

**AUGUST 20, 2012**

The Pender County Board of Commissioners met in regular session on Monday, August 20, 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 Rivenbark offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Williams led the Pledge of Allegiance.

**PUBLIC INFORMATION**

**1. Recognition for Burgaw Dixie Youth Belles All-Star Team: State Champions.**

Mr. Brown gave background information and explained it is a tradition for outstanding student athletes to be recognized by the Board of Commissioners. Mr. Brown read certificates and Mr. Rivenbark presented them to the following: Kristina Collier, Rebecca Cooper, Anna Craft, Emilee Craft, Haylie Dockery, Kyra Holmes, AJ Johnson, Taylor Rivenburgh, Carlie Savage, Nicole Schilling, Haley Smith, Manager Cliff Smith, Coach Mike Collier, and Coach Jamie Craft. Coach Craft accepted certificates for the ones that were not present. Mr. Craft explained some of the players are not present because they are playing Volley Ball. He said this is Kristina's fourth time as a State Champion, it is some of the others second time, and they won the State Championship last year. Mr. Craft thanked the Board for supporting the team.

**2. Robert Kilroy, Pender County Clerk of Court: Update on Courthouse Improvements.**

Mr. Kilroy explained: He and his staff met with the County Manager and some of his staff last month to discuss sidewalk replacement at the Courthouse; the contractor began work on the sidewalks this morning; and their next steps are to clean the outside of the building, clean the gazebo, and replace two outside doors. He thanked the Board for all the help and support they give. Mr. Ward spoke concerning the record number of 1,100 court cases recently in one day and having a Bailiff in the lobby there helped move the people along. Mr. Kilroy then unveiled a print of the Courthouse. The picture is the northwest corner of the Courthouse with the building, trees and grounds covered in snow. Mr. Kilroy explained: A couple from Wallace took the picture last Christmas and sent it to him; he had the picture blown up and put on silk canvas; the

prints usually cost \$138 but he got them for \$101; he gave three to the County Manager to hang in the meeting room and other places; and he is ordering six more. Mr. Brown complimented Mr. Kilroy on the print.

### **PUBLIC COMMENT**

Mr. Owen Sewell of the Montague Community in Currie again addressed the Board and asked for help concerning the farmer shooting deer in his neighborhood within close proximity of homes and other buildings. Mr. Sewell's comments included: The situation is out of hand; there is no law protecting him and the others in the area; it is unsafe for the farmer to shoot deer so close to their homes; if he was shooting during the day it would be better because he could see what he is shooting; they can't reason with the farmer; there are forty-two homes that he is shooting near; and he has forty-two names on a petition to stop farmers from shooting deer in their fields in the Montague Community. Mr. Sewell presented the petition to Ms. Pridgen. Mr. Brown said he went out to the area yesterday, there are a lot of houses in a small area, and the folks there do have a problem. After discussion with the other Board members, Mr. Brown suggested we have someone from Wildlife in Raleigh to come and address the Board on this issue. Mr. Brown informed Mr. Sewell that the Board will take a look at this, have someone from Wildlife in Raleigh come to a meeting, and put this on the agenda.

### **CONSENT AGENDA**

Mr. Brown presented the five items on the Consent Agenda and asked for any discussion or questions. Mr. Rivenbark asked whether Mr. Ward should vote on Items 4a. and 4b. since it concerns the Sheriff Department. Mr. Ward said this will not benefit him in any way. With respect to Item No. 5b, Mr. Tate asked if this is for one dentist or two. Health Director Carolyn Moser explained it is for one dentist and one assistant. Ms. Moser said we are getting local dentist Kathy Barnes for this position and she is an excellent dentist. Ms. Moser said that after three years, this is the first time the Dental division has been "in the black." Mr. Rivenbark made a motion to approve the consent agenda, Mr. Williams seconded the motion and the Consent Agenda was unanimously approved as follows:

3. Approval of Minutes: Regular and Closed Session of August 6, 2012.
- 4a. Resolution Authorizing Issuance of Purchase Order to NetMotion for Mobile Workstation Mobility XE Licenses: \$7,360.96.
- 4b. Resolution Authorizing the Issuance of Purchase Orders for Equipment to be used by the Sheriff's Office Special Response Team (SRT): Lawmen's: \$9,949.92; Tactical Command Industries, Inc: \$7,775; and Global Armor Products, Inc.: \$31,114.
- 5a. Resolution Authorizing Approval of Purchase Order for Health Department Consultant Services Contracts for Fiscal Year 2012-2013: \$17,280.
- 5b. Resolution Authorizing Approval of Purchase Order for Dental Service Contracts for Fiscal Year 2012-2013: \$267,000.

### **RESOLUTIONS**

6. **Resolution Authorizing Amendment to the Pender County Pay & Classification Plan.**

Ms. Moser explained: She wants to table reclassifying the Medical Lab Technician position to a Public Health Educator I position because they may be getting funding later from Raleigh for the position; she is asking to reclassify the Medical Office Assistant position to a Processing Assistant V because the position is in Environmental Health; this is not a new position; there will

be no salary increase; the position is in the Hampstead Annex; Alicia Brinson is in the position; Ms. Brinson is a very good employee and works unsupervised; and there have only been three reclassifications in the Health Department since she has been here. Ms. Moser noted the Health Department is undergoing Reaccreditation this week, and she praised the Maintenance Department and IT for all the help they have given them. Following discussion and questions by Board members, Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

The Board convened as the Rocky Point/Topsail Water & Sewer District Board at 4:32 p.m.

#### **ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT**

**7. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District to Adopt a Bond Order Authorizing the Issuance of General Obligation Refunding Bonds for the Rocky Point/Topsail Water & Sewer District in the Maximum Amount of \$22,800,000 to Refund Existing District Bonds.**

Utilities Director Michael Mack explained: This is a tag on to what was approved at the last meeting; the legal process for the districts to issue bonds requires that the Commissioners, as the governing body for each district, adopt a bond order for the refunding bonds; the maximum amount of \$22,800,000 is estimated to be sufficient to cover both the costs of paying off the old bonds and paying the financing costs for Rocky Point/Topsail Water & Sewer District; this process will produce better interest rates; and we will realize \$4.5 million in savings and reduce the life of the bonds by eight years. Mr. Mack gave a summary of the rate process and said their goal is to create stability within the districts. Mr. Rivenbark asked if Mr. Thurman had reviewed this and Mr. Thurman said he went over it with Bond Attorney Bob Jessup. Following more discussion by Board members, Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

The Board convened as the Scotts Hill Water & Sewer District Board at 4:40 p.m.

#### **SCOTTS HILL WATER & SEWER DISTRICT**

**8. Resolution by the Board of Directors of the Scotts Hill Water & Sewer District to Adopt a Bond Order Authorizing the Issuance of General Obligation Refunding Bonds for the Scotts Hill Water & Sewer District in the Maximum Amount of \$3,000,000 to Refund Existing District Bonds.**

Mr. Mack explained everything is basically the same as Rocky Point except the maximum amount of \$3,000,000 is estimated to be sufficient to cover both the costs of paying off the old bonds and paying the financing costs. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

The Board convened as the Maple Hill Water & Sewer District at 4:41 p.m.

#### **MAPLE HILL WATER & SEWER DISTRICT**

**9. Resolution by the Board of Directors of the Maple Hill Water & Sewer District to Adopt a Bond Order Authorizing the Issuance of General Obligation Refunding Bonds for the Maple Hill Water & Sewer District in the Maximum Amount of \$400,000 to Refund Existing District Bonds.**

Mr. Mack explained Maple Hill is the same as the others except the maximum amount of \$400,000 is estimated to be sufficient to cover both the costs of paying off the old bonds and

paying the financing costs. He said Maple Hill Water Bonds have had a 5.75% interest rate since the 1990's. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved. Mr. Tate asked if testing of the water treatment plant has begun. Mr. Mack responded "yes" and explained the various stages, noting the State has to issue the final inspection. Mr. Tate asked if there will be an open house when the plant is finished. Mr. Mack said there will be a dedication service the third week of October. He said Board members are welcome to tour the plant at anytime.

Mr. Jessup was in attendance and Board members commended him for all of his assistance with refinancing the bonds. Board members also commended Mr. Mack and Mr. Watson for all their work.

The Board reconvened as the Pender County Board of Commissioners at 4:42 p.m.

## **DISCUSSIONS**

### **10. Discussion of Upcoming FY 2012-2013 Holidays.**

Human Resources Director Amber Parker explained the proposed 2013 holiday schedule is the same as the current year's, including the three extra holidays the Board approved last year. She said the agenda packet contains: The 2012 approved schedule; the 2012 amended schedule, to include Wednesday, November 21, 2012 for Thanksgiving; and the 2013 schedule to include President's Day, Monday, February 18, 2013, and Easter Monday, April 1, 2013. Mr. Tate made a motion to approve the amended 2012 holiday schedule and the 2013 holiday schedule. Mr. Williams seconded the motion and it was unanimously approved.

### **11. Discussion and Possible Action: Follow-up to the Lower Cape Fear Sustainable Communities Consortium's Grant.**

Mr. Brown said he asked that this item be put on the agenda because in light of recent controversy and concerns, he is now uncomfortable with the decision this Board made to approve it on June 4. There was much discussion and questions asked by Board members. The discussion and questions included: Changes in the language of the agreement after this Board voted on it; New Hanover County's concerns; Brunswick County deciding not to participate; how Brunswick County not participating will affect the other participants; using taxpayers' money; concerns that the County will lose its own "Planning" powers; concerns with the language "county shall"; whether or not there are obligations to counties; what the funding specifically does; rescinding the June 4 vote; and whether Pender County would be bound to stay in this if the others pull out. Planner Ben Andrea was present along with the Project Director Al Sharp. Mr. Andrea and Mr. Sharp's explanations and answers included: The substance of what the Board approved in June has not changed; no taxpayer money is involved; Mr. Andrea and Housing Director Judy Herring provided in-kind services; the participants' time for in-kind services will have to be recalculated if Brunswick doesn't participate; four out of fifty-four grants were awarded in North Carolina; the grants are based upon getting citizens involved to define their futures; the Federal Government is willing to fund the grants because they want to see more jobs, transportation, education, etc. working together; the Consortium is not trying to change any county policies; and the Board of Commissioners is still the policy making board for the County. Mr. Brown said he is still upset that changes were made and not brought back to the Board. Mr. Williams said the Consortium is a guide, not a mandate. Mr. Andrea said it is a tool to provide information to help the Board in the decision making process. Mr. Andrea said the approval of the agreement does not bind the County to stay in this if the others pull out. Mr.

Williams said he wants to move forward with it. Mr. Tate agreed with Mr. Williams. It was the consensus of the Board to move forward with it.

## **APPOINTMENTS**

12. **Resolution Appointing the Finance Officer, Claiburn “Butch” Watson, and Julie Askew, Student Support Services Director, Pender County Schools to Serve as County Representatives to the Pender Housing Initiatives Board.**

Housing Director Judy Herring explained: The Housing Initiatives Board is Board of Commissioners appointed in part; Mr. Watson would replace former Finance Officer David McCole; and Ms. Askew has applied to fill the other vacant position. Mr. Tate made a motion to approve the appointment of Mr. Watson and Ms. Askew to the Pender Housing Initiatives Board, Mr. Rivenbark seconded the motion and it was unanimously approved.

## **ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall said the School of Government will be sponsoring a Webinar on August 30<sup>th</sup> if any Commissioners have questions concerning Local Public Health and Human Services, and said someone from the School of Government will be coming to speak to the Board on the subject at the September 17<sup>th</sup> meeting. With reference to the NCACC Annual Conference, Dr. Duvall said it was very good; they had breakfast with Ryan Teeter who was selected to attend the Conference for the Annual Youth Summit; Mr. Teeter expressed to them that his long term goal is to be Governor of North Carolina; Pender County won an award with the Risk Management Division; and Representative Justice was inducted into the NCACC Hall of Fame. He had attended the Conference along with Mr. Tate, Mr. Rivenbark and Mr. Ward. Dr. Duvall also informed the Board that Chris May is continuing to work with the Fire Departments concerning the Strategic Plan.

## **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said there are items for closed session.

## **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Williams’ comments included: He toured the inside of the Old Topsail High School; what do we really need to do with it; it is in better shape than he thought it would be; someone from the private sector wants to make an offer to purchase it; and he doesn’t want to see it fall apart. Mr. Brown said he and Mr. Tate talked about fixing the school up to use for something for the County.

Mr. Ward said Chie Batts of Surf City VFD asked him to express thanks to the Board for giving them the surplussed vehicle.

Mr. Tate spoke concerning the various workshops/sessions at the NCACC Conference saying the one on education was a very good one and was informative. Mr. Tate said Mr. Teeter made them proud when he spoke and they are very proud of him for aspiring to be Governor.

Mr. Rivenbark said the entire theme of the conference was about wellness, and commended Human Resources Director Amber Parker for the County’s wellness program.

Mr. Brown said he and Mr. Tate are going to be working with some folks in the Penderlea area concerning Penderlea School issues and they will look at a plan to include all Board members.

## **CLOSED SESSION**

At 5:45 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; 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. At 7:06 p.m., Mr. Williams made a motion to come out of closed session, Mr. Ward seconded the motion and the Board exited the closed session. There were no announcements made.

## **PUBLIC HEARINGS: REFUNDING BONDS/TRANSPORTATION PLAN/SPECIAL USE PERMIT/RESOLUTIONS**

### **13. Public Hearing Concerning a Proposed Financing Contract Under Which the County Would Borrow Approximately \$25,000,000 to Purchase Refunding Bonds from the County Water and Sewer Districts.**

The public hearing opened at 7:06 p.m. Mr. Mack explained: The purpose of the public hearing is to take public comment concerning a proposed financing contract under which the County would borrow approximately \$25,000,000 to purchase refunding bonds from County water districts; this would carry out a refinancing of those district bonds to save money for the districts; no action by the Board is required at this meeting other than to take public comment; and there will be a resolution on the September 4 agenda for the Board to consider giving final approval to the financing plan. There was no public comment and the public hearing closed at 7:07 p.m.

### **14. Public Hearing and Resolution Requesting Adoption of the Pender County Comprehensive Transportation Plan.**

Planning Director Kyle Breuer explained that after this was put on the agenda, the NC DOT representative on the steering committee had additional recommendations. He asked that the item be tabled. After discussion, Mr. Tate made a motion to table the resolution to a later date. Mr. Williams seconded the motion and it was unanimously approved.

### **15. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) by Francesca Faircloth for the Operation of a Food and Beverage Store, Located at 15931 NC Highway 210, Rocky Point.**

The public hearing opened at 7:10 p.m. Mr. Thurman swore in the witnesses. Mr. Breuer said this SUP request stems from a code violation. Mr. Breuer explained the Land Use Proposed; Property Record Number and Location; Zoning District of Property; Project Description;

Evaluation; and Conditions. With respect to Project Description, Mr. Breuer explained access to the site is provided via an existing driveway and the additional proposed use is subject to review and approval by NC DOT. With respect to the conditions Mr. Breuer explained business hours are from 10 a.m. to 7 p.m., seven days per week, or by other arrangement between customers if necessary, which is Condition #5. Mr. Breuer noted Ms. Faircloth does not invite the public inside the building so the SUP does not require a bathroom. Mr. Breuer said with respect to condition #5, they need to address the hours and have more set hours because they won't be able to enforce it the way it is written. Ms. Faircloth came forward to speak and answer any questions. In response to questions concerning the code violation, Ms. Faircloth said they have been doing business at the site for ten years; they put up a sign to make it look better and someone complained; and she thinks the complaint came from a competitor. Board members discussed the hours of operation and Ms. Faircloth conceded that she does have customers late at night sometimes, but she never leaves a light on all night. Board members generally agreed that sometimes odd hours for selling seafood are unavoidable due to the nature of the business. Following more discussion, Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

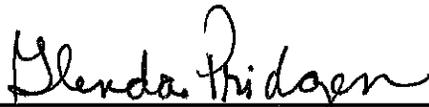
Mr. Williams asked Jim McFarland of East Coast Development to address the Board. Mr. McFarland said he would like to offer the County \$2 million for the old Topsail High School. Mr. McFarland's comments included: He is willing to agree to a façade easement, which would require the outer shell of the building not be changed; he has done quite a few historical buildings and the facade easement would protect the building forever; he is serious about the offer but he would like to tour the facility first and bring in an engineer to estimate the cost of renovating the inside; he wants to look and see if it can be saved; he is sure it can be saved but he is not sure how much money it will take; he is prepared to invest an additional \$2.5 million to renovate the inside, but would need thirty days to make a final determination; he would like to turn the building into an office complex and possibly lease back to the County; and the \$2 million would go towards the 9.56 acres of land on which the building sits. Mr. Williams asked since the property is subject to the upset bid process and others have thirty days to make a higher bid, if they do accept Mr. McFarland's offer, can they require any upset bids to include the façade easement. Mr. Thurman said they could. Mr. Brown asked when the building and property were last appraised and Mr. Thurman said during the revaluation process and according to the Tax Office, the land was appraised at \$2.069 million and the building at \$535,000, for a total of \$2.6 million. Mr. Williams said we had it appraised a few years back and he doesn't think it was that high. Mr. Brown said he is willing to entertain the offer, but he has always wanted to use the building for a county annex or library but never had the support of the Board. He said if the County is going to use the money gained from selling the building to purchase an annex on the east side, it may be cheaper just to renovate the inside of the school. Mr. Brown said he would like an in-house assessment of how much it would cost to renovate the inside of the building. Mr. Williams agreed. Mr. Mack said they can do an in-house assessment but they will most likely need to bring in a consultant to help determine if the building is structurally sound, and get an environmental assessment. Mr. Tate said he likes the idea of using the building as a county annex, the annex we rent now is expensive, and the auditorium in the school would be a good place to hold meetings or use as a fine arts facility. When asked what his plans for the building and land are, Mr. McFarland said it is a great retail location for a hotel and shopping center. He said the building sits on about three and a half acres; that would leave about six acres; his preference for the building is office space; and although he thinks it would make a great hotel, his hotel guy does not like the idea. Mr. Tate said he thinks the County needs to do

something long-term in regards to an annex on the east side, although he is pleased to hear someone in the private sector willing to step up and try to save the building. He added if we were to sell it, he would want to make sure the money stays on the east side for an annex. Mr. McFarland said he will soon be sending the County an offer to purchase to get the process started.

**ADJOURNMENT**

There being no further business, Mr. Williams made a motion to adjourn, Mr. Rivenbark seconded the motion and the meeting adjourned at 7:45 p.m.

Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Mickey Duvall, Clerk to the Board/Melinda Knoerzer, Deputy Clerk to the Board

Planning Items Reviewed By:



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Planning Staff