

MONDAY, AUGUST 1, 2011

The Pender County Board of Commissioners met in regular session on Monday, August 1, 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 4:05 p.m. and thanked and welcomed all to the meeting.

INVOCATION

Vice Chairman Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

EXCUSE COMMISSIONER

Mr. Brown said Mr. Williams had asked to be excused from the meeting because of other obligations. Mr. Tate made a motion, Mr. Rivenbark seconded it and it was unanimously approved by a 4-0 vote that Mr. Williams be excused from the meeting.

ADDENDUM

Resolution Supporting the Surf City Post Office

Mr. Benton explained he had talked to Mayor Zander Guy regarding this item and Mayor Guy asked that it be put on the agenda for today. A resolution was distributed to Board members. Mr. Brown noted the rule about adding items to the agenda after it has been advertised, but said there seems to be some urgency by the Mayor and it can be added. Mr. Rivenbark made a motion to add the item to the agenda, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote. Mayor Guy's remarks included: the Surf City Post Office is on the US Postal Service's list to study for possible closure but the Town is going to fight to keep it; the Town passed the resolution supporting the post office; they are also circulating a petition for residents and visitors to sign; a community that is growing at the rate Surf City is growing needs to have a post office; Surf City is becoming a hub between Wilmington and Jacksonville, and a post office is vital to the economic survival of a community that is growing like they are; he has been talking to Congressman Mike McIntyre's staff almost every day last week and the Town is compiling information to submit to the staff; and with the new Cape Fear Community College campus coming, they need their post office. Mr. Guy thanked the Chairman and other Board members for letting them put the resolution on the agenda at the last minute. Mr. Rivenbark

made comments which included: the postal service gradually moved the services at Watha to the Willard Post Office, before doing away totally with the Watha Zip Code; they took away the Watha Post Office about 12 years ago and they did it piecemeal; first they said you could use your Watha address and Zip Code but eventually they said you have to use the Willard Post Office and the Zip Code; and we know about losing a post office. Mr. Ward made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

1. Public Hearing Regarding Pender County's Intent to Apply for Community Development Block Grant Funding.

The public hearing opened at 4:12 p.m. Cape Fear Council of Governments (COG) Director Chris May explained: the Board recently agreed to participate with the COG to consider an application for Community Block Grant Funds (CDBG) to develop a regional Community Economic Development Strategy (CEDS); this is part of a statewide initiative to have consistent CEDS within regions and statewide; the CDBG program guidelines provide for a two step public hearing process prior to application for funding; this is the initial public hearing; and the Block Grant will be in the amount of \$50,000. There was no Board or public input and the public hearing closed at 4:14 p.m. No formal action was required. (The second public hearing will be held on the August 15, 2011).

PUBLIC INFORMATION

No public information requests were received.

PUBLIC COMMENT

No one wished to speak under Public Comment.

CONSENT AGENDA

Mr. Brown presented the eleven items on the Consent Agenda and asked for any discussion or questions. Mr. Ward asked for clarification of Item Number 6. Emergency Management Director Tom Collins explained the river monitoring station was installed on the N.E. Cape Fear River at the N.C. Highway 53 Bridge east of Burgaw and information from the station is used to help with flood forecasts. Mr. Ward asked if this isn't approved will it hurt us and Mr. Collins said yes, because the station gives us information ahead of time. Mr. Ward asked if the funds are coming from Mr. Collins' budget and Mr. Collins responded affirmatively. He said the County pays for half of the maintenance of the station. Sheriff Smith added we didn't have anything during Hurricane Fran and the closest station was in Wallace. He said this station was installed with federal funds and the County agreed as a part of the project to pay the yearly maintenance fees. With respect to Number 8, Mr. Rivenbark asked when the last time this project was bid out. Mr. Benton said last year and noted there was no increase in the price. Mr. Rivenbark asked who does the Courthouse mowing and Mr. Benton responded the Public Works Department. There being no more questions or comments, Mr. Rivenbark made a motion to approve the Consent Agenda, Mr. Mr. Ward seconded the motion, and the Consent Agenda was unanimously approved by a 4-0 vote as follows:

2. Approval of Minutes: Regular & Closed Session Meeting of July 11, 2011.
3. Resolution Approving Tax Releases and Refunds as Listed Herein.

4. Resolution Accepting Petition to Add Holiday Drive, Foxfield Subdivision, in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
5. Resolution Approving Social Services Contracts and Authorizing Purchase Orders for FY 11-12: Mega Force \$35,000; DSS Attorney \$75,000; Lease Agreement \$23,000.
6. Resolution Authorizing River Monitoring Purchase Order to the US Geological Survey: \$6,000.
7. Resolution Authorizing a One -Year Extension of the Debris Management Contracts with DRC Emergency Services, LLC (Primary) and Crowder Gulf, LLC (Secondary).
8. Resolution Authorizing a Contract with and Purchase Order to JC Lawncare for Lawn Maintenance Services at the Convenience Sites and Transfer Station: \$11,990.
9. Resolution Authorizing Issuance of Purchase Order to Fairway Ford for the Purchase of a Motor Vehicle in the Amount of \$27,267.00.
10. Resolution Authorizing Issuance of Purchase Order to ESRI for GIS Maintenance, Support, and New Licensing in the Amount of \$18,517.00.
11. Resolution Approving Annual Settlement of the Pender County Tax Collector.
12. Resolution Authorizing, Empowering and Commanding the Tax Collector of Pender County to Collect Taxes.

RESOLUTIONS

13. Resolution Authorizing FY 11-12 Budget Amendment to Appropriate Funding for New Topsail Inlet Dredging.

Mayor Howard Braxton distributed additional information to the Board. Commissioner Buck Taylor demonstrated a map and explained the dredging plans as follow: the initial dredging operation is expected to cost \$200,000, with a total cost of \$400,000; Topsail Beach is asking the County and Surf City for \$25,000 each for the first phase of the project; Topsail Beach will pay \$50,000; they are hoping for matching funds from the state to cover the other half of phase one; the first phase of the project is side arm dredging and is a short-term solution to get the inlet open again quickly; the initial project is to get the inlet open so boats can come out into the ocean; the other \$200,000 is to clean up some other spots; Topsail Beach is going to take on the other \$200,000 themselves; and if they don't get the state match, they will not ask the County for any more. Mr. Taylor gave the Board information on the economic impact of the inlet on the businesses and industry supported by ocean access. Mr. Tate said when you look at the economic value of the inlet to Pender County, it has an impact, and he believes tourism is important to the County. It was noted the \$25,000 would come out of Fund Balance. Mr. Ward spoke in favor of funding the request. He said he thinks Topsail Beach put a lot into the fund balance and we have to do what we have to do to bring in the revenue. Mr. Brown noted he had spoken with Commissioner Williams concerning this and Mr. Williams was very hesitant about funding this short-term solution. After more questions and discussion, Mr. Ward made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

14. **Resolution Authorizing FY 11-12 Budget Amendment in the Amount of \$150,000 for the School Nurse funding Initiative (SNFI); and Authorizing a Contract with and Purchase Order to Pender County School District for SNF1 Funding in the Amount of \$150,000.**

Interim Health Director Amber Parker explained: House Bill 200 was passed at the end of June stating that all SNFI (School Nurse Funding Initiative) dollars are to be distributed to local Health Departments; for the past several years, three SNFI positions have been contracted directly from DHHS to the Pender County School District in the amount of \$150,000; the funds will be allocated to local Health Departments as of August 1, 2011, leaving little notice and a possible break in service to students; the District is requesting the Pender County Health Department receive the funds and subcontract with the District to continue the school nurse program; the contract with DHHS has covered all three nurse salaries and part of the fringe benefits (FICA, hospitalization, retirement); and the District has covered and will continue to cover any remaining costs (about \$5,000 annually). After questions and comments by Board members, Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

15. **Resolution Authorizing Purchase Order to Dixie Youth Baseball for National Tournament Travel Cost Assistance.**

Mr. Brown said he requested that this be put on the agenda. Mr. Brown explained: the Board has historically granted funds to youth sports programs that qualify for national tournaments; the purpose of the funding is to assist in travel costs for these programs that are representing Pender County; four teams in the Dixie Youth League have recently qualified for national tournaments; and the Board has historically granted \$1,000 to \$1,500 per team, depending on the travel destination. Mr. Rivenbark said he sees this as something supporting the kids, we have supported them in the past, and it will benefit the kids and the County. Mr. Rivenbark said he will make a motion to approve this resolution. Mr. Tate said he agrees with supporting the kids, but it does have the potential for concern from other non-profits. He said we want to maintain consistency and that other non-profits have been asking for funding. Mr. Ward asked where will the funds come Mr. Benton said we appropriated \$50,000 in contingency for discretionary funds for Commissioners to donate to non-profits. Mr. Ward said if we do this for one we should do it for all. He asked what type of children is this going to benefit, and noted people from Spring Fest had come before the Board to request support and the Board denied them. Mr. Brown said this is different than the others, and that it is trying to help children that are going to national games. Mr. Tate said he will second the motion but he wants the Board to know he has his reservations. He said he does not want people to look at us as treating some things differently than others. Mr. Ward stated he is not against giving Dixie Youth a donation, but we must be consistent. After more discussion, the vote was called for with Mr. Rivenbark, Mr. Tate and Mr. Brown voting in favor, and Mr. Ward voting against it.

16. **Resolution to Approve FY 11-12 Cooperative Service Agreement between Pender County and USDA Wildlife Services for the Beaver Management Program (BMAP).**

Mr. Benton explained: the Board annually approves a contract for the BMAP program; in the past year, the Board has discussed the option of a contract that provides for landowner cost-sharing for assessments and dam removal; Pender County is the only county that pays 100% of the contract cost, and does not provide for landowner financial participation; if the County

decides to approve the contract with landowner financial participation, the BMAP program will handle the billing and collections with private landowners; the recommended contract provides for a County cost of \$50,000, and provides for landowner cost-sharing fees; this contract would save the County \$6,000 annually; the fees established by BMAP are \$20 per site visit and \$125,000 per dam removal; and the second contract provides for a County cost of \$56,000, and provides for no landowner cost-sharing participation. Mr. Ward asked if the Beaver Management Program is necessary and Mr. Benton responded it is necessary to help prevent flooding. Mr. Ward was concerned about Pender County being the only county to pay 100%. Mr. Rivenbark said he is concerned that if people have to pay, they may not call with problems, and then it could become a problem to other people. Ms. Rachel Swartz of the USDA was present and further explained the program, noting that eastern North Carolina is heavily inundated with beaver; and Pender County is one of 47 counties participating in the program and the only one paying 100%. Mr. Rick Garrett, a Planning Board member and citizen of the Riverbend Subdivision of Burgaw, spoke and said flooding from beaver problems wouldn't affect him as much as it would some of his neighbors because of the location of his lot. He said he is not against citizens having to pay, but the wording in the contract shouldn't strictly say "landowner" have to pay. Mr. Benton said the contract could be amended to include "others". Mr. Ward said he supports the program but he hates that taxpayers will have to pay another fee. Mr. Tate agreed that he doesn't want to add more fees to citizens and said he supports the \$56,000 contract. Mr. Brown suggested coming up with a contract in the future that will see some citizen participation in the cost, and to let the farmers know that next year it will be implemented. Mr. Rivenbark made a motion to approve the \$56,000 contract, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote. (Mr. Ward had temporarily stepped out of the room so his vote was counted as a Yea vote).

17. Resolution Amending the Pender County Holiday Schedule.

It was noted that this resolution could be a potential conflict for Mr. Ward since it is related to employees. Mr. Tate made a motion to excuse Mr. Ward from voting, Mr. Rivenbark seconded the motion and it was approved by a 3-0 vote. Mr. Benton explained: due to the economic and financial difficulties the Board has been unable to provide a cost of living or performance based salary increases to County employees since 2008; Board members have discussed informally a desire to recognize and compensate County employees for their commitment and work during this challenging time; an option that has been discussed, and which has been used in other jurisdictions, is to consider granting additional holidays to County employees during FY 11-12; an amended holiday schedule would be approved only for FY 11-12; he is recommending the County Commissioners consider designating three additional holidays for FY 11-12; one option is for the Board to designate all three of the holidays (after surveying county employees for their input); the holidays could be tied to an existing holiday such as Christmas, Easter, or Thanksgiving, and County offices would be closed; another option is for the Board to designate two of the holidays (and offices would be closed), and the third holiday could be at the discretion of each employee in collaboration with their supervisor, and County offices would not be closed; and the cost of providing three additional holidays is estimated at \$203,703 (including salary and benefits). After discussion by Board members Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was approved by a 3-0 vote.

18. Resolution Authorizing Initiation of Redistricting Study for County Voting Districts.

Mr. Benton explained the 2010 Census reflected a 27% increase in the County's population from the 2000 Census; and the NC General Assembly last created the County's voting districts in 1995. Mr. Brown said he is requesting this resolution in order to evenly distribute the population among the five districts in the County; legislative approval will be required to amend the current voting districts; and approval of this resolution will authorize the County Manager to facilitate a redistricting study to bring forth recommendations to the Board for consideration in recommending a new redistricting plan to the County's state legislative delegation. Mr. Tate said he is not clear why the districts need to be redrawn because the Commissioners are elected countywide. Mr. Brown said Commissioners are all voted on at-large but the districts are not equal when one has 15,000 people and another district has 7,000. He said this needs to be done in the public, we need to have public hearings and Representative Justice said we could use the State's equipment to draw the maps. He added any citizen with a problem can still call him from across the County. After more discussion and questions from other Board members, Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

ROCKY POINT/TOPSAIL WATER & SEWER SYSTEM

19. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Approving a Proposal from CITI, LLC. Systems Integrator to Upgrade the Existing SCADA System by Replacing All of the Outdated Analog Radios with New Digital-Date Radios and PLC Interface Converters and Authorizing a Purchase Order for this Service.

The Board convened as the Rocky Point/Topsail Water & Sewer District Board at 6:08 p.m. and reconvened as the Board of Commissioners at 6:28 p.m. Utilities Director Michael Mack explained: since the original SCADA (Supervisory Control and Data Acquisition) system was purchased and installed during the construction of the NC Highway 117 Regional Sewer Lift Station, several additional remote PCU water locations have been added to the system piecemeal; the current analog radio technology has become obsolete and when PCU has a hardware failure due to the age of the equipment, it is extremely difficult and expensive to find viable replacements; one of the key benefits of having a SCADA system is the ability to monitor and control water and sewer pump stations and water storage tanks in real time; unfortunately, PCU has been experiencing "Communication Failures" on average at least once every 36 hours over the last year; once the SCADA system goes into "Com Fail", it can be up to 48 hours or more before the system is able to communicate again with all the stations, leaving staff without "real time" data and having to depend on manual observation and control at all the remote locations during this time to properly operate the systems; and CITI, LLC has conducted a thorough diagnoses and evaluation of our current SCADA system and proposes to complete a system-wide hardware replacement of all analog radios and modems and miscellaneous system upgrades listed in the proposal. Mr. Rivenbark said he doesn't see a dollar sign anywhere and Mr. Mack responded \$49,700 plus taxes would replace all analog radios and modems and miscellaneous system upgrades, and an additional \$10,000 will be required for a new stand-alone SCADA server as the centralized computer for the system. Mr. Tate asked if the project was bid out and Mr. Mack responded negatively. Mr. Mack said they looked for the most professional and most qualified firm and then discussed the price. He said CITI, LLC is a reputable and respected

System Integrator firm specializing in non-proprietary SCADA hardware and software solutions. Mr. Tate said the project should have been bid out and the most highly qualified firms sought. Mr. Brown asked if this is the only company that provides these services and Mr. Mack said no. Mr. Ward said he agrees with Mr. Tate and that for future projects he would like to see the best three firms. Mr. Tate said Mr. Mack should have done RFP's because the Board doesn't have anything to compare this to. Mr. Rivenbark said anything of comparable value should be bid out. Mr. Brown said it is the general consensus of the Board that it will help to have things in front of us that show we are trying to stay cost-competitive. After more discussion and questions, Mr. Ward made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

APPOINTMENTS

20. Resolution to Consider Approving Reappointment to the Pender County Fire Commission.

Mr. Brown said that by him being a member of the Fire Commission, he knows that the applicant, Cary Rivenbark, is a highly respected member. Mr. F. D. Rivenbark made a motion to reappoint Mr. Cary Rivenbark (no relation) to a three-year term on the Pender County Fire Commission representing Atkinson Fire Department, with term to expire June 30, 2014. Mr. Tate seconded the motion and it was unanimously approved.

21. Resolution Approving Designation of Pender County's Voting Delegate to the 2011 NCACC Annual Conference.

Mr. Brown noted Mr. Rivenbark has historically served as the Voting Delegate for Pender County. Ms. Pridgen said three Commissioners will be attending this year's Conference. Mr. Tate and Mr. Ward indicated no interest in serving as the Voting Delegate. Mr. Ward made a motion to appoint Mr. Rivenbark as the Voting Delegate, Mr. Tate seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY MANAGER

Planning Director Kyle Breuer delivered a presentation on Temporary Sign Enforcement. The presentation included: Staff directed to develop options as to how to evaluate temporary signage throughout the County; Adoption of the Unified Development Ordinance includes language regarding temporary signs; and Current standards/regulations are extremely difficult to enforce through current civil procedures. Mr. Breuer explained each topic. Board members discussed temporary signs and asked questions. Code Enforcement Officer Ralph Kays gave a history of temporary sign enforcement and said his recommendation is to initiate a civil summons program for repeat violators of the County's temporary sign regulations. Mr. Breuer said they will bring back another update in September. Mr. Thurman clarified the signs they are trying to enforce are the temporary ones on someone's premises, not the ones people put out in the right-of-way, such as political signs. Mr. Garrett said the temporary sign issue has been in front of them for a number of years.

Mr. Benton informed the Board of a letter by a group representing Integra Water seeking signups for wastewater in the Hampstead area and said it shouldn't have been sent. He said the County will send a press release concerning the letter, and shared a copy with the Board.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman had no additional items.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Ward asked about the possibility of assistance with tax collections at the Hampstead Annex, maybe on Tuesdays or Thursdays. Mr. Benton said they had looked at this a couple years ago and it would be pretty costly with installing computers, making daily deposits, etc. He said they had also looked at the option of installing a kiosk machine over there. Mr. Ward spoke about a letter he received addressed to the Commissioners concerning the Health Department and said he hopes no one responds to these type e-mails. Mr. Ward asked if we have to have a Commissioner on the Health Board and Mr. Thurman responded affirmatively. Mr. Ward reiterated that Commissioners should not respond to anonymous e-mails and letters.

Mr. Brown said he and the Manager went to Raleigh and met with the Speaker of the House and Representative Justice regarding Senate Bill, which combines Health and Human Services Departments with Social Services Departments. He said they are trying to overcome some of the problems Mr. Ward mentioned earlier.

CLOSED SESSION

There were no items for Closed Session.

ADJOURNMENT

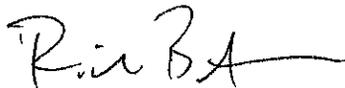
There being no further business, Mr. Tate made a motion and the meeting adjourned at 7:02 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board