

MAY 2, 2005

The Pender County Board of Commissioners met in a regular session on Monday, May 2, 2005, at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

MEMBERS PRESENT: Chairman Eugene Meadows, and Commissioners Bill Moore, F.D. Rivenbark and David Williams. Vice Chairman, Stephen Holland, was unable to attend.

OTHERS PRESENT: John Bauer, County Manager, Paul Parker, Assistant County Manager, Trey Thurman, County Attorney, Melinda Knoerzer, Deputy Clerk to the Board.

CALL TO ORDER

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

INVOCATION

Mr. Meadows offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Rivenbark led the Pledge of Allegiance.

PUBLIC INFORMATION

Mr. Bauer introduced Ms. Angela Keith, who is the new Section 8 Coordinator which will be re-titled, "Housing Director", effective July 1, 2005. He said she comes to this position with over ten years of experience with the Pender County Department of Social Services.

Mr. Bauer introduced Mr. Stan Vance, Pender County Tax Administrator/Assessor. He said Mr. Vance comes to us with many years of tax experience from Anson County, as Tax Assessor, and he anticipates Mr. Vance will help Pender County move to a four-year revaluation cycle.

Ms. Inez Bradt – Pender Pride

Ms. Bradt, Volunteer Director for Pender Pride and Pender County Beach Sweep Coordinator gave a brief history of the development of this group. She said Beach Sweep has been conducted in Pender County every year since 1987, noting that a clean county drives a good economy. She discussed the implementation of the "Cascading Leadership" program into the schools, now known as the "Community Service Learning Program". She asked the Commissioners to consider funding this work at the requested level in the FY2005-06 budget. Chairman Meadows thanked Ms. Bradt for all her hard work on behalf of the citizens of Pender County and the environment.

Scott Bradshaw, Vice Chairman; Pender County Fire Commission and Assistant Fire Chief of the Sloop Point Fire Department, provided handouts showing recent statistics on call volume in the 911 Center. His data showed that overall, between Wednesday night (04/27) and Monday morning (05/02), 1269 calls came into the 911 Center. He said the Fire Commission requests that the County fund two additional non-emergency call taker positions requested by the Sheriff in this year's budget. He said the addition of those two people would

permit the 911 Dispatchers to focus solely on Emergency Medical Dispatch responsibilities. Mr. Bauer and the Sheriff were requested to work on this matter.

Cape Medical Transport, Inc., Chief Operating Officer, Doug Kirk and Robert Kenan, Attorney

Mr. Kenan requested the County give him approval to draft a contract with Cape Medical Transport, Inc., pursuant to NCGS 153A-250, to provide non-emergency (non-exclusive) medical transport services. He said that currently only "Coastline Care" fills that need for Pender County and they would like to be included as well. It was determined that the County does have a contract with "Coastline Care". Mr. Kenan said based on "competition" being best for everyone, he believed this could provide better service for everyone. He asked the Board to approve this in "theory" and then he would draft a contract for staff/attorney review and final approval by the Board. Mr. Bauer said they are asking to be written into the EMS System plan, which has been prepared without them in it, and which will be presented later in this agenda as item number 9. Mr. Kirk assured the Board that if anything happened to "Coastline Care" as a result of their entry into this field, Cape Medical would be able to expand to handle the entire County. Mr. Woodrow Sullivan, Chief of Pender EMS and Rescue, Inc., said they would have to be written into the plan, but it would be the County, and not Pender Volunteer EMS and Rescue, Inc., who would contract with them. Mr. Thurman stated that, pursuant to the EMS plan under consideration today, Union Rescue, Inc., could provide non-emergency transport as well. Mr. Sullivan said it is not just as simple as "adding" them. He said he would be responsible for their oversight and would have to conduct an investigation into their background, and re-credential their employees. Mr. Bauer said that everything in this regard would go through Mr. Sullivan as the "system plan administrator", but nothing could be approved today. It was determined that Mr. Sullivan would conduct his research and, pending a favorable review, would look into the possibility of a "modification" to the EMS System plan to include Cape Medical.

CONSENT AGENDA

Mr. Meadows presented seven (7) items on the consent agenda. After a brief discussion regarding item number 5, it was determined that the amount in the "resolution" portion would be changed to reflect the correct amount of the purchase order of \$8,785 (instead of \$8,875). With that modification, Mr. Moore made a motion to approve the Consent Agenda. Mr. Rivenbark seconded the motion and the Board voted, 4 to 0, to approve the items as follows:

1. Resolution Approving Minutes of Meeting: April 18, 2005 and the Pender High School Public Forum for School Bonds held on April 14, 2005
2. Resolution Approving Tax Refunds and Releases as Presented
3. Budget Ordinance Amendment: Family Planning Increase and Resolution Approving Operating Expense: \$2,063
4. Budget Ordinance Amendment: Environmental Health Increase and Resolution Approving Computers and other Operating Expense: \$3,777.90
5. Resolution Authorizing a Purchase Order to Coastal Equipment, Inc., to Replace the Existing Vehicle Lift at the County Garage: \$8,785
6. Resolution Requesting Approval of EMS Grant Application: North Carolina

Office of Emergency Medical Services (NCOEMS) for the Federal Health Jones
Resource and Services Administration (HRSA) Grant: \$27, 158.30

7. Resolution Approving the Offer of Two Contracts for FY 2006: \$311,000

PUBLIC HEARING

8. Community Development Block Grant, 2005 Scattered Site

Chairman Meadows opened the public hearing at 10:31 a.m. Jesse Miars, of Holland Consulting Planners, said that in order to qualify potential program participants, they mailed out twenty six (26) applications, eleven of which (11) were submitted on time. She said each application was objectively ranked according to specific program criteria, based on income and need. She said the homes in this program must be “severely deteriorated” and must require either replacement or repair. She provided a list of four potential applicants who have qualified at this time, and several alternates. She said the two alternate households ranking the highest would be included in the application. She said the total amount available is \$400,000, and utilizing 10% for administration, would leave \$360,000 for housing clearance, relocation and repair. She said the information provided by the applicants would be further verified by title search. Mr. Bauer noted that the \$40,000 would be used to procure contractors, attorneys and the consultant who will administer this program.

Ms. Miars stated that this is an objective system for selecting applicants, based on existing program guidelines. She gave a brief description of the difference between this “Scattered” site, meaning activities will be conducted throughout the county, versus a “Concentrated Needs” program that occurs on a group of properties within a one or two block area or a community.

No one signed up to speak, and no one came forward when asked. Chairman Meadows closed the public hearing at 10:39 a.m. Upon a motion made by Mr. Williams and seconded by Mr. Rivenbark, the Board voted 4 to 0 to proceed with application for the 2005 Community Development Block Grant, Scattered Site application.

RESOLUTIONS

10. Resolution Approving Application for Model EMS System Status and Modifying EMS System Plan

Pender Volunteer EMS and Rescue, Inc., Director, Woody Sullivan introduced Chief J.L. Giddeons from Union Rescue. He said this plan makes five (5) modifications to the existing plan as follows:

- 1) Implements Emergency Medical Dispatch (EMD) Dispatch Program. He noted that it will be important for the E-911 Operators to be freed from their “administrative” duties as outlined previously by Scott Bradshaw, because they will be assisting callers by giving medical assistance over the telephone until the first responders arrive on the scene.
- 2) Provides Automated External Defibrillators (AED’s) in Law Enforcement Vehicles. He said they received grant money from the Cape Fear Memorial Foundation to provide this equipment to the Towns of Burgaw, Surf City, Topsail Beach and Watha, and the three (3) high schools for their sports programs.

- 3) Updates Medical Protocols – to add new skills and new medications.
- 4) Adds Union Rescue into the Plan, as a Basic Life Support (BLS) provider effective July 1, 2005. Mr. Sullivan said it is likely they may be up and running ahead of that schedule.
- 5) Attained State Medical Assistance Team III status, meaning they are part of a statewide Emergency Response Team.

Mr. Sullivan said if approved, this plan would be submitted to the State for their review and approval and the State Office of Emergency Services would, in turn, present this back to this Board when approved. Upon the motion of Mr. Rivenbark, second by Mr. Moore and 4 to 0 vote, the Board approved these modifications to the EMS System Plan to apply for Model EMS status, which is an enhancement to the present Baseline System, as referenced above and incorporated in to this resolution and it is further resolved that the Chairman of the Board and/or the County Manager are authorized to execute any documents required in connection with this application.

10. Resolution to Adopt the Attached “Financial/Budget Philosophy: FY 05-06 Budget”: Second Reading

Mr. Bauer said this was the second presentation of this item. He asked the Board to consider approving this once again, and asked the Board if they had any questions regarding this document. Mr. Williams said he just needed more time to “digest” the contents. Mr. Meadows said that, although he does not disagree with the “philosophies” as presented, he does not feel the necessity to formally adopt them, and perhaps be "burdened" by them in the future.

With regard to Policy #7, School Funding, Mr. Bauer stated that these objectives could not be completely achieved in one year. He said that School Funding would always be a struggle, but working with School Administration and the Board of Education this would be resolved year by year.

With regard to Policy #8, Mr. Rivenbark noted that the potential incorporation of Hampstead would reduce County sales tax growth. On the other hand, the implementation of a Lottery and potential changes to Medicaid could positively impact growth. Mr. Williams noted that a portion of the Fund Balance is dedicated to Medicaid costs, and if this obligation is removed, that money could be utilized elsewhere in the County Budget.

Mr. Meadows said he does not disagree with this philosophy, however, he does not wish to be bound by it. Mr. Williams said it might be helpful, as a potential marketing tool, for Wilmington Industrial Development to be able to point to this document to show clients that Pender County has formalized it's goals. Mr. Williams made a motion to approve this philosophy as presented, however, the motion died for lack of a second.

WORK SESSION/DISCUSSION

11. Economic Development Goals and Objectives

Mr. Bauer presented a ranking worksheet that he plans to present to many people in the County asking for feedback and prioritization. He said this would keep everyone working on what the Pender County Community believes to be most important. He asked each Board

member to complete and submit this form. He said that results would be tabulated and shared in the future.

12. Board Appointments' Policy

Mr. Bauer said that staff had attempted to research this Board's policy on whether or not a person could be appointed to more than one Board/Committee/Commission. He said the research did not uncover any formal action taken by the Board, thus he would like them to decide today if this is an acceptable practice. Mr. Rivenbark noted that in the past, people have been appointed to multiple Boards when there has been difficulty in filling appointments. It was determined that if the positions had been advertised and other's had not yet applied, it would be appropriate to consider a person currently serving under another appointment. Mr. Bauer said consideration should be given to "policy making" Boards, such as Planning and Board of Adjustments, versus "advisory" Board appointments. He also stressed the importance of Commissioners recruiting to fill these positions.

13. Potential Street Assessment Program

Mr. Bauer said the memo and attached research explains the procedure and authority by which a County could begin a Private Street Assessment Program. He cautioned that to implement this program would require additional staff and resources. He said this undertaking would be fairly intensive unless it is contracted out. Mr. Williams said that Bay Harbor Drive is comprised mostly of residents who rent, versus owner-occupied homes. He said he would be concerned with lawsuits initiating from the 25% who might not want to participate. He noted that recent changes to the County's Subdivision Ordinance would eliminate this problem in the future.

Mr. Rivenbark said he does not believe the County is in a position to fund or staff this kind of effort. Mr. Meadows said he believes this should be strongly considered as a viable way to allow residents to have their roads paved without the County paying for it. He said this could enhance property values. Mr. Williams said he lives in a neighborhood that undertook this project on their own, which has always been an option available to every resident. He said people should know what they are getting into when they purchase property. Mr. Thurman stated that Counties are expressly prohibited from condemning property for roadway right-of-ways, which would limit our ability to advance these types of projects. Mr. Williams made a motion NOT to pursue this course of action at this time, which was seconded by Mr. Rivenbark and carried by at 3 to 1 vote with Mr. Meadows opposed. Mr. Williams asked that this action be communicated to Mr. Faiella.

14. 2005 Land Use Plan and 1991 Land Use Plan – 20/20 Growth Management Policies

Mr. Bauer said that since there is a public hearing coming up on this matter on May 16th, it would be appropriate to review and discuss the proposed plan at this time. Mr. Moore said he has a problem with the whole document because he did not believe there had been enough public input. He suggested this Board consider appointing people to review the plan. He said he takes issue with the necessity for a buffer around game lands, stating he feels it is putting more government in people's business. Mr. Bauer said this is necessary for public safety purposes as the game lands are an area highly prone to forest fires.

Mr. Meadows said he attended every Land Use Plan meeting, and staff obtained quality input from the people who did attend the meetings. Mr. Williams said he was pleased with the designation of Hutaff and Lea Islands as Conservation I lands.

Mr. Thurman stated that this is a CAMA required Land Use Plan Update, and if the County did not develop the update, the State will provide one for us. Mr. Bauer noted that many of the policies are actually less restrictive and permit more development. He said that if we want to advance sanitary sewer collection and treatment and water systems throughout the County, this plan must be updated, as the State will be less likely to issue any wastewater treatment permits where there is no current Land Use Plan.

Mr. Rivenbark expressed concern for only developing the "Southern" Highway 421 corridor for industry, stating that there is much vacant land along the more northern areas of the highway. Mr. Meadows said some residents of that northern area in attendance at the Land Use Plan Meeting did not want to be considered for industrial development. Mr. Moore said he liked the fact that this plan provides for more housing types. Mr. Bauer said the public hearing is in two weeks. Mr. Thurman encouraged Commissioners with questions to seek input from the Planning Board Members as they were integrally involved with the development of this document.

15. ITEMS FROM THE COUNTY MANAGER

Mr. Bauer presented the following items of interest:

1. Memo from County Manager regarding: FY05-06 Budget
2. Bill Draft: Murray Farm Preservation Funds: Are you supportive?
3. DOT Memo re: Public Comment Meetings for the Draft 2006-2012 State Transportation Improvement Plan: May 10, 2005
4. *North Carolina's Future...Make It Your Business!* – Forum on May 19, 2005 – ECU. Would you like to attend?
5. County Assembly Day/Legislative Reception and Best Practices in County Budgeting Seminar – Raleigh: May 24 and 25, 2005. Would you like to attend?

Mr. Bauer said he would deliver the budget two (2) weeks from today. He asked if the Board would be interested in sending a resolution of support to Representative Justice regarding the \$100,000 state grant for the Murray Farms Project. Mr. Rivenbark so motioned, followed by a second from Mr. Williams. The motion carried by a 4 to 0 vote.

Mr. Rivenbark said he would attend the State Transportation Improvement Plan public hearing on May 10th in Jacksonville. He asked that a staff person also attend. Mr. Rivenbark said he would also attend County Assembly Day on May 24 and 25th in Raleigh.

With respect to the Halifax County Solid Waste availability fees, the Board voted unanimously, upon a motion by Mr. Rivenbark and second by Mr. Moore to forward a resolution of support for and to Halifax County.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman reported that we are still awaiting a court date in the redistricting matter. He said that the file had become lost in the Wake County courthouse. He said he would also like

to apprise the Board of the outcome of an Employment Security Commission hearing and for Sue Sava (former Housing employee) and any future actions in closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams said that many people who are moving into the County are not aware that there is a leash law. He asked how to get the "word out" about this to newcomers. He asked everyone to vote, "Yes" for the school bonds.

PUBLIC COMMENT

Rev. Phillip Jones of the Friendly Community Baptist Church extended a personal invitation to everyone to attend the Peace Officers Memorial on Sunday, May 15th at 10:30 a.m.

Al Freimark of the Greater Hampstead Homeowners Association said the rumors with regard to a proposed consolidation of the eastern fire departments are rampant, and he believes many people are getting the wrong idea. The Board assured Mr. Freimark that no decisions have been made in this regard and all decisions will be directed through the Pender County Fire Commission.

CLOSED SESSION

At 11:39 a.m., Mr. Rivenbark made a motion to enter into closed session pursuant to N.C.G.S. 143-318.11. (3), to preserve the attorney client privilege. This motion was seconded by Mr. Williams, and carried by a vote of 4 to 0.

OPEN SESSION

At 11:50, Mr. Rivenbark motioned to come out of closed session, Mr. Williams seconded and the Board voted unanimously to come out of closed session.

Since there was no further business to come before the Board, Chairman Meadows adjourned the meeting at 11: 50 a.m.

Respectfully Submitted,

Melinda Knoerzer
Deputy Clerk to the Board

Reviewed By:

John Bauer
Clerk to the Board