

**MONDAY, OCTOBER 15, 2012**

The Pender County Board of Commissioners met in regular session on Monday, October 15, 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**

Commissioner Williams offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Rivenbark led the Pledge of Allegiance.

Mr. Brown noted Mr. Tate is going to be a little late. Mr. Rivenbark made a motion to excuse Mr. Tate, Mr. Williams seconded the motion and it was unanimously approved. (Mr. Tate arrived a few minutes later).

Mr. Brown noted there is a request to add a resolution to the agenda honoring Sgt. TJ Butler, IV. Mr. Rivenbark made a motion to add the resolution, Mr. Williams seconded the motion and it was unanimously approved to add the following resolution to the agenda:

**Resolution Honoring Topsail High School Graduate & National Guardsman Sergeant Thomas J. "T.J." Butler, IV – Killed in the Line of Duty in Afghanistan.**

Mr. Williams explained: Sgt. Butler was killed by an insurgent carrying a suicide bomb strapped to his chest on October 1; Sgt. Butler was a graduate of Topsail High School, same as he; Sgt. Butler was honored at the Topsail High School football game Friday night at halftime and his wife was presented a signed football by the school; it was a very touching moment and he believes the family felt the love. Mr. Williams read the resolution as follows:

**WHEREAS**, Sgt. Thomas J. "T.J." Butler of Leland, NC age 25, along with Donna R. Johnson of Raeford, NC and Sgt. Jeremy F. Hardison of Browns Summit, NC were killed on Monday, October 1, 2012 in Khost City, when an insurgent on foot approached the soldiers and detonated a suicide vest full of explosives; and

**WHEREAS**, three other North Carolina Guardsmen were injured in the attack; and

**WHEREAS**, Sgt. Butler's unit, the NC Army National Guard's 514<sup>th</sup> Military Police Company, based in Winterville, NC left for Fort Bliss, Texas, in June and departed for Afghanistan in early August, with the unit fully in place there by the end of the month; and

**WHEREAS**, Sgt. Butler grew up in Hampstead, NC and graduated from Topsail High School in 2006; and

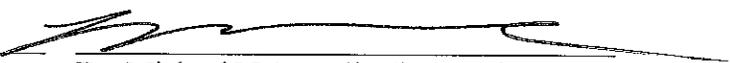
**WHEREAS**, Sgt. Butler attended Cape Fear Community College and began his military service in 2007; and

**WHEREAS**, Sgt. Butler leaves behind his wife Holly Gause Butler and their seven month old son Thomas Jefferson Butler, V, his parents, brothers, grandmother, in-laws, uncles, aunts, cousins, nieces and nephews, and numerous friends.

**NOW, THEREFORE BE IT RESOLVED BY THE PENDER COUNTY BOARD OF COMMISSIONERS, THAT THE COMMISSIONERS AND CITIZENS OF PENDER COUNTY HONORS AND PAYS TRIBUTE TO SERGEANT THOMAS J. "T.J." BUTLER FOR GIVING THE ULTIMATE SACRIFICE FOR HIS COUNTRY.**

*THIS THE 15<sup>th</sup> DAY OF OCTOBER, 2012.*

\_\_\_\_\_  
George R. Brown, Jr., Chairman

  
\_\_\_\_\_  
Dr. Michael N. Duvall, Clerk to the Board

Mr. Ward said he knew Sgt. Butler when he was in school, he was an outstanding young man, a wonderful student, and he didn't go around causing trouble. He added while he was sad to hear the news, he was happy to know it happened in a good way in service of his country. Mr. Williams made a motion to accept the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

#### **PUBLIC INFORMATION**

1. **Scott Satterfield, Wilmington Business Development (WBD): Presentation on Current Initiatives Regarding the Pender Commerce Park.**

Scott Satterfield, Rick Benton and Billy King of WBD were present. Mr. Satterfield explained Infrastructure is a now a necessity, rather than a luxury as in the past. Mr. Tate asked what has been the biggest challenge for WBD in Pender County and Mr. Satterfield responded promoting the Shell Building in Burgaw. Mr. Satterfield said he attributes not being able to sell the building to this being the worse economy in the country since 1929, clients are afraid to make commitments and they are afraid of the uncertainty. Mr. Satterfield delivered a PowerPoint presentation. Pender Commerce Park Assets listed and explained by Mr. Satterfield included: 431 ready to develop, industrially zoned acres; flexibility to offer larger or smaller tracts; publicly owned by Pender County; \$53 million investment; local and state incentives available; situated on major industrial corridor (US 421); all major utilities available; on-site water treatment plant near completion; future on-site wastewater treatment plant; railroad connection; 13 miles from State Ports; 3 miles from I-140; river access points via barge; undeveloped acreage will meet all certified site requirements; Brownfields designation; County industrial incentive policy in place; Port Enhancement Zone designation in place; and price is negotiable. Mr. Satterfield went into detail and explained: Potential Barge Access; Planned Rail Extension; Port Enhancement Zone Designation; and Brownfields Designation. Also explained in

summary were Pender Commerce Park Assets; Pender Commerce Park Drawbacks; and Pender Commerce Park Client Activity. Mr. Satterfield then explained assets and client activity of the Shell Building. Board members were given the opportunity to ask questions. The presentation in its entirety is on file with the permanent records in the Clerk to the Board's Office.

2. **Amber Parker, Human Resources Director: Presentation of N.C. Department of Labor Annual Safety Awards.**

Ms. Parker explained the N.C. Department of Labor safety awards program recognizes private and public firms throughout the state that achieve and maintain good safety records. Ms. Parker said N.C. Department of Labor Commissioner Cherie Berry couldn't be here today to issue awards, but she made a video and sent it. Ms. Parker presented the video by Ms. Berry. In her video, Ms. Berry thanked the Commissioners for inviting her and letting her say a few words, in spite of her scheduling conflict. She said she wishes she could be here to celebrate with the County for its accomplishments in safety and health. Ms. Berry explained: This year was a record year for North Carolina for health and safety awards; her department handed out close to 2,800 awards at thirty Safety Award Banquets; North Carolina's injury and illness rate is at an all time low at 3.1 per 100 full-time workers; twelve years ago, North Carolina was not even in the top ten of the safest states in which to work; today North Carolina is tied for fourth; there are many reasons for this decline, but the biggest in her mind is employers in Pender County and across North Carolina have embraced workplace safety and health efforts and have made safety and health a priority; as a former business owner, she has strived as Labor Commissioner to remove the fear that employees and employers have of an OSHA visit; and her department meets with private and public sector employers and show how they can improve their bottom line by improving safety and health programs. Ms. Berry used Davidson County as an example and gave some statistics on their improvements. Ms. Parker and Chairman Brown issued awards to the following county departments: Animal Control, County Manager, Elections, Emergency Management, Finance, Housing, Human Resources, IT, Jail, Mosquito Control, Parks & Recreation, Planning, Register of Deeds, Sheriff Department, Social Services, Tax Assessor, Tax Collections, Tourism, Utilities, Vehicle Maintenance and Veteran Services.

3. **Dr. Reta Shiver, Director, Pender County Department of Social Services: Reduction in Subsidized Child Care Services.**

Dr. Shiver explained: The Division of Child Development and Early Education's Budget for 2012-2013 included an \$11 million statewide reduction in Child Care Services; due to inadequate funding, the Pender County DSS is going to have to reduce Child Day Care Services; eighty-five families and one hundred forty children will be affected; they sent letters to the affected parents and held hearings with them; the State requested DSS agencies to formulate plans of termination and send to them; Pender County plans to reduce services in the following areas: Supplemental Payments, School-Aged Children, Post-Secondary Education, Child Welfare Services, Developmental Needs/SN and Part-time Employment; they drafted a plan to impact the least number of people they can; and the State has approved the plan. Dr. Shiver delivered a Power Point Presentation which included: Initial Reduction in Services Plan; Benefits for Families; Benefits for Communities; Where are Families Working; Where are Families Attending School; Subsidized Child Care Program-Family Demographics; Children City Demographic; County Location of Child Care Facility Where Pender County Children Are Attending; Children Served by Age Group; State Fiscal Year 2012-2013 Budget; and Comparison Expenditure Data. The Presentation in its entirety is on file with the permanent records in the Clerk to the Board's Office. Mr. Brown asked why the big difference in the number of children served in June/July 2011 and June/July 2012. Dr. Shiver responded the State asked them to remove children from the waiting list. Supportive Services Supervisor Lisa Worley added: There is now a new policy

in which facilities are rated by stars, with a five-star facility being the highest; the more stars a facility has, the more expensive they are; and if you don't spend funds from the State, they will send them to other counties. Mr. Ward asked how much would make up the difference the State cut from Pender County and Dr. Shiver responded approximately \$400,000. Mr. Ward asked how many parents are working full time and asked Mr. Tate if the ones attending school can't get help from community colleges. Mr. Tate said people can apply for aid for schooling and said not having child care does create a dilemma for parents trying to move from welfare to work. Mr. Williams said he will defend Dr. Shiver on this, it is not something she wanted to do, and the State did it. Mr. Ward said his concerns are the single parent homes, the missing parent homes, the deadbeat dads, spending taxpayer monies when others should take responsibility; he has a problem with men abandoning their wives and children and becoming deadbeat dads; and he was trying to be nice but he wants the names of the deadbeat fathers. Ms. Worley said there is the matter of confidentiality. Mr. Tate said he understands Mr. Ward's position, but he fears not helping would only hurt the children. Dr. Shiver said if they can't help the families with child care services, they will come in for other services. She said the Childcare and Transportation programs were created for beginner workers. Dr. Shiver said that three or four years ago when they thought they would lose the same money from the State, Mr. Williams led the charge that the County would step up and help should that be the case, but the problem never materialized. Mr. Tate said it is unfair for the State to stop these programs and Dr. Shiver said the funds were cut at the federal level, which trickled down to the state and then to the county. Mr. Brown said he does not want the public to think the County does not support DSS because we provide 41% of their annual budget. Mr. Williams said a statement that was previously made, made it look like this is something the Board agreed to and are now taking it back. Mr. Ward asked if Dr. Shiver would give up some of her positions to fund this; Dr. Shiver responded she can't because she does not have enough staff now. Dr. Shiver said parents do pay for the childcare on a sliding scale and those that lost this subsidy program could lose their jobs or may be forced to drop out of school because they have nowhere to place their kids. There was discussion on how the amount of the shortfall went from \$300,000 to \$400,000. Mr. Williams asked why some of the daycare centers used are not in Pender County. Dr. Shiver responded a parent can choose the daycare they want to use; if they work in Wilmington and want to be close to their children they can put them in one in Wilmington. Mr. Ward asked if Dr. Shiver wants the Board to vote on funding the program, Dr. Shiver said yes, why not. Mr. Ward asked where the money would come from. Dr. Duvall said he was unsure, he would have to go back and reevaluate, we are tight right now, and it would have to come directly out of fund balance. Mr. Williams said then it would have to come there the next year and the next year and the next year, with no revenue stream and the County can't afford that. No formal decision was made.

## **PUBLIC COMMENT**

Ms. Susan Bullers of Currie and Ms. Agnes Pridgen of Willard had signed up to speak.

Ms. Bullers spoke concerning the Pender Rail Trail Alliance. Ms. Bullers' comments included: They were told by WBD the Rails for Trails Project would be dropped; at a June 4<sup>th</sup> meeting, WBD told them that the Board had dropped the project because it interfered with possible recruitment of industry to the Commerce Park located on Hwy. 421; WBD's final words to her after the meeting were "we're sorry to burst your bubble"; and they will be making a presentation to the Board at the November 5<sup>th</sup> meeting. Mr. Brown said the Board had not voted to drop anything; if the project was going to be dropped it would be a Board decision; WBD does not make that decision, we do; we want them to sell the park, that is important to us; and Rails to Trails is important to us, but the Commerce Park is our priority. Mr. Williams' comments included: He hopes this presentation has more facts in it than the mass email Ms. Bullers sent out before she corrected it with the one she sent out today; Ms. Bullers

can't put words in peoples mouth, he guesses she can because she did; he is upset with the email, particularly after Mr. Brown had said we were trying to find a compromise that would help both the Commerce Park and Rails for Trails; Ms. Bullers sent out that email and threw Chairman Brown under the bus, threw WBD under the bus and still got up here and suggested the County was dropping this; Rails to Trails sounds good but no one had a crystal ball when the County applied for a \$75,000 grant to help fund the project; the way Ms. Bullers' email was worded, no he does not want to put words in her mouth, he will just send it to the media and they can print it verbatim; and it made him think Ms. Bullers didn't believe anything was going to happen with the Industrial Park and this was just "pie in the sky" and the Board was jeopardizing the Rails to Trails in lieu of some "pipe dream" the Board has. Ms. Bullers said that was not true. Mr. Brown said all this will be discussed at the November 5<sup>th</sup> meeting.

Ms. Pridgen said she would like to defer her time to Angela Beacham. Ms. Beacham explained: She is owner of Little Town Learning Center; she is here to offer clarification and get clarification; the cuts at her facility alone affected seventeen families; all her families are working families; working families are the largest percentage of cuts; she can have several of the families that were impacted come and speak if that will be helpful; and if there is anything the Board can give to help DSS, it will be appreciated. Ms. Beacham introduced Zachary Buchanan, a special needs child in a wheel chair, who had been attending the learning center but was dropped from the program because he was over ten years old. Mr Brown said he is bothered by the fact that special needs kids were not given extra consideration as part of DSS' criteria. Mr. Thurman noted the State didn't draft the plan establishing the criteria; DSS drafted the plan. Mr. Brown said we already give DSS 41 percent of its budget, and it is up to DSS Board to decide how to spend it. Mr. Tate said as one Commissioner, he is asking the Board to look and see if we can come up with help. He said he is very emotional, he has been moved by all he heard and wants to see if the Board can look at the budget to offer some kind of assistance. Mr. Rivenbark said he hopes he did not get any families false hopes up by putting this item on the agenda, but he hopes the Board will do the right thing. Mr. Brown asked what the right thing is; Mr. Rivenbark stated he had said all he was going to say.

#### **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:

4. Approval of Minutes: Regular and Closed Session of October 1, 2012.
5. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2012-2013: \$8,686.
6. Resolution Authorizing Approval of a FY 2012-13 Budget Ordinance Amendment Increasing Revenues and Expenditures by Accepting a Federal LSTA Grant to Develop a New Long Range Plan and Authorizing Approval of a Purchase Order with RB Software & Consulting: \$20,000.

#### **RESOLUTIONS**

7. **Budget Ordinance Amendment Approving the Transfer of \$55,000 from the General Contingency Fund to the York House Renovation Project and Authorization to Issue a Contract and Purchase Order in the amount of \$101,202 to JP&J Construction for the Renovation.**

Library Director Mike Taylor introduced the item and said Utilities Director Michael Mack will present background information. Mr. Mack explained: At the last meeting he gave the Board information on the process and issues they went through attempting to secure bids on the York House renovations; Mr. Taylor has put it very precisely in the agenda item; he had briefed the Board that they received only one proposal; they queried the others who received the RFP's to see why they didn't submit bids; four contractors responded to the survey; they all cited the lack of an architectural formal set of drawings; they also felt like they couldn't commit the time or energy when they stood only a one in eight chance of winning the bid; after conferring with the County Manager and County Attorney they decided to go ahead and open the one bid; being a public body we can take the lowest bid; JP&J had submitted a base bid of \$85,000 but two alternates were added bringing the total to \$101,202; and Mr. Taylor has a couple of ancillary items to add, hence the \$55,000 Budget Ordinance request. Mr. Brown asked if the \$55,000 coming from the Contingency Fund into the project and Mr. Mack responded affirmatively and said the County Manager gave them a General Fund account number to use. Mr. Rivenbark made a motion to approve the Budget Ordinance Amendment, Mr. Tate seconded the motion and it was unanimously approved.

**8. Resolution Authorizing an Application to the Southeast Environmental Alliance Mini Grant Program for Funding to Create, Print, and Laminate 20 Educational Posters for Use by the Pender County Schools.**

Senior Planner Ben Andrea explained: The idea of this actually came up a couple years ago when working on another watershed delineation mapping project; in North Carolina, the concepts of hydrology and non-point source pollution are required curriculum topics for 8<sup>th</sup> Grade science classes; the Southeast Environmental Education Alliance Mini Grant Program provides small grants in support of programs and projects that support and advance environmental education and environmental literacy in the southeastern region, including North Carolina; Planning Staff has been seeking funding for printing of a large poster that can be utilized by Pender County Schools, particularly for 8<sup>th</sup> Grade students and teachers; an educational poster showing the watersheds and hydrology in Pender County would provide teachers an opportunity for students to connect how actions undertaken in their watersheds affect the hydrologic system and surface water quality; by realizing that connection, students can become better stewards of the environment in which they live; staff has obtained estimates for printing and laminating of twenty 24" x 36" posters, totaling \$666.04; staff estimates a total of ten hours to create the poster, which totals \$258.90 in-kind that will exceed the required 25% local match; the posters will be laminated so that they will be durable for use for several school years; this school year, there are 651 8<sup>th</sup> Grade students and nine 8<sup>th</sup> Grade science teachers; twenty posters will be sufficient for the current need and provide some extras for replacement or if the number of science classes increases in the future; and school Staff are supportive of this proposal and have indicated these posters would be a valuable resource for them and their students. After comments by Board members, Mr. Tate made a motion to approve the Resolution, Mr. Williams seconded the motion and it was unanimously approved.

**9. Resolution Authorizing Acceptance of the NC Tomorrow Plan and Authorizing the Chairman to Submit the Plan to the NC Commerce Department to Satisfy CDBG Grant Requirements.**

Housing Director Judy Herring explained: In 2011 the Cape Fear Council of Governments (COG) asked for approval by the Pender County Board of Commissioners to apply for a grant for the NC Tomorrow program using Pender County as host; the Board gave approval; the County was awarded \$50,000 in CDBG grant funds for the NC Tomorrow program; Chris May of COG and Bill McNeil are here to talk about the plan itself; and following their presentation, they are asking the Board to pass a

resolution accepting the NC Tomorrow Plan and authorizing submission of the plan to the NC Department of Commerce. Mr. May explained: The Board approving application of the grant enabled an area plan for Brunswick, Columbus, Pender and New Hanover Counties to be put together to be part of a greater plan for Southeastern North Carolina; this plan will be incorporated into one plan for North Carolina; the whole idea was to combine plans all across the state so instead of having 100 different versions, there will be one plan of how to do Economic Development in North Carolina; hopefully, this will make it easier for folks to do business; and this will be a statewide plan. Mr. May introduced Bill McNeil of McNeil Planning Association, saying Mr. McNeil used to be in charge of the Division of Community Assistance, Mr. McNeil is very familiar with CDBG and Mr. McNeil is the editor for this plan. Mr. May thanked the Board for hosting this on behalf of all four counties. Mr. McNeil said this started about a year ago; we officially received the grant from the Department of Commerce in February; and it began before that as a twenty-eight member advisory committee for the Cape Fear Region. Mr. McNeil highlighted and explained some of the Plan which included: Introduction; Cape Fear Regional Profile; Regional Strengths and Opportunities; Summary of NC Tomorrow Survey; Glossary of Acronyms; Goals, Objectives and Strategies-Build on the Region's Competitive Advantages, Upgrade Regional Infrastructure, Invest in Revitalizing the Region's Communities, Develop an Educated, Versatile Workforce, Encourage Entrepreneurship & Small Business Growth; Advocacy Recommendations; Cape Fear Advisory Committee Members; Source Documents; Federal Livability Principles; and Survey Narrative Statements. The Cape Fear Region NC Tomorrow Plan in its entirety is on file with the permanent records in the Clerk to the Board's Office. After comments and questions by Board members, Mr. Rivenbark made a motion to approve the Resolution Authorizing Submittal of the Plan, Mr. Tate seconded the motion and it was unanimously approved.

## **DISCUSSION**

### **10. Discussion and Next Steps Regarding the County Human Services Flexibility Option. University of North Carolina School of Government (Mrs. Aimee Walls) Requested Evaluation Seminar Date for Pender County.**

Mr. Brown explained this item is in reference to HB 438; Brunswick County voted on it at their last meeting; he thinks Brunswick's is structured similar to the one this Board talked about; this is not a "done deal" yet; and he wishes to pursue it. Dr. Duvall said Ms. Walls and/or others are proposing to come here on November 20 to talk to us from 10:00 a.m. to 12:00 noon, and they will facilitate a discussion. Mr. Brown said he would like kind of a nod from the Board to at least explore if it is worth pursuing, and said he does not want to be the only one at the meeting. Mr. Williams said this is one of the tops item on the Association's list and he want to pursue it also. He said he will attend the meeting. Mr. Rivenbark said he agrees with Mr. Brown that he doesn't want to be the only one here, but he will be here. He said with three of the Commissioners saying they will attend the meeting, we will move forward with it.

## **APPOINTMENTS**

### **11. Resolution to Consider Approving Appointment to the Hampstead Kiwanis Park Board and the Pender County Social Services Board.**

Mr. Brown verified with Ms. Pridgen that there is one applicant for the Hampstead Kiwanis Park Board position. Mr. Williams said he knows the applicant; she is a very good person; she is smart and very dedicated. Mr. Williams made a motion to approve the appointment of Patricia Homa to serve a three-year term on the Hampstead Kiwanis Park Board, with term to expire June 30, 2015. Mr. Tate seconded the motion and it was unanimously approved. Ms. Pridgen explained that Mr. Rivenbark wishes to be reappointed to the Social Services Board. Mr. Williams made a motion to appoint Mr.

Rivenbark to the Pender County Social Services Board to represent the Commissioner position. Mr. Tate seconded the motion and it was unanimously approved.

#### **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said he has items for closed session.

#### **ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall's items included: The Melinda Knoerzer benefit being hosted by friends and supporters, including many Pender County Government Staff and Officials, on November 3, 2012; the Exotic Animal Control Committee's next meeting will be October 25, 2012; Chris May will facilitate the next Emergency Management Strategic Planning meeting on November 12, 2012-Chief Eddie Long is asking for an evening meeting and we are continuing to evaluate times; and David Mitchell of NC Broadband will be here on November 12, 2012 to hold the first organizational meeting to discuss bringing high-speed broadband internet services to the underserved regions of the County. Dr. Duvall recognized Health Director Carolyn Moser for her thirty years of continuous service in public health. Ms. Moser served as Health Director in Madison County, NC prior to coming to Pender County as Health Director. Dr. Duvall presented Ms. Moser with a certificate. Ms. Moser made remarks, including she can't think of a better place to be on her 30<sup>th</sup> anniversary than Pender County.

Mr. Mack reported the following: The Water Treatment Plan met substantial completion today, should be up and running the week of November 1, 2012 and the dedication will be November 9<sup>th</sup> or 16<sup>th</sup>; the Maple Hill Sewer project is complete and all one hundred seventy-five homes are hooked up; and they closed the loan on the Water Treatment Plant today. With respect to the Old Topsail High School, Mr. Mack said they are waiting for lead base paint results to come in, environmental and structural evaluations are being done, and when we get all the reports, we can quickly do the RFP's.

#### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Williams spoke concerning the Habitat for Humanity event held at Hampstead United Methodist Church on Saturday. Mr. Williams said Habitat for Humanity does a marvelous job.

#### **CLOSED SESSION**

At 6:30 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; and 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 exited the closed session at 7:03 p.m. There were no announcements made upon exiting the closed session.

## **PUBLIC HEARINGS: SMALL AREA PLAN/ZONING MAP AMENDMENT/ZONING TEXT AMENDMENT/RESOLUTIONS**

### **12. Public Hearing and Resolution Requesting Approval of the Adoption of the Currie Small Area Plan.**

Mr. Brown opened the public hearing. Planning Director Kyle Breuer explained: At the November 7, 2011 Board meeting, Planning staff was authorized to move forward with the development of a Small Area Plan for the Currie area; a public kickoff meeting was held on January 28, 2012 and a Steering Committee was appointed at the February 21, 2012 Board meeting; and the Steering Committee, Planning staff and project stakeholders held four meetings during the planning process and completed several tasks, including completing final draft of the Plan with suggested comments and revisions incorporated within. Mr. Williams asked if members of the committee are here and Mr. Breuer responded affirmatively. Mr. Williams thanked the committee members. Mr. Tate asked what are the next steps and Mr. Breuer responded that an implementation plan had been created to develop strategies to accomplish the specific goals and policies within the document. Staff plans to work with the existing Currie Small Area Plan Committee and they will hold quarterly meetings. Mr. Brown commented concerning the rich history of the Currie area. Mr. Breuer commented the rise and decline of Currie is tied to the railroad. Mr. Thurman noted two citizens had signed up to speak on this item. Mr. Cleveland Simpson expressed appreciation to the Board for the opportunity to develop this plan and thanked the County Manager and Planning Board. Mr. Simpson's other comments included: The plan mirrors the planning process he participated in at the N.C. Department of Commerce; three years ago several citizens started the process and then the County came in; it is an outstanding product – "Textbook Example" which equals anything he did while he worked at N.C. Department of Commerce; and he requests that we have a timeline which keeps the Plan moving – tangible results through funding "base hits" to see accomplishments from the plan. Ms. Nancy Keith's comments included: Mr. Simpson said it well; she appreciates the Planning Department; Ben Andrea has worked with them the last three years; and she wants to reinforce they appreciate everything. Mr. Brown closed the public hearing. Mr. Tate made a motion to approve the Resolution adopting the Currie Small Area Plan, Mr. Williams seconded the motion and it was unanimously approved. Mr. Tate recognized Mrs. Helen Simpson, one of the oldest members of his community.

### **13. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment to Adopt Zoning on Two Tracts Previously Located within the Town of Surf City's Municipal Limits.**

Mr. Brown opened the public hearing. 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 county zoning; Pender County, as

applicant, is requesting approval of a Zoning Map Amendment to adopt zoning on two tracts located at the terminus of McClammy Road, Hampstead, NC; and the properties are both owned by Larry Batson. Mr. Breuer explained the zoning proposal; property record numbers, acreage, and location; Planning Board recommendation; Staff recommendation; description; and evaluation. Mr. Brown closed the public hearing. Mr. Ward made a motion to approve the Resolution approving the zoning map amendment, Mr. Williams seconded the motion and it was unanimously approved.

14. **Public Hearing and Resolution Requesting Approval of an Amendment to the Pender County Unified Development Ordinance Consisting of Amending Sections 1.11.2 and 8.3.2.C-E.**

Mr. Brown opened the public hearing. Mr. Breuer explained: The presented text amendment proposes a prescribed extension for previously approved master plans governed under the Zoning Ordinance in effect from 1988 to July 2010; the proposed amendment clarifies language concerning reviewing parking lot landscaping standards for non-residential projects; and the specific request consists of amending Sections 1.11.2 and 8.3.2.C-E. Mr. Breuer explained the text amendment proposal; background; Planning Board recommendation; Administrator recommendation; Master Plan Approval Extension; and evaluation. Mr. Brown closed the public hearing. Mr. Tate made a motion to approve the Resolution approving the amendment, Mr. Ward seconded the motion and it was unanimously approved.

**ADJOURNMENT**

There being no further business, the meeting adjourned.

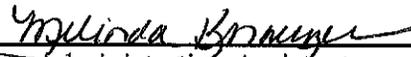
Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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