

MONDAY, NOVEMBER 2, 2009

The Pender County Board of Commissioners met in regular session on Monday, November 2, 2009 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, 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 10:00 a.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC COMMENT

No one wished to speak under public comment. Mr. Tate said he had received calls from citizens commending the Board on moving the Public Comment section to the beginning of the meeting.

PUBLIC INFORMATION

Pender County Solid Waste Update: Proposed Modifications to the Burgaw Convenience Site.

1. Utilities Director Michael Mack introduced Ms. Jo Boone, the new Solid Waste Coordinator. Administrative Assistant Melinda Knoerzer made the presentation on the proposed modifications. She said they could only expand the site by modifying the entryway because the front of the property is right on New Savannah Road and the back is at the old landfill cap. Ms. Knoerzer explained the following is proposed: the size of the site will increase from 9,500 square feet to 11,425 square feet; the entry ways into the site will be expanded to allow easier access; the recycling cans will be angled for better accessibility, namely the large containers for metal recycling; the containers will be reversed and the doors open so people can just walk the metals in; and the site will be adding a second compactor that could be used for recycling. Mr. Rivenbark said he's been hearing complaints about this site for the 13 years he's been sitting on the Board. He said when they go to carry their trash they have to walk in muck and said he's really pleased that Pender Solid Waste is moving forward with this. Ms. Knoerzer gave statistics on recycling for the months of September and October and said there will be another electronic recycling event on November 14th in Rocky Point.

2. Update on 2011 Property Tax Reappraisal.

Tax Assessor Coby Heath presented a PowerPoint presentation which included: Revaluations Have 9 Parts-Canvassing or Data Collection from the Field, Land Pricing, Review, Analyzing & Continuous Sales and Cost Tracking, Schedule of Values, Town Hall Meetings, NC DOR Approval Required,

Informal Hearings, Board of Equalization and Review, and Property Tax Commission; Where we are at-demonstration of a pie chart of what is complete, what is current and what is remaining; and Where are We Going. The complete presentation is on file with the permanent records in the County Manager's Office. Mr. Blanchard asked where the prices are coming from and Mr. Heath explained that the review process will continue until the end of the appraisal process in January of 2011. He said tweaks and adjustments to the appraisals will be made as the market changes to establish the true values on January 1, 2011. Mr. commented he appreciates Mr. Heath trying to educate the public in advance. Mr. Heath introduced Lynn Shore, the revaluation coordinator for Assessment Solutions, Inc., the revaluation contractor, and noted Mr. Shore is a retired tax administrator.

SUPPLEMENTAL BOARD AGENDA REQUEST

Mr. Tate introduced a resolution to recognize the public service of former Commissioner Paula Chewning Walls who passed away on October 21, 2009. Mr. Tate said he communicated with Ms. Walls' sister via e-mail who made a request for the County to fly the flag at half-staff in honor of Ms. Walls. He said he thinks both the flag and this resolution are a good approach to recognizing Ms. Walls. Mr. Rivenbark made a motion to add the item to the agenda. Mr. Blanchard said he doesn't see this as an item that needs to be voted upon to add to the agenda. He said death is something that is going to happen, and we should have a blanket protocol, without having to override the agenda. Mr. Brown said he agrees with Mr. Blanchard that it doesn't need to be added today if it is not an emergency item. He asked if it is time-sensitive and Mr. Benton responded negatively. Mr. Brown and Mr. Blanchard agreed to have the item put on the next meeting agenda. Mr. Williams said he agrees that upon the event of death of a former Commissioner there should be a pre-determined procedure for recognition. Mr. Blanchard said he would second Mr. Rivenbark's motion, with an amendment that we would have something in place to recognize someone and not have to add it to the agenda. Mr. Thurman noted this could become a policy of the Board to have a standard type of resolution to recognize former Commissioners in such a way that it wouldn't be perceived with any politics involved. It was the consensus that no vote needed to be taken today, that the resolution recognizing Ms. Walls would be added to the next meeting agenda, and that the Manager to create a standard resolution to recognize former Commissioners who pass away.

CONSENT AGENDA

Mr. Tate presented the nine items on the Consent Agenda and asked for any questions or discussion. Mr. Blanchard said he is confused about Item No. 6 because it appears projects were started before the funding was approved. Schools Maintenance Services Director David Smith explained the resolution and explained this is part of the \$56 million school bond referendum. Mr. Tate expressed some concern also. Mr. Thurman said nothing illegal was done and said the County sometimes have to proceed with projects this way if there is an emergency. He explained the School Board basically handles these contracts but it is done through the County because the School Board can't recapture the sales tax, but the County can. Mr. Thurman added though if anything happens, the County will be held responsible. Mr. Blanchard said in the future, if they start a project early, he wants them to notify the County Manager and the Manager to notify the Board of Commissioners. After further discussion, Mr. Rivenbark made a motion to approve the Consent Agenda as presented, Mr. Williams seconded the motion and the Board unanimously voted to approve the Consent Agenda as follows:

3. Approval of Minutes for the Regular Meeting of October 19, 2009.
4. Resolution Approving Tax Releases and Refunds.

5. Resolution Accepting Petition to Submit Alexander Road & Sunshine Road in Burgaw, NC, to the State Maintained System; and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
6. Resolution Authorizing Contracts with and Purchase Orders to Skinner Smith Construction in the amount of \$69,940 and to McCall's Hurricane Fence Co., in the amount of \$6,420 for improvements at Topsail Elementary School.
7. Resolution Authorizing Contracts with and Purchase Orders to BMH Architects in an Amount Not-to-Exceed \$38,000 for Architectural and Engineering Services to Construct the Regional Incubator Kitchen at the Westpark Business Development Center in Warsaw, NC.
8. Resolution Authorizing an Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2009-2010: \$7,000.
9. Resolution Authorizing an Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2009-2010: \$13,900.
10. Resolution Authorizing a Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2009-2010: \$36,466.
11. Resolution Authorizing an Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2009-2010: \$78,678.

RESOLUTIONS

12. **Resolution Authorizing Merging of the Town of Burgaw Hazard Mitigation Plan with the Pender County Multi-Jurisdictional Hazard Mitigation Plan.**

Interim Emergency Management Director Charles Newman explained this resolution is to incorporate the Town of Burgaw into the County's plan; the Towns of Watha, Atkinson and St. Helena are already incorporated into the County's plan; the Town of Topsail Beach was recently incorporated into the County's plan, and is pending FEMA approval; and the plan is a cost-sharing item. Mr. Williams commented he sees this as being only an "upside" item. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

13. **Resolution Approving Pender County Board of Education Request to Move Forward with Construction of Auditorium and Gymnasium Project at Heide Trask High School.**

Schools Superintendent Allison Sholar explained: in August the Board of Commissioners approved a resolution authorizing the Board of Education to apply for Qualified School Construction Bonds totaling \$2.5 million dollars; the no interest bonds would have allowed them to complete the Heide Trask auditorium and gymnasium project; the application was accepted and they were notified they were eligible to receive this amount; because of the current economic climate, no banks came forward to finance the bonds so they cannot be issued to the schools; because of the current economic climate, construction costs are down and they would like to move forward with the Heide Trask project to take advantage of the lower costs; they currently have \$2.2 million dollars available in bond money; the Board of Education has authorized them to move ahead with the design of the project after receiving public input during a public hearing and at board meetings; and they are now asking the Board of Commissioners for authorization to move forward with the project. Mr. Benton noted that during the last several days some banks had showed interest in financing the bonds. Finance Officer David McCole said BB&T is in the market to purchase QSCB bonds; they said it would be an undetermined interest rate, but it could be as much as 2%. Mr. McCole said we currently have \$2.2 million in existing school construction bonds and the addition of sales tax refunds and ADM/Lottery capital funds, and bond interest income, it should be more than enough to enable the Schools to move forward with the project. Mr. Blanchard asked what the trade-off is of us paying the bank the 2% interest and the interest we are earning on the bonds now. Mr. McCole said the federal rate is only 0 to .25, plus

there is always a chance that the State could potentially freeze the ADM and lottery funds if they were to have cash flow problems due to a weak economy. He said this past spring, there was speculation that the State was considering the idea of freezing ADM and lottery funds. Mr. Rivenbark asked if we still need two new elementary schools in Hampstead and Ms. Sholar said right now, all the elementary schools in that area are slightly below capacity.

Mr. Blanchard then addressed Ms. Sholar and the School Board Chairman concerning the County's request for the Board of Education to donate land for a new library in Hampstead. He said he is concerned that it is taking them that long to make a decision since Mr. Benton considered it a time-sensitive item. Chairman Tate and Mr. Benton had made a presentation to the School Board during their October meeting. Mr. Roper said it wasn't conveyed to their board that they needed to act at that particular meeting. Mr. Tate said he thought he made it clear that we needed an answer as soon as possible. He said in talking with the Manager prior to the meeting, it was their understanding that an answer would be given that night and said he was surprised when they left the meeting that they didn't get an answer, because it's not a new topic. He said they brought this up several months ago at a Priority One meeting. Mr. Benton said he had been in discussion about the land several months with Ms. Sholar and Mr. Smith. Ms. Sholar said the School Board needed time to discuss the request and consult with the attorney, and they were not aware that action was expected that night. Mr. Roper said he was out of town on business during the October School Board meeting. He said he didn't see any objections to the land transfer; they were simply going through the legal review process they would typically exercise for this type of request. Mr. Roper did express concern about a similar request by the County in the past when the School Board gave land to the County which was not used for the purpose for which it was given. He said they lost rights and usage of that land and they want to make sure any future land that they convey back to the County is used for the purpose it was designed for. Mr. Blanchard said he didn't see any objection among county officials to a "reversionary" stipulation in the land transfer. Mr. Roper added that the School Board was not prepared to draw up an agreement that night during the October meeting. School Board Vice Chairman Katherine Eakins also spoke and said they wanted their attorney to get the legalities of donating the property and said the School Board members were all in agreement and none of them had any objections. Mr. McCole advised the Board that from a budget perspective, in future years ADM funds could be exhausted. He spoke about how the debt service on the bonds would be paid down. Mr. Rivenbark made a motion to approve the resolution authorizing the School Board to move forward on the project, Mr. Brown seconded the motion and it was unanimously approved.

14. Resolution Appropriating Funds for the Construction of the Auditorium and Gymnasium Project at Heide Trask High School.

Mr. Benton said based on the decision the Board just made on the previous item this resolution is to appropriate the funds as follows:

<u>Source</u>	<u>Amount</u>
Existing Trask Project Bond Funds	\$2,006,046
ADM Funds	\$ 642,075
Lottery Funds	\$1,384,836
Bond Project Sales Tax Reimbursement Funds	<u>\$ 367,003</u>
Total:	\$4,399,960

Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

15. **Resolution Authorizing Contracts with and Purchase Orders to LP3P Associates, Ltd., in the Amount of \$373,910.00 for Design Services Related to the Heide Auditorium/Gymnasium Project.**

Mr. Benton explained that this resolution is to authorize contracts with and purchase orders to LP3P Associates, Ltd., for design services, with respect to the previous two resolutions. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

16. **Resolution Authorizing Agreements and Project Ordinance for Industrial Shell Building Project: 1) CDBG-ED Funding Approval, Grant Agreement and Loan Agreement; 2) Sub-Recipient Agreement with Pender Progress Corporation for Use of CDBG-ED Funds; 3) Agreement with Pender Progress Corporation Providing for Funding and Construction of an Industrial Shell Building; and 4) Industrial Shell Building Project Ordinance.**

Mr. Benton explained the above-referenced Funding Approval, Grant and Loan Agreements, Sub-Recipient Agreement and Shell Building Ordinance. He explained that Pender County and Pender Progress Corporation have been working in partnership with the Town of Burgaw, Four County EMC, and Wilmington Industrial Development (WID) to develop an economic strategy to construct a 40,000 sq. ft. industrial shell building product to be located on Worth Beverage Drive in the Pender Progress Industrial Park in Burgaw. He said the purpose of the project is to attract an industrial client for the site, to encourage other industrial clients to consider Pender County for industrial projects, and to encourage economic investment and job creation in Pender County. He added this is to attract industry not only to this project, but Pender County as a whole, and said when they come and look at this project, they will also consider other locations. Mr. Benton noted that a small amendment had been made to the Pender Progress Agreement on Friday, after the Board had already received their agenda packages. A copy of the revised agreement had been provided to Board members. Mr. Williams said a lot of people have put time into this project and he thinks it is something that is going to pay dividends in the long-term. Mr. Williams commended the County Manager, WID and all involved for time and hard work they put into the project. Mr. Rivenbark said with over twelve percent of Pender County out of work, anything we can do like this is going to pay off big for us. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Thurman noted Attorney Rick Biberstein had done a lot of work on the project, and not just on behalf of Pender Progress.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton said his only item is an update on the Water Treatment Plant Project and explained that the item wasn't listed under the Public Information section because the information wasn't available when the agenda was published in the newspaper. Mr. Mack introduced the new County Utilities Engineer, Bryan McCabe, and gave his credentials. Mr. Mack then presented Mr. Brennan Buckley of Camp, Dresser, McKee (CDM), who delivered a PowerPoint presentation on the water treatment plant. Mr. Buckley's presentation included: Major Activities Since June 2009-including Preliminary Engineering Report (PER) Updates for Amended Project, Prepared Draft PER for Phase 2 Project, Proceeded with Design of the Water Treatment Plant in Advance of Final USDA Approval, US 421/NC 210 Transmission Main, and Project Permitting; Major Next Steps/Action Items-including Receive Formal USDA Approval, Conduct 50% Milestone Meetings with USDA, Conduct Pre-Qualification for WTP and Transmission Main, Complete Design of All Elements for Phase I, Complete Encroachment Agreement with NC DOT, Get Resolution on NPDES Wastewater Discharge Permit, Submit Major WTP Permits when Draft NPDES Permit is Received, and Project Bidding; Project Schedule; Project

Design Options; and Possible Interbasin Transfers in Pender County. The presentation in its entirety is on file with the permanent records in the County Manager's Office. Mr. Buckley said they would be giving a tour of the Kinston Water Plant on Friday. It was noted two Commissioners and Mr. Benton would be attending the tour.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said with respect to the local Board of Elections residency challenge, the three residents who showed up had proof that they had Pender County addresses, and the ones that didn't show up were the only ones removed from Elections records.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown mentioned that the Burgaw Dixie Youth will be holding a Turkey Shoot this month in Rocky Point and the proceeds will go to help upgrade Pender Memorial Park in Burgaw.

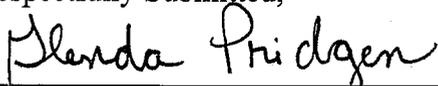
Mr. Blanchard said he would like to see the Board give employees a small honorary gift since they haven't been able to give them a raise or anything else. He said he would like to give them debit cards that they can spend anywhere and said a bank has agreed to print the cards at half their regular price. The cards would be in the amount of \$24.75 each, since anything \$25 and over would have to have taxes taken out. Mr. Benton said the total cost would be around \$9,000 and it would be taken from contingency line item. Staff was instructed to have this item on the next agenda.

Mr. Williams announced it had been confirmed that the County had been re-awarded the WAMI grant in the amount of \$2.8 million for the Lewis Road site. He said we've got to negotiate and said he had gotten nods from the other Commissioners that they want to do whatever we have to do to make this happen. He said he hopes we can negotiate well with the property owner, David Greer, but he doesn't expect him to come down the whole difference in the grant and the remaining of the asking price for the property. Mr. Williams said he is prepared to ask other Board members to step up to the plate. Mr. Benton noted he had made contact with the Division of Coastal Management regarding additional grant funds they may be able to provide to the project and it is his understanding they desire to assist the County. He said it may be possible to earmark up to \$350,000, depending on cash flow and if they can structure the deal to "reimburse" the State once they have sufficient cash funds in hand. Mr. Rivenbark said we need to make it work this time and Mr. Tate said that is the sentiment of the entire Board.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the meeting and the meeting adjourned at 11:30 a.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board