



**REQUEST FOR BOARD ACTION**

**ITEM NO.** 2.

**DATE OF MEETING:** August 1, 2011

**REQUESTED BY:** Glenda Pridgen, Administrative Assistant

**SHORT TITLE:** Approval of Minutes: Regular and Closed Session Meeting of July 11, 2011

**BACKGROUND:** N/A.

**SPECIFIC ACTION REQUESTED:** Review and approve the minutes.

**MONDAY, JULY 11, 2011**

The Pender County Board of Commissioners met in regular session on Monday, July 11, 2011 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman George Brown, 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 4:05 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.

Mr. Brown noted he had spoken to Mr. Tate and Mr. Tate had asked to be excused from the meeting. Mr. Rivenbark made a motion that Mr. Tate be excused, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

**PUBLIC INFORMATION**

**1. Proposal to Develop Master Plan and Initiate Design & Construction of an Office/Classroom Building on the 25 Acre CFCC Campus in Surf City.**

CFCC President Dr. Eric McKeithan and Surf City Mayor Zander Guy made a presentation to the Board of their plans to move ahead with construction of a new campus in Surf City, and to ask the County to appropriate funds for facility operating costs. Some of the highlights of the presentation included: in 2005, CFCC lost the use of the old Topsail High School in Hampstead, displacing more than 300 Pender County students enrolled in classes at that location; two years ago, Alston Burke donated 25 acres of property in Surf City for a new campus for CFCC in eastern Pender County; a new special provision in the 2011-13 state biennium budget allows community colleges to also use equipment funds for repairs and renovations of existing facilities and for construction of new facilities; in 2009-10, CFCC's FTE grew by 16.5 percent; in 2010-11, CFCC grew by nearly six percent; CFCC will use \$1.75 million of its equipment allocation to fund the project; Surf City will put \$500,000 into the project and Pender County has pledged \$100,000; the new facility is expected to be between 10,000 and 12,000 square feet and will serve Pender County residents who have been without a CFCC campus in the east since the college stopped using the old Topsail High School building; the building will have ten classrooms, labs, support space and offices; approximately 200 students are expected to be served at the facility at any given time, with the

potential to serve 300 full-time students per semester; and the bottom line is that CFCC is now well positioned equipment-wise, for 2011-12 due to substantial non-recurring investments they made in equipment in 2010-11. Dr. McKeithan noted Mayor Guy took the initiative in securing the land. Mayor Guy said Realtor Teresa Batts is really the one who secured the property from Mr. Burke. Mayor Guy said the plan is subject to approval by the CFCC Board of Trustees, whose next meeting is July 28<sup>th</sup>, and if approved, construction on the facility can begin as early as January, 2012. Mayor Guy added that CFCC took the conservative approach to this project and said time is of the essence. Mr. Brown asked what classes the new campus would offer and Dr. McKeithan responded they would offer the traditional college transfer classes along with business administration and computer information technology. He added they plan to do a community survey of the people who live in that area to shape out the curriculum; they want to find out what the interests are; and if there is a demand for adult high school and GED classes, they will offer them as well. Dr. McKeithan noted the County must commit, per state statute, to provide funds for the annual maintenance and operating costs of the facility, estimated to be \$100,000 annually. Mr. Thurman noted that in the memo sent from Dr. McKeithan, it states the County's share is \$50,000, but it is actually \$100,000. Dr. McKeithan said this project will also produce jobs and it is good, clean economic development. Mr. Williams said this will be a good return on investment. Mr. Rivenbark said this is an ideal time to get construction done and he sees this as a "win-win" situation for all the people who need a job and an education. It was noted that in order to vote on approval/disapproval of this item today, a vote regarding agenda modification would need to be taken. Mr. Rivenbark made a motion to add approval/disapproval of the item to the agenda, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Rivenbark made a motion to approve appropriating the required \$100,000 in annual funding for maintenance and operational costs, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

**2. Kyle Breuer, Planning Director: Presentation and Recognition to Kenneth E. Vafier, Senior Planner, for Dedicated Service to the CAMA Local Permitting Program.**

Mr. Breuer explained: the Coastal Area Management Act (CAMA) was passed in 1974 to ensure the balanced use of North Carolina's coastal resources; the Coastal Resources Commission and the Division of Coastal Management administer the coastal management program; minor permits are issued by a county representative, known as the CAMA local permit officer or LPO; LPOs are trained by the Division of Coastal Management to administer minor permits for their locality; Mr. Vafier has been the lead staff person in administering the local CAMA permitting program for Pender County; and it is through Mr. Vafier's demonstration of cooperative efforts between local and state agencies and his dedicated and knowledgeable service to the citizens of Pender County that he is presented with a Certificate of Appreciation from the Division of Coastal Management for his years of services. Mr. Brown thanked Mr. Vafier, on behalf of the Pender County Board of Commissioners, for a job well done. Mr. Brown also thanked the entire Planning Department and said he had been receiving good compliments from the public concerning the Department.

**3. Presentation of New Pender County Tourism Commercials.**

Tourism Director Monique Baker presented a 30 second and 2 minute tourism commercial that had been developed over the past year by the Tourism Development Authority. The commercials will initially air on *Wilmington Tourist TV*, *Topsail TV*, *Wilmington Weekend*, and as a PSA dependent upon the availability of air time. Ms. Baker explained that pending funding, the Authority would eventually like to air the 30 second spot on stations that are in target market areas such as Raleigh and Jacksonville; and the commercials will also be included in packets to travel writers and tour

operators. Ms. Baker also presented a short documentary on Eco/Agri Tourism in which she was the narrator. The documentary was shown and will rerun on a new show called "Wilmington Weekend" that airs on the local CBS channel on Saturday mornings. Mr. Rivenbark asked if anything would be done as a follow-up to see if the commercials are working and Ms. Baker said she had just partnered with ECU's Sustainable Tourism Center on a county Visitor Survey that asks how they heard about Pender County. This survey should help us track the effectiveness of the commercials.

## **PUBLIC COMMENT**

No one wished to speak under public comment.

## **CONSENT AGENDA**

Mr. Brown presented the twenty-four items on the Consent Agenda and asked for any discussion or questions. With reference to Item No. 7, Mr. Rivenbark asked what the difference is in the prices. Mr. Benton explained it is just a matter of how much each paper charges, size of the ad, number of line items, etc. Mr. Andy Pettigrew of the Pender Post noted their prices are the same as last year's. Mr. Ward asked about putting the agendas on newspaper websites so Board members and others who don't get the paper can see the agenda earlier than they normally do. Mr. Williams agreed with Mr. Ward. Editors from both papers said they will check into it. With respect to Item No. 11b, Mr. Rivenbark asked how this amount compares to last year's. Interim Health Director Amber Parker said she does not have the exact amount paid for the FY 10-11 premium but she thinks it was between \$11,000 and \$12,000. She said the premium is based upon the number of patient visits, so each year the Health Department must project the expected number of visits which is used by the insurance company to determine the premium. There being no further discussion or questions, Mr. Williams made a motion to approve the Consent Agenda as presented, Mr. Rivenbark seconded the motion, and the Consent Agenda was unanimously approved by a 4-0 vote as follows:

4. Approval of Minutes: Regular & Closed Session Meeting of June 27, 2011.
5. Resolution Approving Tax Releases and Refunds as Listed Herein.
6. Resolution Authorizing Purchase Order to Journal Communications for the NC Division of Tourism's Travel Guide and Website Advertising Package in the Amount of \$10,230.
7. Resolution Authorizing Approval of an FY 11-12 Budget Ordinance Amendment Increasing Revenues and Expenditures by \$4,000; Authorizing a Purchase Order to Overdrive, Inc. for Library E-Book Collection Provision: \$6,000.
8. Resolution Authorizing Approval of Annual Renewal of Licenses and Maintenance Agreement for Library Automation System with Library Corp.: \$13,003.
9. Resolution Approving Legal Advertising Contracts with the Pender Post and the Topsail Voice and Authorizing Purchase Orders: \$7,000 and \$8,500 Respectively.
- 10a. Resolution Authorizing Issuance of Purchase Order to Sungard Public Sector for Software Maintenance Services in the Amount of \$6,400.
- 10b. Resolution Authorizing Issuance of Purchase Orders to US Food Service in the Amount of \$65,000; and NC Dept. of Corrections in the Amount of \$20,000 for Food and Provisions for the Jail.
- 10c. Resolution Authorizing Issuance of Purchase Order to NC Dept. of Correction for \$35,000; and New Hanover County Sheriff's Office for \$50,000 for Safekeeping and Housing Inmates.

- 10d. Resolution Authorizing Issuance of Purchase Order to Southern Health Partners, Inc. for Inmate Medical Coverage for the Jail in the Amount of \$228,000.
- 11a. Resolution to Approve Purchase Orders for Health Department Waste Removal Service Contract for Fiscal Year 2011-2012: \$5,500.
- 11b. Resolution to Approve a Purchase Order for Health Department Medical Professional Liability Renewal for Fiscal Year 2011-2012: \$9,667.67.
- 11c. Resolution to Approve Purchase Orders for Health Department Radiology and Mammography Services Contracts for Fiscal Year 2011-2012: \$16,870.
- 11d. Resolution to Approve Purchase Orders for Health Department Medical & Dental Expense Service Contract for Fiscal Year 2011-2012: \$17,000.
- 11e. Resolution to Approve Purchase Orders for Health Department After Hours Services and Flu Vaccine for Fiscal Year 2011-2012: \$32,500.
- 11f. Resolution to Approve Purchase Orders for Health Department Specialized Laboratory Testing for Fiscal Year 2011-2012: \$48,800.
- 11g. Resolution to Approve Purchase Orders for Health Department Consultant Services Contracts for Fiscal Year 2011-2012: \$138,888.
- 11h. Resolution to Approve Purchase Orders for Health Department Dental Service Contracts for Fiscal Year 2011-2012: \$271,578.
- 12. Resolution Renewing Insurance Contracts: Medical/Dental, Worker's Compensation, Life and Business Insurance.
- 13. Resolution Approving a Purchase Order and Contract to Robert Canady, C&C Services of North Carolina Inc., for Floor Maintenance Service to County Buildings: \$39,144.
- 14a. Resolution to Approve Contract Service Renewals and Purchase Orders over \$5,000 for the Information Technology Services (ITS) Department for FY 2011-2012 in the Amount of \$270,589.27.
- 14b. Resolution to Approve FY 11/12 Information Technology Services (ITS) Department Capital Outlay, Other Equipment and CIP Items and Purchase Orders in the Amount of \$249,611.69.
- 15. Resolution Approving the Payment of Membership Dues: Southeastern Economic Development Commission: \$5,222; The School of Government: \$5,291; North Carolina Association of County Commissioners: \$6,379; Cape Fear Council of Governments: \$21,203.
- 16. Resolution Approving Execution of Leases and Authorizing Purchase Orders for Payment of Rent for the Solid Waste Convenience Sites that are Not Owned by the County: \$10,500.

#### **MAPLE HILL WATER & SEWER DISTRICT CONSENT AGENDA ITEMS**

The Board convened as the Maple Hill Water & Sewer District Board at 4:45 p.m. and reconvened as the Pender County Board of Commissioners at 4:46 p.m. Mr. Williams made a motion to approve the Maple Hill Water & Sewer District Consent Agenda items, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

- 17. **Resolution by the Board of Directors of the Maple Hill Water & Sewer District Authorizing a Purchase Order to Utility Service Company, Inc. for the Annual Maintenance of the Maple Hill Elevated Water Storage Tank: \$8,895.**

#### **ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT CONSENT AGENDA ITEMS**

The Board convened as the Rocky Point/Topsail Water & Sewer District Board at 4:46 p.m. and reconvened as the Pender County Board of Commissioners at 4:47 p.m. Mr. Williams made a

motion to approve the Rocky Point/Topsail Water & Sewer District Consent Agenda items, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

18. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing a Purchase Order to Environmental Chemists (Envirochem) for Testing and Sampling of the District's Water & Sewer Systems: \$20,000.
19. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing a Purchase Order to Utility Service Company, Inc. for the Annual Maintenance of the Three Elevated Water Tanks and One (1) Ground Storage Tank within the District: \$44,000.
20. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing a Purchase Order to HD Waterworks for Water Installation and Repair Supplies: \$75,000.
21. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing a Purchase Order to T & D Quality Utilities, Inc. for Water and Sewer System Installations and Repair: \$130,000.

## **RESOLUTIONS**

22. **Resolution Authorizing Advertisement for Upset Bids for Property Owned by Pender County (PIN # 2295-82-4292) Located off Long Creek Loop Road in Long Creek Township.**

Mr. Benton explained: the County has received an offer to purchase a surplus parcel owned by Pender County; Mr. Theron Whitehead has presented an offer of \$6,000 for a 1.5 acre parcel located off Long Creek Road in Long Creek Township; there are no improvements on the property; the 2011 tax value for the parcel is \$6,000; Mr. Whitehead resides on an adjoining parcel; if the Board is inclined to accept the offer to purchase, the statutes provide for public notification of the offer, and an upset bid process to allow other interested parties an opportunity to bid on the property as well; and a resolution is required that declares the property surplus, and initiates the upset bid process. Mr. Rivenbark was concerned that when we bring utilities to this area, there may be the possibility of the County using the property. Mr. Benton explained there is no easement to the property, and it is located in an area that would not be suitable for county use. Mr. Williams then made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

23. **Resolution Authorizing Execution of Brownfields Agreement for Property Acquisition on US 421.**

Mr. Benton explained: the County has been collaborating with the NC Department of Environment and Natural Resources (DENR) to establish brownfields designation for the property acquired from BASF in December, 2010; the proposed agreement will cover the entire property acquisition of 396 acres; a 30 day public comment period is required before the agreement can be executed; having brownfields designation provides for numerous benefits, including liability protection for new owner/developer-BASF will retain liability and responsibility for mitigation, etc., makes the property usable for industry, requires compliance with mitigation measures, makes financing possible for new industry, and provides for potential local property tax incentives; the agreement requires restrictions of use of the property; the property may not be used as a park for sports of any kind without prior approval of DENR; and the property may not be used as a playground, child care center, K-12 schools, kennels, and private animal pens or horse riding. Mr. Ward asked if Mr. Thurman has any concerns with this and Mr. Thurman said he does not. He said the benefits far

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

#### **APPOINTMENTS**

##### **24. Resolution to Consider Approving Appointment to the Pender Memorial Hospital Board.**

Mr. Rivenbark said he has heard nothing but good things concerning Mr. Al Owens serving on the Hospital Board. Mr. Rivenbark made a motion to reappoint Mr. Owens to the Hospital Board to serve a three-year term representing District 5, with term to expire July 25, 2014. Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

#### **ITEMS FROM THE COUNTY MANAGER**

Mr. Benton said Town of Topsail Beach representatives are present to discuss their request for \$60,000 from the County for inlet dredging. Mr. Williams said doing sidearm dredging is a frugal effort because for the short-term, a storm could come through and wipe out any investment. He said he would be the first in line to support a long-term dredging project. Topsail Beach Commissioner Buck Taylor said the problem is the Coast Guard is already considering removing the navigation markers. Mr. Taylor presented to Board members a flyer entitled "New Topsail Inlet – Fast Facts." Town Commissioner Ed Broadhurst reminded the Board that the County is already building a public boat ramp, and asked where they will go to get out to the ocean. He said by the time the boat ramp project is finished, it could be a year or more before you could get out the nearest inlet. Mr. Taylor said the Corps is in the inlet today and will shortly provide them with an assessment of the situation. He said they will return in August with a full-blown proposal, including a description of costs, the process, financing and the number of boats that use the inlet. He said at that time, they are going to have to make a decision. Mr. Brown asked where Surf City is with this project and Mr. Broadhurst said they are communicating with Surf City. Mr. Ward said he is concerned whether Surf City is going to be involved.

#### **ITEMS FROM THE COUNTY ATTORNEY**

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

#### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Williams said Senator Hagan's response to the letter sent by the County with respect to the Highway 17 Bypass and the red-cockaded woodpecker was totally irrelevant to the issue. He said when it comes to endangered species, they are treated with more importance than the US Constitution. Mr. Brown said he talked with Senator Hagan and gave her copies of the correspondence when she was here last Friday.

#### **CLOSED SESSION**

At 5:15 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11: (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 (7) to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct. Mr. Williams seconded the motion and it was unanimously approved. The Board exited the Closed Session at 5:45. There were no announcements upon exiting the Closed Session.

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

**25. Public Hearing and Resolution Regarding Abandonment Petitions to NC DOT to Abandon Portions of the State Maintained Secondary Road System as Follows: 1) A Portion of Test Farm Road (SR 1308) in Willard; and 2) A Portion of Battleground Road (SR 1671) in Currie.**

The public hearing opened at 7:00 p.m. Mr. Benton distributed new information and explained Robert Vause of DOT had called this afternoon to request the Test Farm Road State Maintenance Abandonment petition be tabled due to issues the DOT recently found out. He said Glenn Crews and Don Grady of the DOT are present to answer any questions. Mr. Rivenbark made a motion to pull the Test Farm Road petition per NC DOT request, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote. The information distributed included a new resolution for Battleground Road in Currie. Mr. Brown asked if all the landowners on the road signed the petition and Mr. Grady responded "yes." Mr. Benton said it is his understanding from DOT that all the property owners had signed the petition, and that no one objected. The public hearing closed at 7:07 p.m. Mr. Williams made a motion to approve support of NC DOT's abandonment of a portion of Battleground Road in Currie from the State Maintained System, as requested in the petition submitted by H.D. Hales and others. Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

**26. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Photography Studio Located at 310 Hoover Rd., Hampstead, NC.**

The public hearing opened at 7:07 p.m. Planner Ashley Frank explained: the applicant, Thomas Henn, is acting on behalf of owner Nadine M. Shingleton; the submittal consists of developing one tract totaling 2.38 acres; the photography studio would be located in the front of the property allowing for the future construction of a single family dwelling to be constructed towards the rear of the property; the proposal has direct access via Hoover Road; the NC DOT will require a driveway permit for this use; the proposal will utilize an on-site private well along with an individual on-site septic system, both subject to review and approval from Pender County Environmental Health; the project is in compliance with the 2005 CAMA Land Use Plan and the 2010 Comprehensive Land Use Plan; and the proposal had been reviewed by some members of the Technical Review Committee. Mr. Rivenbark asked how far from Highway 17 the proposed project is and Ms. Frank responded 1,500 feet. Mr. Rivenbark asked if the Schools have any problem with it, considering all the problems they had with trucks from the mining operation. Mr. Williams said this project is far different from the mining operation and will not have the traffic the mining operation had. Mr. Brown asked, with respect to the Schools response that "this project should not be any problem for Pender County Schools," is the response coming directly from the Schools and Ms. Frank responded affirmatively. The public hearing closed at 7:14 p.m. Mr. Williams made a motion to approve the Special Use Permit Request, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

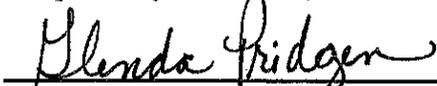
27. **Update on Compliance with Special Use Permit for the Property Located at 6015 NC Highway 53 East, Burgaw, NC.**

Mr. Breuer explained that staff had visited the site after the public hearing on June 27, 2011 and also revisited it again this morning; the violations of the conditions of the original Special Use Permit pertain to landscaping and the addition of an office. With reference to landscaping, Mr. Breuer said the original SUP required the planting of Red Tips on the borders of the site-they had since found out that the soil is not suitable for Red Tips. With reference to the office, he said the addition of an office was conditioned to not be allowed and would require that a restroom would have to be built. Mr. Breuer showed pictures of the site. Mr. Thurman added that in order to come into compliance, they would need a Special Use Permit. Mr. Brown said he can't move forward on an additional permit without the original one being in compliance. In response to question, Applicant Todd Thrower addressed the U-Haul business which he said had been there since January, 2011, and said he had no idea that the office was not allowed in regards to the current SUP. Adjoining property owner Ricky Hall, who opposed the SUP, stated the following concerns: at the bare minimum the applicant should put up a fence so the business won't be visible; the owner of the property, Jim Turner, had all sorts of activities there, including flea markets, bands, and gun shooting; the noise from running the U-Haul business on Sundays; their living in a travel trailer; and the sewer issue. Mr. Ward said his concern is with the sewer issue. Mr. Williams said they could clean up the original SUP and make a condition to add the U-Hauls. Mr. Breuer noted if they add U-Hauls, they would have to have a restroom facility. Mr. Breuer said his recommendation is to legally advertise a revision to the original SUP to address building a fence, planting vegetation, and to add the U-Haul business. He said they could then bring it back before the Board in August. After more discussion of Mr. Hall's requests and Mr. Thrower's agreement, it was the consensus of the Board to allow Mr. Breuer to move forward with his recommendations.

**ADJOURNMENT**

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

Planning Items Reviewed By:

  
Planning Staff