REQUEST FOR BOARD ACTION

ITEM NO. 2

DATE OF MEETING: October 12, 2015

REQUESTED BY: Melissa Pedersen, Clerk to the Board

SHORT TITLE: Approval of Minutes: Regular Meeting: September 28.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, SEPTEMBER 28, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, September 28, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

OTHERS PRESENT: Randell Woodruff, County Manager; Trey Thurman, County Attorney; Melissa Pedersen, Clerk to the Board; Kathy Brafford, 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
Commissioner Piepmeyer offered the Invocation.

PLEDGE
Commissioner Keith led the Pledge of Allegiance.

ADOPTION OF AGENDA
Commissioner Keith made a motion to adopt the agenda as written. Mr. McCoy seconded the motion and it was unanimously approved.

EXCUSE COMMISSIONER
Mr. McCoy made a motion to excuse Mr. Brown. Mr. Piepmeyer seconded the motion and it was unanimously approved.

PUBLIC INFORMATION
1. Discussion of the Cape Fear Community College Small Business Center.

Douglas Tarble, Director of the Cape Fear Community College Small Business Center gave a presentation to the Board regarding the Small Business Center. Topics of the presentation focused on their Mission; Continuing Education; the Small Business Center Network statewide; Seminars; and Counseling. Mr. Tarble stated that Cape Fear Community College is part of the Southeast Region for the state and that the Small Business Center regions align with the Economic Development Regions. Mr. Williams asked if each Community College has a Small Business Center. Mr. Tarble stated that each Community College does have a Small Business Center and that Cape Fear Community College's Small Business Center serves both New Hanover and Pender Counties. Ms. Keith asked is Mr. Tarble comes to Pender County to meet clients. Mr. Tarble stated that he comes to Pender County upon requests.

2. Quarterly Report on the Pender ABC System Involving Financial Information and Other Progress.

Don Hall, Chairman of the Pender County ABC Board gave a quarterly update for the fourth quarter of 2015. Mr. Hall distributed the report to the Board and highlighted the sales and income for the quarter as well how funds were distributed. Mr. Hall also noted the yearly numbers to include the number of bottles sold. Mr. Williams asked about capitals improvements. Mr. Hall explained that all improvements have been made and

explained how these projects are paid for when they come about. He also added that the ABC Board is setting aside $5,000 per quarter into an interest bearing account for improvements. The Board thanked Mr. Hall for his quarterly updates.

3. Update on All Public Utility, Solid Waste, and Public Works Capital Improvement Projects.
Utilities Director Michael Mack presented to the Board an update on all Public Utility, Solid Waste, and Public Works Capital Improvement Projects. The projects discussed were the Wastewater Reclamation Facility; New Water Distribution Systems of Moores Creek and Central Pender; Bulk Fuel Depots; Hampstead Solid Waste Convenience Site Relocation; Solid Waste Transfer Station Scale Relocation; the Solid Waste Transfer Station Waste Water Treatment Plant Upgrades; and strategic planning. Mr. Piepmeyer asked if there were any plans to improve the Convenience Site on Highway 17 N after the site is moved. Mr. Mack stated that after the Bypass is constructed that there will not be access from Highway 17. The contract with GoEnergies regarding the Fuel Depot sites, fuel prices, and savings were also discussed. Mr. McCoy also commented on the overgrowth of bushes at the Whitestocking Site. Mr. Mack stated that he will have that taken care of.

PUBLIC COMMENT
Mr. Williams stated the rules and procedures for Public Comment.

Charles Shoonmaker of 725 Camp Kirkwood Road, Watha spoke on behalf of recreational and commercial fisherman. Mr. Shoonmaker asked for the Boards Support by Resolution asking the North Carolina Department of Marine Fisheries to support the supplemental process to implement adjustments on Southern Flounder. Mr. Shoonmaker explained the situation and asked that the Board pass a resolution by the next meeting. Mr. Williams asked Mr. Shoonmaker to leave a copy of the Brunswick Resolution with the Clerk and the Board will talk with neighbors and coastal towns on the issues.

CONSENT AGENDA
Chairman Williams presented the items on the Consent Agenda and asked for any discussion or questions. There being no discussion, Mr. McCoy made a motion to approve the consent agenda. Ms. Keith seconded the motion and it was unanimously approved.

4. Approval of Minutes: Regular Meeting: September 14.
5. Approval of a Purchase Order to Security Plus for the Installation of Security Door Access Pads and Panic Buttons at DSS: $22,499.95.

APPROVALS AND RESOLUTIONS
6. Approval to Apply for a Grant with Trillium Health Resources for Inclusive Playground Equipment.
Parks and Recreation Supervisor Dee Turner explained: Trillium Health Resources has announced Phase 2 of the "Play Together Construction Grant for Accessible Playgrounds" in which Pender County is eligible to apply. The qualifications for the grant are; playground must be on City/County owned property, the City/County must commit to maintain the playground, ability to start construction within six months of the approval notification, which is estimated to be October 31, 2015. The Parks and Recreation Comprehensive Master Plan emphasizes providing handicap accessible facilities throughout the county. The potential grant opportunity will allow the county to expand and upgrade existing facilities to meet these identified needs. If awarded the grant, staff will work with the Parks and Recreation Advisory Board to ensure that money is spent to maximize the handicap accessible play components available for our youth disabled population. If awarded the

grant, staff will work with a preferred playground vendor through the design stages maximizing handicap accessibility and play components to new playground construction as well as up fitting existing playgrounds. The grant structure does not require a financial match, only staff time to work with a vendor and Trillium Health Resources to procure equipment and manage the installation of any new facilities at our parks. The grant structure is that funds from Trillium Health Resources will be awarded to Pender County upon invoice from the playground vendor and within contract scope. The County will then make payment to playground vendor for equipment and installation. If funds are provided to Pender County in this grant cycle a project contract, including budget will be presented back to the Board for approval. Phase 1 "Play Together Construction Grant for Accessible Playgrounds" awards ranged from $100,000-$750,000. Mr. Piepmeyer asked what the department hoped to upgrade if awarded the grant. Ms. Turner explained that she hoped to upgrade playgrounds to make them more handicap accessible and to update surfacing on the playgrounds. Ms. Turner stated that Trillium will do site visits to determine the amount of money granted. Mr. Piepmeyer asked if Ms. Turner was already working on purchasing equipment if approved for the grant to keep within the grant requirements. There being no further discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved.

While at the podium, Ms. Turner updated the Board on Millers Pond Park. Ms. Turner stated that even with the weather, the park is still slated to open at the end of the week.

7. Approval of Contract with Holland Consulting Planners, Inc., to Administer FY 15 Hazard Mitigation Assistance Grant.

Planning and Community Development Director Kyle Breuer explained: This item is to select Holland Consulting Planners, Inc., not approval of the contract. On July 10, 2015 Planning and Emergency Management Staff advertised a request for professional services to provide management services to administer the FY 14-15 Flood Mitigation Assistance grant awarded to Pender County in the amount of $2.09 million. The grant approval is to elevate six existing structures and acquire five properties that have incurred repetitive losses through past storm events. Following an advertising window of approximately two weeks, Holland Consulting Planners, Inc. was the only qualified consulting firm to submit a response to the RFP. In review of the proposal submitted, it has been identified that Holland Consulting Planners, Inc., obtains the necessary knowledge and expertise to administer the full scope of this project as they have previous successful projects in and around eastern North Carolina. The advertised RFP is attached to this request for the Board's review of the project scope. As of the date of this document, Pender County has not received a contractual document between the County and the Division of Public Assistance but would expect the project parameters to be consistent with the RFP scope for expected project deliverables and reporting. A formal contract will not be provided until funding is directed from the federal government. The program will provide 100% of the cost of elevating/retrofitting structures and the County will experience no direct costs for this program. Eleven applicants from Pender County were submitted on July 1, 2014 to NCDEM. Eligible applicants will be notified once funding has been secured with Pender County. Mr. Piepmeyer noted that staff should have included Holland's qualifications in this packet. Discussion ensued regarding locality of Holland Consulting; Project Completion Date; and Review of schedules and budgets. Mr. Bartlett with Holland Consulting briefed the Board on plans for the project and explained the firm's qualifications. Mr. McCoy spoke in opposition of the project because it is tax dollars that are being used to improve private property. Mr. Breuer stated that he will be back at the next meeting to talk more in depth on flooding and insurance rates. There being no

further discussion, Mr. Piepmeyer made a motion to approve the item with the stated corrections. Ms. Keith seconded the motion and it was approved 3-1 with Mr. McCoy voting in opposition.

8. Resolution Approving Acceptance of the NCDENR Division of Water Infrastructure Clean Water State Revolving Fund (CWSRF) Loan in the Amount of $479,706 for Wastewater Treatment Facility Upgrades at the Pender County Solid Waste Transfer Station.

Utilities Director Michael Mack explained: The Pender Solid Waste Transfer Station Wastewater Treatment Facility is in need of upgrades and modifications in order to bring the system back to a satisfactory level of treatment and disposal as required by NCDENR – Division of Public Health. Pender Solid Waste applied for a CWSRF loan and/or grant to fund this project. On August 25, 2015, Pender County was offered a CWSRF loan by NCDENR- Division of Water Infrastructure in the amount of $479,706 to fully fund this project. A condition of the twenty year loan at 1.88% interest is the adoption of the attached resolution by the Board of Commissioners accepting the loan and making the applicable assurances. Mr. Mack added that this is the last step to complete the requirements of the loan. There being no discussion, Mr. McCoy made a motion to approve the resolution. Ms. Keith seconded the motion and it was unanimously approved.

9. Approval of a Policy for Sale of County Owned Land to the Public.

Mr. Woodruff Explained: This is something the Board has been discussing for a while. Mr. Thurman added that he has been in contact with Mr. Rodger's of ProTax but that he has been on vacation. Mr. Thurman discussed some of the properties that have been identified. He further explained that Mr. Rodgers will be at the next meeting to give an update to the Board regarding both collection of tax foreclosures and a proposal to market and sell county owned property. Discussion ensued on strategic planning, upset bid time frame, policies in the past, and consulting with other counties. Mr. Williams requested this item be placed on the next agenda after the presentation from the Tax Attorney's. Mr. Woodruff stated that this policy has evolved from the first draft. Mr. Williams stated that the Board will hold off on this until the next meeting.

10. Resolution Appointing Justian Pound as Pender County Tax Assessor.

Mr. Woodruff explained: In January 2015, the Board appointed Justian Pound as Interim Tax Assessor to fill the position vacancy when the former Assessor left Pender County employment. Since that time, Mr. Pound successfully completed all of the duties required including the tax billing process for FY 2016. Mr. Pound has been with the Tax Assessor's office since 2011 and served as the Tax Appraiser since that time and was involved with Pender County's last Tax Revaluation. Mr. Pound will be required to achieve the NC Tax Assessor Certification upon passing the final certification examination as soon as scheduled with the NC Department of Revenue. Applications for the Tax Assessor position have been received. After a review of the applications received and interviews of him and other applicants, Mr. Pound is recommended for the appointment based on his four years of experience in the Pender County tax office, and his successful interim service as Tax Assessor for the past 9 months. Mr. Pound's appointment will be conditioned upon his procurement of NC Tax Assessor Certification on or before September 30, 2017 as required by NCGS § 105-294. Discussion ensued on Mr. Pound's qualifications. There being no further discussion, Mr. McCoy made a motion to approve the appointment of Justian Pound as County Tax Assessor. Ms. Keith seconded the motion and it was unanimously approved.

APPOINTMENTS

11. Approval of Appointment to the Pender County Parks & Recreation Board.

Ms. Pedersen explained: Charles Shuford is applying to serve on the Pender County Parks and Rec Board for the first time. Mr. Shuford has been a resident of Pender County for 9 years and lives in District 3. The seat for District 3 is filled, but there is a vacant At-Large seat for this Board. This term will be for three years. Mr. Williams noted that this is the same gentleman applying to serve on the Council of Community Affairs for the vacant District 3 seat. Discussion ensued regarding serving for multiple appointments, conflict of meetings, the future on the Council on Community Affairs, meeting times of these Boards, and possible changes of meeting dates for these Boards. There being no further discussion, Ms. Keith made a motion to appoint Mr. Shuford to both the Council of Community Affairs and the Parks and Recreation Board. Mr. Piepmeyer seconded the motion and it was unanimously approved.

12. Approval of Appointment to the Pender County Council on Community Affairs.

This item was approved with the motion to approve item 11.

DISCUSSION

13. Discussion of Board of Adjustment Appointment with Regard to the Role of Alternate Positions.

Planning and Community Development Director Kyle Breuer explained: When a vacancy on a Board arises whether by expiration or resignation, Pender County advertises and appoints from the vacant District. Through discussions among staff, the suggestion was made that since we have alternates appointed, perhaps we could establish policy to appoint from the alternates as they have experience and have been trained on the laws and procedures of the Board of Adjustment. The only setback is that this will initially create potential multiple members from the same district but as terms expire, we can advertise for the alternate positions per district and all should even back out. Discussion ensued regarding redistricting as is relates to representation on the Board, direction of the Board, and the setup of the Board of Adjustment and the Planning Board. Mr. Breuer will draft up a policy to present to the Board at an upcoming meeting.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman updated the Board regarding Empire Distributors. He stated that the due diligence period has been extended and an additional $2,000 has been deposited into the escrow account. He also noted that the sale has been increased to eighteen (18) acres. Mr. Thurman also stated there will be a brief item for Closed Session, Item # 3.

ITEMS FRIOM THE COUNTY MANAGER

Mr. Woodruff briefly discussed the meeting he attended regarding the 2017 Wells Fargo Championship as part of the 2017 PGA tour. Mr. Woodruff also reminded the Board of Fireball Run coming up September 29 and September 30 in Topsail.

ITEMS FROM COUNTY COMMISSIONERS

Ms. Keith – Ms. Keith mentioned the Moores Creek Naturalization Ceremony that she attended on September 19. Ms. Keith stated that the ceremony welcomed 51 new United States Citizens. She also mentioned that she gave the closing remarks. Mr. Williams thanked Ms. Keith for representing the Board of Commissioners at this event.

Mr. Piepmeyer – Mr. Piepmeyer thanked Ms. Pedersen for the addition of "Items from the County Finance Director." Mr. Piepmeyer also noted that he will be on vacation out of the Country during the October 12 meeting and asked to be excused.

Mr. McCoy – Mr. McCoy mentioned that he attended the 2015 Spot Festival this past weekend and enjoyed being there.

Mr. Williams – Mr. Williams also said a few remarks on the Spot Festival with regard to weather. He also talked about moving the Spot Festival possibly to Kiwanis Park and asked the Board to consider it because the property that the Spot Festival is currently held on is for sale. Mr. Williams then made comments on the Water Treatment projects, the BASF, Commerce Park, and the Shell Building in Burgaw.

ITEMS FROM THE COUNTY FINANCE DIRECTOR

Ms. Brafford updated the Board on the progress of the Audit. She stated that it has been made clear to the auditors that the County plans to submit the Audit to the LGC by the deadline.

CLOSED SESSION

At 6:11 p.m., Mr. Piepmeyer 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. Ms. Keith seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:01 p.m. There were no announcements made upon exiting closed session.

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

14. Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Solar Farm.

Chairman Williams opened the Public Hearing at 7:03 p.m. Mr. Thurman swore in witnesses.

Planning and Community Development Director Kyle Breuer explained: Bearford Farm, LLC, applicant and owner, is requesting approval of a Special Use Permit for the construction and operation of a solar farm NAICS 221119. The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; other electric power generation NAICS 221119 is permitted via Special Use Permit. There is one tract associated with this request and is located at 478 Old Savannah Road (SR 1347). The subject property may be further identified by Pender County PIN 3321-14-2767-0000. Conditions of the Special Use Permit were discussed. There being no questions for the applicant, Mr. Thurman called on the first signup.

1. Nelson Bland of 3835 Highway 117 N spoke with concern to radiation and its link to the racking that is used for the solar farm. Mr. Bland also asked about buffers.
2. Katherine Ross, Attorney for the Applicant – asked Joe Davis to speak on the racking.
3. Joe Davis, engineer – Mr. Davis stated that they have not settled on what racking will be used, but studies show whether aluminum or steel are used should not make a difference on the radiation given off.
4. Mr. Breuer explained the buffers allowed for this project.
5. Rich Kirkland – Mr. Kirkland came to the podium to discuss studies of radiation as it relates to other Solar Farms in North Carolina and showed on the map that there are 450 feet from the edge of the solar field to Mr. Bland's house.
6. Leslie Williams, Developer – Ms. Williams spoke on the required standards for this solar farm and addressed the issue of steel versus aluminum with regard to the racking. Ms. Williams stated that it only has to do with construction and not with radiation.

There being no further discussion, Chairman Williams closed the Public Hearing at 7:41 p.m. Mr. McCoy made a motion to approve the Resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

15. Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Museum.

Chairman Williams opened the Public Hearing at 7:42 p.m. Mr. Thurman swore in witnesses.
Planning and Community Development Director Kyle Breuer explained: James R. Fullwood, applicant and owner, is requesting approval of a Special Use Permit for the operation of a historical school museum NAICS 712. The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; museums, historical sites and similar institutions NAICS 712 are permitted via Special Use Permit. There is one (1) tract associated with this request and is located at 77 Union Chapel Road (SR 1123). The subject property may be further identified by Pender County PIN 2287-35-2949-0000. Mr. Breuer also reviewed the conditions of the Special Use Permit. There being questions from the Board, Mr. Thurman began calling on those signed up to speak.

1. Ronald Sparks, Engineer – Mr. Sparks spoke regarding the plan for the new building and the upgrades to the school including what has already been done. Mr. Sparks then provided the Board with a Drone Video of the current setting of the School.
2. James R. Fullwood, Owner – Mr. Fullwood made a presentation to the Board on the history of this Rosenwald School from the time it first opened to present day.
3. Armenta Bryant of 19117 Hwy 421 – Ms. Bryant stated that she attended the school from 1946-1947 and that her mother went there as well. She discussed the fond memories of her time at this school.
4. Claudia Stack of 98 Casha Rd, Rocky Point – Ms. Stack spoke regarding the history of the Rosenwald Schools. She stated that there were 11 standing Rosenwald Schools in Pender County which is the highest surviving amount in the state.
5. George Edwards, Director of the Historic Wilmington Foundation – Mr. Edwards spoke in favor of protecting the heritage of Pender County, including the Union Chapel School. He encouraged the Board to approve this Special Use Permit.

There being no further discussion, Chairman Williams closed the Public Hearing at 8:22 p.m. Ms. Keith made a motion to approve the Resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

16. Resolution Requesting Approval of Major Revisions to an Existing Special Use Permit (SUP) for the Operation of a Sand Borrow Pit Mine. The Revisions are to Expand the Previously Approved Minable Area.

Chairman Williams opened the Public Hearing at 8:23 p.m. Mr. Thurman swore in witnesses.
Planning and Community Development Director Kyle Breuer explained: Janet Whitehead, applicant and owner, is requesting approval of a major revision to an existing Special Use Permit (SUP 02-02-18-01/10421) originally issued for the construction and operation of a Sand Borrow Pit Mine - NACIS 2323 on February 18, 2002 for ± 30 acres and subsequently renewed on March 19, 2012 (SUP 10421R). The requested revision is to allow for an additional ± 13.7 acres of mineable area. The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; nonmetallic mineral mining and quarrying, NAICS 2123 is permitted via Special Use Permit. There is one tract associated with this request and is located at 4234 Shaw Highway (SR 1520), Rocky Point. The subject property may be further identified by Pender County PIN 3257-88-8047-0000. Mr. Breuer discussed the conditions of the Special Use Permit.

1. Kathleen Danford of 4690 Shaw Highway, Rocky Point – Ms. Danford wanted to verify the hours worked and to make sure only sand was being mined and not gravel. Ms. Danford mentioned that she does not have good water and that is the reason for her concern. Mr. Breuer verified that the hours of operation will be 8:00 – 5:00 Monday through Friday.
2. Janet Whitehead, owner and applicant – After a question from Mr. McCoy, Ms. Whitehead stated that they mine 18 feet and that they never pump water from the mining area.

There being no further discussion, Chairman Williams closed the Public Hearing at 8:33 p.m. Mr. McCoy made a motion to approve the resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:34 p.m.

Respectfully Submitted,

Melissa Pedersen

Melissa Pedersen, Clerk to the Board

Reviewed By:

Ann Coombs, Administrative Assistant II

Planning Staff