

MONDAY, MARCH 15, 2010

The Pender County Board of Commissioners met in regular session on Monday, March 15, 2010 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: Chairman Jimmy Tate.

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

Vice Chairman Blanchard called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting. Mr. Blanchard announced that he is in charge of the meeting today, due to Mr. Tate having to be absent for a family emergency.

INVOCATION

Commissioner Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

EXCUSE COMMISSIONER

Mr. Rivenbark made a motion to excuse Mr. Tate, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC HEARINGS

1. **Public Hearing and Resolution Approving 1) Selection of Two Qualifying Households; and 2) Amendment to Administrative Services Contract for FY 08 CDBG Scattered Site Grant.**

The public hearing opened at 4:08 p.m. Planning Director Patrick Davenport explained: Pender County has completed all housing activities included in its original \$400,000 FY 08 CDBG Scattered Site grant and since the activities were completed on a timely basis, the County has been awarded an additional \$100,000 in scattered site housing funds from the Division of Community Assistance. He said in order to meet CDBG requirements to obtain the funds, the County must: 1) hold a public hearing to solicit public input into the proposed use of the additional funds; 2) approve the selection of additional units to be assisted with the additional funds; and 3) approve an amendment to the Administrative Services Contract to provide for administrative costs associated with the additional funds. The proposed beneficiaries are Diana Fennell of Rocky Point and Carol Johnson of Atkinson. There was no public comment and the public hearing closed at 4:09 p.m. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

2. **Public Hearing and Resolution Approving Grant Application and Authorizing Local Share of Community Transportation Program Operated by Pender Adult Services for FY 10-11: \$23,794.**

The public hearing opened at 4:10 p.m. Pender Adult Services Director Wes Davis explained this is an annual grant application to the N.C. Department of Transportation to provide funding for transit services to Pender County citizens. Mr. Davis said this year PAS is requesting \$239,784, which requires a local match of \$23,975; this year's request contains \$123,450 for replacement vehicles; and they will replace three vehicles with 200,000+ miles. There was no public comment and the public hearing closed at 4:11 p.m. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC INFORMATION

3. **Kathleen Riely, Governmental Affairs Director, Wilmington Regional Association of REALTORS: Presentation on Coastal Homeowner Insurance.**

Ms. Riely delivered a Power Point presentation entitled "Cape Fear Coalition for Concerned Citizens" which included: North Carolina Rate Bureau Homeowners Territories; Coastal Insurance Rate Increase-2 Decisions-N.C. Rate Bureau and Wind and Hail Policies; N.C. Homeowners Rate Revision Breakdown by Territory 2009; N.C. Homeowners Base Rates; N.C. Residential Property Adjusted Incurred Losses Due to Wind and Hail – 1986-2005; What Does the Most Recent Court of Appeal Case Have to do with Beach/Fair Plan and HB 1305 Passed Last Legislative Session; What is the Jurisdictional Hurdle that Petitioners have to Overcome to be Heard in Court; Main Issues to be Addressed by the N.C. Court of Appeals; and What can the Coastal Homeowners, along with CFC3, do to Help Achieve Fairness in this Process. Board members asked questions of Ms. Riely to clarify some items in the presentation, and there was some discussion of the insurance issue. The entire presentation is on file with the permanent records in the Clerk to the Board's Office.

4. **Paul Parker, Facilities and Property Manager: Update on Capital Improvements Plan and other Projects.**

Mr. Parker noted he is a volunteer with a group that helps the prisoners. Mr. Parker delivered a PowerPoint presentation which included updates on: Courthouse Improvements; DSS Modular Units (two); Energy Projects; Drainage Management; Renovations to Dental Office; Parks Projects; Projects Completed and Projects in Process. The projects completed include: the Public Works/Grounds Division warehouse; Probation and Parole upgrades; Animal Control upgrades; DSS Modular Units; and Fire Extinguisher upgrades (OSHA). The Projects in Process include: Campus Plan; funding for Topsail Regional Library construction; Courthouse boiler design; Energy Efficient Improvements-change from fuel oil/propane to natural gas at the Courthouse, York House and Jail Kitchen; Data Center Generator Project; E911 Project; and Jail (old part) Renovation. Mr. Benton noted that as soon as the renovations on the Probation and Parole Building were complete, the State notified the County they would no longer pay rent on the building.

5. **Dee Turner, Parks & Recreation Planner: Update on PARTF Projects (Kiwanis Park and Pender Memorial Park); Miller's Pond Park.**

Ms. Turner explained: with respect to Hampstead Kiwanis Park-Phase II, all PARTF facilities are completed and the close-out process for PARTF has begun; with respect to Pender Memorial Park Expansion, all PARTF facilities are completed except the handicap accessibility to the concession stand/restroom, playground, football/soccer field and baseball field; the weather has delayed completion of this item; the close-out process for PARTF will begin following the completion of this item and an inspection visit from the state representative on April 6 or 7; and with respect to Miller's Pond Park, we

have received approval from the Corps of Engineers for a jurisdictional determination regarding the wetlands delineation, the engineer is in the process of designing the overlook deck for Phase I, and Public Works will begin cleaning up and repairing existing bridges in April. Board members asked questions and there was some discussion of the parks' progress. Ms. Helen Williams in the audience asked where Miller's Pond Park is and Mr. Brown explained the location off Highway 117 in Rocky Point.

6. Coby S. Heath, Pender County Tax Assessor: Update on the 2011 Revaluation Project.

Mr. Heath presented Mr. Tim Cain of Assessment Solutions, Inc., the company performing the County's revaluation. Mr. Cain delivered a PowerPoint presentation which included: Why Revalue; The "Market Value" Standard; "True Value in Money" is....; Project Goals-Simplification, Accuracy and Equity; and What Happens Next. With respect to Simplification, Mr. Cain explained about residential modeling and neighborhoods. With respect to Accuracy, Mr. Cain explained that every parcel is visited and verified, and he demonstrated and explained statistical findings. The Equity category included "Findings," with respect to different properties and values of houses. "What Happens Next" included giving monthly reports to the Commissioners. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. Cain explained that revaluation could increase values more than 50%. Mr. Williams said Mr. Cain needs to make sure he stresses 50% increase in value, and not taxes. Mr. Williams asked if the figures projected in the presentation are final and Mr. Cain responded negatively. Mr. Blanchard asked about "water influenced" properties, and said Mr. Cain should coordinate with the Manager and keeps the Board posted. He agreed that Mr. Cain should give monthly reports to the Board.

PUBLIC COMMENT

Ms. Helen Williams inquired about Miller's Pond Park and asked if it is for recreation. Mr. Brown explained it is more for leisure, not sporting events. Ms. Williams spoke regarding the Prison Center Mr. Parker had spoken of earlier. She said they really need the center and she and a group of people volunteer to go to the prison to help the prisoners.

CONSENT AGENDA

Mr. Blanchard presented the one item 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. Brown seconded the motion and the Consent Agenda was unanimously approved by a 4-0 vote as follows:

7. Approval of Minutes for the Regular Board Meeting of March 1, 2010.

RESOLUTIONS

8. Resolution Approving Memorandum of Understanding with Pender Adult Services for Emergency Transportation Services.

Mr. Davis explained that the Federal agency that subsidizes funds for the vans they use requires that a Memorandum of Understanding is adopted by the Board of Commissioners. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

9. Resolution to Prohibit Illegal Aliens from Attending the North Carolina Community College System.

Mr. Blanchard noted he and Mr. Tate had agreed they wanted to discuss this item at the meeting before a vote was taken, and since Mr. Tate is not present, he would like to postpone it. Mr. Rivenbark made a motion to postpone the item, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

MAPLE HILL WATER & SEWER DISTRICT

10. Resolution Approving Fee Amendment # 1 to the Existing Engineering Services Agreement and Authorizing a Change Order to Hobbs, Upchurch & Associates, P.A. for the Additional Work to Complete Phase I and Phase II of the Maple Hill Community Sewer Project.

At 5:20 p.m., Mr. Blanchard convened the Board as the Maple Hill Water & Sewer District. Mr. Benton explained Hobbs, Upchurch & Associates has requested the original contract be amended to include the Phase II scope of work and revise the engineering fees based on the anticipated construction costs of the project; this would be in line with the USDA fee curve used to determine engineering fees; and with a revised construction cost estimate of \$3,740,000 to serve 228 properties, the corresponding engineering fee is an additional \$112,000. Mr. Blanchard noted he had asked the Manager to look into ways to help citizens with the tap fee. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. The Board reconvened as the Pender County Board of Commissioners at 5:22 p.m.

11. Resolution Adopting a 2010-2012 Board Priority Implementation Plan.

Mr. Benton explained: the Board held a planning summit January 28 and 29, 2010; as a part of the summit, Board members outlined values and priorities/strategies for 2010-2012; a formal statement of values and priorities/strategies for 2010-2012 was adopted by the Board on March 1, 2010; and subsequently, 72 specific action items are proposed to be undertaken in the next two years to implement the Board's adopted priorities, along with a specific timeline. Mr. Benton gave some examples of Priorities and Strategies, and highlighted the following six values: Govern with Common Sense & Fairness; Foster United Support & Momentum for the County's Initiatives & Priorities; Build Consensus in this Diverse Community & Foster High Levels of Community Involvement; Proactively Manage Growth & Preserve/Leverage Historic Resources; Create a Livable Community with Balanced Residential, Commercial and Industrial Growth; and Maintain a Competitive Tax Rate and Cost of Living in Pender County. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

12. Resolution to Select the County's Health Insurance Program Broker for FY 10/11.

Mr. Benton explained a committee of seven county employees was selected to assist Finance Director David McCole in reviewing and making recommendations to the County Manager, and then to the Board in the selection of a broker; of four firms that responded with a proposal, two firms were selected for further consideration and interviews-Eben Concepts-Group Benefit Services and Mark III Employee Benefits; the committee recommended Eben Concepts to him and he recommends them to the Board; and Eben Concepts is the current Health Insurance Broker for the County since 2007, has provided excellent services and has helped to keep our insurance costs below 2007 levels to date. Mr. Benton recognized the committee members which consisted of Melinda Knoerzer, Erik Harvey, Angela Jenks, Monique Baker, Tony Clewis, Melissa Murphy, and Patricia Thornton. Mr. Brown made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams announced that the closing on the boat ramp for the Intracoastal Waterway was happening as he was coming into the meeting. He explained: all parties concerned reached an agreement; there would be a press conference tomorrow at the site; today was the last day before the State would take its grant back; John Barbour of the State Property Office was invaluable in working on this project; the Board of Commissioners was very supportive of this project; the next step is to work on something for the Black River; and he thanks all who were a part of the project.

Mr. Brown said the Rocky Point Community Meeting held on March 4th had been a success and he had gotten a lot of feedback from citizens. He thanked everyone who participated and thanked Mr. Benton and staff for putting it all together.

Mr. Williams noted the fire protection meeting to be held on March 25, 2010 at 6:30 p.m. at Poplar Grove. He noted it is not a public hearing, just an informational meeting on fire protection for the Scotts Hill Community.

Mr. Brown inquired about the Animal Control Committee and asked if they had finished their evaluations. Mr. Benton responded affirmatively and said the Committee would be presenting their findings to the Health Board on tomorrow night.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton reminded the Board of the State of the County address to be held on April 8, 2010 and the Ethics Training meeting to be held on April 5, 2010.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there would be items for closed session.

CLOSED SESSION

At 5:35 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11 (2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award; (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; (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 open session; 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; and (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be

taken in an open meeting. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session. The Board continued in Closed Session through dinner and came out at 7:00 p.m. There were no announcements made upon exiting the Closed Session.

PUBLIC HEARINGS: RESOLUTIONS/SPECIAL USE PERMITS

13. Resolution to Approve a Special Use Permit for the Operation of an Automobile, Truck & Small Machinery Repair Station.

Mr. Thurman swore in and/or affirmed the witnesses. Planner Ashley Frank explained: the property is located at 318 Cricket Drive off NC Highway 210 in Rocky Point; the property is zoned RT, Rural Transition, the tract of land totals 10.35 acres; all repairs would take place inside the enclosed building with no outside storage of parts; the applicant proposes to utilize NC Highway 210 via a 30 foot recorded access easement and N.C. DOT will require a driveway permit; the proposed hours of operation will be from 8:00 a.m. to 5:00 p.m. Monday through Saturday; the business would require three family employees, with the possibility to expand; the project would utilize water service provided by an on-site well and individual on-site septic system, subject to review and approval from the Environmental Health Department; the property does not contain FEMA Special Flood Hazard Areas; the property does not contain coastal wetlands but the Army Corps of Engineers would recommend a delineation of the property to identify any possible federal jurisdictional wetlands prior to construction; and the project meets all the standard conditions. The public hearing opened at 7:03 p.m. Mr. Rance Brown, the applicant and owner, said he is only trying to help his family while trying to provide a lower cost repair shop to the community. He said he worked for a GM dealership for 29 years and knows he can provide repair services for lower costs than dealerships and some other repair shops. Mr. Elloyd McIntyre spoke in opposition of the project, on behalf of some of his relatives. Mr. McIntyre was concerned with traffic going in and out, noise from the business, maintenance of the road, and whether or not Mr. Brown has an easement. Mr. McIntyre noted his family will be making a decision in July on what they plan to do with the piece of property they own next to Mr. Brown's. Mr. Blanchard verified with Mr. Thurman that the Board can't make a decision based on what may or may not happen. Ms. Frank noted that automobile repair is permitted by right, but Planning staff asked Mr. Brown to get a special use permit because of the engine repair. Ms. Lettie Graham was concerned about the road going in and where the business is going to be located in relation to her property. Ms. Frank demonstrated on a map where the proposed business is going to be and where Ms. Graham's house is. The public hearing closed at 7:23 p.m. Commissioner George Brown noted he is not related to Rance Brown. Mr. Brown made a motion to approve the special use permit request, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

14. Resolution to approve a Special Use Permit for the Operation of a Wood Working Business and the Storage of Merchandise, Materials and/or Equipment outside an Enclosed Building.

Mr. Thurman swore in and/or affirmed the witnesses. Planner Ashley Frank explained: the property is located at 6911 and 6951 NC Highway 53 East in Burgaw; the property consists of two tracts totaling approximately five acres; ingress and egress for the project will utilize Highway 53 east and the N.C. DOT will require a driveway permit for the business; the proposed hours of operation will be 7 a.m. to 7 p.m. seven days a week, but staff is recommending limiting the hours of operation; the site currently utilizes water service provided by an on-site private well, and an individual on-site septic system; the property is completely located within the AE Floodplain along the Northeast Cape Fear River; the salvage that is located on the property must be cleaned up before they issue a final zoning permit; and the standard conditions apply, plus some other conditions staff added. The public hearing opened at 7:25 p.m. Mr. Gene Crapper, Jr., the applicant and owner, said he is trying to get the permit because he wants to do the right thing. Mr. Blanchard asked if the work will be done inside and Mr. Crapper responded some of it will have to be done outside, but it will be far away from the neighbors. Mr. Brown asked if a driveway

wasn't already there and Ms. Frank responded they would still have to apply to DOT for a permit, but one may not be required. Ms. Angela Crapper, co-owner of the property, said there are no scrap vehicles on the property, the tires were there when they bought the property, and they had done everything Code Enforcement Officer Ralph Kays told them to do. Board members discussed the hours of operation and Ms. Crapper said they agree with the hours Planning staff suggested, which are Monday through Friday 8:00 a.m. to 6:00 p.m., and Saturday 9:00 a.m. to 1:00 p.m. Mr. David Franklin said he owns the property right behind and adjacent to the Crappers' property and he is concerned with the debris and tires already on the property, and there is no restroom in the building. He said the people who were there before used his property as a restroom. Mr. Blanchard asked doesn't the special use permit require a restroom. Ms. Frank responded "yes, depending on requirements from Environmental Health and Inspections." Ms. Brandy Swinson said she has no problem with the project. Ms. Sandy Harris spoke in opposition to the project, noting the property had been in violation for years. She said if it floods, the debris from the property would go to others property and you would have to clean it up yourself. Ms. Harris asked if the Crappers' are willing to spend a lot of money cleaning up the property, putting in buffers, etc. Mr. Thurman explained it is up to them if they want to spend a lot of money. Ms. Marilyn Tomassetti said she has no problem with them operating a small business but they should be treated the same as she was when she applied for a special use permit three years ago. She said County staff and the Commissioners should treat everyone fairly and equally. Mr. Rivenbark said he heard that they were out of compliance. Mr. Kays said the property is not in compliance at this time. He said it contains salvage, tires, barrels, and old air handling equipment. Mr. Kays said the Crappers had removed 1500 tires from the property, trying to bring it into compliance. Ms. Frank said there is an NFIP requirement that they would have to put in a fence that would keep their debris on their property in case of flooding. Board members discussed the project and asked questions of Mr. Crapper. Mr. Crapper said he will do everything he has to do to come into compliance. Mr. Thurman noted he will have to come in compliance before he can operate and said the Special Use Permit can be revoked if he has trouble staying in compliance. Mr. Brown made a motion to approve the special use permit request, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

ADJOURNMENT

There being no further business, Mr. Williams made a motion and the meeting adjourned at 8:00 p.m.

Respectfully Submitted,



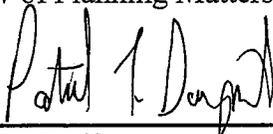
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Review of Planning Matters:



Patrick J. Duggan
Planning Staff