REQUEST FOR BOARD ACTION

ITEM NO. 1

DATE OF MEETING: July 7, 2015

REQUESTED BY: Melissa Pedersen, Administrative Assistant

SHORT TITLE: Approval of Minutes: Regular Session, June 22, 2015.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, JUNE 22, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, June 22, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman David Williams, presiding; Vice-Chairman George Brown; Commissioners Fred McCoy, David Piepmeyer, and Demetrice Keith.

OTHERS PRESENT: Randell Woodruff, County Manager; Trey Thurman, County Attorney; Melissa Pedersen, Clerk to the Board; Sylvia Blinson, Interim Finance Director, other staff and members of the Press and public.

CALL TO ORDER
Chairman Williams called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting.

INVOCATION
Chairman Williams offered the Invocation.

PLEDGE
Commissioner Brown led the Pledge of Allegiance.

ADOPTION OF AGENDA
Mr. Williams stated that Item 13 needed to be removed from the Agenda but that there had been an addendum that needed to be added regarding a Solid Waste Interlocal Agreement between New Hanover and Pender Counties. Mr. Piepmeyer asked for clarification as to the item to be removed. After verification of the item to be removed, Mr. Brown made a motion to remove Item 13, *Approval of a Contract Amendment and Budget Ordinance Amendment to the Original McKim & Creed Pender Commerce Park Wastewater Treatment Plant Contract for the Additional Construction Administration and Inspections Serves Required to Accommodate the Unforeseen Phase I Construction Project Delays,* and replace it with *Approval of an Interlocal Agreement with New Hanover County, North Carolina, for the New Hanover County Landfill' s Acceptance of Solid Waste from the Pender Commerce Park.* Mr. McCoy seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

1. ABC Board Chairman Don Hall: Quarterly Report on the Pender ABC System Involving Financial Information and Other Activities.

Pender County ABC Board Chairman Don Hall explained this update is for the quarter January through March, 2015. Mr. Hall distributed the Pender County ABC Financial Distribution Report and explained the amounts in the report that were paid out locally, and to the State. Mr. Hall stated that both the sales and the net income were up from the previous quarter and highlighted the distribution amount for each municipality. He also stated that they will be doubling the size of the Surf City Store soon. Mr. Brown stated that he liked the distribution list being displayed in the store so that the public knows where the money is going. Mr. McCoy stated that Mr. Hall and the ABC Board do a fantastic job. Mr. Williams added that the Board of Commissioners appreciates his work on the ABC Board as well as the work of all the members of that Board.

PUBLIC COMMENT

- Charles Rooks of 105 N. Bennett Street, Burgaw – Mr. Rooks stated that his major concern was the large increase in taxes at one time. He stated that he appreciates the work that the Board of Commissioners does, but requested that the spending be reined in. He mentioned an impact fee for realtors. He stated that the cost of added infrastructure be the responsibility of those moving to Pender County. Mr. Rooks also spoke in opposition of the proposed Boat Ramp in Hampstead.
- Bobby Williams of 12150 Ashton Road, Rocky Point – Mr. Williams read a prepared statement speaking out against the proposed purchase of property for a Boat Ramp in Hampstead. Mr. Williams also spoke against the Lobbyist.
- Candice Williams of 12150 Ashton Road, Rocky Point – Ms. Williams stated that she is both a property owner and an employee of Pender County. Ms. Williams spoke against the proposed purchase of property for a Boat Ramp in Hampstead. She also spoke against additional spending.
- Tom Roper of the Pender County Board of Education referenced a handout that was being passed out by Karen Rouse, Chair of the Pender County BOE. Mr. Roper discussed the cuts that keep being made while the population keeps growing. Mr. Roper also commented on section 3A of the Pender County Budget Ordinance and stated that the BOE wants to know where the additional funding is being appropriated.
- Richard Mantooth of 109 Wolfe Run Road, Burgaw – Mr. Mantooth spoke against the proposed Boat Ramp in Hampstead stating that he does not feel it is needed.

CONSENT AGENDA

Chairman Williams presented the five items on the Consent Agenda and asked for any discussion or questions. Mr. Brown had a question regarding item 3. He asked regarding the cost of the Engineering Design. Utilities Director Michael Mack stated that this is only an estimate. He stated that it is 10% of the cost of the product. There being no further discussion, Mr. Brown made a motion to approve the Consent Agenda, Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows:

2. Approval of Minutes: Budget Work Sessions June 4, June 8 and Regular Session June 8.
3. Approval of a Budget Amendment for Various County Departments.
4. Approval to Amend the Contract for the FY 2014 Audit.
5. Approval of a FY 15-16 Budget Amendment to Accept Emergency Management Performance Grant Funds: $17,595.35.
6. Resolution Approving to Declare Health Department Medical Equipment as Surplus; and a Resolution to request the items be donated to Mission Ready at New Hanover Regional Medical.

RESOLUTIONS

7. Approval and Adoption of the FY 15/16 Budget Ordinance for the Fiscal Year Beginning July 1, 2015.

Mr. Woodruff stated that the Board has received the updated Budget Ordinance with the changes that were made from Friday along with the Employee Reclassification worksheet as a reference. Mr. Brown commented on the tax increase regarding School Bonds. He stated that to answer Mr. Roper's questions, the additional $0.0350 is for the previous Bonds that never resulted in a tax increase for payment. Mr. Woodruff also added that the additional revenue from that $0.0350 will go into a reserve fund for school projects. Ms. Blinson also added that this was originally taken out of Fund Balance. Mr Piepmeyer asked

for clarification that the proposed Boat Ramp was not in the Budget for approval. Mr. Williams stated that the proposed Boat Ramp is not in the Budget so that it would stand out. Discussion continued about the Bonds with regard to the sale of Bonds and increasing the tax rate for approval by the LGC. Mr. Williams opened the floor for questions and comments by the Board:

- Mr. Brown – Mr. Brown stated that this was the toughest year to be a commissioner. He stated that he appreciates Mr. Williams bringing forth the proposal for the Boat Ramp adding that this is the worst time for it. Mr. Brown also referred to the last meeting regarding to the comments from the public to pass a budget to include the Bonds. Mr. Brown stated that there would have been an increase on taxes due to other projects. He talked about economic development and the cost to grow the county. Lastly, Mr. Brown also commented on Employee Benefits. Mr. Brown suggested a Healthcare Service be provided to employees by the County Health Department.
- Mr. Williams – Mr. Williams talked about Sales Tax and the possibility of adding to the Sales Tax for revenue for Schools. Mr. Williams also mentioned a Land Transfer Tax stating that it failed horribly at the polls. Mr. Williams stated that Pender County has to be more than a bedroom county to New Hanover. Mr. Williams also commented on the Boat Ramp proposal as to the pros and cons.
- Mr. McCoy – Mr. McCoy began by commenting on the Employee Healthcare Coverage stating that he hated to cut insurance, but it was unavoidable. He stated that Pender County is fortunate with the growth and that such growth will help with the tax rate in the future. Mr. McCoy said that by visiting counties northwest of here, people could see how fortunate Pender County is. He also noted that even with the tax increase, taxes in Pender County will still be lower than in other counties with the same demographics as Pender County. Mr. McCoy ended by stating that he has not been a supporter of this Bond from the beginning which makes up most of this tax increase and the reason why he cannot vote for this budget.
- Mr. Brown – Mr. Brown stated that he respects Mr. McCoy's position, but he will honor the decision of the voters. With that, Mr. Brown made a motion to approve the proposed budget along with the proposed tax rate of $0.6850.
- Ms. Keith – Ms. Keith stated that she was not satisfied with the budget and stated that the Board should go back to the drawing board. She stated that she does not feel it is good for the people.
- Mr. Woodruff – Mr. Woodruff stated that the only options now are painful cuts. He stated that with it being so close to the end of the year, there is no time for layoffs. He also added that in order to move forward with the school bonds, the budget has to be approved with this rate increase in order for approval of the bonds by the LGC.

With no second motion, Mr. Williams asked for any suggestions from the Board on changes to the budget or ideas for an alternative budget. Discussion ensued regarding options and future meetings to work on the budget. There being no decision, the board moved on. Mr. Williams stated that this will be revisited at the end of the meeting.

8. Resolution to Allow Pyrotechnic Display on September 26, 2015 Requested by Lynn Lanier on behalf of the NC Spot Festival.

Deputy Fire Marshall Tommy Batson explained: The Pender County Fire Marshal Office has received a request from the NC Spot Festival to allow a fireworks display at the spot festival field at the 14000 block of US Hwy 17 in Hampstead on September 26, 2015. The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all pyrotechnic displays under N.C.G.S. 14-413. This requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed. The State of North

Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that modified the General Statutes to define the term fireworks "expert" as a state requirement to obtain a display operator's permit (N.C.G.S. 14-410) effective February 1, 2010. The Fire Marshal's Office will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display. It will be conducted by an approved and licensed fireworks company, Zambelli, 20 South Mercer Street, New Castle, PA 16101. The display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. This pyrotechnic company has been successful at the NC Spot Festival, Topsail Beach 50th Anniversary show and the Bert Lea Shows. Zambelli meets all of the liability insurance requirements set by the State of North Carolina and the Fire Marshal Office recommends approval of their request. There being no discussion, Mr. Brown made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved.

9. Resolution Authorizing Approval of Union Rescue Pyrotechnic Display on July 3, 2015, in Accordance with North Carolina General Statute 14-413. (5 Min.)

Deputy Fire Marshall Tommy Batson explained: The Pender County Fire Marshal Office has received a request from the Union Rescue to allow a fireworks display to take place in an open farm field east of the intersection of Veach Street and Watha Road in Willard, NC on July 3, 2015. The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all pyrotechnic displays under N.C.G.S. 14-413. This requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed. The State of North Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that modified the General Statutes to define the term fireworks "expert" as a state requirement to obtain a display operator's permit (N.C.G.S. 14-410) effective February 1, 2010. The Fire Marshal's Office will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display. It will be conducted by an approved and licensed fireworks company, Zambelli, 20 South Mercer Street, New Castle, PA 16101. The display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. This pyrotechnic company has been successful at the NC Spot Festival, Topsail Beach 50th Anniversary show and the Bert Lea Shows. Zambelli meets all of the liability insurance requirements set by the State of North Carolina and the Fire Marshal Office recommends approval of their request. There being no discussion, Mr. Brown made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved.

10. Approval of a Revision to the Pender County Wellness Program Policies and Procedures.

Human Resources Director Denise Mulhollen explained: On October 18, 2010, the Pender County Board of County Commissioners passed a resolution adopting the Pender County Wellness Program Policy and Procedures. On May 16, 2011, the Pender County Board of County Commissioners passed a resolution approving a revision to the Pender County Wellness Program Policy and Procedures. Both of the previous policies provided an incentive for employees to participate in the wellness program by offering to pay 100% of the employee-only health and dental insurance premiums. As insurance costs continue to rise, the Pender County Board of County Commissioners voted to remove the employee-only dental and vision coverage at the May 26, 2015 meeting. Dental and Vision coverage will continue to be offered to employees as a voluntary benefit but the Pender County Wellness Program Policy needs to be revised to reflect the removal of the dental and vision coverage. Ms. Keith asked if there are incentive to be a part of this program. Ms. Mulhollen explained the current wellness policy incentives. There being no further discussion, Ms. Keith made a motion to approve the resolution. Mr. Brown seconded the motion and it was unanimously approved.

11. Approval and Adoption of a Capital Project Budget Ordinance for the Replacement of the Existing Boiler/Chiller HVAC System that Serves Three Buildings at the County Administrative Complex.

Utilities Director Michael Mack explained: Due to increasing humidity and mold problems occurring in the County's Administration, Health, and Farm/Agriculture buildings located at the South Walker Street Campus, the mechanical engineering firm of Cheatham and Associates, P.A. was hired in October 2014 to conduct an evaluation of the existing boiler/chiller HVAC system and presented three alternatives and cost estimates to upgrade or replace the system. There are three alternatives and their estimated construction/engineering costs that are described in the packet given to the Board. Mr. Piepmeyer asked what the life expectancy of the system was. Mr. Mack replied that the life expectancy was 25 years and that the system was 28 years old. Mr. Mack reviewed the alternatives. Alternative one is to reuse the existing boiler, chiller, cooling tower, pumps, and air handling unit as is making minor improvements to the duct work and control systems at an estimated construction/engineering cost of $143,000.00. Alternative two is to replace the existing boiler, chiller, and cooling tower with two air cooled chillers and two boilers for redundancy, replace the existing air handling units, replace underground heated/cooled water piping, and replace the entire control system at an estimated construction/engineering cost of $1,175,000.00. Alternative three is to abandon the existing boiler, chiller, cooling tower, and water pipe distribution system and replace with individual and independent air handling units with split system heat pumps including new controls with electronic reheat humidity control at an estimated construction/engineering cost of $1,120,000.00. Mr. Mack then reviewed the three alternatives that were then evaluated for their pros and cons. Alternative one addresses the humidity problems with the new controls and minor ductwork changes but it does not address future problems which are imminent by virtue of the aging equipment. Alternative two replaces all of the aging equipment and will provide a system that will last many years, but it remains dependent on the central boiler/chiller and does not allow for individual office temperature control. Alternative three will work for both temperature and humidity control and utilizes VRF (Variable Refrigerant Flow) and energy recovery ventilation technology that allows each room to run independently with its own air handler system and programmable thermostat control. Mr. Mack stated that it was jointly agreed upon by the County Manager and Public Works that Alternative three would best serve the county. He also stated that it should be noted that the estimated construction/engineering costs were estimates provided by Cheatham and Associates, P.A. from their Administrative Complex HVAC Study dated November 13, 2014. Formal bids have not been received for the actual engineering design fees or the actual construction costs. Mr. Mack told the Board that Pender County is on borrowed time with this system and a fail will effect three buildings. Discussion ensued regarding cost of complete replacement; cost efficiency; proper maintenance; and where this project is budgeted. There being no further discussion, Mr. McCoy made a motion to approve the resolution. Mr. Brown seconded the motion and it was approved 3-2 with Mr. Piepmeyer and Ms. Keith voting in opposition.

12. Approval and Adoption of a Capital Project Budget Ordinance for Interior Renovations to the Probation and Parole Office Building Located at 310 West Williams Street in Burgaw.

Utilities Director Michael Mack explained: According to the Judicial District Manager, Pender County has an increasing demand for probation and parole services, and as such, 6 additional officers and a supervisor have already been added to the Pender County staff with 4 additional staff in training. In order to accommodate the additional office spaces to house up to 10 Probation and Parole officers, Public Works received three proposals from Contractors to renovate available open spaces within the existing

Probation and Parole office building. Funds for the estimated cost of the renovation were secured by the June 2015 LOBS financing. Discussion ensued regarding the location in the building where the space will be located as well as the statute that requires counties provide this space to the Probation and Parole office. The Board also discussed requirements by the statute. There being no further discussion, Mr. Brown made a motion to approve the resolution. Ms. Keith seconded the motion and it was approved 4-1 with Mr. Piepmeyer voting in opposition.

13. Approval of an Interlocal Agreement with New Hanover County, North Carolina, for the New Hanover County Landfill' s Acceptance of Solid Waste from the Pender Commerce Park.

Mr. Williams explained: The Commerce Park lies less than two miles from the NHC Landfill. The North Carolina Department of Environment and Natural Resources has conditionally approved this arrangement, pending an executed Interlocal Agreement. The NHC Department of Environmental Management, in conjunction with the NHC County Attorney's office, have prepared the Interlocal Agreement defining the term, limitations and conditions of waste acceptance that will enhance regional business development initiatives by simplifying solid waste management within the Pender Commerce Park. The current tipping fee in effect will be increased by $2.00 per ton for any waste originating from the Pender Commerce Park during the term of this Agreement. The Municipal Solid Waste fee is currently $55.00 per ton. On June 8, 2015, the New Hanover County Board of Commissioners voted unanimously to approve this agreement with Pender County and now Pender County must approve it as well in order for it to be executed. Brief discussion ensued regarding the great relationship Pender County has with their neighbors in New Hanover County. There being no further discussion, Mr. Brown made a motion to approve the agreement. Mr. McCoy seconded the motion and it was unanimously approved.

14. Approval of Renewal of Legal and Non-Legal Advertising Contract with the Pender-Topsail Post & Voice, and Authorizing Purchase Order for FY 2015-2016: $17,160.

Ms. Pedersen explained: Since 2001, the County has combined all legal and non-legal county advertising together under one masthead entitled "Pender County Government News." These advertising services were bid initially in 2001 and subsequently re-bid in 2004 and 2007. In addition, this amount includes posting of all Board meeting agendas. The Pender-Topsail Post & Voice is currently the only local newspaper in Pender County. Ms. Pedersen explained that this contract is for $17,160.00 for the Fiscal Year of 2015-2016. There being no further discussion, Ms. Keith made a motion to approve the contract and purchase order. Mr. McCoy seconded the motion and it was unanimously approved.

15. Discussion and Consideration of the Purchase of Land Surrounding the Public Boat Ramp on Lewis Road in Hampstead.

Mr. Williams explained that he has been working with David Proper and The Conservation Fund for the past year to put together a purchase agreement with the owner of an approximately 2.5-acre property surrounding an existing public boat landing at the end of Lewis Road near Hampstead. The Conservation Fund would purchase the land and then sell it to the county for $1.3 million which is slightly below its appraisal. Mr. Williams has already spoken with the Wildlife Resources Commission about a parking lot, restrooms, and a fishing pier. Since the Wildlife Resources Commission cannot purchase property, the County could do so and partner with Wildlife to make improvements to the property. Mr. McCoy stated that this is a PR disaster and he cannot vote for it. Mr. Brown stated that this would be a great investment and thanked Mr. Williams for working on it, but it is just bad timing. He also reiterated that there is no county money invested in this agreement. Discussion also ensued regarding the other boat ramp at this

location with regard to the fact that there was no county money invested in that project. Mr. Williams asked for a motion, none was made.

SOCIAL SERVICES BOARD
The Board convened as the Social Services Board at 5:34 p.m. Chairman Williams asked if there was any business that needed attention. There being none, the Board reconvened as the Board of Commissioners at 5:34 p.m.

PENDER COUNTY BOARD OF HEALTH
The Board convened as the Board of Health at 5:34 p.m.

16. Annual Approval to Adopt the FY 15-16 Health Department Fee Schedule.
Health and Human Services Director Carolyn Moser explained: The Health Department Fee Schedule must be discussed and approved by the Board of Commissioners acting as the Board of Health on an annual basis. Ms. Moser explained that the fee schedule remained almost the same for FY 2015-16 with the exception of about a 20% increase in fees for the Animal Shelter. Ms. Keith asked why the increase. Ms. Moser stated that the fees were raised to be more in line with neighboring counties. Mr. McCoy commented on how great the animal shelter is doing and that people wanting to adopt animals will pay the price. Mr. Brown stated that animals are now spayed or neutered when being adopted. Discussion ensued on the collection of fees and issues with volunteers at the animal shelter. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Brown seconded the motion and it was approved unanimously.

17. Annual Approval to Adopt the FY 15-16 Health Department Budget.
Ms. Moser stated that this item needs to be tabled until the Pender County Fiscal Year Budget for 2015-2016 is approved. Ms. Moser also commented that in the last three years the Health Department has been able to reduce the amount of funding needed from the county from 49% for FY 2013-14 to 42-43% for FY 2015-16.

18. Annual Approval of Board of Health Operating Procedures and Hand Book Training.
Health and Human Services Director Carolyn Moser explained: Ms. Moser presented the Board of Commissioners acting as the Board of Health, the Operation Procedures and Handbook Training Manual last week. Ms. Moser stated that the Board of Commissioners acting as the Board of Health must review the Operation Procedures and Handbook Training Manual for the Health Department on an annual basis. Ms. Moser asked for questions and invited the commissioners to visit the Health Department at any time. There being no further discussion, Mr. Brown made a motion to approve the item. Mr. Piepmeyer seconded the motion and it was unanimously approved.

ROCKY POINT WATER & SEWER DISTRICT
The Board of Commissioners convened as the Rocky Point Water & Sewer District Board at 5:44 p.m.

19. Resolution by the Board of Directors of the Rocky Point/Topsail Water and Sewer District Accepting the Deed of Dedication for the Conveyance of Title to the Water Distribution Systems Properly Installed to Serve Hampstead Landing – Phase 1, Section A and Kings Ransom.

Utilities Director Michael Mack explained: In accordance with the Pender County Water and Sewer Ordinance, Article XII, Subsection II, 5.a: submission of a Deed of Dedication is required for acceptance of any new water and/or sewer extensions constructed to serve any structure within a subdivision prior to the commencement of water and/or sewer service by the District. With acceptance of these improvements, the conveyance of title to these infrastructure improvements will occur and the District will become responsible for the permanent maintenance of these improvements. Mr. Mack stated that staff is recommending acceptance of the respective project infrastructure improvements at Hampstead Landing – Phase 1, Section A: 200 LF 6" watermain on West Conolly Court, 1,040 LF 6" watermain on East Conolly Court, 320 LF 2" watermain on East Conolly Court, 2 fire hydrants, valves, and related water appurtenances and Kings Ransom: 680 LF 6" watermain on Treasure Way, 604 LF 6" watermain on Ransom Drive, 1 fire hydrant, valves, and related water appurtenances. All of the above improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR – Public Water Supply Section. There being no discussion, Mr. Brown made a motion to accept these Deeds of Dedication. Mr. McCoy seconded the motion and it was unanimously approved.

20. Discussion of the Costs and Impacts of Providing Rocky Point Sewer System Capacity and Serve for Residential Purposes in Addition to Possibly Serving the Proposed Lane's Ferry Development with Sewer Service.

Utilities Director Michael Mack explained: Over the last 6 months, several building contractors and/or developers in the Rocky Point area have approached PCU about the possibility of receiving Rocky Point Sewer Capacity and Service for residential purposes. PCU staff has considered options and prepared a Preliminary Opinion of Probable Costs to be presented and discussed with the Board of Commissioners. Mr. Piepmeyer thanked Mr. Mack and Mr. McCabe for providing this update to the Board. Lengthy discussion ensued regarding Lanes Ferry; amount of Sewer Capacity available; Commercial growth within these subdivisions; Permitting; Process, Capacity open for both Burgaw and CFPUA; as well as all of the options for proceeding. The Board has requested that staff look into the interest for sewer in the Rocky Point Area. Mr. Piepmeyer once again thanked staff for this update.

APPOINTMENTS

Since there was only one applicant per position, Mr. Williams asked the Board if they would like to vote on these appointments at one time or by each position. Mr. Brown asked if there was a conflict of interest for someone to serve on both the Parks and Recreation Board and the Kiwanis Park Board or an employee serving on Boards. After some discussion, staff will work to adjust the application to ask these questions. There being no further discussion, Mr. Brown made a motion to approve all appointments presented. Mr. McCoy seconded the motion and it was unanimously approved as follows:

21. Approval of Appointment to the Pender County Advisory Board of Health.
Mark Walton, Engineer Position, three year term

22. Approval of Appointment to the Pender County Parks & Recreation Board.
Brad George, District One, three year term

23. Approval of Appointment to the Pender County ABC Board.
George Grubbs, District One, three year term

24. Approval of Appointment to the Hampstead Kiwanis Park Board.
Adrian Hansing, One Year
Robert Little, Two Years

Brad George, Two Years
Patricia Homa, Three Years
William Underwood, Three Years

25. **Approval of Appointment to the Pender County Social Services Advisory Board.**
Samenthia Jones, Three Years

26. **Approval of Appointment to the Tourism Development Authority Board.**
Charles Strickland, Topsail Chamber, two year term

27. **Approval of Appointment to the Pender County Jury Commission.**
Donald Hall, Two Year term

28. **Approval of Appointment to the Pender County Nursing/Adult Care Advisory Board.**
Elaine Lyons, Three Year Term
Adnita Sidbury, Three Year Term

ITEMS FROM THE COUNTY ATTORNEY
Mr. Thurman stated there will be items for Closed Session, Item #'s 3, 4, and 6.

ITEMS FROM THE COUNTY MANAGER
Mr. Woodruff stated that he had a couple of things. First, he mentioned the improvements on the Pender County Website. He stated that as of right now, the plan is to update the existing site. Mr. Woodruff also explained that the Sales Tax and State Health Insurance bill have passed the General Assembly and are moving to the Senate. Lastly, Mr. Woodruff commented on the success of the Blueberry Festival.

ITEMS FROM COUNTY COMMISSIONERS
Ms. Keith – Ms. Keith stated that she visited the Atkinson Library recently adding that they are doing an excellent job with the limited resources that they have.

Mr. Brown – Mr. Brown recognized his mother who was sitting in the audience.

Mr. Piepmeyer – Mr. Piepmeyer mentioned a letter that he had received from Ms. Robbins regarding the neighbors barking dogs and the effect it has on her health issues. It was noted by other board members that each of them had received letters and Ms. Robbins is very difficult to work with. Mr. Piepmeyer then stated that Representative Millis had invited him to a meeting in Raleigh where he attended by phone. Representative Millis is currently working to amend a bill which would help him support a bill for the Hampstead Bypass. Mr. Piepmeyer also stated that he spoke at a recent Burgaw Chamber meeting regarding the budget and school bonds.

Mr. McCoy – Mr. McCoy thanked Ms. Blinson and her employees stating that he is proud of her accomplishments while working with Pender County.

Mr. Williams – Mr. Williams stated that he wanted to do something to honor an Eagle Scout for his accomplishments who has recently moved to California. He also thanked the board for their support with his wife's issue.

Before entering into closed session, Mr. Woodruff encouraged faster movement on the budget stating that it is extremely urgent that the Board pass a budget before July 1, 2015.

CLOSED SESSION

At 6:31 p.m., Mr. Brown made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. Mr. McCoy seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 6:38 p.m. There were no announcements made upon exiting the Closed Session.

PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

Before opening the Public Hearings, Mr. Thurman swore in all witnesses.

29. Resolution Requesting Approval for a Major Revision to a Special Use Permit (SUP) for the Operation of Private Recreation Club.

Mr. Williams opened the public hearing at 7:25 p.m. Planning Director Kyle Breuer explained: Burney Wing and Gun Club, applicant, on behalf of Dew Field Farms, owner, is requesting approval of a major revision to an existing Special Use Permit (SUP 10987 R) originally issued on August 19, 2013. The requested revision is only to modify previously approved hours of operation at the private recreation club. The property is currently zoned RA, Rural Agricultural zoning district, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses, All Other Amusement and Recreation Industries (NAICS 71399) are permitted via Special Use Permit. Mr. Breuer reviewed for the Board the current Special Use Permit terms with regard to adjacent properties, structures on the property, vegetation, and hours of operation. Mr. Breuer stated that this change is directly related to the shooting times to allow for Sunday hours. Discussion ensued regarding the location of the property and the

proximity to churches. Mr. Williams asked the applicant to step to the podium. Mr. Jay Burney stated that he was the owner of Burney Wing and Gun Club and that the name would soon be changing to Shelter Creek Plantation. Mr. Burney stated that upon the approval of his original Special Use Permit, he agreed to no shooting on Sundays. He also stated that at that time, he told the Board that if the State allowed Sunday Hunting that he would be back at that time to request a change to his hours. He then discussed the proximity of his land to Holly Shelter Game Land with regards to the shooting range being built there. Mr. Burney closed stating that he is just asking for the same courtesy for his club that the state gives for their shooting ranges. Discussion ensued regarding state regulations and what they need approval for through the County. Mr. Thurman stated that state operations are exempt from local legislation. Mr. Keith asked about church services with regard to shooting times. Mr. Burney stated that they would not shoot during church times and went on to say that he would also respect church events such as homecomings and weddings.

The following residents and others voiced their concerns:

- Clint North of 27926 NC Hwy 210, Currie – Mr. North stated that he has shot at the Gun Club before and Mr. Burney will abide by the rules. He further stated that he feels that it is only right to allow shooting on Sundays for this Club if it is allowed by the State.
- Doug Kenan of 380 Orchid Road, Burgaw – Mr. Kenan asked for confirmation that this is a private Gun Club. Mr. Burney agreed that it was. Mr. Kenan passed out information to the Board from the original application reflecting the hours and terms of the Gun Club. Mr. Kenan also showed pages from Mr. Burney's website highlighting that this Gun Club is in fact public highlighting events and pricing advertised from the website. Mr. Kenan stated that the website also states "bring your own bottle" adding that guns and alcohol never mix. Mr. Kenan ended by asking the Board to deny tonight's Special Use Permit as well as revoke the existing permit. Mr. McCoy asked Mr. Kenan where his home is located. Mr. Kenan showed his home on the map. Mr. Kenan also asked that the packet he handed out be entered into evidence. Mr. Williams stated it would.
- Robert Kenan of 380 Orchid Road, Burgaw – Mr. Kenan stated that in 2013 he was not opposed to Mr. Burney's operation. Mr. Kenan further stated he is still not opposed to Mr. Burney's operation, but he is opposed to Sunday hunting. He added that since the Special Use Permit was approved in 2013, it has been ongoing shooting from Monday through Saturday. He stated that Sunday is his one day of peace and he asked the Board to decline Mr. Burney's Special Use Permit revision.
- Dwight Teachey of 455 Orchid Road, Burgaw – Mr. Teachey stated that the trees have been cleared and that because of this, there is no more noise buffer. He said that he is tired of hearing the noise all day every day. Mr. Teachey also spoke of violations to Mr. Burney's Special Use Permit with regard to what is shot during what hunting seasons. Mr. Williams asked Mr. Thurman about hunting seasons and what can be shot. Mr. Thurman clarified that hunting seasons and what to shoot are an issue for Wildlife and not enforceable by the County.
- Linda Teachey of 455 Orchid Road, Burgaw – Mrs. Teachey stated that she has lived on her property since 1989 and it was always quiet until the Gun Club came. She stated that since the opening of the Gun Club she hears shooting all day. She asked the Board to deny this request so that her family could have one day of peace and quiet.
- David Greer of 953 Raynor Road W – Mr. Greer stated that he owns 65 acres on the creek explaining that he bought the property two years ago to develop. He added that the property is

great, but the noise from the Gun Club has decreased the value of the property. Mr. Greer asked that the Board allows Sunday to be the one quiet day for that area.

- Mr. Burney – Mr. Burney addressed the comments that had been made. He stated that he did not lie when he requested his first Special Use Permit. He added that he just wants the same privilege the state is offering for the Holly Shelter Game Land with hunting rights on Sunday. He stated that if the State does not pass it, he will continue to not shoot on Sunday.

Mr. Piepmeyer asked if there have been any violation notices. Mr. Breuer stated that to his knowledge, staff has not received any complaints. He also reminded the Board that without a complaint, no action can be taken. The Public Hearing was closed at 8:02 p.m. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Brown seconded the motion and it was approved 3-2 with Mr. Piepmeyer and Ms. Keith voting in opposition.

30. Resolution to Amend the Pender County Unified Development Ordinance to Allow for Electronic Submittal of Required Foundation Surveys and to Remove the Requirement of In-Field Setback Verifications.

Mr. Williams opened the public hearing at 8:03 p.m. Planning Director Kyle Breuer explained: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 3.2.2.B to allow for electronic submittal of required foundation surveys and to amend Section 3.2.2.D to remove the requirement of in-field setback verifications. The Zoning Text Amendment proposal is the result of various administrative discussions in attempt to provide a more efficient and effective setback certification process for customers and staff, expediting review by eliminating unnecessary steps, thus resulting in improved customer service. Mr. Piepmeyer asked how many times setbacks are inspected and not correct and it is generally a foot or two. Mr. Breuer stated that this is a rare occurrence. Discussion ensued regarding setback issues and setback requirements. Mr. Breuer stated that if this is approved before the board, he assured this will still be monitored. The Public Hearing was closed at 8:21 p.m. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Brown seconded the motion and it was unanimously approved.

BUDGET DISCUSSION

Discussion ensued regarding adopting the FY 2015-16 Budget. Mr. Woodruff asked for guidance on how to proceed with changes. Budget obstacles were discussed. Mr. Williams mentioned holding off on the Bonds for a year, but also added that he would not vote for a budget that does not include the Bonds. Ramifications for not adopting a budget by the end of June were then discussed. Mr. Woodruff discussed cuts that could be made. Mr. Piepmeyer stated that he could not support the tax increase. Ms. Keith stated that she felt that there were further cuts that could be made. Cuts that were already made were then discussed. Discussion ensued regarding growth, future tax increases, and other areas of potential future revenue. Mr. Williams stated that the Chairman can neither make a motion nor second a motion. He then offered to give up his chair so that he could second Mr. Brown's motion if someone would make a third vote. With no one offering a third vote, the board discussed recessing the meeting until a further date to discuss the budget and possible solutions.

RECESS
Chairman Williams recessed the meeting at 9:00 p.m. The Board reconvened at 4:01 p.m. on Tuesday, June 23, 2015.

7. Approval and Adoption of the FY 15/16 Budget Ordinance for the Fiscal Year Beginning July 1, 2015.

Mr. Williams began by opening the floor for comments by the Board.

Ms. Keith – Ms. Keith mentioned the comments that she has received on Facebook claiming that she is against the School Bonds. Ms. Keith clarified that she is not against the School Bonds, but against the tax increase and that it why she did not vote for the proposed budget.

Mr. Williams – Mr. Williams reiterated that the majority of the tax increase is School Bond related. He stated that $0.060 of the $0.1730 tax increase was for items other than the School Bonds. He also gave a breakdown of the increase. Mr. Williams stated that in order to cut the budget further and budget for the School Bonds that the only other place to cut would be employees and services. He stated that $0.010 of the tax rate generates about $630,000.00.

Mr. McCoy – Mr. McCoy commented on the School Bond issue and stated that he had done a lot of soul searching and praying about this Budget in the last day. He added that this Bond comes at a bad time for Pender County. Stating that he has always been conservative and that he hates to raise taxes, he stated that Pender County cannot ignore the growth. Mr. McCoy said that he was ready to go ahead and support the proposed budget. He thanked Mr. Woodruff and Ms. Blinson for all of the work they have done preparing this budget.

After Mr. McCoy's comments, Mr. Williams asked for a motion on the budget that had been presented last night for Fiscal Year 2015-16. Mr. Brown made a motion to approve the FY 2015-16 Budget Ordinance and to approve a tax rate of $0.6850 beginning July 1,2015. Mr. McCoy seconded the motion and it was approved 3-2 with Mr. Piepmeyer and Ms. Keith voting in opposition.

PENDER COUNTY BOARD OF HEALTH
The Board convened as the Board of Health at 4:08 p.m.

17. Annual Approval to Adopt the FY 15-16 Health Department Budget.

Mr. Brown stated that he needs to abstain from this vote due to his wife's employment with the Pender County Health Department. Mr. Piepmeyer made a motion to excuse Mr. Brown for voting on this item. Ms. Keith seconded the motion and it was unanimously approved 4-0. Mr. Williams asked for any questions regarding this item. There being no discussion, Mr. McCoy made a motion to approve the FY 2015-16 Budget for the Pender County Health Department. Mr. Piepmeyer seconded the motion and it was approved 3-1 with Ms. Keith voting in opposition.

Mr. Williams asked for any comments before adjourning.

Mr. Brown commented on the comments he heard regarding the budget. He clarified that the money spent was not wasted, but to add to infrastructure. Mr. Brown stated that there are many counties in worse shape than Pender County. He added that he is proud of the accomplishments of the Board.

Mr. McCoy stated that his goal is to leave Pender County in a better position that he came into.

Mr. Williams stated that his greatest regret was not implementing the tax increase for the last School Bonds when it was needed. He stated he does not want to make that mistake again.

Mr. Brown thanked Mr. McCoy for his support.

ADJOURNMENT
There being no further business, the meeting adjourned at 4:17 p.m.

Respectfully Submitted,

Melissa Pedersen

Melissa Pedersen, Clerk to the Board

Reviewed By:

Ann Coombs, Administrative Assistant

Planning Reviewed By:

Planning Staff