

TUESDAY, JANUARY 18, 2011

The Pender County Board of Commissioners met in regular session on Tuesday, January 18, 2011 at the Commissioner's Meeting Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, Chairman, presiding; and Commissioners F.D. Rivenbark, Chester Ward and David Williams.

MEMBERS ABSENT: Vice 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

Chairman Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Mike Taylor, Library Director: Design Update of Topsail Regional Library.**

Mr. Taylor thanked the Topsail Friends of the Library and other citizens who were in attendance to support this item. Mr. Taylor explained: the library has been working for several years on the proposed new library to be called Topsail Regional Library; over 20,000 square feet put the project in the regional library facility classification; the new facility would be built to serve the entire Topsail Township for the next 25-30 years; and they are nearly shovel ready should funding be allocated. Project Architect Louis Cherry reiterated that the site is pretty much shovel ready. He delivered a "walk through" presentation explaining what each room will be used for. Mr. Williams asked if the building will have an elevator and Mr. Cherry responded affirmatively. He said the elevator is not an obvious feature, purposely designed to serve only those who are unable to use the stairs.

PUBLIC COMMENT

Mr. Brian White of Rocky Point spoke concerning the library project saying in these economic times, there are more pressing projects such as a new jail or DSS building. Mr. White said this is not a practical building, said it costs too much, asked where the funding is coming from, and urged the Board to be cautious with decisions on this. Mr. Williams said Mr. White did raise some valid points, but this is a part of strategic planning by the Board that started a couple years ago. Mr. White said he doesn't think this building should be built at this time. Mr. Brown said we are not "putting the shovel in the ground tomorrow" and said this is a long-term planning item. Ms. Linda Rogala of Hampstead and a member of the Topsail Township Friends of the

Library Board of Directors spoke supporting of the proposed library and said the current library is overcrowded.

CONSENT AGENDA

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

2. Approval of Minutes: Regular & Closed Session Meeting of January 4, 2011.

RESOLUTIONS

3. **Resolution Authorizing Budget Amendment and Purchase Order to Procure a Speed Limit Measurement Device and Trailer: \$8,000.**

Sheriff Smith explained this request was the result of recent meetings of the Hampstead community with discussions about raising community funds to purchase a speed limit measurement device and trailer as one method of helping improve the traffic situation on US Highway 17. Mr. Smith said the device can be moved around the County. Mr. Rivenbark said after the US 17 Citizens Group discussed purchasing one at the church meeting, he suggested if they purchase one then the County could purchase one. Mr. Williams said the group did talk about buying one and donating it to the County but nothing definite was decided, and even if they did buy one, they would want it to stay in Hampstead. He suggested delaying this item to see what the group is going to do. Mr. Ward asked if they can buy one and donate it to the County with restrictions. Mr. Thurman said they can't have restrictions on it. Mr. Ward agreed that if the group buys it they will want to keep it in Hampstead. Mr. Brown said the bottom line is if the group raises money to buy the device will they turn it over to the Sheriff. After more discussion, Mr. Rivenbark made a motion to table the item to the next meeting, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Brown asked Mr. Smith to return to the podium to discuss the need for deputies. Mr. Smith explained there were two positions that deputies left that were not filled, and the positions were not funded in the current budget. Mr. Brown instructed staff to put this on the agenda for the next meeting.

4. **Resolution Amending the Pender County Pay & Classification Plan.**

Interim Health Director Wayne Raynor explained: in response to recent departmental assessments by the State Nursing Consultants, recommendations are being made to create an Accounting I position and a Public Health Nurse (PHN) Director 1 position within the Health Department; the purpose of creating the new positions is to improve financial oversight and management of the department's \$5 million annual budget and to ensure proper oversight and management of the department's public nursing services; the Accounting I position will replace the former Administrative Officer I position, which is recommended to be abolished; the PHN Director 1 position will replace one PHN II position in the Department; the Office of State Personnel has been consulted on the positions; funds are in the budget; and this has been approved by the Board of Health. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Ward wanted clarification that this is not adding to the budget and Mr. Brown said it is only trading positions.

5. Resolution for Authorization to Submit a Parks and Recreation Trust Fund (PARTF) Grant Application for Millers Pond Park for \$413,600.

Parks Planner Dee Turner explained: on November 15, 2010 the Board approved a resolution to allow staff to prepare a PARTF grant application for the development of Millers Pond Park; the project cost estimates are \$413,800 and includes a handicap accessible picnic shelter/restroom facility, handicap accessible walkway from shelter to parking area, canoe/kayak launch area, enhancements to the nature/walking trail; the grant requires a 50 percent local match of \$206,800 if awarded; the NC Parks and Recreation Authority will meet in May 2011 and July 2011 to award grants; and she and the Parks & Recreation Board want this to be an educational experience, as well as recreational. Ms. Turner added that this is a reimbursement grant and we will have three years to complete it. Mr. Rivenbark asked where the County matching funds will come from and Mr. Benton responded we currently have \$250,000 set aside in the Parks CIP fund. He said the Board can decide to pay it at one time or to spread it out. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Ward asked who will do the upkeep on the Park and Ms. Turner said one of the parks maintenance staff. She estimated one attendant would work 8 to 10 hours per week. Mr. Benton said some of the Boy Scouts could help out and Ms. Turner added other groups could volunteer also.

APPOINTMENTS

6. Resolution to Consider Approving Appointment to the Pender County Health Board & the Pender County Tourism Development Authority Advisory (TDA) Board.

Ms. Pridgen explained Mr. James Holland is applying to be re-appointed for his second term on the Health Board; Mr. Carey Boney is applying for his first term on the Tourism Development Authority Board; and all positions have been advertised. Mr. Williams made a motion, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote that Mr. Holland be re-appointed to serve a three-year term on the Pender County Health Board representing an Engineer position, with term to expire January 31, 2014; and that Mr. Boney be appointed to the Pender County Tourism Development Authority representing District 5, with term to expire August 31, 2013.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton said with respect to Cape Fear Community College Board of Directors, Mr. Tate's term would expire June 30, 2013 so whoever is appointed to fill his seat would have to be re-appointed on that date. Mr. Benton said Mr. Tate wholeheartedly supports Mayor Zander Guy being appointed to this seat. Mr. Williams made a motion to appoint Mr. Guy, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Benton also reminded the Board and citizens about nominations for outstanding citizens.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are several items for closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark made comments concerning the Annual Legislative Goals Conference.

Mr. Brown commended county employees on their efforts to the United Way Campaign and thanked Melony Malone and Amber Parker for heading it up for Pender County.

CLOSED SESSION

At 5:10 p.m., Mr. Williams 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 (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 an open session. The closed session was held during dinner. Mr. Williams made a motion to come out of closed session at 7:00 p.m.; no announcements were made.

PUBLIC HEARINGS/RESOLUTIONS/AMENDMENTS

7. Public Hearing to take Comment on the Closeout of the Pender Packing CDBG – Economic Development Grant, as all Activities have been Completed.

The public hearing opened at 7:00 p.m. and closed at 7:03 p.m. Administrative Assistant Melinda Knoerzer explained Pender County received a \$323,250 CDBG-ED grant that assisted in the construction of a sewer force main from Pender Packing's site on NC Highway 133 to the County's Cape Fear School Pump Station; from this point sewage is transported via a force main along NC Highway 133 to Pender County's regional Rocky Point sewer pumping station located at the intersection of NC Highway 133 and US 117; and sewage collected by this pumping station is transmitted to Cape Fear Public Utility Authority's sewer facilities for transmission and treatment. Mr. Skip Green, Consultant for this project added that 13,700 linear feet of 4" force main and 280 feet of 8" gravity and lift station had been constructed; 33 full-time jobs were retained and 5 new jobs had been created; and a 60% low/moderate income benefit was realized. Mr. Brown said he appreciates them extending sewer to Pender Packing and keeping 33 jobs intact. No further action was required.

8. Public Hearing and Resolution Adopting a Resolution Assigning Road Names and Reassigning Street Numbers for Eleven (11) Mobile Home Parks.

The public hearing opened at 7:03 p.m. and closed at 7:04 p.m. Addressing Coordinator Jan Dawson explained when Pender County adopted Enhanced 911, the mobile home parks were assigned one common address; there are a large number of mobile home parks within the County that have more than one access entrance and this makes it difficult for the 911 Center to track calls; having a common address for the entire park makes it impossible to pinpoint the exact location from which a call originated; and all citizens involved were contacted and no one had

any objections. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

9. Public Hearing and Resolution Adopting the 2010 Pender County Multi-Jurisdictional Hazard Mitigation Plan.

The public hearing opened at 7:04 p.m. and closed at 7:14 p.m. Emergency Management Director Tom Collins explained the Multi-Jurisdictional Hazard Mitigation Plan for Pender County was last updated and approved in 2004; an update of the plan was required in 2010; and staff had been working with Holland Consulting Planners and the State since the summer of 2010 to update the document. Mr. Collins introduced Reed Whitesell of Holland Consulting. Mr. Whitesell explained there is a statute that requires counties to update this document every five years in order to receive certain funding; and the plan update includes all the municipalities except Surf City, who has its own. Mr. Whitesell also distributed a hand out and read the new objectives included in the handout. Mr. Rivenbark made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

10. Public Hearing and Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO): Articles 5, 6 and Appendix A.

The public hearing opened at 7:14 p.m. and closed at 7:16 p.m. Planning Director Kyle Breuer explained staff has identified several areas within the adopted UDO which need to be addressed; and the proposed amendments will correct minor errors in the Ordinance and also revise the Ordinance to maintain consistency with state statutes. Mr. Brown clarified with Mr. Breuer that what they are putting in is the same language as the State's. Mr. Williams commented that the Ordinance will present some feuds down the road. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

ADJOURNMENT

Mr. Thurman suggested that the meeting be continued to the Planning Summit on the 27th and the Board agreed to continue the meeting to January 27, 2011. The meeting was continued at 7:16 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board