

MONDAY, JUNE 7, 2010

The Pender County Board of Commissioners met in regular session on Monday, June 7, 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 Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Recognition of Pender County Student Athletes.**

Administrative Assistant Melinda Knoerzer introduced Pender High School Principal Rob Spainhour, who thanked the Board for their support; said the two athletes not only excels in sports, but academically as well; and introduced Athletic Director Beverly Pugh. Ms. Pugh introduced Student Athletes Sararesa Hudson and Leah Mackley and gave their athletic and academic histories. Mr. Rivenbark presented each young lady with a certificate and each with a plaque for the school showcase.

2. **Mr. Coby Heath, Pender County Tax Assessor, and Mr. Tim Cain, Assessment Solutions: Update on the 2011 Revaluation Project.**

Mr. Heath introduced Mr. Tim Cain of Assessment Solutions, the appraisal company for the County, who presented a brief presentation which included Findings and Sales. Mr. Cain explained each item and said assessed values become effective in January, 2011 and notices will go out in February. Mr. Cain also distributed a chart to Board members showing sales in 2003, 2006 and 2010. Mr. Williams instructed Mr. Cain to be sure to go out in municipalities and explain the process.

3. **Dr. Reta Shiver, Social Services Director: Update on Transition of State Child Support Enforcement Program to Pender County DSS.**

Dr. Shiver explained that transition of the State Child Support Enforcement Program to Pender County DSS was mandated by the NC General Assembly during the 2009 session. She said during the past nine months the Department has worked to assume a smooth transition, including: submitted a plan to the State; acquired lease agreement for the building currently being used for Child Support; advertised for staff-even though they hired all current staff, it was required that they advertise because the State is terminating the current staff; extensive training; IT Department installed equipment; and clients will

report directly to the local office. Dr. Shiver thanked the Board, County Manager, DSS Board Chairman, the landlord, DSS Attorney, the County Attorney and anyone else who assisted them with the transition. Mr. Brown asked will there be any differences and Dr. Shiver responded affirmatively. She said one big difference is all Child Support calls currently go to a central call center and clients don't get to talk to local staff; now the clients will have the opportunity to speak directly to local staff; if the lines are busy or it is at night, the calls will still go to the call center. Dr. Shiver added that all Child Support mail will be processed by the DSS mail clerk. Mr. Rivenbark said people in the County need to know this is an additional expense handed over to the County last year and asked how much it cost. Mr. Benton said the additional net expense to the County is approximately \$126,000. Mr. Benton commended Dr. Shiver, her staff and Child Support staff for working in partnership to make it a smooth transition. He said they should all be publicly commended for such a positive and collaborative effort.

PUBLIC COMMENT

Mr. Ernest Newmons of 334 Sawyer Lane in Willard spoke concerning problems with his next door neighbor who he says keeps hogs, chickens, goats, bulldogs, horses and other animals on his property in a subdivision. He said his concerns are the large number of animals the neighbor keeps; he thinks they are giving the animals steroids so they reproduce quickly; and the improper storage of feed he keeps is drawing large rats and the rats go onto his and the other neighbors' property. Mr. Newmons said he had contacted the Health and Sheriff's Departments and other agencies but none of them could help him; he had been trying to stop this for 10 ½ years; and his last resort was to come to the Board of Commissioners and Channel 6 News. There was discussion of the situation and whether or not the County has any jurisdiction over this. Mr. Williams asked if they have a homeowners' association and Mr. Newmons responded negatively. Mr. Thurman said from the deed Mr. Newmons provided says "no big operation of live stock" and he couldn't determine what "big operation" consists of. He said the situation could be determined a "public health nuisance." There was more discussion and Mr. Tate assured Mr. Newmons they would look into this. Mr. Tate asked staff to immediately look into the situation.

Mr. Bruce Novak of Atkinson spoke in support of the Atkinson Library and asked what the status is of them receiving the \$2,500 requested. He noted the Atkinson Library provides an important function for the County. Mr. Tate said he has mentioned the request to other Board members; the Board is evaluating all requests; and he wants to see the Atkinson Library funded.

CONSENT AGENDA

Mr. Tate presented the fourteen items on the Consent Agenda and asked for any questions or discussion. With reference to Item # 13, Mr. Blanchard asked if it been advertised locally and Mr. Benton said he felt so, as we always do, but would like to be able to verify this. Mr. Blanchard asked to hold off voting on this item until we find out if local contractors had been given a chance to bid on it. Mr. Rivenbark made a motion to approve the Consent Agenda minus Item # 13. Mr. Blanchard then asked Mr. Rivenbark to amend his motion to say the Manager can proceed with the item if he finds out it had been advertised locally. Mr. Rivenbark amended his motion. Mr. Blanchard seconded the motion and the Consent Agenda was unanimously approved as follows (with the stipulation to not include Item # 13 if it had not been advertised locally); Mr. Benton later found out that it had been advertised locally):

4. Approval of Minutes for the Regular, Closed & Budget Work Session of May 17, 2010.
5. Resolution Approving Tax Releases and Refunds as Listed Herein.

6. Resolution Approving Budget Ordinance Amendment to Transfer Funds to the Miller's Pond Park Project: \$10,000.
7. Resolution Approving Re-Submittal of Request for State Assistance from the North Carolina Department of Environment and Natural Resources Division of Water Resources for the Sills Creek Drainage Project.
8. Resolution Authorizing Funding for Training and Exercises: Using Homeland Security Grant Funds in the amount of \$9,900.00.
9. Resolution Approving a Budget Ordinance Amendment Reducing Revenue from State Aid to Public Libraries and Reducing Library Expenditures: \$1,488.
10. Resolution Authorizing Purchase Order to Phoenix Rising Advertising for the Printing and Shipping of 20,000 Pender County Visitor's Guides in the Amount of \$6,195.00.
11. Resolution Authorizing a Purchase Order to CXtec, in the amount of \$10,574.57 for Wireless Technology and Authorizing Increase in Purchase Order to LS3P Associates, LTD by \$12,000 for Design and Construction Oversight at Rocky Point Primary School.
12. Resolution Authorizing Contract with and Purchase Order to CNT Mechanical for Replacement of HVAC Units at West Pender Middle School: \$129,900.
13. Resolution Awarding Rehabilitation Contract to Chuck Coleman, Inc. in the Amount of \$27,085 for the Repair of the Odessa Highsmith Unit at 207 S. Vann St., Burgaw under the 2008 CDBG-SS Program.
14. Resolution Authorizing Lease Agreement for Child Support Office Space: \$24,999.96 and Approving a Purchase Order for FY 2010/11.
15. Resolution Authorizing Purchase Order to K&B Auto to Purchase one (1) Brake Lathe: \$6,909.
16. Resolution Approving a Purchase Order to Adapco, Inc., to Purchase Two Guardian ULV Mosquito Sprayers: \$15,080.00.
17. Resolution Authorizing Shell Building Purchase Order Increases for George Alsina Architect (\$4,105) and Hanover Design Services, PA (\$21,996.25).

RESOLUTIONS

18. **Resolution to Adopt the Animal Control Ordinance Amendment Recommendations.**

Health Department Director Dr. Jack Griffith explained a public hearing was held concerning this item on May 17th, there were no objections and he is now asking the Board to approve it on behalf of the Board of Health. Board members agreed the item was handled well and the people they talked with had good things to say about it. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

19. **Resolution Supporting the Merger of the Scotts Hill Fire District with the Hampstead Fire and Rescue District.**

Emergency Management Director Tom Collins explained: concerned citizens that live in the Scotts Hill area have expressed the need to improve response time and achieve a lower insurance rate; a public hearing was held on May 17th; no one spoke against a proposed merger at the public hearing or at the two public meetings that were held; and there may be some issues on the proposed parcels-one is zoned commercial and one is zoned residential. Mr. Collins said he checked with the Planning Director and the results will depend on which parcel the Fire District chooses. Mr. Williams added this is just another step in the process and the District needs to know they have the Board's support before they commit money. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

20. Resolution Presenting Text Amendments to the Pender County Water and Sewer Ordinance and Requesting the Board Authorize a Public Hearing on the Amendments for June 21, 2010.

Utilities Director Michael Mack explained: In concert with the proposed implementation of a Unified Development Ordinance, the Utilities Department desires to revise the current Water and Sewer Ordinance to incorporate mandatory utility connection requirements for new construction and new development; in addition, staff recommends replacing the existing Water Shortage Response Plan in the Ordinance with the recently approved NC Division of Water Resources plan; mandatory connection will only be required for new construction and new developments submitting plans or Building Permit Applications to the Pender County Planning and Community Development Department after July 1, 2010; voluntary connection to the PCU water and sewer systems remains for all existing structures as of July 1, 2010; staff is recommending the mandatory connection requirement to provide additional rate payers to better ensure the financial viability of the Districts; additional customers will provide additional revenue necessary for debt service expenditures while incrementally stabilizing the true cost of providing water to all water customers through economy of scale; and the Board endorsed the development of a mandatory utility connection policy for new development in their 2010-2012 Priority Implementation Plan adopted March 15, 2010. Mr. Brown was concerned about residential and that if this passes, individuals will "have to" hook up. Mr. Mack said this is a first reading and the item will be brought back as a public hearing at the June 21st meeting. Other Board members asked questions and Mr. Mack provided answers.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT

21. Resolution Approving Amendment # 4 to the Water Purchase Contract between the Town of Wallace and Rocky Point/Topsail Water and Sewer District.

The Board convened as the Rocky Point/Topsail Water & Sewer District Board at 10:55 a.m. and reconvened as the Board of Commissioners at 10:57 a.m. Mr. Mack explained: Pender Utilities is asking for approval of an amendment to increase the Water Purchase Contract with the Town of Wallace to 36,000 gallons per month; the original quantity purchased was 6,000 gallons per month; as the RPTWSD grew, additional water supply was necessary and on September 13, 2001, the District and the Town of Wallace executed a Contract Amendment to increase the amount that may be purchased up to 15,000 gallons per month; a second Contract Amendment was executed on January 13, 2005 to increase the amount up to 24,000,000, and a third Contract Amendment was executed on August 9, 2007 to increase the amount up to 36,000,000 per month; however, the third Amendment was only proposed to be in place until the Pender County Water Treatment Plant came on-line in 2010, and then dropped back to 24,000,000; therefore, the third Amendment was to expire in December of 2010; staff met with Town of Wallace officials and confirmed that they could physically continue to supply up to 36,000,000 gallons per month and would consider a 4th Contract Amendment to extend the term of the 3rd Contract Amendment; and the fourth Contract Amendment is for an initial term of thirty years from the date of execution of the Amendment and, thereafter it may be renewed or extended for four additional five-year terms by RPTWSD and the Town of Wallace. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

APPOINTMENTS

22. Resolution to Consider Appointment to the Pender County Board of Adjustment.

Ms. Pridgen explained: this position is open due to a resignation from the Board; there is only one position, but two applicants have applied; it is an Alternate position; it has been advertised; and the Board can either approve one of the applicants or advertise it again. Mr. Thurman explained the

Alternate position only votes if a voting member is absent. He said the Alternate doesn't always vote, but it is very important to have Alternates so they can vote if enough voting members aren't present to vote. Mr. Williams suggested we delay this item; Mr. Blanchard said advertise it some more.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton had no further items except for Closed Session.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said the Closed Session items will pertain to Items 3, 4 and 5.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said he attended an Intergovernmental Council meeting in Raleigh, on which he is the representative for four counties in the Council of Governments, and noted some of the speakers.

Mr. Williams said with respect to the complaints concerning putting commercial signs in residential areas, no one on this Board ever said they agree to it.

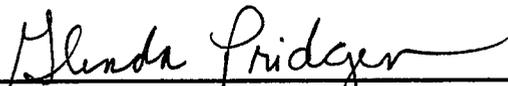
Mr. Tate thanked Board members for all the various meetings they attend; offered condolences to Mr. Williams and his family; said the Penderlea Homestead Museum Annual Homestead Day will be held on June 12th from 11:00 a.m. to 3:00 p.m.; said Jimbo Robbins, Chairman of the Penderlea Homestead Museum, had asked him to relay to the Board that they are grateful for the donation the Board previously gave them; and said Museum will be getting on the National Register of Historic Places.

CLOSED SESSION

At 11:10 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; (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. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session. The Board took a break and entered into Closed Session at 11:20 a.m. At 12:00 noon, Mr. Blanchard made a motion to exit the Closed Session, Mr. Williams seconded the motion and it was unanimously approved. The Board exited the Closed Session at 12:00 noon. There were no announcements made upon exiting the Closed Session.

The Board meeting continued into a Budget Work Session at 12:00 noon.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

BUDGET WORK SESSION
JUNE 7, 2010

The Pender County Board of Commissioners met in a Budget Work Session on Monday, June 7, 2010 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

Chairman Tate called the Work Session to order at 12:00 noon.

Mr. Benton delivered a Power Point presentation which included: Overview of FY 10-11 Submitted Budget; Non-Profits, Communities and Special Requests; Areas Discussed at Previous Budget Work Sessions; Public Input-Comment; BOCC Recommendations for Budget Ordinance Preparation; and Next Step. Mr. Benton explained each item separately and Board members discussed particular items and asked questions. The presentation included explanations of what the results would be if the additional requests were approved, versus the Manager's recommendations. The presentation in its entirety is on file with the permanent records in the County Manager's Office.

Mr. Blanchard said this is not the time to raise taxes; 40% of the County's tax base is on Topsail Island; and it is scary to him to not keep a big savings account (fund balance).

Mr. Brown was concerned about cutting positions and said we are putting problems off that we need to deal with now. Later, Mr. Brown also asked about the Public Schools' reduction and where would the cuts come from. Superintendent Sholar said the cuts would mostly come from personnel. Mr. Tate asked does this mean they are cutting salaries and Ms. Sholar responded the cuts being considered are the supplements paid to teachers and office administration, including herself. She said she would not cut the teachers salaries without cutting her own salary.

Mr. Williams spoke about excess fund balance and said he wants to fund lighting for two ball fields – one for Hampstead Kiwanis Park and one for Pender Memorial Park.

Mr. Tate was concerned about non-funding for rural communities such as Currie, Maple Hill, Willard, Atkinson and others. He noted he can't understand why every year he has to struggle to get a few thousand dollars for rural communities when other projects are getting \$30,000-\$50,000.

There was discussion of non-profit agencies and potential auditing of funds for the ones receiving funding by the County. Mr. Thurman explained there are different kinds of non-profits. He gave as an example that you can't use funds for religion (churches, etc.) but you can help them with activities such as play grounds, after school programs, etc.

Mr. Don Rawls of the Soil and Water Conservation District Board spoke on Voluntary Agricultural Districts Program. Mr. Rawls explained the program and asked for \$7,000 in funding for administration to get the program started.

Board members were instructed to get with Mr. Benton or Mr. McCole between now and June 21st when they Budget Ordinance will be adopted, if they came up with any specific items they want to be included.

The Budget Work Session ended at 1:03 p.m.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the meeting and the meeting adjourned at 1:03 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board