

MONDAY, MARCH 1, 2010

The Pender County Board of Commissioners met in regular session on Monday, February 15, 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 Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

ADDITIONAL ITEMS

Mr. Tate noted there are two supplemental items being requested to be added to the agenda-one to the Consent Agenda and one to Public Information. Mr. Brown asked if the two items are time sensitive. Mr. Benton said the Consent item is due to the State by March 10th. He said he doesn't know if the Public Information item is time sensitive or not, but it was requested by Mr. Rivenbark. Mr. Rivenbark made a motion to add the two items, Mr. Williams seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

1. **Introduction of New Pender County Forest Service Ranger – Hagan Blake.**

Mr. Benton introduced Hagan Blake, the new Pender County Forest Service Ranger. He said Mr. Blake is taking the job of former Service Ranger Leon Craft; he has been with the Forest Service 10 years/7 months; and he is married to one of our county employees. Mr. Blake said Pender County is his home and this job is not just about him, it is a team effort. He recognized his staff by listing their names and titles, and listed some of their duties.

2. **Proclamation by the Pender County Board of Commissioners Commending Nathan Miller for Achieving the Eagle Scout Award.**

Mr. Miller was present with his mother. Mr. Rivenbark read and presented Mr. Miller with a proclamation by the Board, and an American flag flown over the State Capitol from Representative Carolyn Justice. Ms. Justice then presented Mr. Miller with a certificate and a letter she had written to him. All present applauded Mr. Miller.

2a. **Recognition of DSS Employees with 25 Years of Service.**

Mr. Rivenbark noted the four individuals had been recognized at the Employee Christmas Luncheon, they had been recognized by the State DSS Board and he wants them to be recognized at a public Board of

Commissioners meeting. He added that the four individuals represent 100 years of service to the County and presented them with State certificates. The individuals were Herbert Estelle, Annette Lewis, Jacqueline McLeod and Patricia Walker.

2b. Introduction of NC New Board of Transportation Member - Mike Alford.

Mr. Williams introduced Mr. Alford. Mr. Alford said he represents Division 3 of the NC DOT, which includes Pender County; DOT is in a period of major reform; roughly \$140 million in DOT funding that had been diverted in the past when the region wasn't able to get permits for its projects is available now for Division 3; we can realize great savings on projects by doing them now instead of waiting; all projects being funded for future projects are on a ranking system; and it is critical that we all pull together and make certain we prioritize what our priorities are as much as we can. He added it is his pleasure to be here and he looks forward to working with each and every one of the Board members. Mr. Williams asked if a project is not ranked at the top does it mean it won't get funded and Mr. Alford responded "no, they have an equity formula." Mr. Rivenbark noted there are very few secondary roads in Pender County where the side ditches have been cleaned. Mr. Alford said he will check into this. Mr. Williams said the Hampstead area needs a Highway 17 by-pass. Mr. Tate reiterated what Mr. Rivenbark and Mr. Williams said and added that cleaning out the ditches will help a lot of the County's drainage problems.

PUBLIC COMMENT

No one signed up or wished to speak during Public Comment.

CONSENT AGENDA

Mr. Tate presented the other five items on the Consent Agenda and asked for any questions or discussion. Mr. Rivenbark made a motion to approve the Consent Agenda, including the new item, Mr. Williams seconded the motion and the Board unanimously voted to approve the Consent Agenda as follows:

3. Approval of Minutes for the Regular & Closed Session Meeting, & Joint Session with Planning Board: February 15, 2010.
4. Resolution Approving Tax Releases and Refunds to the Individuals Listed Herein.
5. Resolution Authorizing a Contract with and Purchase Order to American Detection Systems, Inc., in the Amount of \$18,203.82 for Technology Wiring at Rocky Point Primary School.
6. Resolution Authorizing a Contract with and Purchase Order to Jacksonville Mechanical, Inc. in the Amount of \$96,260 for Replacement of the Chiller Unit at Topsail Elementary School.
7. Resolution Authorizing Purchase Order for Updating County's Multi-Jurisdictional Hazard Mitigation Plan to Holland Consulting Planners, Inc. in the Amount of \$21,900.00.
- 7a. Resolution Authorizing Paul B. Parker and Patricia E. Simmons to Execute all Necessary Papers and Documents in Connection with DEHNR for Aid in Mosquito Control.

PUBLIC COMMENT

It was noted that a member of the audience did wish to speak. Ms. Bettie Fennell spoke about prohibiting Illegal Aliens from attending the North Carolina Community College System. She said it is illegal to hire Illegal Aliens to work and she is against the US funding schooling for them. Ms. Fennell said she submitted a resolution concerning this and she wants the Board to consider approving it. Mr. Brown wondered if the colleges ask on their applications if the applicants are legal. Mr. Blanchard said it is his understanding that the foreigners attending college graduated from US high schools, were born in the US, and are legal citizens.

RESOLUTIONS

8. **Resolution Authorizing Conveyance of Property to Cape Fear Habitat for Humanity.**

Housing Director Angela Keith explained that Barbara Birkenheuer, Executive Director of Cape Fear Habitat for Humanity, made a presentation at the February 15, 2010 meeting, requesting donation of the land on McIntyre Church Road, and this is the formal request. Mr. Brown asked would everything work out as to zoning, etc. and the answer was affirmative. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

9. **Resolution Authorizing a Contract with and Purchase Order to Monteith Construction Corp., in the Amount of \$3,328,000 for Construction of C. Heide Trask High School Auditorium & Auxiliary Gym Addition.**

Mr. Benton explained that Monteith Construction Corp. was the low bidder and that their bid actually came in lower than the Architect's recommendation. Mr. Rivenbark asked if they are building two gyms and asked if two buildings were in the original bond issue. Mr. Thurman explained that the School Board had decided it was better to construct a building that would be a combination school auditorium and auxiliary gym rather than just a large auditorium. He said they can shift general bond funds into other projects, but the Performing Arts funds can only be used for Performing Arts. Mr. Brown said with a project of this size, it would be nice to have someone from the Schools here in case of questions. He said he was actually planning to compliment the Schools for presenting this much information with the item. Mr. Tate and Mr. Blanchard also took issue with the School Board not having anyone present at the meeting. Mr. Blanchard made a motion to approve the resolution, with a caveat that the County Manager establish a threshold for a certain amount that requires someone from the Schools be in attendance on similar matters, or the Board would table the matter. Mr. Rivenbark seconded the motion and it was unanimously approved.

10. **Resolution Approving Professional Services Agreement and Authorizing a Purchase Order to McKim & Creed for NPDES Effluent Modeling, Permitting, and Toxicity Testing to be Generated by the Pender County Water and Wastewater Treatment Facilities.**

Public Utilities Director Michael Mack explained: Pender County is in the final design and permit phase for a 2 MGD Water Treatment Plant to be constructed at the Pender Commerce Park; the County has also partnered with the Cape Fear Public Utilities Authority to design and permit a new 0.5 MGD Regional Wastewater Treatment Facility; each of these facilities will require an NPDES permit for discharge of effluent; in order to accomplish the combined effluent discharge into a single discharge point, the DENR Division of Water Quality will require specific mixing zone modeling for the combined outfall, toxicity testing for the effluent, and additional submittal data for approval of an NPDES permit to allow both discharges; and McKim & Creed has provided a Scope of Work and Agreement to complete these services for \$25,400. Mr. Brown asked if a 12" pipe is adequate and Mr. Mack responded "yes, for Phase 1 and the immediate future." He added we can parallel it later without any permitting. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

11. **Resolution Adopting a 2010-2012 Statement of Values and Strategies.**

Mr. Benton explained that at the planning summit held in January, Board members outlined values and priorities/strategies for 2010-2012; based on this, he prepared a more formal statement of values and priorities/strategies for the Board's consideration for adoption; the statement contains thirty-one priorities and six values; and once adopted by the Board, staff will develop an action plan for implementation. Mr.

Williams said this is like a "breath of fresh air" because people need to know what the Board's future plans are. Mr. Tate asked when Mr. Benton will have an Action Plan and Mr. Benton responded at the March 15th meeting. Mr. Tate discussed the need for a strategic plan and environmental scanning. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

12. Resolution Adopting Proclamation Honoring National County Government Month for the Month of April, 2010.

Mr. Benton explained that for 2010, the National Association of Counties is recognizing the entire month of April instead of one week as they normally do. He noted the following activities are planned during the month of April in recognition of County Government Month: April 8, 2010-State of the County Address; April 19, 2010-Presentation of Pender County Citizen Volunteer of the Year; April 19, 2010 Presentation of Pender County Employee of the Year; and April 21, 2010-Reception Honoring Pender County Employees. Mr. Brown asked if the April 19th events will be during the regular meeting and Mr. Benton responded affirmatively. Mr. Tate said last year the Board requested that employees be recognized and thanked Mr. Benton for recognition of employees during National County Government Month. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT

Mr. Tate convened the Board as the Rocky Point/Topsail Water & Sewer District Board at 10:48 a.m. and was reconvened as the Board of Commissioners at 10:50 p.m.

13. Resolution Approving Amendment # 5 to the Existing Professional Services Agreement and Authorizing a Change Order to McKim & Creed for the Rocky Point/Topsail Water & Sewer District Phase 5 Project to Include the Surf City Interconnection.

Mr. Mack explained staff requested McKim & Creed to add additional tasks to their existing professional service contract in order to complete the USDA-RD requirements; the additional services will cost \$28,820; there is a balance of approximately \$9,000 for additional services in the current agreement; an additional \$20,000 allocation is necessary to fully fund this additional scope of work; and funds are available in the Phase 5 Capital Project Fund. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

APPOINTMENTS

14. Resolution to Consider Re-Appointment to the Pender County Library Board.

Ms. Pridgen explained that Marian James had served two terms on the Library Board and wishes to be re-appointed. Mr. Blanchard made a motion that Ms. James be re-appointed to the Pender County Library Board to serve a three-year term, with term to expire January 31, 2013. Mr. Rivenbark seconded the motion and it was unanimously approved.

15. Resolution to Approve Appointment of a 2010 Pender County Board of Equalization and Review.

Tax Assessor Coby Heath explained: the Board of Equalization and Review was created in 1994 by the Pender County Board of Commissioners; if taxpayers disagree with the Tax Assessor, they can appeal to the Board of Equalization and Review; according to Chapter 105-322, the Board members should be appointed to annual one-year terms before the 1st of March of each year; five of six members have asked to be re-appointed: Bryant Shephard, Kenneth Just, Judson Croom, Leslie Green and Stuart Mossman; and Ledell Casey did not wish to be re-appointed so there is one vacancy. Mr. Rivenbark asked if a

member represents each district and Mr. Heath responded "no." There ensued discussion concerning the vacancy. Mr. Benton noted the statute doesn't say it has to be any certain number of members. Mr. Rivenbark noted that in the past, people wouldn't volunteer to apply for the Board and that is how it got to be disproportionate around the County. It was the consensus of the Board for staff to advertise for the vacancy. Mr. Williams made a motion to approve the five members and advertise for the vacancy, Mr. Rivenbark seconded the motion and it was unanimously approved.

Mr. Leslie Green spoke said it would be fair to create a Board to have equal representation from each district. He said he will step down if necessary to achieve equal representation, and be available anywhere else he can be used.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton had no further items.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman had no items.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown noted the meeting to be held at Heide Trask High School in Rocky Point on Thursday, with Utilities staff holding a water transmission line informational meeting from 5:30 to 7:00 p.m., and him hosting a community meeting at 7:00 p.m. He said he attended a meeting in Currie and he got the impression people didn't know too much about what was going on with the transmission main.

Mr. Tate agreed with Mr. Brown concerning the meeting in Currie. Mr. Tate's other items included: he and Mr. Brown talked to 4th grade classes at Malpass Corner Elementary School; Mr. Blanchard and Mr. Rivenbark attended a legislative breakfast in Duplin County; a PenderWatch meeting; and a Pender High School Civics class meeting. Mr. Tate thanked other Board members for the various meetings they attended.

Mr. Rivenbark noted a UNCW Teaching Fellows class to be held Saturday.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the meeting and the meeting adjourned at 11:09 a.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board