

## TUESDAY, FEBRUARY 21, 2012

The Pender County Board of Commissioners met in regular session on Tuesday, February 21, 2012 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman George Brown, presiding; Vice Chairman Jimmy Tate; and Commissioners F.D. Rivenbark and Chester Ward.

**MEMBERS ABSENT:** David Williams.

**OTHERS PRESENT:** Dr. Michael Duvall, County Manager and Clerk to the Board; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

### CALL TO ORDER

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

### INVOCATION

Commissioner Rivenbark offered the Invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

It was noted Mr. Tate would be late for the meeting and Mr. Williams would not be attending tonight due to an emergency. Mr. Rivenbark made a motion to excuse Mr. Tate and Mr. Williams, Mr. Ward seconded the motion and it was unanimously approved by a 3-0 vote. Mr. Tate arrived a few minutes later.

Mr. Brown informed Board members that there is an additional resolution being requested to be put on the agenda concerning General Obligation Water Bond Anticipation Notes, which requires a unanimous vote of the Board to add it on. He noted the resolution would have been presented at the March 5<sup>th</sup> meeting, but there is only one meeting in March-the 19<sup>th</sup>. Mr. Rivenbark made a motion to add the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 3-0 vote. It was the consensus of the Board to discuss the resolution later, when the County Attorney is present.

### PUBLIC INFORMATION

1. **Wes Davis, Director of Pender Adult Services, and Barbara Mullins, Director of the Retired Senior Volunteer Program (RSVP): Update on the Program.**

Mr. Davis explained: The RSVP Program started up last year in Pender County; it is a program for adults 55 and over to do volunteer work; Pender is one of three counties in North Carolina and one of twenty-three in the country that receives the grant to participate in the program; and the volunteers provide vital volunteer services throughout the County. Ms. Mullins gave some statistics on the program including: There are now up to 79 volunteers in Pender County; they now have 29 clients; and some of the services provided includes providing in-home aid to the elderly, mentoring or tutoring children, sharing legal or financial expertise, assisting victims of natural disasters, clean up of the environment, leading fundraising efforts, and much, much more. Ms. Mullins distributed brochures that gave more detailed information. Mr. Tate said as he travels throughout the County, he constantly hears about Pender Adult Services and the wonderful services they provide.

At this point Mr. Tate noted he had spoken with Mr. Williams and Mr. Williams really wanted to be here tonight but he had a last minute emergency. Mr. Tate also commended Mr. Williams and Mr. Brown for going to Raleigh to discuss the Highway 17 Project with officials, on behalf of the Pender County Board of Commissioners.

**2. Steve Pfaff, of the National Weather Service of Wilmington: Presentation of StormReady/TsunamiReady Re-certification to Pender County Emergency Management.**

Mr. Steven Keebler made the presentation to Emergency Management Director Tom Collins and Deputy Fire Marshal Tommy Batson, on behalf of Mr. Pfaff. Mr. Keebler explained Pender County Emergency Management has completed all the required training, public outreach and planning to become re-certified as a national Weather Service StormReady/Tsunami Ready County, and said the certification is good through 2014. Mr. Collins made remarks and thanked Mr. Keebler for the re-certification.

At this point, Mr. Brown apologized and said he would like to formally introduce the new county Manager, Dr. Michael N. Duvall.

**3. Library Director Mike Taylor: Presentation on Pender County Public Library to Host the Smithsonian Institution's "Journey Stories" Traveling Exhibit this Summer.**

Mr. Taylor explained: The Library applied to the North Carolina Humanities Council to be one of the six sites in the State to host the Smithsonian's *Journey Stories* exhibit; the council is working with the Smithsonian to coordinate the North Carolina tour; the application was approved and Pender County was selected to be the inaugural site in the nine month tour of North Carolina; the exhibit will be installed in the meeting room of the Library in Burgaw from June 23 to August 4, complemented by special programs and local exhibits; *Journey Stories* consist of tales of how we and our ancestors came to America and is a central element of our personal heritage; from Native Americans to new American citizens, and regardless of our ethnic or racial background, everyone has a story to tell; Journey Stories will examine the intersection between modes of travel and Americans' desire to feel free to move; *Journey Stories'* partners collaborators, include the Pender County Historical Society, the Burgaw Depot Historic Preservation Foundation, Friends of the Library, the Penderlea Homestead Museum; and other local volunteers and partners; local exhibits will be designed and installed in the library and partnering locations; and one of the highlights will be the production of a play in the historic Burgaw Depot of Pender journey stories being written by county native playwright Samm-Art Williams-a Tony Award nominated author and member of the NC Literary Hall of Fame. Mr. Taylor introduced the people in attendance with the various groups. Mr. Brown thanked all the folks that attended with Mr. Taylor today.

**PUBLIC COMMENT**

Topsail Beach Mayor Howard Braxton introduced members of The Topsail Town Council that were present and spoke concerning supporting the Board of Commissioners' district realignment and the ABC Board. With reference to the district realignment, Mayor Braxton said his board selected Option 4, which would keep the two beach towns together. With reference to the ABC Board, Mr. Braxton said they did sign the resolution to keep things moving along, but they signed it with some reservation because the decisions were made without representation from Topsail Beach-whether they felt good, bad or indifferent about it. He said Topsail Beach is a large supplier to the ABC Board and they feel a more equitable sharing formula could have been used; they go from 500 to 8,000 residents during the summer; and they thank the County Board for allowing smaller towns to profit. Mayor Braxton also spoke concerning replenishing sand that was lost in Topsail Beach due to Hurricane Irene, noting

FEMA had allocated funds to North Carolina Beaches and they hope they will not need funds pledged by the County; they will start dredging in March and reopen the inlet; thanked the Board for the support they have given in the past; and invited the Board to come and visit the Beach Nourishment Project.

### **CONSENT AGENDA**

Mr. Brown presented the eight items on the Consent Agenda and asked for any discussion or questions. Mr. Ward asked that Item No. 10 be pulled from the Consent Agenda. Mr. Rivenbark made a motion to approve the consent agenda, minus Item No. 10. Mr. Tate seconded the motion and the remainder of the Consent Agenda was unanimously approved by a 4-0 vote as follows:

4. Approval of Minutes: Planning Summit of January 26-27, 2012; Regular and Closed Session Meeting of February 6, 2012.
5. Resolution Accepting Petition to Add Marvin Drive in the Augusta Shepard Lands in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
6. Resolution Authorizing a Contract with and Purchase Order to Davco Plumbing, Inc., in the Amount of \$48,000 for Plumbing of the New Topsail High School Athletic Building.
7. Resolution Authorizing Purchase Order to Phoenix Rising Advertising for the Design, Printing and Shipping of 35,000 Pender County Visitor's Guides in the Amount of \$11,896.50.
- 8a. Resolution Approving Budget Ordinance Amendment for Additional Low Income Energy Assistance Program (LIEAP): \$29,037.00.
- 8b. Resolution Approving Budget Ordinance Amendment for Additional Crisis Intervention Funds: \$118,937.
9. Resolution Adopting an Order for the Tax Collector to Advertise 2011 Taxes.
10. **Resolution Authorizing Purchase Order to Discovery Insurance for Workers' Compensation Settlement in the Amount of \$35,000.**

Mr. Ward asked to be excused from voting on this item because he works directly with the person involved. Mr. Tate made a motion to excuse Mr. Ward, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Rivenbark then made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 3-0 vote.

### **RESOLUTIONS**

11. **Resolution in Support of a Local Legislative Act to Amend the Session Laws Regarding the Pender County Board of Alcoholic Control.**

Mr. Brown introduced the resolution. Mr. Rivenbark reiterated Mayor Braxton's concerns with Topsail Beach not having representation. Mr. Brown said several options were given by the ABC Board; discussions were held; this formula seemed like the fairest for everyone; the ABC Board was unanimous in its decision; the resolution needs to go to Short Session; and it can be revisited later if it needs to. It was noted Topsail Beach does not have an ABC Store. There was discussion of using population versus census for the formula. Dr. Duvall noted he had received a call from ABC Attorney Robert Kenan saying all municipalities had approved the resolution. Mr. Tate then made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

**12. Resolution Authorizing Execution of Contract: Correctional Behavioral Health for Jail Inmate Mental Health Services.**

Sheriff Carson Smith explained: Several years ago, mental health services that were provided by the state, including mental health screening and consultations for jail inmates, were cut and the counties had to pick up the bill; Pender County currently uses Coastal Horizons for mental health services, but they do not have immediate screening for potentially suicidal patients; Coastal Horizons staff that come to the jail are not physicians; Correctional Behavioral Health will provide inmate counseling with a physician on a regular basis, through the use of video technology, and will provide inmate screening and follow-ups when needed through the same video system; jail staff contacted four counties in North Carolina that currently use this service and all of the comments were extremely good; the fee for the service is a flat \$1,200 per month and is just slightly higher than the average fee now from Coastal Horizons that is pay-per-service; and the jail plans to stay within its current budget. Board members discussed the item and asked questions. Sheriff Smith noted he had not heard back from the County Attorney with respect to the contract, and said the Board can amend the motion to say it is approved upon the County Attorney's approval. Mr. Rivenbark made a motion to approve the resolution, contingent upon the County Attorney's approval of the contract. Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**13. Resolution Approving Amending the Pender County Pay & Classification Plan.**

Health Director Carolyn Moser explained: After being reclassified from an Administrative Officer position, the position of Accounting Specialist I was moved from the Health Department to the Finance Office in January 2011; the person actually works in the Health Department and the Health Department now desires to change the Accounting Specialist I on the Pender County Pay Classification from the Finance Department to the supervision of the Health Department; no additional funding is needed-funds are available in the current budget. Mr. Brown noted the position was placed under the supervision of the Finance Director temporarily until the Health Department could be rearranged. There was discussion of all the changes that had been made in the Health Department over the past year and several months, and during the time under Ms. Moser's supervision. Mr. Ward noted there had been a lot of reclassifications and changes in the Health Department and said at the next budget meeting, he would like a breakdown of all the reclassifications and modifications. Mr. Brown said a lot of the changes came from changing contract positions to employee positions, which helped save the County a lot. Mr. Ward asked if there was a salary change with this particular position and Ms. Moser responded "yes, there was a little bit of an increase, but the difference was put in the original budget." Mr. Tate made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

**14. Resolution Authorizing a Purchase Order to Progress Door, LLC for a Handicapped Door System in the Amount of \$7,800.**

Ms. Moser explained the Health Department currently does not have a handicapped accessible door system; installing the handicap accessible system increases ADA compliance; currently, someone in a wheelchair would have to be carried up the steps; by installing this system someone in a wheelchair can hit a plate on the wall and the doors will open; funding is available within the Health Department budget, and will be shared among several program levels; and they received more than three bids. Mr. Brown said he appreciates Ms. Moser including the bids like this-it makes it easier for the Board, the last time Mr. Smith of the Schools came before the Board, he presented the bids like this, and the Board really appreciates it. After more discussion by Board members, Mr. Rivenbark made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

**15. Resolution Authorizing a Purchase Order to Security Plus Electrical, Inc. for a Security System in the Amount of \$18,889.**

Ms. Moser explained: The Health Department presently does not have any kind of security system; the Health Department is one of the most accessible buildings on county property; installing the security system is for both public and employee safety; in the event of a public health disaster, certain medications would need to be stored securely; they have had several car break-ins, gasoline siphoning and license tag stealing in the parking lot recently, even some in the daytime; funding is available within the Health Department's budget-the funding will be shared among several program budgets; and the State has approved them to use some State preparedness funds for security purposes. Ms. Moser added Security Plus is already familiar with County buildings. Mr. Ward asked if the company made any other suggestions and Ms. Moser responded "yes, but we are going to take it one step at a time and do first things first." Mr. Ward suggested the County Manager check with IT and look into costs for other security measures. Mr. Brown noted the Health Board has already approved this item. Ms. Moser said the IT Department was instrumental in helping them with this project and they really thank the IT Department. After more discussion, Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

**16. Resolution Approving Amending Health Department Fee Schedules Fiscal Year 2011-2012.**

Ms. Moser explained the proposed new Fee Schedule has been presented to the Board of Commissioners several times previously, but errors had been found. Ms. Moser said Mr. Tate previously had asked where they arrived at the fees because some increased, some decreased and some remained the same. Ms. Moser said there is a variety of sources involved, including local, regional and state charges, and Medicaid reimbursement. She said the clinical and dental fees are based on a sliding fee scale, so hardly anyone pays the top amount, and that the Environmental Health Fees didn't increase very much. Ms. Moser said the Fee Schedule was passed by the Board of Health at its January meeting. Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote. Ms. Moser noted that as of last week, she had been working for Pender County for six months and said she had really enjoyed it. Mr. Brown thanked and commended Ms. Moser for working with Pender County.

**APPOINTMENTS**

**17. Resolution Approving Appointment of Steering Committee for Currie Small Area Plan.**

Planner Ken Vafier explained at the November 7, 2011 Board meeting, staff was authorized to move forward with the development of a Small Area Plan for the Currie area; staff held a public kickoff meeting for the project on January 28, 2012 to inform area citizens and stakeholders of the project and distribute applications to solicit participation in the steering committee; there will be a total of ten members, including a Commissioner; and the Planning Board voted to have Mr. Hiram Williams as its representative. Mr. Brown asked if there would be any issues with conflicts of interest, such as husband and wife, etc. serving on the committee. Mr. Vafier responded "no, because it is only a steering committee." Mr. Brown said he will be the Commissioner Representative since it is in his district. Mr. Rivenbark made a motion to approve the appointment of the Steering Committee, Mr. Tate seconded the motion and it was unanimously approved. Besides Mr. Hiram Williams and Mr. Brown, the following members were approved: Tyrone Brandyburg-Currie, Susan Bullers-Currie, Brian Martin-Currie, Janice Mowery-Currie, Kent Mowery-Currie, Cleveland Simpson-Rocky Point, Eddie Simpson-Currie, and Daniel Thompson-Burgaw. Mr. Tate asked that we require board/committee applications be typed in the future to make them more legible.

18. **Resolution to Consider Approving Appointments to the Pender County Council on Community Affairs, the Pender County Library Board, and/or the Pender County Parks and Recreation Board.**

Mr. Brown explained Mr. Gregory Goble and Mr. Scott Hazle are the applicants. To clarify, Ms. Pridgen explained that both the applicants listed more than one board. After more discussion by the Board, Mr. Rivenbark made a motion to approve Mr. Goble to serve to the Council on Community Affairs representing District 4. Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Tate made a motion to appoint Mr. Hazle to the Council on Community Affairs representing District 1. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

**ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall's items included: The Interview Panel is progressing with hiring a Finance Officer and an announcement should be made soon; Dr. William Rivenbark of the School of Government has a full meeting schedule and cannot have a follow-up meeting with the Board concerning the County's overall financial condition-Dr. Rivenbark suggested he contact Mr. Greg Allison and Mr. Dale Roenigk as alternative presenters; and we can contact Chris May of the COG to facilitate the meeting. Dr. Duvall was instructed to move forward with the arrangements. Dr. Duvall also noted work is progressing on the "revenue side" of the FY 12/13 budget, and Mr. Alvin Barrett, the person contracted to help out with the Finance Office said things are looking good.

**ITEMS FROM THE COUNTY ATTORNEY**

The County Attorney was not present.

**ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Rivenbark spoke of an item from the *Pender Chronicle* with reference to Town of Burgaw officials not supporting the reinstatement of the rail system. He said the Town's main concern is they might lose the depot. Mr. Rivenbark also gave the County Manager information concerning the Spring Litter Sweep to promote clean-up of the County. Mr. Brown suggested we could get someone from the COG to come in and talk about bringing the rail system back. Planning Director Kyle Breuer said the portion of the rail line that is missing is between Castle Hayne and Wallace, and we can work with Don Eggert of the COG/MPO on this issue.

Mr. Ward spoke concerning the newsletter employees receive from Human Resources Director Amber Parker, how the Wellness Program is helping employees shape up and how the County is saving money on health costs because of the Wellness Program. Mr. Ward thanked Ms. Parker personally.

Mr. Brown reminded Board members of the program by the League of Women Voter coming up on Sunday, and noted that if three Commissioners attend, we may need to advertise it. Mr. Rivenbark said there is no need to advertise it because Board members will not be voting on anything.

It was the consensus of the Board to hold off voting on Mr. Mack's additional item until Mr. Thurman arrives.

**PUBLIC HEARINGS/RESOLUTIONS/ORDINANCES/SPECIAL USE PERMITS/ ZONING AMENDMENTS**

**19. Public Hearing and Resolution Amending the Solid Waste Ordinance to Grant Authority to the Zoning Code Enforcement Officer to Enforce the Current Provisions Regarding Disposal of Refuse and Garbage.**

The public hearing opened at 7:00 p.m. Mr. Breuer explained: The Solid Waste Ordinance within the Pender County Code grants authority of enforcement to a “duly sworn law enforcement officer of the County and State” through a civil penalty; the Code Enforcement position lies within the Planning & Community Development Department and routinely works with various zoning violations within the County; currently, there is a void in the County where someone can go to address a concern about a trash problem; any kind of trash that could be generated at a home or business that could be disposed of at the County Convenience Center is the kind of trash we are concerned with; currently the trash ordinance can only be enforced by a duly sworn law enforcement officer; if this amendment is approved, Code Enforcement Officer Ralph Kays would have the authority to enforce the ordinance, along with law enforcement; Mr. Kays will have the authority to issue a civil penalty for code violation; warnings would be given prior to the issuance of a civil penalty; enforcement would be complaint driven; and enforcement would be just like zoning violations. The public hearing closed at 7:06 p.m. After some discussion, Mr. Tate made a motion to approve the amendment to the Solid Waste Ordinance, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Breuer commended Mr. Kays for taking on this extra responsibility.

**20. Public Hearing and Resolution Requesting Approval of a Special Use Permit by Stroud Engineering, P.A., Applicant, on Behalf of Hampstead Commons, LLC, Owner, for the Construction & Operation of a Wastewater Treatment Facility Located Along the West Side of U.S. Highway 17, North of Caison Drive, Hampstead, NC.**

Mr. Breuer swore in the witnesses for all the Special Use Permit requests. The public hearing opened at 7:06 p.m. Mr. Breuer explained the Special Use Permit request and demonstrated the location and surrounding properties with maps. Mr. Breuer explained the Land Use Proposed; Property Record Number and Location; Zoning District of the Property; Project History; Project Description; and Evaluation. With respect to the Project History, Mr. Breuer explained that at their February 7, 2012 meeting, the Pender County Planning Board approved a revision to the approved Master Development Plan and Phase I Preliminary Plat of Hampstead Commons to allow the development to utilize an onsite package plant as the means for wastewater disposal, and at the time of submittal, the applicant proposed wastewater service to be provided by the Pender County/Integra Water Public Private partnership, which was later disbanded. Project Description information included “all applicable local, state and federal permits must be obtained prior to the construction and operation of the facility, as well as the Approximate Zone “A” Flood Study.” After conferring with Mr. Breuer, Mr. Breuer explained the applicant is requesting that Condition No. 8 only applies to their request if it is applicable at the time of development, so they won’t be bound by something if it is not required. There was some discussion by Board members of the results of the Planning Board’s vote on the project. The public hearing closed at 7:17 p.m. Mr. Tate made a motion to approve the SUP request, subject to the request concerning Condition No. 8, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

21. **Public Hearing and Resolution Requesting Approval of a Special Use Permit by John Calderone, Applicant, on Behalf of Robert Zack, et. al, Owner, for the Operation of a Sweepstakes Center Located at 14710 US Highway 17, Hampstead, NC.**

The public hearing opened at 7:17 p.m. Senior Planner Ken Vafier explained the Special Use Permit request and demonstrated the location and surrounding properties with maps. Mr. Vafier explained the Background; Land Use Proposed; Property Record Number and Location; Zoning District of the Property; Project History; Project Description; and Evaluation. Background information included the property is currently zoned GB, General Business, and internet sweepstakes businesses are permitted via SUP in the GB zoning district. The Project Description included the applicant's request is for operation of the Sweepstakes Center within the upstairs portion of an existing commercial building, and the subject parcel hosts an additional commercial use in the downstairs portion of the existing building. Discussion and questions by Board members included: the proposed hours of operation; the proximity to churches and residencies; whether the site is handicapped accessible; existing land use in the area; site access; previous SUP request approved for a Sweepstakes Center in Rocky Point with close proximity to churches; and previous SUP denial for a Sweepstakes Center in Hampstead, which was next door to a bar. Mr. Brown asked specifically if the issue of handicapped accessibility will be covered under Building Inspections and Mr. Breuer responded affirmatively. It was the consensus of the Board to stipulate the hours for Sunday operation would be 1:00 p.m. to 10:00 p.m. The public hearing closed at 7:30 p.m. Mr. Ward said he is reluctant to make a motion to approve the SUP because it is in Mr. Williams' district. Mr. Tate said he had talked with Mr. Williams and he had no objections to the SUP. Mr. Tate then made a motion to approve the SUP request, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

22. **Public Hearing and Resolution Requesting Approval of a Special Use Permit by Seashore Builders, Inc., Applicant, on Behalf of Bertice L. Lanier, Owner, for the Operation of a General Construction Business Office Located at 5930 NC Highway 50, Maple Hill, NC.**

The public hearing opened at 7:34 p.m. Mr. Vafier explained the Special Use Permit request and demonstrated the location and surrounding properties with maps. Mr. Vafier explained the Background; Land Use Proposed; Property Record Number and Location; Zoning District of the Property; Project History; Project Description; and Evaluation. Background information included the property is currently zoned GB, General Business District, and uses in these NAICS Sectors are permitted via SUP in the GB zoning district. Project Description information included: The location will be used for the storage of building materials and for the fabrication of building components such as wood and light gauge metal wall panels and light gauge metal trusses (text amendment was approved in November to allow these three materials); forklifts load and unload trucks in the fabrication yard for assembly and construction off-site; the business employs approximately four to seven employees during regular business hours Monday through Saturday from 6:00 a.m. to 7:00 p.m.; and ingress and egress for the facility will be via an entrance point from NC Highway 50 and an exit point to Old Maple Hill Road, subject to review and approval from NC DOT. The public hearing closed at 7:40 p.m. After some discussion by the Board, Mr. Ward made a motion to approve the SUP request, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

## **DISCUSSIONS**

23. **Planning Director Kyle Breuer: Presentation & Discussion of Temporary Signage Enforcement Program.**

Mr. Breuer explained: Due to documented increases in temporary sign violations throughout the county and direction from the Board of Commissioners, staff is trying to develop a solution to achieve compliance with Ordinance requirements; the current standards allow for a business to utilize a

temporary sign ten days per calendar month-this language renders enforcement extremely difficult, if not impossible; following a presentation given to the Board in August 2011, staff began to reach out to the business community via local Chambers of Commerce as well as professional contacts throughout the county to communicate an equitable solution to the non-compliance of temporary sign standards; the solution in which staff has developed is to require zoning approval to place a temporary sign advertising a business establishment on-site, which will allow for the placement of a temporary sign ten consecutive days per calendar month; with assistance from the Pender County ITS Department, a website has been established to generate a zoning approval by entering information based off of the proposed standards; and the website will be able to assist in tracking compliance; the enforcement aspect of the program will grant civil penalty authority in the form of a direct civil penalty for violations of the proposed standards. Mr. Breuer presented to the Board the planned processes, educational outreach and warning system that is being proposed to resolve the compliance challenges of the department, and a presentation and overview of the developed website. Discussion and questions by Board members included: new businesses; text changes; restaurant signs; mechanism for the Code Enforcement Officer to enforce the program; and examples of what the regulations do allow. Mr. Breuer said the text amendment necessary to develop this program was taken to the Planning Board on February 7, 2012, in which they voted unanimously to recommend approval of the revised language, and staff will present the text amendment portion at the March 19, 2012 meeting for the Board's consideration. Mr. Breuer commended the ITS Department for their assistance on this project. Mr. Breuer and Mr. Brown also commended Mr. Kays for doing a wonderful job.

#### **24. Discussion Regarding County's Noise Ordinance.**

Mr. Tate said he requested discussion of the Pender County Noise Ordinance because of complaints being received from residents. He said most of the complaints come from parents concerned about disturbing noises when their children have to be in bed at 9:00, and the current Noise Ordinance prohibits disturbing noises only after 11:00 p.m. Mr. Ward spoke about the Noise Ordinance and law enforcement. He said people take advantage of the 11:00 stipulation; it should be a matter of being respectful to your neighbors; and the Ordinance is hard to enforce because when law enforcement responds to complaints, people tend to turn the noise down and as soon as law enforcement leaves, they turn it back up. Mr. Rivenbark spoke about another county using an instrument to measure the decibel level of noise, and the possibility of Pender County doing the same. Board members discussed the possibility of changing the Ordinance to 9:00 p.m. instead of 11:00; times of enforcement during the week versus the week-end; exceptions for special events; live bands playing; and barking dogs. Mr. Tate noted there have not been many barking dog complaints since Animal Control moved under the supervision of the Sheriff's Department. Mr. Brown said it is probably not necessary to create a committee to evaluate the Noise Ordinance situation, such as was done with the Animal Control Ordinance-rather Board members can discuss making changes amongst themselves. Dr. Duvall suggested he can pull noise ordinances from other counties for review and Board members agreed to this. Dr. Duvall was also instructed to include the Noise Ordinance on the next agenda for discussion, and possible vote on amending it. It was noted the possible amendments would mainly concern the hours.

#### **24a. Resolution Approving the Issuance of an Additional Series of General Obligation Water Bond Anticipation Notes (BANS) to Refinance the Previously-Issued BANS at Their Upcoming Maturity in the Amount of \$17,500,000 for the Construction Period Financing of the Pender County Surface Water Treatment Plant Project.**

Mr. Brown explained this is the item the Board voted on earlier to add onto the agenda. Utilities Director Michael Mack explained: At a referendum held on November 7, 2006, the voters of Pender

County authorized the issuance of up to \$17,500,000 of County general obligation water bonds to pay costs of water system improvements to include the Surface Water Treatment Plant and Finished Water Transmission Main projects; the County will issue and sell a new series of General Obligation Water Bond Anticipation Notes in an aggregate principal amount not to exceed \$17,500,000 to refinance the previously issued Water Bond Anticipation Notes that mature on April 3, 2012; the County will re-issue the Notes to provide construction-period financing for water projects in anticipation of the later issuance of all or a portion of the previously-authorized Water Bonds; the principal of the Notes will mature on October 17, 2012; the County's full faith and credit are irrevocably pledged for the payment of the principal of and interest on the Notes; unless other funds are lawfully available and appropriated for timely payment of the Notes, the County will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of and interest on the Notes as they become due; and the proceeds of the Water Bonds are pledged for the payment of the Notes, and the Notes shall be retired from proceeds of the Water Bonds as the first priority. Board members discussed the item and asked questions. Mr. Tate asked if the Treatment Plant will be up and running by December of this year and Mr. Mack said by July of this year. Mr. Mack said the Local Government Commission will be selling the BANS on March 20, the next meeting of the Board will not be until March 19, and it would be cutting it dangerously close to wait until the 19<sup>th</sup> to ask for Board approval. After more discussion, Mr. Ward made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

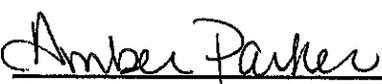
**ADJOURNMENT**

There being no further business, Mr. Tate made a motion to adjourn the meeting, Mr. Rivenbark seconded the motion and the meeting was unanimously adjourned by a 4-0 vote at 8:30 p.m.

Respectfully Submitted,

  
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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

  
\_\_\_\_\_  
Amber Parker, Human Resources Director & Dr. Mickey Duvall, Clerk to the Board

Planning Items Reviewed By:

  
\_\_\_\_\_  
Planning Staff