

APRIL 7, 2008

The Pender County Board of Commissioners met in a regular session on Monday, April 7, 2008 at 10:00 a.m., in the Pender County Commissioners meeting room, 805 S. Walker Street, Burgaw, NC 28425.

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

MEMBERS ABSENT: Chairman, James David Williams

OTHERS PRESENT: Al Greene, Interim County Manager; Trey Thurman, County Attorney; Melinda Knoerzer, Deputy Clerk to the Board; other staff and members of the Press and public.

Vice Chairman Tate called meeting to order at 10:00 a.m.

Commissioner Brown gave the invocation.

Commissioner Blanchard led the Pledge of Allegiance.

Mr. Rivenbark made a motion to excuse Chairman Williams from the meeting as he was out of town on business. Mr. Brown provided the second for this motion, which carried unanimously.

PUBLIC INFORMATION

1. Update on Southeastern Center for Mental Health, Developmental Disabilities

Dr. Art Costantini, Director, said that Local Management Entities or LME's have replaced the former "mental health centers". He said the monitoring and governing body for substance abuse services in the three county area of Brunswick, New Hanover and Pender Counties is the Southeastern Center for Mental Health. He said some counties have their own, but many have joined with larger umbrella organizations that provide service to multiple counties. He said that their center is presently one (1) of 25 LME's statewide, and the state now proposes to reduce that number to ten (10). He said this is not necessarily all bad, and could improve efficiency. He cautioned that commissioners need to insure, when they are given the opportunity, to "weigh in" that some consumer services must remain local. He said it is fine for the administrative services to be centrally located, but the actual service providers must remain local. He cautioned also that the decision as to which LME's are merged together must be made at the County Commissioner level and not at the state level. He said his agency finds there are counties that work better and partner together better and this should be a local choice.

Dr. Costantini said there is a shortage of dollars to purchase services. He said LME's should be given operational money and a separate service budget that allows them to contract with service providers. He said his agency spent 75% of their service budget in

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the first 6 months of the year and as a result, must reduce spending in the last 6 months in order to make budget. He admitted that the Southeastern Center did not do a good job of tracking funds, and he accepted partial responsibility for this. He said the state reduced the mental health budget by \$2.3 million and his budget was reduced accordingly. He said through a misunderstanding, the state said the funds had not been spent, therefore his center did not need them. He said that was not the case as they were in the throws of "reorganization". He said when he asked the state for part of \$2.3 million back, the state instructed them to come to local Commissioners and ask for money, because the state has no more money. He said he is here today for that purpose. He said they are the fastest growing LME in the state (Wake and Johnston County have the same problems), providing 58% more services to 25% more people. In addition, he noted that this area encompasses a beach community with expansive summer growth. Commissioner Rivenbark, representative on the Southeastern Mental Health Board, concurred with the unfairness this situation has thrust upon the county.

Rep. Carolyn Justice came forward and began by saying "This is a pre-recorded message from Raleigh...ask your county commissioners for money and if they don't give it to you we will mandate it." She recalled that we are in this dilemma due to the outcome of a court case, requiring the state to stop "warehousing" the folks in need of these services and instead, to mainstream them into the community. She said before the change, the Southeastern Center provided mental health services and after the change, they became administrators of a mental health system, with private providers set up throughout the community. She said at that time the folks who worked for the Southeastern Center did so because they wanted to counsel and assist people, but they then had to become facilitators, dispersing folks out into the community to private care providers. Ms. Justice said that the State erred because they pushed this out before the services could be identified and made available. She said there were too many folks and not enough services, which resulted in overcrowding in jails and emergency rooms. She said that Dr. Costantini did not have enough time to settle into this completely new role and the state removed his funding, which is a disaster. She asked the Board of Commissioners to not sit back, but instead, to demand that local services remain available locally and that the decisions regarding LME mergers remain at the local level. She said she wished the County did have the money to give them because the folks who need this service will go without. She requested the Commissioners attend the committee meetings and make a point that this is not right.

Mr. Greene suggested that staff could certainly draft the appropriate resolutions to accomplish this and find out the date of the Committee meetings in Raleigh. Mr. Brown asked if New Hanover and Brunswick Counties have agreed. Dr. Costantini said he is meeting with them later tonight. Mr. Brown said he would like to know what they decide to do. Mr. Tate asked how many patients are affected in Pender County? Dr. Costantini said that he is responsible for a total of 5,000, with approximately 1,000 of those living in Pender, 1,500 in Brunswick and 2,500 in New Hanover Counties. He said New Hanover was selected as the administrative center due to its' geographic location in the middle of the service area.

Mrs. Susan Robbins, a Southeastern Center Board Member for ten (10) years said that when she began her service, she believed New Hanover County might be getting the majority of the support, but she has worked very hard to see that Pender County has a voice. She said she feels Pender gets fair representation and services allocated. Mr. Tate asked for clarification of the funding for his organization. Dr. Costantini gave the following breakdown: \$170,000 from Pender, \$500,000 from Brunswick, and \$2.3 million from New Hanover County, based on population. Mr. Tate thanked Dr. Costantini for his presentation and said there is a true benefit to these services being continued.

2. Topsail Area Comprehensive Transportation Plan: Tyler Bray, NC DOT

Mr. Bray said that in 2006, the NCDOT Planning Branch initiated a comprehensive transportation study for this area, including rural Pender County. He reviewed the contents of a digital presentation that is included in the permanent records of this meeting. In summary, he said they have a transportation model for this area and the Transportation Improvement Plan, which is a seven year out plan for local road deficiencies. He said this plan is fiscally constrained.

3. Update on Wallace Sewer: Tabled due to Mayor Cowan being out of Town.

CONSENT AGENDA

Mr. Tate presented the Consent Agenda and asked for any discussion. Upon the motion of Mr. Rivenbark and second by Mr. Brown, the Board unanimously approved the Consent Agenda as follows:

- 4. Approval of Minutes for the Regular Meeting of March 10, 2008; Board Retreat, March 10-12, 2008; and Regular Meeting, March 17, 20**
- 5. Resolution Approving Tax Releases and Refunds to the Individual Listed Herein**
- 6. Resolution Accepting Petition to Add Cordgrass Road, Button Bush Lane, Shearwater Drive, Marshview Road, Ravenswood Road, Albatross Way, Brown Pelican Lane and Coots Trail in Olde Point, Hampstead, to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.**
- 7. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2007-2008: Environmental Health: \$5,848.45**
- 8. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2007-2008: Communicable Disease: \$13,431**

RESOLUTIONS

- 9. Resolution Approving Execution of Criminal Justice Partnership Program (CJPP) Continuation Grant for FY08-09: \$75,483, and Authorizing Purchase Orders for Delivery of Mandated Services.**

Ms. Knoerzer presented this item and said the State requires submission of the grant for this program at this time of the year and indicated that funding levels requested at this time are equivalent to the prior year's funding. Mr. Brown, the CJPP Commissioner

Representative on this Board, made a motion to approve this resolution as presented. Mr. Rivenbark seconded the motion and it carried unanimously.

10. Resolution Changing Part-Time Code Enforcement Position to Full Time

After some discussion, Mr. Brown made a motion to postpone this item to the next meeting for Planning Staff to provide input. This motion was seconded by Mr. Blanchard and further discussion ensued.

Ken Vafier, Senior Planner and Interim Director of Planning arrived and explained that the Code Enforcement Officer is out of the office sick today but he has been very thorough in communicating this need. He said the debacle created over whether to advertise a full or part-time position has brought them to make this request. Different candidates want full-time versus those who want part-time work. Mr. Greene noted that the workload is large for Code Enforcement; however, the request to put this on the agenda came from a commissioner, not staff. He said he does recommend the full-time position, but staff will make it work either way. There was a discussion regarding the duties of the Code Enforcement Officer, including: assisting with Planning, field checks/inspections/final zoning permit inspections, posting signs for public hearings.

Al Freimark of the Greater Hampstead Homeowners Association said this was taken up 6 to 8 months ago and at that time they formed a code enforcement task force to assist in monitoring the Highway 17 area of Hampstead. He said at that time they recommended part-time, to go full-time if necessary. He said they see a reduction in violations with the advent of this task force and encouraged other communities to take similar action.

Tony Musolino, a resident of Hampstead and a citizen/taxpayer, said he is concerned that this group claims to have received special training for code enforcement and cautioned that they might be perceived as a "vigilante" group. He said he thinks we need another COE to help Ralph Kays because one man cannot handle it all. He cautioned that there are also complaints on the western side of the county.

Hiram Williams, Planning Board member and State Code Official Qualification Board Member, distinguished between the COE enforcing the "codes" of Pender County, not the Building Codes.

Mr. Greene said this is a simple issue, clouded by poor communication, but it is on the agenda because the Board instructed him that they might be prepared to make this a full-time position. He suggested this be handed by recommendation of staff in the future, to possibly include simply handling it through the budget process.

Addressing the motion on floor (to postpone action to a future time) the vote was unanimously in favor of postponing.

DISCUSSION

11. Consideration of a Request and Authorization for Partial Release of Escrow Funds for S& R Grandview

Mr. Thurman presented this item and said the development involved is Eagles Watch. He said that these developers posted "cash" and not a bond for escrow to insure completion of the roads. He said the developer is requesting a release of escrow funds and that the balance remaining after the release of that escrow will still be 135% of the work remaining to be complete. Attorney Rick Biberstein concurred and explained that there is only one road, Gladiolus Road, remaining to be complete. He said the cost of the remaining work is \$36,000 and they propose to leave \$50,000 in escrow. Mr. Thurman recommended approval, indicating that the Eagle's Watch residents are sufficiently protected. Upon the motion of Mr. Blanchard and second by Mr. Brown, the Board unanimously approved the release.

12. Boards/Committees/Commissions: How Members are Appointed

Mr. Green said this request came from the Board at the retreat. Mr. Tate said he was looking for a geographical breakdown to make sure equity exists with Board Appointments. He said this is a good start but he would like more detail. Mr. Brown suggested that the By-laws of these various Boards may contain this information.

APPOINTMENT

13. Resolution Approving Appointment of Citizens to Various Boards/Committees/Commissions

Mr. Brown made a motion to re-appoint Rick Winn, from Rocky Point township to serve a three (3) year term on the Parks and Recreation Board, expiring on June 30, 2011. The motion was seconded by Mr. Rivenbark and approved unanimously.

14. Items from the County Manager, County Attorney, Commissioners

Mr. Green asked the Board to approve a correction to the minutes of the April 17, 2006 minutes to clarify that Ms. Roberta Bost, a member of the Board of Health, was not affiliated with New Hanover Regional Medical Center. They approved the change.

Mr. Greene said the Board had asked staff to develop a list of county owned property, which the Tax Collector, Coby Heath has developed. He said that GIS printed site maps of each parcel, with the FEMA buyout properties indicated in yellow. Mr. Tate asked what purpose this land could be used for. Mr. Thurman said that basically, maintaining the property; cutting grass, growing a garden, but no permanent construction. These properties are located on rivers and creeks; however, many of them are on private roads and if the County was to develop a boat ramp, this could create additional traffic on roadways maintained by private individuals.

Mr. Green said that the Utilities Department staff and Mr. Thurman have been working with Camp, Dresser and McKee to finalize a contract to design the water treatment plant. He said the group met with USDA, who will need to have the final review. He said there has been recent discussion regarding the capacity of the plant, initially to be 2 MGD, and the need for additional capacity. He said that staff, USDA and CDM has had a broad

discussion on whether it makes sense to design the 2MGD now or go larger at the outset, and this is the reason the agreement is not on our agenda for today. Mr. Thurman noted that the bond approval was for \$17.5 and we would have to come up with additional funding to buy a larger plant. The Environmental Assessment and the Preliminary Engineering Report would need to be revised for a larger plant.

Mr. Thurman said that an applicant is requesting clarification of a Special Use Permit determination to clarify the finding associated with the denial of the permit application. It was determined that could be presented on the next agenda.

Mr. Blanchard asked if, at some point in time, the Manager might advance land sales to get this county-owned property back on the tax rolls. Mr. Thurman indicated that the land obtained at tax foreclosure usually has some issue or problem with the property. He said the Board policy has been in the past that staff would not present an offer unless it is at least at tax value. Mr. Blanchard said that Parks and Recreation could use some of these lands. He asked if this could be brought up again on a future agenda.

Mr. Rivenbark noted that he recently attended Fire Commission meeting, and reported that they are in process of updating the radio system for fire and rescue. He said the County needs to do a better job of promoting house numbers to be prominently displayed. He said in many cases care is delayed in getting to an address because of poor numbering. He said the County should enforce this through the Code Enforcement Department. Mr. Rivenbark provided the Manager with an article from a professional magazine regarding rural roads. He said he had an email from NACo regarding Rural Development funding and since Pender County benefits greatly, House Bill 98 the Farm Bill, needs our support. He said the County needs to restore its' partnership with the County Partnership for Health Care Act.

Mr. Tate again addressed the emergency responders' concern with access to I-40 crossovers to the opposite side. He said the yellow break-away poles currently out there do not allow average first responder vehicles access. He said they are semi-rigid and the County needs to pass a resolution or write a letter in support of making more areas accessible. He said that the Pender County Housing Department will attend a summit on April 25th at UNCW and Housing Director Angela Keith and he will be attending. He invited all commissioners to attend. He said this is the same as Southeastern Economic Development Commissioners meeting. He said he attended the dedication of the Martin Luther King Boulevard in Burgaw with Commissioner Rivenbark, and was pleased to see Commissioners Brown, Blanchard and Rivenbark at the Brileys' retirement. He said he will be speaking at the NAACP banquet on April 19, 2008 in Burgaw and at the next Topsail Town Board meeting

PUBLIC COMMENT

Dawn Ceroti said she is concerned about the upcoming vote of the Town of Burgaw Commissioners on expansion of the Town ETJ. She asked the County Commissioners NOT to approve this. Mr. Thurman explained that there is no action pending before the Commissioners at this time and there will not be until after the Town holds their public

hearings and votes on the matter. He suggested that she direct her comments to the Town Commissioners.

Bryant Shepard came forward to address the Maple Hill Sewer Project. He said since its' inception, this project has gone through many managers. He said there is another grant application pending and we all need to work to obtain all possible funding and to move this project forward. He expressed concern that the \$2.7 million currently on the table from the Rural Center might be in jeopardy, and that there is no discernable project going forward at this time. He said that Cape Fear Resource Conservation and Development has been moving this forward with the help of Jeff Thompson from Hobbs Upchurch. He said now that Mr. Mack is permanent, he hopes this will move forward. He said there is a problem with the land originally identified for the land application and alternate lands need to be identified. He said there was a county decision made to stop work. Ms. Knoerzer explained that the Rural Center has declined to commit the \$2.7 million and the County has yet to commit any funding, thus we were incurring engineering bills with no revenue designated to pay them. Jeff Thompson came forward and explained that there is a meeting scheduled next Thursday at the NC Rural Center. He said a \$1.5 million grant application is pending with the Clean Water Management Trust Fund (CWMTF) and we will find out in December. He said we need to find legislative support for this grant from Representative Justice and Senator RC Soles. When asked what the hold-ups have been in this project, Mr. Thompson said administrative changes at the County level, as well as the problems with the land. He said he has made contact with the owner of an adjacent blueberry farm as well as other landowners identified by Mr. Shepard. Mr. Blanchard said that he knows of some potential land between the state owned lands and the Nature Conservancy lands. All agreed to move forward. Mr. Brown noted that the Board had received regular updates on this project in the Water Department's matrix of projects.

Kathy and George Barbour, who have signed up for water and who live on Highway 210 on the way to Surf City, said that water lines have gone past their home, served by Surf City and they are not able to use them. She asked what is happening with County water in that area because they had signed up long ago and do not want to be annexed by Surf City to receive utility service. She said they are concerned with residential and commercial growth in and around their home and are pleading with Pender County to remain informed of the activities in that area. She said they DO NOT wish to be annexed by Surf City. Staff informed them the County must obtain private easements along Highway 210 in order to complete that segment of Phase 5, however it is still in the project area, just lagging behind due to the legal issues involved. Ms. Barbour left her phone number with Utilities Staff and requested to be kept informed of the progress.

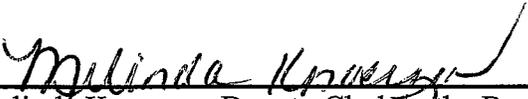
Mr. Hollis Briggs, candidate for House District 18, said he attended this meeting to find out the needs of the people from Pender County, including Maple Hill. He said he recently spoke with folks from Calico Bay regarding a drainage ditch the County cut to ease flooding. He said there is concern that the ditch area has grown up and he requested someone to attend to it.

There was no closed session

ADJOURNMENT

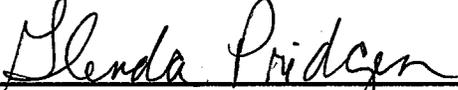
At 12:09 p.m., Mr. Rivenbark made a motion to adjourn, which was seconded by Mr. Brown and carried unanimously.

Respectfully Submitted,



Melinda Knoerzer, Deputy Clerk to the Board

Reviewed By,



Glenda Pridgen, Deputy Clerk to the Board