

MONDAY, JANUARY 7, 2008

The Pender County Board of Commissioners met in regular session on Monday, January 7, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

MEMBERS PRESENT: Chairman James David Williams, Jr., presiding; Vice Chairman Jimmy Tate; and Commissioners Norwood Blanchard, George Brown and F.D. Rivenbark.

MEMBERS ABSENT: None.

OTHERS PRESENT: Lori Brill, 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 Williams called the meeting to order at 10:00 a.m.

INVOCATION

Chairman Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Bryon Scott, Thompson, Price, Scott & Adams.: Introduction of Pender County Audit for the Fiscal Year Ending June 30, 2007/Resolution to Accept the Audit.

The Pender County, North Carolina Financial Statements for the year ending June 30, 2007 were distributed to the Board. Mr. Scott gave a summary of some of the key items in the audit report. He noted all the items on the summary sheet are a line item comparison to last year. He said this is an unqualified opinion and the audit had been reviewed by Pender County Management and Finance. The summary sheet is attached to these minutes and made a part of the minutes as referenced herein as Exhibit A. Mr. Rivenbark commended the Tax Office on the 97.06% tax collection rate and said this is the highest it has been since he's been here. Mr. Williams commended David McCole and the Finance Office. Mr. Rivenbark made a motion to approve the resolution accepting the audit, Mr. Blanchard seconded the motion and it was unanimously approved.

2. Jane Jones, Director, & Harvin Quidas, Regional Ombudsman, Cape Fear Area Agency on Aging; & Mickey King, Chairman, Pender County Nursing Home and Adult Care Home Community Advisory Committee: Duties and Activities of the Ombudsman Program & Update on the Advisory Committee.

Ms. Quidas made a presentation on what a Long-Term Care Ombudsman is and what Community Advisory Committees are. With respect to the Ombudsman, Ms. Quidas explained the following: An Ombudsman is an advocate for the Rights of Residents, and is responsible for investigating complaints made by or on behalf of nursing home or adult care home residents; the Ombudsman works with residents, family members, concerned citizens and agencies to enhance the quality of care and quality of life for residents in long-term facilities; the North Carolina Ombudsman Program was established under the Older American's Act; the State Long-term Care Ombudsman is located within the North Carolina Division of Aging and Adult Services in Raleigh, NC; the 100 counties in North Carolina are served by 17 Regional Area Agencies on Aging, each with a Regional Ombudsman Program; Pender is one of the counties served by Cape Fear Council of Governments, Cape Fear Area Agency on Aging; and the Regional Long-Term Care Ombudsman trains and supports the appointed members of the Nursing Home Community Advisory Committees and the Adult Care Community Advisory Committees. With respect to Community Advisory Committees, Ms. Quidas explained the following: Nursing Home and Adult Care Home Community Advisory Committee members are local citizens who are appointed by their county boards of commissioners; they are a bridge between the community and residents; their main goal is to uphold the rights of residents in long term care and support the rights of these people. Ms. Quidas noted that

Ms. Mickey King is present. She said that currently there are 373 beds in Pender County – both skilled nursing and adult care; that the nursing homes are providing a higher degree of skilled nursing care; and that the average age of nursing home residents in North Carolina has increased over the past years to a current average age of 83 years. Ms. Quidas thanked the Board for understanding how important their work is and added that the Board can appoint five additional members to the Nursing Home and Adult Care Home Community Advisory Committee. Mr. Williams said the Board will take under consideration the addition of five members to the Advisory Committee. He asked that all the attendees with Ms. Quidas stand for recognition. Ms. Jones, Ms. King and Chris May, Executive Director of COG, were in attendance. Mr. Rivenbark specifically recognized Ms. King for her many years of service on the Advisory Committee and the audience applauded.

3. Bill Morrison: Update on Status of the Beach Renourishment Program in Pender County and the Positive Impact of County Funding.

Mr. Morrison introduced Mr. Howard Braxton, new Mayor of Topsail Beach, and Mr. Butch Parrish, former Mayor. Mr. Braxton said that in the fall of 2006 the Board agreed to give \$225,000 to go toward a dredging project in Topsail Beach; spoke about the sand on the beach; spoke about the federal project for dredging; and said they had applied for a \$2M grant from the State and will ask the Board to send a letter of support. Mr. Braxton thanked the Board for help with the dredging project and for the yearly allocation for beach renourishment.

CONSENT AGENDA

Mr. Williams presented the seven items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Rivenbark made a motion to approve the Consent Agenda as presented, Mr. Tate seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

4. Approval of Minutes for the Regular & Closed Session Meetings of December 3, 2007.
5. Resolution Approving Tax Releases and Refunds to the Individuals Listed Herein.
6. Budget Ordinance Amendment to Approve Increase in Health Department Revenues & Expenditures: Family Planning: \$833.
7. Budget Ordinance Amendment to Approve Increase in Health Department Revenues & Expenditures: Healthy Carolinians: \$10,000.
8. Budget Ordinance Amendment to Approve Increase in Health Department Revenues & Expenditures: Healthy Carolinians: \$15,000.
9. Budget Ordinance Amendment to Approve Increase in Health Department Revenues & Expenditures: Bioterrorism: \$15,000.
10. Resolution Supporting Bladen County's Concerns about the Safety of the NC 11 Bridge over the Cape Fear River in Bladen County.

RESOLUTIONS

11. Resolution Authorizing the Issuance of a Purchase Order to the North Carolina School of Government to Serve as a Consultant to the County in the Development of a Strategic Technology Plan: \$8,000.

IT Director Erik Harvey displayed a PowerPoint presentation and explained the resolution. He said the development of this plan will be facilitated by the School of Government, with the participation and contributions of all County departments. The presentation, entitled "Pender County Information Technology Department Request for IT Strategic Plan", included the following: Requested Services; What is this Strategic Technology Plan; Why does the County need an IT Strategic Plan; What the IT Strategic Plan will focus on; Duration of Services; and Conclusion. The presentation in its entirety is on file with the permanent records in the County Manager's Office. Mr. Tate asked about the implementation time and Mr. Harvey said this would take three to five years. Mr. Tate asked if the action plan is a component and Mr. Harvey said "yes." Mr. Williams said the public wants more information and this will help them access it more easily. Mr. Harvey said it will upgrade departments and said he will update the Board periodically. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

12. Resolution Authorizing a Contract with and a Purchase Order to McKim & Creed, PA, for the Highway 421- Engineering Alternative Analysis and Environmental Assessment: \$225,000.

Administrative Assistant Melinda Knoerzer explained that On October 15, 2007, the Board voted to approve a joint resolution with New Hanover County to resolve to initiate and equally share in the cost of an engineering alternatives analysis and environmental assessment for the wastewater treatment plant to determine the best course of action for the delivery of sewer to the U.S. 421 industrial Corridor in both counties for their mutual benefit. She said McKim & Creed is conducting these studies and this is authorization to pay them and formalize the contract. Mr. Williams asked if the County would be reimbursed one-half of the cost by New Hanover County and Ms. Knoerzer said "yes." Ms. Brill said the alternative analysis and environmental assessment is a mandatory step in the process. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

DISCUSSIONS

13. Boards/Committees/Commissions on which Commissioners Serve: History.

Mr. Williams said this item came about because at a previous meeting the Board had discussed whether Commissioners serving on some of these boards/committees/commissions was mandatory. Ms. Brill said the chart shows whether by-laws or statute requires a Commissioner to sit on a board. Mr. Blanchard asked what was decided about the request for someone to serve on the Military Commission. Mr. Williams said the Board had agreed on the need to have a Commissioner serve and said he thinks that as the Chairman, he should serve. There was discussion that a second Pender representative should serve and it was decided the second person should be someone from the School System. Ms. Brill explained that the purpose of this commission is to help plan for increases in population growth in the area due to military growth. Ms. Brill said we can put forth names but the members would ultimately be chosen by the N.C. Eastern Region Board of Directors. Mr. Williams said we may want to look at whether we want to designate someone else that is not mandatory. He said we should have a Board of Commissioners representative, a School Board representative and a back-up for the Commissioner Representative. Mr. Rivenbark volunteered to be the back-up. Mr. Blanchard said that since we fund Wilmington Industrial Development (WID), we should have a member on their Board of Directors. Ms. Brill was instructed to send a letter to WID requesting this. Mr. Tate asked about rotating on boards. He gave as an example that if a Commissioner on the Health Board stayed in office for ten years, he would serve on the Health Board ten years. Mr. Williams said there is flexibility on serving on boards and you don't have to stay on any board for your entire term as Commissioner. Mr. Williams thanked staff for getting this information together.

14. Introduction of GovDeals as a Means for the County to Begin Disposing of Surplus Via the Internet.

Ms. Brill said this item is being brought before the Board because we are looking for a better way to dispose of county surplus property. Ms. Brill introduced Ms. Rebecca Murphy of GovDeals who gave a history/background of GovDeals. She said that GovDeal clients report that they receive 20 percent to 60 percent more for assets sold through GovDeals than they do at local public auctions; that GovDeals sells only government surplus, but any registered and authenticated buyer may bid; that the GovDeals agreement is non-exclusive and therefore GovDeals is used completely at the seller's choice; that GovDeals has more than 950 government entities selling in 32 states; that GovDeals is similar to e-bay but is for government entities only; and that GovDeals is currently being used by the Pender County Board of Education. Ms. Brill added that the buyer has all the responsibility for picking up and transporting the item once purchased; that the GovDeals fee is 7.5 percent of the selling price on items sold and they're paid only after a sale, with no up front costs; and that this is a proposal for a pilot program for the County to develop internal procedures for the use of GovDeals to sell our government surplus. Mr. Brown asked if this is similar to what N.C. DOT uses and Ms. Murphy said that it is similar to the State. She said you can utilize it for your entire surplus or some of it and that there is no contract, just an agreement. Mr. Williams said he wants to make sure we're not getting in any trouble with respect to the getting three proposals rule. Ms. Murphy said of the 55 counties already using GovDeals, none had to send out RFP's. Mr. Rivenbark said it is a positive thing and made a motion to approve implementing the pilot program. Mr. Tate seconded the motion and it was unanimously approved. Mr. Tate then asked if there is a timeframe within which Gov.Deals requires that an item has to be removed by the purchaser and Ms. Murphy

responded "usually within 30 days." It was also noted that County employees can bid on the surplus items. Mr. Brown asked will they have a point-of-contact person and Ms. Murphy said one person can be trained to do it for the entire county or it can be done by department.

OLD BUSINESS

15. Consideration of Additional Code Enforcement Staffing.

Mr. Raczkowski was asked by the Board for his opinion regarding full-time versus part-time additional staffing. Mr. Raczkowski said that it truly depends upon what direction they want their Code Enforcement Program to take. He further suggested that a part-time position would at least allow Code Enforcement Officer Ralph Kays the staffing capability to begin researching what resources it will take to enact more aggressive enforcement programs such as junked car and abandoned manufactured housing abatement. Mr. Rivenbark said in traveling the County, he sees lots of abandoned cars and trailers. Mr. Williams said lots of Mr. Kay's time is taken up in court; Mr. Raczkowski said Mr. Kays doesn't spend a lot of time in court but spends a lot of time in follow-ups. Mr. Tate asked what constitutes "part-time" hours and the response was "twenty." Mr. Tate made a motion to approve a part-time Code Enforcement Officer pursuant to revisiting the budget to make this a full-time position if revealed it is needed during budget time. Mr. Blanchard seconded the motion and it was unanimously approved.

APPOINTMENTS

16. Resolution Approving Appointment of Citizens to the Pender County Board of Adjustment.

Ms. Brill explained that there are currently four vacancies for three-year terms on the Board of Adjustment. She said five applicants are seeking appointment; two of the five are completing their first three-year term and are seeking re-appointment. The position vacancies are: Districts 2, 4 & 5, and an Alternate. Mr. Blanchard made a motion to appoint Ed Pullen to replace Ken Just, representing District 2; Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Rivenbark made a motion to re-appoint Daniel Thompson, representing District 4; Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Tate made a motion to appoint Monica Loughlin to represent District 5; Mr. Brown seconded the motion and it was unanimously approved. Mr. Blanchard made a motion to appoint Donald Luther to represent the Alternate position; Mr. Tate seconded the motion and it was unanimously approved. The terms expire January 4, 2011. **It was later amended to reflect Mr. Luther's term expires January 4, 2010.**

17. ITEMS FROM THE COUNTY MANAGER

Ms. Brill said the N.C. DOT is holding a public comment meeting on the Transportation Improvement Program (TIP) on January 29, 2008 at the Jacksonville City Hall from 2:00 to 4:00 p.m. and this is an opportunity for citizens to comment. She said timing is an issue because there is no time for the Board to put together questions and comments. Mr. Rivenbark said Commissioners do need to attend and citizens need to attend from Hampstead and Burgaw because of the Highway 17 By-pass and the Burgaw By-pass. Mr. Williams asked if this can be put on the web site and Ms. Brill said yes. Mr. Blanchard asked staff to send an e-mail reminding Board members of the meeting.

Ms. Brill said there are fliers available with respect to the Wilmington Metropolitan Planning Organizations' Transportation Advisory Committee (TAC) seeking applicants to serve on a newly created Citizen Advisory Committee.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said there will be a Local Leadership Academy held at the Wilmington Hilton on January 23, 2008. Mr. Rivenbark said Ms. Sandi Harris is in the audience concerning a prior issue and asked Mr. Thurman if he could shed any light on this. Mr. Thurman said commercial driveways are a DOT function and DOT is looking into it. He said the County has no jurisdiction with respect to driveway permits.

Mr. Tate spoke about a Low Income Rural Internet Access Grant Green County had received and asked if Ms. Brill had information on it. Ms. Brill said she will locate the file.

Mr. Tate asked about a \$100,000 grant with respect to Black River. Ms. Brill said Jason Turner and others are working on this. She said Mr. Turner has scheduled one more visit and there's a problem with the water levels rising and falling.

Mr. Tate asked where we are with respect to the Willard Walking Trail and Ms. Brill said Parks & Recreation Director Dee Turner is heading up this project. She said that as far as she knows, we're on target.

CLOSED SESSION

At 11:15 a.m. Mr. Blanchard made a motion to enter into closed session pursuant to NCGS 143-318.11: (5) To establish, or 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 or 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. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session. Mr. Tate seconded the motion and the Board unanimously approved going into Closed Session.

PUBLIC COMMENT

Mr. Al Freimark, a citizen, noted that public comment should be taken before the Board goes into closed session. Mr. Williams recognized Mr. Freimark for his last day as president of the Greater Hampstead Homeowners Association. He said he admires Mr. Freimark and said they don't always agree, but they respect each other.

Mr. Freimark thanked the Board for looking into the Code Enforcement situation. Mr. Freimark distributed a sheet entitled "Chronology...Hwy. 17 in Hampstead." The Chronology showed that N.C. DOT officials had been promising to build a by-pass around Hampstead since 1994 and it hadn't been built yet. The Chronology said that as of today: We don't have a by-pass; We don't have an Overlay District; We do have a proposal for a 6-lane divided Highway through our Downtown; and the by-pass is #11 on the WMPO's top 10 list. Mr. Freimark showed concern about the 6-lane highway. He said "Highway 17 is our downtown and we already have an incompatible mix of traffic." He said the DOT's job is to get people from point A to point B and not care about the people they trample on to get there; that we need to stand up and speak; that other counties are getting bypasses and there is a major bridge project getting consideration in Brunswick County; and that other things are happening in other counties, why not here? Mr. Rivenbark clarified if Mr. Freimark is saying that DOT is putting in six lanes instead of a by-pass and Mr. Freimark said yes. It was suggested that the Manager and County Attorney put together a presentation to present at the January 29th DOT meeting. Mr. Thurman said we should have a public hearing at the next Board meeting on January 22nd prior to the DOT's meeting on the 29th to receive comment on County transportation needs relating to the TIP. Mr. Williams said we need to have a resolution to present at the 29th meeting.

Mr. Tom Bradshaw, a citizen, said he represents Pender County on the Rural Planning Organization (RPO), has attended many TIP meetings and attendance makes a difference. He said it is a "cheering contest" and people have to fill the room to get something on the TIP. After hearing comments, the Board decided to hold a public hearing at 7:00 p.m. on Tuesday, January 22, 2008 to accept public comment on county transportation needs relating to the N.C. DOT Transportation Improvement Plan (TIP), on turning Highway 17 into a six lane highway and pass a resolution before attending the meeting in Jacksonville.

Mr. Lewis Felton spoke about dilapidated cars and trailers on the western side of the County. He said somebody should be looking into this. Mr. Tate said he rides around and sees this also and said he will make sure Code Enforcement is on the western side of the County as well as the eastern side.

Ms. Harris spoke and said she couldn't get any help from this board or previous boards and said this has gone on for years. Ms. Harris said she had spoken with Commissioner Brown and asked Mr. Brown if he had met with DOT yet concerning the driveway permit. Mr. Brown said he hadn't spoken with them yet. Mr. Williams said "we're not going to go down that road again." He said the County Attorney has already said what he said. Ms. Harris said Zoning Ordinances had been violated and the Board did nothing and as a citizen and taxpayer she feels like she should get an answer. Ms. Harris said the State said the County had done wrong and Mr. Williams responded we didn't get a letter from the Sate saying we did anything wrong. Ms. Harris said she's caught in the middle with the State saying what the County should do and the County saying what the State should do. She said there is an environmental hazard behind her house and nobody wants to make a decision. Mr. Brown said he's tried to help and has spoken to various people but a driveway permit is not a requirement by the County. He said the people he talked to only substantiated what Ms. Harris doesn't like. Mr. Williams said this Board is not going to make a decision. He said he has investigated this and his findings are contrary to what Ms. Harris is saying.

The Board entered closed session at 11:45 a.m. At 12:20 p.m., Mr. Blanchard made a motion to exit closed session, Mr. Rivenbark seconded the motion and it was unanimously approved. There were no announcements made upon exiting the closed session.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman presented the Board with formal write-ups concerning the previously denied Carolina Water Special Use Permits.

Mr. Thurman said Donald Sullivan's appeal to the North Carolina Property Tax Commission was denied but Mr. Sullivan may try to appeal to the North Carolina Court of Appeals.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn, Mr. Tate seconded the motion and the meeting adjourned at 12:22 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Lori Brill, Clerk to the Board