

MONDAY, NOVEMBER 3, 2008

The Pender County Board of Commissioners met in regular session on Monday, November 3, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: Chairman David Williams.

OTHERS PRESENT: Rick Benton, 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

Vice Chairman Tate called the meeting to order at 10:00 a.m. and thanked and welcomed all.

EXCUSE OF CHAIRMAN WILLIAMS

Vice Chairman Tate noted that Chairman Williams would not be at the meeting. Mr. Rivenbark made a motion to excuse Mr. Williams, Mr. Brown seconded the motion and it was unanimously approved.

INVOCATION

Commissioner Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Division of Community Corrections, 5th Judicial District: 2008 Annual Report: Jean H. Walker, Judicial District Manager.

Ms. Walker said the 5th Judicial District is comprised of New Hanover County, an urban area, and Pender County, a large rural area; that District 5 is committed to the principles of community corrections – placing emphasis on both community safety and offender rehabilitation; that Pender County has blended, not specialized caseloads; that all probation officers have Probation/Parole Officer II classifications and all carry blended caseloads of community, intermediate, intensive, sex offender, and electronic house arrest cases; that Pender County has been divided into smaller more manageable zones to meet the challenges of supervising offenders in such a large county; and that reducing travel time gives the officers more quality time to address the individual needs of offenders, maximizing the use of the county's limited resources. Ms. Walker's report included personnel, facilities, programs, activities, statistics on crimes committed and statistics on monies collected. She said as of this date, Pender County has collected \$377,027.66 in 2008 and that 39% of it went was given as restitution to victims. Mr. Tate asked what happens to the remaining money that isn't given to victims and Ms. Walker said the state legislature determines where the money goes. Mr. Rivenbark noted the high number of drug cases in the report and asked how they are handled. Ms. Walker said they have drug treatment and rehabilitation programs. Mr. Tate thanked Ms. Walker for the report and Ms. Walker thanked the Board for their support.

CONSENT AGENDA

Mr. Tate presented the four items on the Consent Agenda and asked for any questions or discussion. Mr. Thurman noted Attorney Charles Meeker represents the County, and not Powers Great American Midways, as stated in the minutes. Mr. Rivenbark made a motion to approve the Consent Agenda, with the correction to the minutes, Mr. Blanchard seconded the motion and the Board voted unanimously, by a 4-0 vote, to approve the Consent Agenda as follows:

2. Approval of Minutes for the Regular & Closed Session Meeting of October 10, 2008 & Regular Meeting of October 20, 2008.
3. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.
- 4a. Resolution Accepting Petition to Add Annie West Rd. in Willard to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
- 4b. Resolution Accepting Petition to Add Lake Dr., Cotton Patch Ct. and Birchwood Ct. in Morgan Cove Subdivision in Burgaw to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.

RESOLUTIONS

5. Resolution to Appoint Sarah Pridgen as a Deputy Tax Collector.

Tax Collector Barbara Murray explained that the position of Tax Clerk III changed to Deputy Tax Collector as a result of the pay study. She said state statute requires that the Board of Commissioners has to appoint a Deputy Tax Collector. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

6. Resolution Approving Pender County Application for Public Use of County Facilities.

Mr. Benton explained that the County's facility use application and policy hadn't been updated in several years and that he had drafted an updated application with only a few changes. Mr. Tate asked what changes were made and Mr. Benton said no changes were made as far as use of facilities; that he only added "County non-endorsement" language and "hold harmless" language. Mr. Rivenbark said he's glad this is being made public because there had been some contentious issues in the past. Mr. Brown asked how this policy would clear up the contentious item and Mr. Benton said political meetings were permitted under the former policy and are permitted in this one, with the disclaimer that the use of the facility does not constitute a County endorsement. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

7. Resolution Authorizing Application to NC DENR – Division of Water Resources for the Black River Restoration Project: \$100,000.

Mr. Parker explained that this is a standard resolution which has to be presented with the application. Mr. Greg Thompson, Engineering Consultant, gave a brief update on the project. He said they are currently compiling information to get work authorized by DENR, including field surveys, a project map and an application to the Army Corps of Engineers and they hope to be doing the actual work by December or January. Mr. Tate asked how much of the \$100,000 is actually going to go directly toward cleaning the river, and Mr. Parker stated one hundred percent of the physical work. He said the County paid for design of the project. Mr. Tate asked how much the total amount of money it would take to completely rectify the river's problem and Mr. Thompson said that amount is not yet known. He suggested that partnering with the Corps of Engineers would help expand the project which could then possibly include dredging. Mr. Tate asked if they had consulted with Bladen County to see if they were doing anything with their end of the river and Mr. Thompson said they had been in contact with Bladen County and Sampson County. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

APPOINTMENTS

8. Resolution Approving Appointment to the Pender County Tourism Development Authority.

Ms. Pridgen explained that the applicants are the same ones that were tabled from a previous meeting in which Mr. Tate wanted more time to talk with both applicants. Mr. Rivenbark made a motion to remove the item as a tabled item, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Blanchard made a motion to appoint John Wharton to the TDA to serve a two-year term in an at-large position, with term to expire August 31, 2010. Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

9. ITEMS FROM THE COUNTY MANAGER

There were no items from the County Manager.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he has been and still is keeping in contact with Board of Elections Director Dennis Boyles in case there are any problems with the election. Mr. Thurman also said he wants to make the public aware that the Board of Elections controls all election matters and not the Board of Commissioners.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark read a resolution which explained that the current Area Director for Southeastern Center for Mental Health will retire on December 31, 2008 and the Area Board is asking for authority from the three counties involved to hire a new Area Director. Mr. Brown reminded the other Commissioners that they voted at a previous meeting on a policy to not vote on items that aren't listed on the agenda. Mr. Tate asked Mr. Thurman if it is legal to vote on an item when there's a policy in place. Mr. Thurman said there was a provision that additional items could be brought on by unanimous vote, should there be an occasion where one or more Commissioners was not present at a meeting. It was noted that the six-month trial period for this policy had already passed. Mr. Brown said he's not against this resolution but he can't vote on it because it's not listed on the agenda. Mr. Brown asked that the original item about not voting on items not listed on the agenda be put back on the next agenda. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was approved by a 4-0 vote (Mr. Brown did not vote on this item so it automatically became an affirmative vote).

Mr. Rivenbark said the NCACC Legislative Goals Conference will be held in Raleigh January 15-16, 2009 and the Essentials of County Government orientation program will be held in New Bern by the School of Government in January. He said Board members need to attend both and let their voices be heard.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:34 a.m.

Respectfully Submitted,

Glenda Pridgen

Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

Rick Benton

Rick Benton, Clerk to the Board