

MONDAY, OCTOBER 4, 2010

The Pender County Board of Commissioners met in regular session on Monday, October 4, 2010 at the Commissioner's meeting room, 805 S. Walker St., Burgaw, NC 28425.

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

MEMBERS ABSENT: Chairman 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 10:00 a.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Williams offered the Invocation.

PLEDGE

Commissioner Brown led the Pledge of Allegiance.

EXCUSE COMMISSIONER

Mr. Blanchard announced that Mr. Tate could not attend the meeting because of an urgent business meeting he had to attend. Mr. Rivenbark made a motion to excuse Chairman Tate. Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC INFORMATION

Mr. Blanchard changed the order of the meeting to allow an update from Emergency Management Coordinator Tom Collins regarding the recent heavy rains in the County. Mr. Collins update included: the water was up to approximately 22 inches; mostly the eastern side of the County was affected; the water will probably be standing the rest of the week; the river is slowly cresting; everything went well at the EOC; many County agencies corroborated with the in-house staff, including Wildlife, NC Forestry, the Highway Patrol, Sheriff Department and Burgaw Police Department, Pender EMS and Rescue, volunteer fire departments, other County departments, local municipalities, the Schools, the American Red Cross, and the County Manager. Mr. Collins introduced Mr. Edward May of Pender EMS, who delivered a Power Point presentation on the 2010 flood event. The presentation included: Preparation; Anticipated Issues; EOC Activation; Initial Objectives; First OPS Period; Maple Hill Flooding; Second OPS Period; Flooded Section of Highway 53; Third OPS Period; Road Closure at Highway 53; Neighborhood Flooding; Fourth Ops period; Residents Evacuating at Ox Bo Landing; Flood Map NE Pender County; and River Gage at Highway 53 Burgaw. The presentation covered events from the beginning of the rain until the present time. The entire presentation is on file with the permanent records in the Clerk to the Board's office. Board members discussed the issue and asked questions, which Mr. Collins answered. Mr.

Benton said he commends Emergency Management staff, EMS staff, other staff and other agencies for their work at the EOC.

Mr. Williams announced that Mr. Woody Sullivan is in attendance at the meeting and said the groundbreaking for the new EMS & EOC building will be held by the end of the month.

1. Introduction of New Pender County Cooperative Extension Director.

Mr. Greg Hoover, Southeast District Director of Cooperative Extension Service, introduced Mr. Mark Seitz, the new Pender County Cooperative Extension Director. Mr. Hoover thanked Ms. Charlotte Glen, Horticultural Agent, for acting as Director during the time we didn't have a director. Mr. Seitz said he is looking forward to serving Pender County and building the Extension Service to a high level of service.

2. Pender County Public Schools System Quarterly Bond Project Update.

On behalf of the School System, Schools Maintenance Services Director David Smith gave a quarterly update on the Bond Project: October-December, 2010. Mr. Smith's update included: Heide Trask Auditorium/Gymnasium Project-work completed July-September, and work expected to be accomplished during October-December; West Pender Middle Renovations: work completed July-September, and work that will be completed October-December; Rocky Point Primary Addition/Renovations: work completed July-September, and work expected to be completed October-December; Topsail Middle School Renovations: work completed July-September, and work expected to be completed October-December; Penderlea Elementary School: work to be completed October-December, and there was no bond work the last quarter; Topsail Elementary School: work to be completed October-December, and there was no bond work the last quarter; and Topsail High School: work completed July-September, and work expected to be completed during the winter and spring. Mr. Smith said their goal was to have all school buildings upgraded with wireless communications this year. Mr. Williams said the Schools are doing great on moving forward with projects. Mr. Blanchard thanked Mr. Smith for the quarterly report and said it makes things easier for the Commissioners to understand.

3. Breast Cancer Awareness Month: Sponsored by North Carolina Social Services Association (NCSSA).

Social Services Director Reta Shiver explained October is Breast Cancer Awareness Month and introduced the resolution. Social Worker Tyshea Harris read the resolution. Ms. Harris noted the second annual "Pink Shirt Day" will be held in Pender County on Thursday, October 21, 2010. Dr. Shiver then presented a plant for Mr. Tate in honor of his late mother. Mr. Williams said he will make the motion to approve the resolution, approving it in honor of Mr. Tate's mother, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC COMMENT

There were no comments from the public.

CONSENT AGENDA

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

4. Approval of Minutes for the Regular & Closed Session Meeting of September 20, 2010.
5. Resolution Approving Tax Releases and Refunds as Listed Herein.

6. Resolution Adopting an Order Approving the Schedule of Values for the 2011 Revaluation.
7. Resolution Authorizing Various Purchase Orders for Technology Upgrades at Penderlea School: \$8,359.24.
8. Resolution Authorizing Various Purchase Orders for Technology Upgrades at West Pender Middle School: \$14,153.94.
9. Resolution Authorizing Various Purchase Orders for Technology Upgrades at Topsail Elementary School: \$42,125.04.
10. Resolution Authorizing Various Purchase Orders for Technology Upgrades at Rocky Point Primary School: \$63,551.36.
11. Resolution Authorizing Various Purchase Orders for Technology Upgrades at Topsail Middle School: \$136,197.73.
12. Resolution Approving a Purchase Order to ESC Carolinas, LLP for Construction Materials Testing Services for the Industrial Shell Building Construction Project: \$6,523.

RESOLUTIONS

13. Resolution Requesting Legislative Support for Funding for US 17 Corridor Safety Improvements.

Mr. Williams explained he requested this resolution as a result of requests from Hampstead citizens, who have concerns regarding traffic safety on Highway 17. He noted Hampstead resident Ms. Betsy Perry had appeared before the Board at the previous meeting, representing Hampstead residents, and requested a resolution of legislative support for funding. The resolution includes asking the County's legislative delegation to work with leaders of the General Assembly and Department of Transportation to identify and expedite funding for safety improvements to the corridor. The resolution is to be sent to Pender County's legislative delegation, DOT officials and Mike Kozlosky of the Wilmington MPO. After more discussion of Highway 17, Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

14. Resolution Amending Article II Section 5 of the Pender County Tourism Development Authority Bylaws.

Tourism Director Monique Baker explained: the current bylaws require that all members of the Authority be a resident of Pender County; historically, the Authority has experienced difficulty in filling the occupancy tax collector positions; and the Authority is now recommending that collectors who may reside in another county, but whose collector business is situated in Pender County, be qualified to serve on the Authority as a collector, provided there is no otherwise qualified resident collector for consideration by the Board. Mr. Williams added that he once served on the Tourism Development Authority Board, and the tax collector position has always been hard to fill. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

15. Resolution Authorizing Execution of Purchase Agreement for Acquisition of Approximately 420 Acres on US 421 Adjacent to Pender Commerce Park; Authorizing Submission of a Brownfields Program Designation Application; and Authorizing Purchase Order to McKim & Creed for Property Survey & Wetlands Determination.

Mr. Benton explained the County acquired 344 acres from BASF in 2006 for the purpose of industrial development and water/sewer treatment facility development, and more recently, the County has the opportunity to acquire additional industrial land adjacent to the Commerce Park from the company,

the purchase of which would include facilities and infrastructure. Mr. Williams asked for clarification of how the additional property would be paid for. Mr. Benton said we would make a down payment and pay the remainder in subsequent five annual payments, with 0 percent interest. Mr. Williams said you can't beat purchasing property with 0 percent interest. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

APPOINTMENTS

16. Resolution to Consider Appointment to the Pender County Tourism Development Authority

Ms. Pridgen said the Board made this appointment possible by approving Item No. 14. Mr. Rivenbark made a motion to approve the appointment of Ms. Cathy Medlin to serve a three-year term on the Pender County Tourism Development Authority representing an occupancy tax collector position, with term expiring on August 31, 2013. Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton recognized Administrative Assistant Melinda Knoerzer, who presented a press release from the Solid Waste Department. Ms. Knoerzer explained: Pender Solid Waste will hold an electronics recycling event on Saturday, October 23, 2010, from 9:00 a.m. to 1:00 p.m., at the Rocky Point Pavilion on US Hwy. 117; the event is a "drive through" opportunity to dispose of electronics such as computers, computer components and peripherals, television sets, cell phones, radios, stereos, etc; the event is free; the Pender High School JROTC Cadets will be helping; and the items collected will be removed that day and transported by Creative Recycling Systems, Inc. to their sorting facility in Morrisville, NC.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there will be items for Closed Session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said he spent the night at the EOC in 1996 and 1999 and the EOC continues to be a good operation today.

Mr. Brown noted that with respect to Item No. 3, Ms. Harris said Pink Shirt Day would be Thursday, October 21, but the resolution says Friday, October 22nd. (The resolution was later corrected by the Deputy Clerk to the Board). Mr. Brown requested a resolution for the next Board meeting to allocate the rest of his share of the discretionary funds as part of the FY 2010-2011 budget process. He said he has already pre-appropriated the remainder of the funds. Mr. Benton said the funds were given to each district, but voted on by all Commissioners, so it was spread around the County. Mr. Brown said he had allocated most of his funds to various youth groups, and he had asked all requests to be put in writing. Mr. Williams verified with Mr. Benton that we spent \$8,000 less than last year by distributing the Discretionary funds.

Mr. Blanchard said he attended a Topsail Shoreline Commission meeting, in which there was discussion that the State might cut $\frac{3}{4}$ of their share of funding and the Commission talked about hiring a lobbyist. Mr. Blanchard said the County gives \$125,000 per year to the two towns (Surf City & Topsail Beach), and he doesn't think we need to be involved in giving additional funding for lobbying activities. The other Board members generally agreed.

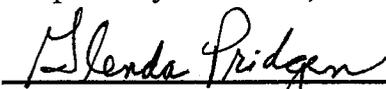
CLOSED SESSION

At 9:54 a.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143318:11: (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; (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 policy matters 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 by a 4-0 vote. At 11:26 a.m., Mr. Rivenbark made a motion and Mr. Brown seconded the motion that the Board recess until the joint meeting with the Board of Health on Monday, October 11, 2010 at 6:00 p.m. There were no other announcements made upon exiting the Closed Session.

ADJOURNMENT

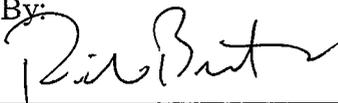
There being no further business, the meeting adjourned at 11:26 a.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board