

**TUESDAY, SEPTEMBER 7, 2010**

The Pender County Board of Commissioners met in regular session on September 7, 2010 at the Commissioner's meeting room, 805 S. Walker St., Burgaw, NC 28425.

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

**MEMBERS ABSENT:** Mr. Tate was unable to attend due to a meeting in Raleigh.

**OTHERS PRESENT:** Rick Benton, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Melinda Knoerzer, 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 10 a.m. and welcomed all to the meeting.

**INVOCATION**

Commissioner Williams gave the Invocation.

**PLEDGE**

Commissioner Brown led the Pledge of Allegiance.

A motion to excuse Mr. Tate was made by Mr. Rivenbark and seconded by Mr. Williams. This motion carried by a vote of 4 to 0.

Mr. Blanchard then stated that since item #13 on today's agenda regarding the Pender County Human Relations Board, was a project that Mr. Tate had initiated, he would entertain a motion to table this item until the next agenda. That motion was made by Mr. Rivenbark, seconded by Mr. Williams, and carried by a vote of 4 to 0.

**PUBLIC HEARING:**

**1. Public Hearing for the Schedules, Standards, and Rules used for the 2011 Reassessment of Real Property.**

Mr. Tim Cain and Mr. Wally Beard of Assessment Solutions were present. Mr. Cain said that during their initial work with the County every property was visited with a County employee and an appraiser from their company. He said the goal was to simplify the revaluation process and to develop a "Pender-centric" model. He said the new "standard" for the County is a 1,700 square foot, 3 bedroom, 2 bath home, versus the older 1200 square foot ranch. He said they established neighborhoods and 13 valuation areas. He said they looked at every sale since 01/01/03 and conducted extensive sampling to improve accuracy. He said they compared neighborhood to neighborhood, like property types to like property types, to ensure equity. He said the goal of a revaluation is to bring the county values to 100% of their actual value, but that currently (based on the 20003 valuation numbers) the county is somewhere between 67% and 133 %, which means that we are only collecting 70% of the actual value of the homes in real property taxes. He said this becomes a factor when counties only undertake a revaluation once every 8 years. Mr. Cain provided examples comparing values of homes in 2003 to 2011. He asked all interested community groups to invite them to conduct a "town meeting" and promised to focus each meeting toward the neighborhood it is held in.

Mr. Williams commented that compared to the way this was handled 8 years ago, this is much more pro-active. He thanked Assessment Solutions for their willingness to hold these public meetings which will make their job as Commissioners much easier when the tax bills get mailed out next year. Mr. Cain said they are seeking as many opportunities as possible to explain the revaluation process because it is a major change in way this has been done in the past.

Mr. Rodney Simpkins of 1034 Mallard Bay Drive in Hampstead said that after the 2003 revaluation, he made the tax office and Commissioner Williams and staff aware of an inconsistency that was established, losing the County a great deal of tax valuation. He praised this year's effort for correcting that error. Mr. Simpkins said a lot of folks will be shocked at the new values, but he feels that this error has been properly resolved. He said in the past anyone with a dock, a boat or a pier paid a "boat slip" fee but he was assured this morning that residential boat slips are not a part of the 2011 revaluation.

There being no further comments, Mr. Blanchard closed the public hearing at 10:19 a.m. No action was required by the Board. A copy of the Assessment Solutions, Inc. Power Point presentation is attached hereto.

#### **PUBLIC INFORMATION:**

#### **2. Mike Kozlosky, Wilmington MPO: Wilmington MPO and the North Carolina Department of Transportation US Highway 17 Corridor Study Overview.**

Mr. Kozlosky introduced several members of NC DOT as follows: Chad Kimes, Division Operations Engineer, Katie Hite, Division Traffic Engineer, and Robert Vause, District Engineer.

Mr. Kozlosky said that the MPO is initiating a study of the US Highway 17 corridor from Washington Acres to Sloop Point Road and on Highway 210 from US Highway 17 to Island Creek Road. He said they are studying crash analysis, access management, policies and guidelines and access rights and designs. He said they are looking at future designs and will be completing a feasibility study along US Highway 17 from Wilmington to NC Highway 50. He said their goal is to improve access, specifically concentrating on projects of \$250,000 or less for which "Spot Safety Improvement" funding can be used. He said they will be advertising for public input and involvement and they expect to select a consultant to assist in this process very soon. He said bids for this work were advertised on August 27<sup>th</sup>, they hope to select the consultant by October 1, 2010 and expect completion by June 1, 2011. Mr. Williams noted that the County joined the MPO back when he was first on the Board and stated that this has been money well spent, with some of that influence coming back to help us. Mr. Brown thanked Mr. Kozlosky for his work and cautioned that the eye is still on the (Highway 17) Bypass. He asked where this project stood relative to the corridor study, and Mr. Kozlosky said the Bypass is still in "Environmental Review" having been narrowed down to 5 routes. He noted that the Draft State Transportation Improvement Plan DOES include \$20 million for funding of acquisition of right-of-way. He said these are two separate programs. Mr. Williams noted that there will be a meeting tonight at the Hampstead United Methodist Church to discuss safety issues along Highway 17.

Mr. Kimes provided speed data and crash history and said there have been 3 fatalities in the last five years with two of them occurring in the last month. He said all three involved left turns across the traffic. He said the data shows the average speed in that area to be 54 mph in a 45 mph speed zone. Mr. Williams asked about the cost to construct a median in between those lanes and Mr. Kimes said the cost is roughly \$800,000 per mile. He said their Division is looking at the four mile section from Sloop Point Loop Road to Washington Acres as one potential area for study. He said the goal is to reduce left turns as much as possible and they are looking at interconnectivity of several businesses within that area. Mr. Blanchard asked if there is a simple, inexpensive fix to this matter, and Mr. Kimes responded, "no". Mr. Williams said that business owners might be receptive the idea of "inter-connectivity" at this time due to recently heightened safety concerns. Mr. Kimes said they are hopeful they will get good input at tonight's meeting. Mr. Williams asked about the work at the Hilltop section and Mr. Kimes said they are putting this contract out to bid and hope to open them late this month or early next month.

**3. Proclamation by the Pender County Board of Commissioners and Presentation to Members of Southeastern Mental Health Center/Coastal Horizons Center, Inc.: Designate the Month of September as 2010 National Alcohol & Drug Addiction Recovery Month. I can't get this paragraph to move up.** Mr. Rivenbark introduced Ms. Elizabeth Pina of the Coastal Horizons Center. Ms. Pina thanked Pender County for acknowledging that September is National Alcohol & Drug Addiction Recovery Month. She also thanked the Wilmington Treatment Center, Coastal Horizons, and Donna Moore, a local artist who contributes her talents to help the Southeastern Center. She said the national theme this year is "Now More Than Ever". She said substance abuse, such as alcoholism, directly impacts at least four family members, and that all are touched by this horrible disease. Upon the motion of Mr. Rivenbark and second by Mr. Williams, the proclamation was approved by a vote of 4 to 0.

4. **Don Eggert, Cape Fear Rural Planning Organization: Bicycle and Pedestrian Plan for Pender County.**

Mr. Eggert introduced himself and said this was a project initiated by Patrick Davenport who noted that the Parks and Recreation plan adopted by the County several months ago, although it was a good plan, failed to address pedestrian and bicycle access. He said he has continued this discussion with Kyle Breuer and they have worked through the Parks & Recreation Advisory Committee to identify upgrades to these facilities. He said he expects to bring a recommendation back for Board approval in the Spring of 2011. Mr. Williams thanked Mr. Eggert for this work on this project and noted that this is one of the "Free" services included in the County's membership with the Cape Fear Council of Governments. Mr. Brown asked if they plan to integrate this work with the "Rails to Trails" project and Mr. Eggert said, "yes". There was no action required today.

**PUBLIC COMMENT**

Terri Langley of 179 Pandey Ann Lane asked about plans for a fire department to be built in her neighborhood. Mr. Williams confirmed that the Hampstead Fire Department is looking for land upon which to build a sub-station for service in that area. She said the land they are looking at adjoins her land and she does not understand how or why they can build this so close to her. Mr. Blanchard suggested that she speak with the Planning Department regarding her concerns. Mr. Thurman noted that Fire Departments are generally going to be widely permitted.

**CONSENT AGENDA**

Mr. Blanchard presented the seven items on the consent agenda and asked for any questions or discussions. Upon the motion of Mr. Rivenbark and second by Mr. Williams, the items on the consent agenda were approved by a vote of 4 to 0 as follows: **I can't get this line to go up and the items should be single spaced.**

5. Approval of Minutes for the Regular & Closed Session Meeting of August 16, 2010. Pridgen/Benton
6. Resolution Approving Tax Releases and Refunds as Listed Herein.
7. Resolution Approving Support of the Highway 17 Association in its Efforts to Secure Funding in the Amount of at Least \$250,000 to Conduct Research to begin an Economic Impact Study for the US 17 Corridor in North Carolina.
8. Resolution Authorizing Contract between Pender County Housing Authority and Seven Oaks of Pender, LLC for Ten-Year Term for Housing Assistance Payments.
9. Resolution Approving Contract and Purchase Order to Southern Engineering for Professional Design Services for the Topsail Regional Library Project: \$29,107.
10. Resolution Approving Contract and Purchase Order to Lynn Shore for 2011 Property Tax Revaluation Services: \$77,500.
11. Proclamation by the Pender County Board of Commissioners: Fall Litter Sweep: September 18 – October 2, 2010.

**RESOLUTIONS:**

12. **Resolution Supporting Phase I of the NC 53 Corridor Study.**

Mayor Pete Cowan of the Town of Burgaw gave a brief history of the Highway 53 Bypass and indicated it has been in the works for the last 15 years. He said that in 2006 the project reached impasse over the proposed route,, however, there are continued safety issues on the current route. He said that to date, \$100,000 has been allocated to study a round-about at Wilmington and Walker Streets, and a "free flow" right turn at the corner of 53 and Bridgers Street (by the Fire Department). He said that in order to improve the chances of getting this on a DRAFT Transportation Improvement Plan, it required more support. He said that as the current TIP exists, there is no funding for this project. He said the Town has asked that this be included in the 2011-2020 TIP study, both for transportation improvement issues along the existing Highway 53, and for the concept of a bypass. He said they have been told that under the best conditions, it would be 15 years before the bypass would be constructed. Mr. Rivenbark asked if Mr. Thurman could foresee any legal problems with the County supporting this. Mr. Thurman asked if there are other Pender County projects that would be displaced if this one was moved up in priority. Town Planner, Mr. Chad McEwen said this should not affect other projects in the County. Mr. Brown said he serves on

the Rural Planning Organization (RPO) and he has no problem with this, but does recall that it was funded at one time and there was not agreement on the preferred route, which created problems for this process resulting in a reallocation of the money. He said that while he has no problem taking action to support this project today, he still believes we will face that problem in the future. Mr. Cowan said everyone agrees that a bypass is needed, just as long as it does not impact them. He said the problem with the log trucks rolling through town still exists. A motion to approve was made by Mr. Rivenbark and seconded by Mr. Williams. Mr. Brown said he would like this matter to be addressed by the RPO to ensure that other projects already in the planning stages are not adversely impacted. Mr. Cowan said that to the best of his knowledge, this would not displace any other project. Mr. McEwen said that this was not expressed by the Department of Transportation; by either Mr. Alford or Mr. Pope. The matter was approved by a vote of 4 to 0.

13. **Resolution Reactivating the Pender County Human Relations Commission.** – Tabled to the next agenda.

14. **Resolution Approving Purchase Order to Central Carolina Tire for Tire Hauling and Disposal for FY 2010/2011: \$80,000.**

Utilities Director Michael Mack said we are in the second year of a three year contract with Central Carolina Tire, this is a budgeted item and it continues the current standard of service. Mr. Williams made a motion to approve, Mr. Brown seconded the motion, and it carried by a vote of 4 to 0.

15. **Resolution Authorizing a Purchase Order to Waste Industries for Waste Disposal and Hauling Services for FY 2010/2011:\$ 3,172,800.**

Mr. Mack stated that this is the 5<sup>th</sup> year of a contract that runs until 2018. He said each year, per the contract, Waste Industries is entitled to an escalation provision which would have been as high at 6.9% this year; however, they agreed to take only 4.5%, thereby saving the county \$98,000. He said this expense has been budgeted. He said this will be a tough year for Solid Waste and we will try to keep expenditures down as much as possible. Mr. Rivenbark made a motion to approve this item, which was seconded by Mr. Brown and carried by a vote of 4 to 0.

16. **Resolution by the Board of Commissioners Approving the Award of the Base Bid Plus the Second Clearwell Add Alternate for the Pender County Surface Water Treatment Plant to Crowder Construction Company in the Amount of \$21,507,000 and Award of the Base Bid for the Pender County Finished Water Transmission Main to R.H. Moore Company, Inc. in the Amount of \$7,249,179 and the Authorization of Respective Purchase Orders Contingent upon LGC Interim Financing Approval.**

Mr. Mack stated that the County conducted a pre-qualification of all bidders and established criteria setting a "high bar". He said the goal was to ensure that all were successful contractors demonstrating financial stability. He said seven of the nine pre-qualified contractors submitted a bid for the Water Treatment Plant and that CDM (the County's engineering firm) has reviewed the bid tabulations and completed their due diligence. He said that CDM recommends award of the contract to construct the Water Treatment Plant to Crowder Construction Company of Charlotte, NC. He said that for the Finished Water Transmission Main they received ten bids and CDM recommends award of this contract to R. H. Moore Company of Murrells Inlet, SC. He said staff received USDA concurrence on these awards and staff recommends this approval. He said both contracts are out for interim financing approval with the Local Government Commission and the final determination is contingent upon this. Mr. Blanchard asked if this could be covered in one resolution or if it should be broken out into two. Mr. Thurman said either way is fine. Mr. Williams said this project goes back at least eight years and it has been a long time coming but has been worth the wait. He then made a motion to approve this item, which was seconded by Mr. Rivenbark and carried by a vote of 4 to 0.

#### **ROCKY POINT-TOPSAIL WATER & SEWER DISTRICT:**

Mr. Blanchard convened a meeting of the Rocky Point/Topsail Water & Sewer District

17. **Resolution Authorizing Purchase Order to Municipal & Financial Services Group for Financial Services to Rocky Point-Topsail Water and Sewer District: \$25,000.**

Mr. Benton presented this item. Mr. Blanchard asked, as this item is going to benefit "Integra", could we ask them to reimburse this fee to the County. Mr. Benton said he would be happy to ask them. Mr. Thurman asked if Mr. Blanchard wanted this element to be a criteria of approval of this resolution. Mr. Blanchard said he did not want to delay any action on this matter, but would simply ask Mr. Benton to try to persuade Integra to cover the cost. He said he did not want to make it a contingency of the agreement. Mr. Brown then made a motion to approve this item with the inclusion of a request of the County Manager to convey to Integra that the County would like to be reimbursed this cost. This motion was seconded by Mr. Williams and carried by a vote of 4 to 0. Mr. Blanchard then adjourned the meeting of the water and sewer district and reconvened the regular meeting of the Board of Commissioners.

#### **APPOINTMENTS:**

##### **18. Resolution to Consider Appointment to the Pender County Board of Health, Pender County Fire Commission and Pender Memorial Hospital Board.**

Mr. Blanchard asked the County Attorney if this Board is obligated to replace someone on the Board of Health who is serving beyond their term limits when someone from the community volunteers to serve. Mr. Thurman responded that state law prohibits board members from serving more than three consecutive terms. Mr. Williams asked if this appointment would take effect immediately. Mr. Thurman said that is a decision for the Board of Commissioners. Mr. Brown said he believed that the current chairman (Ms. Roberta Bost) had requested to stay on through October, until the interim Health Director could be appointed. Mr. Blanchard stated that Ms. Bost's letter of resignation said "immediately" and Mr. Brown stated that he would like to give her the opportunity to stay until that time. Mr. Benton said he had not received any such correspondence from Ms. Bost, but does know she has indicated interest in doing so. Mr. Blanchard said she has not communicated that to the entire Board and there is a very important process going on now. Mr. Rivenbark made a motion to appoint Ms. Terri King. Mr. Williams provided a second to this motion and discussion ensued regarding when Ms. King would be sworn in. Mr. Blanchard said that if Ms. King receives a majority vote then she would be on that board as soon as she can get sworn in, possibly at the next regularly scheduled Health Board meeting. Mr. Williams said he understands Mr. Brown's concerns. Mr. Rivenbark made a motion to appoint Ms. King. Mr. Williams seconded the motion, and the motion carried by a vote of 3 to 1, with Mr. Brown voting in opposition.

As for appointments to the Fire Commission, without benefit of background on the application of Ms. Elizabeth Grover, the Board decided to postpone the vote on this matter until the next meeting. Mr. Williams made a motion to approve the re-appointments of both Greg McNeil and Scott Sills (both chiefs of their respective departments) to the Fire Commission. This motion was seconded by Mr. Rivenbark and carried by a vote of 4 to 0.

Mr. Blanchard said he does know Mrs. Joan Lanier, who has requested to replace Mrs. Phyllis Lanier who has resigned from the Pender Hospital Board. Mr. Rivenbark made a motion to appoint her and Mr. Williams seconded this motion, which carried by a vote of 4 to 0.

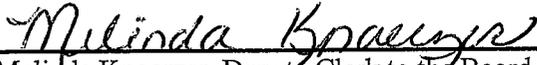
#### **ITEMS FROM THE COUNTY MANAGER, COUNTY ATTORNEY, & COUNTY COMMISSIONERS:**

Mr. Benton said that the Board had been given a draft Code of Ethics which must be in place by the end of year. He said the draft is taken from the School Of Government and he is not asking that it be adopted today; however, they should review and give him some feedback. Mr. Thurman said there is an optional section on "Censure" but there is considerable debate amongst attorneys and boards as to whether or not this is even useful - however, it remains for the Board's consideration Mr. Blanchard asked that it be included on the next agenda.

Mr. Rivenbark stated that at the recent County Commissioners convention in Greenville, he won \$100 for the charity of his choice from one of the many exhibitors, and he has chosen to donate that to Pender Adult Services. He said he has also just completed his second term serving on State Board of Commissioners and that he received a plaque commemorating this service.

Mr. Williams reminded everyone about the Highway 17 meeting tonight at Hampstead Methodist Church, and about the Ground Breaking ceremony for the Scotts Hill Water System on Friday, September 17, 2010 at 4:00 p.m. at Poplar Grove Plantation.

Mr. Blanchard asked for a motion to "recess" until Thursday at 8pm for the receipt of the Health Department Report from The UNC Gillings School of Global Public Health. Mr. Rivenbark made that motion which was seconded by Mr. Brown, and the Board voted 4 to 0 to recess at 11:13 a.m. Spacing  
Respectfully Submitted,



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Melinda Knoerzer, Deputy Clerk to the Board

Reviewed By:



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Rick Benton, Clerk to the Board