

SEPTEMBER 17, 2012

The Pender County Board of Commissioners met in regular session on Monday, September 17, 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, Chester Ward, and David Williams.

MEMBERS ABSENT: None.

OTHERS PRESENT: Dr. Mickey Duvall, 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 Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all.

INVOCATION

Chairman Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Williams led the Pledge of Allegiance.

Mr. Brown thanked the Health Department for providing Flu shots for the Board.

PUBLIC INFORMATION

1. **Kevin Leonard, Deputy Director/Rebecca Troutman, Intergovernmental Relation Director, NCACC: Presentation of NCACC Award to Representative Carolyn Justice: Induction into the NCACC Hall of Fame.**

Mr. Leonard said besides himself and Ms. Troutman, other NCACC staff present are Michael Kelly and Chris Baulcomb. Mr. Leonard said he regrets they didn't get to present this honor at the NCACC Conference, but he is pleased to present it here; and it has been a great honor working closely with Ms. Justice over the past session. Mr. Leonard read the notes that were read at the induction, which included: Representative Justice is one of three honorees inducted into the NCACC Hall of Fame for 2012; the NCACC Hall of Fame inducted its first class in 2011; each year, the NCACC's Executive Committee will bring forth new honorees to include in the Hall of Fame; to be eligible, individuals must have been active within the NCACC, including service as a member of the Board of Directors; individuals must also have made significant contributions to county government at either the state or national levels, such as leadership role with the National Association of Counties (NACo) or service in a higher office; Representative Justice was honored because she was a steadfast champion for counties during her decade of service in the N.C. House of Representatives; she served as co-chair of the County Coalition, a group of legislators comprised of former county commissioners; she won the inaugural NCACC Friend of the Counties Award in 2005; and she was instrumental in getting legislation passed that allowed flexibility to counties for Health and Human Services (HB 438). Mr. Leonard presented Ms. Justice with the "Hall of Fame Bowl." Representative Justice's comments included: HB 438 took a lot of twists and turns and at points they thought it wasn't going to pass, but it did; she

communicated with Mr. Leonard and Ms. Troutman during the whole process; the staff of NCACC are the best; during her ten-year term she fought for legislation the Commissioners wanted; she tried to get good legislation passed and bad legislation stopped; when she left Pender County she made a promise she would always be a Commissioner; this room holds a lot of good memories for her; and she remembers the most important thing is watching every dollar because the money is not Commissioners' money, it is the people's money. Ms. Justice added she can't tell you what an honor this induction is for her, and what it means to have it presented here. Mr. Williams said in many ways it is easy to follow someone like Ms. Justice, and in a lot of important ways, it is difficult. He said Ms. Justice did a phenomenal job and was very accessible. Ms. Troutman then presented another award to Ms. Justice, which was the signing pen that Governor Perdue used to sign HB 438 into law.

2. **Michael Kelly, Risk Management Pools Executive Director, NCACC: Presentation of Risk Management Pool Award to Pender County for Excellence in Keeping Automobile Liability Claims Low.**

Mr. Kelly explained: Every year at the NCACC Annual Conference, the Risk Management Pools recognize three member counties from the Workers Compensation and three Counties from the Liability & Property Pools for having had the best loss results during the prior policy year (least number of claims); the counties are segmented by size, and Pender County was awarded for having the lowest recorded liability index for the medium class size category in the Liability & Property Pool; collectively, sixty five of the one hundred total North Carolina Counties are participating members of either the Workers Compensation or Liability & Property Risk Pools, and fifty of these sixty-five are members in both Pools. Mr. Kelly presented the award and commended the County for its safety awareness. Mr. Williams said he thanks department heads for driving safety home to their employees. Mr. Brown said we owe thanks to department heads, employees, deputies and all who made this award possible. Mr. Brown thanked the Association for the award.

3. **Representative Carolyn Justice: Introduction of Chris Millis, Newly Elected NC House District 16 Representative.**

Ms. Justice introduced Mr. Millis. Her remarks included: She believes in term limits and she promised ten years would be the limit for her; the most important thing to her was the hope that the person who followed her would be of great integrity, character and honesty; she believes Chris Millis is that person; we are lucky Mr. Millis is going to represent Pender County; and Mr. Millis will be sworn in January 9, 2013. Ms. Justice summarized Mr. Millis' credentials and achievements. Mr. Millis said he is blessed to represent the citizens of Pender County, and it will be difficult to follow the legacy Ms. Justice left. Board members congratulated and welcomed Mr. Millis. Mr. Brown introduced Mr. Leonard, Ms. Troutman and other NCACC staff, noting Executive Director David Thompson could not attend.

4. **Aimee Wall, School of Government: Presentation on Various County Options Available to Boards of County Commissioners under the New Human Services Consolidation Statute.**

Ms. Wall explained: HB 438 gives all the counties across the State options previously only granted to Wake and Mecklenburg Counties; due to their populations, Wake and Mecklenburg Counties were given special legislation allowing them to combine their Human Services Boards, such as DSS and the Health Department; and the special legislation allowed Wake and Mecklenburg to dismantle their two individual boards and directors for one board and director

that operates under the County Manager and the County Commissioners instead of the State. Mr. Brown said he was an advocate of the bill, Pender County Commissioners currently have no authority over those departments, the only authority over DSS and the Health Department comes from their boards; and the Commissioners can consolidate the DSS Director and the health Director positions into one position and turn the DSS board into an advisory board or name themselves as the board, but we have to maintain an advisory board for the Health Department. Ms. Wall said these new options allow the Commissioners to have various ways to change that and have more control over those departments. Ms. Wall said she agrees with Mr. Brown about maintaining an advisory board for the Health Department. Mr. Brown said he believes an advisory board for both departments is a good thing. Mr. Brown said one of the main reasons he supported the bill is because the Commissioners could make all the employees in these departments County employees instead of State employees, making them exempt from the State Personnel Act, and all employees would be treated the same under one set of guidelines. Mr. Ward asked why Wake and Mecklenburg chose to consolidate. Ms. Wall said she did not know the exact reason but she supposes part of it was because of the State Employee Act and a desire to consolidate and become more efficient. Mr. Ward asked if they did it to save money or take control and Mr. Brown responded he thinks it is a combination of both. Ms. Wall explained: They have not found any evidence that consolidation does or does not save money; Wake County consolidated over twenty years ago and Mecklenburg County did it in 2008; while there is data, it is hard to compare to other counties because those two are so large; and it is really like comparing apples to oranges. Ms. Wall introduced her colleague David Brown, who distributed some additional materials. Mr. Tate said he is disappointed that there is no data indicating if consolidation saves money. Ms. Wall said: They are not saying it is more or less efficient; their research shows there are different expenditures and they do see that population makes a difference; and Wake and Mecklenburg Counties are different animals than the smaller counties. Commissioner Brown said he believes savings will be different county to county, but savings are not driving his support of the bill, but rather more accountability from those departments to local government and the tax payers. Mr. Williams said accountability is what is important, most people think we have control and we don't, and people don't want to hear that, they want accountability. Mr. Rivenbark said given that Wake County has been consolidated for twenty years, there should be more data available, they have a lot of information we need to get before we move forward, and we don't need to reinvent the wheel. Ms. Wall agreed that there is still more data that needs be reemphasized, and that the data from Wake County would be on a different scale from smaller counties. Representative Justice stepped forward and pointed out that everyone is forgetting the clients and the clients are the most important part of this discussion. She said: In the past Pender County streamlined its permitting process to help clients; that is what this is about, the clients being served; she is neither supporting or discouraging the Board from moving forward on the bill, but she is cautioning the Board that before making any decision, they need to have the information needed to make a good decision.

5. Melinda Knoerzer, Administrative Assistant/Rachel Urban, Senior Community Manager, American Cancer Society: Presentation on American Cancer Society's Cancer Prevention Study 3.

Ms. Knoerzer explained she was contacted by the American Cancer Society (ACS) asking if she would be their Community Champion for Pender County for a study in which the ACS is trying to recruit 300,000 participants to participate in a 20-30 year period to find out why some people get cancer and some don't. Ms. Knoerzer introduced Ms. Urban, who further explained the study. Ms. Urban explained: The purpose of the study is to better understand the factors

(lifestyle, environmental, genetic) that cause or prevent cancer and, ultimately, to help eliminate cancer as a major health concern for future generations; the ACS, in cooperation locally with the Zimmer Cancer Center at NHRMC, is recruiting participants for the study; the study does not ask for financial resources – it only asks for participants’ commitment of time; participants must be between the ages of 30 and 65 and never had a personal history of cancer; and their goal is to register 300,000 participants nationwide who are willing to participate. Ms. Urban explained the steps in how to participate: Go online to register at www.cps3wilmington.org; fill out a detailed survey online; attend one appointment at the Zimmer Cancer Center on either November 8, 9, or 10 to have blood drawn and your waist measured; and agree to keep in touch with the study for update information over a period of 20 years, no more frequently than once a year. Ms. Knoerzer and Ms. Urban thanked the Board for its support. Mr. Tate suggested an opportunity for Ms. Knoerzer to present this concept to a group of pastors involved with the Hospital Board and Ms. Knoerzer agreed to follow up with him.

6. Lauren Langley, 4-H Extension Agent: Presentation by 4-H Delegate on Attending the NCACC Youth Summit Held August 17-18, 2012.

Ms. Langley introduced Ryan Teeter of Hampstead. Mr. Teeter’s presentation included: He was the youth delegate chosen to represent Pender County at the NCACC Youth Summit back in August; there were 113 delegates from around the State; most of the events were held at the Raleigh Convention Center; they learned various policies and leadership roles; they actually sat in on a session with legislators; and one of the mornings they had breakfast with Commissioners. Mr. Teeter thanked Mr. Tate, Mr. Ward, Mr. Rivenbark and Dr. Duvall for having breakfast with him. Mr. Teeter also thanked the NCACC for having the Youth Summit. Commissioners commended Mr. Teeter on his participation in the Youth Summit.

7. Mark Seitz, Extension Agent: Introduction of Abby Dilley, New Assistant Extension Agent – Livestock.

Mr. Seitz introduced Ms. Dilley. Ms. Dilley said she started this job September 1, and will be working with Pender and Onslow Counties. Her background and credentials included: She grew up in West Virginia; received a Bachelor of Science Degree in Animal and Nutritional Science from West Virginia University; served as president of the WVU Block and Bridle Club while at WVU; served as a member of the collegiate dairy judging team, collegiate Farm Bureau and collegiate 4-H groups; interned with Natural Resource Conservation Service; and has worked at WVU’s Extension Administration Office. Board members welcomed Ms. Dilley.

PUBLIC COMMENT

No one wished to speak under public comment.

CONSENT AGENDA

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

8. Approval of Minutes: Regular and Closed Session of September 4, 2012.
9. Resolution Accepting Petition to Add Old Fayetteville Road in Currie to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.

10. Resolution Authorizing Approval of Purchase Order to Krista Strickland for a Pharmacy Consultant Services Contract for Fiscal Year 2012-2013: \$3,553.30.

RESOLUTIONS

11. **Resolution Adopting the Survey of the County Boundary between Onslow and Pender County that was Performed by the North Carolina Geodetic Survey.**

GIS Administrator Jerry Simmons explained: The county line between Onslow and Pender Counties had never been surveyed; the North Carolina Geodetic Survey was contacted in 2007 to identify the location of the line; since then, the Geodetic Survey finalized their research and determined the location of the line based on historical maps and field surveys; this is the final leg of the project; upon approval by both counties, maps of the survey will be recorded in each county and will be placed in the NC Secretary of State Land Records Office; and with the surveyed county line, Pender County stands to gain over 8,000 acres. Mr. Williams asked if it will affect any school districts or anything else and Mr. Simmons responded no, it is raw land. Mr. Thurman said once this is finalized, some rezoning will have to take place. Dr. Duvall asked if there are any other cases like this, such as the Pender/New Hanover County line, and Mr. Simmons said there is nothing else significant. Mr. Rivenbark said the New Hanover/Pender line has been surveyed many times. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved. IT Director Erik Harvey thanked Mr. Simmons for his work and said they had been working on this project for the past five years.

12. **Resolution Authorizing Approval of Amendments to the Pender County Road Naming Ordinance.**

Mr. Simmons explained the recommended amendments to the Road Naming Ordinance are to improve the ordinance in two areas: To clarify terminology, reorganize content, and correct text so that it is more consistent; and to provide support for existing items in the ordinance where the ordinance has been unclear or needs further explanation. Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

13. **Resolution Authorizing Contract Awards for Professional Services for 2011 CDBG-Scattered Site Housing Program.**

Housing Director Judy Herring explained Pender County was awarded a \$400,000 FY 2011 CDBG Scattered Site Housing Grant to assist four low-to-moderate income owner-occupant households; Requests for Proposals were sent for Legal, Surveying and Asbestos Inspections; and the proposals were received, reviewed and ranked by Holland Consulting Planners, the County's Contractor Grant Administrator. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

14. **Resolution Authorizing a Program Amendment for FY 10 CDBG Economic Recovery Program.**

Ms. Herring explained this request is similar request to Item No. 13. She said this program ended up with additional funds because one of the original applicants selected for participation passed away. Mr. Tate made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

15. **Resolution Authorizing Acceptance of a Parks and Recreation Trust Fund (PARTF) Grant for Millers Pond Park in the Amount of \$ 325,090.**

Planner Dee Turner explained: In January 2012 the Board authorized the submission of a PARTF grant application in the amount of \$325,090 for further development of Millers Pond Park; the grant requires a fifty percent match of \$162,545; the \$162,545 is on a reimbursement basis; the County was notified in late August of the grant award of \$325,090; and this is the formal resolution to accept the grant. Mr. Rivenbark asked if the \$162,545 is already in the budget and Dr. Duvall responded yes, it is in the CIP. Mr. Williams said the funds will be taken from the same account funds were taken from to match a benefactor's land donation for ball fields at Hampstead Kiwanis Park. Mr. Tate asked if the \$162,545 is part of the \$325,090 and Ms. Turner responded affirmatively. In response to question, Ms. Turner said the project scope includes the construction of a picnic shelter including restrooms and storage facilities, fishing pier, canoe/kayak launch area and various site enhancements. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was approved by a 4-0 vote, with Mr. Ward voting in opposition.

16. **Resolution by the Pender County Board of Commissioners Approving the Issuance of General Obligation Water Bonds in the Amount of \$17,500,000 for the Permanent Financing of the New Surface Water Treatment Plant.**

Mr. Mack explained: He knows the Board has been hearing a lot of bond talk lately, but this particular one does not have to do with the refunding-it is for the water treatment plant; the time has come to issue final permanent financing for the surface water treatment plant; this is similar to what the Board did for Scotts Hill last fall; USDA will actually transfer funds to the LGC on October 15; this action will set up the forty-year financing for when we actually close the loan; this particular resolution is for the approval of the issuance of GO water bonds; there are several components to financing of the water treatment plant; this component is GO Bond for \$17,500,000 as requires specific action by the Board; the United States of America, acting by and through Rural Utilities Service, an agency of the USDA, has offered to purchase the bonds; the interest rate is projected to be 4.375% maximum but could be closer to 3.5%; we won't know the exact amount until after October 1; and Bond Attorney Bob Jessup prepared the resolution. Mr. Brown said this not only will mean savings for taxpayers, it will mean savings for the users. Following more discussion by Board members, Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved. Mr. Brown thanked and commended Mr. Mack and Mr. Watson for their work on this. Mr. Williams again commended the water treatment plant, saying he is very impressed with the way it is built.

17. **Resolution Authorizing the Purchase/Acquisition of County Vehicles through a Vehicle Lease/Installment Purchase Agreement.**

Mr. Watson explained: This is an opportunity to do a Lease Purchase; it is not a lease, but the terminology is what we have to use in the State; and we will have ownership from day 1. Mr. Brown asked if we will definitely save money by going this route. Mr. Watson responded he did an analysis and has conferred with Pat Simmons in Vehicle Maintenance and the Sheriff numerous times. He said if we were to purchase vehicles today for cash, we could get approximately eleven vehicles, not including equipment for Sheriff's vehicles, but if we get them through this program, we can get thirty-three vehicles for the same amount. He said we can take that same amount of money and make payments, some for three years and some for five years, and right now he can get interest rates at approximately 1.75% for three years and 1.85% for five years. Mr. Brown asked how does the payout play into that and Mr. Watson responded

we would pay a three-year term over a three-year period and a five-year term over a five-year period. He said how we came up with those numbers is that a life cycle for those vehicles is what the use of them has been over time, based on mileage, vehicle replacement terms, etc. Mr. Brown asked if this is a lease program or is it an ownership program. Mr. Watson responded it is an ownership program. Mr. Brown said but you are actually leasing and Mr. Watson responded it is a lease purchase program, but this is just the terminology you have to use. Mr. Brown said his concern is this Board passed a resolution to give bonuses to employees, hinging on this program, and he wants to make sure it is clear to everyone that we do see substantial savings with this program. Mr. Watson said the way he looks at it is you will be able to provide triple the amount of vehicles for the same money over time, and all vehicles that are replaced will be sold at auction, or whatever, and that money will be put back into the Vehicle Replacement Fund. Mr. Brown said that is well and good but if we see an opportunity to buy more cars, we are not really saving that \$200,000 we thought we were saving. He asked as long as we keep it under that threshold with vehicles to begin with, we can see that \$200,000 savings. Mr. Watson said yes, we will finance more than that \$250,000, we are using that amount of money to make the payments. Mr. Watson said the County owns the vehicle and whoever finances them will have a lien on them. Following more discussion and questions by Board members, Dr. Duvall and Mr. Thurman, Mr. Tate made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

DISCUSSIONS

18. Discussion of Potential Waiver of Mandatory Connection Policy of Pender County Water and Sewer Ordinance.

Mr. Rivenbark explained a citizen wanted to put a mobile home on family property which previously had a mobile home on it, with a private well. The gentleman was told he had to tie into county water but staff later found out he is exempt from the ordinance. The ordinance states individual parcels greater than ten acres are exempt from the ordinance, and the property in question is thirty-three acres. No further action was needed.

APPOINTMENTS

19. Resolution to Consider Appointment to the Hampstead Kiwanis Park Advisory Board, & Tourism Development Authority Board.

Mr. Brown explained Brad George, Adrian Hansing and Robert Little are already serving on the Kiwanis Park Board and wishes to be reappointed; Robert Kelly is applying to replace Henry Pierpan who is resigning, and Dee Turner also needs to be reappointed. Mr. Williams said Mr. Pierpan has served on the board for ten years and he is stepping back. Mr. Williams said he knows all the applicants and they are all good. Mr. Williams made a motion to reappoint Brad George, Adrian Hansing, Robert Little, and Dee Turner to the Kiwanis Park Advisory Board, and to appoint Robert Kelly, all to serve three-year terms, with terms to expire June 30, 2015. Mr. Tate seconded the motion and it was unanimously approved. Mr. Brown said Barbara Baker is applying to serve on the Tourism Development. Ms. Pridgen noted Ms. Baker already serves on that Board. Mr. Williams made a motion to reappoint Ms. Baker to the Tourism Development Authority to serve a three-year term representing District 1, with term to expire August 31, 2015. Mr. Rivenbark seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said the cemetery case was in court this morning, there were various motions, the Judge tried to get both sides to resolve the issue but to no avail, and it has to be brought back to

court. Mr. Brown said from some articles he read, people thought it was a public hearing but it was not a public hearing when the Board voted on it, and the County has been pulled back in to it. Mr. Ward asked what factor the County was pulled back in to it; Mr. Thurman responded they sued us, saying we are not following General Statutes. Mr. Brown said the lawsuit is based on the meaning of "abandoned cemetery." Mr. Thurman's other items included: Today is the 225th anniversary of the constitution, the country's founding document which gives us our freedom; and there are a number of items for closed session.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall's items included: The Schools' tour scheduled for tomorrow has been changed to October 9; there were over 2,200 visitors to the Journey Stories event with the Pender County Library; RFP's for the York House renovations are due on Wednesday, September 19; and he is continuing to work with David Mitchell to bring Broadband internet services to the underserved regions of the County. With respect to the Schools' tours change, Mr. Brown said Dr. Cobb had talked to him about it and none of the other dates changed; the tour was really good, and it is important to visit the Schools and see firsthand the current condition and needs of all the schools in the County.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark's items included: Southeastern Mental Health is now Coastal Care and consists of five counties-this has been transpiring over the last ten years; an invitation from Don Betz of Lower Cape Fear Water & Sewer Authority to visit Lock & Dam No. 1; and an update from the committee working on the shooting problem in Currie. Mr. Brown said Mr. Sewell had contacted him and he informed Mr. Sewell that at the last meeting staff was instructed to contact our legislators and Wildlife to see if they had had this situation before, and what they did about it. Mr. Williams said the person who was doing the shooting called him and said this will all go away. Mr. Williams said he doesn't think we need to do anything because the person said it was over. He said this is welcome news because he had feared hampering with the individual rights of everyone to use firearms because of the irresponsible use by one person. Mr. Williams added his hope was that folks could regulate themselves. Mr. Brown agreed saying he too did not want to mess with peoples Second Amendment rights, this is good news that this may have corrected itself, and maybe we did help this come to a conclusion by drawing some attention to it.

Dr. Duvall said the committee that was formed was not the shooting problem, it was the Exotic Animal Committee. He then gave an update on the committee. The next meeting of the committee will be September 27, 2012.

Mr. Tate said he wants the Chairman and Board to send a letter to Chairman Kopp of the Lower Cape Fear Water & Sewer Authority thanking them for lowering Pender County's interest rate with the Authority. He thanked members from other counties who serve on LCFW&SA Board. Mr. Ward also commended LCFW&SA. Mr. Brown said we have both Mr. Ward and Mr. Tate to thank and we appreciate them.

Mr. Ward asked the status of the Environmental Health meeting on the East side he had requested earlier this month. Planning Director Kyle Breuer said they will be holding a contractors meeting at the Annex on September 25th at 3:00 with respect to Planning and Building Inspections issues, they will include Environmental Health, and they will go over the permitting process to save contractors some time. Mr. Breuer thanked the Cape Fear Home

Builders Association for their involvement. Dr. Duvall said he spoke with the Health Director and they will be there and a part of this. Mr. Ward said "thank you, thank you, thank you" to Mr. Breuer. Mr. Breuer said they plan to make this an ongoing series of meetings and they have put in work orders to put notifications of the meetings on our website.

Mr. Williams said a groundbreaking for Habitat for Humanity is coming up soon, he thanks Mr. Breuer and Environmental Health for their assistance with Habitat projects; Habitat currently has two projects going on in the County; and Habitat is not a "hand out", it is a "hand up." Mr. Williams said the large twenty-acre tract at Hampstead Kiwanis Park is still owned by the Kiwanis Club and the County is not cleaning it up. Mr. Williams explained the following concerning the Shell Building in Burgaw: It is a marketing and recruiting tool; it was submitted to thirteen projects, with four on-site visits; without the building potential clients won't even come to this area; and if someone doesn't want to use the building, they may be attracted to something else in the area.

Mr. Rivenbark said the West Nile Virus is prevalent in other areas of the State and said our Health Department is doing a super job with Mosquito Control. It was later noted the Mosquito Control falls under the Public Works Department.

Mr. Brown again thanked Mr. Tate and Mr. Ward for their work on the Lower Cape Fear Water and Sewer Authority Board and there ensued discussion of the lowered interest rates. Mr. Brown said Mr. Tate's appointment to the East Carolina University Board of Trustees is quite an honor and commended Mr. Tate and wished him good luck. Mr. Brown thanked Mr. Millis for coming to the meeting and congratulated him for being elected as the NC House District 16 Representative.

CLOSED SESSION

At 6:20 p.m., Mr. Rivenbark 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; 5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; 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 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. Williams seconded the motion and it was unanimously approved. The Board recessed the closed session at 7:15 p.m.

OPEN SESSION

20. Resolution Authorizing Approval of Land Purchase Contracts for Property Acquisition for Future Jail/Law Enforcement Center.

After exiting the closed session, Mr. Thurman explained: The Board is ready to consider a vote to purchase 112 acres more or less for \$850,000; we can use the property to construct other County buildings as needed; there are actually three separate parcels; the price equals to \$7,582.51 per acre; there will be some closing costs associated with the deal; the County will do its due diligence, checking on rezoning, and water and sewer hookups; we are not going to buy the property until we know we can use it; and if everything works out, we hope to close by the end of the year. Mr. Williams said we have been talking about this for a long time and a lot of people were involved in a lot of work. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved. Mr. Brown said we need to vote to add an amendment authorizing Moseley Architects to move forward with due diligence to ensure the property is suitable for the County's use. Mr. Williams made the motion, Mr. Rivenbark seconded the motion and it was unanimously approved. Mr. Brown then called for the vote on approving the item and Mr. Williams made the motion. After verifying that the vote had already been taken to purchase the property, Mr. Tate seconded the motion; it was unanimously approved. Mr. Brown said if everything works out, we are acquiring a piece of property and said we appreciate all involved in moving this along.

PUBLIC HEARINGS: ROAD NAMING & ADDRESSING/SPECIAL USE PERMIT/ZONING MAP AMENDMENT/AMENDMENT TO COMPREHENSIVE LAND USE PLAN/ RESOLUTIONS

Mt. Brown said he would like to personally apologize for the Board being late for the public hearings. He noted there had been lots of items for closed session.

21. Public Hearing and Resolution to Name and Address Alvin Lane.

The public hearing opened at 7:20 p.m. and closed at 7:21 p.m. Mr. Simmons explained: The Pender County Road Naming Ordinance provides that when a public or private road provides access to more than three residences, a road name shall be assigned; this private road has three residences; to avoid conflicts and delays with emergency and public safety responses, and to conform with the County's addressing and road naming ordinances, the request is made to assign a road name and to reassign addresses for the three structures; the public hearing notices have been properly advertised; and no one has opposed to this. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

22. Public Hearing and Resolution to Name Six (6) Roadways and Readdress Nineteen (19) Structures for Hampstead Village.

The public hearing opened at 7:22 p.m. and closed at 7:23 p.m. Mr. Simmons explained the nineteen structures in Hampstead Village currently share one address; if the road naming request

is approved they will each receive their own new address; and the public hearing has been property advertised and no one opposed it. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

23. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for Accommodations and Food Services for the Operation of a Catering Service and Drinking Place Primarily Serving Alcoholic Beverages, Located at 1756 Halfway Branch School Road, Approximately 2.25 Miles West of US Highway 421, Burgaw.

The public hearing opened at 7:23 p.m. and closed at 7:30 p.m. Mr. Thurman swore in the witnesses. Planner Ashley Frank explained Warren Robinson, applicant and owner, is making this request. Ms. Frank noted the address is 1734, not 1756 as noted in the staff report. Ms. Frank explained the Land Use Proposed; Property Record Number and Location; Zoning District of Property; Project History; Project Description; 2010 Comprehensive Land Use Plan Compliance; Existing Land Use in Area; and Conditions to Consider in Issuing A Revision of the Special Use Permit. Ms. Frank said there are no revisions on the current permit and no violations; additional uses for access were permitted by the NC DOT after the agenda packets were published; and the conditions are all standard conditions and carried over from the original SUP. Mr. Ward asked if there are existing businesses in the area and Mr. Brown asked if there are any churches. Ms. Frank said there are three residential properties adjoining the site but Mr. Robinson owns them. Ms. Frank demonstrated maps of the site as she explained the item. Mr. Tate asked if there are any complaints against the request and Ms. Frank responded no. Mr. Tate noted the applicant is his cousin. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

24. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of Approximately ±2.46 Acres from RP, Residential Performance District, to GB, General Business District, Located at 71 Mill Creek Road, Along the Northeast Corner of NC Highway 50 and Mill Creek Road, Just East of Shepards Road, Hampstead.

The public hearing opened at 7:33 p.m. and closed at 7:34 p.m. Ms. Frank said John and Christopher Batts, applicants and owners, are making this request. Ms. Frank explained the Rezoning Proposal; Property Record Numbers, Acreage, and Location; Planning Board Recommendation; Staff Recommendation; History; Description; 2005 CAMA Land Use Plan Compliance; 2010 Comprehensive Land Use Plan Compliance; Unified Development Ordinance Compliance; and Summary & Staff Recommendation. With respect to History, Ms. Frank explained rezoning is the only option the applicants have to come into compliance with the UDO. Ms. Frank demonstrated maps of the site as she explained the item. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved. Mr. Tate had temporarily stepped out of the room.

25. Public Hearing and Resolution Requesting an Amendment to the Pender County Comprehensive Land Use Plan, to Apply a Land Use Classification to Two Tracts Located at the Terminus of McClammy Road, Hampstead.

The public hearing opened at 7:34 p.m. and closed at 7:39 p.m. Mr. Breuer explained: During the past legislative session, Senate Bill 900 (SB 900) titled "AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF SURF CITY" was approved by the House and Senate providing for approximately 49.02 acres of property to be removed from the Town of Surf City's municipal limits; subsequently, the

property does not have a land use classification or county zoning; Pender County, applicant, is requesting approval of a Comprehensive Land Use Plan Amendment to adopt land use classifications on the two tracts; and the properties are both owned by Larry Batson. Mr. Breuer explained the Zoning Proposal; Property Record Numbers, Acreage, and Location; Planning Board Recommendation; Comprehensive Plans and Policies Committee; Description; and Evaluation. Mr. Brown asked why the property was removed from the Town. Mr. Williams said he is sure the owner requested the removal and that at this point, the Commissioners have no say in the matter. He said we are just here tonight to approve the land use. Following more discussion, Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

The Board then discussed the Old Topsail School property. Mr. Brown said he had obtained information concerning Wilmington developer Jim McFarland. He said he was told by a school board member that Mr. McFarland is in litigation with the Board of Education. In response to question, Mr. Thurman said he knew of no litigation. He said he knew Mr. McFarland's company had filed for bankruptcy but he didn't know if the School Board had gotten involved. Mr. Williams said that should hold no bearing on the Board's decision to sell or not sell the school to Mr. McFarland. Mr. Tate thanked Mr. Brown, Mr. Williams, Mr. Mack and Pat Simmons for looking into the building. Discussion ensued, including asbestos, mold, and lead-based paint; in-house evaluations; components to help determine whether to sell the building or keep it; structural assessment; wastewater assessment; and \$5,825 was spent for Phase I assessment. The Board nodded to move forward with Phase II. It was noted it would cost approximately \$8,080 for Phase II assessment. Dr. Duvall said the \$8,080 can be taken from Contingency.

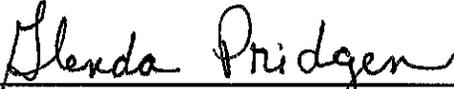
CLOSED SESSION

The Board reentered closed session at 7:55 p.m. The Board exited closed session at 8:15 p.m.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Dr. Mickey Duvall, Clerk to the Board/Melinda Knoerzer, Administrative Assistant