

MONDAY, NOVEMBER 15, 2010

The Pender County Board of Commissioners met in regular session on Monday, November 15, 2010 at the Commissioner's meeting room, 805 S. Walker St., Burgaw, NC 28425.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Rick Benton, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER

Chairman Tate called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Williams offered the Invocation.

PLEDGE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Melinda Knoerzer: Recognition of Pender High School JROTC for their Assistance with the County Electronics Recycling Collection Event.**

Ms. Knoerzer recognized and thanked the following Pender High School JROTC students for their assistance with the County Electronics Recycling Collection Event held on October 23, 2010: Cona Bowden, Dayana Camposeco, Meg Knoerzer, David Nance and Jeb Troll, commanded by Sergeant Major Phillip Price. Mr. Brown presented certificates to the students. Ms. Knoerzer gave some statistics on the event, including the students worked from 8:30 a.m. to 1:30 p.m. assisting over 60 vehicles of County residents, and a total of 7,978 pounds of electronics was collected. Ms. Knoerzer noted not nearly as much was collected as at the first two events, so most people had previously gotten rid of theirs. She added that with the assistance of a forthcoming grant, we will soon have a permanent electronics recycling building at the Rocky Point Convenience Center. Ms. Knoerzer also presented pictures of the students at work.

ADDENDUM

Recognition of Pender High School Lady Patriots Volleyball Team

Mr. Rivenbark explained that traditionally, the Commissioners recognize students that have excelled in some way, and this team had just won the State Championship on Saturday, November 6, 2010, for the second year in a row. Mr. Rivenbark read the plaque for the team and presented individual certificates for each member. Mr. Rivenbark also recognized Coach Ray Horton for achieving a coaching milestone and attaining his 607th win in his 28 years volleyball coaching career. Mr. Tate said it is always an honor to recognize students and thanked the team for making Pender County proud throughout the State. The team is as follows:

<u>#</u>	<u>NAME</u>
1	Samantha Hern
2	Kinsley Frazier
3	Jenna Baranowski
5	Haley Lanier
6	Kelsi Edmonds
7	Keri Edmonds
8	Meg Knoerzer
9	Kayla Herring

<u>#</u>	<u>NAME</u>
10	Aariene Hansley
11	Jessica Sanabria
12	Nina Thurn
14	Laketta Mitchell
15	Olivia Treto
22	Kayvia Thompson
23	Kristen Rich
24	Kaberlin Hansley

MANAGERS:

Cona Bowden
Daniel Clawson
Alysa Bryant

**COACHES: HEAD COACH –
ASSISTANTS:**

Ray Horton
Brittany and Matt Davis

2. Monique Baker: Presentation of Visitor’s Center and Public Event Facility Schematic Plan.

Mr. Benton noted that due to death in her family, Ms. Baker is not present, and her item needs to be tabled to the December 6th meeting. Mr. Rivenbark made a motion to table the item, Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Tate noted he and Mr. Benton had met with Ms. Baker and Advisory Board members Barbara Baker and Mark Seitz last week, and they received some very good information.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

Mr. Tate presented the seven items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Blanchard made a motion to approve the Consent Agenda, Mr. Williams seconded the motion and the Consent Agenda was unanimously approved as follows:

3. Approval of Minutes: Continuation of the October 18th Regular Meeting on October 22, 2010; Closed Session of October 22, 2010; and Regular and Closed Session of November 1, 2010.
4. Resolution Approving Grant from North Carolina Osteoporosis Foundation: \$2,000.
5. Resolution Approving FY 10-11 Appropriation to Maple Hill Civic Club in the Amount of \$2,275.
6. Resolution Authorizing Purchase Order to Nixon Power Services Company for Replacement of One Kohler Diesel Engine Driven Generator for the Pender County Public Works Department: \$24,135.
7. Resolution Authorizing Purchase Order to Tim’s Heating & Air Conditioning, Inc. for Replacement of One 8 Ton Mitsubishi and One 4 Ton Rheeme Split HVAC System at Pender County Sheriff Department, E911 Center: \$53,399.
8. Resolution Approving FY 10-11 Budget Amendment Appropriating Fund Balance in the Amount of \$25,000 for Overtime Payments Related to Recent Flooding Event.

9. Resolution Approving Amendment to Pender Commerce Park Restrictive Covenants.

RESOLUTIONS

10. **Resolution Approving a Project Ranking System for the 2010 Pender County Comprehensive Parks and Recreation Master Plan.**

Planner Ben Andrea said one of the action items of the Board of Commissioner's 2010-2012 *Priority Implementation Plan* was to develop a ranking or priority system for the projects identified in the 2010 Pender County Comprehensive Parks and Recreation Master Plan in a manner to ensure equitable development of parks and recreational facilities throughout the County. He explained: the recommendations for facility expansion and new facility development in the Plan are not in order of project priority; the prioritization of projects will be a result of the ranking and prioritization system developed by Staff and the Parks and Recreation Advisory Board; the project priorities should be revisited at least annually, as funding, user need and demand, and other conditions will have an effect on the prioritization of the recommended projects; and the Pender County Parks and Recreation Advisory Board unanimously passed a motion to approve a resolution supporting the Ranking System on October 20, 2010. Mr. Williams made comments about the Plan and said he is pleased with it. Mr. Tate made comments concerning his support of a Community Center in the western part of the County. Mr. Brown asked who recommended the Ranking System and Mr. Andrea said staff presented it to the Advisory Board, and the Advisory Board unanimously approved it. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

11. **Resolution Requesting Approval to Proceed with NC Parks and Recreation Trust Fund (PARTF) Application for Miller's Pond Park.**

Planning Director Kyle Breuer introduced Ms. Bobbi Smith, Chairman of the Parks and Recreation Advisory Board. Ms. Smith explained the resolution, noting that Pender County has been successful with three PARTF grant applications. She said the Parks and Recreation Advisory Board voted unanimously to request Board of Commissioners' approval that the County develop and submit a PARTF application for Miller's Pond Park, to be submitted in February, 2011. She noted the current funds available for Miller's Pond Park would only complete one phase of the park, which does not include restroom facilities. Mr. Tate asked how often the County applies for a PARTF grant and Mr. Benton responded "annually." Mr. Tate asked that Atkinson, Canetuck, Currie and other rural communities please be remembered when considering funding for parks and recreation projects. Mr. Brown made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

APPOINTMENTS

12. **Resolution to Consider Appointments to the Pender County Fire Commission and the Pender County Board of Health.**

Ms. Pridgen explained Chief Lynn Lanier is applying to represent the Hampstead Fire Department on the Fire Commission, to replace Jerry McCaskill, who had voluntarily stepped down. Mr. Blanchard said since he is a member of the Fire Commission, he will make a motion to appoint Mr. Lanier. Mr. Rivenbark seconded the motion and it was unanimously approved to appoint Lynn Lanier to a three-year term on the Fire Commission representing Hampstead VFD, with term to expire June 30, 2013. Ms. Pridgen explained the Pharmacist position on the Health Board is to fill the remainder of a three-year term that would expire January 31, 2012. Mr. Blanchard said his wife is currently in the position and she is willing to step down because she has served her three terms. Mr. Blanchard made a motion to appoint Sean Gray to the Pharmacist position, Mr. Rivenbark seconded the motion and it

was unanimously approved that Mr. Gray would serve the remainder of the term, to expire January 31, 2012. Ms. Pridgen explained there are three applicants for the Public Member position on the Health Board. Mr. Brown said Applicant Kimberly Collins would be good for the position, noting she is a school nurse. Mr. Blanchard said we don't have many members from Applicant Shelby Chadwick's, area and made a motion to appoint her. Mr. Rivenbark seconded the motion and it was approved by a 3-2 vote, with Mr. Blanchard, Mr. Rivenbark and Mr. Tate voting in favor, and Mr. Brown and Mr. Williams voting in opposition. Dr. Chadwick was approved to serve a three-year term on the Pender County Health Board representing a public member position, with term to expire January 31, 2014. Mr. Williams noted he doesn't have a problem with Dr. Chadwick being appointed to the position.

ADDENDUM

Mr. Tate introduced an additional item the County Manager had asked him earlier to add to the agenda. Mr. Rivenbark made a motion to add the following item, Mr. Williams seconded the motion and it was unanimously approved:

11a. Resolution Authorizing Property Acquisition of 420 Acres on US 421; and Authorizing a Purchase Order in the Amount of \$460,465.

Mr. Blanchard made a motion to approve the resolution and proceed with the purchase, Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Tate said Mr. Blanchard put in a lot of hours on this with WID, and he wants to thank him personally. Other Board members agreed with Mr. Tate.

ITEMS FROM THE COUNTY MANAGER

Mr. Benton asked Board members to review the boards/commissions/committees they serve on to see if they want to change any positions, noting this would be on the December 6 agenda for consideration. Mr. Benton also said some time ago the Board had discussed having both monthly meetings in the afternoon, members had agreed it was a good idea and a 4:00 p.m. meeting is what is reflected in the 2011 draft calendar of meetings to be voted upon on December 6th. The 4:00 p.m. time is suggested to keep the meeting time consistent.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are several items for closed session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark encouraged Board members to attend various governmental functions to try to help bring industry to the County. Mr. Rivenbark also spoke about expanding the wellness education efforts to all Pender County citizens, and not just County employees.

Mr. Brown asked staff to include on the next agenda discussion of forming an employee grievance panel.

CLOSED SESSION

At 4:50 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143318:11: (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, including Hicks v. Pender County 09-CVD-990, and Carolina Water Service v. Pender County 08-CVS-242 and 243; (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; and (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 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. Williams seconded the motion and it was unanimously approved. At 5:50 p.m., Mr. Williams made a motion, Mr. Blanchard seconded it and it was unanimously approved that the Board come out of Closed Session. Mr. Williams made a motion that the Board proceed with the Judge's order regarding Carolina Water Service v. Pender County. Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Williams made a motion to recess the meeting until 7:00 p.m.

Mr. Blanchard called the meeting back to order at 7:00 p.m. Mr. Williams made a motion to excuse Mr. Tate, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

RESOLUTION

13. Resolution Consenting to the Relocation of the Scales and Associated Scale House for the County's Transfer Station in Coordination with the Hawksbill Cove Development Proposal.

Mr. Breuer explained the resolution, noting it had been brought to the Board two times previously and said the developers had wanted it tabled before to give them time to hold community meetings with the neighbors. Mr. Ken Shanklin, Attorney for the applicants, said they held two community meetings, the meetings were good, and this resolution is a good solution for the company, the neighbors and the County. Mr. Williams asked if the developer would be paying for moving the scales and scale house and Mr. Shanklin responded affirmatively. Mr. Williams said they may have to pay for a light if they move the scales. Mr. Shanklin noted the developers had agreed to pay to install new traffic signalization at the intersection of US 17 and Transfer Station Road. They are requesting that N.C. DOT approve the signalization, and allow them to install it as soon as possible. Mr. Williams also verified that if this item is approved, it is not approving their application for a permit. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC HEARINGS/RESOLUTIONS/AMENDMENTS

14. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Full Service Restaurant Located at 8711 Old River Road, Burgaw, NC.

Mr. Thurman swore in the witnesses. Planner Ashley Frank explained: this proposal would be an additional use on the subject parcel, which currently is an existing farm; the applicant would like to incorporate the restaurant into the working farm (agritourism restaurant); the project would start with the restaurant offering a limited service style facility and then move to a full service style; the proposed hours of operation are Tuesday through Sunday 11:00 a.m. to 8:00 p.m., with a possible seasonal adjustment for special events and holidays; the property does not contain any Special Flood Hazard Areas or any known areas of environmental concern; a Technical Review Committee reviewed the application; and staff put on the conditions that are on all special use permits. The public hearing opened at 7:06 p.m. and closed at 7:20 p.m. Mr. Kenneth Lanier, the applicant, spoke on behalf of the project. He said they will keep this as a working farm and there is a history with the farm that they want to share with the public. Mr. Lanier reiterated that the restaurant would not be in full service immediately, and said they would take their time to expand it and do it right. Mr. Williams asked if it is something like Mike's Farm and Mr. Lanier responded affirmatively. Ms. Michelle Credle of Old River Acres Drive was concerned that the project may cause flooding on her street. She asked if her road would be paved and if there would be a turning lane on Old River Road. Mr. Thurman explained that N.C. DOT would pose the conditions for ingress and egress. Ms. Credle asked if they had plans for an ABC permit and Mr. Lanier said responded negatively. Mr. Wayne Batten, former Pender County Cooperative Extension Services Director, spoke in favor of the project, saying this is a good agritourism site which has a lot of history and open spaces. Mr. Batten said farmers are now struggling to make ends meet and agritourism is a good source of alternative farming. Mr. Jeff Singletary of Bottle Branch Rd. said he is in favor of the project but his concern is the amount of traffic trying to get onto Highway 117 from Old River Road. Mr. Williams made a motion to approve the Special Use Permit request, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

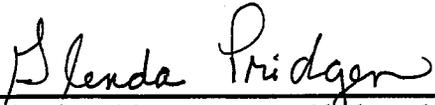
15. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Produce Market, Located at 389 NC Highway 210, Near the Intersection of NC Highway 210 and Electric Lane Near Surf City, NC.

The public hearing opened at 7:20 p.m. and closed at 7:26 p.m. Mr. Andrea explained: this request stems from a code enforcement case; the property is currently zoned RP, Residential Performance, and is located in a mixed use area; the applicant's proposed hours of operation will be from 11:00 a.m. until 7:00 p.m. Tuesdays through Sundays; and the applicant is proposing an on-site portable restroom for public use. There was no opposition from the public. Mr. Williams made a motion to approve the Special Use Permit request, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

ADJOURNMENT

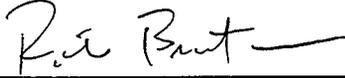
There being no further business, Mr. Williams made a motion and the meeting adjourned at 7:26 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Planning Items Reviewed By:



Planning Staff