

## MONDAY, FEBRUARY 21, 2011

The Pender County Board of Commissioners met in regular session on Monday, February 21, 2011 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman George Brown, presiding; Vice Chairman Jimmy Tate; and Commissioners F.D. Rivenbark and Chester Ward.

**MEMBERS ABSENT:** David Williams.

**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.

### EXCUSE COMMISSIONER

Mr. Rivenbark made a motion to excuse Mr. Williams from the meeting, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

### INVOCATION

Commissioner Tate offered the Invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

### PUBLIC INFORMATION

1. **Erik Harvey, IT Director: Public Service Retirement Recognition for Mrs. Jan Dawson, Addressing Coordinator.**

Mr. Harvey explained Ms. Dawson had served in several capacities in the County for the past twenty-five years-in the Planning and Emergency Management Departments, and in the IT Department for the past four years, and said she has been a faithful and hard worker. Mr. Brown read and presented Ms. Dawson with a plaque. Mr. Tate commended Ms. Dawson on her work with the County.

2. **Mark Seitz, County Extension Director: Introduction of New 4-H Agent, Lauren Brown.**

Mr. Seitz introduced Ms. Brown noting she graduated from North Carolina State University in August of 2010, did an internship through NC State University in Chatham County with Cooperative Extension, and worked with Chatham County Cooperative Extension as a secretary prior to coming to Pender County. Ms. Brown said she is originally from Alamance County and she looks forward to working with Pender County.

**3. Mark Sutherland, Executive Director Military Growth Task Force: Update on Military Growth Task Force Activities.**

Mr. Sutherland said he is not here to ask for funds at this time, he only wants to give an update on the Task Force activities. He commended Pender County for hosting the Military Growth Task Force's meeting earlier in the month in Hampstead, and said military growth in the area is exceeded by 50% more than originally projected. Mr. Sutherland explained some of the issues that would be affected by the military growth included: personnel; medical and health issues; child care issues; off-base housing and other construction projects; workforce development; education; and agricultural impact. There was discussion of the educational aspect. Mr. Sutherland said of seven counties involved, Pender was the only one that didn't participate in taking advantage of the \$900,000 in the area for educational purposes. He said \$45,000 is left at Coastal Carolina College. Mr. Tate was concerned that Pender didn't participate in the educational opportunities. Mr. Sutherland noted that \$114 Million per day is being generated in regional construction on the Marine Corps bases and discussion ensued on this subject. Mr. Sutherland will send the Board what information they have on how much of this \$114 Million goes to Pender County contractors.

**4. Presentation on Proposed State Sea Level Rise Policies.**

Planning Director Kyle Breuer explained: the N.C. Division of Coastal Management has been directed by the Coastal Resources Commission (CRC) to study and develop policies relating to sea level rise and how it may affect the twenty coastal counties within North Carolina; the draft policies address measures to prepare for and mitigate anticipated effects of sea level rise at a benchmark of one meter of relative sea level rise by 2100; the benchmark will be used for land use planning, and to assist in designing development and conservation projects; and the CRC is recommending that the planning benchmark be reviewed and adjusted as necessary at least every five years. Mr. Breuer demonstrated some scenarios of various areas which were prepared by staff. Mr. Tancred Miller, Coastal Policy Analyst with the NC Division of Coastal Management, presented the draft policy and explained each category. The presentation included: the difference in policies and regulations; CAMA guidelines, general purpose of a CRC Policy, examples of policy areas; approach to Sea Level Rise; roadmap of the plan; basic steps they took; the purpose of a SLR policy; and a summarization graph. He noted there is no timetable for the Plan, and it is an ongoing process. Board members asked questions concerning Sea Level Rise and Mr. Miller provided answers. Mr. Brown made remarks to simplify the presentation for the audience. He said we don't want to be shocking people into thinking they may have to leave the coast right away, and there is no disaster right now. Other Board members asked questions and Mr. Miller provided answers to them. Ms. Joan Weld, Vice Chairman of the Coastal Resources Commission Advisory Board, said: the CRC and Board of Commissioners need to get together and have some comprehensive discussions on what we need to do; we have issues right now that need to be addressed, such as infrastructure and culvert issues; and we need to figure a way to regionally come together to see what we need to do. Mr. Brown agreed with Ms. Weld about sitting down together. Mr. Ward asked how much input are the cities putting in and said he wants Surf City and Topsail Beach to have input. Mr. Miller said this is the CRC's third meeting in the area on Sea Level Rise.

**PUBLIC COMMENT**

Ms. Terri King, Chairman of the Health Board, read and presented Mr. Tate a plaque for serving several years on the Health Board. She. Said Mr. Tate is a dedicated, hard working leader in the

County. Mr. Tate thanked the Health Board, the other Commissioners and all who played a role in presenting him the plaque.

Ms. Nellie Fields of Willard asked the Board for help concerning Annie West Rd., which she says is nearly impassable. Ms. Fields noted: there are two young brothers that live on the road that have Multiple Sclerosis and they are worried that if the rescue squad has to come, they won't be able to get down the road; Annie West Road was put on the docket for paving in 1975 and everybody that lives on the road had signed the necessary papers except one lady that doesn't live there and has never lived there; and a man owns 600 acres nearby that they could potentially negotiate with to obtain a right-of-way. Mr. Brown said there is not much the Board can do because it is a DOT matter and the County can't get involved. He said even so, DOT can't do anything because they can't force the lady to sign the papers. Mr. Brown said he has the same dilemma on the road he lives on and he will talk with the gentleman that owns the 600 acres to see if they can find an answer. Mr. Tate said there are road issues all over the County, but he is really concerned about Mr. West's sons. He said he will ask to reopen the Annie West Rd. resolution. Mr. Tate noted that he and Mr. Benton had recently met with Robert Vause, District Engineer for DOT, to discuss some of the road problems in the County. He added he will personally call the lady who refuses to sign the papers. Johnny Brice of Willard spoke about the condition of Annie West Road and Lily Lane, and the ditches not being cleaned. Ms. Rose Gates of White Oak Lane spoke about the condition of White Oak Lane, off Long Branch Lane near Ashton. There was discussion that a petition had already been submitted for White Oak Lane but it was denied by the State because it was built before 1975. Mr. Tate said there are many issues going on with roads and we should speak to State officials about possibly changing the 1975 rule. Mr. Benton was instructed to set something up with the State.

Ms. Ella West and Ms. Helen Williams of New Road spoke concerning dangerous dogs their neighbor's have. Ms. West said the same neighbor's dogs destroyed her little dog a few years ago and now she is terrified of them. She said she has the same problem all the time with the dogs not being on a leash. Mr. Benton was instructed to get up with Animal Control to see what can be done. Mr. Tate said we do sympathize with Ms. West. Ms. Williams said there should be some laws against vicious/dangerous dogs being off their leash. Mr. Brown said we have included some language in the Animal Control Ordinance to address this.

Ms. Geraldine Rainey said Mr. Brice is her husband and she also has concerns about the condition of Lily Lane.

### **CONSENT AGENDA**

Mr. Brown presented the four 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. Ward seconded the motion, and the Consent Agenda was unanimously approved by a 4-0 vote as follows:

5. Approval of Minutes: Board Summit of January 27-28, 2011; & Regular & Closed Session Meeting of February 7, 2011.
6. Resolution Accepting Petition to Add West Bay Road in Willard to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
7. Resolution Adopting an Order for the Tax Collector to Advertise 2010 Taxes.

8. Resolution Authorizing Patricia Simmons, Administrative Officer of Public Works to Execute all Necessary Papers and Documents in Connection with DEHNR for Aid in Mosquito Control.

## **RESOLUTIONS**

9. **Resolution Recognizing the Contributions of Reverend Aaron Johnson.**

Mr. Tate said we certainly want to recognize Reverend Johnson's contributions, but he would like this item tabled until a time when Reverend Johnson can be present. Mr. Rivenbark made the motion to table the item, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

10. **Resolution to Approve Electronic Mail (E-mail) Policy.**

IT Director Erik Harvey explained the purpose of this policy is to ensure the proper use of the County's electronic mail systems; to make users aware of what is acceptable and unacceptable use of its e-mail systems; and this policy supersedes the Pender County Electronic Communications Policy regarding e-mail dated March 7, 2005. Mr. Tate asked what has changed from the original policy and Mr. Harvey said this policy addresses more than just having the small section in the Communications Policy addressing e-mail. Mr. Tate asked about back-up and if we have a length of time we are required to keep data. Mr. Harvey said we depend on the State's requirement, which is generally ten years, but varies. Mr. Rivenbark said normally, when changing policies, the changes are normally shown in color. He said he won't vote on this until he can compare the old and new. Mr. Harvey said this is basically a new policy. After more discussion and questions, Mr. Ward made a motion to approve the resolution. Mr. Tate seconded the motion which carried by a three-to one vote, with Mr. Rivenbark voting against it. The BOCC members were provided a copy of the former policy.

11. **Resolution to Approve Web Resources and Standards Policy.**

Mr. Harvey explained the purpose of the Pender County Web Resources and Standards Policy is to outline policies and guidelines concerning use of the Pender County web information resources; Pender County Government web resources include all content, digital assets and other intellectual properties contained on the Pender County website and external online entities published in the name of Pender County Government or any of its departments; and a Web Site Advisory Committee from various County departments had been formed to lay the groundwork to outline the policies and guidelines. Mr. Tate asked about Section 1.9, pertaining to Social Media. Mr. Harvey explained: social media websites are an effective and efficient way for Pender County Government to communicate with citizens; Pender County Cooperative Extension, Emergency Management, Health, and Tourism Departments are currently using social media websites such as Facebook, Twitter and YouTube; these websites have allowed the County to enhance and improve communications to those that do not consume traditional media; and at this time, IT is working on a Social Networking Policy to address its purpose, best practices, security, and use internally and externally. After more discussion, Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

12. **Resolution Authorizing Contract for 60 Month Cost Per Copy Management Program with COECO Office Systems.**

Mr. Harvey explained the County entered into a sixty-month contract with COECO Office Systems in December 2005 to provide the County with a Cost Per Copy Program based on a

fixed rate per copy countywide; the contract expired in December 2010; the objective is to have one master vendor provide these services to all County departments; this is a cost savings alternative to more expensive lease and maintenance contract agreements; the IT Department formed an Evaluation Committee consisting of representatives from all County Departments and went through the Request for Proposal process; the Committee reviewed the bids received and scored and selected the low bidder, COECO; each department will pay for their copies from their own budget; and the Committee is making plans for the County to become more efficient by digitizing documents. Mr. Tate said he is glad Mr. Harvey is consolidating all copiers, digitizing will reduce copying and Mr. Harvey's proactive thinking is a way to "go green." Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**13. Resolution Making Initial Appointments to the Pender County Agricultural Advisory Board.**

Mr. Rawls explained back in December the Board approved a Volunteer Agriculture Farmland Preservation Program Ordinance for Pender County, and this resolution is to appoint a board to get the Ordinance moving. Mr. Rivenbark noted Mr. Rawls is the Chairman of this organization in the County now, but four years ago he was in the State organization. Mr. Rawls explained the proposed members with staggered terms are as follows: Buron Lanier -- three-year term; Eugene Jordan -- one-year term; Scott Bannerman -- two-year term; Scott Wells -- two-year term; and Allen Wooten -- three-year term. Mr. Ward asked about geographical representation. Mr. Rawls said the appointments are not as diverse as he would like, but it is the way agriculture is located in the County. He said there is no representation on the Board from the eastern side of the County. After more discussion of Board membership, Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

**APPOINTMENTS**

**14. Resolution to Consider Approving Appointment to the Pender County Council on Community Affairs Advisory Board; and the Nursing/Adult Care Homes Advisory Board.**

Mr. Brown introduced the resolution, noting there is only one application for each position. Mr. Rivenbark made a motion to approve appointment of Bruce Novak to the Council on Community Affairs. Mr. Tate seconded the motion and it failed by a 2-2 vote, with Mr. Rivenbark and Mr. Tate voting in favor, and Mr. Brown and Mr. Ward voting against it. Mr. Rivenbark made a motion to appoint Ms. Donna Walker to the Nursing/Adult Care Homes Advisory Board and it failed for lack of a second.

**ITEMS FROM THE COUNTY MANAGER**

The County Manager had no further items.

**ITEMS FROM THE COUNTY ATTORNEY**

The County Attorney was not present at this time.

**ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Rivenbark noted April 16-30, 2011 is N.C. DOT's Spring Litter Sweep.

With respect to the discussion item concerning US Hwy 17 Bypass Project funding, Mr. Rivenbark explained he will be attending a TAC meeting which Mr. Williams can't attend, and

he will support a resolution opposing moving money from Pender County to other projects. Mr. Rivenbark made a motion to add "Resolution Opposing Diversion or Delay of US 17 Hampstead Bypass Project Funding" to the agenda, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved. Mr. Rivenbark instructed staff to put on the agenda for the next meeting a resolution that was passed out entitled "Resolution Opposing Shift in Traditional State Funding to Counties," and to include all five Commissioners' names on it.

Mr. Ward said he attended the Essentials of County Government workshop in Raleigh and it was really a wonderful workshop.

Mr. Brown said Mr. Williams had wanted to look at the wastewater truck traffic situation in Belvedere which Mr. George Mara spoke about at an earlier meeting. Mr. Benton said he will be attending a meeting on this subject with Mr. Mara and others next Monday. Mr. Brown said he had attended a PenderWatch meeting and it was a good meeting. Mr. Brown said citizens had been asking him about Board meeting times beginning later than 4:00 to accommodate people who work. He said he would suggest changing the first meeting only. It was noted that the Board had just started this new schedule of all meetings beginning at 4:00, and it should be given a chance to see how it works out. It was also noted that Mr. Williams is absent and all members should be present if changing meeting times are considered. There was no action taken on this issue.

#### **CLOSED SESSION**

At 6:30 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. Tate seconded the motion and it was unanimously approved by a 4-0 vote that the Board go into Closed Session during dinner. The Board came out of Closed Session at 7:50 p.m. There were no announcements upon exiting the Closed Session.

#### **PUBLIC HEARINGS/RESOLUTIONS/AMENDMENTS**

**15. Public Hearing and Resolution Approving Grant Application and Authorizing Local Share of Community Transportation Program Operated by Pender Adult Services for FY 2010-2011: \$33,320.**

The public hearing opened at 7:50 p.m. and closed at 7:51 p.m. Ms. Valeria Sutton, Pender Adult Service's Transportation Coordinator, explained: this is the annual grant application; they are requesting \$273,619 from NC Department of Transportation; and the County's local match is \$33,320. There was no discussion of the grant application or the local share. Mr. Rivenbark said the Board had previously requested that Director Wes Davis be present when presenting PAS

items. Mr. Tate made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

**16. Public Hearing and Resolution Requesting Approval to Rezone Three Tracts from EC, Environmental Conservation District, to OI, Office and Institutional District for the Accommodation of Millers Pond Park.**

The public hearing opened at 7:52 p.m. and closed at 7:58 p.m. Planner Ashley Moncado explained the subject property is proposed for use as a County owned and managed nature-oriented passive recreation area; development will consist of an ADA-accessible picnic shelter and restroom facility; ADA-accessible pond overlook, canoe and kayak launch area, parking area, and sidewalk; and the majority of the subject property will remain undeveloped and preserved as natural area, remaining in harmony with the 2005 Land Use Plan and Comprehensive Land Use Plan classifications. Mr. Brown asked what is it about the park that it has to be rezoned from EC to OI and Mr. Breuer replied "the restrooms." Mr. Tate said he wants to commend Mr. Brown for leading this project, Mr. Benton and Mr. Thurman for their assistance, and Mr. Breuer for stepping in and keeping the Planning Department going. After more discussion of the property, Mr. Rivenbark made a motion to approve the request, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

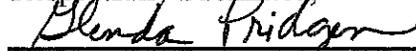
**17. Public Hearing and Resolution to Amend Article 6 and Appendix A-Definitions, of the Unified Development Ordinance.**

The public hearing opened at 7:58 p.m. and closed at 8:03 p.m. Mr. Breuer explained: currently, the Unified Development Ordinance requires a forty-five foot access easement/right-of-way for newly created 3-lot subdivisions and family subdivisions; problems have arisen from this requirement in the physical requirements of this regulation; the way this regulation is enforced is by only recording the easement on a map and not physically constructing any sort of "passable" surface for access; and staff is proposing to add regulations that would require a subdivider to improve an access easement to the standards that emergency response vehicles may respond and an address be given. Mr. Ward made a motion that the request be approved, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**ADJOURNMENT**

There being no further business, Mr. Rivenbark made a motion and the meeting adjourned at 8:03 p.m.

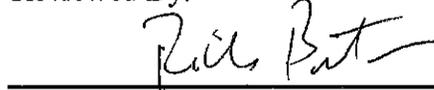
Respectfully Submitted,



---

Glenda Pridgen, Deputy Clerk to the Board

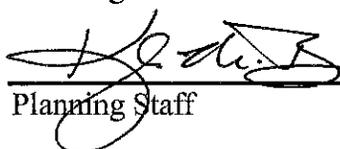
Reviewed By:



---

Rick Benton, Clerk to the Board

Planning Items Reviewed By:



---

Planning Staff