

MONDAY, AUGUST 4, 2008

The Pender County Board of Commissioners met in regular session on Monday, August 4, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Rick Benton, County Manager, 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 Williams called the meeting to order at 10:00 a.m. and welcomed all to the meeting.

INVOCATION

Commissioner Blanchard offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Update on the Status of Southeastern Center for Mental Health Services: Dr. Art Costantini, Area Director, & Susan Robbins, Chairperson, SEMH Board.

Ms. Robbins read from a prepared letter concerning the search committee to find a replacement for Dr. Costantini, and began by expressing concerns that the County is preparing to evict SEMH's contract service provider, Coastal Horizons, from a county office building. A complete copy of the letter is attached and made a part of the minutes by reference herein. Mr. Williams said he thought this was supposed to be an update on the status of SEMH and said Ms. Robbin's letter is not what is on the agenda. He asked if this is a "witch hunt" and asked Mr. Parker and the other Board members if they knew this topic was coming before the Board. Mr. Parker and Mr. Brown said no; Mr. Rivenbark and Mr. Tate didn't respond; and Mr. Blanchard said he knew there were some concerns but he didn't know about this letter. Mr. Williams asked that the Board get back on task and address the item on the agenda. Mr. Rivenbark responded "that is coming." Mr. Parker explained that the County is currently conducting a space utilization study and that he simply informed Ms. Robbins that it may come back with a recommendation to move Coastal Horizons from its current location and replace it with the County Dental Office, but it may not. He said the study just started and we are not even close to thinking of moving anyone. Ms. Robbins said she wasn't trying to embarrass anyone but what she got out of her meeting with Mr. Parker and Dr. Griffith was that it was "a done deal." Mr. Blanchard said we should move slowly and revisit this issue. Mr. Williams said that after the study, everybody may stay where they are and that the study is nothing personal against anyone. Mr. Tate asked who approves renovations and Mr. Parker responded that the Commissioners approve all renovations for any county-owned buildings. Mr. Brown and Mr. Williams agreed that if they had had the letter beforehand, they could have discussed it before the meeting. Dr. Costantini spoke about the deficit in SEMH's budget and the fact that the State is sending someone in to help. He noted he will be retiring soon but will stay on until they hire his replacement. Mr. Blanchard said he is concerned about the deficit and asked if anyone saw this coming. Dr. Costantini said it started when they started contracting services instead of

being the provider. Mr. Williams thanked Dr. Costantini and congratulated him on his retirement. Dr. Costantini thanked the Board for working with SEMH all these years.

2. Update on Pender Memorial Hospital: Services, Projects, Activities, etc.: David Long, CEO.

Mr. Long introduced Kathy Futch, their new Chief Finance Officer, and Al Owens, Hospital Board member. Mr. Long read a statement from Hospital Board Chairman Ken Johnson which included: the Hospital's challenges, goals reached the new surgery suites, new emergency room, new outpatient facility in Rocky Point, periodic financial shortfalls and setbacks, and their decision to further move towards the New Hanover Health Network and the Commissioners' support of that decision. Mr. Johnson apologized in the letter for not being at the meeting in person. The letter also said Mr. Johnson wants to publicly thank Jack Barto and his staff at the NHH Network for their continued support, and thanked the Commissioners and the community for their support. Mr. Williams thanked Mr. Long for going out of his way to keep the Board "in the loop" and said we don't get all the negative comments about the Hospital as we have in the past.

3. Update of the Topsail Area Comprehensive Transportation Plan (CTP): Tyler D. Bray, Transportation Planning Branch, NC DOT.

Mr. Bray said that the Transportation Branch of the NC DOT is working with the local municipal governments in the Topsail Area, the Cape Fear RPO and the Down East RPO to develop a transportation plan for the area, which will be a long-range plan that identifies major transportation improvements that will be needed over the next 30 years; that future projections have been completed and from these future projections they were able to project the traffic in the 2030 design year; that at the CTP steering committee held in June of 2008, the projected traffic and capacities were presented and there was agreement from the committee on the capacity deficiencies; that they will be asking for consensus from local officials on these deficiencies at their meetings this summer; that this is something they have been working on for two years and hopefully, they will have recommendations to solve issues to the Boards before the end of 2008. Mr. Bray explained the maps that were included in the agenda packets. Mr. Thurman asked about the traffic count and Mr. Bray explained that the average was based on 2005 figures; that they will get different numbers at different times of the year, such as peak season; and that a Wednesday in April is basically an average day. There was no formal action required by the Board.

RESOLUTION

4. Resolution Appointing County Manager as Clerk to the Board.

Mr. Williams said that we need to vote to approve the contract for County Manager before appointing him as Clerk to the Board. Mr. Thurman said the contract reflects what the Board authorized. Mr. Rivenbark made a motion to hire Rick Benton as County Manager and approve the employment contract between Mr. Benton and the County, Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Rivenbark then made a motion to appoint the County Manager as Clerk to the Board, Mr. Blanchard seconded the motion and it was unanimously approved.

CONSENT AGENDA

Chairman 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:

5. Approval of Minutes for the Regular & Closed Session Meeting of July 7, 2008, & Regular & Closed Session Meeting of July 21, 2008.

6. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.
7. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: WIC Program: \$7,189.
8. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: Migrant Health: \$11,000.
9. Resolution Authorizing Purchase Orders to Central Carolina Tire for Scrap Tire Disposal: \$75,000.
10. Resolution Approving Agreement & Authorizing Purchase Order with the State of North Carolina for Forestry Services in Pender County: \$214,320.
11. Resolution Approving Joint Funding Agreement with the U.S. Geological Survey for N.E. Cape Fear River Monitoring Equipment Maintenance & Authorize Purchase Order: \$5,200

RESOLUTIONS

12. Resolution Accepting "Train-The-Trainer" Grant from NC Emergency Management, and Subcontracting Funds to Cape Fear Community College: \$7,594.05.

Emergency Management Director Eddie King explained that all 100 counties in North Carolina received Department of Homeland Security Funding to provide training to create a cadre of instructors qualified to provide Emergency Management training to the first responders in the county. He said Items 12 and 13 are both training funds. Mr. Blanchard made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

13. Resolution Accepting NIMS Training Grant from NC Emergency Management, and Subcontracting Funds to Cape Fear Community College: \$8,490.20.

Mr. King said this is the same basic grant as the previous one; the only difference is this one provides for specific training, which is NIMS Training. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

14. Resolution Authorizing Purchase Order for Lawn Mowing Services Contract for Fiscal Year 2008-2009: \$19,550.

Parks and Recreation Director Dee Turner explained that this lawn mowing services contract was bid out in 2006; that JC Lawncare was awarded the contract beginning FY 06-07 for a two-year period with an option to renew; and that the contract was renewed for one year at a ten percent (10%) increase over the past two years. Mr. Rivenbark asked if the contractor applies fertilizer, specifically at the courthouse and Ms. Turner said the County Groundswomen apply fertilizer in different locations, including the Courthouse. Mr. Blanchard asked if any mowing is done in-house and Ms. Turner said this contract is for mowing all county locations except the Hampstead Kiwanis Park, Pender Memorial Park and the convenience centers, which are mowed by the Groundswomen. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

15. Resolution Authorizing a Purchase Order to Farrior's for Carpet Replacement, Pender County Utilities Department: \$15,000.

Public Buildings Supervisor Jimmy Fields explained that they are requesting replacement of 371 square yards of commercial grade carpet and 452 square feet of floor tile in the Utilities Department at 605 E. Fremont Street, including seven offices, Emergency Management, Command Center Hall and the kitchen area. He said the carpet and tile that is in there now is in terrible shape. Mr. Parker added that this item and the next, Item Number 16, are budgeted in the Capital Improvement Project. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

16. Resolution to Approve Contract with Johnson Controls, Inc. for Maintenance Service on the Chiller/Boiler at the Government Complex: \$30,580.

Mr. Fields explained that this is an annual renewal contract for maintenance service on the chiller/boiler and has been budgeted for FY 08-09; that the contract was previously with York International who was bought out by Johnson Controls; that there is no price increase this year; that the only labor provided by staff is to change air handlers, actuators, filters and belts. Mr. Brown asked if this is under contract and what is the bidding process. Mr. Parker said York International was the successful bidder three years ago and they were bought out by Johnson Controls, so the contract continued with Johnson. Mr. Brown asked if when bidding out, do we only look at prices and Mr. Fields responded "no, we also look at service and other criteria." Mr. Rivenbark said we definitely need to look at having bids sent out next year for this service. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

17. Resolution to Request Approval of Contract with Phillip Barton, Library Consultant, for Planning Services for Pender East Regional Library: \$12,000.

Library Director Mike Taylor explained that Eastern Pender was identified as the number one library CIP priority at the 2007 Board Retreat; that a county-wide study regarding library facilities was done by Mr. Barton and the Board heard the results of the study on July 21, 2008, with specific square foot guidelines for action through 2020; that Mr. Barton will provide a defined scope of work with a very detailed space allocation and descriptive plan to guide the design phase by an architect; that input from staff and the public will be received; and that Mr. Barton will also participate as a consultant in the review of the architectural plans when drawn. There was some discussion of the possibility of land being donated to build a new library. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

18. Resolution to Grant Approval of a Late Application for Exemption of Property Taxes for the Pecan Grove Homeowners Association.

Tax Assessor Coby Heath explained that the common area of a subdivision owned by a qualifying homeowners' association qualifies for exemption from property taxes; that Pecan Grove Homeowners Association is filing for a late exemption because it is after the close of the listing period and the Board of Equalization and Review has already adjourned; that the Board of Commissioners can grant an exemption for late filers; that Pecan Grove is late filing because the developer kept the property a couple of years before deeding it to the Homeowners Association; that refunds for any previous years not exempted are not permitted; and that Pecan Grove has paid last years taxes. Mr. Williams asked if we can legally do this and Mr. Thurman responded affirmatively. Mr. Blanchard asked if it just a case of oversight and Mr. Heath responded affirmatively. Mr. Blanchard made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

19. Resolution to Quitclaim Interest in Real Property Owned by Pender Volunteer EMS & Rescue, Inc.

Pender EMS & Rescue Director Woody Sullivan explained that Pender EMS owns a tract of real property and appurtenances located at 108 East Wilmington St., Burgaw, which was donated to them by the County; that the County donated the property upon the express condition that in the event the real property was not utilized for rescue squad services by Pender EMS and its successors and assigns, title to the real property would revert to the County; that due to the growing demands for emergency medical services with the County, Pender EMS is in need of relocating its current location to a larger tract of land to be located within the Town of Burgaw; that since Pender EMS can't sell the current property and use the proceeds for the purchase of the larger tract, Pender EMS is asking the County to waive the reverter clause set forth in the deed from the County of Pender to Pender County Rescue Squad, and to

agree to execute a quitclaim deed which will quitclaim and release all of the County of Pender's right, title and interest in the property. Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

DISCUSSION

20. Discussion of the Pender County Noise Ordinance.

Mr. Williams explained that a while back, the Pender County Noise Ordinance was amended to include amplified music. He said recently, he has been getting complaints about barking dogs. Mr. Thurman said a previous Board had tried to address the issue of people in yards with loud noises but nothing came of it. Sheriff Smith said the music amendment prohibits loud music any time, any day – not the regular 11:00 p.m. to one-half hour before sunrise in the general ordinance, and that it has been very effective. He said one reason that it would be hard to enforce an ordinance against barking dogs is because Pender County is mostly a rural area and wide spread; and that in many cases, these noises are permitted to continue out of spite, between landowners; that those bothered by barking dogs would have to address them on a civil level; and that dogs and other animals are not included in the current Noise Ordinance. Mr. Brown was concerned that if a kennel ordinance was to come into effect, it would adversely affect hunting dogs. Board members generally agreed that no action would be taken at this time with respect to barking dogs.

APPOINTMENTS

21. Resolution Approving Appointment to the Pender County Fire Commission.

Mr. King explained that members of the Topsail Beach Fire Department selected Roger Hawkins to represent them on the Pender County Fire Commission and noted Mr. Hawkins is employed as the Town of Topsail Beach Fire Marshal. Mr. Rivenbark made a motion to approve the appointment of Roger Hawkins to serve a three-year term on the Pender County Fire Commission representing Topsail Beach Fire Department, with term to expire June 30, 2011. Mr. Blanchard seconded the motion and it was unanimously approved.

22. ITEMS FROM THE COUNTY MANAGER/ COUNTY ATTORNEY/COUNTY COMMISSIONERS

Mr. Williams officially welcomed Rick Benton as the new County Manager for Pender County. Mr. Benton said he is looking forward to working with the Commissioners and Pender County staff and moving forward.

Mr. Thurman said he has item for closed session with respect to Items Number 3 and 5 of NCGS 143-38.11.

Mr. Brown said he received a call from relatives of a thirteen-year old young man who sells snow cones from a snow cone machine on Highway 117. They were concerned because they had checked with the Health Department and the Health Department said they were in no violation, but Pender County Code Enforcement Officer Ralph Kays had approached them concerning the machine. Planning Director Patrick Davenport explained that Mr. Kays hadn't issued them any citation – he only asked them what was going on; that staff determined that it falls under retail sales and no retail sales are allowed in that area, which is zoned R20; that Mr. Kays offered the young man's family some other options but they weren't interested; and that since the Planning Department didn't have any specific complaint, they're not pursuing a zoning violation yet. Mr. Williams and Mr. Blanchard suggested Planning investigate this further and bring it back to them at a later date. Mr. Brown said Mr. Kays was only doing his job and said he thanks Mr. Kays for doing a good job.

Mr. Williams asked about a House Bill that concerns assessed property and Mr. Thurman said it was based on South Carolina Legislation, it has not yet worked its way through and they don't know how it's going to play out.

Mr. Tate said he and Chairman Williams had a very productive Priority One meeting with the School Board. He said the School Board talked about their need for a full-time art teacher for West Pender School and said he thought it was in the budget. Mr. Tate asked staff to look at additional funding for the art teacher and Mr. Parker said they will. Mr. Brown said we need to look at what else the Schools need, not just funding for the art teacher. He asked about the \$170,000 they previously discussed which DSS didn't use and Mr. Williams said that money was given to Cape Fear Community College and said the Board previously agreed to look for more funding for the Schools later on.

Mr. Rivenbark said he is a Voting Delegate for the upcoming NCACC Annual Conference and said we need an additional one. Mr. Blanchard volunteered to be a Voting Delegate.

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

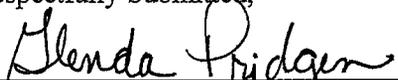
At 11:25 a.m. Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (3) to consult an attorney employed or retained by the public body in order to preserve the attorney-client privilege; (5) to establish, or instruct the public body's staff or negotiating agents concerning 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. Blanchard seconded the motion and the Board unanimously approved going into Closed Session.

The Board came out of closed session at 12:40 p.m.; there were no announcements upon exiting.

ADJOURNMENT

There being no further business, the meeting adjourned at 12:41 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

My name is Susan Sherman Robbins and I am a Board member for Southeastern Mental Health representing Pender County. I am also a member of the search committee to find a replacement for Dr. Art Constantini, current CEO of Southeastern. During a preliminary meeting with other board members and Dr. C., before the full committee met, Dr. C. told me that he had not received word as to whether or not a representative from Pender County would be joining the search committee at their initial July 29th meeting. He mentioned he had a communication from Mr. Parker regarding a site study but no mention of the committee. Since the other counties in our region had two representatives (one board member and one county government employee) it was suggested that I speak with Mr. Parker concerning this matter. The County Commissioners from all three counties have opted to join the committee when the interview process occurs.

On July 16th I called to request a meeting with Mr. Parker concerning this committee. During that phone conversation the site study was mentioned and Mr. Parker stated that those were future plans but he agreed to meet with me on the search committee matter.

On July 22nd I went to Mr. Parker's office to meet with him. Unknown to me, Mr. Parker invited the Pender County Health Director, Dr. Griffiths, to join our meeting. At first I did not understand what Dr. G's presence had to do with a search committee for mental health, but I soon found out that they had their own agenda. Contrary to what I was told on the phone one week earlier, what was to be a future discussion of the site took precedence over the search committee. I was there to be given the reasons mental health should give its county building space over to the Health Department

This news was not a total surprise to me because this item comes up every time we get a new county manager. So far, we have been able to stay in our ONLY totally county owned building. Of the three mobile offices behind the health department/mental

health building, two of those were purchased with Southeastern funds when we needed extra space and were told by the county that there was none. When I inquired if the Commissioners were aware of this information, specifically Mr. Rivenbark since he serves on our board, I was told that Dr.G. had his own capital funds that did not require County funding. I requested that Mr. Rivenbark be informed immediately.

I also need to remind you that Southeastern procured a grant of \$90,000 to assist in building the structure that we currently occupy. I am not sure of how \$90,000 translates from 1990 dollars to 2008 dollars but I expect it is quite a bit more.

I am here today to ask that the new county manager, Mr. Benton be given the site management decisions. I would also ask that if ANY county department is to be moved, that it be done after you have give it your approval. Dr. G. mentioned his dentists needing a more permanent structure. I am sure our psychiatrist would feel the same way if he were moved from his current office to a mobile one.

At this time I do believe that if we are forced to move, it will be detrimental to not only Southeastern Center but eventually to mental health services in Pender County.