

JULY 23, 2012

The Pender County Board of Commissioners met in regular session on Monday, July 23, 2012 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: Dr. Mickey Duvall, 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.

INVOCATION

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

ADDITIONAL ITEM

Mr. Brown said he has an additional item for the agenda concerning Pender Alliance for Teen Health (PATH). Mr. Rivenbark made a motion to add the item, Mr. Williams seconded the motion and it was unanimously approved. Mr. Brown explained: PATH is a non-profit group of various agencies that are dedicated to improving health access for adolescents in Pender County; the health services have nothing to do with Family Planning; PATH has the opportunity to apply for a federal HRSA capitol grant for \$500,000; the grant will help them secure space to operate out of; and as Chairman of the Board and a member of the Health Board, he signed a letter of support for the grant. Mr. Brown read some of the members' names and the agencies they are with.

PUBLIC INFORMATION

1. Tribute to North Carolinian and Actor Andy Griffith.

Mr. Williams explained he requested this tribute to Andy Griffith because the Andy Griffith Show was one of those positive things that help shape lives by teaching lessons of family values and morals. Mr. Williams said he would like to make this a resolution to honor Mr. Griffith and made a motion to do so. Mr. Rivenbark seconded the motion and it was unanimously approved.

2. Presentation by 4-H Delegates About Their Recent Experience at 4-H Citizenship NC Focus in Raleigh, NC during June 11-13, 2012.

4-H Agent Lauren Langley explained she had earlier requested funds from the Board and they were provided, to send two 4-H members to the 4-H Citizenship NC Focus held in Raleigh June 11-13, 2012. Ms. Langley introduced the youth that attended, Jesse Gales and Taylor Philemon. Mr. Gales and Ms. Philemon thanked the Board for sponsoring them and relayed their activities in Raleigh, which included they actually got to sit on the Senate floor. One of the requirements of the conference was

each student had to select an action plan that they would develop. Mr. Gale's plan will be to start a voting drive in schools; Ms. Philemon's will be to put bins in schools to collect clothing for less fortunate people in the County.

3. Sheriff Carson Smith: Update on Pender County Animal Shelter.

Sheriff Smith said Darlene (Clewis) and the others at the Animal Shelter do an excellent job working hard to adopt animals out, and they do everything they can to avoid euthanization of the animals. He explained that since the Sheriff Department took over Animal Control in July 2011 their major projects include: Upgraded Shelter Management software, VIPER radios, a crematory, exterior and interior dog kennels, interior maintenance and additional dog and cat traps. He gave details of each category. Sheriff Smith then read some statistics, including the number of intakes, adoptions, and deaths from January to June of 2012. He said their goals include: Continue Adoption and Rescue Program; maintain low euthanasia rate; construct a cat room; increase rabies vaccinations; and additional adoption and fund raising events. Mr. Brown made remarks commending Ms. Clewis' adoption program. Mr. Tate said at first he was concerned that the incinerator would increase the number of deaths and now he is glad to see these low numbers. Mr. Tate asked how long Animal Control contains lost animals and Sheriff Smith responded 72 hours.

PUBLIC COMMENT

Monica Loughlin of Watha, a bear owner, said she would like to know what the Board's thoughts are with reference to Item No. 27. Discussion ensued with Mr. Brown saying they decided to talk about this after the monkey bite, and they don't want a repeat. Mr. Williams said he has taken his kids to Ms. Loughlin's to see the bears; the Board is not prepared to make a decision at this point; and when a decision is made, those with exotic pets would likely be grandfathered in. Mr. Brown agreed with Mr. Williams. He said "but we have to do something." Ms. Loughlin said she is not sure the Sheriff could handle this if it is regulated.

Wayne Barnhill of Burr Road in Currie spoke. Mr. Burr's comments included: He doesn't get anything for his tax dollars; the State won't pick up trash on Burr Road-he picks it up; he has spoken to the Sheriff about this but nothing has been done; he has to go all the way to the Rocky Point Convenience site to take electronics that are no longer useful; his taxes have tripled since 1994; when there is movie filming in the area, Pender County Sheriff's Deputies are out there just sitting in County cars; if he calls the Sheriff Department it will take 45 minutes to an hour for them to get there; the State took some of his property at the waterline of a creek; there have been several incidents in the area in which it took deputies and rescue workers forever to respond; people go out drinking, speeding and littering on Burr Road; he doesn't see why the State wastes money on signs and then don't enforce them; he's paying plenty of taxes and getting nothing in return; they have no representation on the west side of the county; and the Board can either help them or just take them out of Pender County-he is willing to be taken out. Mr. Ward asked what does he want the Board to do and Mr. Barnhill said they can have a Deputy sitting there to catch people drinking and driving, speeding, and throwing trash on the road. Mr. Brown said he is in the same situation as Mr. Barnhill in having to pick up trash from the road. Mr. Tate said he has concerns about Mr. Barnhill's comments; he has been criticized on a lot of the issues Mr. Barnhill mentioned today; some of the agencies Mr. Barnhill mentioned are State agencies and not the County's; and Mr. Barnhill needs to sit down with his Commissioner Representative to discuss his problems, where the taxes go and what he gets for his tax dollars. Mr. Brown said he will sit down and talk with Mr. Barnhill, and he will visit the area.

CONSENT AGENDA

Mr. Brown presented the thirty-six items on the Consent Agenda and asked for any discussion or questions. Several items were discussed. Mr. Brown asked Health Director Carolyn Moser if there was a typo on page 4 of the contract for Dr. Bannan under Item No. 7 as to the amount of the bi-weekly payments. Ms. Moser stated there was a typo on the document and the amount should be changed from \$194,250 to \$11,200. Mr. Tate asked if funding for this item came from grants and Ms. Moser said funding comes from fees and The County. Mr. Tate asked if it was grant funded in the past and Ms. Moser responded yes, but the grant expired. With respect to Item No. 12, Mr. Brown asked if it was bid out. Human Resources Director Amber Parker responded we have benefits brokers and they bid it out. With respect to Item No. 13, Mr. Brown asked how it benefits employees. Ms. Parker explained: The EAP assists employees with job-related and personal issues that can lead to reduced productivity; and the program includes a 24/7 assistance hotline, up to six counseling sessions per issue for each employee and their dependents, bereavement services, after-termination services, manage consultation, service locators and web-based training and wellness seminars. Mr. Tate asked how far employees have to travel for this service and Ms. Parker responded she thinks the nearest counselors are in Wilmington. With respect to Item No. 14a, Mr. Brown asked how many locations accept tires and Administrative Assistant Melinda Knoerzer responded five. Mr. Brown asked if the \$80,000 is split evenly among all five locations. Utilities Director Michael Mack responded it is based on the net total of all hauls from each site. With respect to Item No. 15, Mr. Brown noted the resolution doesn't state a name. Mr. Rivenbark agreed and it was the consensus of the Board that Mr. Rivenbark would be the Voting Delegate for Pender County for the NCACC Annual Conference. Mr. Rivenbark made a motion to approve the Consent Agenda, Mr. Williams seconded the motion and it was unanimously approved as follows:

4. Approval of Minutes: Regular and Closed Session Meetings of June 18, 2012.
5. Resolution Approving Tax Releases and Refunds as Listed Herein.
6. Resolution Authorizing Approval of the Payment of Membership Dues: Southeastern Economic Development Commission: \$5,222; School of Government: \$5,671; and Cape Fear Council of Governments: \$21,203.
- 7a. Resolution Authorizing Approval of Purchases Order for Health Department Waste Removal Service Contract for Fiscal Year 2012-2013: \$4,500.
- 7b. Resolution Authorizing Approval of Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2012-2013: \$6,204.
- 7c. Resolution Authorizing Approval of Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2012-2013: \$7,938.
- 7d. Resolution Authorizing Approval of Purchase Order for Health Department Medical Professional Liability Renewal for Fiscal Year 2012-2013: \$9,675.12.
- 7e. Resolution Authorizing Approval of Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2012-2013: \$9,879.
- 7f. Resolution Authorizing Approval of Purchase Orders for Health Department Medical & Dental Expense Service Contract for Fiscal Year 2012-2013: \$13,000.
- 7g. Resolution Authorizing Approval of Purchase Order for Kim Herring, Dental Assistant Contract for Fiscal Year 2012-2013: \$13,312.
- 7h. Resolution Authorizing Approval of Purchase Orders for Health Department Radiology and Mammography Services Contracts for Fiscal Year 2012-2013: \$22,944.
- 7i. Resolution Authorizing Approval of Purchase Order for the Health Department for COECO Services Contract for Fiscal Year 2012-2013: \$30,000.

- 7j. Resolution Authorizing Approval of Purchase Orders for Health Department Specialized Laboratory Testing for Fiscal Year 2012-2013: \$37,000.
- 7k. Resolution Authorizing Approval of Purchases Orders for Health Department Consultant Services Contracts for Fiscal Year 2012-2013: \$43,000.
- 7l. Resolution Authorizing Approval of Purchase Order for Jennifer Messer, Dental Hygienist Contract for Fiscal Year 2012-2013: \$49,920.
- 7m. Resolution Authorizing Approval of Purchase Orders for Health Department Consultant Services Contracts for Fiscal Year 2012-2013: \$138,888.
- 7n. Resolution Authorizing Approval of Purchase Order and Contract for Health Department Service Contract with Pender County School District for School Nurse Funding Initiative (SNFI) for Fiscal Year 2012-2013: \$150,000.
- 7o. Resolution Authorizing Approval of Purchase Orders for Health Department Dental Service Contracts for Fiscal Year 2012-2013: \$202,250.
- 8a. Resolution Authorizing Approval of FY 12/13 Information Technology Services (ITS) Department Capital Outlay, Other Equipment and Purchase Orders in the Amount of \$263,883.30.
- 8b. Resolution Authorizing Approval of Contract Service Renewals and Purchase Orders over \$5,000.00 for the Information Technology Services (ITS) Department for FY 2012-2013 in the Amount of \$267,105.27.
- 9. Resolution Authorizing Approval of Purchase Orders to Elections Systems & Software (ES&S) for Voting Equipment Licensing and Support in the Amount of \$38,249.48 Per Fiscal Year 2012-2013 and 2013-2014.
- 10a. Resolution Authorizing River Monitoring Purchase Order to the US Geological Survey: \$6,000.
- 10b. Resolution Authorizing DeltAlert Emergency Notification Purchase Order to Jacosoft, LLC: \$9,000.
- 10c. Resolution Authorizing FY 11-12 Budget Amendment to Accept Emergency Management Performance Grant Funds: \$14,636.29.
- 11a. Resolution Authorizing Issuance of Purchase Order to Carolina Recording Systems, Inc. for Annual Maintenance Renewal: \$5,200.
- 11b. Resolution Authorizing Issuance of Purchase Order to Sungard Public Sector for Software Maintenance Services: \$6,832.
- 11c. Resolution Authorizing Issuance of Purchase Order to Correctional Behavioral Health for Jail Inmate Health Services: \$14,500.
- 11d. Resolution Authorizing Issuance of Purchase Orders to US Food Service in the Amount of \$70,000 and NC Dept. of Corrections: \$15,000.
- 11e. Resolution Authorizing Issuance of Purchase Orders to NC Department of Corrections for \$75,000; New Hanover County Sheriff's Office for \$50,000; and Brunswick County Sheriff's Office for \$15,000.
- 11f. Resolution Authorizing Issuance of Purchase Order to Southern Health Partners: \$233,913.
- 12. Resolution Renewing Insurance Contracts: Medical/Dental, Worker's Compensation, Life and Business Insurance.
- 13. Resolution Authorizing Issuance of Purchase Order to McLaughlin Young Employee Services for the Provision of Employee Assistance Program Services: \$6,849.
- 14a. Resolution Approving a Five-Year Contract with and a One-Year Purchase Order to Central Carolina Tire for Tire Hauling and Disposal for FY 2012/13: \$80,000.

- 14b. Resolution Authorizing Purchase Order to Waste Industries for Waste Disposal and Hauling Services for FY 2012/2013: \$3,727,568.
- 14c. Resolution Authorizing Approval of Execution of Leases for the Solid Waste Convenience Sites that are not Owned by the County.
15. Resolution Appointing Voting Delegate for the 2012 NCACC Annual Conference.

Mr. Ward said there are a lot of contracts in the items and he thought we were moving toward replacing contracts with employees. Ms. Moser said the County's Pay Plan does not meet requirements for the Dentist and the Hygienist. Mr. Ward said there were a lot of reclassifications before that he had asked for information on. He asked how many school nurses there are and Ms. Moser said three that the States pays for. She explained the money comes to the Health Department and the Health Department passes it to the Schools.

The Board convened as the Rocky Point/Topsail Water & Sewer District Board at 5:10 p.m. and reconvened as the Pender County Board of Commissioners at 5:11 p.m.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT CONSENT AGENDA ITEMS

Mr. Tate made a motion to approve the Rocky Point/Topsail Water & Sewer District and Maple Hill Water and Sewer District Consent Agenda items. Mr. Williams seconded the motion and the items were unanimously approved as follows:

- 16a. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing Purchase Order to Environmental Chemists (Envirochem) for Testing and Sampling of the District's Water & Sewer Systems: \$16,500.
- 16b. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing Purchase Order to Utility Service Company, Inc. for the Annual Maintenance of the Three (3) Elevated Water Tanks and One (1) Ground Storage Tank within the District: \$47,500.
- 16c. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing Purchase Order to HD Waterworks for Water Installation and Repair Supplies: \$85,000.
- 16d. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing Purchase Order to T & D Quality Utilities, Inc. for Water and Sewer System Installations and Repair: \$150,000.

MAPLE HILL WATER & SEWER DISTRICT CONSENT AGENDA ITEM

17. Resolution by the Board of Directors of the Maple Hill Water & Sewer District Authorizing Purchase Order to Utility Service Company, Inc. for the Annual Maintenance of the Maple Hill Elevated Water Storage Tank: \$10,800.

RESOLUTIONS

18. **Resolution Authorizing Amendment to the Fiscal Year 12/13 Budget to Appropriate Funds for a One-time Employee Bonus, Total Not-to-Exceed \$265,000.**

Mr. Tate explained: It has been four years since County employees had gotten a raise and he had asked the Manager to look at other counties to see how they compensate employees. He also had asked the Manager and Finance Officer what were some possible funding sources available for funding to compensate employees; they found \$250,000 could be saved from the Vehicle Replacement Fund by

fleet lease purchase instead of purchasing them outright for cash. Mr. Tate said this is an attempt to help the employees. Mr. Brown said this is just a "band aid" for the problem, he liked the idea of a merit pay increase, he is not one for throwing bonuses around, and he would prefer to wait until they could do an in-house study to look at the deficiencies in some of the salaries. Mr. Williams agreed with Mr. Brown and said he prefers the County Manager's idea of a possible cost of living increase in January. He said he understands this is trying to help but he would rather see a long term methodical approach. Mr. Brown said if we do this, it would eliminate the COLA. Dr. Duvall agreed that it would be hard to do both the bonus and the COLA, but he will do whatever the Board wants him to do. Mr. Ward said he agrees with Mr. Tate. He said it amazes him that we have money to fund a park, but not take care of the employees. Mr. Brown said they are not ignoring the employees but are looking for a long-term solution rather than a quick fix. There was discussion of doing an in-house study versus hiring an outside agency. Mr. Tate said the last time the County did a pay study, many employees did not feel it was fair as they did not receive a salary increase. He asked why would we pay an outside agency to do a pay study when that money could be used to compensate employees. Mr. Brown said he suggested an in-house study. Mr. Tate said he didn't think anyone in-house could produce such a quantitative document and Mr. Williams responded it is not rocket science. At this point Mr. Tate told Dr. Duvall to pull the item off the agenda. Mr. Brown asked why they could not discuss the issue and said just because there is not complete agreement, they don't need to pull the item off the agenda. Mr. Ward asked that the item remain on the agenda. He said if things work out next year, then employees will get a raise, and if it doesn't they won't. Mr. Rivenbark said this is mid-budget year, he is surprised they found this money, and he would be in favor of giving the bonus and still doing the study to help with next year's budget. Mr. Brown said a COLA would be given to all, and not exclude the employees that got a raise, as the bonus does. Mr. Ward started to make a motion but Mr. Thurman stopped him saying while Mr. Ward could debate the issue, he could not participate in a vote because as a Pender County Deputy, he is a County employee and subject to the bonus. Mr. Ward declined to accept any bonus pay under this program, thereby making him eligible to vote on the matter and Mr. Thurman agreed. Mr. Brown said regardless of the outcome of the vote he still wants to see a pay structure study. Mr. Tate made a motion to approve the resolution, which excluded Mr. Ward from getting the bonus, and contingent upon Mr. Rivenbark's remarks and the Chairman's remarks to include a pay study. Mr. Rivenbark seconded the motion and it was approved by a 3-2 vote with Mr. Brown and Mr. Williams voting against it. Mr. Tate thanked Dr. Duvall and Mr. Watson for their diligence in finding the money for this.

19. Resolution Requesting the Board of Commissioners to Declare One County Owned Vehicle as Surplus and Transfer Title to Surf City Volunteer Fire Department.

Administrative Officer Pat Simmons explained: This resolution is to request the Board to surplus a 2005 Ford truck from the county fleet due to age and maintenance repairs; Emergency Management Director Tom Collins sent an e-mail to all Pender County Fire Departments saying if any Department was interested in the vehicle to respond by June 20, 2012; Surf City VFD was the only fire department to respond; and Chief Batts of Surf City VFD had contacted her about a year ago regarding a truck, but they didn't have one at that time. Following discussion, Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

20. Resolution Authorizing Approval of a Change to the Family Self-sufficiency Program at Seven Oaks Apartments.

Housing Director Judy Herring explained: The residents of Seven Oaks participate in the HUD Family Self Sufficiency (FSS) Program; all residents were limited to a life-time participation in the program of

five years; some families are not able to complete the program within five years and are choosing to move out; due to continuing lease-up concerns, the Governing Board of Seven Oaks (Pender Housing Initiatives Board) has voted to recommend adjustments in the FSS program; and the recommended changes include removing the life-time participation limit of five years and changing the FSS program from mandatory to voluntary. Mr. Rivenbark said he is the only current commissioner here when the program developed, and he gave a history of the program. Mr. Rivenbark said he would like to see a study of other programs of this type in the State before we make these changes. Mr. Rivenbark asked if Mr. Thurman had looked at it and Mr. Thurman said he doesn't yet know if it is legal to do what Ms. Herring is proposing. Ms. Herring said they are trying to make this a positive action because a lot of families are leaving the program, they become frustrated when they can't meet their goals, the success rate right now is very low, and it would be better if they could give families a little more time. Mr. Tate said he is concerned with the number of vacancies at the complex. Mr. Rivenbark said he wants Mr. Thurman to look at it. Other Board members agreed with Mr. Rivenbark. Mr. Thurman said he and Ms. Herring will sit down and look at it together. Mr. Williams made a motion to table the resolution until Ms. Herring and Mr. Thurman can bring back more options. Mr. Rivenbark seconded the motion and it was unanimously approved.

21. Resolution Authorizing Contract for Administrative Services for FY 11/12 CDBG-SSH Program to Holland Consulting Planners (HCP), Contingent upon Approval of Non-Competitive Negotiation Procurement by the Division of Community Investment and Assistance.

Ms. Herring explained: The county was awarded a \$400,000 FY 2011 CDBG Scattered Site housing grant which will assist four low-income owner-occupied households; administrative services will be needed to implement the program; Requests for Proposals were sent out for Administrative Services; only one proposal was received from Holland Consulting Planners; State approval was needed because of only one proposal being received; and approval of non-competitive negotiation procurement by the Division of Community Investment and Assistance has been received since the writing of the resolution. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

22. Resolution Authorizing Purchase Order to NRL Building, Inc., in the Amount of \$322,218 for the Purchase and Construction of a Metal Classroom Building at Heide Trask High School.

David Smith, Schools Director of Auxiliary Services, explained: There is currently approximately \$360,000 left in this account; they are requesting approval of a bid from NRL Building, Inc. for the purchase and construction of a 50' x 100' metal classroom building; there is potential for four classrooms in the building; there will be ROTC Vocational classroom space and individual storage for ROTC uniforms; the Board of Education unanimously approved this selection at their July 2, 2012 meeting, pending County Commissioner approval; it had been reviewed by others and the decision was made for a metal building; and a typical conventional building would cost twice as much. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

23. Resolution Authorizing Purchase Order to Highland Roofing Company for Roof Replacement at the Pender County DSS Department: \$58,400.

Mr. Mack explained: RFP's were sent to five firms; three responded; and the roof needs to be entirely replaced. Mr. Rivenbark asked why there is such a great deal of difference between the highest and

lowest bid. Mr. Mack responded the difference is the labor component because both their materials are the same. Mr. Rivenbark asked if Highland Roofing is the best contractor to do the job and Mr. Mack responded we are currently using them. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

24. Resolution Authorizing Approval of Bond Order for the Refinancing of all or a Portion of the County's Outstanding General Obligation School Bonds, Series 2008.

Finance Director Butch Watson explained: General Obligation School Bonds were originally sold in 1997; the Series 1997 Bonds were refunded in 2008; and since interest rates are close to historic lows, the County's outstanding General Obligation School Refunding Bonds, Series 2008 are presently a good candidate for refinancing. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

25. Resolution Adopting Resolutions Requesting Port Enhancement Zone Designations by NC Commerce.

Dr. Duvall commended Representatives Justice and McComas for getting this through legislation. He said former County Manager Rick Benton has been working on it in conjunction with Wilmington Business Development. Dr. Duvall distributed maps explaining that the tip of the area goes into New Hanover County, and said Mr. Benton is working to get approval from New Hanover County. Planning Director Kyle Breuer also distributed maps of the designated zones and explained the purposed of the zones. Mr. Breuer explained: Port Enhancement Zone areas will provide for tax credit incentives to business and industry located within 25 miles of a state port; the zones would become effective July 1, 2013; applications have been developed for two proposed zones in Pender County, one for the property comprising Pender Commerce Park on US 421 and one for the former Coty facility in Rocky Point; the applications have been reviewed by NC Department of Commerce; both locations meet the criteria set forth in the legislation; and the legislation includes over 11% of the households in the census tracts in which the proposed zone is located have incomes of \$15,000 or less. Mr. Williams said he echoes Dr. Duvall's commendation on Representatives Justice McComas. The question was asked about possible Enhancement Zones in Burgaw. Mr. Breuer said they did look at the Shell Building in Burgaw, but it doesn't qualify because it is not within the 25 mile radius of the Wilmington State Port. Following more discussion, Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

26. Resolution Requesting Approval to Disinter Graves, Located off Watts Landing Road, Hampstead.

Planner Ben Andrea explained the resolution was tabled from the May 18, 2012 meeting, at which time the parties involved were encouraged to seek mediation and resolve their differences. Mr. Andrea said as he understands it, the Orrs did attempt mediation but was unsuccessful. Mrs. Orr verified that they couldn't come to any agreement with the other parties, the Kings. Mr. Williams said he hated the idea that the Board would have to make this decision but he has been in communication with Mrs. Orr and he feels differently than he did then. He said he tends to agree with the Orrs now and if he were the Orrs he would be doing the same thing. Mr. Brown's comments included: He learned more about the situation since the last meeting and he agrees with Mr. Williams; the Orrs had been pushed to the limit; he has looked at the pictures and the cemetery is clean; he thinks they have done all they can to make the cemetery accessible and no one is keeping anyone out; under different circumstances he would not even consider this; he believes there is an underlying motive; and he doesn't know how the Orrs have put up with this. Mr. Thurman said as a follow-up to Mr. Ward's question, no taxes have been paid,

cemeteries are tax exempt, and this property has never been taxed. Mr. Thurman said both sides are here tonight and at least one side wants to have it continued. Mr. King's Attorney, Matt Buckmiller, said he and the Orr family attorney had agreed to once again try mediation and wanted the issue tabled. Mr. Brown said he is ready for the Board to make a decision. Mr. Ward said they met for two hours on this and gave them 60 days to work this out and he doesn't feel another 30 days will help. He said he is not in favor of another 30 days, he thinks that is a slap in his face, and he asked for the 60 days. Andrew McVey, the Orrs Attorney, said he had agreed to try more mediation earlier that day but had not had time to completely confer with his clients. Mr. Brown asked the Orr family if they wanted this ended tonight and they said yes. Mr. Ward asked Mr. Thurman if the two sides had even tried over the past 60 days or if they had taken the Board up on their offer to let him participate in the matter. Mr. Thurman said he sent out an initial e-mail after the meeting and there was a follow-up reply, but nothing until last week when he sent out another e-mail. He added they did not ask him to participate. Mr. Ward said if the Board sides with the Orr family they are not telling them to move the cemetery but rather allowing them to move it and if they wanted to mediate after that it was up to them, and the Board would be out of the case. Mr. Williams said a Board decision tonight may give them a bargaining chip in mediation. Mr. Tate said the decision is difficult but he will base his position on the historical concerns of moving the graves. Mr. Thurman said if the Board approves the request, by law they would have to appoint someone to oversee the removal. Mr. Buckmiller said the Board is not addressing the point on whether or not the cemetery is abandoned, which would be the legal reason allowing the removal. He said if they Board allows this they are ignoring the Court of Appeals. Mr. Williams said they are elected officials and maybe in time they will be proven right. Mr. Ward then made a motion to approve the resolution, Mr. Williams seconded the motion and it was approved by a 3-2 vote, with Mr. Tate and Mr. Rivenbark voting against it. Mr. Tate said the only person who talked with him was Mrs. Orr. He said as a Historian he has a problem voting for this and a problem voting to move any cemetery. Mr. Brown said he doesn't think the Orrs intend to move the cemetery, we are just giving them the right.

DISCUSSION

27. Discussion of Possibly Updating Animal Control Ordinance to Include Regulation of Exotic Animals.

Mr. Brown explained he wants to address this issue because he would like to eliminate the possibility of the monkey incident being repeated. Mr. Brown was referring to the case of a monkey biting a person, which had occurred a few months earlier in the County. Mr. Williams agreed with Mr. Brown and said the monkey bite was the last straw. Mr. Brown said he would like to reassemble the 2010 committee the board put together that addressed dogs in the Animal Control Ordinance. He said that committee worked very well together and made recommendations to the Board. Mr. Brown said he had been contacted by Forrest Casha who was a member of that committee, Mr. Casha had already done some research on exotic animals and he was eager to start with a new committee to address the exotic animals issue. After more discussion, it was the consensus of the Board to appoint a committee to a study and make recommendations on exotic animal. Mr. Williams said Mrs. Loughlin should sit on the committee, or another exotic animal owner. The committee will consist of one person from each district in the County, an exotic animal owner, the County Manager, Sheriff, a person from Animal Control and the Health Director.

APPOINTMENTS

28. Resolution to Consider Approving Appointment to the Pender County ABC Board; Pender County Nursing/Adult Care Homes Advisory Committee; and Pender County Parks Recreation Advisory Board; and Pender Memorial Hospital Board.

Mr. Brown introduced the resolution and noted the Parks and Recreation Advisory Board is the only Board that has more than one applicant for the same position. He said Barney Roughton has served one term on this Board, Mr. Roughton is reapplying, and he understands Mr. Roughton is a very good member of the Board. Mr. Rivenbark made a motion to reappoint Barney Roughton to serve a three-year term on the Parks and Recreation Advisory Board representing an At-Large position, with term to expire June 30, 2015. Mr. Williams seconded the motion and it was unanimously approved. Mr. Rivenbark then made a motion to approve the remaining appointments: Virginia Barnhill is reappointed to serve a three-year term on the ABC Board representing District 5, with term to expire June 30, 2015; George Grubbs is appointed to serve a three-year term on the ABC Board representing District 1, with term to expire June 30, 2015; Thomas Dareneau is appointed to serve a one-year term on the Nursing/Adult Care Homes Advisory Committee representing a Public Citizen position, with term to expire June 30, 2013; and Kenneth Johnson is reappointed to serve a three-year term on the Pender Memorial Hospital Board representing District 1, with term to expire June 30, 2015. Mr. Williams seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he has items for Closed Session.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall congratulated Tax Assessor Tony Masiero for completing his classes and receiving all his certifications. Dr. Duvall also reminded the Board of the upcoming NCACC Annual Conference and said he will be starting to solicit goals from Board members for next year's conference.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Ward asked about reclassifications and said the Board needs to set some criteria for this and criteria for giving employees raises. Mr. Ward asked the name of the County's liaison for the Fire Commission and Dr. Duvall responded Emergency Management Director Tom Collins. Mr. Ward asked why the Fire Marshal comes under Emergency Management and to whom concerns are directed. He said we need structure with the fire departments to address items such as substations. Dr. Duvall said Chris May of the COG is working on a strategic plan for the fire departments to include structure.

CLOSED SESSION

At 6:45 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; 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. Mr. Williams seconded the motion and it was unanimously approved. The Board exited Closed Session 7:28 p.m. There were no announcements made.

PUBLIC HEARINGS: LAND USE PLAN AMENDMENT/SPECIAL USE PERMITS/ RESOLUTIONS

29. Public Hearing and Resolution Requesting an Amendment to the Pender County Comprehensive Land Use Plan, Incorporating CAMA Required Elements.

The public hearing opened at 7:28 p.m. and closed at 7:30 p.m. Mr. Breuer explained: The Board adopted the 2010 Comprehensive Land Use Plan on June 21, 2010 and it became effective July 1, 2010; The Division of Coastal Management reviewed the Plan to determine compliance with CAMA Land Use Planning Guidelines; eleven items were identified that needed to be included within the Plan to meet CAMA requirements; staff addressed all items and presented the detailed revisions to the Comprehensive Plans and Policies Committee, Planning Board and Board of Commissioners in May and June; this item is an update of information previously submitted; and staff is presenting the plan for adoption tonight and will proceed with the certification process through the Coastal Resources Commission in August 2012. Mr. Rivenbark made a motion to approve the Resolution, Mr. Williams seconded the motion and it was unanimously approved.

30. Public Hearing and Resolution Requesting Approval of a Revision to an Existing Special Use Permit (SUP) for the Expansion and Extension of Expiration of a Borrow Pit Mine, Located at 9265 Old River Road, Burgaw.

The public hearing opened at 7:30 p.m. and closed at 7:48 p.m. Mr. Thurman swore in the witnesses. Planner Ashley Frank explained: The original SUP was issued for the construction and operation of a Sand Borrow Pit Mine, conditioned with a ten year expiration date and a minable area of 8.0 acres; these revisions will modify the conditions to allow for another ten year term and to allow the minable area to be expanded an additional 5.63 acres; and these are the only requested revisions for the SUP. Ms. Frank explained the Land Use Proposed; Property Record Number and Location; Zoning District of Property; Project History; Project Description; Evaluation; and Conditions to Consider. Ms. Frank noted that with reference to Condition #9, the original SUP called for a buffer but one was never required because of the natural buffer. She also noted that the applicant plans to use another building he owns in the area for restroom facilities. Mr. Williams asked if the current SUP has any violations and Ms. Frank answered no. Mr. Mark Thrift spoke concerning drainage problems in Old River Acres Subdivision. He explained: Morgan Cove Subdivision drains into Old River Acres; the owner doesn't maintain the outfall ditches; and they were originally assured Morgan Cove would not drain into Old

River Acres. Mr. Thrift asked if the mining project will affect their property. Engineer Mark Walton spoke on behalf of the applicant and explained and demonstrated where the water is pumped into a ditch and goes to Pike Creek. He said there is no way the mining pits affect Morgan Cove or Old River Acres. Mr. Breuer said Mrs. Irene Baker had contacted him and he explained the actions of the County and State for her. Mr. Walton reiterated that the runoff that is coming from Morgan Cove to Old River Acres has nothing to do with mining. Mr. Rivenbark made a motion to approve the Special Use Permit Request, Mr. Williams seconded the motion and it was unanimously approved.

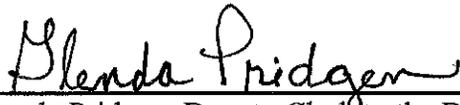
31. Public Hearing and Resolution Requesting Approval of a Special Use Permit for a Cottage Occupation Consisting of the Small Scale Manufacturing of Bullets and Loading of Small Arms Ammunition for Legal Sale to Individuals and Retail Stores, Located at 807 Old Maple Hill Road North, Maple Hill.

The public hearing opened at 7:49 p.m. and closed at 7:51 p.m. Mr. Thurman swore in the witnesses. Mr. Breuer explained the Land Use Proposed; Property Record Number and Location; Zoning District of Property; Property History; Project Description; Evaluation; and Conditions to Consider. Mr. Breuer noted the owner will not be selling to individuals at this location. Property owners Alton and Patricia Lanier, neighbors of the property, said they are present in support of the applicant. After discussion and questions, Mr. Ward made a motion to approve the Special Use Permit Request, Mr. Williams seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting was adjourned vote at 7:52 p.m.

Respectfully Submitted,



Glenda Fridgen, Deputy Clerk to the Board

Reviewed By:



Dr. Mickey Duvall, Clerk to the Board/Amber Parker, Human Resources Director

Planning Items Reviewed By:



Planning Staff