

TUESDAY, JANUARY 22, 2013

The Pender County Board of Commissioners met in regular session on Tuesday, January 22, 2013 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; Vice Chairman Fred McCoy; and Commissioners Jimmy Tate, 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 Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner McCoy led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Chad McEwen, Manager, Town of Burgaw: Presentation on Phase 1 of the NC 53 Corridor Improvement Plan-Engineered Design of Roundabout at the Intersection of Wilmington and Walker Streets.**

Mr. McEwen distributed additional maps and other information, and delivered a PowerPoint presentation explaining the project. Mr. McEwen's presentation included: For years, the NC DOT has considered a bypass for the portion of NC Highway 53 that runs through downtown Burgaw; the need for a bypass is primarily tied to the volume and nature of the large truck traffic which passes through downtown Burgaw via NC Highway 53; also, the need for a bypass stems from concerns that exist at the Bridgers/Walker, Wilmington/Walker, and Wright/Wilmington Street intersections; the large trucks present a major safety concern for passenger vehicles and pedestrians; in 2005, a proposed route for the bypass was presented and supported by NC DOT; the Town, NC DOT and the affected property owners could not reach a consensus on this proposed route and subsequently, the focus shifted to efforts to improve the existing NC Highway 53 corridor; in 2006, the Town and NC DOT hired an engineering firm to conduct a design charrette to attempt to address many of the issues that existed; in late 2006, the Town and NC DOT endorsed the preliminary designs that resulted from the charrette; in 2007, the Town obtained funding to proceed with surveying, engineering, and right of way acquisition associated with Phase 1 of the *NC 53 Corridor Improvement Plan*; Phase 1 improvements included construction of a "free-flow" right lane with median heading north at the intersection of Walker and Wilmington Streets, construction of a roundabout at Wilmington and Walker Streets, and intersection and sight distance improvements at Wilmington and Wright Streets; to date, all engineering has been completed with the design having been reviewed and approved by NC DOT; throughout the process, steps were taken to insure that the County was kept informed about all design elements since right of way and construction easements will be required from the County in order to accommodate the

proposed design; the Town has also requested review and concurrence from the NC Department of Archives State Historic Preservation Office to make sure that any impact on the courthouse square would not impact the grounds or structure in a negative manner; the Town is now working on obtaining the necessary right-of-way and construction easements; the proposed plan outlines the need for permanent right of way and construction easements from the County; and the Town is requesting the right of way and construction easements described in the plan be conveyed for the future construction of Phase 1 of the *NC 53 Corridor Improvement Plan*. Discussion and questions by Board members, Dr. Duvall, Mr. Thurman and Sheriff Smith included: Permanent right-of-way and construction easements; disturbance to Courthouse Square; loss of parking places at the Courthouse; parking in front of Jail Administration; concerns about trucks making turns at the intersection; feedback from the community; Mr. McEwen has spoken with the Sheriff and Clerk of Court concerning parking and other issues; parking during construction; and loss of property to the easements. Mr. McCoy then made a motion endorsing Phase 1 of the Plan, Mr. Williams seconded the motion and it was unanimously approved.

2. Chad McEwen, Manager, Town of Burgaw: Presentation of Proposed Multi-Purpose Trail from Downtown Burgaw to Pender Senior Center along South Walker Street.

Mr. McEwen again distributed additional maps and other information, and delivered a PowerPoint presentation explaining the project. Mr. McEwen's presentation included: South Walker Street/US 117 Business has high volumes of vehicular and pedestrian traffic; due to its proximity to several residential neighborhoods and apartment complexes, South Walker Street/US 117 Business provides a valuable connection to the central business district of Burgaw, the hospital, local and county government buildings, and Pender Adult Services; the current design and condition of this connection is not suitable for pedestrians or bicyclists to use because the existing pavement has no shoulder, both sides of the road have deep ditches close to the road surface, and there is very little right-of-way behind the ditches for people to walk or ride bikes; the Town is proposing a multi-purpose trail from downtown Burgaw along South Walker Street which will end at Pender Adult Services; the Town is requesting the County agree to partner with the Town on this project and pass a resolution outlining the County's support and a commitment of the needed easement along the front of the County property from Progress Drive to the edge of the parking lot; and at this time, the Town is no requesting any financial assistance from the County related to the design engineering, permitting or construction. Discussion and questions included: The trail crossing Walker Street; timeframe; conveying easements; whether or not to put a dollar amount on the easement; making sure the easement complies with the County's retention pond; approving the easement contingent upon it not affecting the pond; and the 15 acres behind the County Complex that the County may want to develop later, and have to change the ingress and egress. After more discussion, Mr. McCoy made a motion to endorse providing the easement at a cost of \$1, and contingent upon it not causing any issues for the County. Mr. Williams seconded the motion and it was unanimously approved. It was the consensus of the Board to apply the same concept to Item No. 1.

3. Mike Taylor, Library Director: Progress Report on Pender County Long Range Plan for Public Library Facilities.

Mr. Taylor gave an update on the Library's 5-year plan for services and 20-year plan for library facilities, noting one of the outcomes adopted by the Board was a library building program for Topsail Township along with an appropriation to design a new Topsail Regional Library. Mr. Taylor gave a history of the plans to build the new Topsail Regional Library, noting the plan was stopped from progressing because of the recession and the proposed site was vetoed by the Army Corp of Engineers. Mr. Taylor said since the Board is now considering renovating the old Topsail High School, he would

like the Board to consider the possibility of integrating a new library into that project. Board members discussed the possibility of integrating a new library into the school project and also discussed the Hampstead Annex. Mr. Taylor brought the Board up to date on the York House renovation project and thanked the Board for accepting the Dallas Herring Collection. Discussion included the York House renovations; the Dallas Herring collection; involving the community in the new 5 Year Plan; and technology in the 5 Year Plan, including Broadband and EBooks. Following discussion, the Board gave a nod to move forward with the concept Mr. Taylor presented for the Old Topsail School. Mr. Tate noted Mr. Taylor is the "Librarian of Authority" in the area, and in the State of North Carolina. Mr. Taylor introduced members of the Library Board and the Friends of the Library who were present in the audience.

4. Carolyn Moser, Health Director: Presentation of the State of the County Health Report (SOTCH).

Ms. Moser explained several areas of the report which had been provided. The report included: Life Expectancy Improves; Demographics; Poverty in Pender County; County Health Rankings; Leading Causes of Death for Pender County; Health Disparities; Contributing Factors for Chronic Disease; Health Concerns/Health Priorities; New Initiatives; and Emerging Issues. The entire report is on file with the permanent records in the Office of the Clerk to the Board.

PUBLIC COMMENT

Library Board member Kathy Sabella spoke about the crowded situation at the Hampstead Library and people having to be turned away at programs because of the limited spacing. Ms. Sabella commended the Board for their support and asked them to remember the Library as they consider the future of the Old Topsail School.

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. Williams seconded the motion and the Consent Agenda was unanimously approved as follows:

5. Approval of Minutes: Regular and Closed Session of January 7, 2013.
6. Resolution Approving Budget Ordinance Amendment for Crisis Intervention Program (CIP): \$121,507.
7. Resolution Authorizing Purchase Order to Confidential Records Management, Inc for Scanning Medical Records: \$17,799.

RESOLUTIONS

There were no non-consent resolutions.

DISCUSSION

8. Discussion of the Old Topsail School Renovation Assessment and Feasibility Study.

Discussion of this item included:

Mr. Williams: He has received many phone calls since Michael Mack's initial report, some of them offers to purchase the school; there are very few folks that are still skeptical about the renovations; what we will gain will offset the costs; and he supports moving forward.

Mr. McCoy: It will really be good for the County for the future; and we are already spending money over there leasing the Annex.

Mr. Brown: Everyone is looking at it positively but he talked with one gentleman in Real Estate who pointed out that the County would be missing potential tax dollars if we keep the property; he supports the renovation plan 100%; we have a lot of options here; and he is ready to move forward with it.

Mr. Tate asked what we mean by saying we are moving forward and Mr. Brown responded we are talking about keeping the old building and renovating it.

Mr. Ward: He was ok either way-whether we sold it or kept it, but looking at it overall, people wanted it to stay; and the best asset of the building is it has a stop light and good ingress and egress.

Other discussion included: Renovation costs; debt service for leasing the Annex; the building's history; and other possible uses of the building. Dr. Duvall noted the lease payments for the Annex will be increasing; we need to make some long-term decisions; and we will be talking about this and prioritizing projects at the February 4th workshop.

Mr. Brown asked for a show of hands of who wants to move forward with the renovation concept and all Board members did. Staff was instructed to perform a Space Assessment and Needs Assessment, including Mr. Taylor's space needs.

APPOINTMENTS

9. Resolution to Consider Approving Appointments to the Pender County Board of Adjustment, Pender County Planning Board and Pender County Social Services Board.

Mr. Brown introduced the resolution. Mr. Williams commented: He had a lot of folks talk to him about this; there are two new openings for the Planning Board and two re-appointments; there are five new applicants; he doesn't feel we should have another person from the real estate, building, construction, etc. industry; and he doesn't have anything against the people in these trades, but we need people from some other areas to give more balance to the Planning Board. Mr. Brown said he agrees with Mr. Williams. After more discussion concerning the applicants, the following appointments were made: Mr. Williams made a motion to re-appoint Elaine Nalee to serve a three-year term on the Pender County Planning Board representing the Ag/Environmental position, with term to expire January 31, 2016. Mr. Ward seconded the motion and it was unanimously approved. Mr. Williams made a motion to appoint Walter Baker to serve a three-year term on the Planning Board representing the Environmental position, with term to expire January 31, 2016. Mr. Ward seconded the motion and it was unanimously approved. Mr. Williams made a motion to re-appoint Hiram Williams to serve a three-year term on the Pender County Planning Board representing the Technical position, with term to expire January 31, 2016. Mr. Tate seconded the motion and it was unanimously approved. Mr. Tate commented: He knows applicant Vicki Foster; she is from District 5; and she would be his preference for the other position. Mr. Williams said he also knows Ms. Foster and he has nothing against her, but they are just trying to keep balance on the Board. Mr. Williams then made a motion to appoint Theatrice McClammy to serve a three-year term on the Planning Board representing an At-Large position, with term to expire January 31, 2016. Mr. McCoy seconded the motion and it was unanimously approved. Mr. McCoy made a motion to re-appoint Nick Ferrante to serve a three-year term on the Pender County Board of Adjustment representing District 1, with term to expire January 4, 2016. Mr. Williams seconded the motion and it was unanimously approved. After clarification that the open position on the Social Services Board does not have to be a Commissioner,

Mr. Ward made a motion to appoint F.D. Rivenbark to serve a three-year term on the Social Services Board representing a Board of Commissioners citizen appointment, with term to expire June 30, 2016. Mr. Williams seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he would have items for Closed Session, pertaining to Items 3 and 5.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall distributed to the Board a list of the top five Legislative Goals which would be presented at the NCACC Legislative Goals Conference on this Thursday and Friday. He said he will be attending to represent the Board as their Voting Delegate. The Board gave a nod of approval for Dr. Duvall to represent Pender County as the Voting Delegate.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate reminded Board members about the upcoming Pender Municipal Association Dinner on Friday, January 25, 2013 in Watha. It was noted Representative Walter Jones would be the keynote speaker. Mr. Brown, Mr. McCoy, Mr. Tate and Mr. Ward will be attending.

Mr. McCoy said a gentleman had contacted him concerning playing basketball at a school and he and the group playing had been told they couldn't use the gym anymore. There ensued discussion of the possibility of liability and insurance issues. Dr. Duvall was instructed to speak with someone at the Schools to see what the rules are and what needs to be done to have pick-up games in the gym.

Mr. Williams said he is pleased with the Board's moving forward with the Old Topsail School renovations, and hopes we can continue to move forward with it.

Mr. Brown said he also is pleased with moving forward with the School.

Mr. Tate made remarks commending the Commissioners' various projects they are passionate about and said he is glad the Commissioners champion each other in their projects.

CLOSED SESSION

At 6:15 p.m., Mr. Williams 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. Mr. Tate seconded the motion and it was unanimously approved. The Board exited the

closed session at 7:23 p.m., upon motion by Mr. Williams, second by Mr. Ward and a unanimous vote. There were no announcements made upon exiting the closed session.

PUBLIC INFORMATION

10. Resolution Recognizing the Public Service of Former Pender County Commissioner Bonnie Williams Parker.

Mr. Brown explained this had been on the agenda several times and no one in Ms. Parker's family was present to receive the plaque. The Board gave a nod to approve recognizing Ms. Parker and instructed staff to mail the plaque if no one picked it up from the office.

PUBLIC HEARINGS: SPECIAL USE PERMITS/RESOLUTIONS

11. Public Hearing and Resolution Requesting Approval of Amendment to the Pender County Unified Development Ordinance, Sections 2.9.1, 2.9.2, 2.11, 3.6.1, and 3.6.2.

The public hearing opened at 7:25 p.m. and Planning Director Kyle Breuer explained the proposed amendments. No one wished to speak and the public hearing closed at 7:26 p.m. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

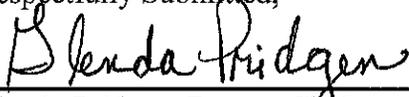
12. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Sweepstakes Center, Located at 13493 NC Highway 210, Rocky Point.

The public hearing opened at 7:26 p.m. Mr. Thurman explained: The applicant is not present; Mr. Breuer has tried to contact the applicant several times but they never responded; no one is here to present or submit sworn testimony or any evidence that the center would be operated legally; and the Board can deny the request. Mr. McCoy made a motion to deny the Special Use Permit Mr. Ward seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, Mr. McCoy made a motion to adjourn. Mr. Ward seconded the motion and the meeting adjourned at 7:28 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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

