of single-family structures; and the attached conditions. Mr. Williams asked with respect to Condition #3, does it mean they can't lease to people outside the subdivision and Mr. Breuer responded affirmatively. Mr. Williams also clarified that Condition #5 means no lights can shine on adjacent properties. Jimmy Fentress of Stroud Engineering said where Condition #3 says "Graystone", he wants it to say "Washington Acres." Mr. Williams asked if the slips will be up for sale or just leased or rented and Mr. Fentress said for sale, including all the areas around Greystone.

Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved with the following amendment: Condition #3: The sale of the boat slips shall be restricted to members of Greystone, Hammocks Watch, Long Point Estates and Washington Acres Homeowners only. Commercial use of the boat slips shall be prohibited. The public hearing closed at 8:43 p.m.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:44 p.m.

Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Rick Benton, Clerk to the Board

Review of Planning Matters:



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Planning Staff