

MONDAY, NOVEMBER 16, 2009

The Pender County Board of Commissioners met in regular session on Monday, November 16, 2009 at the Penderlea School Auditorium, 82 Penderlea School Rd., Willard, NC

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

MEMBERS ABSENT: Commissioner David Williams.

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 Rivenbark led the Pledge of Allegiance.

Mr. Tate noted that due to job-related obligations, Mr. Williams wouldn't be able to attend the meeting and had asked him to apologize for him. Mr. Rivenbark made a motion to excuse Mr. Williams from the meeting, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

ADDITIONAL ITEM

Mr. Tate explained that the School Board has asked to remove Item #6 on the agenda and replace it with another resolution entitled "Resolution Authorizing Contract with and Purchase Order to Royalwood Associates, Inc., for Gym Floor Replacement at West Pender Middle School: \$51,397." Mr. Blanchard made a motion to suspend the prior notification rule for adding agenda items for today. Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Blanchard made a motion to replace Item #6 with the above resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC COMMENT

Ms. Johnna Howard of 3632 Englishtown Rd. asked if there is anything in the making for cleaning, beaver control, etc. to help Sills Creek. Mr. Benton said Sills Creek is included in the package of projects submitted to the Division of Water Resource. Ms. Howard asked how much funding is expected for Sills Creek and Paul Parker responded \$150,000. Ms. Howard asked if they know how close they are to receiving the funding and Mr. Benton responded the package was submitted at least six months ago. Ms. Howard explained that Sills Creek runs behind her doublewide home and the back side of the house is sinking down and dropping because of flooding problems with Sills Creek. Mr. Rivenbark said since it has been six months, he is requesting staff to contact the State regarding the status of the grant. Mr. Benton said Mr. Parker had contacted Mr. John Southerland who had requested that we submit an application, but Mr. Southerland had since retired and the current status is unknown. Mr. Tate said he thought the money was already in the County because the grant was already approved. Mr. Benton said we understood the grant was approved, but the State hadn't released funds to the County yet. Mr. Brown said we should have the beaver lady go back out and investigate Sills Creek. Mr. Blanchard said he agrees with Mr. Brown and said we should bring her to the next meeting. Mr. Tate agreed also and also said we need to have Greg Thompson, who is working on the project, come to the next meeting. Mr. Tate said Ms. Howard's problem is a priority case and instructed Mr. Benton to get back with Ms. Howard.

PUBLIC INFORMATION

1. **Monique Baker, Tourism Director: Presentation on Pender County Tourism Authority's New Website.** Ms. Baker and Earl Moore of the ITS Department presented the new Tourism Website. Some of the features Ms. Baker explained were: the Homepage and the buttons under Virtual Vacation are the same- this makes two ways to get to frequently visited pages and requested information; under Upcoming Events on the Homepage, you can click on "View More Info Events" which will take you to the Calendar-the Calendar will link to the County Website calendar for community events like blood drives and County-related events; the Communities page lists 13 Pender County Communities; and the Partners Page lists the Chamber of Commerce's, surrounding counties Visitors Bureaus, NC Tourism's site and regional partners sites; and a link to US feature. Ms. Baker said Mr. Moore designed the entire Website in-house, saving the County many dollars.

2. **Dr. Jack Griffith, Pender County Health Director: Update on the H1N1 Virus Issue.** Dr. Griffith gave an update which included: the Health Department has a very limited amount of H1N1 vaccine; there are over 950 people on the waiting list and the Health Department is only getting approximately 100 doses per week from the State; the State is beginning to realize children and pregnant women are at risk so they may be sending more vaccine; the virus is widespread but that doesn't mean everyone will get it; everyone who comes in contact with the bug won't get it; and some of the symptoms include high fever, headache, stomach problems. He said H1N1 virus is associated with pneumonia and recommend people 65 and over get the pneumonia vaccination. Mr. Brown asked if there is any advantage of the nasal mist versus the live shot vaccination for H1N1 and Dr. Griffith said they both give protection. He said the nasal is for a live virus and the shot is for a dead virus. Mr. Blanchard said he read in a journal that if you are 65 and over and healthy, the regular flu shot is enough. Dr. Griffith said Epidemiologists' opinions differ. He said if you can get a safe shot, you should take it. Mr. Brown asked how long before immunity takes place after you take the vaccination and Dr. Griffith said it varies by age. Dr. Griffith said the Health Department's H1N1 flu vaccine priority one group is as follows: pregnant women, household contacts of infants under six months, healthcare and emergency medical services workers; young people between six months and twenty-four years old; and nonelderly adults with underlying risk conditions.

3. **Jeannie Cariker Skane, Executive Director, Wilmington Area Rebuilding Ministry (WARM): Housing Rehabilitation.** Ms. Skane delivered a PowerPoint presentation entitled "WARM: Serving Pender County Since 1996." The presentation included: Substandard Housing in NC; WARM's Mission; WARM in Pender County; WARM's Typical Homeowner; WARM's Impact; and WARM Partnerships. The presentation also showed photos of dilapidated houses, failing septic systems; some of the recipients of WARM, and some of the volunteers at work. The presentation in its entirety is on file with the permanent records in the County Manager's Office. Mr. Blanchard asked if partnering enhances the chance of counties getting grants; Ms. Skane responded affirmatively and said some grant agencies prefer that you partner with a non-profit agency.

CONSENT AGENDA

Mr. Tate presented the five items on the Consent Agenda and noted the previous discussion of removing Item #6 and replacing it with another resolution. With the amendment to alter Item #6, Mr. Rivenbark made a motion to approve the Consent Agenda, Mr. Blanchard seconded the motion and the Board unanimously voted, by a 4- vote, to approve the Consent Agenda as follows:

4. Approval of Minutes for the Closed Session Meeting of October 19, 2009 and the Regular Meeting of November 2, 2009.
5. Resolution Authorizing an Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2009-2010: \$19,240.
6. Resolution Authorizing Contract with and Purchase Order to Skinner Smith Construction, Inc., for Storm Drainage Work at West Pender Middle School: \$6,750. **Removed from Agenda.**
6. Resolution Authorizing Contract with and Purchase Order to Royalwood Associates, Inc., for Gym Floor Replacement at West Pender Middle School: \$51,397. **Added to Agenda.**

7. Resolution Awarding CDBG-ED Grant Administrative Services and Purchase Order to Hartigan Management for the Industrial Shell Building Project.
8. Resolution Authorizing Application for Housing Finance Agency Urgent Repair Program (2010 Cycle).

Mr. Tate reminded the audience that the public can speak on any resolution before it is voted upon.

RESOLUTIONS

9. **Resolution Approving Purchase Order to Dell, Incorporated for \$64,162 for a Storage Area Network System and an FY 09/10 Budget Amendment Authorizing the Transfer of \$64,162 from Contingency to ITS.**

ITS Director Erik Harvey explained: the ITS Department utilizes a Storage Area Network (SAN) system to store departmental and system data and is a critical component of the County's network and departmental operations; the system, used since 1995, is an MPC product and they filed bankruptcy in November, 2008; since then ITS has been working to locate a vendor that would support the SAN system and hardware, but since it is an MPC product, none of the vendors would provide any support; they had one hard drive fail, and if one more hard drive fails, the ramifications would be catastrophic-the data, drives, and systems which are stored on the SAN will be lost; the situation is very critical so they moved quickly to rectify the situation; and the system is now up and running smoothly. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

10. **Discussion and Possible Adoption of Board of Commissioners Rules of Procedure.**

Mr. Rivenbark said in view of the fact that this item needs the vote of all Commissioners and one is absent, he will make a motion to table this item to the next meeting. Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

11. **Resolution Accepting Rural Economic Development Center, Inc. Grant in the Amount of \$144,000 for PORT Human Services, Inc. Facility in Burgaw, NC.**

Mr. Benton explained: the County has been awarded a \$144,000 Rural Health Initiative Grant through the Rural Economic Development Center, Inc. to provide funds to assist PORT Human Services, Inc. in the construction of a new mental health services facility in the Town of Burgaw; PORT Human Services, Inc. intends to construct a new facility with an investment of approximately \$1,007,000, and has committed to the creation of twelve professional jobs within a twenty-four month period; the grant agreement provides the company is responsible for reimbursing the County/Rural Center in the amount of \$12,000 for each job not created; the company is required to execute a loan performance agreement outlining the terms and conditions of the loan, and a promissory note defining the repayment terms in the event of default; the County is required to provide a 3% match (\$4,320), which can be in the form of in-kind services or cash; staff intends to document and use as much in-kind contribution as possible; and a grant project ordinance is provided for adoption. Mr. Benton introduced Tom Savidge, CEO of PORT Human Services, Inc. Mr. Blanchard asked if the funds are in the County now and Mr. Benton said it is a reimbursement type grant. Mr. Tate asked about the status of the building and Mr. Savidge said they are in the process of accepting bids, and the bids should be in by Friday. Mr. Benton said the funds will flow through the County but the County is not responsible for reimbursing the Rural Center for anything. He added this is a good investment and will be beneficial to both the County and the Town of Burgaw. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

12. **Resolution Approving Purchase Order to NewBridge Bank for \$9,810 for Gift Cards for Permanent Full-Time and Part-Time Employee Incentive and a FY 09/10 Budget Amendment Authorizing the Transfer of \$9,810 from Contingency (999-499400) to Miscellaneous (660-405700).**

Mr. Blanchard said we all know there were no salary adjustments for employees in the current budget, so he wants to do this as a small token to let the employees know the Board hasn't forgotten them. He noted the gift cards are for \$24.75 each because if you go to \$25.00, it would have to be taxed and we don't want to get into the taxing situation.

Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

13. Resolution to Approve a Standard Form of Resolution to Recognize the Public Service of Former Pender County Commissioners Who Have Passed Away.

Mr. Benton said this was discussed at the last Board meeting and staff was instructed to create a standard resolution to recognize any former Pender County Commissioner who had passed away. Mr. Blanchard said he suggested this as a uniform way to equally recognize every person who served as a Commissioner. He said the resolution can be amended in the future as needed. Mr. Blanchard made a motion to approve adoption of the resolution as presented, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

14. Resolution Recognizing the Public Service of Former Pender County Commissioner Paula Chewning Walls.

Mr. Benton explained that Ms. Walls served as Commissioner from 1990-1994, and passed away on October 21, 2009. Mr. Rivenbark said Ms. Walls represented his district and she used to live close by him. Mr. Jimbo Robbins said Ms. Walls represented District 5. Mr. Tate said he would like to set aside a day to fly the flag at half mast in honor of Ms. Walls. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

APPOINTMENTS

15. Resolution to Consider Re-Appointment to the Pender Memorial Hospital Board & Appointment to the Wallace Airport Commission.

Ms. Pridgen explained that Ms. Phyllis Lanier had served two terms on the Hospital Board and she would like to be re-appointed for another three-year term. Mr. Blanchard said with respect to the Wallace Airport Commission, no one from Pender County ever served on the Commission except a Commissioner; Mr. William (Bill) Mathis is an excellent candidate to serve because of his credentials, including he has experience in aviation; and since Mr. Mathis lives in Mr. Brown's district, Mr. Brown should make the motion to approve his appointment. Mr. Rivenbark said Ms. Lanier is in good standing on the Hospital Board and made a motion to re-appoint her for a three-year term, with term expiring July 25, 2012. Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Brown made a motion to appoint Mr. Mathis to the Wallace Airport Commission, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

ITEMS FROM THE COUNTY MANAGER

There were no items from the County Manager.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman noted there would be a closed session item.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown said he attended a Memorial Service for the sixteen year old student from Topsail High School that passed away, to represent the Board of Commissioners. He said it was a very sad occasion; the service was a very moving event; life is fragile-in this situation, a healthy young lady started feeling bad and within three days she passed away; and as a parent, he really sympathizes with the young lady's family. Mr. Tate said he is not a parent but he is sympathetic of any death. Mr. Tate instructed staff to get a sympathy card that Board members could sign at the next meeting and send to the family. Mr. Brown then reminded everyone about the Turkey Shoot to be held in Rocky Point, sponsored by Burgaw Dixie Youth.

Mr. Rivenbark said he wants to remind folks how busy Commissioners get when they get sent to different meetings representing the County. He gave a list of meeting he would be attending.

Mr. Tate thanked all County staff for putting the meeting together and thanked the people from Penderlea for attending.

CLOSED SESSION

At 5:10 p.m., Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session. Mr. Brown seconded the motion and it was unanimously approved. The closed session began at 5:30 p.m. At 7:00 p.m., Mr. Rivenbark made a motion to come out of Closed Session, Mr. Blanchard seconded the motion and it was unanimously approved. There were no announcements upon exiting the Closed Session.

PUBLIC HEARING

16. Special Use Permit: Request for an Indoor/Outdoor Recreation Establishment, Privately Operated, and Furniture, Outdoor & Play Equipment with Outside Display or Storage, Located at 2365 NC Hwy 210 W., Hampstead, NC.

The Public Hearing opened at 7:00 p.m. Mr. Thurman swore in the witnesses. Planning Director Patrick Davenport explained: Armand T. Daniel, Jr., applicant, on behalf of APPA Enterprises, owner, is requesting approval of the Special Use Permit; the uses would be located inside the existing 22,500 square foot warehouse, along with outside displays to be located in the side yard; the outside displays would allow the customers to "test" the equipment; ingress and egress for the project will utilize NC Hwy 210 West; the NC DOT is not requiring road improvement at this time; the proposed hours of operation will be 10:00 a.m. to 6:00 p.m Monday through Saturday and 1:00 p.m. to 5:00 p.m. on Sundays; the current business utilizes water service provided by an on-site private well, and individual on-site septic system, subject to review and approval from Pender County Environmental Health; the project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance; the project will comply with the evaluation listed in the resolution and the conditions to consider in issuing a revision of the Special Use Permit for the project. The Public Hearing closed at 7:03 p.m. There being no questions of staff or the applicant, Mr. Blanchard made a motion to approve the request, Mr. Rivenbark seconded the motion and it was unanimously passed by a 4-0 vote.

ADDITIONAL DISCUSSIONS

There was discussion of the December 14th meeting, which was scheduled to be held at 4:00 p.m. After discussion of previous commitments, it was the consensus of the Board to hold the meeting at 12:00 noon.

Mr. Benton stated the planning staff and Planning Board needed some guidance and clarification from the Board of Commissioners regarding the US 17 Overlay District concept. Commissioner Brown stated the original intent of the Board was to create an overlay district for the US 17 corridor in Hampstead, and a committee was appointed and made recommendations based on this. However, there has been recent discussions about applying those recommendations county-wide which has caused some concern among those on the original committee, as well as board members. Mr. Davenport noted the US 17 overlay district recommendations were presented to the Board in January, and it was recommended, and the Board concurred, to include this as a component in the new Unified Development Ordinance (UDO) as it was developed. However, since that time the Planning Board has recommended the standards in the overlay district be incorporated into the UDO and applied county-wide. The Board members expressed concern about doing this at this point, particularly since the various communities in the county have not had an opportunity to participate and have input into the overlay development process. Brown stated his opinion was that the US 17 Overlay District should be adopted as a separate district as originally planned, and that it could be broadened to apply to other areas of the county at a later time as appropriate. Brown noted that if there were parts of the overlay district that would be appropriate to include in the overall UDO, then that could be done as well. The Board members expressed concurrence with this approach. Mr. Davenport provided the Board with a copy of the US 17 Overlay District recommendations, and a draft ordinance that could be finalized and adopted in the near future. This could then be included as a section or component of the UDO when it is completed and adopted. Mr. Davenport noted there were many features and requirements that were recommended by the overlay committee, such as architectural standards, that needed to be carefully reviewed and considered before adopting. Mr. Davenport will draft an overlay ordinance

(as a text amendment) for the US 17 corridor in Hampstead, and submit to the Planning Board for their review and subsequent recommendation to the Board of Commissioners.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the meeting and the meeting adjourned at 7:30 p.m.

Respectfully Submitted



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board