

MONDAY, FEBRUARY 1, 2010

The Pender County Board of Commissioners met in regular session on Monday, February 1, 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 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 10:00 a.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.

EXCUSE COMMISSIONER

Mr. Tate noted Mr. Williams could not attend today's meeting. Mr. Rivenbark made a motion to excuse Mr. Williams, Mr. Brown seconded the motion and Mr. Williams was unanimously excused by a 4-0 vote.

PUBLIC INFORMATION

1. **Mr. Steve Yost, Director, North Carolina's Southeast: Update on North Carolina's Southeast Activities and Industrial Development.**

Mr. Yost distributed their 2008/09 Annual Report and some other written information. Some of the highlights he presented were: their organization is a Regional Economic Development Organization consisting of eleven counties; they are state commissioned but are not a state agency; their success is based on collaboration with other organizations; some companies/industries' biggest problem right now is not being able to get financing; Pender County is greatly enhanced by working with Wilmington Industrial Development; North Carolina Southeast is in collaboration with the State Ports Authority; and they have started partnering with the BRAC Regional Task Force (an entity working to ready communities surrounding Fort Bragg and Pope Air Force Base for the federal government's latest Base Realignment). Mr. Yost also listed some of the projects they have been involved in, some of the marketing strategies they use, what they currently have going on, and the impact military growth will have on Pender County. Mr. Blanchard asked with the 13% unemployment rate in Pender County, could Mr. Yost's agency help us get our old Tier rating back. Mr. Yost said the population growth is what carried Pender County from a Tier 2 county to Tier 1, that rating the counties is state controlled and there is nothing his agency can do, and the tier rating won't be a negative factor to industry locating here. Mr. Tate was concerned that the tier rating would affect other funding alternatives and Mr. Yost said Pender still has a rural environment and can still receive funding from the Rural Center, USDA and others. Board members expressed concern that Lee's Tackle hadn't located in Pender as

they were supposed to. Mr. Yost said Lee's Tackle had located in a temporary location due to the economic downturn, and said there is still the possibility of them locating in Pender.

2. Update on Unified Development Ordinance (UDO) and Highway 17 Overlay District.

Planning Director Patrick Davenport explained: the Board had previously asked for an update on the UDO project to determine whether or not to expedite the US 17 Overlay District for adoption as a separate ordinance; staff continues to work on the UDO project, proceeding toward a June 21 adoption date and a July 1, 2010 implementation date; currently, the UDO ordinance is scheduled for two public hearings before the Board of Commissioners, for May 17 and June 21; the Board can adopt the UDO after the public hearing on the 21st or wait until the July 12 meeting; if the Board wishes to implement the Highway 17 Overlay District separately and earlier, the earliest the text amendment can be heard and approved by the Board of Commissioners is May 17, 2010; and staff is preparing for a joint meeting between the Planning Board and Board of Commissioners on February 15 and the entire UDO can be reviewed then. Mr. Brown said he had spoken with Mr. Williams concerning this and they agreed this should proceed as a dual project if there is only a couple months difference and delays are foreseen. Mr. Davenport verified that they don't see any delays at this point. Mr. Blanchard said it would cost more money to split the two projects and there would be only a few days delay. Board members agreed for Planning staff to proceed with the two projects together.

RECOGNITION OF EMPLOYEE

At this point, Mr. Tate gave recognition to Administrative Assistant Melinda Knoerzer and welcomed her back to work after her illness. Mr. Tate noted Ms. Knoerzer had been very helpful to him since he first came on the Board. Other Board members, staff and the audience welcomed Ms. Knoerzer back.

3. Board of Health Resolution Recommending an Ordinance Prohibiting Tobacco Use on County Owned Property.

Health Director Jack Griffith presented a report entitled "Smoking Perspective 1961 to 2010-History of the Surgeon General's Warning." He explained that he had conferred with the County Manager and County Attorney and they came up with an ordinance to do a complete ban on smoking on county-owned property, including Pender County buildings, grounds and vehicles; the Board of Health voted to request that the Board of Commissioners adopt the ordinance. Dr. Griffith listed the hazards of smoking and secondhand smoke. Mr. Blanchard said you can't stop people from doing everything to hurt themselves. He said we need to find a "middle ground" and not completely stop them from smoking on county property. Mr. Rivenbark asked if smoking is addressed in our Fitness Program and Mr. Benton said not at this time but it will be worked in as we go on. Mr. Rivenbark said if we work it in our Fitness Program, it can be used as an incentive for lower health insurance rates. Mr. Brown said he agrees with Dr. Griffith that smoking is harmful, but there are two sides to the issue. He asked what else will local government control and said we should try to educate people on smoking, but he can't go along with banning it completely. Mr. Brown said on the one hand we receive and want grants from tobacco taxes, but then we're going to ask people to stop smoking. Dr. Griffith said they are not trying to regulate what people do, they just don't want them to do it on county property. Mr. Tate said he had heard lots of pros and cons on this subject and he came into the meeting undecided on how to vote on the issue. He said we have a limited role in what we can compel people to do and we need to do more preventive education. Mr. Tate asked if Dr. Griffith had gotten a lot of complaints concerning smoking on county property and Dr. Griffith responded "no." Mr. Blanchard asked Dr. Griffith and Mr. Benton to go back and try something else without totally banning smoking on county property. Mr. Benton said there are other options they considered, and that can be reconsidered. Dr. Griffith said

he felt this was the Board of Health's responsibility, and he will go back to the Board and see if they can come up with something else.

PUBLIC COMMENT

Dennis Boyles said he is a smoker; Dr. Griffith is basing his information on the intent of legislators, not on fact; asked the Board to consider smokers' rights; and said smokers' rights had been "beaten to death" the past few years. Mr. Boyles distributed written information to the Board.

CONSENT AGENDA

Mr. Tate presented the five items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Blanchard made a motion to approve the Consent Agenda as presented, Mr. Rivenbark seconded the motion and the Board unanimously voted, by a 4-0 vote, to approve the Consent Agenda as follows:

4. Approval of Minutes for the Regular & Closed Session Meeting of January 19, 2010.
5. Resolution Approving Tax Releases and Refunds to the Individuals Listed Herein.
6. Resolution Approving Policy on Daily Deposits.
7. Resolution Approving Budget Ordinance Amendment for Additional Crisis Intervention Funds: \$47,032.
8. Resolution Authorizing an Option for Acquisition of Easement for AT&T at Pender Commerce Park.

RESOLUTIONS

9. Resolution Adopting a Statement of Support for the National Guard and Reserve.

Mr. Rivenbark said it was his resolve that no one employed by Pender County would have to go through what he went through with the armed services. He said after twenty years of service in the reserves, he was told he was no longer needed. Mr. Rivenbark recognized the following employees for their years of service to the County and to the armed services:

DSS:	Janet Martinez – Navy
	Jamie Newkirk – Army
	Leanora Corbett – Retired Army
	Lisa Worley – Former Army
	Monica Murray – Former Navy
Public Works:	Paul Parker – Retired Navy
Sheriff:	James Evans – Active – National Guard

Mr. Tate made remarks and thanked the employees for their public service. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

10. Resolution Authorizing Award of Construction Contract and Purchase Order for the Renovations at the Burgaw Convenience Center to Landmark Grading in the Amount of \$189,724.19.

Utilities Director Michael Mack explained: they received bids from four contractors in December; due to inconsistencies in the Minority Business Enterprise compliance with all the firms bidding, the Board rejected all bids at the January 4, 2010 meeting and instructed staff to re-bid the project; the same four contractors re-bid on January 19; the bid form submitted by Landmark Grading did not bear the Contractor's License number, but it was determined this was not a reason to reject the bid because the proper licensing was determined for all the bidders prior to accepting the bids; and Walton Engineering

(the Engineer of Record) recommended award of the contract to Landmark contingent upon them providing proof of Commercial Liability Insurance in the amount of \$1,000,000 or more, proof of Workman's Compensation Insurance, and a Performance Bond in the amount of 100% of the contract. Mr. Brown asked if all the bonds are at 5% and Mr. Mack responded "no." Mr. Rivenbark said the state of the Burgaw Convenience Center had been one of the first complaints he had received as a Commissioner and thanked Mr. Mack for getting the improvements started. Mr. Tate thanked Mr. Mack for getting lots of projects done. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton had no further items.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he has an item for closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate thanked Board members, staff and others for attending the Municipal Association Banquet on Friday night, including St. Helena Councilman Tom Bradshaw and House Representatives Justice and Hughes; thanked Congressman McIntyre for presenting the Board with a \$12,549,000 check for the water plant; thanked staff for working hard to get the money and thanked the USDA. Mr. Tate also noted Congressman McIntyre had attended a Martin Luther King, Jr. celebration in Wilmington with Representative Jim Clyburn of South Carolina and thanked staff and other Board members for a successful two-day retreat last week.

Mr. Benton recognized Fire Marshal Charles Newman for serving as Interim Emergency Management Director and said Mr. Newman and Deputy Fire Marshal Tommy Batson had done a great job the last six months. Mr. Benton introduced the new Emergency Management Director, Mr. Tom Collins, and gave his previous employment history and credentials. Mr. Collins thanked the Board. Mr. Tate said he echoes Mr. Benton's reviews of Mr. Newman.

CLOSED SESSION

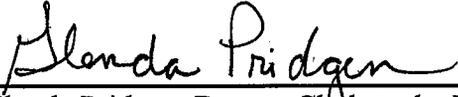
At 11:16 a.m., Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11 (3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; and (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. Mr. Blanchard seconded the motion and the Board unanimously approved going into Closed

Session, by a 4-0 vote. At 12:04 p.m., Mr. Rivenbark made a motion to come out of Closed Session, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote. There were no announcements upon exiting the Closed Session.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the meeting and the meeting adjourned at 12:04 a.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board