

MONDAY, MARCH 7, 2011

The Pender County Board of Commissioners met in regular session on Monday, March 7, 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 Chester Ward and David Williams.

MEMBERS ABSENT: F.D. Rivenbark.

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 COMMISSIONERS

Commissioner Williams noted Commissioner Rivenbark is absent due to attending a NACo conference in Washington, D.C. and Commissioner Tate is absent due to a business meeting. Mr. Williams made a motion to excuse Commissioners Rivenbark and Tate from the meeting, Commissioner Ward seconded the motion and it was unanimously approved by a 3-0 vote. (Mr. Tate arrived a few minutes later).

INVOCATION

Commissioner Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

ADDENDUM TO THE AGENDA

Mr. Brown presented two additional items that need to be put on the agenda: 1) Appointment of Board of Equalization and Review (BOER); and 2) Update on the 2011 Revaluation. Mr. Williams made a motion to add the two items, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Tax Assessor Tony Masiero explained: 45,000 revaluation notices hit the streets on February 26th; a Revaluation office has been set up at the Pender Resource Center on Highway 117 in Burgaw, and is open from 8:00 a.m. to 5:00 p.m.; Mr. Lyn Shore and his staff are scheduling appointments, helping walk-ins as they come in and reviewing mail-backs; they will be taking informal appeals from now through March 17th because there has to be a cut-off date to accept informal appeals; and after the informal appeal process is finished, second notices will go out with instructions on how to formally appeal. Mr. Williams said people are calling and we should tell them to start the appeals process by mailing in their appeal. Mr. Masiero explained people can appeal to the Board of E&R if they are not satisfied with the results of the informal appeal, and if they don't like the results of the Board of E&R, they can appeal to the Property Tax Commission. Mr. Brown encouraged people to go through the appeals process if they are not satisfied with their revaluation results. Mr. Tim Cain of Assessment Solutions explained some of the problems stem from the 2003 values' inconsistencies. He said this current revaluation includes: trying to simplify; looking at everything from neighborhoods to zonings; 95% confidence; goal to get it right; and make sure statutes are followed. Mr. Ward asked about the different types of approaches used and Mr. Cain said they used three approaches: Sales, Income, and Cost. After more discussion and questions, Mr. Williams made a motion to approve the appointments to the Board of E&R, Mr. Ward seconded the

motion and it was unanimously approved by a 4-0 vote that the following individuals be appointed to serve a one-year term on the Board of E&R, with term to expire March 6, 2012: Bryant Shephard, Kenneth Just, Leslie Green and Robert Dennis.

PUBLIC INFORMATION

1. Pender County ABC Board Update & Resolution to Support the Current Structure of the ABC System in North Carolina.

Mr. George Mara, Chairman of the Pender County ABC Board, summarized the information in the charts provided to the Board. Statistics from 2004/2005 through 2009/2010 included from each store: bottles sold; gross sales; taxes; net sales; expenses; profits; municipal distributions; county distributions; other distributions; total distributions; and sales from each store. Mr. Mara said the biggest problem they have is taxes affect net sales and eventually affect profits. He said state sales and alcohol taxes increased, and the portion the system gets decreased. Mr. Williams asked if the portion generated by stores go back into the municipalities and Mr. Mara responded "yes, among other things such as Mosquito Control." There was concern by Board members that the Atkinson store is constantly in the red every year and they discussed the potential of closing the store. Mr. Brown asked if the amount of profits would be greater in other municipalities if the store closed. Mr. Mara said net sales would probably increase but most of Atkinson's customers would go to Clinton or Wallace. Mr. Williams asked what the future is for a store that continues to lose money annually. Mr. Mara said they would have to get direction from the Board of Commissioners in order to close a store. Mr. Brown asked would it not take legislation to close it and Mr. Thurman said he would have to look at the statutes. Mr. Mara noted the Rocky Point store had been in the red the first two years of operation and had been going up and down since. He said some of the sales from Burgaw have gone to Rocky Point, and a store closing in Castle Hayne had contributed to Rocky Point's sales, but that store has since opened back up and he doesn't know how much that will affect Rocky Point. With respect to the resolution, Mr. Brown said Board members need more time to study it; some members don't know how they feel about it; and all Commissioners need to be present to vote on something like this. It was the consensus of the Board to table the resolution. Board members thanked Mr. Mara for his report. Board member Don Hall and ABC Manager Patsy Blake were also present.

2. Ms. Jean Beasley: Update on the Progress of New Karen Beasley Sea Turtle Rescue and Rehabilitation Center.

Ms. Beasley commended the Town of Topsail Beach, who originally gave them land for the first Turtle Hospital, and commended the Town of Surf City, the Sullivan Family who gave them land for the new Turtle Hospital, and the attorney who is providing pro bono services. Ms. Beasley's update on the Turtle Hospital included: rehabilitated nearly 300 turtles; 30,000-35,000 visitors per year during the open period of June-September; visitors from more than 80 countries and from all over the US; provide tours for handicapped children; all work accomplished by volunteers with no paid staff; volunteers raised more than \$1 million; going from 900 square foot building to 12,700 square foot; and they broke ground for the new construction back in the fall. Ms. Beasley showed pictures of the new building and explained the different rooms and entrances. Mr. Ward asked what their main expense is and Ms. Beasley said they have three main expenses: veterinary care, medicine and food. At Mr. Ward's request, Ms. Beasley verified again that they are only open from June-September. Mr. Brown thanked Ms. Beasley and said that is a very impressive operation that she manages.

3. Mayor Howard Braxton, Town of Topsail Beach: FY 11-12 Budget Presentation.

Mayor Braxton commended the Board of Commissioners for helping them with collecting taxes for the Town and for putting aside funds for beach renourishment for the last several years. He introduced the Topsail Beach Town Commissioners: Julian Bone, Grier Fleischhauer, Ed Broadhurst, and Jac Reville.

Commissioner Buck Taylor was not able to attend. Mayor Braxton's comments included: the Federal Government and Corps of Engineers are now telling them it is the Town's responsibility on projects those agencies had previously overseen; the Town has now invested more than \$10 million in beach renourishment, together with the County and the State; they were losing \$90,000 a day when the hurricanes came; and they want to see Topsail Beach as a FEMA beach. Other projects Mayor Braxton said they are working on includes: new fire truck; extending water lines; repairing the boat ramp; keeping the inlet open; trying to get an Emergency Operations Center; talking to the County Manager regarding how to bring Topsail's sewer and water systems up-to-date; and keeping communications open with non-year round residents. Mr. Fleischhauer delivered a Power Point presentation entitled "Pender County-Topsail Beach Linking Priorities." The presentation included: Pender County Board of Commissioners Priorities-Topsail Beach is focused on Economic Development and Quality of Life; Understanding Pender County; Topsail Beach-Protecting our Shared Asset-the Beach; Pender County's Investment; Next Steps; FEMA Beach Requirements; Local Revenue Sources Per Year Dedicated to Beach Nourishment; What is Topsail Beach Doing to Meet This; and How Pender County Can Help. The presentation in its entirety is on file with the permanent records in the Clerk to the Board's office. Mayor Braxton addressed the Board again and spoke concerning resident's concerns with the Revaluation. He said residents' concerns' include: the Revaluation is inconsistent; some people have property only and some have property and homes; some saw large increases and some saw large decreases; and residents don't understand how the Revaluation was done. Mayor Braxton said the Town will do whatever they can to help residents understand the Revaluation. Mr. Brown said he hopes all residents with concerns about their revaluation take advantage of the appeals process. There were more questions and discussion of the Topsail Shoreline Commission and the entities involved; Topsail Beach as a FEMA beach; and sand sources.

4. Mr. Michael Moore, Manager, Town of Surf City: FY 11-12 Budget Presentation.

Mr. Moore commended Ms. Beasley and what she does, and spoke about the road going to the new facility. Mr. Moore's comments included: their renourishment process started in 2002 and they are now being told they will be lucky if it is finished by 2015; he hopes they will be eligible for assistance from the Water Resource and Development Act, along with Topsail Beach; thanked the Board of Commissioners for their help, asked them to continue to help, and over time look at giving the Town the 1¢ tax for renourishment the Board had spoken of last year; sand had been identified and they now have 1 million cubic yards of extra sand; there are several different projects going on at the same time-Surf City, Topsail Beach and North Topsail Beach; of every dollar spent on Topsail Island, \$3 comes back; and other requests they are asking for assistance from the Board involves recreational activities-including soccer fields, baseball and softball fields, and football fields. Board members thanked Mr. Moore for his presentation. Mr. Moore thanked the Board for all they do for the Town of Surf City. Mr. Ward asked if the recreation activities will be open to the public and Mr. Moore responded affirmatively.

PUBLIC COMMENT

Mr. Bill Morrison of Topsail Beach and member of the Coastal Resources Advisory Council spoke concerning the Sea Level Rise issue. He said Tancred Miller, Coastal Policy Analyst with the NC Division of Coastal Management, presented the first draft policy at a previous Board meeting; the 1-meter rise that was in that draft no longer applies; there have been other changes since Mr. Miller's presentation; and this project will be ongoing over the next ten years. Board members thanked Mr. Morrison for his information.

Mr. Frank Hurley spoke concerning the proposed Maple Hill Wastewater Treatment System. Mr. Hurley said he has an emotional interest in this project because he was the one that addressed questions from

residents early on. He explained: the original Preliminary Engineering Report (PER) was done by a large, very capable engineering firm on a no cost basis; the firm did an extensive analysis of all the systems that deal with small rural communities with failed septic systems; their recommendation was a recirculating textile media system based upon the extremely low OM&R costs associated with this type system; the residents had signed up upon the promise of low monthly sewer bills in the \$23 to \$28 dollar range; and in his experience, using an MBR system sometimes costs three times more. Mr. Hurley had several questions he had written for the Board. Mr. Williams asked Mr. Hurley where he is from and Mr. Hurley said Wilmington. Board members expressed concern that this type of format is not appropriate for Public Comment on the agenda. Utilities Director Michael Mack was instructed to address Mr. Hurley's concerns separately. Mr. Ward apologized to Mr. Hurley, saying Mr. Hurley did call him but he thought Mr. Hurley lived in the Maple Hill area. Mr. Williams also apologized to Mr. Hurley.

Mr. Bruce Novak of Atkinson again spoke of the inequities of the Atkinson community receiving county funds. Mr. Novak said: of the \$58,000 Atkinson citizens pay in tax dollars, not every dollar comes back to them; the \$8,000 that was spent for a speed sign in Hampstead could have been spent on outreach programs; he proposes outreach programs be subsidized by the Board; after speaking at the February 7th Board meeting, Mr. Steve Donatone and several others had donated computers to the Atkinson Library; and he opposes the ABC resolution and supports privatizing the ABC system. Mr. Brown noted the speed sign was purchased to be used in any area of the County, but will initially be used in the Hampstead area to address safety issues and possibly save lives. Mr. Tate asked if Mr. Novak is in support of closing the Atkinson ABC Store and Mr. Novak responded as long as the County makes a contribution to Atkinson anyway, why anyone would care one way or the other. He said people on the western side of the County generally feel that County funds are not equitably distributed. He added you can save more lives by supporting outreach programs.

CONSENT AGENDA

Mr. Brown presented the five items 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. Tate seconded the motion, and the Consent Agenda was unanimously approved as follows:

5. Approval of Minutes: Regular & Closed Session Meeting of February 21, 2011.
6. Resolution Approving Tax Releases and Refunds as Listed Herein.
7. Resolution Accepting Petitions to Add Lily Lane in Willard and Marble Drive in Rocky Point to the State Maintained System and Authorizing the County Manager to Submit the Petitions to N.C. Department of Transportation.
8. Resolution Authorizing Pender County Department of Planning and Community Development to Perform Inspections Services within the Town of Topsail Beach.
9. Resolution Approving Budget Ordinance Amendment for Additional Crisis Intervention Funds: \$64,166; Progress Energy Funds: \$1,649.30.

With respect to Item No. 8, Mr. Tate asked if Topsail Beach is reimbursing the County for staff time and travel as well and Mr. Benton responded affirmatively. Mr. Thurman noted he did review the contract and everything was in order.

RESOLUTIONS

10. **Resolution Adopting Proclamation Honoring National County Government Month for the Month of April 2011.**

Human Resources Director Amber Parker recognized Mr. F.D. Rivenbark as a fervent supporter and contributor of information regarding National County Government Month. Ms. Parker explained: the National Association of Counties for 2011 is recognizing the month of April as National County Government Month; the purpose of the recognition is to educate the public about the role and value of County Government in the lives of citizens and in providing services to meet various needs; and this is also a time set aside to recognize county employees across the country, and particularly the dedicated employees of Pender County Government. Ms. Parker said activities planned during the month of April in recognition of National County Government in Pender County are: Pender County Employee Food Drive to Support DSS Food Bank; Presentation of County Government Month Essay Contest Winner; Presentation of Pender County Citizen Volunteer of the Year; Presentation of Pender County Employee of the Year; Presentation of 2011 Annual Report; and Reception Honoring Pender County Employees. Board members thanked Ms. Parker for her presentation. Mr. Tate made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

11. Resolution Opposing Shift in Traditional State Funding to Counties.

Mr. Benton explained the Governor's proposed FY 11-12 budget and proposals being discussed in the General Assembly, shifting traditional state funding for a variety of items to county governments. He said at the last Board meeting, Mr. Rivenbark requested a resolution be prepared opposing the shifts, and to include all Board members' signatures on it. Mr. Brown said he went to a function with some legislators on Saturday and he made it clear this Board was not going to put its name on anything without considering the impact on counties. He said they are not arbitrarily "going to throw us under a bus." Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

12. Resolution Approving the Award of Bid and Authorization to Issue a Purchase Order for the ITS/Administration Building Generator Project to Security Plus Electrical, Inc. in the Amount of \$94,000.00.

ITS Director Erik Harvey explained: the Pender County Administrative Building has a 12KW Kohler generator to supply backup power to the ITS Department's Data Center and Operation Center; this generator is now antiquated and does not meet the power requirements and needs of the County's network infrastructure, departmental systems and hardware, and back-up needs; the new generator will supply back-up generator power not only to the ITS Department Data Center and Operations Room, but to all offices within the Administrative Building; funds were included in the FY 2010 - 2011 CIP budget to replace this item; and four bids were received. Mr. Ward asked how many generators do we have in the County and Pat Simmons of Public Works said eight. Mr. Ward asked if none of these eight could handle the job now and Mr. Harvey responded "no" and explained we need the back-up to stay operational when emergencies occur. Mr. Ward asked where the funds are coming from to pay for the generator and Mr. Benton responded they are budgeted in the Capital budget. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

MAPLE HILL WATER & SEWER DISTRICT

13. Resolution Approving the Award of the Lump Sum Bid and Authorization to Issue a Purchase Order for the Construction of the Maple Hill Wastewater Treatment Facility to Eberhart Construction, Inc. in the Amount of \$1,447,900.

The Board convened as the Maple Hill Water & Sewer District at 6:05 p.m. Mr. Mack explained: PCU received bids on February 15, 2011 for the construction of a 42,000 gallon per day Packaged Wastewater Treatment Plant, which includes concrete tankage, a 3-acre lined lagoon, a duplex 30 HP irrigation pump station, a 20-acre spray irrigation field, electric & controls, a small building, and sitework to serve the

Maple Hill Community; the bidder's response was excellent with PCU receiving 13 bids; the Engineer of Record, Hobbs, Upchurch & Associates reviewed the bids, completed the Bid Summary, verified the MBE/WBE/DBE Good Faith Efforts, completed the due diligence on the Contractor, and in agreement with staff, recommends award of the Maple Hill Wastewater Treatment and Disposal Facility contract to Eberhart Construction, Inc. in the amount of \$1,447,900; and the Bid Summary and Engineer's Recommendation of Award are provided with the resolution. Mr. Mack explained this is one of two phases of this project; there is the risk that the second phase may come in over the \$2.2 million left; and the District would have to make up the remaining by an advance from the General Fund. Mr. Ward and Mr. Tate expressed concern about the possibility of the remaining coming in over \$2.2 million, and there was much discussion about this issue. There was also discussion about the number of sign ups. Mr. Mack explained we must have 171 homes sign up to be eligible to receive the grant; and the residents had been given until June 1st to sign up. Mr. Ward asked how many sign-ups do we have now and Mr. Mack responded he doesn't know, but he expects at least 200. Mr. Ward said he is concerned that the residents didn't have to pay the sign-up fees before the project was bid out. Mr. Brown asked what happens if we don't get enough sign-ups. Mr. Mack said he is confident we will have enough sign-ups – he has received 212 signatures that are committed to it, but he feels we will have at least 230. Mr. Ward said he doesn't understand why if the residents need this system, why they haven't paid their money. Mr. Mack and Mr. Benton explained the residents are a little skeptical about paying for something they don't yet have. Mr. Ward asked who initiated the project and Mr. Mack said the residents approached the County about their failing septic tanks. Mr. Mack noted this project has been ongoing for years and we had lost the funding for it once, but got it back. The question was again asked where the funding will come from if the second phase of the project exceeds the \$2.2 million. Mr. Benton said funding would come from an advance from the General Fund, as a loan to the District. He said if the project does exceed \$2.2 million, it won't be that much. Mr. Ward asked once the project is on line, who is going to maintain it and Mr. Mack said PCU staff. Mr. Williams said the bottom line is, if we don't do this tonight, we stand at high risk of losing the Clean Water Management Grant. Engineer Jeff Hobbs said we can always go back to the Rural Center and ask if we gave the residents until June to sign up, can we work around the numbers. After more discussion and questions, Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

The Board reconvened as the Pender County Board of Commissioners at 6:45 p.m.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton reminded the Board to review the three nominations for Employee of the Year Award and three for Citizen of the Year, and return them to Ms. Pridgen by the end of the week.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman asked for authority for the attorney for the County in connection with Joyce Swicegood's Worker's Comp claim be authorized to execute the Settlement Agreement on behalf of the Board. The Board agreed to give the authority for the approval. Mr. Thurman noted no terms of the agreement would be changed. Mr. Thurman said the suit filed by Donald Sullivan against the County had been dismissed by the North Carolina Court of Appeals, but that Mr. Sullivan could appeal to the North Carolina Supreme Court. He noted that Mr. Sullivan had sued the County and that the County had filed a counterclaim against Mr. Sullivan in response to the lawsuit. Mr. Thurman said he would keep the Board informed.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams said there are seven members on the Board of Health whose terms expire in January 2012; the Board of Commissioners still makes the Health Board appointments; and we should be very public in advertising these positions. Mr. Williams said we should advertise open positions for all Boards.

Mr. Brown noted there is no regular meeting at 7:00 on March 21st, but the Board will be holding a joint meeting with the Board of Health at that time.

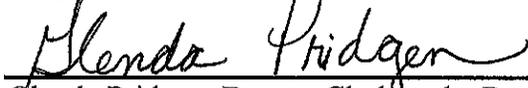
CLOSED SESSION

There were no items for Closed Session.

ADJOURNMENT

There being no further business, Mr. Tate made a motion and the meeting adjourned at 6:53 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board