

TUESDAY, SEPTEMBER 4, 2007

The Pender County Board of Commissioners met in regular session on Tuesday, September 4, 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 and David Williams.

MEMBERS ABSENT: Commissioner Jimmy Tate.

OTHERS PRESENT: Lori Brill, County Manager and Clerk to the Board; Paul Parker, Assistant County Manager; 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

Commissioner Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Vice Chairman Blanchard led the Pledge of Allegiance.

Mr. Williams made a motion to excuse Mr. Tate, Mr. Brown seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

1. Introduction of New Schools' Superintendent, Ms. Allison Sholar.

Ms. Brill formally introduced Ms. Sholar. Ms. Sholar thanked the Board for their welcome and said she looks forward to working with the Board and Ms. Brill to do their best for the children of Pender County. Mr. Williams asked about having a Priority One meeting soon with Board of Education members and Ms. Brill said she will put it on the list.

2. Lillie R. Gray, Community Development Manager, City of Wilmington: Resolution Endorsing the 10-Year Plan to End Chronic Homelessness & Reduce Homelessness in the Cape Fear Region.

Ms. Gray did not attend the meeting. Mr. Spiro Macris, Co-Chairman of the Committee to End Homelessness, noted there were other members of the committee present and gave a Power Point Presentation on ending chronic homelessness and reducing homelessness in the Cape Fear Region. Some of the highlights of the presentation were: Existing Services in Pender County; Community Planning in Pender County (a meeting is scheduled to be held October 16, 2007); Pender County & Area Statistics on Homelessness (the actual number of homeless persons in Pender County is unknown); Recent Growth in Pender County; Planning Process – Brunswick, Pender and New Hanover Counties; How Various Forces in the Community Impact Homelessness; Vision – Within Ten Years, Every Person in Cape Fear Region to have Access to Permanent Homes; Economic Cost of Homelessness; Cost of Housing in Pender and Surrounding Counties; Prevention, Engagement and Supportive Services; What the 10-Year Plan does and Implementation of the Plan; Implementation of Organization Chart and Implementation of Administrative Budget of \$282,610; and Estimated Budget Request from Pender County of \$40,000. Ms. Brill said the original resolution was requesting \$50,000 for a two-year period. Mr. Macris clarified that \$40,000 was the right amount – the \$50,000 would be for a two and one-half year period – \$10,000 for the first six months beginning January 2008, and \$20,000 for the next two years. Mr. Brown asked if the \$40,000 request in the presentation includes the Town of Burgaw contributing and Mr. Macris responded affirmatively. Ms. Brill said that in addition to not having the right amount in the resolution, they didn't specify how the money would be used. Ms. Brill recommended the Board defer this item until they get more information on how the funds will be used. Mr. Blanchard made a motion to defer and study the item, Mr. Williams seconded the motion and it was unanimously approved. A copy of the complete draft plan can be reviewed in the County Manager's Office.

3. Certificate of Recognition of Time Warner Cable to Mr. Martin Feurer, Director of Government & Public Affairs, for their Contribution of Public Wireless Internet Service at the Pender County Public Library in Burgaw.

Mr. Taylor said he is pleased to have Mr. Feurer here. He explained that one of the objectives of the Library's long-range plan is to provide free wireless Internet to the public who provide their own laptops or other devices; that they sought donations of this service from vendors as an expression of corporate community service and Time Warner is the only vendor who agreed; that this contribution saves the Library at least \$1,500 a year, and that Mr. Feurer was most helpful in advocating for and advancing their request. Mr. Rivenbark read the certificate and presented it to Mr. Feurer. Mr. Feurer thanked the Board and said he feels it is important to be part of the community.

4. Liz Pina, Coastal Horizons Center, Inc.: Proclamation by the Pender County Board of Commissioners: 2007 National Alcohol & Drug Addiction Recovery Month.

Ms. Pina did not attend the meeting. Ms. Natasha Nunes, Program Director of the Burgaw Office, thanked the Board and the community for recognizing September as 2007 National Alcohol & Drug Addiction Recovery Month. Ms. Nunes gave some statistics of substance abuse disorders and costs of treatment, which are included in the proclamation. Mr. Rivenbark noted he has been a member of the Southeastern Mental Health Board since he became a Commissioner over ten years ago and has seen many changes over the years, including contracting out services, which is the less expensive way to go. At the request of Mr. Rivenbark, Mr. Thurman read the proclamation in its entirety.

CONSENT AGENDA

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

5. Approval of Minutes for the Regular & Closed Session Meeting of August 20, 2007.
6. Budget Ordinance Amendment to Approve Increase in Health Department Revenues & Expenditures for Fiscal Year 2007-2008: Dental Health \$5,940.00.
7. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2007-2008: General Health: \$25,000.00.
8. Budget Ordinance to Approve Increase in Health Department Revenues & Expenditures for Fiscal Year 2007-2008: Child Health/Mobile/Dental: \$75,000.00.
9. Resolution Authorizing Payment and Change Order to Rich's Heating & Air for Additional Equipment Needed at Penderlea School: \$5,521.
10. Resolution Authorizing Purchase Order to ESC Carolinas, LLP for Change Order to Existing Contract on the new Topsail High School: \$18,000.
11. Resolution of Appreciation to the General Assembly for Relieving Counties of Medicaid.
12. Proclamation by the Pender County Board of Commissioners: Fall Litter Sweep: September 15 – 29, 2007.
13. Resolution Accepting Petition to Add McGill Drive in Burgaw to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. DOT.

RESOLUTIONS

14. Resolution Authorizing the Issuance of a Purchase Order to the New Hanover County Sheriff's Office for Pender County's Share for the Tri-County Gang Task Force: \$6,250.

Sheriff Carson Smith explained that there has been an increase of gang activity in Pender County over the past few years and the Pender County Sheriff's Office has joined a regional task force with New Hanover and Brunswick Counties in an effort to keep track of the activity and stop additional gangs and gang related crime. He said this is the second year of the grant, that the grant pays for counselors and programs that identify and redirect gang member activities, and that funds come out of the Drug Seizure Fund. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

15. Resolution Designating Revenue from a Land Transfer Tax for School Capital Outlay Expenditures, Providing the 0.4% Land Transfer Tax Non-binding Referenda Passes in November and the Board of Commissioners take Formal Action to Enact the Land Transfer Tax.

Ms. Brill explained that at the last meeting, the Board approved the motion to put on the November ballot a proposed 0.4% Land Transfer Tax in an advisory non-binding referenda and stressed that it has to be approved by the voters

before the Board can enact it. Ms. Brill gave a Power Point Presentation entitled "Funding Pender County School Facilities – The Land Transfer Tax Referenda" which included: School Facility Bonds 1996 - \$25 M & 2005 - \$55.875 M; Annual School Bond Debt Service - \$7.1 Million; How Do We Fund School Capital Outlay?"; Sales Tax Contributions to School Facilities – Article 42 & Article 44 – In October 2009 Counties Forgo all of Article 44 in Exchange for Medicaid Relief; Why the Land Transfer Tax is Important; and Benefits of the Land Transfer Tax. Mr. Rivenbark added that in addition to the recent School Facility Bonds, the state approved \$13+ million in School Bonds from 1996 through 2001. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved. The complete presentation is on file with the permanent records in the County Manager's Office.

16. Moratorium on Special Use Permits.

This item was put on the agenda as the result of a request by Hampstead resident and Pender County Planning Board member Burt Millette and endorsed by the Greater Hampstead Homeowners Association Board (GHHA). Mr. Williams said that over time, the County hasn't really been set up to enforce special use permits and that there is a lot of junk on the Highway 17 corridor. Ms. Ashley Frank, Planner, said staff had researched the general statutes on what they could put a moratorium on but that was as far as they had gotten; she said they need to get together to see exactly what the Board wants. Mr. Thurman said the Board needs more details before establishing a moratorium on special use permits because the statute requires a specific plan with objectives to resolve the problem addressed by the action. He said you can't just say "we want a moratorium" and not do anything. He suggested having a public hearing to get input from residents before making a decision and, making sure the Planning Board reviews this and makes specific recommendations before it is brought back to the Board of Commissioners. Mr. Thurman said there must be a specified ending date. Mr. Brown asked "so you can't just say we'll impose a moratorium until after the Overlay District is done?" and Mr. Thurman responded "no." Mr. Rivenbark mentioned the possibility of including someone from the Institute of Government as a consultant. Mr. Thurman said in order to adopt a moratorium for sixty days or longer, you have to have a public hearing twice. Mr. Millette said his original proposal was restrained to the Highway 17 corridor. Mr. Williams and Mr. Brown were in favor of implementing a sixty day moratorium on special use permits along the Highway 17 corridor while Planning staff works on implementing an overlay district for Hampstead. Mr. Brown said putting a moratorium in place while they're working on the overlay district will relieve some of the problems and if at the end of sixty days they're not on the right track, they will end the moratorium. Mr. Williams added that sooner or later Highway 17 will look just like Market Street. Mr. Thurman noted that anybody that has completed a special use permit application before the moratorium will not be affected if the application has already been accepted by staff. Mr. Thurman said he's a little "leery" about setting a moratorium without input from the Planning Board. Ms. Brill agreed with Mr. Thurman. She said this is a very, very drastic step, that it will impact established priorities and that it needs to go back to the Planning Board. Mr. Al Freimark of the GHHA said it's been four months since they asked for an Overlay District and haven't received it; he thinks the recommendation for a moratorium is a good one. Mr. Thurman suggested having a public hearing at the next meeting. Mr. Williams said we should have a resolution at the next meeting and Mr. Rivenbark instructed staff to draft a resolution.

17. ITEMS FROM THE COUNTY MANAGER

Ms. Brill said she and the Board need to schedule a special workshop to discuss water and sewer in general, to include sewer allocation by the City of Wilmington and forming a partnership with New Hanover County. Mr. Williams noted that Friday mornings are always good for him; no date was set. Ms. Brill also said the Rural Courthouse Commission will be coming to evaluate the Pender County Courthouse.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he's continuing with the Hampstead Pines situation in which the developer has issues with the bonds and said the matter of Donald Sullivan v. Pender County could possibly be heard in court on the September 17th.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown congratulated Mr. Thurman, Mr. Williams and former Commissioners Steve Holland and Dwight Strickland for winning the Pender County Redistricting Case. Mr. Brown said he is proud of Mr. Thurman and it is "quite a feat" to stand up before the Supreme Court and win.

Mr. Williams said he received a letter from a Scotts Hill resident who has concerns with the way Pender County Schools are spending taxpayers' money. Mr. Louis North came forward and said he wrote the letter and encouraged the Board to review the letter and get back with him. Mr. North expressed his concerns with the School Board's excessive, unnecessary spending on the new Topsail High School Project and their lack of interest in trying to save money. Mr. Thurman explained that the County is only involved with the Schools' spending so the sales taxes can be recaptured. Mr. Blanchard said he had suggested before that the Schools hire an engineer in order to have oversight of all county dollars spent, including this project. Ms. Brill said she would meet with Ms. Sholar to discuss this matter and the possibility of hiring a construction management firm which the Board had previously discussed. Mr. North said he talked with Dr. Kaniuka, the Architects and members of the School Board and their attitude all seemed to be "we'll do what we please." Mr. Rivenbark said the County does handle the School Board's money but doesn't have control over the line items they spend it on. Ms. Brill noted she had requested Finance Officer David McCole to research all the change orders related to the new high school. Mr. Brown said Ms. Sholar had indicated she wants to make the budget more open to the Board of Commissioners. Mr. Rivenbark said that from the time the Bond Referendum had passed, they had been trying to get the Board of Education to hire a construction manager.

Mr. Rivenbark said he had attended lots of meetings at the state (NCACC) and national (NACo) levels and NACo had recently appointed him as Vice Chairman of the Agriculture and Rural Affairs Committee. Mr. Rivenbark also noted the following: he received a letter from Donald Sullivan concerning the lawsuit; with respect to the County's new Wellness/Fitness Program, he had read where other counties are starting wellness/fitness programs; and he received a package from Dr. Griffith with a report on the investigation by his staff of problems at the Courthouse.

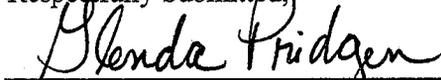
PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

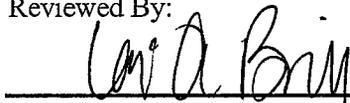
There being no further business, the meeting adjourned at 11:45 a.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Lori Brill, County Manager