

**MONDAY, JANUARY 4, 2010**

The Pender County Board of Commissioners met in regular session on Monday, January 4, 2010 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

**MEMBERS PRESENT:** Chairman Jimmy Tate, presiding; Vice Chairman Norwood Blanchard and Commissioners George Brown, 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 INFORMATION**

There were no formal requests made by the Agenda deadline.

**PUBLIC COMMENT**

Mr. Johnnie Stringfield of Community Outreach Ministries spoke to the Board concerning putting up a basketball court in Burgaw. He explained: he got help from planning staff and submitted a plan to the Town of Burgaw to build a basketball court on property near the railroad track; the Town submitted the plan to the State but the State turned it down because they plan to open the railroad track back up to run to Castle Hayne; as "Plan B" he is asking the Board to consider changing construction plans for Pender Memorial Park to build a basketball court; he had previously asked the Board to consider this as an option but Parks and Recreation Director Dee Turner said there was no room due to wetlands issues; a basketball court could replace the smaller of two soccer fields that are being put in the park; and they don't need two soccer fields because the football field could be used as a soccer field. Mr. Williams asked what studies Mr. Stringfield had done to say the other soccer field was not needed. Mr. Stringfield said there are no basketball courts in the County and said a lack of activities is promoting crime and obesity to Pender County's youth. Mr. Williams said the reason the basketball court at Burgaw Middle School was taken down was because of problems with those who used the court leaving the facility in bad shape. Mr. Williams asked why the County would set itself up for those same problems. Mr. Stringfield said they could put up security and the park setting itself with people around would deter people from tearing the court up. Mr. Brown asked why they would build two soccer fields and a football field in the beginning if they could give one of them up. Mr. Brown asked what had happened to another piece of property Mr. Stringfield had suggested using at a previous meeting. Mr. Stringfield said he doesn't know the status of the property but nothing had been done with it. Planning Director Patrick Davenport said the property had been added to the County's list of possible future park areas and added the park's expansion was

being done with grant money, and before anything could be changed, it would have to be agreed upon by those giving the grant. Mr. Tate suggested Mr. Stringfield take his request to the Parks and Recreation Advisory Board and Mr. Williams agreed this is a good idea. Mr. Williams said "we have been dealing with Pender Memorial Park for a long time and we have some momentum and I don't want to lose that." Mr. Blanchard said when Mr. Stringfield comes back before the Board he wants to see the Burgaw Chief of Police with him ready to sign off on the project. He said it will be the Chief's department that will have to keep it clear and safe. Mr. Brown said he doesn't want to lose any momentum either and was concerned that the problems at the basketball courts at school would carry over to the park. Mr. Stringfield said we have to take control of the community and said they will put people out there to watch over it if they have to. Mr. Stringfield agreed to take the request to the Parks and Recreation Advisory Board before coming back before the Board of Commissioners. Mr. Stringfield also distributed a map of Pender Memorial Park showing the proposed location of the basketball court.

Ms. Barbara Davis, the Oil Painting Instructor at Cape Fear Community College spoke on behalf of funding for the senior citizens who take the classes. She noted she had contacted Congressman Mike McIntyre's Office and the Governor's Office, seeking grants and funding from other agencies, and is asking the Board of Commissioners for assistance.

Mr. Rivenbark spoke on behalf of the Department of Defense and employees who are in the military services. He said the Board of Commissioners needs to re-affirm its support for North Carolina National Guardsmen and other active and reservists in the military; delivered to the Manager a video entitled "Managing Your Military Employees Effectively."; instructed the Manager to bring a resolution of support to a future meeting; and asked if we have any employees on active duty now. Mr. Benton responded affirmatively.

### **CONSENT AGENDA**

Mr. Tate presented the six 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. Williams seconded the motion and the Board unanimously voted to approve the Consent Agenda as follows:

1. Approval of Minutes for the Regular Meeting of December 14, 2009.
2. Resolution Approving Tax Releases and Refunds.
3. Resolution Accepting Petition to Add Wolfe Run Rd. & Warren Crossing in Olde Branch Subdivision, Burgaw, to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
4. Resolution Authorizing a Purchase Order to Red Hill Distributors, Inc., for the Purchase and Installation of 240 15" Lockers for West Pender Middle School: \$16,572.
5. Resolution Authorizing a Purchase Order to Telecommunications, Inc., for Installation of a New Fire Alarm at Penderlea School: \$45,382.
6. Resolution Establishing July 2010 Board Meeting Date and Time.

### **RESOLUTIONS**

7. **Resolution Authorizing Funding to Cape Fear Community College for Community Service Classes.**

Mr. Benton noted Dean Clarence Smith is present to answer any questions. Mr. Benton explained: the State has terminated funding to Cape Fear Community College (CFCC) for Community Service Classes; classes in oil painting and crafts had previously been provided at no fee for seniors in Pender County; without State funding CFCC must charge students a fee to recoup the full cost of the classes; CFCC

indicates they have no funding to continue the classes and are asking the Board to consider supplementing the cost of the classes for the participants beginning in January, 2010 to make them more affordable for seniors; CFCC provided classes at Pender Memorial Hospital and Day Spring Nursing Home; and Pender Memorial and Day Spring are not interested in funding the classes-their Activity Directors will include the classes in their activities. Mr. Williams said this is kind of a "slippery slope." He said we have to be cautious in choosing classes to fund; it should go through the normal budget process; it can appear that we are playing favorites; and the State can come back and make other changes and we could be accused of giving someone something and then taking it back. Mr. Blanchard said he supports the elderly and we should move forward with this. He said we should do this with the understanding that it is a one-time deal (from January to June 2010). Mr. Blanchard made a motion to subsidize Medicaid eligible students \$37.50 (75%) and non-medicaid eligible students \$25.00 (50%), based on 12 slots for each class, and with the stipulation that funding would be for Pender County residents only. Mr. Rivenbark seconded the motion and it was unanimously approved.

**8. Resolution Authorizing Purchase Order for Grantor/Grantee Index Book Binders: \$16,000.**

Register of Deeds Faye Prevatte explained: a majority of the index books in service were purchased in 1947 and some prior to that date; the books are worn, torn and faded and the hinges are rusty and bent; the binders are torn and in general bad shape; the books are important to the public and are used on a daily basis; the books were the original journals used to record documents prior to computers; the company is a North Carolina firm; and the funding will be provided from the AE&P Fund. Mr. Brown asked about the \$100 difference per book in RL Ballard's bid and Noland Microfilm Services' bid. Ms. Prevatte said Noland came back and said if they could bump up the number of books, they would give a \$50 discount on each book, so the Office included the notary book. Mr. Rivenbark asked if the quality of the books is good for this price and Ms. Prevatte said yes. She said they got feedback from other counties and it was all good. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**9. Resolution to Amend the Planning Board Membership.**

Mr. Davenport explained: historically, the County Fire Marshal has served as a non-voting appointment to the Planning Board to assure fire code input into all development matters that go before the Board; in the past year a Technical Review Committee (TRC) has been created to review and comment on all development applications and matters that go to the Planning Board for review; the Fire Marshal position is a permanent member of the TRC; and the appointment of the Fire Marshal as a non-voting, advisory member to the Planning Board is no longer necessary and is redundant. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**10. Resolution Authorizing Approval of an Amended Agreement with Pender Packing Company, Inc., for Constructing Sewer Improvements to Allow Pender Packing Company to Remain at their Current Location.**

Utilities Director Michael Mack explained: Pender Packing Company is a privately held sausage processing company established in Rocky Point in 1950 and utilizes an on-site private wastewater treatment facility that was installed in 1993; in November 2005 the company was issued a "Notice of Violation and Assessment of Civil Penalty" for violations of their NCDENR-Division of Water Quality General Permit, and now must pump and haul wastewater away from their facility; the company requested that Pender County extend sanitary sewer to its site to enable them to discontinue the use of their wastewater treatment facility and pump and haul requirements; to make the project financially feasible, the County applied for and received a \$50,000 Rural Center Economic Infrastructure Grant and a \$323,250 CDBG-ED Grant; the County, with these grants and local funding, will construct a forcemain

project extending sewer service from Pender Packing's site on NC Highway 133 to the County's Cape Fear School pump station—from there the sewage will be pumped via an existing forcemain along NC Highway 133 to Rocky Point/Topsail Regional Pump Station; Pender Packing entered into an Agreement with the County on August 21, 2006 and into a subsequent Performance Agreement dated October 16, 2006 requiring the company comply with the Rural Center and CDBG-ED Performance Agreements by committing to retain 35 existing jobs and creating 5 new jobs of which 60% will be filled by persons from low/moderate income households; and Pender Packing agrees to pay the "Local Match" portion of the project budget and the Sewer Capacity Fee of \$8.00 per gallon that was in place at the time of the original agreement. The total contribution by Pender Packing will be \$80,586. Mr. Brown asked for clarification of item #4 of the Agreement, which states "the project will retain 35 jobs at Pender Packing with the Company committing to 33 retentions..." Mr. Benton explained that the Legally Binding Commitment requires 33 job retentions. Mr. Brown made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Tate thanked Mr. Mack, Mr. Benton and all involved in this project.

**11. Resolution Authorizing Award of Construction Contract and Purchase Order for the Sewer Improvements to Serve Pender Packing Company to Mizelle Construction Services, Inc., in the Amount of \$331,835.70.**

Mr. Mack explained: Pender County Utilities (PCU) received bids from eight contractors for the Sanitary Sewer System project; Jeff Thompson of Hobbs, Upchurch & Associates designed and permitted the system, did due diligence and completed a background assessment of Mizelle Construction Services, Inc., the apparent low bidder; Mr. Thompson reported Mizelle's references are outstanding; and this resolution was contingent upon approval of the previous resolution. Mr. Brown asked if Mizelle offers a guarantee and Mr. Mack responded they offer the standard guarantee for these type contracts, the parts are guaranteed, and there is a twelve-month warranty through their Performance Agreement. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**12. Resolution Authorizing a Purchase Order to Skip Green and Associates, Inc., for Grant Administration Services Related to the Pender Packing Sewer Project in the Amount of \$20,000.**

Mr. Mack explained: PCU didn't encumber funds for administration services of the project earlier because they didn't know if the project would survive; Mr. Green has been providing excellent services to Pender County for a long time; and Mr. Green's fee is \$18,000, but PCU is allowing an extra \$2,000 for contingencies. Mr. Brown asked if the \$20,000 is in the original funding and Mr. Mack responded "yes, it is included in the grant funding." Mr. Tate asked if the funding for Mr. Green is based on a percentage of the total project and Mr. Mack said administration services are normally based on percentages. Mr. Benton said most of these type services are generally based on percentage and the percentages are normally less than 10%. Mr. Williams said Mr. Green has a "good track record" with the Pender County. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**13. Resolution Approving Budget Ordinance Amendment to Approve the Transfer of Funds within the Solid Waste Management Fund for the Award of the Renovations Construction Contract and Repairs at the Transfer Station: \$100,000.**

Mr. Mack explained \$280,000 was budgeted in the FY 08-09 Annual Budget for Capital Improvements to the Solid Waste Transfer Station on Highway 17, but only minor improvements were made last year and the balance of the line item was transferred to Solid Waste Management Retained Earnings at year end;

\$200,000 was budgeted in the FY 09-10 Annual Budget for renovations to the Burgaw Convenience Center this year; in order to award the renovations to the Burgaw Convenience Center construction contract and make some additional improvements to the Transfer Station, \$100,000 needs to be transferred to the Capital Outlay line item of the Solid Waste Management Fund from Retained Earnings; this transfer will provide the \$300,000 necessary for funding both the renovations project and maintenance repairs at the Transfer Station; and PSW is trying to make the Transfer Station safer for citizens who use it. Mr. Rivenbark asked if they had given any thought of improving the process of transferring trash from the west to the east and then shipping it out-of-county. Mr. Mack said they will soon be in the process of having someone come in to look at options and bring recommendations back to the Board. Mr. Rivenbark asked Mr. Mack to bring back a timeline at the next meeting. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved. Mr. Brown asked if there were still unallocated sewer capacity in the Rocky Point Sewer System Fund and Mr. Mack responded affirmatively.

**14. Resolution Authorizing Award of Construction Contract and Purchase Order for the Renovations at the Burgaw Convenience Center to Landmark Grading in the Amount of \$193,871.49.**

Mr. Mack explained: PSW received bid proposals from four contractors on December 17, 2009; the informal bidding procedure required each bidder make a "good faith effort" to meet the County's goal of 10% for participation by minority businesses in the total value of the work, and to provide certain documentation of such with the bid proposals; Landmark Grading submitted the lowest bid; Landmark did not provide 100% of the Minority Business Enterprise (MBE) information as required, but provided documentation of subcontract work to MBE firms at approximately 13% of the total value of the proposal; due to inconsistencies in the MBE compliance not only with the low bidder, but with the other firms bidding, staff is recommending all the bid proposals be rejected and the project rebid; and this change came after the agenda was published in the local papers. Mr. Rivenbark asked when the bids were opened, did they not recognize the MBE information was missing. Mr. Mack said the information wasn't missing, there just was no standard form included. Mr. Tate asked if there would be any additional costs to rebid and Mr. Mack responded negatively, but said we will lose probably thirty days of time. Mr. Tate asked if all the bidders who bid before are now aware of the low bid and Mr. Mack responded affirmatively. Mr. Blanchard made a motion to reject all the bid proposals received on December 17, 2009 for the renovations to the Burgaw Convenience Center and staff rebid the project. Mr. Blanchard seconded the motion and it was unanimously approved.

**15. Resolution Approving Budget Ordinance Amendment to Approved the Transfer of Funds from the Wastewater Treatment Plant Capital Project Fund to the Highway 117 Sewer Capital Project Fund and Authorization to Issue a Purchase Order to the Town of Burgaw for the Pender County Contribution to the Project.**

Mr. Mack explained: the County entered into an Interlocal Agreement with the Town of Burgaw on February 5, 2007 to participate in the cost to construct two sewer pump stations and a sewer forcemain to connect the sewer system of the Town of Burgaw to the Town of Wallace Wastewater Treatment Plant; in accordance with the Agreement, the Town of Burgaw will construct a 16" forcemain from Burgaw to the Wallace WWTP and pay the cost of a 16" line- the County shall pay to upgrade the line to 20" to the I-40 Exit, 390 Interchange area and a 24" line from the Exit 390 area to the Wallace WWTP; the estimated total cost of the project was originally \$12.3 million with the County's contribution being at \$3.0 million; on November 24, 2009, the Town of Burgaw awarded the base bid contract to Central Builders, Inc. in the amount of \$7,018,612; after reviewing the Bid Tabulation with McKim & Creed Engineers and the Town of Burgaw, it was determined that the actual Pender County contribution to the project is \$2,005,400

(33% lower than originally estimated); \$1,100,000 has previously been appropriated to the Capital project and an additional \$905,440 is necessary to fund the County's total contribution and encumber the funds for payment during construction of the project; and the additional funds are available in the Wastewater Treatment Plant Capital Project fund from the original "seed" money appropriation. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was approved by a 3-2 vote, with Mr. Blanchard, Mr. Rivenbark and Mr. Tate voting in favor of it, and Mr. Brown and Mr. Williams voting in opposition.

**16. Resolution Approving the Amended Agreement and Authorizing a Purchase Order to Cape Fear Resource Conservation & Development, Inc., for Grant Administration Services Related to the Maple Hill Community Sewer Project in the Amount of \$45,000.**

Mr. Mack again explained that PCU didn't encumber funds for administration services of this project earlier because they didn't know if the project would survive. Mr. Blanchard asked if there are enough sign-ups and Mr. Mack said we now have 200 and only 171 were required. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**17. Resolution Authorizing an Increase in Purchase Order to Terry Spell Mechanical Services, Inc. for Traffic Signalization at the New Topsail High School: \$53,828.75.**

David Smith, Director of Auxiliary Services for the Schools, explained the project exceeded the original costs due to changes made by the North Carolina Department of Transportation. Mr. Tate said he is concerned about the Schools completing projects before they are approved by the Board of Commissioners because we may be violating State laws. Mr. Tate said this happened previously just a few months ago. Mr. Benton said he discussed this problem with Mr. Smith and Superintendent Sholar and they agreed to coordinate better on purchase orders. Mr. Blanchard made a motion to approve the resolution as presented, Mr. Williams seconded the motion and it was unanimously approved.

**18. Resolution Approving Project Budget Amendment; Reducing the Purchase Order for Architectural Services; and Authorizing Contract with and Purchase Order to Blizzard Construction Company for Renovation of the West Park Regional Kitchen Incubator at James Sprunt Community College (Warsaw Location): \$349,000.**

Mr. Benton explained the resolution, noting the total project budget initially was \$396,478 comprised of a CDBG grant in the amount of \$356,478 and a grant from Pender Memorial Hospital for \$40,000. He said the actual grant from Pender Memorial is \$44,938, therefore the total project revenue and expenses need to be increased to \$401,416. Mr. Blanchard asked if the County gets any money for handling this and Mr. Benton responded "no" but there is not much time involved by the County. Mr. Benton said the resolution is requesting three items by the Board: 1) to consider a resolution approving a budget amendment to increase project revenues and expenditures; 2) to reduce the purchase order to Bowman Murray Hemingway Architects; and 3) to authorize a contract with and a purchase order to Blizzard Construction Company for the renovation of the West Park Regional Kitchen Incubator. Mr. Brown asked about the grant from the Hospital and if it was from taxpayers' money. Mr. Benton said it is possibly a grant Pender Memorial received from another entity, but he will confirm it. Mr. Rivenbark said since the County doesn't contribute funds to Pender Memorial, it can't be taxpayers' money. Mr. Tate noted he would abstain from voting on this item since he is affiliated with James Sprunt Community College. Mr. Blanchard made a motion to approve the resolution as presented, Mr. Brown seconded the motion and it was approved by a 4-0 vote, with Mr. Tate abstaining from voting.

19. **Resolution Approving First Amendment to the Water Supply Agreement between Pender County and the Lower Cape Fear Water and Sewer Authority.**

Mr. Benton explained: the County entered into an agreement with the Lower Cape Fear Water and Sewer Authority (LCFW&SA) in 2006 for the payment of a System Development charge in the amount of \$935,082; the agreement provided for the payment in semiannual installments at an annual interest rate of 5.25%; the Authority has agreed to lower the interest rate to 4.09% effective January, 2010; the semi-annual payment will be reduced by \$5,639.38; the amendment has been approved and executed by the Authority; and Chairman Tate and Vice Chairman Blanchard, the County's representatives on the Authority, took it upon themselves to ask to get the rate reduced. Mr. Brown asked if this action changes the rate only and doesn't change anything else and Mr. Thurman replied affirmatively. Mr. Tate thanked Mr. Blanchard for taking the lead in discussing this with LCFW&SA. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

20. **Resolution Approving Funding for Pender Youth Football and Cheerleading Association.**

Ms. Carla Burbick of Pender Youth Football and Cheerleading Association (PYFCA) explained they appeared before the Board in December to introduce the cheerleaders, show the trophy they won to the Board, and ask the Board for support in helping the girls raise over \$6,000 to go to national competition in February. Ms. Burbick said they had raised all of the money except \$2,000 and they still have a raffle going on at the current time. She also explained the competition, how they got to this point, what the money is needed for, who is going and where they are going. Mr. Benton had suggested a \$250 contribution. Mr. Williams made a motion to approve the resolution and Mr. Rivenbark seconded the motion, but no vote was taken at this time. After some discussion, Mr. Rivenbark made a motion to approve the resolution as recommended by the Manager and Mr. Williams seconded the motion but no vote was taken. Mr. Blanchard asked how much did we give the last groups and Mr. Benton said the baseball and softball teams were given \$1,500 each. Mr. Brown said this is a "milestone" for these girls and said we should "up the ante." Mr. Blanchard agreed with Mr. Brown. Mr. Tate said we can't just keep approving this as it pops up out of the budget during the middle of the year and suggested the Manager design a schedule containing these requests and include it in the next budget. Mr. Blanchard asked Mr. Rivenbark to amend his motion to say give \$50 per head. Mr. Rivenbark withdrew his motion. Mr. Blanchard then made a motion to give \$50 per head (\$850 maximum), Mr. Brown seconded the motion and it was unanimously approved. It was noted that if any person withdrew from going on the trip, the \$50 for that person would not be given. Mr. Benton then discussed with the Board the amount of money left in the Contingency line item.

21. **Resolution Establishing an Animal Control Ordinance Review and Recommendation Committee.**

Mr. Benton presented and explained the resolution and explained the recommendations he and Dr. Griffith had made with respect to forming this committee. Dr. Griffith was also present and answered some questions by Board members. There was discussion of the application process and other items. Mr. Thurman asked the Board to consider waiving the rule that applicants can't serve on more than one board/committee/commission for this particular committee. With Mr. Thurman's suggestion, Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved. The Commissioners are to provide names of their appointees to the Deputy Clerk to the Board by January 8<sup>th</sup>; recommendations are to be made to the Board of Health by March 16<sup>th</sup>; and recommendations to the Board of Commissioners by April 19<sup>th</sup>. The resolution/recommendations are attached to these minutes and made a part of them by reference herein, as Attachment A.

22. **Resolution Waiving Pender County Allocation of Recovery Zone Economic Development Bonds and Directing Allocation to the Lower Cape Fear Water and Sewer Authority Kings Bluff Water Plant Project.**

Mr. Benton explained: the County had waived private development bonds a couple months ago that we were not able to use; the Kings Bluff Water Plant Project is estimated at \$3.1 million; and the action requested of the Board is to: 1) request the Allocation Committee designate the County's RZED bond allocation to the financing of the Kings Bluff project; 2) designate the Authority as the issuer of the bonds; and 3) request the Allocation Committee reallocation additional RZED bond allocations to the County or to the Authority to be designated for this project. It was noted that a number of people in western North Carolina works at the Smithfield Plant. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT**

23. **Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District to Enter into an Interlocal Water Sales Agreement with the Town of Surf City to Acquire Additional Finished Water Supply for the Remaining Rocky Point/Topsail Phase V Customer Base.**

Mr. Mack explained: the Rocky Point/Topsail Water & Sewer District (RPTWSD) currently purchases up to 800,000 gallons per day from the Town of Wallace; during peak demand days, the supply capacity reaches approximately 85% of the available supply; State regulations require all public water supply systems to begin design of additional water supply facilities at 80% of available supply and begin construction of those facilities at 90%; in order to preserve the necessary remaining water supply, approximately 400-500 future customers in the Phase V construction area have not been brought on-line; through negotiations with the Town of Surf City, the RPTWSD will be able to purchase water supply to serve the remaining Phase V customer base; the Town of Surf City is amenable to selling up to 200,000 gallons per day to the RPTWSD for an initial term of one year that may be renewed or extended for up to four additional one-year terms until such time as the Pender County Water Treatment Plant comes on-line; the purchase price for water from Surf City is \$4.00 per 1,000 gallons plus an Availability Fee of \$600 per month; and the estimated daily demand is expected not to exceed 100,000 gallons per day. Mr. Benton noted this item will be on Surf City's agenda for approval tomorrow. Mr. Williams asked if the water is a one-way feed and Mr. Mack responded it will be originally. He said eventually there will be a second interconnection point which will be for emergencies. Mr. Williams asked when will the water flow from Surf City and Mr. Mack responded hopefully, from six to nine months. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

**APPOINTMENTS**

24. **Boards/Committees/Commissions on which Commissioners Currently Serve: Annual Review/Modify.**

Ms. Pridgen explained this item. There was some discussion of Mr. Brown's appointment to the Partnership for Children Board. Ms. Pridgen noted that a Commissioner's name is mandatory to be on the Board, even if they don't attend the meetings. Mr. Benton noted he and Mr. McCole attend some of the meetings Partnership's. The Board generally agreed to remain on all their current boards. Mr. Blanchard mentioned sending a letter to the Boards stating their membership will remain the same and Mr. Thurman suggested a blanket letter to say the attached Pender County Commissioners' Boards have been adopted.

**ITEMS FROM THE COUNTY MANAGER**

Mr. Benton had no additional items.

**ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman had no additional items.

**ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Rivenbark said he is the Pender County representative on the Southeastern Center for Mental Health, Developmental Disabilities & Substance Abuse Services Board (SECMH). He explained: SECMH is proposing to build a new building because the facilities they are in now are not adequate; the proposed project will be cost approximately \$5.8 million financed at \$490,000 annually; Pender County's share will be less than 10% and they want to move ahead on the project; and staff will bring a resolution to the next meeting in support of the project.

Mr. Tate said he is getting schedules of meetings for municipalities in the County and he plans to attend at least one meeting of each during 2010. Mr. Tate said he attended services for Ms. Daisy Larkins (a former school teacher who was killed in a car accident) and presented a proclamation from the County. He said Ms. Larkins' family appreciates everything the Board and others did for them. Mr. Rivenbark added remarks concerning Ms. Larkins.

Referring back to Item No. 10, Mr. Brown wanted verification that no County funds would be involved and Mr. Mack said the difference would be paid by Pender Packing. Mr. Rivenbark asked if the Attorney had gone over the agreement thoroughly and Mr. Thurman responded affirmatively.

**CLOSED SESSION**

There were no items for closed session.

**ADJOURNMENT**

There being no further business, Mr. Blanchard made a motion to adjourn the meeting and the meeting adjourned at 11:55 a.m.

Respectfully Submitted,



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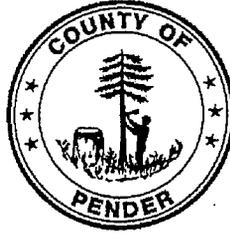
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Rick Benton, Clerk to the Board



**REQUEST FOR BOARD ACTION**

ITEM NO. 21.

**DATE OF MEETING:** January 4, 2010

**REQUESTED BY:** Rick Benton, County Manager

**SHORT TITLE:** Resolution Establishing an Animal Control Ordinance Review and Recommendation Committee

**BACKGROUND:** The Board has asked staff to develop recommendations for appointment of a committee to review the County's animal control ordinances and procedures. After consulting with Dr. Griffith, Health Director, the following recommendations are presented for Board consideration:

Recommendation #1: The Board of Commissioners should authorize the formation of an "Animal Control Ordinance Review and Recommendation Committee." The purpose of the Committee is to assess the effectiveness of the current County animal control ordinance and its impact on regulations and procedures as conducted by the Animal Control Program, and to recommend amended or new regulations and procedures for protecting the public health, safety and welfare of county residents; enabling residents of Pender County to walk and exercise themselves and their pets without fear of attack from an aggressive animal; preventing injury to other animals from attacks by aggressive animals; increasing fines and penalties accordingly when an animal or its owner is found to be responsible for an unprovoked attack on either a person or another animal; and protecting animals and the public from the threat of rabies.

Recommendation #2: The Board of Health should appoint stakeholders to the Committee representing the following groups if possible: Friends of the Shelter; Monty's Home/Pawsitive Partners Prison Program or other advocacy group, such as a representative from the American Kennel Club or the United Kennel Club; Veterinarian Representative; Representative from the Pender County Humane Society; Sheriff's Representative; District Attorney Representative; and a Representative of the Local Hunt Clubs.

Recommendation #3: Each member of the Board of Commissioners should appoint one resident representing that Commissioner's District to serve on the Committee.

Recommendation #4: The Health Director should serve as the Committee liaison to the Board of Health, and the County Manager should serve as the Committee liaison to the Board of Commissioners. The Health Director and County Manager will provide for staff support and technical advice as needed by the Committee.

Recommendation #5: The Committee should meet as soon as practical after appointments are finalized, and as often as necessary to prepare and present recommendations to the Board of Health on or by March

16, 2010; with the Board of Health making final recommendations to the Board of Commissioners on or by April 19, 2010. The Committee shall elect a Chair and Vice-Chair to guide the committee's work.

**SPECIFIC ACTION REQUESTED:** To consider a resolution establishing an Animal Control Ordinance Review and Recommendation Committee with guidelines as set forth above in Recommendations 1-5.

#### COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.



Initial

#### RESOLUTION

**NOW, THEREFORE BE IT RESOLVED** by the Pender County Board of Commissioners that:

- a. The Board of Commissioners hereby authorizes the formation of an "Animal Control Ordinance Review and Recommendation Committee." The purpose of the Committee is to assess the effectiveness of the current County animal control ordinance and its impact on regulations and procedures as conducted by the Animal Control Program, and to recommend amended or new regulations and procedures for protecting the public health, safety and welfare of county residents; enabling residents of Pender County to walk and exercise themselves and their pets without fear of attack from an aggressive animal; preventing injury to other animals from attacks by aggressive animals; increase fines and penalties accordingly when an animal or its owner is found to be responsible for an unprovoked attack on either a person or another animal; and protecting animals and the public from the threat of rabies.
- b. The Board of Health shall appoint stakeholders to the Committee representing the following groups if possible: Friends of the Shelter; Monty's Home/Pawsitive Partners Prison Program or other advocacy group, such as a representative from the American Kennel Club or the United Kennel Club; Veterinarian Representative; Representative from the Pender County Humane Society; Sheriff's Representative; District Attorney Representative; and a Representative of the Local Hunt Clubs. The Board of Health shall make these appointments at their regularly scheduled meeting on January 19, 2010.
- c. Each member of the Board of Commissioners shall appoint one resident representing that Commissioner's District to serve on the Committee. Each Commissioner shall provide his appointment name to the Deputy County Clerk on or before January 8, 2010.
- d. The Health Director shall serve as the Committee liaison to the Board of Health, and the County Manager should serve as the Committee liaison to the Board of Commissioners. The Health Director and County Manager will provide for staff support and technical advice as needed by the Committee.
- e. The Committee shall meet as soon as practical after appointments are finalized, and often as necessary to prepare and present recommendations to the Board of Health on or by March 16, 2010; with the Board of Health making final recommendations to the Board of

