

MONDAY, DECEMBER 3, 2007

The Pender County Board of Commissioners met in regular session on Monday, December 3, 2007 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

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 Rivenbark called the meeting to order at 10:00 a.m.

INVOCATION

Chairman Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Tate led the Pledge of Allegiance.

ORGANIZATIONAL MEETING

1. Organizational Meeting of the Board of Commissioners: Nomination and Selection of Chairman and Vice Chairman.

Mr. Rivenbark said at the last meeting when he was asked to step down as Chairman, Mr. Thurman was supposed to research whether that was appropriate action. He said according to the Institute of Government, "The Chairman of the Board shall be elected annually for a term of one year and shall not be removed from the office of Chairman unless he or she becomes disqualified to serve as a member of the Board." Mr. Rivenbark said it is the custom of the departing chairman to make comments. He said he loves what he does and thanked staff and citizens for their support.

Mr. Thurman served as moderator. Mr. Thurman opened the floor to accept nominations for Chairman. Mr. Brown nominated Mr. Williams. Mr. Williams said that having always withdrawn from nomination before, he will now second the motion. The Board voted unanimously to appoint Mr. Williams to serve as Chairman for the year.

Mr. Thurman opened the floor to accept nominations for Vice Chairman. Mr. Williams nominated Mr. Tate, Mr. Brown seconded the nomination and the Board voted unanimously to appoint Mr. Tate to serve as Vice Chairman for the year.

2. Resolution to Approve the 2008 Calendar of Regular Meetings of the Pender County Board of Commissioners.

Ms. Brill presented the 2008 Calendar of Regular Meetings to the Board. Ms. Brill said that with reference to the December 1 meeting, considering the length of time until the next meeting, the Board may want to move it to later in the month or consider having a second meeting in December. There was discussion of whether to have the evening meetings at 5:00 p.m. or move them back to 4:00 p.m. With reference to the November 19th meeting that lasted until the next morning, Mr. Blanchard said we need to set something that says meetings can last no longer than 11:00 p.m. or 12:00 midnight. Mr. Brown said he would like us to consider going back to 4:00 for evening meetings. Mr. Tate asked why did we change the time and Mr. Blanchard said he originally requested it because ordinarily, we end the 4:00 meeting in an hour and just sit around until 7:00. Mr. Rivenbark said he agrees with Mr. Brown. Mr. Thurman noted that Statute requires the first meeting in

December be a morning meeting instead of an evening one as proposed. Mr. Rivenbark mentioned that he would possibly be attending the NACo Annual Conference in July and the NCACC Annual Conference in August. Mr. Rivenbark made a motion to approve the schedule, Mr. Brown seconded the motion and it was approved with the following changes: All evening meetings moved back to 4:00 p.m.; the December 1, 2008 meeting will begin at 10:00 a.m.; and the Board will revisit the July and August meetings, probably in May.

3. Boards/Committees/Commissions on which Commissioners Currently Serve: Annual Review/Modify.

Chairman Williams introduced the item and said that last year they did some "shuffling" of Commissioners' Boards. Mr. Brown said he would like someone to take a look and see how necessary it is to have a Commissioner on some of the Boards, especially the ones that hold meetings in the middle of the day. Mr. Rivenbark said many organizations feel they will have more "clout" if a Commissioner sits on their Board and that generally Commissioners represent Boards that receive county funding. Mr. Williams said we should revisit the history/purpose of Commissioners serving on boards. Mr. Rivenbark said he knows the purpose of putting an alternate on the Planning Board is so they can meet quorum requirements. Mr. Rivenbark said he has a conflict and can't make Fire Commission meetings. Mr. Tate said he adjusted his schedule to make meetings and his boards are working fine. Mr. Williams said he would like the option to have Mr. Blanchard and/or Mr. Brown to be his alternate on the Wilmington Area Metropolitan Planning Organization-Transportation. Mr. Rivenbark made a motion to have Mr. Blanchard and Mr. Brown serve as alternates for Mr. Williams, Mr. Tate seconded the motion and it was unanimously approved. Mr. Blanchard volunteered to take Mr. Rivenbark's place on the Fire Commission. Mr. Blanchard made the motion, Mr. Tate seconded it and it was unanimously approved. Mr. Blanchard made a motion to instruct staff to study the history of Commissioners on Boards, Mr. Rivenbark seconded the motion and it was unanimously approved.

Mr. Williams asked that Sheriff Carson Smith's resolutions be moved up due to the fact that he has a funeral to attend. Mr. Rivenbark made a motion for this, Mr. Brown seconded the motion and it was unanimously approved.

RESOLUTIONS

14. Resolution Authorizing Purchase Order to Dell, Inc. for the Purpose of Computer Hardware for the new Visionair Public Safety Network: \$53,297.98.

Sheriff Smith explained that on November 5, 2007, the Board voted to accept the bid from Visionair for the Public Safety Network Project. He said Visionair does not supply the hardware and they received quotes from three vendors, with Dell being the lowest. Mr. Brown made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

15. Resolution Accepting Bid Proposal and Issuing a Purchase Order to Carolina Resource Mapping, Inc. for Color and Infrared Orthophotography of Pender County: \$105,853.

Sheriff Smith explained that Pender County is currently using Orthophotography received from the State from 2003 that does not meet North Carolina Land Records Management Program specifications. He said that in a joint effort with six other counties to contract this out, the cost to Pender County is less than what it would have been if the County had contracted on its own, and the quality of the product will be better too. He said this isn't included in the budget because it can be paid directly out of 911 Wireless funds. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

5. Mark Walton, Chairman, Pender County Planning Board: Pender County Planning Priorities.

Mr. Long was not yet present so Mr. Walton was allowed to make his presentation. Mr. Walton said he is Chairman of the Pender County Planning Board but he is here today representing himself, not the Planning Board. Mr. Walton said that since Planning priorities had been established, they were constantly being pushed to change them; that they should stay with the priorities that were originally established and stop changing them; that he agrees that Hampstead needs additional code enforcement to work on existing special use permit compliance and zoning enforcement; that the County is missing out on business opportunities due to the

complicated special use permit review process; that he is concerned that considering a overlay district in Hampstead at this time is out of order; that before the County considers a special zoning district it must look at the underlying zoning regulations to ensure they will accommodate the overlay district; and that to make any decision that will affect special use permitting or business expansion now could adversely affect the entire county. Mr. Walton praised the Planning Department for keeping ahead of an increasingly varied job description and praised Planning Director Joey Raczkowski for his work trying to weigh many competing interests. He said Mr. Raczkowski can't win in a situation like that and that Mr. Raczkowski has put together a tremendous Planning Department. Mr. Walton said it's not unusual for the Commissioners to make changes to the priorities that the Planning Board recommends but in this case he feels like they need to reinforce what the Planning Board has done.

4. Presentation to the Pender County Board of Commissioners: Pender Memorial Hospital and New Hanover Regional Medical Center: David Long, CEO/Second Amended & Restated Operating Agreement between Pender County, Pender Memorial Hospital & New Hanover Regional Medical Center.

Mr. Long said they are working to strengthen the relationship between Pender Memorial Hospital (PMH), New Hanover Regional Medical Center (NHRMC) and Pender County. Mr. Long's Power Point presentation included: Existing Lease Agreement; Current Services Provided; Track Record of Success; Why Change Current Agreement; Unfunded Capital Requests for FY08-FY11; Capital in FY06 and FY07; Strategic Planning for Capital; Proposed Changes to Agreement; Benefits of Proposed Changes; Opportunities under New Agreement; Proposed Timeline; and Conclusion. The complete presentation is on file with the permanent records in the County Manager's Office. Mr. Tate asked if the hospital has identified the reasons for the about the decline in funding. Mr. Long said that there are self paying patients who don't have insurance, Medicaid or Medicare who are not always able to pay; that there are out-patients that don't always pay; and that they give indigent care and never turns anyone away. Mr. Brown asked about #4(h) under Proposed Changes to Agreement which states "Modified to allow employees working at PMH to remain NHRMC employees on a case-by-case basis." Mr. Long explained that NHRMC provides administrative and management services to Pender Memorial to manage and to serve as the primary liaison between PMH and NHRMC but they remain NHRMC employees. Mr. Long explained that in the past, NHRMC would give PMH funds needed to break even if there was a budget deficit, but if PMH made money they got to keep it. He said the amendments will allow NHRMC to collect any operating gains PMH has at the end of the year. Mr. Long said another change is that NHRMC could previously pull out after two years of PMH running an operational deficit and these amendments changes that to five years. Mr. Long said the only change is on paper – that we'll still be a county-owned hospital and we'll still have our same employees. Mr. Thurman said it is a more than fair agreement, but said he is concerned about how money would be reimbursed to New Hanover Regional should Pender Memorial be sold. The Commissioners didn't seem concerned about this; they said they had no intention of getting back into the hospital business and said NHRMC has the right of first refusal should the Commissioners wish to sell. Mr. Rivenbark, who sits on the Hospital Board, said he feels this is a good agreement. Mr. Rivenbark then made a motion to approve the amended Operating Agreement, Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Rivenbark asked Mr. Long to continue with the Mash Camp and Mr. Long said they will.

6. Robert Vause, N.C. DOT District Engineer: In Attendance at Request of the Board.

Mr. Williams said we want to make sure we keep our line of communication open with DOT. Mr. Rivenbark added that contrary to what had previously been said, we have held numerous meetings with DOT. Mr. Vause said Pender County has continued to grow, that he thinks the County and DOT have a good relationship, and that it is extremely important for the County and DOT to work together. Mr. Williams said he agrees that DOT needs to be involved in the Planning Process. Representative Carolyn Justice clarified that she didn't think DOT or the County had done anything wrong and she didn't think there was a breakdown between the two. She said she was stressing the fact that other counties are working with DOT to receive more than the standard aid they receive.

Ms. Justice asked if she could give some advice to the Board – speaking as a prior Commissioner. She explained the history of Special Use Permits and why certain uses were placed in certain categories. She said that during the last extensive Zoning Ordinance Review that she was involved with, the Board painstakingly evaluated each use to determine if it should be by “right” or by “special use.” She said many uses came under the “grey area” where they could not say, under all circumstances a specific use would or would not be permitted, so they placed it under the “special” category so that each person could have an opportunity to plead their case given their individual proposed circumstances. Ms. Justice thanked the Board for allowing her to speak on this matter since it wasn’t on the agenda.

7. Melinda Knoerzer, Administrative Assistant: New Solid Waste Stickers.

Ms. Knoerzer explained that new Solid Waste Stickers will be mailed out to all Pender County taxpayers who utilize the Convenience Center sites; that users will no longer be able to obtain a sticker at the sites, but will have to call or visit the Utilities or Tax Assessor’s Offices; that this will fulfill one of the goals outlined in this year’s Solid Waste budget by helping to implement tighter usage controls at the sites; that each year thereafter, new stickers for the following years will be mailed annually with the tax bills; and that Waste Industries is fully cooperating.

8. Coby S. Heath, Tax Assessor: Beginning in 2008, all of the Divided-Interest Parcels will be Taxed under One Account and All Owners will be Listed on that Single Account.

Mr. Heath explained that it has been the practice of the Tax Assessor’s Office to mail tax bills to each individual that owns a divided interest in real estate and said this is not a requirement of state statute, but was a practice implemented years ago as a way to deal with a tax software conversion of data. He said sending partial bills is misleading because some taxpayers believe that when they pay their share of the divided interest, as indicated on the bill, that all tax liability is released, which is not true because the entire amount has to be paid.

CONSENT AGENDA

Mr. Williams presented the five 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:

9. Approval of Minutes for the Regular Session Meeting of November 19, 2007.
10. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
11. Budget Ordinance to Approve Increase in Health Department Revenues & Expenditures for FY 2007-2008: \$12,048.
12. Budget Ordinance Amendment: Sheriff Department: E911 Fund: \$56,000 Increase.
13. Budget Ordinance Amendment: Sheriff Department: E911 Fund: \$171,000.000 Increase.

DISCUSSION

16. Presentation on Development Agreements.

Planning Director Joey Raczkowski explained that this issue originally came about as part of St. George’s Reach Development and said he wants to announce to the public that the Planning Department has not received a draft agreement from St. George’s Reach. He said he anticipates that St. George’s Reach will be the first Development Agreement Pender County ever entered into and said any development agreement has to be mutual. He said when the first agreement is presented, it will be brought back to the Board to have a public hearing at some time in the future. Mr. Raczkowski said a public hearing is not required by the Planning Department but it will be advertised as such.

17. ITEMS FROM THE COUNTY MANAGER

There were no items from the County Manager.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he and Mr. Heath will be going up to Raleigh a week from Wednesday for a tax case concerning Donald Sullivan. He said Mr. Sullivan is not contesting the tax value of his property; he’s contesting the fact that he shouldn’t have to pay taxes at all.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark said he will be attending the NACo Legislative Conference the first week of March.

Mr. Blanchard said he received a letter from Mr. Bill Cook at the Wallace Airport stating the airport had doubled its fuel sales.

Mr. Brown said that the Board should be involved in the hiring process for a replacement for Paul Parker. He said this is an important position because of water and sewer and he doesn't think only one person should make the decision on who to hire. Mr. Williams said the Board should see the applications after they are narrowed down. It was the consensus of the Board that this matter should be discussed in closed session.

CLOSED SESSION

At 11:35 a.m. Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (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. At 11:46 a.m. Mr. Rivenbark made a motion to exit Closed Session, Mr. Blanchard seconded the motion and it was unanimously approved. There were no announcements made upon exiting the closed session.

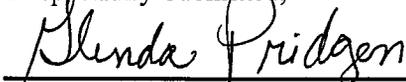
PUBLIC COMMENT

Referring to the development agreements Mr. Raczkowski spoke about earlier, Ms. Marilyn Constine said the public doesn't have time to research items and speak on them because it is made public only a few days before it goes to the Board of Commissioners. She said that with reference to planned development, she doesn't know what's going to be discussed because the Board of Commissioners will address certain issues, but not others. She also said she couldn't find Planning Board agendas on line. Mr. Rivenbark asked if Ms. Brill, Mr. Thurman and Mr. Raczkowski can get together and find a solution to getting information out to the public sooner. Mr. Bob Constine said that Mr. Raczkowski said development agreements will be public in a day or two but they need to come out sooner. Mr. Walton said they do get public input when items go through the first round. He said when they have something come up that's controversial with the public, they will table an item. Ms. Brill said she will talk to Mr. Raczkowski and see what can be done about releasing information earlier.

ADJOURNMENT

There being no further business, the meeting adjourned at 11:55 a.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Lori Brill, Clerk to the Board