

**RICHMOND COUNTY BOARD OF COMMISSIONERS
RICHMOND COUNTY ADMINISTRATIVE OFFICE BUILDING
REGULAR MEETING
MONDAY, MAY 7, 2007, 6:30 P.M.**

The Richmond County Board of Commissioners met for the Regular Meeting on Monday, May 7, 2007 at 6:30 P.M. with the following present: Chairman Kenneth R. Robinette; Vice-Chairman John B. Garner; Commissioners Pamela N. Dillman, Jimmy L. Maske, Thad Ussery, J. C. Watkins, and Paul Wilson, Jr.

The meeting was called to order by Chairman Robinette at 6:30 P.M.

**ITEM NO. 1 – INVOCATION BY CHAPLAIN AND BEREAVEMENT COUNSELOR
COLIN SHAW OF RICHMOND COUNTY HOSPICE**

The invocation was delivered by Chaplain and Bereavement Counselor Colin Shaw of Richmond County Hospice.

ITEM NO. 2 – APPROVAL OF AGENDA

By a motion of Commissioner Wilson, seconded by Commissioner Dillman and unanimously carried, the Agenda was approved as presented.

ITEM NO. 3 – OPEN FORUM FOR PUBLIC COMMENT – 6:30 – 7:00 P.M.

A) APPEARANCE BY MR. PERRY BUTLER TO REQUEST ASSISTANCE THROUGH SECTION 8 H.U.D. PROGRAM (5-MINUTE PRESENTATION)

Mr. Perry Butler described himself as a lifelong resident and taxpayer of Richmond County, and he requested assistance in providing a place for his daughter to live. Mr. Butler advised that he has explored the possibility of Section 8 Housing for his daughter and her child, but he had learned that there are 200 applications ahead of his daughter, and only 29 of these applications have been approved for housing. Mr. Butler was critical of federal funds allocated for highway projects rather than for Section 8 Housing.

Chairman Robinette advised Mr. Butler that the County has no jurisdiction over the Section 8 Housing Program since this is a federally funded program.

ITEM NO. 4 – CONSENT AGENDA

By a motion of Commissioner Garner, seconded by Commissioner Maske and unanimously carried, the Board approved the following items of the Consent Agenda:

A) APPROVAL OF MINUTES OF REGULAR MEETING OF APRIL 2, 2007 AND OF REGULAR MID-MONTH MEETING OF APRIL 23, 2007 AS SUBMITTED BY THE CLERK

B) TAX RELEASES TOTALLING \$19,933.47 AND TAX REFUNDS TOTALLING \$3,292.97 WERE APPROVED AS SUBMITTED BY THE OFFICE OF THE TAX ADMINISTRATOR AND ARE HEREBY MADE A PART OF THESE MINUTES BY REFERENCE.

C) APPROVAL OF HEALTH DEPARTMENT BUDGET REVISION TO APPROPRIATE AND INSURE USAGE OF ADDITIONAL CDC-TB CONTROL FUNDS

Revenue:

Tuberculosis-State Reimb. 115121-333032 Increase by \$15,204.00

Expenditures:

Tuberculosis-Salaries 115121-4100 Increase by \$15,204.00

D) APPROVAL OF HEALTH DEPARTMENT BUDGET REVISION TO APPROPRIATE ADDITIONAL FUNDS FOR ALIVE AND WELL PROGRAM THROUGH HEALTHY START FOUNDATION

Revenue:

Targeted Infant Mortality Reduction

Alive and Well Acct. # to be Established Increase by \$ 500.00

Expenditures:

Targeted Infant Mortality Reduction

Office Supplies & Materials 115207-4210 Increase by \$ 500.00

ITEM NO. 5 – PRESENTATION BY ARCHITECTURAL CONSULTANT GLENN WARE FOR UPDATE ON JUDICIAL CENTER PLANS AND REQUEST FOR BOARD APPROVAL OF CONTRACT AMENDMENT

Architectural consultant Glenn Ware of Ware Bonsall Architects appeared before the Board and provided handout materials concerning judicial center plans.

Mr. Ware advised that construction cost estimates are \$23,000,000.00 to construct the building after \$4.5 million worth of cost reductions to the plans had been agreed upon.

Mr. Pete Cayado provided an update on how the floor plan looks as of today, noting that the building has been designed with improved efficiency and made as compact as possible to bring the cost down to \$15,700,000.00 with contingency allowances for inflation and a slight reduction in construction cost inflation. Mr. Cayado went on to mention the possibility of doing early bid packages, establishing two parking lots in advance of construction, and with a projected construction date in January. Demolition and parking lot work were estimated at a cost of \$1,000,000.00 with a projected groundbreaking in July, and the next phase of construction scheduled to begin early next year. This would bring reduced construction cost estimates to \$16,800,000.00. Mr. Cayado advised that the Department of Insurance, the Department of Natural Resources, and DEHNR all must approve projects of more than one acre, with a 90-day review process involved.

Mr. Cayado provided a walk-through of the design phase with the Shepard property providing 90 parking spaces for staff; mechanical space on Franklin Street; courthouse basement to house prisoners in holding cells; courthouse main floor to be used for public entry, security and Clerk of Court's Office; second floor for two large courtrooms seating 150 people for District Court and support offices; third floor to be used for jury assembly space, judges' chambers, Superior Court offices; and the fourth floor for District Attorney's offices; Family Court; and Guardian Ad Litem Office. Mr. Cayado advised that the building includes just under 70,000 sq. ft., including the 4,500 sq. ft. in the basement for inmate holding area.

Commissioner Ussery confirmed that the Shepard property would provide 85 to 90 parking spaces and the Clerk of Court would be located on the main floor of the courthouse.

Commissioner Maske confirmed that there would be space for jury boxes and jury rooms, and the seating capacity of Court Room A is 599.

Commissioner Garner confirmed that there would be two elevators for public use, one for staff, and one for inmates.

In further discussion, County Manager Haynes noted that taking out some of the jury boxes was a compromise agreed upon by the planning committee.

Commissioner Ussery confirmed that plans are for four floors and that there is no shell space in the building as of now.

Chairman Robinette thanked Mr. Ware and Mr. Cayado for their presentation.

County Manager Haynes requested that the Board consider an amendment to the current contract that would include \$72,800.00 for Ware Bonsall to oversee the demolition phase to begin sometime this summer, if the Board chooses.

A motion was offered by Commissioner Garner to authorize an amendment to the Ware Bonsall contract for oversight of demolition work in the amount of \$72,800.00. The motion was seconded by Commissioner Maske and carried unanimously.

ITEM NO. 6 – APPEARANCE BY SENIOR RESIDENT SUPERIOR COURT JUDGE MICHAEL E. BEALE FOR DISCUSSION OF JUDICIAL CENTER PLANS AND SCHEDULE

Senior Resident Superior Court Judge Michael Beale thanked the Board for the opportunity to speak to address his recent correspondence concerning the courthouse construction dilemma. Judge Beale noted that Clerk of Court Kathy Gainey had presented his recent letter in his behalf, and he had attempted during the last month to arrange a time to discuss this issue with the Board in a less formal setting, but this was not possible. Judge Beale stressed that he is not trying to tell the Board how to do their job nor how to design and build a courthouse. However, the judge stated that he is telling them that he has the authority to do all things necessary to carry out the business of the court. Judge Beale cited an Alamance County case that undermined the judiciary and the court ordered that a new court facility be constructed. Judge Beale went on to state that for the last 10 years he has been informing the Board of Commissioners of the desperate need for a courthouse, and that Grand Jury reports dating back 16 years document those needs.

In further discussion, the judge referred to at least two studies that have been performed to confirm the need for a new courthouse. Judge Beale further stated that it is his legal opinion that the integrity of the judiciary is being undermined if we don't move forward from the planning stage to the construction phase. Judge Beale stated that he has offered to compromise and that he is willing to accept the schedule proposed by the County Manager in a March 16 letter, and that he would not pursue a Writ of Mandamus if the Board agrees to the construction deadlines. Judge Beale emphasized that he is asking for a commitment to the bidding process and signing a construction contract by June 30, 2007. In further discussion, Judge Beale stated that he understands that construction delays can occur, and he stressed that he wants to see a well-constructed facility, unlike the courthouse annex that was constructed in the 1970's. Judge Beale stated that he has been reluctant to issue a Writ of Mandamus, and he hopes to come up with a well-designed facility to meet the needs of the courts. Judge Beale expressed satisfaction with Glenn Ware's latest plans and emphasized that he is asking for a commitment to put Mr. Ware's plans out to bid by a date certain. However, the judge stated that he is prepared to issue a writ if necessary, and that the case would be heard by a Superior Court Judge with no concern about Richmond County's tax rate nor its politics. While reminding the Board of his authority to issue the Writ of Mandamus, Judge Beale acknowledged that there are no real winners if he goes that route, and the citizens who deserve to have a fair tax rate and a decent courthouse in which to conduct business would be the real losers. The judge provided a copy of the Alamance County case for information.

Commissioner Ussery expressed concern that Judge Beale did not think that the Board is committed to keeping dates without the threat of issuing a Writ of Mandamus.

Judge Beale stated that in the 10 1/2 years that he has served as judge he has not seen any action on courthouse construction. The Judge went on to express concern about the recent discussion of construction of a 4-story building without approval from the City of Rockingham having been obtained to build a 4-story structure. Judge Beale stated that he had been led to believe that the City had approved a 4-story building plan, but the City Manager had called him just before the meeting to remind him that the City has not approved construction of a 4-story building. Judge Beale stressed that it is time for the Board to make a public commitment to follow through with construction of a courthouse, and he was concerned to learn that Rockingham has not approved the 4-story building plans.

Chairman Robinette advised that he and the County Manager have met with the Mayor and City Manager and reached a compromise on the plans for a 4-story building.

Commissioner Watkins asked Judge Beale if he agreed with the architects' schedule as presented. Judge Beale advised that he wants a vote and a commitment, and that he was not so concerned about the time schedule as he was about seeing a signed contract.

Commissioner Watkins confirmed that the County has a signed contract with Ware Bonsall Architects to design the courthouse.

Commissioner Maske expressed concern and asked what the repercussion would be if the Board signed a Memorandum of Understanding and then some circumstance such as denial of financing by the Local Government Commission prevented moving forward with courthouse construction. Judge Beale advised that there would be no repercussion for anything that might occur beyond the Board's control, and that maintaining the integrity of the judiciary and

insuring that there is no willful disregard of the judiciary is his concern. The Judge, however, advised that a Show Cause Order can be served individually to Board members if progress is not made. Judge Beale went on to express his appreciation for the input that court officials have had in Ware Bonsall's planning process, and he further stated that he considers the facility to be well designed, and he just wants to insure that the plans move forward.

Commissioner Ussery mentioned the need for additional jail space as part of the bigger picture, and he stressed that no one is deliberately trying to hold up this project. Commissioner Ussery went on to state that it has been experience in his 40 years in the construction business that there are many fluid factors. Judge Beale stated that what he wants is contract dates. Commissioner Ussery expressed concern that if courthouse bids come in over budget, there will be a need for value engineering that could cause dates to change. Commissioner Ussery assured Judge Beale that he could trust the Board to proceed with the courthouse project, and that whenever the Board signed a contract to design the courthouse, this was a commitment to complete the project. Commissioner Ussery added that the Board of Commissioners do all that it can to protect the tax rate.

Judge Beale stated that he is satisfied with the projected dates, but he would like a commitment to move from the planning phase to the construction phase.

Commissioner Maske asked County Manager Haynes if he is comfortable with the proposed dates, and Mr. Haynes advised that these are Mr. Ware's most recent dates, which have now been extended by two to three months.

Judge Beale stated that the County should have had an agreement with the City of Rockingham two years ago to authorize construction of a 4-story building, and he noted that City Manager Monty Crump had been concerned enough to call him before the meeting to confirm that there is no approval for a 4-story building.

Commissioner Watkins stated that the Board has already voted to move ahead with the project, and that the project would be further delayed if this ends up in court.

Judge Beale reiterated that he wants a bid date.

Commissioner Garner asked Mr. Ware if demolition work can be completed by August. Mr. Ware advised that he is waiting for environmental results, and that this could cause a delay.

County Manager Haynes reminded the Board that when the County purchased the buildings around the courthouse, the owners were given a year to vacate the property, which would be in August.

Commissioner Ussery restated the Board's commitment to build a courthouse and to work with schedules as closely as possible.

Judge Beale stated that he is asking for a vote of the Board of Commissioners to submit the project to bid in September and to approve a contract by December or January. The Judge went on to state that even if it takes 5 years to build the courthouse, he understands and wants it built correctly.

Commissioner Watkins confirmed that the County is under contract with the architects, and the County Attorney confirmed that this is a legally binding agreement with the architect, and he is contracted to take the project to bid.

Judge Beale stated that he wants a contract with a builder to construct the building.

County Attorney Futrell interjected that the County should not be held hostage by a contract pending unforeseen factors.

Commissioner Maske noted that if bids in January 2008 come in higher than anticipated, then the Board would not sign such a contract.

Chairman Robinette stressed that the Board is moving forward with the courthouse project, but at the same time the Board has a responsibility to the taxpayers to build the building within a budget.

Judge Beale asked for clarification, and it was consensus of the Board that the project is moving forward.

Commissioner Maske stated that he was willing to accept the dates as proposed.

A motion was then offered by Commissioner Watkins to proceed as has been planned with the County's contract with the architect. The motion was seconded by Commissioner Maske for discussion.

There was no further discussion, and the motion was approved by the following 4 to 3 vote:

FOR: Commissioners Watkins, Maske, Garner, and Dillman

OPPOSED: Commissioners Ussery, Robinette, and Wilson

ITEM NO. 7 – REPORT BY SANDHILLS CENTER AREA DIRECTOR MICHAEL WATSON AND REQUEST FOR BOARD APPROVAL OF BUSINESS PLAN

Sandhills Center Area Director Michael Watson had previously provided a copy of the 2007-2008 Local Business Plan, which he reminded the Board, requested no increase in funding.

Mr. Watson elaborated on some of the key points of the Business Plan, noting that this is a strategic plan to address the next two or three years. Mr. Watson emphasized the goal to provide a more stable provider network and to make every effort to serve people locally. Mr. Watson noted that how services are provided has been re-shaped, many services have been privatized, and that an effort was made to obtain feedback from as many as possible in the 8-county area through public forums held in the communities.

Mr. Watson stressed the importance of education and how services are provided in a crisis. Provider monitoring, along with community access were noted as high priorities. Mr. Watson concluded by stating that moving from a changing system to making sure that people understand it is a key issue.

Commissioner Maske commented that the County's Medicaid cost last month was the highest that it had ever been since privatization of the mental health system.

A motion was then offered by Commissioner Ussery, seconded by Commissioner Dillman and unanimously carried to approve the 2007-2008 Local Business Plan as presented.

ITEM NO. 8 – REQUEST BY GRANTS ADMINISTRATOR SANDRA RIDLEY FOR BOARD APPROVAL OF 2007 GRANT PROJECT ORDINANCE FOR URGENT REPAIR PROGRAM

Grants Administrator Sandra Ridley advised that \$75,000.00 had been received in Urgent Repair Funds in Fiscal Year 2007, and she request Board approval of the Grant Project Ordinance to establish the budget and appropriate the revenue.

A motion was offered by Commissioner Maske, seconded by Commissioner Watkins and unanimously carried to approve the following Grant Project Ordinance for the 2007 Urgent Repair Program:

ITEM NO. 9 – REQUEST BY GRANTS ADMINISTRATOR SANDRA RIDLEY FOR BOARD APPROVAL OF 2007 URGENT REPAIR PROGRAM ASSISTANCE POLICY

Grant Administrator Sandra Ridley presented and requested approval of the Program Assistance Policy for the 2007 Urgent Repair Program, which outlines the parameters of this program designed to target very low income families. Ms. Ridley emphasized the fact that this program has been very successful in Richmond County in helping very low income families who own their property. Ms. Ridley went on to explain that the funds in this program can be used up to \$5,000.00 per home to address eminent threats to safety for persons 62 or older; for single parents, for large families; or for handicapped individuals. Ms. Ridley announced that applications will be taken to qualify for these funds and that a workshop will be conducted this Wednesday at 10:00 A.M.

A motion was offered by Commissioner Watkins, seconded by Commissioner Wilson and unanimously carried to approve the following Program Assistance Policy for the 2007 Urgent Repair Program:

ITEM NO. 10 – APPEARANCE BY DISTRICT ATTORNEY MICHAEL PARKER TO REQUEST BOARD APPROVAL OF RESOLUTION IN SUPPORT OF HOUSE BILL 647 AND SENATE BILL 584

District Attorney Michael Parker thanked the Board for the opportunity to appear, and he expressed appreciation for the Board's support during his tenure, especially during the last 10 years. Mr. Parker requested that the Board consider adoption of a Resolution in support of House Bill 647 and Senate Bill 584 which would provide funding for additional prosecutors and staff for his office. Mr. Parker provided statistics on the backlog of child abuse and sexual abuse cases, advising that he has 10 prosecutors in the District and 1,437 cases are still pending in Richmond County courts. Mr. Parker urged the Board to adopt the Resolution in support of additional funding for staff and prosecutors in an effort to reduce the backlog of court cases.

Commissioner Ussery asked the District Attorney if prosecutors would be assigned in Richmond County, and Mr. Parker advised that he hoped to have one prosecutor assigned to Richmond County, but that they would go where needed, and this would only help to replace the lost positions.

A motion was offered by Commissioner Maske to approve the following Resolution as request by Mr. Parker. The motion was seconded by Commissioner Dillman and unanimously carried.

Mr. Parker thanked the Board for their support.

**RICHMOND COUNTY BOARD OF COMMISSIONERS
RESOLUTION IN SUPPORT OF H647 / S584**

WHEREAS: Prosecutorial District 20A is composed of Richmond, Anson, and Stanly Counties; and,

WHEREAS: Prosecutorial District 20A currently has ten prosecutors assigned by statute to handle the prosecution of all criminal cases in the three-county district; and,

WHEREAS: In 2005, Prosecutorial District 20A obtained a grant to develop the Child Abuse Response Team, hereinafter referred to as the CART Grant; and,

WHEREAS: The CART Grant provided one prosecutor and one support staff person to the District Attorney's Office in Prosecutorial District 20, which later became Prosecutorial District 20A, when Union County became its own prosecutorial district in January 2007; and,

WHEREAS: The CART Team was assigned the responsibility of prosecuting all the child physical and sexual assault cases in the district; and,

WHEREAS: Since 2005 the CART Team has disposed of 575 cases, including 107 in Richmond County alone; and,

WHEREAS: There are 1,400 superior court cases pending Richmond County Superior Court; and,

WHEREAS: Next to murder and embezzlement, child physical and sexual abuse cases are the most labor intensive cases handled by the District Attorney's Office, requiring the collection of medical records, DSS records, law enforcement records, forensic interviews, witness interviews, victim meetings, the allocation of dozens of man hours to document, photocopy and prepare a single case for disposition; and,

WHEREAS: There are currently 607 physical and sexual assault cases pending in Prosecutorial District 20A with 155 cases pending in Richmond County Superior Court alone; and,

WHEREAS: Since January 2007, Prosecutorial District 20A has been able to allocate three superior court prosecutors to Richmond County, plus the CART prosecutor to handle these pending cases; and

WHEREAS: Since January 2007, Richmond County prosecutors have been able to dispose of 364 defendants charged with 830 superior court cases, including three homicides and 68 defendants from the Richmond County jail; and,

WHEREAS: The District Attorney was notified by the Governor's Crime Commission (GCC) that the GCC will not fund any of the grants requested by the District Attorney next year, including the CART Team; and,

WHEREAS: The District Attorney's Office will lose another grant prosecutor this year due to expiration of the grant; and,

WHEREAS: The loss of the two grant prosecutors and the staff position will seriously affect the ability of the District Attorney's Office to impact the backlog and address jail overcrowding while maintaining attention on the pending child abuse cases; and,

WHEREAS: Prosecutorial District 20A is in desperate need of additional prosecutorial resources to maintain the progress they have made in the first three months of this year and further reduce the current backlog and to address the jail overcrowding situation; and,

WHEREAS: At the request of the District Attorney, Representative David Almond, Representative Pryor Gibson, and Representative Melanie Goodwin have introduced a bill recognized as H647, while Senator Bill Purcell has introduced a bill recognized as S584 in the North Carolina General Assembly, both entitled "Prosecutorial District 20A Funds" to address the staffing problems of the Prosecutorial District 20A; and,

WHEREAS: Both H647 and S584 provide funding for two prosecutors, two legal assistants, and full funding of the District Attorney's Investigational Assistant in order to maintain the current prosecution staffing available to Richmond County and District 20A.

THEREFORE BE IT RESOLVED THAT: The Richmond County Board of Commissioners recognizes and supports the efforts of the District Attorney to prosecute offenders charged with child physical and sexual assault abuse, to reduce the pending backlog of Superior Court cases and to maintain the jail population at a manageable level.

BE IT FURTHER RESOLVED THAT: The Richmond County Board of Commissioners recognizes that the loss of prosecutors and staff due to the loss of grant funds seriously affects the ability of the District Attorney to achieve these goals.

BE IT FURTHER RESOLVED THAT: The Richmond County Board of Commissioners recognizes and supports the efforts by Senator Purcell and Representatives Almond, Gibson, and Goodwin in introducing H647 and S584 and their recognition of the importance of the safety and security of the citizens of the Richmond County and District 20A by their efforts to obtain funding for additional prosecutors and staff in District 20A.

BE IT FINALLY RESOLVED THAT: The Richmond County Board of Commissioners does support the passage of H647 and S584 and requests that Senator Purcell and Representatives Almond, Gibson,

and Goodwin pursue the passage of this bill and the full funding of these positions with the utmost vigor and persistence.

Adopted this the 7th day of May 2007.

ITEM NO. 11 – REQUEST BY REGISTER OF DEEDS PATSY T. MCDONALD FOR BOARD CONSIDERATION OF RESOLUTION AUTHORIZING INCREASE IN RETURNED CHECK PROCESSING FEE

By a motion of Commissioner Dillman, seconded by Commissioner Wilson and unanimously carried, the Board approved the following Resolution authorizing the Register of Deeds to increase the processing fee for returned checks to \$25.00 as she requested:

R E S O L U T I O N

WHEREAS, the Richmond County Register of Deeds Office has not had an increase in the \$20.00 fee for processing returned checks since implementation of the fee in 1999; and

WHEREAS, in accordance with North Carolina General Statute 25-3-506, the Register of Deeds may charge a maximum of \$25.00 as a processing fee for all returned checks; and

WHEREAS, it is the consensus of the majority of Registers of Deeds in North Carolina that a fee of \$25.00 per returned check is an appropriate charge to recoup the cost of processing returned checks.

NOW, THEREFORE, BE IT RESOLVED, that the Richmond County Board of Commissioners hereby authorizes the Register of Deeds Office of Richmond County to increase the returned check processing fee from \$20.00 to \$25.00, effective as adopted this the 7th day of May, 2007.

ITEM NO. 12 – CONSIDERATION OF PROCLAMATION TO DESIGNATE MAY 15, 2007 AS “PEACE OFFICERS MEMORIAL DAY” AND WEEK OF MAY 13-19, 2007 AS “LAW ENFORCEMENT APPRECIATION WEEK”

By a motion of Commissioner Garner, seconded by Commissioner Wilson and unanimously carried, the Board adopted the following Proclamation to designate May 15, 2007 as “Peace Officers Memorial Day” and the week of May 13-19, 2007 as “Law Enforcement Appreciation Week”:

PROCLAMATION
PEACE OFFICERS' MEMORIAL DAY
AND
LAW ENFORCEMENT APPRECIATION WEEK

WHEREAS, The Congress and President of the United States have designated May 15, 2007 as Peace Officers Memorial Day, and the week in which May 15th falls as Law Enforcement Appreciation Week; and

WHEREAS, the members of the Richmond County Sheriff's Department play an essential role in safeguarding the rights and freedoms of the citizens of Richmond County; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the Richmond County Sheriff's Department unceasingly provide a vital public service.

NOW, THEREFORE, the Richmond County Board of Commissioners hereby calls upon all citizens of Richmond County and upon all patriotic, civic and educational organizations to observe the **Week of May 13 – 19, 2007 as "LAW ENFORCEMENT APPRECIATION WEEK"** with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

FURTHER, the Board of Commissioners hereby calls upon all citizens of Richmond County to observe **May 15, 2007 as "PEACE OFFICERS MEMORIAL DAY"** in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

Adopted this 7th day of May, 2007.

ITEM NO. 13 – CONSIDERATION OF RESOLUTION PROCLAIMING THE MONTH OF MAY AS "OLDER AMERICANS MONTH" IN RICHMOND COUNTY

By a motion of Commissioner Watkins, seconded by Commissioner Maske and unanimously carried, the Board approved the following Resolution proclaiming the month of May as "Older Americans Month" in Richmond County:

**RESOLUTION PROCLAIMING
THE MONTH OF MAY
"OLDER AMERICANS MONTH"
IN RICHMOND COUNTY**

WHEREAS, there are over 8,500 persons age sixty (60) and greater residing in Richmond County; and

WHEREAS, older adults provide invaluable resources to the social, cultural, civic, religious, governmental, and economic foundations of Richmond County; and

WHEREAS, older persons serve as the curators of the cultural heritage of our diverse county through the preservation of oral, written and artistic traditions; and

WHEREAS, older adults serve their communities as teachers, volunteers, pastors, caregivers, workers, advocates and in many other vital roles; and

WHEREAS, Richmond County is dedicated to providing a healthy living environment for all persons as they age and for ensuring a system of support services for the most frail elderly, including homebound persons and residents of long-term care facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Richmond County, in recognition of the importance of the aging population and in support of the efforts of the Administration on Aging and Aging Service Providers, declare May 2007 “**Older Americans Month**” with a theme of “Aging Well, Living Well” and honor the significant contributions of older persons to the daily life of Richmond County.

Adopted this 7th day of May, 2007.

ITEM NO. 14 – REQUEST BY TOWN OF HOFFMAN TO APPOINT COUNCILMAN DANIEL KELLY TO BRAC EXECUTIVE COMMITTEE

By a motion of Commissioner Ussery, seconded by Commissioner Maske and unanimously carried, the Board approved the appointment of Hoffman Councilman Daniel Kelly to the BRAC Executive Committee.

ITEM NO. 15 – CONSIDERATION OF INTERLOCAL AGREEMENT TO SUPPORT LUMBER RIVER COUNCIL OF GOVERNMENTS’ EFFORTS TO SECURE FINANCING TO PURCHASE OFFICE BUILDING

Lumber River Council of Governments Executive Director Jim Perry appeared before the Board in behalf of his Board of Directors. Mr. Perry requested that the Board consider approval of an Interlocal Agreement with Lumber River COG as a financial commitment from the County as security for a loan that will enable the COG to construct an office building. Mr. Perry advised that a recent change in legislation would now allow the COG to own property, and the plan is secure a \$1,200,000.00 loan through Lumber River Development Corporation as a non-profit agent for the COG. Mr. Perry advised that each of the 5 county government members of Lumber River COG are being asked to enter the Interlocal Agreement as a guarantee for the 25-year loan agreement.

A motion was offered by Commissioner Watkins, seconded by Commissioner Wilson and unanimously carried to authorize Richmond County to enter an Interlocal Agreement with Lumber River Council of Governments as security for a loan to construct office space.

ITEM NO. 16 – MONTHLY PLANNING REPORT AND REQUEST FOR BOARD CONSIDERATION OF PROPOSED AMENDMENTS TO ZONING ORDINANCE; PROPOSED AMENDMENTS TO COUNTY CODE; AND ISSUES RELATING TO CHALK’S LANDING

Planning Director Jamie Armstrong presented the following proposed amendments to the Zoning Ordinance and the Richmond County Code and requested that the Board authorize a public hearing on the proposed amendments as follows:

- 1) RZT-2007-1 - Ordinance to Add Mini-Storage Facilities to Zoning Ordinance*
- 2) RZT-2007-2 - Ordinance to Add Accessory Dwelling Unit Provisions to Zoning Ordinance*
- 3) RZM-2007-1 - Ordinance to Include Area Around New Section of NC Hwy. 73 to the Highway Commercial Overlay District*
- 4) Chapter 20, Article III, Division 4 – Minimum Housing and Structure Code*
- 5) Chapter 26, Article III – Property Addressing*

Commissioner Dillman asked Mr. Armstrong if the County Attorney had reviewed the proposed changes. Mr. Armstrong advised that a copy of the proposed changes had been provided to the County Attorney.

Commissioner Dillman requested further interpretation of the definition of “dwelling” as described in RZT-2007-2.

Mr. Armstrong read the definition and advised that the Planning Board had helped him to develop the definition in accordance with AARP standards as an alternative to nursing home care. Mr. Armstrong went on to explain that this amendment would allow for another structure to be added to a property to provide long-term care for a family member.

Commissioner Dillman asked specifically about Item #8 – ADU. Mr. Armstrong stated that the intent is to allow for a secondary unit while maintaining the integrity of the ordinance. Mr. Armstrong further explained that the use would cease if the situation changes and that the intent was not to circumvent the ordinance.

Mr. Armstrong and County Attorney Futrell provided clarification to Commissioner Dillman’s question concerning septic tanks, noting that the connection would be removed once temporary need for the additional structure is no longer there.

Commissioner Ussery asked if an existing septic tank could be used for the temporary structure use. Mr. Armstrong advised that state laws would not allow this, and he advised that the site of such temporary second structures would be visited every two years.

A motion was offered by Commissioner Ussery, seconded by Commissioner Garner and unanimously carried to advertise and hold the requested public hearings during the Board’s Regular Meeting of June 4, 2007.

In further discussion, Mr. Armstrong advised the Board that a preliminary map has just been received depicting the Richmond/Scotland County Boundary Line.

Mr. Armstrong then recognized Mr. Andy Baker of Keough Land Development Company for a report on development of this property.

Mr. Baker reported that all roads in Chalk’s Landing Phase 1 and 2 have been paved by Hudson Paving. Mr. Baker then requested the County’s release of the original Letter of Credit, noting

that this had been the form of surety that the roads would be paved in accordance with state specifications. Mr. Baker noted that Progress Energy is now working on the property, and additional lots were sold this past weekend.

Chairman Robinette confirmed with Mr. Baker that all requirements have been met that would allow for release of the Letter of Credit issued for Phase 1 of Chalk's Landing.

A motion was then offered by Commissioner Maske to release the Letter of Credit as requested by Mr. Baker. The motion was seconded by Commissioner Garner and unanimously carried.

Commissioner Dillman inquired about minimum house size and Mr. Baker advised that 1,400 sq. ft. in the minimum home size. Mr. Baker further advised that there are only three lots remaining in the first phase of the development and none left in the second phase; there are a total of 117 lots, and the next phase will become available in June.

ITEM NO. 17 – MONTHLY STAFF REPORT BY DIRECTOR OF DEVELOPMENT RICK SAGO

Director of Development Rick Sago advised that he continues to work with prospects daily and that Department of Commerce representatives had toured the County last Wednesday to see how Commerce grant funds have been utilized in projects in Richmond County. Mr. Sago also noted that there is a new Department of Commerce regional representative to serve as the existing industry representative.

ITEM NO. 18 - CONSIDERATION OF REVOLVING LOAN FUND REQUEST FOR ELEKTRAN

Mr. Sago reported to the Board that Elektran was granted a Revolving Loan Fund loan in 2000 and had never missed a payment. Mr. Sago advised that Elektran is now expanding their operation and has requested a reduction in their monthly payment for 18 months. Mr. Sago advised that the Revolving Loan Fund Committee has approved the reduction in monthly payments for interest only, with a review in 6 months. Mr. Sago advised that the Board is being asked to allow Elektran to pay interest only payments for 12 months with the principal being deferred.

A motion was offered by Commissioner Watkins, seconded by Commissioner Maske and unanimously carried to approve the requested reduction in Elektran RLF loan payments to an interest only amount for a period of 12 months.

Commissioner Ussery requested a list updating the status of all Revolving Loan Fund loans. Mr. Sago advised that maintenance of the loan payments is now being handled by the Finance Department and that he will provide the Board with an updated report that will indicate that most loans are current.

ITEM NO. 19 – MONTHLY STAFF REPORT BY COUNTY MANAGER JAMES E. HAYNES

County Manager Haynes confirmed that a report on all Revolving Loan Fund loans is readily available for the Board's information.

County Manager Haynes referenced the Solid Waste Enforcement Report, noting that 216 hours of Community Service hours were utilized to assist with roadside clean-up by 8 workers; tires were cleaned up; and 16 tons of garbage were picked up along roadways last month.

Mr. Haynes reported that the Tax Office continues to work diligently on collections and that the rate of collection through April is 93.48%. Mr. Haynes noted that this rate of collection is nearly the total year-end collection rate in prior years. Mr. Haynes reported 366 garnishments during the previous month, and 38 foreclosures are in process.

Mr. Haynes advised the Board that lending agencies have been notified that the County will be seeking Certificates of Participation (COPS) to borrow funds for construction of a judicial center facility.

In discussion of the FY 2007-2008 budget, County Manager Haynes advised that the growth in tax valuation has been very small – approximately \$30,000,000.00. Mr. Haynes advised that this amount of growth in tax base generates \$253,000.00 in additional revenue in the budget.

In further budget discussion, County Manager Haynes advised that payroll accounts for almost \$1,000,000.00 per year, but total personnel costs far exceed the increase. Mr. Haynes noted that fuel costs continue to increase, and the Sheriff's Department is the big user of fuel. Mr. Haynes estimated a \$60,000.00 to \$70,000.00 increase in anticipated fuel costs. Mr. Haynes went on to advise that several Sheriff's Department vehicles have in excess of 100,000 miles, so a number of cars will be needed to replace these cars during the coming budget year.

In further budget discussion, Mr. Haynes advised that the cost of beginning work on the judicial facility will be included in this budget.

Mr. Haynes requested that the Board consider a postponed date for the May 15 Mid-Month Meeting, as the budget would not be ready for presentation at that time.

There was discussion of the state budget, and Commissioner Maske asked the County Manager if an exchange of sales taxes to provide funding for Medicaid relief for counties seemed likely. Mr. Haynes did not feel that the sales tax exchange had the momentum that it once had in the Legislature. Mr. Haynes acknowledged that Richmond County would come out well if the sales tax exchange is enacted by the Legislature, and he advised that for the next two months Richmond County will be in excess of the Medicaid cap amount.

Commissioner Watkins reported that he and Commissioner Dillman had both recently participated in Assembly Day in Raleigh, and at that time there was no money in the Senate budget set aside for Medicaid relief, and \$50,000,000.00 in the House budget. Commissioner Watkins stressed that major decisions are made by just a few.

County Manager Haynes advised that he is preparing the budget without counting on substantial State assistance with Medicaid.

Commissioner Ussery asked what amount of revenue is generated by a penny on the tax rate, and County Manager Haynes advised that \$250,000.00 is generated by a penny on the tax rate.

Commissioner Maske asked the amount of revenue generated by Article 44 sales tax, and County Manager Haynes advised that approximately \$1.4 million is generated for Richmond County by the Article 44 tax.

ITEM NO. 20 – OTHER BUSINESS

A) CONSIDERATION OF RESCHEDULE OF MAY 15 MID-MONTH NOON MEETING DATE AND PRESENTATION OF PROPOSED FY 2007-2008 BUDGET BY COUNTY MANAGER

After discussion of alternative dates for the Mid-Month May Meeting and a date for the County Manager to present the proposed FY 2007-2008 Budget, a motion was offered by Commissioner Maske, seconded by Commissioner Dillman and unanimously carried to cancel the May 19 Mid-Month Regular Meeting. Mr. Haynes agreed to deliver the proposed budget to Board members prior to the June 4 Regular Meeting.

Commissioner Dillman advised that she had enjoyed participation in Assembly Day recently in Raleigh and in attending an Agricultural Issues Seminar in Johnston County.

Commissioner Dillman inquired about problems with the GIS reported to her by local realtors, and Planning Director Jamie Armstrong advised that servers are being changed on the GIS and problems should soon be corrected.

There being no further discussion, a motion was offered by Commissioner Wilson, seconded by Commissioner Watkins and unanimously carried to adjourn the meeting at 8:55 P.M.

*Marian S. Savage, CMC
Clerk to the Board of Commissioners*