

TUESDAY, SEPTEMBER 4, 2012

The Pender County Board of Commissioners met in regular session on Tuesday, September 4, 2012 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; and Commissioners F.D. Rivenbark, Chester Ward, and David Williams.

MEMBERS ABSENT: Vice Chairman Jimmy Tate.

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.

EXCUSE COMMISSIONER

Mr. Brown announced Mr. Tate is at the North Carolina Rural Center working on grants and will not attend the meeting. Mr. Rivenbark made a motion to excuse Mr. Tate, Mr. Williams seconded the motion and it was unanimously approved.

INVOCATION

Commissioner Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Proclamation by the Pender County Board of Commissioners and Presentation to Members of Coastal Horizons Center, Inc.: Designate the Month of September as 2012 National Alcohol & Drug Addiction Recovery Month.**

Mr. Brown introduced the proclamation. Liz Pina of Coastal Horizons Center, Inc. and Kate Murphy of Coastal Care and member of the Cape Fear Recovery Month Committee were in attendance to receive the proclamation. Ms. Pina said National Alcohol & Drug Recovery Addiction Month is celebrated nationwide and she thanked the Board for its support. Ms. Murphy said approximately 10,000 people in the Cape Fear area received treatment last year for addiction but on the flip side, recovery effort is strong in the community. She said they will celebrate recovery efforts September 23rd at Empie Park in Wilmington, and everyone is invited. Mr. Brown presented the proclamation to Ms. Pina and Ms. Murphy and thanked them for what they do for us.

2. **Presentation by NC Wildlife Officer (Pender County) Clarifying State Statutes Regarding Farmers' Legal Rights to Protect Crops from Wildlife.**

Mr. Brown said this item is the result of Mr. Owen Sewell coming before the Board twice to talk about a farmer shooting deer at night in his neighborhood, and officers from Wildlife are here to speak on the subject. He said it is legal for the farmer to shoot the deer, but there are concerns about

safety in the neighborhood and the potential for something to happen. Sheriff Smith explained the Wildlife Officers will speak on laws they enforce pertaining especially to landowners and land leasers protecting their cops. Fred Gorchest and Clayton Ludwick of North Carolina Wildlife were the officers in attendance. Discussion and questions by the officers and Board members included: Depredation permits allow people to shoot deer and keep them if they want; farmers have a right to shoot deer eating their crops, and they don't need a permit; Wildlife can normally restrict how many deer can be taken; when a person is done with the permit, they return it to Wildlife; the permit does not override the Pender County Firearm Ordinance; some things Wildlife can't enforce, like shooting within municipalities; the farmers are allowed to shoot the animals 24/7; the County can't regulate state laws; protecting your crops is a privilege, not a right; people have a right to protect their crops but should use common sense; the farmer shooting from inside his truck; exercising your right to protect yourself; self-defense is a broad concept; shooting from a right-of-way across someone else's property; changing the current Firearm Ordinance; and any changing of the farmers rights to shoot, would have to go through State Legislation, Wildlife or both. Mr. Sewell's comments included: The bullets are going a long way flat; he passed coyote and wild hog hunters at night and now they will be out there in addition to farmers; he would not be here if it wasn't for one individual in the County; depredation has no laws; and there should be restrictions against night shooters. Mr. Sewell showed Board members the type of ammunition being used. It was suggested that we could let hunters have higher bag limits and that may help with the deer population. Mr. Brown suggested we get in touch with our delegation to see what they have done before if this has happened before.

PUBLIC COMMENT

There was no additional public comment.

CONSENT AGENDA

Mr. Brown presented the nine 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. Williams seconded the motion and the Consent Agenda was unanimously approved as follows by a 4-0 vote:

3. Approval of Minutes: Regular and Closed Session of August 20, 2012.
4. Resolution Approving Tax Releases and Refunds as Listed Herein.
5. Resolution Accepting Petition to Add Long Branch Lane and White Oak Lane in Rocky Point to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
6. Resolution Authorizing Memorandum of Understanding Between Pender County and US Department of Agriculture-Natural Resources Conservation Service (NRCS), North Carolina Department of Agriculture and Consumer Services-Division of Soil and Water Conservation, and Pender Soil and Water Conservation District for their Cooperation in the Conservation of Natural Resources.
7. Resolution to Accept Additional Community-Based Youth Gang Violence Prevention Grant Monies: \$55,000.
8. Resolution Authorizing Issuance of Purchase Order: ESRI for GIS Maintenance, Support, and New Licensing in the Amount of \$16,300.

9. Resolution Authorizing Execution of Lease Agreement: Creekridge Capital; and Authorizing Issuance of a Purchase Order to Creekridge Capital in the Amount of \$40,106 for the Public Safety Network Server Virtualization Project.
10. Resolution Authorizing Execution of Lease-Purchase Agreement: Motorola Solutions, Inc.; and Authorizing Issuance of a Purchase Order to Motorola Solutions, Inc. in the Amount of \$80,451.61 for the 911 Center Radio System Project.
11. Proclamation by the Pender County Board of Commissioners: Fall Litter Sweep: September 17 – September 29, 2012.

RESOLUTIONS

12. **Resolution Requesting Approval of the Revised HUD Administrative Plan for the Pender County Housing Authority's Section 8 Housing Choice Voucher Program.**

Housing Director Judy Herring explained: HUD requires that each Housing Authority have a current Administrative Plan for the operation of its programs; Administrative Plans must be updated periodically; the Housing Authority's current Administrative Plan was last revised in 2005; and there is not much difference in this revised edition, but it is now easier to read. Mr. Brown asked about the document itself and Ms. Herring explained it is a huge document, so she sent it earlier under separate cover for Board members to review. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

13. **Resolution Authorizing Purchase Order to Discovery Insurance for Workers' Compensation Settlement in the Amount of \$75,000.**

Human Resources Director Amber Parker explained this information was previously provided to the Board; and the County's Workers' Compensation Firm and Attorney have recommended a negotiated settlement in the Maxine Murray case in the amount of \$75,000. Mr. Thurman said this is a reasonable settlement and it will cap the Board from future liability. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

14. **Resolution Adopting "Revised" Pender County Voluntary Farmland Preservation Program Ordinance.**

Don Rawls, Chairman of the Pender Soil and Water Conservation District, explained: NCGS 106-735 authorizes the Board of County Commissioners to adopt and implement a voluntary farmland preservation ordinance; the Pender County Board of Commissioners previously adopted an ordinance; the General Assembly made changes after it was adopted; and Pender Soil and Water has revised its ordinance in compliance with the General Assembly's. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

15. **Resolution Approving Loan Financing for the Town of Atkinson Volunteer Fire Department.**

Atkinson Fire Chief Cary Rivenbark explained: The Fire Department is in the process of financing a loan to purchase a 1250 gpm/1500 gallon pumper/tanker in the amount of \$237,850; the truck is a 2012 demo; the loan is with First Citizens Bank with a 10-year term at 3.1% interest rate; it would cost them \$295,000 if it wasn't a demo; and they will refinance their other truck at the same rate. Mr. Ward asked if Finance Officer Watson had looked this over. Mr. Watson responded he had discussed

it with Assistant Chief Jason Turner, and the Fire Department is getting a good deal. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

16. **Resolution Providing for the Adoption and Final Approval of Terms and Documents for the County's 2012 Installment Financing to Provide for Refinancing of County Water and Sewer District Bonds.**

Mr. Watson explained this resolution is to provide for the adoption and final approval of terms, and the next three items will be the same thing. Mr. Brown asked why the next three items are separate from this item and Mr. Watson responded this item has to be done as the Board of Commissioners, and the next three will have to be done as the Districts. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

The Board convened as the Rocky Point/Topsail Water & Sewer District at 5:09 p.m.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT

17. **Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing the Sale of up to \$22,800,000 General Obligation Water Refunding Bonds by Rocky Point - Topsail Water & Sewer District.**

Mr. Watson explained this resolution will refinance Rocky Point/Topsail Water & Sewer Bonds. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

The Board convened as the Scotts Hill Water & Sewer District at 5:10 p.m.

SCOTTS HILL WATER & SEWER DISTRICT

18. **Resolution by the Board of Directors of the Scott's Hill Water & Sewer District Authorizing the Sale of up to \$3,000,000 General Obligation Water Refunding Bonds by Scott's Hill Water & Sewer District.**

Mr. Watson explained this action is the same as Rocky Point/Topsail. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

The Board convened as the Maple Hill Water & Sewer District at 5:11 p.m.

MAPLE HILL WATER & SEWER DISTRICT

19. **Resolution by the Board of Directors of the Maple Hill Water District Authorizing the Sale of up to \$400,000 General Obligation Water Refunding Bonds by Maple Hill Water District.**

Mr. Watson explained \$400,000 is a small amount, but this action was taken to lump it with the others. Mr. Thurman said this was a good move by Mr. Watson because we may not have been able to refinance this small amount alone. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

The Board reconvened as the Pender County Board of Commissioners at 5:12 p.m.

APPOINTMENTS

20. Resolution to Consider Approving Representative of the Town of Burgaw's Extraterritorial Jurisdiction (ETJ) for the Town's Planning and Zoning Board.

Mr. Brown introduced the resolution. Ms. Rebecca Costin, Town of Burgaw Planning Administrator, explained: They had one vacant seat on the Town's Planning and Zoning Board for an ETJ representative; they advertised the position and received one application; according to GS 160-A, ETJ representatives on a municipality's planning board have to be appointed by the Board of Commissioners with jurisdiction over the area; and the Town's Board of Commissioners approved a resolution on August 14th making a recommendation that the Pender County Board of Commissioners appoint Ms. Connie Ives to the Town of Burgaw's Planning and Zoning Board. Mr. Rivenbark made a motion to approve the appointment, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

Mr. Ward asked about Board of Health open positions and applications, and discussion ensued. Mr. Brown said vacancies on the Health Board are the Optometrist, Pharmacist, Veterinarian positions and we are still advertising. He said the Board had previously agreed to appoint someone in the respective field until a licensed person applies. Mr. Ward said he would like to go ahead and fill the positions because it has been a while.

Mr. Brown noted the Health Department completed their reaccreditation site visit and passed at 97%. Health Director Carolyn Moser explained they have to complete reaccreditation in order to bill for Medicaid. She said there are many benchmarks and you have to go back two and sometimes three years. She commended staff for their hard work and again commended the Maintenance and IT Departments for their assistance.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are items for closed session and notified the Board that an appeal had been filed on the cemetery case and it is scheduled to be heard in court on September 17, 2012. Mr. Ward asked if the Board is going to have to hear the case again and Mr. Thurman said he does not anticipate it but sometimes things do get remanded by the Judge. He said he doesn't see any basis for the Board having to hear it. Mr. Ward stressed that the Board doesn't want to have to hear anything about it.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall said all the Animal Control Committee members had been appointed and read each name and position. Dr. Duvall's other items included: The County will be receiving an award from NCACC at the next Board meeting for having the lowest automobile claims in the medium sized county category; Representative Justice will be inducted into the NCACC Hall of Fame at the next meeting; the Tax Office has collected \$108,859 more revenue than the same period last year; and staff has held a mandatory pre-bid conference with respect to renovations of the York House.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark had distributed materials he received at a meeting he and Emergency Management Director Tom Collins attended concerning Animal Agriculture. He said one of the pamphlets contains statistics on the dollar value associated with Animal Agriculture.

Mr. Ward asked what the status is on having Environmental Health staff holding a meeting with people on the east side of the County to give an update sometime in October. Dr. Duvall responded he had followed up on this with Ms. Moser. He said he had also followed up with Mr. Collins to have him set up fire department meetings in the districts.

Mr. Williams spoke concerning the Old Topsail High School saying we have not received a concrete offer yet. He asked if we had received an offer in writing and Mr. Thurman responded he hadn't seen anything. Mr. Williams said we still need to look at office space on the east side and we are now paying rent on an older building. He had seen the preliminary report from Mr. Mack and there may not be as much asbestos in the building as originally thought. Dr. Duvall distributed an overview of the building and the tax card. Mr. Williams said he toured the new water treatment plant; it is quite impressive; a lot of foresight was involved; and anybody that tours it will be impressed. Mr. Rivenbark said the water treatment plant is one of the best projects in Pender County in a long time.

Mr. Brown's items included: Old Topsail School-we can use it for office space or take an offer for it; Congratulations to Mr. Tate on being appointed to the Elizabeth City University Board of Trustees; and he and Mr. Tate met with school officials and they are making arrangements to tour all the schools with the Commissioners to take a firsthand look at what they do with money they receive from the County. Dr. Duvall had a schedule of the tours and distributed them to Board members. Mr. Williams folks are proud that all five Board members attended the Schools' Convocation

CLOSED SESSION

At 5:35 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. Mr. Williams seconded the motion and it was unanimously approved. At 6:30 p.m., Mr. Rivenbark made a motion to exit the closed session, Mr. Williams seconded the motion and it was unanimously approved. There were no announcements made upon exiting.

ADJOURNMENT

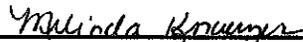
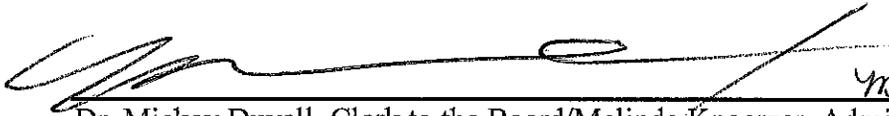
There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Dr. Mickey Duvall, Clerk to the Board/Melinda Knoerzer, Administrative Assistant