

MONDAY, FEBRUARY 7, 2011

The Pender County Board of Commissioners met in regular session on Monday, February 7, 2011 at the Topsail High School Media Center, 245 North St. John's Road, Hampstead, NC.

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 HEARING

1. **Public Hearing & Resolution Approving the North Carolina Department of Transportation 2010-2011 Secondary Road Construction Program.**

The public hearing opened at 4:05 p.m. and closed at 4:23 p.m. District Engineer Robert Vause made opening remarks and introduced County Maintenance Engineer Glenn Crews, Transportation Board member Mike Alford, Division Engineer Allen Pope, and Road Maintenance Supervisor Ray Knowles. Mr. Crews presented the program which included the following: the NC Department of Transportation (DOT) is required by General Statute to make an annual study of all state maintained unpaved roads in order to determine the unpaved mileage in each county and the total in the State; each county's allocation is determined by dividing the total allocation by the statewide mileage times the number of miles in each county; secondary road construction allocations are based upon the amount of revenue generated by the gasoline tax; as of June 2010 there were approximately 30.48 miles of unpaved roads in Pender County- this total does not include unpaved roads added to the priority since the last house count in 2009; the N.C. Board of Transportation has elected to continue paving down the same lists used last year; and the lists are based on a paving priority rating system having two paving priorities in each county, one for rural roads and one for subdivision roads. Mr. Crews also explained the FY 10-11 allocations; roads for grade, drain, base and pave; paved road improvement projects; and routes for strengthening. Board members discussed the Program and asked questions, to which Mr. Crews and Mr. Vause provided answers. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

2. Updates on County Activities & Projects Impacting the Hampstead/Topsail Township Area.

The following updates were presented:

Hampstead Public Boat Ramp: Erik Christofferson, Wildlife Resources Commission

Mr. Tom Covington of WRC made the presentation, saying the Commission is still in the process of getting the necessary permits and the permits should all be in hand within a few months. He said right now they have the funding and are ready to move forward, and he hopes construction will begin this winter. Mr. Covington also presented a map of the site. Mr. Williams added remarks concerning the ramp.

Scotts Hill Fire Substation: David Lee, Hampstead VFD Board Chairman

Mr. Lee said a piece of property has been located in the area that can be used for a future substation, a contract has already been signed and the parties involved are working toward meeting the contract requirements. Mr. Williams added the citizens in the area attended the citizen's meetings and are very interested in having a substation in the area.

US 17 By-Pass and Corridor Study: Mike Kozlosky, Wilmington MPO

Mr. Kozlosky's update included: Currently in the environmental review process; number of alternatives has been reduced from 13 to 6; public workshop to be held in the spring to review the alternatives; N.C. DOT plans to select a preferred alternative in the summer; final environmental document in fall 2011; no funds allocated for construction; and corridor preservation.

Mr. Brown then recognized Mr. Marc Finlayson, Executive Director of the Highway 17 Association. Mr. Finlayson said the Hampstead By-Pass is very much on top of the line with the MPO and NC DOT; spoke about the Highway 17 corridor; and said he is thankful that Pender continues to support their projects.

Scotts Hill Water System: Michael Mack, Public Utilities Director

Mr. Mack gave an update on the Scotts Hill Water System, noting the project was started in September, 2010 and is over 50% complete; 500 people have signed up for it; and they have a very good relationship with the contractor.

Phase V-A Water System Expansion: Michael Mack, Public Utilities Director

Mr. Mack gave an update on Phase V-A, noting the 12" parallel watermain and BPS upgrades.

US 17 Wastewater-Integra Water: Michael Mack, Public Utilities Director

Mr. Mack gave an update on Integra Water, noting the estimated completion date is January 2013; the cost will be approximately \$50 per month for homes; and it will serve new development only. Board members made comments and asked questions. Mr. Williams noted he wanted to thank Mr. Rivenbark for supporting water projects from the very beginning.

Kiwanis Park Improvements: Dee Turner, Parks and Recreation Planner

Ms. Turner gave an update on the Kiwanis Park, noting the new lighting and ways they are trying to cut down on electricity expenses. Mr. Brown asked about Pender Memorial Park and Ms. Turner explained what they are working on and the assistance they are receiving from

various agencies. Mr. Tate asked if they are doing anything with Atkinson and Ms. Turner said they haven't funded anything yet. She said private citizens had been active with projects. Mr. Tate asked Board members to consider putting something recreational in Atkinson. Mr. Tate commended Ms. Turner for her work on the Walking Trail in Willard and said the citizens are very appreciative of it.

Topsail Regional Library: Mike Taylor, Library Director

Mr. Taylor gave an update on the Topsail Regional Library. Mr. Williams asked about applying for a grant for this project and Mr. Taylor explained the initial planning grant and study findings.

PUBLIC COMMENT

Mr. Brown asked that this section be moved down to where the US 17 Overlay District is going to be discussed.

CONSENT AGENDA

Mr. Brown presented the eight 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:

3. Approval of Minutes: Regular & Closed Session Meeting of January 18, 2011.
4. Resolution Approving Tax Releases and Refunds as Listed Herein.
5. Resolution Authorizing Purchase Order to Phoenix Rising Advertising for the Printing and Shipping of 40,000 Pender County Visitor's Guides in the Amount of \$8,925.00.
6. Resolution Authorizing FY 10-11 Budget Amendment and a Purchase Order for Cherry Huffinan Architects in the Amount of \$9,965.
7. Resolution Authorizing Purchase Order to Discovery Insurance for Worker's Compensation Settlement in the Amount of \$20,000.
8. Resolution to Accept the Community-Based Youth Gang Violence Prevention Grant: \$25,666.
9. Resolution Authorizing a FY 10-11 Budget Amendment to Appropriate \$115,620 in Additional Grant Funding for the HPRP Program.
10. Resolution Authorizing Issuance of Purchase Order to VisionAir for Software Maintenance and Support in the Amount of \$29,648.03.

RESOLUTIONS

11. **Resolution Authorizing Budget Amendment and Purchase Order to Procure a Speed Limit Measurement Device and Purchase Order to Procure a Speed Limit Measurement.**

Mr. Williams explained he had no problem with approving this item before but he wanted Board members to meet with the citizens group before voting on it. Mr. Brown stated some Board members did meet with the group. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

12. **Resolution and Discussion on FY 10-11 Budget Amendment Authorizing Funding for Two Sheriff Deputies in the Amount of \$29,639.04.**

Mr. Ward said he would like to be excused from voting on this item. Mr. Williams made a motion to excuse Mr. Ward from voting on this item, Mr. Rivenbark seconded the motion and it was unanimously approved. Sheriff Smith explained several positions had been frozen two years

ago due to budget constraints and four of the positions have remained vacant; other staff has to put in a lot of over time to remedy the positions being vacant; and he would like the funding authorized for one Jailer and one Deputy instead of two Deputies as the resolution states. In response to question, Sheriff Smith said paying comp time does cost about the same as funding the positions. Mr. Rivenbark asked if we pay the \$29,000, what about next year? Mr. Benton said it is a recurring expense. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

13. Resolution Amending the FY 10-11 Budget Ordinance Authorizing Additional Funding for Jail Contract Detention in the Amount of \$60,000.

Sheriff Smith explained: due to overcrowding in the Jail, inmates are housed by other facilities for a daily fee per inmate; certain areas of the jail have become extremely overcrowded because of separation issues due to inmate classification; to help maintain a safe environment for jail staff, inmates, and ultimately the public, it has been necessary to increase the number of inmates kept out of the county; and we have exhausted the \$50,000 budgeted for contract detention and need an estimated \$60,000 more through the end of the fiscal year. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

14. Resolution to Amend the Pender County Pay & Classification Plan.

Mr. Brown explained he had asked for an Accounting person in the Health Department because of the issues in the Health Department, and after it was approved, he asked if the position could report to Mr. McCole. He said since October 2010, an employee of the Finance Office has been assigned to the Health Department to work in this role with the Interim Health Director and it has worked extremely well in improving financial and budget management; it has also resulted in increased confidence in the Finance Director and Manager that the department's budget and finances are being handled properly. The position would be created within the Finance Department to fall under the direct supervision of the Finance Director. After more discussion and questions by Board members, Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

APPOINTMENTS

15. Resolution to Consider Approving Appointments to the Pender County Planning Board.

Mr. Williams made a motion to appoint Ms. Sonya Edens to the Planning Board. Mr. Rivenbark seconded the motion and it was unanimously approved that Ms. Sonya Edens be appointed to serve a three-year term on the Pender County Planning Board to represent the Business position, with term to expire January 31, 2014.

PUBLIC COMMENT

Mr. Bruce Novak of Atkinson said Atkinson residents pay the County \$58,000 per year in taxes but they get no services from the County. He said they get no recycling, no water, no sewer or any kind of services. Mr. Novak acknowledged that they did get \$2,500 last year from Mr. Tate from his discretionary funds that helped provide computers for the library. Mr. Tate thanked the Board for supporting the \$2,500 to Atkinson to help with computers for the library. He also thanked Mr. Novak and his wife for the volunteer work they do with the library. Mr. Tate asked if there are any DSL grants that could possibly help the Atkinson Library and Mr. Benton responded there is something in Congress now pertaining to funding for broadband expansion. Mr. Tate asked if the County could give its surplus computers to the Atkinson Library. Mr.

Benton said we don't have any surplus computers at this time but if any come up, we can consider it.

Ms. Beth Ezzell of Sawyer Lane in Willard spoke regarding the condition of Sawyer Lane. She said the road is considered a private road and they can't get any help with it; the road is not passable; they don't get any services from the County; emergency vehicles would not be able to get to them; and most of the people living on the road are elderly or disabled and living on fixed incomes. Mr. Brown said road paving is the State's responsibility and if the County paves one private road, everybody on private roads would want to have theirs paved. Mr. Tate said everyone on the Board supports Ms. Ezzell and asked what was the reason the State denied the road. Mr. Crews said the State can't accept any road built in a subdivision after September 30, 1975 unless it meets DOT standards. Mr. Tate asked exactly what does Ms. Ezzell want the Board to do and Ms. Ezzell said since there is no money in the County to help, she wants the Board to go with her to Raleigh.

Mr. Lonnie Price stated some items the County won't help with, such as Sawyer Road, and some things they do are not necessary, such as the speed limit device and building another gym at Heide Trask High School. He said the County doesn't do anything for him, he doesn't care and if he didn't have to pay County taxes he could do for himself.

Mr. Charles Jacobs of Hampstead asked if Board members are going to get \$10,000 this year to help their districts. Mr. Brown said they haven't discussed it yet.

Mr. Jim Higgs of Castle Bay in Hampstead said if the permit for a mining operation on Sapps Road is approved, there will be over 100 trucks per day on Hoover Rd; it will affect Topsail Elementary School; property values will fall; there will be future environmental impact; and Castle Bay residents are opposed to this mining. Mr. Brown said it is at the State level now and when it comes to the Board, residents can attend the public hearing.

Mr. Brian White of Rocky Point said the meetings should begin at 5:30 for the benefit of working people. Mr. White said the Board needs to be careful when looking at building a new library, jail and other buildings. He said \$6,000,000 is too much for a new library. Mr. Brown said the Board had changed all its meetings to begin at 4:00 for the benefit of the public.

Mr. George Mara of Hampstead spoke against sewer truck traffic in Belvedere, saying the roads are very narrow and not built for 18 wheelers; there are no sidewalks; plants are being uprooted; and he wants the Board to lean on the company to make improvements. Mr. Brown said he and the County Manager will get with Mr. Mara to try to work on this problem.

Mr. Donald Sullivan of Atkinson said the Sapps Road mining was initially denied; and reserving a by-pass corridor for Hwy 17 was denied at a meeting in 1998. Mr. Sullivan asked who authorized the payment of \$70,000 for a contractor to do the revaluation when it could have been done in-house. Mr. Benton responded the Commissioners approved it a long time ago.

Mr. Brown said the proposed overlay district had been tabled months before by the Board, but it would affect the people in Hampstead and we need to hear from the community. In response to Mr. Brown, Planning Director Kyle Breuer explained that an overlay district is a specific set of ordinances or rules for a defined area that goes beyond the regular ordinances.

The following residents spoke against the overlay district:

Mr. Ron Shirley: He has been a businessman in Hampstead for the past 17 years and he doesn't support an overlay district; Brunswick County did it and now they are trying to find a way to ease it up to make it better on businesses; his child was injured on Hwy 17 and he supported making the highway safer but an overlay district would not help the highway, rather it would restrict businesses; they came to Hampstead because of the schools, not the way it looks; and if you really are concerned about the way it looks, put the utilities underground.

Anthony Musolino: Why are we making another layer of government; there are enough regulations already in the Unified Development Ordinance (UDO); and enforce the law and do not give a small group of people control.

Hiram Williams: Agrees with Mr. Musolino; feels that the work that was done on the UDO is adequate; and we don't need an overlay district

Resident Charles Wilson spoke in favor of the overlay district. He said the overlay district in Brunswick County was a success and that having an overlay district has nothing to do with incorporation in Hampstead.

When the audience was polled as to who wants an overlay district, those opposed drastically outnumbered those in support. Mr. Brown said he has no plans of bringing it back up.

Mr. Charles Jacobs introduced and recognized Mr. Douglas Hardison whom he said was in the Pentagon during 911.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton had no further items except for closed session.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman had no further items except for closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams instructed staff to schedule a meeting with the ABC Board. He said he would like to discuss with them how much they take in.

Mr. Tate said he would like to have Reverend Aaron Johnson recognized for all his work. He instructed staff to prepare a resolution for the next meeting.

Mr. Rivenbark spoke about NACo's County Courthouse Awards 2011.

Mr. Brown commented on the upcoming essay contest for fourth graders during National County Government Month. Amber Parker, Human Resources Director, is coordinating this with the Pender County Schools.

CLOSED SESSION

At 7:10 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143318:11: (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 it was unanimously approved that the Board go into Closed Session. The Board came out of Closed Session at 7:30 p.m. There were no announcements upon exiting the Closed Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:30 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

Rick Benton, Clerk to the Board