

TUESDAY, JANUARY 19, 2010

The Pender County Board of Commissioners met in regular session on Tuesday, January 19, 2010 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: Commissioner Williams.

OTHERS PRESENT: Rick Benton, 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 Tate called the meeting to order at 4:04 p.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Rivenbark offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

EXCUSE COMMISSIONER

Mr. Tate noted Mr. Williams could not attend today's meeting. Mr. Rivenbark made a motion to excuse Mr. Williams, Mr. Brown seconded the motion and Mr. Williams was unanimously excused by a 4-0 vote.

PUBLIC INFORMATION

1. **Foster Norman, Executive Director, Southeastern Center for Mental Health, Developmental Disabilities & Substance Abuse Services (SECMH): Presentation of Annual Report.**

Mr. Rivenbark, who is a member of the SECMH Board introduced Mr. Norman and gave his credentials. Mr. Rivenbark said SECMH did have financial and other problems before Mr. Norman started; the problems had been resolved since Mr. Norman came; and SECMH is now in good shape, financially and organizationally. Mr. Foster gave a summary of the 2008-09 Annual Report which included: Mission, Vision, Values-Relationships, Continuous Quality Improvement, and Leadership; Citizens Served by Gender; Citizens Served by Gender/Disability; Citizens Served by Disability; Percentage of County Population Served; Expenditure by Category; Dollar Value of Services by County; Revenues by Funding Source; Expenditure by Services; Screening, Triage and Referral; and Area Board Members and Consumer and Family Advisory Committee. The entire report is on file with the permanent records in the Clerk to the Board's office. Mr. Norman said SECMH developed a process that it will always be within its budget and approved a concept of Single Streamed funding in which there would be more local control to move dollars around. Mr. Rivenbark gave a history of SECMH and said we still have too many clients slipping through the cracks. Mr. Tate spoke about the Level 3 and 4 group homes in Pender County and asked if they can streamline enough to get people back into normal homes. Mr. Foster said most of them are in Level 3; they evaluate whether children need Level 3 and try to get them back in their homes.

Mr. Tate asked that Item Number 6 be moved up on the agenda since it also pertains to SECMH.

6. Resolution Supporting New Facility and Financing Plan for the Southeastern Center for Mental Health, Developmental Disabilities & Substance Abuse Services (SECMH).

Chris Coudriet, New Hanover County Assistant Manager explained the resolution and delivered a Power Point presentation, which was also included in the agenda packet. New Hanover County Finance Director Avril Pinder was also present to answer questions. The presentation included: Southeastern Center Facility Construction Project; New Hanover County Objectives; Looking Back: 2008 Plan; Looking Forward: 2010 Plan; What's the Cost and Impact; Financial Assumptions; Project Timeline Estimation; Cape Fear Region Benefits; and New Hanover County Request. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. Coudriet said the Board is being asked to consider joining in with New Hanover and Brunswick Counties to approve constructing a new regional facility. Mr. Brown asked about the \$5 million that was set aside for a new facility several years ago and it has now come down to \$3 million. Ms. Pinder explained \$2 million had to be used to offset operating losses. Mr. Brown asked if they can guarantee the \$3 million will still be there after ten years. Mr. Coudriet said he doesn't expect SECMH to come back and request these dollars. Mr. Foster said he agrees-he doesn't think SECMH will come back at this time and ask for these funds. He said SECMH is in a good position right now with fund balance. Mr. Tate asked if any of the funds will be used for mental health services and Mr. Coudriet said "no, they are fully expected to be used for administrative services." Mr. Benton asked if this plan includes furnishings and equipment and Mr. Coudriet responded "yes." Mr. Rivenbark made a motion to approve the resolution as presented, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

2. Marc Finlayson, Executive Director, Highway 17 Association: Update on the Progress & Status of Highway 17.

Mr. Finlayson presented a report which included Highway 17 Association's: Mission Statement; Goals, Strategies and Tactics-Government Relations 2009-10, Public/Media Outreach and Marketing 2009-10, and Administrative/Financial 2009-10. He also presented a Status Report: Projects-January 2010, which included US 17 Wilmington Bypass, US 17 Hampstead Bypass, US 17 Jacksonville Bypass to Drummer/Kellum Road, US 17 Belgrade to new Bern, US 17 New Bern Bypass, US 17 New Bern to Washington, US 17 Washington Bypass, US 17 Washington to Williamston, US 17 Mills Street in Bridgeton to NC 43, and US 17-74-76/NC 133 Widening in Wilmington. Mr. Finlayson explained the status of each project. He said the Highway 17 Hampstead By-Pass is "still on the drawing board." Mr. Brown asked with reference to the Mission Statement on Page 3 of the report, what is the benefit of being a Heritage Highway. Mr. Finlayson said a Heritage Highway will qualify for federal funds up to \$1 million. Mr. Brown asked if with respect to the Military Growth Task Force, if Pender County will benefit in some way. Mr. Finlayson explained that even with Military Growth Task Force efforts, the Department of Defense is reluctant to invest in transportation other than what is right outside the gates at the bases. He added he's concerned with that. Mr. Blanchard said it appears to him there's a lot more "smoke and hot air" than what is on the ground. Mr. Tate said on behalf of Mr. Williams (who represents Pender County on the Wilmington Area MPO-Transportation) and all the Commissioners, they appreciate Mr. Finlayson's work and hope he continues to be Pender County's voice on the Highway 17 Association; he also thanked Mr. Finlayson's organization.

3. Charles Newman, Interim Emergency Management Director: Update on Pender County's Emergency Notification System "Connect-CTY".

Mr. Newman explained: in the County's 2009-2010 budget the Board approved funding for a Reverse 911 notification system; the Emergency Management Office has launched the Connect-CTY service, a

county-to-resident notification system in which county leaders can send detailed voice messages to residents and businesses within minutes with specific information about time-sensitive or common-interest issues such as emergencies and local community matters; implementation of the system began in August of 2009; not only will the system be used for emergencies, but will be used for Public Utilities notifications as internal purposes as well; and they actually used the system on Veterans Day in the case of a lost hunter. Mr. Newman gave a slide show which included the three steps of the system: 1) create messages; 2) select recipients; and 3) schedule and confirm messages (can re-send messages not delivered). Mr. Newman said there are 16,500 phone numbers in the database right now. Mr. Tate asked if these are household phones and Mr. Newman responded "yes, these are land lines." There was discussion of how many households have only cell phones and no land lines. Mr. Newman said they will do a press release recommending that people go on-line and get their numbers added to the list. Mr. Brown asked if this service focuses on groups, can people that live along rivers be called, in case of flooding and Mr. Newman responded affirmatively. Mr. Blanchard asked if you can piggy back on utility and tax bills to notify people who have private, unlisted numbers to add their numbers to the list. He said this would save money by not having to mail everyone. Mr. Benton said we plan to do more public education.

PUBLIC COMMENT

Mr. Al Freimark distributed a newspaper article and said he is here speaking for himself today and not for anyone else. Mr. Freimark was concerned with the Planning Board meetings and the fact that the public is not able to speak at up front. He cited some cases of people wanting to speak at these meetings, having to wait until the case is heard before they can speak, and some actually having to leave the meeting before they get to speak. Mr. Freimark asked the Board of Commissioners to instruct the Planning Board to let people speak up front. Mr. Brown said he agrees; he said had attended a Planning Board meeting in which he didn't get a chance to hear what citizens had to say because he had to leave. Mr. Thurman and Mr. Davenport discussed this and said they will present it to the Planning Board. Mr. Blanchard suggested putting public comment as the first item on the agenda. Mr. Brown said this format works well and said he would like to instruct all county boards to put public comment at the beginning of meetings. Mr. Thurman explained you can't do that for all boards, such as the Board of Adjustment and Special Use Permits. It was the consensus of the Board for staff to work with departments to see about putting public comment first in meetings for boards that are governed by the Board of Commissioners.

Mr. Al Owens of Penderlea spoke concerning the Penderlea Homestead Museum and said they are trying to get the Penderlea Homestead area on the National Register of Historic Places. He invited everyone to attend a meeting they will be holding on January 22, 2010 to discuss this.

Mr. Owens, Chairman of the Pender Memorial Hospital Board, also gave an update on Pender Memorial Hospital. Some of his highlights included: CEO David Long is doing a great job running the hospital and he is one of the best administrators we have; they have one of the best home health agencies in the state; the County hasn't had to put any money into Pender Memorial since New Hanover Regional Medical Center took it over; and listed some of the projects they completed and some they are still working on. Mr. Owens thanked Mr. Tate for taking charge of getting lights put on the tower for the helicopter and Mr. Tate thanked other Board members for their support this. Mr. Tate said he had the opportunity to visit the hospital and observed all the renovations. Board members agreed to send a letter of appreciation to David Long and Mr. Owens suggested they send it to Mr. Jack Barto, Chairman of the Board of Directors of New Hanover Regional Medical Center. Mr. Rivenbark then gave a financial history of Pender Memorial Hospital.

Mr. Donald Sullivan of Atkinson spoke concerning the difficulty of local rights of citizens, including citizens don't have "the right to remain silent"; the Courts are not bound by the Judicial System; Pender County puts people in jail illegally every day; and someone should make sure officials are properly sworn in.

CONSENT AGENDA

Mr. Tate presented the two items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Blanchard made a motion to approve the Consent Agenda as presented, Mr. Rivenbark seconded the motion and the Board unanimously voted, by a 4-0 vote, to approve the Consent Agenda as follows:

4. Approval of Minutes for the Regular Meeting of January 4, 2010.
5. Resolution Accepting Petition to Add Tara Lane in Oakvale East Subdivision, Scotts Hill, to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.

RESOLUTIONS

7. **Resolution Approving a Contract between Pender County and the Cape Fear Area United Way for Administration of the Homelessness Prevention and Rapid Re-Housing Program.**

Housing Director Angela Keith explained: Pender County has been awarded \$160,378 in funding by the Cape Fear Area United Way under the federal Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds under Title XII of the American Recovery and Reinvestment Act of 2009; a contract is necessary to be in effect for a maximum of thirty-three months ending June 30, 2012, for administration of the funding; the Pender County Housing Department will be responsible for administering funds for eligible Pender County residents for various activities, including short-term financial assistance for rental payments; this program is not a replacement for the Housing Program; and the County will be reimbursed for fifteen hours per week for Alexis Roberts of the Planning Department to administer the program. Mr. Rivenbark asked if the County Attorney had reviewed the contract; Mr. Thurman responded affirmatively and said he had tweaked a couple items in the contract. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

8. **Resolution Authorizing Request for Proposals Solicitation for FY10 CDBG-Community Revitalization Application.**

Planning Director Patrick Davenport explained: the County had an opportunity to apply for up to \$850,000 in CDBG Community Revitalization (CR) funds in 2010; the CDBG program in North Carolina is funded with an annual federal HUD appropriation and is managed by the NC Division of Community Assistance in Raleigh; County staff has recent experience with CDBG housing and public works activities; a CDBG-CR project generally involves housing and water/sewer/streets/drainage activities in one or two "target areas" including a total of 12-15 substandard housing units; and if the project is not funded this year, there is a very good probability that the application could be re-submitted and funded at no expense in 2011. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

9. **Resolution Authorizing 2010 FEMA Hazard Mitigation Assistance Program Application and Approval of Agreement for Services with Holland Consulting Planners.**

Mr. Davenport explained: the FEMA Hazard Mitigation Assistance Program is administered through the NC Department of Emergency Management; the program provides funding that can assist county taxpayers (homeowners) with the elevation and flood mitigation retrofitting of private residences; the

priority for this funding is the elevation of severe repetitive loss properties-four or more flood insurance claims of at least \$5,000 each or two claims totaling in excess of fair market value, but funds may be available to assist homeowners who have filed only one or two claims if they meet the requirements; seasonal and rental homes are eligible for assistance and assistance is not dependent on homeowner income; a homeowner match of 10% or 25% is required, depending on the type of funding received; the County is not responsible for any of the project cost; and Planning staff will work with Holland Consulting Planners to prepare and submit an application. Mr. Brown asked with respect to seasonal and rental homes, is there anything that says priority will be given to residents that live in their homes year-round. Mr. Benton said we haven't got that far yet with the project; he said we will look at this aspect. Mr. Tate said he agrees with Mr. Brown's concern with respect to giving priority to primary residences. Mr. Rivenbark said in the past, the Board has stipulated CDBG funds not be given for rental properties. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

10. **Resolution Supporting and Approving a Proposed Contractual Arrangement between Rocky Point/Topsail Water and Sewer District and Integra Water, LLC for the Provision of Wastewater Services in the Rocky Point/Topsail Water and Sewer District.**

Mr. Benton explained: several months ago the Board of Commissioners authorized staff to proceed with discussions with Integra Water, LLC regarding evaluating opportunities to partner for the provision of wastewater treatment and collection services in the eastern area of the County, primarily along the US 17 corridor, and within the Rocky Point/Topsail Water and Sewer District service area; Integra is proposing to finance, construct and manage a regional treatment plant(s), outfall lines and collection systems to serve this area; in order to move forward with securing commitments and financing, Integra is requesting the County take action to support and approve a proposed contractual arrangement between the Rocky Point/Topsail Water and Sewer District and the company, subject to final approvals of documents and terms, including but not limited to a precursor agreement, a master services agreement and a lease agreement; and the School of Government will be involved to make sure this project is done correctly. Mr. Benton said Joan Young and others with Integra are present to explain further and answer any questions by Board members. Ms. Young said after evaluation and due diligence, they found overwhelming demand for services in this area and they need approval of the resolution in order for them to move forward. She added the County has wonderful staff for them to work with and said her Executive Team is here. Mr. John McDonald made remarks and said he agrees with Ms. Young that the County has excellent staff. Mr. Brown said he met with these folks several months ago and it looks like it will be a good project. There was more discussion regarding Integra's other locations, etc. Mr. Tate said Ms. Young said Pender is the first county in North Carolina they are building these facilities and he understood from an earlier meeting that they were looking at Wake County. Ms. Young said they currently have three separate projects in progress now, but Pender County is the first County in North Carolina in which they will have these facilities. Mr. Brown made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton provided the Board a letter from Danny Baker of Pender Packing Company, Inc. and explained Mr. Baker is requesting the County to allow him to make payment of his contract the Board had previously approved with respect to constructing sewer improvements, at the end of the project instead of paying up front. There was discussion of the original costs, concessions that had already been made to benefit the company, current costs and what financial guarantees we would have if the County finances the project and then the company can't meet its obligations. Mr. Benton said he and Mr. Thurman had discussed requiring a financial guarantee. Mr. Blanchard asked what would happen

if they can't pay and Mr. Thurman said we would have to sue them, and we wouldn't have any priority over anyone else collecting from them. In response to questions by Board members, Utilities Director Michael Mack explained that the contract for construction was bid out in October, they had asked the contractor to sit on it for 60 days, it is now at 90 days and we need to let the contractor know what our intentions are. Mr. Brown asked if the County had ever been involved in this any agreement of this nature before and Mr. Thurman said we have had some involvement, but it was different from this; he said we assisted Cincinnati Thermal Spray of Rocky Point with a project. Mr. Thurman said the Board could look at the project as two parts and consider Pender Packing paying the construction costs up front and paying the capacity fee at the end of the project. Board members verified with Mr. Thurman that the County wouldn't lose anything by letting them pay the capacity fee at the end of the project; Mr. Thurman said if they don't pay the capacity fee, we just don't let them hook up. Mr. Brown asked what precedent we have and asked if it would create a hardship for Mr. Mack if we did this and Mr. Mack responded "no." After more discussion, Mr. Brown made a motion to allow Pender Packing, Inc. to pay the construction costs up front and pay the capacity fee at the end of construction of the project. Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Tate made remarks and said he was glad the Board had resolved this matter.

ITEMS FROM THE COUNTY ATTORNEY

There were no items from the County Attorney.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Blanchard and Mr. Brown had no items.

Mr. Rivenbark said he received a phone call from a citizen in Mr. Brown's district complaining about flooding in his back yard that was caused by a neighbor. Mr. Rivenbark said he told the person the County doesn't have any jurisdiction to go on private property. Mr. Brown said he was going to meet the gentleman out there and look at the situation. Mr. Tate asked what the status is of Ms. Williams in Maple Hill drainage issue and asked staff to follow up on it with NC DOT.

Mr. Tate said he joined Lenoir and Craven County officials, other counties' officials and the Lieutenant Governor for a State of the Region Report, in which incentives for economic development was discussed. He said he asked about incentives for existing small businesses and the Secretary of Commerce assured them the Governor is trying to do what she can to help.

Mr. Tate also spoke about a new initiative, Career Readiness Certifications, in which counties provide funding through the schools. He said he saw a list of counties that provide this incentive, Pender wasn't on the list, and instructed Mr. Benton to follow-up on this.

CLOSED SESSION

At 6:05 p.m., Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (5) to establish, or to 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 and 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. Mr. Blanchard seconded the motion and the Board unanimously approved going into Closed Session. At 6:30 p.m., Mr. Blanchard made a motion to come out of Closed Session, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. There were no announcements upon exiting the Closed Session.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the meeting and the meeting adjourned at 6:32 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board