

MONDAY, DECEMBER 12, 2011

The Pender County Board of Commissioners met in regular session on Monday, December 12, 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 Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

COMMENTS & RECOGNITIONS: CHAIRMAN BROWN

Mr. Benton was called to come forward. Human Resources Director Amber Parker read the qualifications of the Long Leaf Pine Award, which was presented to Mr. Benton by Chairman Brown and State Senator Bill Rabon. Senator Rabon then presented Mr. Benton with the State flag, which had flown over the State Capitol. Senator Rabon thanked Mr. Benton for all his hard work. He said from the first day he went into office, working with Mr. Benton had been a pleasure, Mr. Benton had always been professional and never brought politics into anything they had done, Mr. Benton had always been considerate of Pender County in everything he did, and he will be sorely missed. Mr. Brown then read from and presented a plaque to Mr. Benton from the Board of Commissioners. Mr. Williams made remarks including "Mr. Benton is one of the best managers Pender County ever had." Mr. Tate made remarks including Mr. Benton was a "manager among managers." Mr. Benton thanked Board members. Mr. Benton's family was in attendance and he received a standing ovation after all the presentations and speeches were made.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

1. **Nomination and Selection of Chairman and Vice-Chairman.**

Chairman Brown temporarily turned the meeting over to Mr. Thurman. The floor was opened for nominations. Mr. Williams made a motion, Mr. Rivenbark seconded the motion and it was approved by a 4-1 vote to remain with the same Chairman and Vice Chairman-Mr. Brown and Mr. Tate, respectively. Mr. Ward voted in opposition.

PUBLIC INFORMATION

2. **Michael Mack, Director of Public Utilities: Update on County Water System Project**

Mr. Mack introduced Brandon Garner, the new Wastewater Treatment Plant Manager, and gave his work history, educational background, certifications, and organizations to which he belongs. The Board welcomed Mr. Garner. Mr. Mack then gave an update on the County Water System Projects, which

included: Surface Water Treatment Plant; Finished Water Transmission Main; Maple Hill Wastewater System; Scotts Hill Water System-completed; Jensen's Coastal Plantation-completed; and BASF Demolition-almost complete. Mr. Benton noted he and Mr. Mack would be going to the BASF site on Thursday at 4:00 p.m. if any of the Board members wish to go. Mr. Williams asked when will we pull the switch on the treatment plant and Mr. Mack responded the contract goes through Spring, 2012.

RECOGNITION

Finance Officer David McCole was called to come forward. Mr. Brown said Mr. McCole would be leaving the County at the end of the week. Mr. Brown read a plaque and presented it to Mr. McCole. Mr. McCole said this award is reflective of his staff, which he said had been very supportive and he couldn't have done the job without them. He also commended department heads, saying they also had been supportive during his tenure in Pender County. Mr. McCole thanked the Board of Commissioners and said he had really enjoyed being Finance Officer for Pender County.

3. Amber Parker, Human Relations Director: Update on Employee Wellness Program

Ms. Parker explained: Pender County held its first employee health screening event in August 2009; in 2009, the health screening was voluntary for all employees on the County's health insurance plan but the County did not provide a formal wellness program or a financial incentive for employee participation; at that time, 25% of employees participated in the health screening; the Board officially created the County's wellness program in October of 2010 and this included providing a financial incentive in the form of a health insurance premium discount for employees to participate in the voluntary health screening; the formal wellness program and financial incentive increased wellness program participation to 98% in 2010 and 97% in 2011; Doctors Direct Healthcare (DDHC) conducted a cost savings estimate based upon the clinical improvement shown among participating employees from 2009 through August 2011; based on the clinical improvement shown from participating Pender County employees who reduced their risk factors, the County's health plan can potentially save \$401,887 in future claims costs over the next five years; this cost savings estimate is based upon projected claims the County could incur should employees not improve their health risks and experience health care claims related to those risk factors; and EBenConcepts conducted a Return on Investment analysis of the 83 employees who participated in the health screening all three years by examining their actual claims data and the net savings after subtracting the cost of the wellness screenings is approximately \$75,000. Mr. Williams said Mr. Rivenbark was the biggest advocate of the Wellness Program for County employees and commended him for his efforts in promoting the program started. Mr. Rivenbark made remarks concerning the program.

4. Carolyn Moser, Health Director: Presentation of 2011 State of the County Health Report.

Ms. Moser explained local health departments must submit an annual State of the County Health Report to the Division of Public Health; this report involves a review of the latest Pender County data regarding health concerns, as well as tracking the progress of those health priorities identified from the 2010 Community Health Assessment; the report must include new health initiatives and emerging issues that may impact the community's health; and the Board of Health reviewed and approved the report on November 17, 2011. Highlights of the report included: Review of Health Status Data; Health Disparities; Leading Causes of Death for Pender County; Tracking Progress of Health Priorities; New Initiatives; and Emerging Issues. Ms. Moser explained each category. With respect to the subtitle Electronic Medical Records, Mr. Ward asked if this is going to be optional and Ms. Moser responded "no." With respect to Health Disparities, Mr. Tate asked if any statistics had been identified by communities. Ms. Moser said statistics have been identified by age and sex, but it could be possible to identify some by regions of the County. Mr. Ward asked with respect to federal funding, what happens if we don't comply with the electronic medical records requirement. Ms. Moser said this will not be an

option by 2014 and said electronic medical records will make everything more efficient. The entire report is on file with the permanent records in the Clerk to the Board's office.

PUBLIC COMMENT

Mr. Scott Gerow of Wilmington spoke concerning the Carolina Water appeal. Mr. Gerow gave a history of lots he had purchased in Belvedere, depending on Carolina Water's expansion to provide sewer capacity so the lots could be made developable. He said since the County wouldn't issue a Special Use Permit to Carolina Water to expand, he now has lots that are unbuildable because no sewer is available, and now it is costing him. Mr. Brown asked when Mr. Gerow put his lines in the ground, did Carolina Water tell him they would have to get a Special Use Permit from the County. Mr. Gerow said a permit was issued by the State. Mr. Gerow asked the Board not to appeal the Court's decision to overturn the Board's denial of the SUP.

CONSENT AGENDA

Mr. Brown presented the six items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Rivenbark made a motion to approve the Consent Agenda, Mr. Tate seconded the motion, and the Consent Agenda was unanimously approved as follows:

5. Approval of Minutes: Regular and Closed Session Meeting of November 21, 2011, November 28, 2011, and December 1, 2011.
6. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
7. Resolution Authorizing Increase Purchase Order to DRC for Hurricane Irene Debris Management from \$36,360 to \$43,000; Authorizing Reduction in Purchase Order to SAIC for Hurricane Irene Debris Management Monitoring from \$43,000 to \$30,000; and Authorizing Lease Agreement and Purchase Order for Temporary Use of Debris Management Site in the Amount of \$7,500.
8. Resolution Declaring Health Department Property as Surplus: Mobile Unit and Ten Medical File Cabinets.
9. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2011-2012: \$5,100.
10. Resolution to Approve FY 11-12 Unallocated Juvenile Crime Prevention Council Funds to Coastal Horizons: \$11,359.

RESOLUTIONS

11. **Resolution Approving FY 11-12 Budget Ordinance Amendment to Appropriate \$57,908.35 from Undesignated Fund Balance to DSS Contracted Services; and Approving a Purchase Order and Contract with Advanced Imaging Systems in the Amount of \$57,908.35.**

Social Services Director Dr. Reta Shiver delivered a presentation and explained: In December 2004, North Carolina received Federal approval to implement a program called North Carolina Families Accessing Services (NC FAST) that is designed to improve the way NC DHHS and NC DSS conduct business by transferring food stamp records to computer; DSS agencies did not know when to anticipate NC FAST implementation and could not include an amount in the budget to cover implementation; agencies did not know in what order counties would have to implement the program; because they were not given advance notice when Pender County would go live with NC FAST, the 2011-2012 DSS budget did not include an amount to cover implementation; when the announcement was made by the State as to which counties would be included in Phase 1, Pender County was one of the Phase I counties and must be ready to begin operating its Food and Nutrition Services Program utilizing NC FAST effective April 1, 2012; to prepare for this timeline they must have all active Food Stamp cases scanned and put in electronic format over the next three months; in order to meet this challenge they need to

contract with a document imaging company that offers security to protect confidentiality of records, accuracy, high volume scanning, and 24/hr. access to records; they sent out proposals and obtained two bids; they recommend Advanced Imaging Systems because the other bid does not contain a specified amount for handling Phase I of Food & Nutrition Services, and AIS already provides excellent service for the Pender County Register of Deeds Office; the appropriation will come from undesignated fund balance; they will probably receive at least 60% federal reimbursement; and this system is really needed because of growth in the County. The presentation included charts showing Medicaid and Food Stamps statistics in Pender County and the enormous increases (200%) in requests for assistance. Mr. Ward asked if DSS is monitoring food stamps and if the 200% increase is coming from unemployment or what. Dr. Shiver said the increase is coming from the economy in general, with even middle income people who have lost their jobs applying for assistance. She said some people who exhausted their unemployment came to DSS for assistance. Mr. Ward asked if Hurricane Irene played a part in the increase and Dr. Shiver responded affirmatively. Mr. Ward asked how applicants are checked to see if they qualify. Dr. Shiver said when potential clients give DSS their information, they thoroughly check their income, unemployment benefits, etc. Mr. Brown asked if having this technology going to be required and Dr. Shiver responded affirmatively. After more discussion, Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

12. Resolution Approving FY 11-12 Budget Amendment to Fund Capital & Equipment Needs of the Volunteer Fire Departments: \$284,829.

Scott Sills of Sloop Point Volunteer Fire Department explained: This is a one-time funding request to allow the fire departments to catch up on deferred capital needs; they have to have this equipment; these funds are not going to complete all tasks but will help to keep the departments from getting behind year after year; the fire departments are 98% volunteer; they are able to reduce costs to citizens through volunteer services; and this is the only service that can give money back to citizens. Mr. Brown commended the volunteer fire departments for their services. Mr. Ward asked if there is a reason that Maple Hill is listed at \$0. Mr. Sills said at budget time, they thought Maple Hill would be at \$100,000 and didn't know it would be deferred to 2012; and Maple Hill does have needs. Mr. Williams asked if the General Fund would have to underwrite Maple Hill anyway and Mr. Sills responded yes and said it has been that way for years. Mr. Harold Motley, Chief of Maple Hill VFD made remarks, noting the Board is already "bumping them up." Mr. Sills introduced Jay Howell of VFIS Insurance, and who is on a subcommittee with National Fire Protection Association. Mr. Howell said they set the minimum standards for fire protection for fire departments and also safety requirements. Mr. Howell said Pender County's fire department system is one of the finest in the State. Mr. Brown said the property revaluation last year left the County unsure of revenues and exactly how much to fund the fire departments. He said with the revaluation, they were all "kind of stumbling around in the dark" and they wanted to get a good indication as to what the collections were going to be before they actually put the tax on. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

13. Resolution Endorsing Concepts Set Forth in the US 17/NC 210 Corridor Study.

Planning Director Kyle Breuer explained: In a joint effort, the Wilmington Area Metropolitan Planning Organization (MPO) and the NC Board of Transportation commissioned the study of the US 17 and NC 210 Corridors within Pender County to identify near-term strategies to address safety and mobility deficiencies on US 17 and NC 210 in Hampstead; the objective was to identify practical strategies that are consistent with the vision for Hampstead, that reduce the rate of injuries and fatalities in traffic crashes, reduce travel delay, and improve travel for pedestrians and bicyclists; and the study report describes a preferred access plan for US 17 from Washington Acres Road to Sloop Point Loop Road and for NC 210 from US 17 to Island Creek Road. Mr. Breuer introduced Mike Kozlosky of the MPO. Mr.

Kozlosky explained: this is only a concept plan; it is his understanding if the Board approves this, DOT will design a median; a median is included as part of the recommendation; and they are looking for endorsement from this Board to move forward with the plan. Mr. Ward said he doesn't think what Mr. Lewis of the consultant firm presented at the public hearing is a good idea. Mr. Kozlosky said all entities involved recommended installation of a median-DOT, MPO, Planning Department and others. Mr. Williams spoke concerning traffic impact on developments, and traffic signals. There ensued a discussion of traffic lights, turn-arounds and more public hearings. Mr. Brown said he didn't realize the public meetings were over. Mr. Kozlosky explained different funding for the projects and said DOT will not proceed with securing funds unless the Board of Commissioners approves the plan. Mr. Brown asked Mr. Sills what impact a median would have on emergency vehicles. Mr. Sills said a median would make things more difficult for emergency vehicles, cause more safety issues and snarl traffic. He gave as an example that if there is a wreck, the emergency vehicle may have to pass by the wreck and turn around to come back to it. Mr. Kozlosky said they can make something work for emergency vehicles that can be incorporated into the plan. Mr. Tate said he doesn't have enough information to support this and asked how the Board's vote tonight would impact the study. Mr. Williams said if we sit here and wait, we are not going to get anything done and we will be set back. He said if we sit here and wait for the perfect plan, we will lose funding; and if we don't move forward, we are "dead in the water." Mr. Tate said he is concerned about safety issues, he thought the plan would improve safety but after hearing from Mr. Sills, he is not sure. Mr. Breuer said the Planning Board voted 3-2 on the plan. Mr. Thurman noted the Planning Board voted 3-2 for the Board of Commissioners to vote to support a plan to protect safety of the citizens of Pender County. Mr. Williams said he would vote on the plan but his endorsement would be based on at least one more public hearing and the Board being able to make amendments. Mr. Kozlosky said he doesn't believe DOT would go back with another public hearing. After more discussion, including having more public hearings, Mr. Williams made a motion to approve the resolution, with the caveat that the Board holds one more public hearing. The motion died for lack of a second. Mr. Williams said we took a big step backward. He said we asked for DOT's help and they gave it and we turned it down.

APPOINTMENTS

14. Resolution Approving Appointment to the Pender County Board of Adjustment.

Ms. Pridgen explained Erwin Kane is already on the Board of Adjustment and wishes to be reappointed. Mr. Rivenbark made a motion to approve reappointment of Mr. Kane to the Board of Adjustment to serve a three-year term representing District 3, with term to expire January 4, 2015. Mr. Mr. Tate seconded the motion and it was unanimously approved.

15. Boards/Committees/Commissions on which Commissioners Currently Serve: Annual Review/Modify.

Mr. Brown and Mr. Williams said they would like to trade positions on a Board with each other: Mr. Brown to replace Mr. Williams on the Pender EMS & Rescue Board, and Mr. Williams to replace Mr. Brown on the Fire Commission. Mr. Tate noted the Commissioner ex-officio position on the Tourism Development Authority should be the Chairman. Mr. Brown will replace Mr. Tate in that position. Mr. Rivenbark made a motion to approve the changes, Mr. Williams seconded the motion and it was unanimously approved. Everything else remained the same on the Commissioners' Boards.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton had the following items: the tour of the Wastewater Treatment Plant on Thursday at 4:00 p.m.; invitation from the Town of Wallace for the opening of their new water plant; and the January 3, 2012 Board meeting will be held at Pender High School in the small auditorium across from the Media Center.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are several items for closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said Waste Industries has given Board members a monthly reminder calendar for years which is a wonderful thing and we need to send them a thank you letter.

Mr. Tate asked Board members to consider giving employees a small bonus for Christmas to show they are appreciated.

Mr. Williams asked about the property tax exemption for the elderly-is there a way that people are notified, and if not, is there a way we can let folks know that it is out there. Mr. Benton said he will find out and get back with Mr. Williams. Mr. Tate said if we find a way to let folks know, we will have to police it.

CLOSED SESSION

At 6:05 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 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; and 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 personnel 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. The closed session will include the case of Carolina Water versus Pender County. Mr. Williams seconded the motion and it was unanimously approved. The Board exited the Closed Session at 7:00 p.m. There were no announcements made.

PUBLIC HEARINGS/RESOLUTIONS/ZONING AMENDMENTS

16. Public Hearing Relative to Application for Funding under the Housing and Community Development Act of 1974, as Amended.

The public hearing opened at 7:17 p.m. and closed at 7:21 p.m. Housing Director Judy Herring introduced Jesse Miars of Holland Consultants. Ms. Miars explained: This is the first of two required public hearings to apply for funding for the Scattered Site Program; the Scattered Site Program provides

rehabilitation/replacement for homes all over the County-not just for one particular area; Scattered Site is now on a three year cycle; the State just made funding available and they are going to apply for it; the funds will be used for housing only; the program is for lower income households; the maximum grant amount is \$400,000; they will have four to five primary applicants and two to three alternates; and the application for funding is due March 16, 2012. No Board action was required.

17. Public Hearing to Close out CDBG Project 08-6-1923 (Pender Progress Shell Building).

The public hearing opened at 7:21 p.m. and closed at 7:23 p.m. Mr. Benton explained the Shell Building had been completed, the CDBG books had been audited, and there were no findings. No Board action was required.

18. Public Hearing & Resolution to Approve a Special Use Permit (SUP) for the Operation of a Sweepstakes Center Located at 7524 US Highway 117, Rocky Point, NC.

The public hearing opened at 7:24 p.m. and closed at 7:40 p.m. Mr. Thurman swore in the witnesses. Mr. Breuer explained: The property is currently zoned GB, General Business, and sweepstakes centers are permitted via SUP in the GB zoning district; the proposed site is within an existing commercial building; the proposed hours are Monday through Saturday from 9:00 a.m. to midnight and on Sundays from 1:00 p.m. to midnight; the applicant has indicated a normal customer average of five to ten customers during the day and ten to twenty customers during the evening hours; there will be up to five employees, including two security personnel; the subject parcel hosts an additional general retail commercial use in a separate structure to the south; and the property features direct access to US Highway 117 via an existing driveway. Mr. Breuer said back in September an additional condition was placed on SUPs for Sweepstakes centers-N.C.G.S. 14-304 through 14-309. Ms. Anna Eubanks of 7457 US Highway 117 said the property is between two churches and asked what kind of effect the center will have on the churches. Ms. Eubanks also asked what kind of security is proposed; the hours of operation; and what effect will it have on the community. Ms. Lynette Miller, the applicant, responded they won't open on Sundays until 1:00, after church is over; it will be a nice, quiet business with no drugs or alcohol; and security consists of the cashier and a security guard, plus they will have cameras and a button that rings straight to the Sheriff Department. Mr. Ward asked the status of a sweepstakes case that is in court and how long it will take to resolve it. Mr. Thurman responded the case is now in the Court of Appeals and you can't predict how long it will take. Mr. Ward asked if the Sheriff's Office can do any kind of enforcement before a case goes to court and Mr. Thurman said he doubts it. Mr. Thurman said the cases on appeal could possibly have been operating illegally, but there are ways businesses like this can operate legally. Mr. Brown asked if this constitutes a nuisance, referring to Item No. 3 of the UDO-Special Use Permit Review Criteria. Mr. Thurman explained that a nuisance is usually people congregating in parking lots, noise, trash on other people's property, etc. Mr. Brown asked if we can add as a condition that it doesn't become a nuisance. Mr. Williams made a motion to approve the special use permit request, with the caveat that it will not become a nuisance. Mr. Tate seconded the motion and it was unanimously approved.

19. Public Hearing & Resolution to Approve a Special Use Permit (SUP) for the Operation of a Sweepstakes Center Located at 21758 US Highway 17, Hampstead, NC.

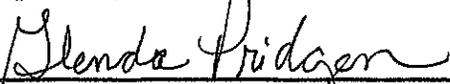
The public hearing opened at 7:41 p.m. and closed at 7:55 p.m. Mr. Thurman swore in the witnesses. Mr. Breuer explained: The property is currently zoned GB, General Business, and sweepstakes centers are permitted via SUP in the GB zoning district; the proposed site is within an existing commercial building, known as Topsail Landing Plaza; the proposed hours are seven days per week from 9:00 a.m. to 2:00 a.m.; the applicant has indicated a normal customer average of ten to fifteen customers; there will be typically one but no more than two employees on site at any time; other than minor interior building upfit, no additional development is proposed; the site is adjacent to an existing bar, now or

formerly known as Ultra Classic Bar and Billiards; and the site has existing, direct access to US Highway 17. Ms. Cat Cacciatore spoke in opposition to the sweepstakes center. She said the site is next to a bar in the same strip mall; it would be irresponsible to allow it when it is ten steps from the bar; people can't smoke in the bar, but they could go the sweepstakes center to smoke, and people can't drink in the sweepstakes center, but they could go next door to drink; and there is a residence adjacent to the site. Mr. Tate asked how can they allow one center to open and not another. Mr. Ward reiterated what Ms. Cacciatore said about drinking and said excessive drinking could cause problems. Mr. Brown asked what kind of security they would have. Ms. Diana Dang, the applicant, responded they would have cameras and a button that rings directly to the Sheriff Department. Mr. William Dawson said he lives on the property adjacent to the strip mall and he is opposed to the sweepstakes center. Mr. Dawson said part of his son's chores now is picking up trash thrown onto their property by the bar patrons. There was more discussion and questions from Board members. Mr. Ward said he is not against anything but he is concerned with this location because it has had issues in the past. Mr. Ward and other Board members discussed with Ms. Dang the possibility of finding another location for the business. Mr. Ward made a motion to deny the special use permit request, Mr. Tate seconded the motion and it was unanimously denied.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Planning Items Reviewed by:



Planning Staff