

MONDAY, SEPTEMBER 6, 2011

The Pender County Board of Commissioners met in regular session on Tuesday, September 6, 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 Ward led the Pledge of Allegiance.

PUBLIC HEARING

1. **Public Hearing and Resolution Authorizing Fiscal Year 2011-2012 Rural Operating Assistance Program: \$154,790.**

The public hearing opened at 4:05 p.m. and closed at 4:08 p.m. Pender Adult Services Director Wes Davis explained: each year, Pender Adult Services applies for and manages the Rural Operators Assistance Program which provides the funding for Pender County's transportation program; the application they are submitting is for funding from July 1, 2011 to June 30, 2012; this year's funding application provides for three levels of funding – Elderly and Disabled Transportation Assistance, Employment Transportation Assistance program and the Rural General Public component; these program require a 10% local match and Pender Adult Services will generate this match by collecting a fee of \$3 one way per ride for all who utilize the services, and by selling advertising on the vans; and this year NC DOT cut funding by \$35,256. Mr. Davis introduced Ms. Valeria Sutton, Transportation Coordinator. Ms. Sutton made comments, stressing that no local match is required from the County. Mr. Tate commented a lot of folks use these services. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

2. **Special Recognition of the 10th Anniversary of 911.**

Mr. Brown read the resolution in recognition of the 10th anniversary of the terrorist attacks against the United States on September 11, 2001. Mr. Charles Jacobs then introduced Mr. Douglas Hardison who was working at the Pentagon at the time of the attacks, and gave a

history/background of Mr. Hardison. Mr. Brown recognized Mr. Hardison and presented him with a copy of the 911 resolution and with a Certificate of Recognition. Mr. Hardison received a standing ovation. Mr. Hardison said this is gratifying to him, 911 is a time of reflection for him, he appreciates how far we have come, and there are countless people who answered the call to help. Mr. Hardison thanked his family and friends for attending today and introduced his wife and mother.

3. Resolution Honoring the Contributions of Mrs. Inez Teachey Bradt.

Mr. Brown commended Mrs. Bradt for her numerous contributions to the people of Pender County and read a resolution that was written for her on behalf of the Board of Commissioners. Other Board members commended Ms. Bradt also. It was noted the resolution will be mailed to Ms. Bradt.

4. George Mara, Chairman ABC Board: Pender County ABC Board Update.

Reports were distributed to the Board showing sales and net income for each individual store from the years 2004 through the present and bottles sold, gross sales, taxes, net sales, expenses, profit, municipal, county and other distributions from the years 2004 through the present. Mr. Mara noted other ABC Board members are present, along with the Finance Officer. Mr. Mara said the economy has caused a decline in sales, but the 30% excise tax is the biggest problem. He said they sent a letter to the North Carolina Association of ABC Boards asking them for assistance in putting together a plan that could effectively be utilized by ABC Boards across the State to lobby their representatives to the North Carolina General Assembly to consider repealing this increase in the excise tax during the 2012 short session of the General Assembly. Mr. Mara noted the Atkinson and Rocky Point stores are still operating in the red but they are trying to cut down on overhead by reducing the number of days the Atkinson store is open, and they have renegotiated the lease with the owner of the Rocky Point store. He noted the Rocky Point store is possibly seeing a decline in sales because New Hanover has reopened its Castle Hayne store. Mr. Mara said the real problem is "legislation putting its hand in our pockets and taking our money." Mr. Williams clarified with Mr. Mara that they have to keep the Atkinson store open and Mr. Mara said yes. Mr. Brown asked what that does and Mr. Mara said it really pulls down the amount of distribution but if the store closes, Atkinson won't get anything. Mr. Tate asked what goes to Atkinson now and General Manager Patsy Blake reported what they received last year and this year.

5. Proclamation by the Pender County Board of Commissioners and Presentation to Members of Coastal Horizons Center, Inc.: Designate the Month of September as 2011 National Alcohol & Drug Addiction Recovery Month.

Mr. Brown read the proclamation and presented it to Ms. Elizabeth Pina of Coastal Horizons. Ms. Pina accepted the petition and spoke on behalf of Coastal Horizons, explaining how the National Alcohol & Drug Addiction program works to help addicts recover. Ms. Pina thanked the Board for taking part in the national program.

6. Tony Masiero, Tax Assessor: 2011 Property Tax Revaluation Update.

Mr. Masiero and Wally Beard of Assessment Solutions updated the Board on where they are with the appeals process. Mr. Masiero said as of July 25th the Board of Equalization and Review had listened to and answered all appeals, and the next step is the ones that didn't get satisfactory

answers is for them to appeal to the State Property Tax Commission. Mr. Beard said 1,175 parcels were heard, 621 resulted in no change, 478 resulted in reductions to value, and 76 were adjusted upward. The net result of the 2011 revaluation project was an increase in over \$1.6 billion in value based on the 2003 revaluation. Mr. Williams clarified that all parcels were treated the same. Mr. Brown requested Mr. Masiero to explain, for the record, the whole process. Mr. Masiero said they hired a company to do the revaluations, the Schedule of Values was approved, the informal appeal process took place from the end of February to mid May, and from there those values were appealable to the Board of E & R. He said people that didn't meet with the Board of E & R can still come to their office the first of the year to appeal for 2012. Mr. Williams commented this Revaluation went much smoother than the last one in 2003.

7. Dee Turner, Planner II, Planning & Community Development: Update on Millers Pond Park Improvements.

For the benefit of the public, Mr. Brown explained exactly where Millers Pond is located. Mr. Brown commended Mr. Tate for helping get getting the project started. Ms. Turner presented a site map which included: the existing walking trail around the pond; the overlook deck built by County employees; the potential fishing pier site; potential kayak and canoe launch; and several board walks. Ms. Turner said there are someone driveway improvements required by NC DOT that have to be made, and some general clean-up. She noted some Boy Scout troops had helped with the project. There was discussion of Boy Scout troops and other volunteers helping finish the project and maintaining the park. Mr. Brown said we should make local troops aware of it. In response to question, Mr. Rivenbark said the property was given to the County by the State. Mr. Tate thanked Mr. Brown for taking the initiative on the project.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

Mr. Brown presented the four items on the Consent Agenda and asked for any discussion or questions. Mr. Ward asked that Item No. 11 be discussed separately. Mr. Ward made a motion to approve the remainder of the Consent Agenda, Mr. Williams seconded the motion, and the remainder of the Consent Agenda was unanimously approved as follows:

8. Approval of Minutes: Regular Meeting of August 15, 2011.
9. Resolution Approving Tax Releases and Refunds as Listed Herein.
10. Resolution Requesting Authorization of a Purchase Order to G & H Construction & Paving, Inc. for the Installation of Driveway Improvements for Millers Pond Park in the Amount of \$5,535.
11. **Resolution Authorizing a Contract with and Purchase Order to Cheatham and Associates in the Amount of \$9,800 for Engineering Design Services for the Athletic Building at Topsail High School.**

Mr. Ward asked where the money for this project will come from and Mr. Benton responded bond proceeds. Mr. Ward asked about the various projects chosen for various schools. Director of Auxiliary Services David Smith explained after purchase orders are closed out for various projects from the bond proceeds, if any funds are left over they meet with school staff to see

which projects the particular school needs most. There was discussion of the new Athletic Building; softball, baseball and football fields; and various other potential projects. Mr. Ward said he wants to see a list of all the other proposed projects. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

RESOLUTIONS

12. Resolution Consenting to Allow Town of Burgaw to Lease the Old Jail Building at 106 East Wilmington Street in Burgaw.

Town of Burgaw Manager Chad McEwen explained: the Town is asking the Board of Commissioners to authorize the Town to seek and secure a tenant for the old jail building; in 2000 the Board approved transferring the old jail to the Downtown Burgaw Association; in 2008, the Board approved transfer of the title from the Association to the Town of Burgaw; they have an entity that wants to use the building; the building would be renovated by the entity; and the building would not be for sale, it would be for lease only. Mr. Brown asked if the building would be used for public purpose and Mr. McEwen said a local private entity wants to use it. Mr. Brown said the building belongs to the people of Pender County and when the Board transferred title to the Town, it was stipulated that the real property would continue to be used for a public purpose. Mr. Thurman said the statute requires the provision that it only be used for public use or it reverts back to the County. Mr. McEwen said the Town realizes the outside façade of the building will be in disrepair in twelve months and this would be a way to get help repairing it. He said they could get a twenty year lease. Mr. Thurman said a twenty year lease would be treated as a sale. Mr. Williams suggested looking into the Town sharing the revenue with the County. Mr. Tate asked how old the building is and Mayor Pet Cowan said he thinks it was built in 1934. Mr. Tate suggested the possibility of historical preservation for the building. Mr. Ward said he has a problem with saying no to the opportunity for someone to use the building when it hasn't been used in six years. Mr. Rivenbark said this is an opportunity for the building to be renovated and used, and it is rapidly becoming an eyesore to the Town. Mr. McEwen asked if the deed could be amended to delete the stipulation "the real property will continue to be used for a public purpose, as defined in North Carolina General Statute 160A-279." Mr. Brown reiterated that the building should be for public purpose and that is what he was told it was conveyed for. It was suggested the item be tabled and get further information on it. Mr. Williams made the motion to table the item to the next meeting, Mr. Ward seconded the motion and it was unanimously approved.

13. Resolution Authorizing a Reduction in the Payment Standards for the Housing Choice Voucher Program.

Housing Director Judy Herring explained this resolution is asking the Board to consider authorization of the reduction in the payment standard for the Pender county Housing Department's Section 8 Housing Choice Voucher Program from 100 percent of Fair Market Rent (FMR) to 95 percent of FMR. She said this action will have no effect on anyone that is currently in the program unless they move, and it provides a ceiling for how much Section 8 will pay to landlords. After discussion, Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

14. **Resolution Authorizing FY 11-12 Budget Amendment & Issuance of Purchase Order to Wireless Communications, Inc. for the Purchase of Portable 800 MHz Radios for Use by Animal Control: \$9,900.**

Sheriff Carson Smith explained: when Animal Control was transferred to the Sheriff Department, they tried to identify major things that needed to be accomplished and this item and the next two items were identified; these three items will be one-time expenses; a VIPER Radio Network talk group was assigned for use by Animal Control; this will allow animal control officers to communicate by radio with each other, the animal control facility, the 911 Center, county law enforcement officers, and others; and the four radios will be used by Animal Control officers in the field. Mr. Brown asked if this item was budgeted for and Mr. Benton said no, it will come out of Fund Balance. Mr. Williams and Mr. Tate made positive comments concerning the use of the VIPER system. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

15. **Resolution Authorizing FY 11-12 Budget Amendment & Issuance of Purchase Order to Biomass Marketing Associates for the Purchase of a Crematory for Use by Animal Control: \$46,587.50.**

Sheriff Smith explained: currently when animals have to be euthanized they are buried on land adjacent to the animal control facility at the old landfill; this has been the procedure for years and they only, at best, have enough room to bury animals through the end of the year; the purchase of equipment that would allow them to cremate the animal remains will remove the necessity to locate additional land and will allow them to properly dispose of the remains for many years to come; they first looked at an incinerator and priced one at over \$70,000; Biomass Marketing offers this gasification crematory that is significantly less; and Onslow County Animal Control uses this crematory and recommended it to them. Mr. Tate and Mr. Williams commended Animal Control staff and the Sheriff for making animal control run more smoothly, noting that Darlene Clewis goes far and beyond the call of duty trying to adopt animals out. Mr. Tate asked why we didn't budget for this item during the budget process if we knew we were running out of space, and said he wish they had been forewarned of this expense. Mr. Tate was also concerned that having a crematory would accelerate the rate of euthanizing. Sheriff Smith assured Mr. Tate that they would still adopt out as many animals as they could and before euthanizing. Mr. Ward asked if the County has some land somewhere else that can be used to bury animals. It was noted that to bury animals off-site would require Special Use Permits and may create health and environmental concerns. Mr. Ward said if there is an alternative we should use it, and we can't keep going into Fund Balance. There was more discussion, including how many animals are euthanized a year, adoptable animals, what will happen if we don't get the crematory this budget year, and what will happen if the present staff leaves the County. Mr. Williams made a motion to approve the resolution but it died for lack of a second. Mr. Ward asked if the crematory could be used to burn other items, such as evidence, and Sheriff Smith responded affirmatively. Mr. Ward said he would consider approving the resolution if the crematory could be used to burn everything we can. Mr. Williams then made a motion to approve the resolution with the amendment "we will burn all and everything we can," Mr. Ward seconded the motion and it was unanimously approved.

16. **Resolution Authorizing FY 11-12 Budget Amendment & Issuance of Purchase Orders to HLP, Inc. for Animal Control Software: \$19,100; Dell, Inc. for Server and Computers for Use by Animal Control \$16,197.81; and Wireless Communications, Inc. for the Purchase of Vehicle Computer Stands: \$2,164.89.**

Sheriff Smith explained: after the Sheriff's office was given the responsibility of animal control services, they reviewed work flow and tools used to run the program; to improve productivity, a function specific software system that will encompass every function of the animal control program is necessary to allow every employee to use the same software, give up-to-date information on the program and put an end to double entry and manual reporting; this type of software is used by other counties in the area and is capable of every function they need, including tracking complaints and enforcement action; they looked at two companies (after ruling some out without enforcement capabilities) and even with different pricing models found their prices similar; and they chose HLP Chameleon because of recommendation from neighboring counties. Mr. Tate asked if this system will identify the demographics of where animals are. Sheriff Smith reported that he would have to verify whether or not the system would do this. IT Director Erik Harvey responded if the Animal Control System can't identify the demographics of where animals are that the County's GIS System would be able to if Animal Control collected the appropriate information. He said the IT Department definitely approves Animal Control getting updated equipment. Mr. Benton commended the Board for upgrading the Animal Control facility. Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

17. **Resolution Authorizing Issuance of Purchase Order to Carolina Recording Systems, Inc. for the Purchase of a 911 Communications Recording System: \$26,174.**

Sheriff Smith explained: the County 911 Center is required to record radio and telephone communications in the center; the existing system is eight years old and has some problems because of lightning damage in the past; part of the system cannot be replaced because some of the technology is outdated; because of recent law changes, they need technology that will allow them to distort voices and remove parts of recordings that do not need to be released, and the new system will be capable of that; they evaluated systems from two companies and have recommended Carolina Recording Systems; Carolina's system is more user friendly; Carolina is their current vendor and they have been extremely pleased with their service; and the funding for this will be paid from the 911 Emergency Telephone Fund. Board members were pleased that the funding is coming out of 911 Funds. Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

18. **Resolution Amending the Pender County Holiday Schedule.**

Mr. Ward said he would like to excuse himself from voting on this item since he is an employee. Mr. Williams made a motion to excuse Mr. Ward, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Benton explained: at the August 1, 2011 Commissioners meeting the Board adopted a resolution approving adding three holidays to the County holiday schedule for FY 11-12; this was approved because the economic and financial difficulties since 2008 has prevented the Board from providing a cost of living or performance based salary increases to County employees; the resolution provided the Board would designate the additional holidays after surveying county employees for their input; in summary, 43.8% of the responders prefer the BOCC to designate the three additional holidays and County offices be

closed; the three most preferred holidays to add onto the existing County holiday schedule were Thanksgiving, Christmas and Good Friday; President's Day and Columbus Day were the two most popular holidays mentioned that are not on the existing County holiday schedule; and his recommendation is for the Board to consider Easter Monday, President's Day, and the Wednesday before Thanksgiving Day. Mr. Williams commented another day at Christmas would mean a lot of days for government offices to be closed at one time. Mr. Brown commented about the employees' preference. Mr. Benton explained President's Day would give employees a day off during the long period between January holidays and the Easter holiday. Mr. Rivenbark made a motion to approve the resolution as recommended, Mr. Williams seconded the motion and it was unanimously approved.

At this point, Mr. Williams asked the Board to consider giving the Sheriff a car allowance instead of him driving a County car, and he wants to look into if it had been done before. Sheriff Smith said this came up in conversation with Mr. Williams because of an incident in which he was in another city when his child got sick and he had to come all the way back to Pender County to get his car at 2:00 in the morning and then travel to the city where his child was. No action was taken.

APPOINTMENTS

19. Resolution to Consider Approving Appointments to the Pender County ABC Board and Social Services Board; and Reappointment to the Pender County Jury Commission.

Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. (Mr. Tate had momentarily stepped out of the room but had indicated he is in favor of all the applicants before he left). Mr. Elmer Hodges was appointed to the Pender County ABC Board to serve a three-year term representing District 2, with term to expire June 30, 2014; Ms. Dot Spencer was appointed to the Social Services Board to serve a three-year term representing a Public Member position, with term to expire June 30, 2014; and Ms. Twila Jones was reappointed to the Jury Commission to serve a two-year term, with term to expire June 30, 2013.

ITEMS FROM THE COUNTY MANAGER

a. Discussion of Storm Debris Collection/Disposal-Possible Board Action Item/Resolution

Emergency Management Director Tom Collins delivered a presentation on Hurricane Irene which included: 1) Damage Assessment IA Residential - \$190,000, minor 22, major 3, destroyed 1; Business \$40,000, minor 4; there is a hotline for unmet needs. 2) Damage Assessment PA Category B-we will get reimbursed at least 75%; Category A-not officially declared; cost for County \$120,000, electric coops \$130,000 and 1 fire department - \$10,000-FEMA will pay directly. 3) Debris - DOT will pick up state roads; will County pick up private roads-FEMA will not reimburse for pick-up of private roads; debris sites; DRC primary contractor.

A break was taken from 7:15 to 7:25 p.m.

Following introduction of a resolution and explanation by Mr. Benton, Mr. Williams made a motion, Mr. Rivenbark seconded the motion and the resolution was unanimously approved as follows:

- (1) Authorizes a FY 11-12 budget amendment appropriating funds from General Fund Balance (10-399000) to Hurricane Irene Debris Management (808-406408) in the amount of \$90,000; and \$45,000 to Hurricane Irene EOC Costs (808-400200);
- (2) Authorizes an amendment to the contract with DRC Emergency Services, LLC (DRCES) to provide for storm debris collection at a unit price of 7.94/cy for vegetative material, \$8.92/cy for C&D debris, and \$22.50/cy for white goods;
- (3) Does not authorize the collection of storm debris from private streets/subdivisions in the unincorporated areas of Pender County. (Will have debris sites available).
- (4) Authorizes the following purchase order (s) for Hurricane Irene storm debris collection and disposal services:

<u>Vendor</u>	<u>Service</u>	<u>PO Amount</u>
a. DRCES	Disposal	\$31,360 (for 8000 cy total)
b. SAIC	Monitoring	\$15,000 (per hour rates)

Expenditure Account: 808-406408

- (5) Authorizes NC DOT access to the County's debris site for disposal of debris from state maintained roads, conditioned upon NC DOT cost share

b. Discussion of Road Naming Ordinance

Mr. Benton said this item was concerning North and South Hummingbird Lane and their addressing problems. It was noted that there are approximately 301 duplicate road names within the County's jurisdiction, with 154 not in compliance with the Pender County Road Naming Ordinance. It was the consensus of the Board to discuss this item at a later meeting.

Mr. Benton said he has items for closed session.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman had no further items.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown spoke concerning the Board attending an informal meeting in Raleigh on September 28th, to use redistricting equipment of the NC General Assembly to develop potential new voting districts for consideration by the Board and the public.

Mr. Brown said that the Hospital Board wants to have input as to appointments on the Board, and he will bring this discussion to the next meeting. Mr. Brown clarified that the Board of Commissioners would still have final authority of who is appointed to the Hospital Board.

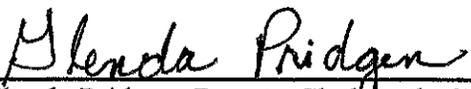
CLOSED SESSION

At 8:15 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11: 4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; and 5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. Mr. Williams seconded the motion and it was unanimously approved. The Board exited the Closed Session at 8:40 p.m. There were no announcements upon exiting the Closed Session.

ADJOURNMENT

There being no further business, Mr. Williams made a motion and the meeting adjourned at 8:40 p.m. Mr. Tate seconded the motion and it was unanimously approved.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board