

MONDAY, FEBRUARY 6, 2012

The Pender County Board of Commissioners met in regular session on Monday, February 6, 2012 at the Surf City Welcome & Visitors Center, 102 North Shore Drive, Surf City, NC 28445.

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: Amber Parker, Interim 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.

Mayor Zander Guy thanked the Board for holding the meeting in Surf City and welcomed all.

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 Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Williams led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Loirie Rutledge, Yes Port NC: Presentation Regarding Proposed International Port.**

Ms. Rutledge, Executive Director explained: On behalf of the Yes Port NC Organization, she is here to request Pender County to adopt a resolution in support of the recommended feasibility study of the North Carolina International Terminal/Wilmington Harbor Project; the majority of Southeast North Carolina as well as other counties, towns and non-government organizations of North Carolina would like to know the facts surrounding this particular project; reports and data from the North Carolina State Port Authority have disclosed that this project has the potential to create and/or support thousands of jobs and businesses across the state; the project was placed on indefinite hold by the NC State Port Authority prior to the feasibility study being conducted by the U. S. Army Corps of Engineers; since that time, Yes Port NC has gathered 37 resolutions in support of the feasibility study to determine whether if this is in fact a viable project to help maintain the Wilmington Harbor and take advantage of any and all water resource development opportunities; if determined viable, the North Carolina International Terminal (NCIT) Project will help fulfill the Wilmington Harbor Project's navigation and commerce demands that date as far back as 1870; and she is asking for Pender County's support by joining the 16 other NC counties, 10 local municipalities and 11 non-government organizations, and adopt a resolution in support of the NCIT Feasibility Study. Board members agreed that by the way the item was listed on the agenda, they thought it would be for presentation only today. Ms. Rutledge was told the item will be put on the next agenda as a resolution, to be voted on.

PUBLIC COMMENT

Mr. Hiram Williams said he is here to complain about the 2011 revaluation. He explained: They have a real mess on the island; the reval people didn't do a good job; the Board needs to let the next reval be done in-house by the Tax Office; he has gotten numerous phone complaints; some of the problems were so significant in some cases, they couldn't get an explanation from the company, the Tax Office or the Board of Equalization and Review on how the numbers were generated; none of these entities can agree on anything; it is too late to do anything now but for the next reval, the Board should start thinking ahead of time. Mr. Rivenbark asked what Mr. Williams' feeling on the revaluation intervals are and Mr. Williams said maybe they can think about every two or every four years. Mr. Williams thanked the Board for coming to this side of the County. Commissioner Williams said the Board has talked in the past about doing revaluations in-house versus outside contracts. He said a lot of people are by-passing the Board of E&R and going to the State with the questions. Mr. Brown said the company came to us with high recommendations, he thought we were making the right decision to hire an outside contractor to do the reval and he would think most people would prefer the reval be done every eight years.

Commissioner Williams thanked Amber Parker for stepping up until the new County Manager comes on board. Mr. Brown explained to the audience that Ms. Parker is Pender County's Human Resources Director and she is stepping up to the plate as Interim County Manager.

CONSENT AGENDA

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

2. Approval of Minutes: Regular & Closed Session Meeting of January 9; January 13; January 17; and January 21, 2012.
3. Resolution Approving Tax Releases and Refunds as Listed Herein.
4. Resolution Accepting Petition to Add Hardison Drive in the Edgecomb Community, Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
5. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2011-2012: \$7,132.00.
6. Resolution to Award Contract with and Purchase Order to Debnam Services, Inc. for Transportation and Medical Examiner Services in an Amount Not-to-Exceed \$18,750.
7. Resolution Authorizing Issuance of Purchase Order to VisionAir for Software Maintenance and Support in the Amount of \$36,331.60.
8. Resolution to Declare a Smith & Wesson Model 4506 Handgun Surplus and Award to John Mark Dixon in Recognition of His Service to the Citizens of Pender County in the Pender County Sheriff's Office.

RESOLUTIONS

9. **Resolution Authorizing Heating System Equipment Financing for the Surf City Volunteer Fire Department.**

Emergency Management Director Tom Collins explained: Surf City VFD is in the process of obtaining a loan to replace the heating system in the bay area of the fire department; the amount of the proposed financing is \$5,500; the recommended financial institution is requiring approval of the County Board of Commissioners; the fire department's contract with Pender County also requires

Board of Commissioners' consent if the total amount of debt service exceeds 25% of the amount of annual property tax revenue-this exceeds that threshold so County approval is required; the County also requires competitive bidding for financing of any equipment-the following financing bids were received: United Financial-\$5,500 at 5.25% interest and 5 annual payments; and Bank of America-\$5,500 at 12.74% interest and 60 monthly payments; after evaluating the financing bids, the Department recommends and desires to pursue a financing agreement with United Financial; and this is the same financial institution they used to refinance their truck loan. After Board members discussed the item and asked questions, Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

10. Resolution Approving Tax Exempt Refinancing Loan for Hampstead Volunteer Fire Department.

Mr. Collins explained: The department currently has a USDA loan for two fire engines with a balance of \$346,000; the department has an opportunity to refinance the loan with another institution (First Citizens Bank) which will result in a savings of over \$18,000 over the term of the loan; they are getting a lower interest rate; and can pay the loan off on a monthly basis instead of yearly, saving even more. Bob Reid, Treasurer of Hampstead VFD, added they were able to get 2.85% interest with a local bank, instead of the 4.25% they are now paying. Mr. Ward said he appreciates the Department going local. After more discussion and questions by Board members, Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

11. Resolution Declaring Electrocardiogram Equipment as Surplus.

Health Director Carolyn Moser explained: This equipment was purchased a year or so ago before she arrived; they do not have staff trained to use the equipment and they don't need it; and the Board of Health has recommended the equipment be declared surplus by the Board of Commissioners so that it can be sold. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

12. Resolution Approving Amending Health Department Fee Schedule for Fiscal Year 2011-2012.

After explanation from Mr. Brown that there are still some errors in the proposed amended fee schedule and the Board of Health requested it be pulled from the agenda, it was the consensus of the Board to table this item to the next agenda. Mr. Tate asked what the reason is for the variations in the fees-some remained the same, some decreased, and some increased. Ms. Moser said they try to keep up with what is going on around the State, by comparing with other counties; and they also have to consider Medicaid payments.

PUBLIC HEARING

13. Public Hearing to Receive Public Comment on Proposed Options for Creating New County Commissioner Voting Districts.

The public hearing opened at 4:30 p.m. Mr. Brown explained the Board has been working for several months to develop various options for new Commissioners' districts; the Board has chosen a very open and transparent process; and the purpose of the new districts is to correct a significant imbalance in district populations that has occurred since the last redistricting in 1995. The following individuals signed up and spoke:

Hiram Williams: Hampstead Resident and Developer: The Board did a great job on all five maps; all five would work; Option 5 would keep Surf City together; and #4 is his second choice.

Karen Gonzales: Hampstead Resident and School Board member: Concerned that Options 1 & 4 are doing away with one of the areas and how that is going to affect the voting. Mr. Williams said you can't factor voting in when you create the districts because you can't say so and so commissioner lives here-he said it is done completely by census blocks. Ms. Gonzales said Option 4 is her choice.

Bob Muller, Hampstead Resident and Pender County Republican Party Chairman: Thanked the Board for bringing this to the forefront and thanked the Board for bringing this meeting to Surf City. Said the Board has done a good job of evenly distributing Pender County's population in the maps; he broke down the numbers by precinct on his computer and came pretty close to option four; number four has a good distribution between the five districts; and there is not more than a three percent variance between any one of them, but he would hope number four is the one the Board opts for.

Howard Braxton, Topsail Beach Mayor: He and his Council members came here to listen to what their residents have to say; they want to hear what the residents want to do so they can get back to the Board of Commissioners with their decision.

Other individuals who spoke were:

Mr. John Goller: Agrees that the Board was very equitable in making the maps; he and others from Topsail Beach are here; the beach communities need to stay together; they would not opt for Option 5; and they opt for Option 1 or 4.

Ann Steward: Burgaw is in the "bull's-eye" in Options 1, 2 and 3; concerned about beach communities staying together; and are people in Burgaw not concerned about being with Holly Shelter? Mr. Brown explained this won't affect voting; people vote for all five Commissioners; and this is done by census. Ms. Steward asked if these are projections for future growth and Mr. Thurman said you can't base districts on projections, it has to be based on people you know are actually there.

Charles Jacobs: He hadn't seen the maps; would the Board vote on the majority of what the people say; and how long before the Board brings it to a vote.

Mr. Thurman said the General Assembly meets in May and we want to have this lined up before they get started and to have a bill introduced.

Mr. Brown said it would be easy to manipulate the districts any way they wanted to, but they went to Raleigh with one purpose in mind-to have five equal districts by population, and that is the only criteria by which these maps were made.

Mr. Williams said the redistricting process was started early and the Board has been progressing slowly and deliberately. He said he, Mr. Brown and Mr. Rivenbark went to Raleigh, it took them a long time, staff pulled together the populations, they pulled the numbers off the census blocks, and he hopes the School Board follows suit. Mr. Williams said we don't want a year from now for someone to say we pushed it through for any reason.

Commissioners agreed they would like to continue to seek public input into the redistricting process, staff will make the maps more visible on the internet, the Board will hear public comments again at the February 21st meeting, and the resolution will be put back on the March 19th agenda. Mr. Brown said we did not have a lot of reaction during the last public hearing and he doesn't remember anybody

coming and speaking on the issue. Mr. Williams said he hopes more people will show up, send us an email and let us know, he hopes everyone has an opportunity to look at the maps, and we want to hear what people think. Mr. Tate said he had heard very little response on redistricting from residents on the western side of the County. He said he has had some response, but he would like to hear more from people on the western side. The public hearing closed at 5:05 p.m. There was no formal action required.

ITEMS FROM THE COUNTY MANAGER

Ms. Parker said Superintendent of Schools Dr. Terri Cobb would like to reactivate the Priority One Committee and hold a meeting to discuss various items. Mr. Brown said Mr. Tate and Mr. Williams were the former Commissioner Representatives on the Committee and asked if they wanted to continue, or if someone else wished to be on that committee. No decision was made.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are items for Closed Session with reference to Items Number 4 and 5. Mr. Thurman also noted he is in the process of dealing with some of the tax appeals. He said folks are looking at 1 ½ to 2 years to be heard by the Property Tax Commission; and he had filed motions to dismiss cases that were late. Mr. Thurman and Board members discussed property values, time frame for appearing before the Board of E&R, appeals process and other tax matters.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown was concerned about solid waste issues and complaints he had received about folks trashing their yards. He asked if possibly the Code Enforcement Officer could help in this area, and asked that it be put on the next agenda. Mr. Breuer said he thinks only sworn Law Enforcement Officers can enforce solid waste issues now, but we can possibly amend the Solid Waste Ordinance to grant authority to the Code Enforcement Officer to enforce the current provisions regarding disposal of refuse and garbage.

Mr. Ward asked about the foreclosures in the legal section of the *Pender Post* and why there is not consistency in posting them in the *Pender Chronicle* and *Topsail Voice*. Mr. Brown said the *Pender Post* is the "Paper of Record" for the County. Andy Pettigrew of the *Post* said all legals are purchased by individual attorneys and the County has nothing to do with them. Mr. Pettigrew said the delinquent property taxes that are posted annually are bid out by the Tax Office and the lowest bid taken, but the County has nothing to do with individual foreclosures and other legal ads. Mr. Ward talked about Board meeting times and possibly adjusting them to make it as convenient for the public as possible. It was noted that the 10:00 a.m. meetings had been changed to 4:00 p.m. meetings for the convenience of the public. Mr. Ward also thanked the Board for agreeing to meet in Surf City.

Mr. Brown apologized to the Surf City Mayor why we had the budget meetings in Burgaw instead of Surf City, noting it is more convenient for departments, costs less money and we don't have to move equipment. He said we will look at having more meetings on the eastern side of the County.

Mr. Tate said we have great talent within the Pender County Government Organization, noting the two books published by Human Resources Director Amber Parker, and said this is legacy-building. Mr. Tate also spoke concerning the budget Mr. Benton had prepared and asked the Board to consider taking \$1,000 from each Commissioner's stipend to give scholarships to school children, by giving them the incentive to write essays on the Roles of County Government. He said the second part could be the allocation of funds to County employees who go back to school.

Mr. Rivenbark said the NCAE (North Carolina Association of Educators) just came out with a PowerPoint to teach about the roles of County Government.

CLOSED SESSION

At 5:30 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 6:15 p.m. There were no announcements made.

ADJOURNMENT

There being no further business, Mr. Williams made a motion to adjourn. Mr. Ward seconded the motion, it was unanimously approved and the meeting adjourned at 6:15 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Amber M. Parker, Clerk to the Board