

TUESDAY, JANUARY 4, 2011

The Pender County Board of Commissioners met in regular session on Tuesday, January 4, 2011 at the Commissioner's meeting room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, Chairman, presiding; Vice Chairman Jimmy Tate; and Commissioners F.D. Rivenbark, Chester Ward 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 Brown called the meeting to order at 4:00 p.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.

PUBLIC INFORMATION

1. Recognition of Pender High School Varsity Football Team: 1AA East Regional Champions and State Runner-Up.

Mr. Brown explained the background and recognized Mr. Rivenbark to present certificates to the following players and coaches:

#	Name	#	Name	#	Name
1	Robert Rankin	3	Javon Powell	4	Worthy Robinson
6	Tyron Smith	8	Devin Hansley	10	Tremaine Simpson
11	Derek Holmes	12	Ryan Jones	13	Nicky Wells
14	Danny Duggan	17	Kelvin Portillo	20	Shaquille Hooper
25	Caleb Johnson	27	Rodrick Wilson	30	Josh Murray
32	Shaquille White	33	Josh Johnson	37	Marcus Palmer
38	Jacob Blackburn	44	Talib Smith	46	Eric Velasquez
47	Chris Stewart	48	Christopher Anderson	50	Tyler Pugh
51	Robbie Hill	52	Zach Jones	53	Kymothy Murphy
54	Corey Herring	56	Richard Gregory	57	Darnell Blanks
58	Kenyatta Harvey	59	Markez Newkirk	60	Alex McKenzie
61	Cody Brown	64	CJ Jones	65	Jacob Dew
66	Jamie Murphy	69	Joe Knox	73	Jordan Rowell
79	Denzel Thomas	80	Kahlil Lewis	84	Omar Moore
88	Joe Carter				

COACHES:

Head Coach - Tom Eanes
Jordan Cook
Dennis Peterson
Willie Jones

Randy Pugh
Cory Barnes
Anthony Rowell

Joe Knox
Mark Rupnik
Justin Brown

Coaches made remarks and thanked the team;-Mr. Rivenbark and other Board members made remarks and thanked and congratulated the team and coaches.

2. Presentation of 2010-2011 Pender County Public School Facility Needs Survey and Long Range Plan.

Director of Auxiliary Services David Smith presented the Long Range Plan which included: Schools Cost Summary (0 – 5 years)-\$48,659, 748 & Schools Cost Summary (6 – 10 years)-\$78,872,081. Mr. Smith noted the State requires an update every five years and noted the ADM shown is not the actual-this is what the State issued. Board members made comments and asked questions which Mr. Smith answered.

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

Mr. Smith gave an update on what has been done in the past quarter and what will be done in the future, noting not a lot had been going on in the past quarter. Mr. Brown commended Mr. Smith and the Board of Education on their work.

4. Roy Horne, Veterans Services Officer: NC State Veterans Park, Pender County Veteran Selectee.

Mr. Horne explained: the NC Veterans Park is scheduled to open July 4, 2011 in Fayetteville, NC with the bronze cast hands of representatives from each of our state's 100 counties proudly and prominently displayed; Pender County is pleased to be a part of this tribute to our veterans; Pender County has selected Evander McLendon, who served in the 1st Infantry Division, United States Army from June 1, 1961 to December 1, 1967 and who left service with the rank of Staff Sergeant, to represent the County; Mr. McLendon has been a resident of Pender County for approximately 62 years; at the same time this mold was taken, four citizens of Pender County had their hands molded for use in a display that indicates how important support from the community is to every veteran; and the names of those citizens are Royal Bannerman, Malcom Brown, Bernice Worrell (widow of a WWII veteran), and Roy Horne. Mr. Horne noted that due to a 4th Pender County resident not being present, he was "drafted". Mr. Horne introduced Mr. McLendon and Mr. Bannerman, who were present. Board members made remarks of appreciation to the Veterans associated with this and to all the Veterans of Pender County.

5. Presentation of Historic and Architectural Sites Inventory and Map.

Planning Director Kyle Breuer explained: pursuant to the Priority Implementation Plan approved by the Board of Commissioners on March 15, 2010, planning staff has prepared an inventory of sites that are of historic, architectural, and archaeological significance to Pender County; using data from various county, state and national agencies, staff has identified and mapped 266 sites; staff further collaborated with representatives from various other agencies to ensure that a comprehensive inventory was created; the inventory and map will be used to attempt to preserve these features should new development be proposed on or adjacent to these properties; the document and map will be revised as applicable to include any sites that may not have been identified in this effort; and staff will also continue to collaborate with the partner agencies, particularly Pender County Tourism, in an effort to promote the mission of these respective agencies. Mr. Breuer delivered a Power Point presentation which included a map and showed some of the specific sites. Mr. Tate made comments and said he had personally walked the Topsail Battery site with a representative from UNCW. Mr. Brown asked what the criteria are for being on the historical register and Mr. Benton responded 50 years for the National Register. Board members commended the Planning Department on this work.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

Mr. Brown presented the fourteen 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 as follows:

6. Approval of Minutes: Regular & Closed Session Meeting of December 6, 2010.
7. Resolution Approving Tax Releases and Refunds as Listed Herein.
8. Resolution Accepting Petitions to Add the Following Roads to the State Maintained System and Authorizing the County Manager to Submit the Petitions to N.C. Department of Transportation: Crane Pointe in Hampstead; L.C. Bland Dr. in Watha; and Test Farm Road Extension in Willard.
9. Resolution Authorizing Purchase Order to Dell for 10 Computers: \$10,377.90.
10. Resolution Approving Budget Ordinance Amendment for Additional Crisis Intervention Funds: \$80,584; Day Care Funds: \$78,225.
11. Resolution Authorizing Increase in Purchase Order to First Southwest for Multi-Year Capital Facilities Planning Model: \$15,000.
12. Resolution Approving a Three-Year Contract Extension & Authorizing a Purchase Order to Maximus Consulting Services, Inc. for Preparation of Cost Allocation Plan: \$4,500.
13. Resolution Authorizing an FY 10-11 Budget Amendment in the Amount of \$55,000 for Unemployment Insurance Payments.
14. Resolution Authorizing Funding for NC Division of Vocational Rehabilitation Services Grant in the Amount of \$7,633.85.
15. Resolution Authorizing a Purchase Order to G&H Construction & Paving for Re-Paving of the Bus Parking Lot at Rocky Point Primary School: \$9,776.25.
16. Resolution Approving Proposal & Purchase Order to Waters and Company, LLC for Financial Consulting Services to Assist Pender County Utilities in Establishing a Long-Term Financial Plan to Sustain the Pender County Utility Systems Financial Integrity: \$60,000.
17. Resolution Authorizing Submission of a Federal Recreation Trails Grant Application in the Amount of \$75,000 for the West Pender Rail-Trail Project.
18. Request to Consider a Resolution to Appropriate \$56,570 from the Revaluation Project Fund Balance Account 29-399000 to the FY 11-12 Budget Expenditure Account 29-405760 to Complete the 2011 Revaluation.
19. Resolution Appointing Voting Delegate for the NCACC 2011 Legislative Goals Conference.

RESOLUTIONS

20. **Alan Thompson: Thompson, Price, Scott & Adams" Introduction of Pender County Audit for the Fiscal Year Ending June 30, 2010/Resolution to Accept the Audit.**

Mr. Thompson made the presentation on the FY 09-10 Audit Report and explained the various sections. Some of the highlights included: small findings or issues; financial information for five years, including total fund balance-General Fund, cash vs. accumulated depreciation-water & sewer funds, 6/30/10 cash vs. Fund Balance, property tax rates, summary of debt (excluding compensated absences & OPEB), breakdown of General Fund Revenues-2010, and breakdown of General Fund Expenditures-2010; analysis of fund balance; analysis of fund balance available; analysis of unreserved and undesignated fund balance as a % of General Fund expenditures; and analysis of revenues over (under) expenditures before transfers. Mr. Thompson explained some of the items and analysis on various charts. Board members made comments and asked questions. Mr.

Thompson provided answers and explanations. One of the questions asked was by Mr. Tate – if the company had collected any comparative data of counties in similar size to Pender. Mr. Thompson said they hadn't but of the seven counties they represent, he will compare the information and provide it to the Board. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved. The entire Audit Report is on file in the County Manager's Office and the Finance Office.

21a. Resolution Supporting Preservation of the Hampstead Bypass (R-3300) Transportation Corridor.

Mike Kozlosky of the Wilmington Metropolitan Planning Organization (WMPO) explained: the MPO is asking the Board to support a resolution that will allow the MPO to begin preserving a bypass corridor; the N.C. DOT has cut the list of potential routes for the Bypass from 17 to six; only two of the potential routes are north of Topsail High School; the two preferred northern bypass routes both have potential concerns-one route is close to the existing Hwy. 17, which means added costs in acquiring more residential and commercial property, and the second preferred route catches the edge of nesting areas of the endangered Red-cockaded Woodpecker in the Holly Shelter Game Lands and other areas north of Hampstead; the MPO favors the second option, but avoiding the woodpecker habitat would cause the northern interchange to be located further south than desired; and the preferred northern connection with existing Hwy 17 is across from Leeward Lane, but the environmental concerns would force the interchange further south adjacent to the strip mall that houses the Sawmill Grill. Mr. Williams made remarks stating "woodpeckers live and people die." He said when it comes to options for the northern interchange, there is some severe short-sightedness for the greater good of people when you look at preserving the woodpecker habitat; and he believes in preservation, but this all or nothing mentality is stifling a lot of things that keep us from progressing. Mr. Rivenbark agreed with Mr. Williams saying he thinks there should be some moderation and asked why not just move them. He said we mitigate swampland for other projects. Mr. Williams clarified that we are not here choosing a particular route today, only supporting preservation of the corridor. Mr. Kozlosky said the vote would only identify the area as a potential bypass location should developers or others desire to build within it, and said they expect to have a corridor selected by spring. Mr. Tate asked if they are not choosing a corridor until the spring, what the hurry is to expedite this today. Mr. Kozlosky said there are several developments in this corridor. Mr. Williams said corridor preservation has to happen in advance and folks need to know what they are getting into. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

21b. Resolution Adopting Cape Fear Commutes 2035 Transportation Plan.

Mr. Kozlosky explained: at the December 15, 2010 TAC meeting, the TAC adopted *Cape Fear Commutes 2035 Transportation Plan* to provide a long-term vision for transportation to 2035; this plan will be used as a guide by the TAC as they move forward in transportation planning for the region; the plan is a multi-modal transportation plan that includes a significant amount of public input; the plan was developed by the Cape Fear Commutes Citizen Advisory Committee, of which Pender County citizen Al Freimark is a member; and each of the respective boards in the Wilmington MPO is requested to adopt this resolution. Mr. Williams noted the committee spent a great deal of time working on this and said the Board appreciates Mr. Freimark for his participation. Mr. Freimark spoke and said he has the highest regard for Mr. Kozlosky, but the WMPO is very short-sighted when it comes to the bypass. He said he agrees with Mr. Williams that children are being put up against the Red-cockaded Woodpecker, the woodpecker nests can be relocated, and we are not going to accomplish what we need to with this plan because it is too short-term. Mr. Brown said all Board members agree with Mr. Freimark, but Mr. Kozlosky is here today only to accomplish support of the resolutions he is presenting. Mr. Ward wanted more clarification of the

item and Mr. Kozlosky explained the 25-year plan is required by Federal Law in order to receive federal funds. Mr. Freimark then read an article from the Carolina Journal in Wake County, concerning some citizen outrage over running a highway through the middle of a town. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

21c. Resolution Encouraging the North Carolina Department of Transportation to Explore Funding Options to Accelerate Construction of the Wilmington By-Pass (R-2633B).

Mr. Kozlosky explained at the December 15, 2010 TAC meeting, the TAC adopted a resolution encouraging the N.C. DOT to explore funding options to accelerate construction of the Wilmington Bypass from US 17 in Brunswick County to US 421 in New Hanover County, and it was recommended that each of the municipalities and counties in the Wilmington MPO also consider adopting this resolution. Mr. Kozlosky said this has been a top priority for several years and demonstrated a map showing the sections identified. Mr. Brown explained even though Pender County is not a part of this, we are being asked to support it because we are part of the WMPO. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

Mr. Brown recognized Senator-elect Bill Rabon in the audience.

22. Resolution Approving 2011 Legislative Agenda for Pender County.

Mr. Benton explained the 2011 session of the General Assembly begins January 26, 2011 and a legislative agenda comprised of priority issues important to Pender County has been prepared for consideration by the Board, to be shared with the Pender County legislative delegation- Representative Carolyn Justice and Senator-elect Bill Rabon, later this evening. Mr. Benton read and explained each item, and noted he has provided the Board with a handout, which is the latest version. Mr. Brown noted that with respect to the Health Insurance Plan, all he really wants to happen today is to ask the legislative delegation for input. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

23. Resolution Adopting a Policy for Citizen Input on a Local Transportation Prioritization Program.

Mr. Breuer explained: at the October 19, 2009 Board of Commissioners meeting, the Board expressed support of a program to solicit public input for local transportation projects; it will be included in the State-wide Transportation Improvement Plan (TIP); this policy will give us an organized list to submit; and it is perpetually an on-going project. Mr. Brown asked if this is something the Planning Board wanted done, the MPO or the RPO and Mr. Breuer responded the Board of Commissioners. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

APPOINTMENTS

24. Resolution to Consider Approving Appointments to the Pender County Council on Community Affairs Advisory Board; the Pender County Emergency Medical Services (EMS) Advisory Board; the Pender County Health Board; and the Pender County Planning Board.

Mr. Brown introduced the resolution and asked that the position for the EMS Advisory Board be tabled. Ms. Pridgen explained the other positions. Mr. Ward made a motion, Mr. Williams seconded it and it was unanimously approved that Nathan Coleman be appointed to the Council on Community Affairs. Mr. Williams made a motion, Mr. Ward seconded it and it was unanimously approved that Kimberly Collins be appointed to the Pender County Health Board representing a

Public Member position, with term to expire January 31, 2014. No motion was made to re-appoint Kevin Reynolds to the Planning Board. Mr. Tate noted that with respect to the Council on Community Affairs, Board members should encourage people to apply so all County demographics will be represented.

25. Resolution Approving Appointments to Boards/Committees/Commissions on which Commissioners Serve.

Mr. Williams made a motion, Mr. Rivenbark seconded it and it was unanimously approved that the following changes would be made in the Board appointments: Mr. Ward will replace Mr. Brown on the Criminal Justice Partnership Board and the Juvenile Crime Prevention Council; Mr. Brown will replace Mr. Ward on the Fire Commission; Mr. Tate is stepping down from the Cape Fear Community College Board of Directors. All others remain the same. Staff was instructed to find out if they have a recommendation to replace Mr. Tate, or how they want it to be handled.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton had no further items, other than a closed session item.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman had no further items, other than a closed session item.

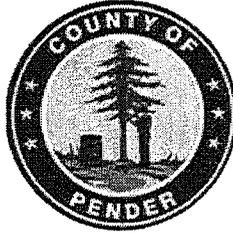
ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams said he received a letter from the Department of Interior concerning a meeting on renewable energy, and asking for appointment of an official representative. Mr. Williams said he would be attending and anyone else could attend who wished to. Mr. Rivenbark made a motion to officially appoint Mr. Williams as Pender County's representative, Mr. Tate seconded the motion and it was unanimously approved.

Mr. Rivenbark said in the November issue of NACo County News, there is an essay contest to promote County Government Month. Mr. Rivenbark also said that he is a table host for Boy Scout fund raising event to be held on February 9th if anyone wishes to support him. Mr. Tate said is also a table host for the event.

CLOSED SESSION

At 5:50 p.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; 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



REQUEST FOR BOARD ACTION

ITEM NO. 2.

DATE OF MEETING: January 18, 2011

REQUESTED BY: Glenda Pridgen, Administrative Assistant

SHORT TITLE: Approval of Minutes: Regular and Closed Session Meeting of January 4, 2011.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

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 it was unanimously approved. The Board went into closed session at 6:00 p.m. At 6:30 p.m., Mr. Williams made a motion to recess. There were no announcements made upon exiting the closed session.

The meeting recessed to the Legislative Dinner at the Agriculture Building at 6:30 p.m.

ADJOURNMENT

The meeting adjourned at 8:45 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board