

**MONDAY, APRIL 18, 2011**

The Pender County Board of Commissioners met in regular session on Monday, April 18, 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, 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.

**CALL TO ORDER**

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

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**PUBLIC INFORMATION**

**1. Recognition of the National County Government Month Essay Contest Winners.**

Human Resources Director Amber Parker explained: the Board requested the development of an essay contest to be held in connection with National County Government Month as a way to increase educational opportunities and citizen participation in the annual event; Pender County partnered with the Schools to create a fourth grade essay contest on "Life without County Government" and resulted in 177 essays from 11 classes from three different Pender County Schools; an essay committee was created to review 23 essays and they selected the top two essays and forwarded to the Board for the selection of a winner; the winner of the contest was Seferino Bautista from Shannon Humphrey and Principal Stephen Buchanan's fourth grade history class at Malpass Corner Elementary School; and the second place winner was Elizabeth Cooper from Terese Briggs and Principal Peter Stephen Buchanan's fourth grade history class at North Topsail Elementary School. Mr. Brown, Mr. Tate and Mr. Williams came forward to

present the awards. The students received standing ovations from the audience and Commissioners. Each student read his/her essay.

**2. Recognition of the Pender County Outstanding Citizen Volunteer of the Year.**

Ms. Parker explained: the annual Outstanding Citizen Volunteer of the Year Award was created by the Board in 2009 in connection with National County Government Month as a way to recognize the efforts of outstanding citizen volunteers in the County; this is the second annual issuance of this award; a committee selected the top three for the Board to make a final selection of a winner; the process was conducted anonymously and neither the committee nor the Board was provided with the names of the nominees; and what the nominating criteria included. Mr. Brown commended Mr. Tate for starting the award services and read the summary of comments in the nomination that described the nominee. Mr. Brown introduced the nominee, Mr. Mitch Jenkins, and presented him with a plaque and gift. Mr. Jenkins received a standing ovation from the audience and Commissioners.

**3. Recognition of the Pender County Outstanding Employee of the Year.**

Ms. Parker explained: the annual Outstanding Employee of the Year Award was created by the Board in 2009 in connection with National County Government Month as a way to recognize the efforts of outstanding Pender County employees; this is the second annual issuance of this award; a committee selected the top three for the Board to make a final selection of a winner; the process was conducted anonymously and neither the committee nor the Board was provided with the names of the nominees; and what the nominating criteria included. Mr. Brown read the comments in nomination that described the employee. Mr. Brown introduced the nominee, Ms. Melinda Knoerzer, Administrative Assistant in the Utilities Department. Mr. Brown presented Ms. Knoerzer with a plaque and gift. Ms. Knoerzer received a standing ovation from the audience and Commissioners. Ms. Knoerzer made remarks saying no one employee of the County can solve all problems alone; all the County employees work together; all the employees are a great group to work with, and with this in mind, she can accept this award.

Mr. Rivenbark noted National County Government Week has grown to a month-long event; it is now National County Government Month.

Mr. Tate thanked Ms. Humphrey for allowing him and the Sheriff to come and visit her class at Malpass Corner School.

**4. Presentation of the Pender County 2011 Annual Report.**

Mr. Brown explained the Annual Report is in recognition of National County Government Month. He read the first page of the Report, which was the message from the Chairman of the Board. Mr. Tate commented he likes this format.

**5. Proclamation by the Pender County Board of Commissioners: Sexual Assault Awareness Month April, 2011.**

The proclamation was read by Ms. Shemekka Coleman, Director of Community Initiatives for The Well CDC, Inc. Ms. Coleman explained the Well CDC, Inc. is a new program that will provide community services in the Hampstead community and surrounding areas. Mr. Rivenbark made a motion to approve the proclamation, Mr. Williams seconded the motion and it was unanimously approved.

## **PUBLIC COMMENT**

Animal Control Officer Darlene Clewis updated the Board on the Animal Shelter Rehabilitation Project, and asked the Board to approve donating the existing 30 kennels to non-profit organizations who keep foster animals. Ms. Clewis explained: the old kennels will be removed to make way for renovations; health concerns forced the renovations, causing the number of kennels at the shelter to drop from 63 to 23, and they have three animal control officers bringing dogs in every day; they had to move 65 to 70 dogs into foster care; they have rescue groups that are helping; and she is on the Internet daily with rescue groups to keep from having to euthanize the dogs. Mr. Brown commended Ms. Clewis for her work. He said that says good things about us as a county because he knows most of the people helping Ms. Clewis are volunteers.

Library Director Mike Taylor distributed a handout and explained about the free Job Search Workshop to be held on Saturday, April 30, 2011 at the Library. He explained the services to be offered, including providing computers; the partners who will be assisting them; and the sponsors.

Mr. Chris Medlin, a charter boat captain, spoke concerning the resolution the Board unanimously passed on April 4, 2011, opposing House Bill 353 in the General Assembly which read "Resolution Opposing "Game Fish Status" Designation for Red Drum, Striped Bass and Spotted Sea Trout." Mr. Medlin said his group didn't know anything about the resolution and they would like to see Pender County pass a resolution saying they have no opinion on House Bill 353. He said you cast a vote against 14,000 people in Pender County; this bill would not stop commercial fishermen; they would be allowed the same as everyone else; and it is as equal as it can be. Mr. Medlin said if this Bill didn't pass, it would have an economic effect on tourism; and gave some data and statistics on the commercial fishing industry and the sports fishing industry. Mr. Medlin added that Representative Justice supports the Bill. Mr. Brown said he disagrees with Mr. Medlin. He said he doesn't look at this as casting a vote against anyone; he doesn't have a problem with the commercial fishermen and the sport fishermen being out there together; he does not agree with the House Bill; and he is not going to go back down and change his vote on it. Mr. Williams said the resolution was advertised on the agenda as everything else was; he supports the Bill; this is all about eventually trying to get rid of nets; Mr. Medlin can find someone in the General Assembly to introduce a bill to ban nets if that is what he really wants; and the data Mr. Medlin gave supports the conclusion that commercial fishermen don't impact red drum or spotted sea trout, and does not hurt sport fishing tourism in North Carolina or Pender County. Mr. Medlin said the State is losing sport fishing tourism to other southern states that have bans on net fishing for these types of fish, and he is losing customers every day to those states. Mr. Bob Barley, president of the Topsail Island Fishing Club, offered support and help to the Board. He said they just don't have the information they need and his organization will see that they get it. After explanation by Mr. Thurman about re-voting on the issue, Mr. Brown asked to have it placed on a future agenda to be reconsidered.

## **CONSENT AGENDA**

Mr. Brown presented the eight items on the Consent Agenda and asked for any discussion or questions. Mr. Ward asked that Items No. 9 and 10a. through 10d. be pulled from the consent agenda for discussion. Mr. Rivenbark made a motion to approve the Consent Agenda minus Items 9 and 10a. through 10d. Mr. Williams seconded the motion, and the remainder of the Consent Agenda was unanimously approved as follows:

6. Approval of Minutes: Joint Meeting with Pender County Board of Education March 24, 2011; Closed Session March 24, 2011; and Regular & Closed Session Meeting April 4, 2011.
7. Resolution Approving Budget Ordinance Amendment Increasing Revenue from State Aid to Public Libraries and Increasing Library Expenditures: \$6,052.
8. Resolution Authorizing an Update of the Pender County Emergency Operations Plan; and a Contract and Purchase Order in the Amount Not-to-Exceed \$6,500 to Chase Whisenhunt for Technical Assistance.
9. **Resolution Authorizing a FY 10-11 Budget Amendment to Appropriate \$15,450 for Maintenance at Country Court Apartments.**

Mr. Ward asked if the \$15,450 is coming from the State or where, and Housing Director Judith Herring explained the residents at the apartments pay rent, and the County also receives rental subsidy from USDA. Mr. Ward asked what the money will be used for and Ms. Herring said for roof repairs and general maintenance. She explained that per USDA requirements, surplus cash must be used toward improving or repairing the project and any funds not used toward the project must be deposited into the replacement reserve fund. There were questions concerning the condition of the apartments. Ms. Herring explained the apartments are old, but they pass inspections. Mr. Ward asked if the County is liable if anyone gets hurt at the apartments. Mr. Tate said that depends on what it is-if something is deemed unsafe, it could be a liability. Mr. Rivenbark explained Pender County inherited the apartments a long time ago and that they were originally a farm labor camp. Mr. Tate asked what the rent is and Ms. Herring said around \$690 per month but that amount is subsidized. Ms. Herring said there hasn't been a rent increase in five years. Mr. Tate asked if an increase would affect the tenants and Ms. Herring said the increase would be absorbed by USDA. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

- 10a. **Resolution Approving Budget Ordinance Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2010-2011: \$1,000 (Diabetes Prevention and Control).**
- 10b. **Resolution Approving Budget Ordinance Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2010-2011: \$4,494 (Women's Health/TANF Funding).**
- 10c. **Resolution Approving Budget Ordinance Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2010-2011: \$16,000 (H1N1/Public Health Emergency Response).**
- 10d. **Resolution Approving Budget Ordinance Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2010-2011: \$64,000 (H1N1/Public Health Emergency Response).**

With respect to the above four items, there was discussion of the monies and if they are additional General Fund monies or grant monies, and if they were the results of mandates by the State. Mr. Benton said he wasn't quite sure and said Interim Health Director Wayne Raynor could not attend the meeting. Mr. Benton said he would get the information from Mr. Raynor and present it to the Board. Mr. Rivenbark made a motion to table the resolutions to the next meeting, Mr. Williams seconded the motion and it was unanimously approved.

## **RESOLUTIONS**

### **11. Resolution Opposing SB 183/HB 309, Selective Vegetation Removal/State Highways.**

Mr. Breuer explained that if approved, these bills would take away authority of tree removal and electronic billboard standards from the County and give the authority to the State. He said it would take away local control and citizen decision concerning billboard placement and allow potentially thousands of existing billboards statewide to be converted to brightly lit digital billboards with changing copy, even if a community doesn't want this. Mr. Rivenbark asked if there are any on Pender County land and Mr. Breuer responded negatively. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

### **12. Resolution to Authorize a Contract and Purchase Order (not-to-exceed \$65,000) for FY 2010 CDBG-ER Housing Grant Administrative Services and Preparation of a 2011 CDBG-Economic Catalyst Grant Application to Holland Consulting Planners, Inc.**

Ms. Herring explained the County solicited Requests for Proposals, including advertising in the local government news sections and direct mailing to twelve firms experienced in CDBG administration, and two proposals were received and evaluated (a copy of the evaluation is on file with the resolution). She said Holland Consulting Planners, Inc. is recommended for the services, based on their vast successful experience with CDBG grant administration, their complete proposal, and their specific experience and knowledge of Pender County. Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

### **13. Resolution and Discussion of Legislation Pertaining to Appointments and Administration of Boards, Authorities, Committees and Commissions.**

Mr. Brown explained House Bill 437 was introduced specifically for New Hanover County, but Senate Bill 433 provides for the Board of Commissioners of any county to assume direct control for human service functions. He said this would give the Board power to remove someone and gave Pender Memorial Hospital as an example. Mr. Tate said this would give the Board the option to deal with issues if they want to, but they don't necessarily have to do anything. Mr. Brown said he supports SB 433. Mr. Williams said he agrees with the Chairman. Mr. Thurman noted that the Attorney General's opinion gives an opposing view. He said if someone else takes over an entity's Board, such as the Health Department, the department would still have to be run by a health director. He said this bill gives the Board different options on what can be done. Mr. Ward asked what options are given and Mr. Thurman responded the option to consolidate boards, etc. He said an integrated process would make things flow along better. Mr. Rivenbark said this was one of the Association's goals. Mr. Ward asked if we pass this, would we have more responsibility if something does come along. Mr. Williams said we are responsible right now-this Bill would just give us the option to act on issues. Mr. Thurman reiterated that there is no requirement that the Board takes any action on issues-this just gives them the option to. He said the Board could only exercise its power after a public hearing is held pursuant to thirty days notice of said public hearing given in a newspaper having general circulation in the County. After more discussion, Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was approved by a 4-1 vote, with Mr. Ward voting in opposition. After the vote, Mr. Tate asked if Mr. Benton had been in communication with the Interim Health Director or Social Services Director, and Mr. Benton responded "no."

## **ITEMS FROM THE COUNTY MANAGER**

Mr. Benton had the following additional items:

a. **Update on Maple Hill Wastewater System Project.**

Utilities Director Michael Mack provided the Board an update on the Maple Hill Wastewater System Project, which included: the groundbreaking went well on last Friday, April 15<sup>th</sup>; the contract for the construction of the wastewater treatment and disposal system was awarded and is ready to go; he and Jeff Thompson of Hobbs, Upchurch went to Raleigh to see if more funds were available at the Rural Center; the Rural Center is going to check to see if more funds are available and if so, we can possibly construct Phase II; if additional funds are not available, we can still proceed with Phase I; there is a \$65,000 non-reimbursable shortfall in the money for the land acquisition as the appraised value for the blueberry field was below the purchase price; the collection system contract will be on the May 2<sup>nd</sup> agenda for award; and the County will have to transfer ownership of the purchased land to the Maple Hill Water & Sewer District.

b. **Water System Dedication and Water Sales Agreement for Jensen Communities, Inc.**

Mr. Mack provided an update on Jensen Communities, which included: Jensen's wants to get out of the water business and become the County's customer; Jensen's will pay the current capacity fee for all the lots to be served; there will be no tap fees-the tap fees already go to their individual homes; there are 96 residents; the capacity fee is \$3,000; all capacity fees are used to pay down debt service on the water plant; agreements have been drafted and sent to Jensen's; and it is a "win win" situation for both parties. In response to a question, Mr. Mack said the individuals own their own homes; Jensen's owns the property the home sits on, and the homeowners rent the property from Jensen's. Mr. Brown asked for clarification that Pender is not purchasing Jensen's system and Mr. Mack said "Correct, they are getting out of the water business." It was the consensus of the Board to allow Mr. Mack to proceed with the negotiation with Jensen's.

c. **Presentation by John McDonald, President of Integra Water, Inc., regarding Integra-Rocky Point/Topsail Water & Sewer District Agreement.**

Mr. McDonald and Attorney Rick Biberstein made opening remarks. Engineer Jimmy Holland delivered a PowerPoint presentation entitled "Pender County-Integra Water Phase I." The presentation included: the Service Area; Integra Water Actions to Date-Phase I and II; Integra Water-Rocky Point District Wastewater Project; Integra Water-Rocky Point District Wastewater Project Schedule Phase I; Integra Water-Rocky Point District Phase I-Projects Seeking Immediate Capacity; and Avendale Wastewater Treatment Plant. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. With respect to the construction of the wastewater treatment plant, Mr. Rivenbark asked how many jobs will be created. Mr. McDonald said it will vary because they will be contracted out. With respect to acquiring the Avendale wastewater treatment plant, there was lengthy discussion and questions by Board members. Some of the discussion and questions included: Mr. Biberstein stressed that the Avendale system is needed for projects seeking immediate capacity; Mr. Williams asked if basically, we would be acquiring Avendale's system with the existing homes included and Mr. Holland responded affirmatively; Mr. Williams asked at what point-in-time would the development fees be collected and Mr. McDonald said 50% now and 50% in a year; Mr. Brown asked when all of Avendale is filled up, how much capacity would be left and Mr. Holland said there are several ways it can be calculated; Mr. Brown asked would we have capacity to sell to other places and Mr. Biberstein responded the County is not buying a package plant; Mr. Brown

asked if the planned regional wastewater plant did not happen would the District be stuck with a plant and Mr. Holland responded Integra is just trying to bridge the gap to get them to the ultimate plant; Mr. Williams and Mr. Rivenbark agreed the County didn't have any problem marketing the Rocky Point/Topsail Water and Sewer District; Mr. Biberstein said having the Avendale system will really open retail/commercial industry along Highway 210 from Rocky Point to Hampstead and along US Highway 17; Mr. Brown asked what are they here today to ask the Board to do and Mr. Biberstein said 1) allow the purchase of Avendale and 2) authorize modification of original scope of the project to reflect Phase 1 as the construction of 10 miles of wastewater collection and the other eight miles will become Phase 2; Mr. Thurman explained the current contract says nothing about acquiring Avendale, the change of the mileage would have to be approved by the Board, the County didn't have any input into the construction of this plant Integra is proposing to buy and neither did Integra-the idea was to build a plant with longer life expectancy, and time is another issue because one half of the apartment complex can't be built until sewer is in place; Mr. Brown asked what is the purchase price of Avendale's system and Mr. McDonald said \$603,000; Mr. Brown asked what is the package plant worth right now and Mr. Holland said that is dictated by the North Carolina Utilities Commission; Mr. Brown asked what would it be worth if a regional plant is built and Mr. Biberstein responded basically, they are looking to see if Avendale can be on the original contract, and they will work out the issues with Mr. Thurman, Mr. Mack and Mr. Benton. There was more discussion and questions. Mr. Brown said he is thinking cautiously about this and personally, he has no problem waiting for the regional facility but if a majority of the Board gives a nod to them working out the contract, he will concur. The Board did give a nod to Integra working on a new contract to include Avendale's system, and with input from Mr. Benton and Mr. Thurman.

**d. Review dates for budget work sessions.**

Mr. Benton reviewed the dates of the budget work sessions, all from 1:00 p.m. to 3:30 p.m. the day of a regular Board meeting: May 2, May 16 and June 6. The budget public hearing will be held on May 16<sup>th</sup> at 7:00 p.m. Some Board members noted that they can't always get away to attend meetings held during the day.

**ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said there is an item for closed session.

**ITEMS FROM THE COUNTY COMMISSIONERS**

The Commissioners had no further items.

**CLOSED SESSION**

At 6:45 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11: (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. At 7:00 p.m., Mr. Rivenbark made a motion to come out of closed session. Mr. Williams seconded the motion and it the Board came out of closed session at 7:00 p.m. There were no announcements upon exiting the closed session.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:00 p.m.

Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Rick Benton, Clerk to the Board