

MONDAY, MAY 20, 2013

The Pender County Board of Commissioners met in regular session on Monday, May 20, 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 Chester Ward, and David Williams.

MEMBERS ABSENT: Jimmy Tate.

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 4:10 p.m. and thanked and welcomed all.

INVOCATION

Mr. Ward offered the Invocation.

PLEDGE OF ALLEGIANCE

Mr. McCoy led the Pledge of Allegiance.

EXCUSE COMMISSIONER

Chairman Brown announced that Mr. Tate would not be in attendance today. Mr. Williams made a motion to excuse Mr. Tate, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC INFORMATION

1. **Recognition of Pender High School JROTC Cadets Charles Peel and Daniel Brigman who Saved the Lives of an Elderly Couple by Helping them Escape from their Burning Home.**

Mr. Brown read a statement from the Emergency Management Office which gave the facts of Mr. Peel and Mr. Brigman's heroic act. Mr. Brown read and presented a Certificate of Recognition to both young men. Those who came forward to stand with the young men were Principal Craig Brown, ROTC Sergeant Major Phillip Price, Superintendent Terri Cobb, Board of Education Chairman Karen Rouse, and Chief Warrant Officer Samuel Williams. Board members commended and thanked the two young men for their act of selflessness.

PUBLIC COMMENT

Attorney Robert Kenan came forward and asked to have Item #11 pulled from the agenda. Mr. Kenan was informed that he would need to come back to the 7:00 meeting to have the item pulled because someone may attend who has an interest in it. Mr. Kenan distributed information to the Board concerning his clients William and Duane Bell, with respect to a property issue with the County.

CONSENT AGENDA

Mr. Brown presented the six items on the Consent Agenda and asked for any discussion or questions. Mr. Williams asked if he would need to remove himself from voting on Item No. 3 because the roads are in his neighborhood. Mr. Williams was told he didn't need to remove himself. Mr. Ward made a motion to approve the Consent Agenda, Mr. Williams seconded the motion and the Consent Agenda was unanimously approved as follows by a 4-0 vote:

2. Approval of Minutes: Fire Departments' Budget Work Session-April 15, 2013; County Departments' Budget Work Session-May 6, 2013; Regular and Closed Session-May 6, 2013.
3. Resolution Accepting Petition to Add Pebble Beach Drive and Azalea Court in Hampstead to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
4. Resolution Authorizing Issuance of Purchase Order to Priority Dispatch for Software Maintenance and Support: \$5,692.50
- 5a. Resolution Authorizing Approval of a FY 2012-13 Budget Ordinance Amendment Increasing State Aid to Public Library Fund Revenue and Library Department Expenditures by \$6,101.
- 5b. Resolution Authorizing Contract and Purchase Order to The Library Corporation: \$15,000.
6. Resolution Authorizing an Amendment to the Current FY 2011 CDBG Scattered Site Program Housing Assistance Policy.

RESOLUTION

7. **Resolution Authorizing Up-Grade of Sports Lighting on Guine Field at Hampstead Kiwanis Park.**

Mr. Williams said Guine Field is the first baseball field to get lights at Hampstead Kiwanis Park and said Topsail Ball Club has made a commitment to assist with this project financially. Ms. Turner explained: In preparing for a district baseball tournament to be played at this field in July, they became aware that the sports lighting is below standards, especially for tournament play for 11-12 year olds; it is a safety hazard; and to rectify the situation, new light poles need to be installed that are taller than the existing one. There was discussion concerning the cost to the County and Ms. Turner said there is a balance of \$44,005 with the Parks and Recreation Capital account. Following more discussion, Mr. Williams made a motion to approve the resolution, with the stipulation that the County's share is not-to-exceed \$20,000. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

DISCUSSIONS

8. **Discussion of Fire Service and Future Planning for Eastern Pender County.**

Mr. Williams explained he requested this item to be put on the agenda because there is a need to better utilize tax funds. Mr. Williams' comments included: He didn't plan on the Board taking any big vote tonight, but instead of them talking about it in closed session or a one-on-one meeting, he wants it aired out; the Board wants to eliminate anything personal; to discuss overall responsibility; there are different entities and different mutual aids; what can the Board do to make it better; things naturally change over time; where do we go from here; we want to make sure we are doing everything we can regardless of personalities; how do we keep it fun for the guys who want to volunteer and keep everybody safe; politics should not be involved; and moving forward, he doesn't see it getting any easier. Fire Marshal Charles Newman

demonstrated the fire departments on the east side of the County, explaining each district, how some districts extend into other districts and explaining the districts' ISO ratings. Mr. Brown's remarks included: Looking at the maps it doesn't make sense and he has questions; he wants Pender County taxpayers to get the most efficient use of tax dollars; if you were paying for a business, is there a better way to serve the public on the east side of the county; and that is what it comes down to – can we take the same amount of money that we are spending and provide better coverage for that entire area, something that makes better sense. The Board then discussed having outside consultants look at the area and make recommendations regarding fire protection in the County's most densely populated areas. Mr. Williams said he believes this is the only way any changes can be made. Burgaw Fire Chief Bill George said he thinks fire officials in the county have the ability to study the problem and come up with a solution and said he would like to think the Board has enough confidence in fire officials to do this. Mr. Williams commented: He has been doing this long enough to know that the east side in particular won't be worked out between the departments on their own; he knows that without mediation of some type, that won't happen; there is too much history, politics and bad blood, particularly in eastern Pender County, to work it out among the departments; and we need somebody from the outside that don't have "a dog in the fight" that can look at things objectively. Long Creek Fire Chief Eddie Thomas said he thinks having someone from out of the County to look at the fire protection situation and inform them on what might be a better direction would be a good idea. Mr. Williams said the Board is not talking about next year or the year after, they are looking at it long-term, and this is just to get it started. Chris May of Cape Fear Council of Governments discussed the Pender County Emergency Services Strategic Planning sessions and issues they addressed. He said 95% of attendees are firefighters, and one of their number one concerns is communication issues. Mr. Ward asked for an explanation concerning communication issues and Sloop Point Fire Chief Scott Sills explained there is not enough staff at the Dispatch Office. Discussion ensued concerning the dispatcher issue, and Sheriff Smith said he is asking for two new telecommunicators in this year's budget. There was discussion of substations and the fact that Surf City Fire Department is all volunteer. Board members thanked all volunteer firefighters for all they do for the County. The Board agreed to continue the discussion and take up the issue at a future meeting.

APPOINTMENTS

9a. Resolution Approving Appointment to the Pender County Health Board.

Mr. Brown introduced the resolution and explained this appointment is for the pharmacist position on the Health Board. Mr. Williams made a motion to approve the appointment of Nicole Buchanan to serve a three-year term on the Pender County Health Board representing the Pharmacist position, with term to expire January 31, 2016. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

9b. Resolution Approving Reappointment to the Cape Fear Community College Board of Trustees.

Mr. Brown explained Surf City Mayor Zander Guy had been appointed to fill the remainder of Mr. Tate's term on the CFCC Board of Trustees, that term has now expired, and CFCC is requesting the Board of Commissioners to reappoint Mr. Guy. Mr. Ward made a motion to reappoint Mayor Zander Guy to serve a four-year term on the Cape Fear Community College Board of Trustees. Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he and the Manager would have items for closed session.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall deferred to Planning Director Kyle Breuer. Mr. Breuer informed the Board of a meeting with the Planning Department and the Maple Hill Small Area Plan Steering Committee to be held on June 1 from 10:00 a.m. to 12:00 noon to answer questions and provide information.

Dr. Duvall said Al Freimark has invited everyone to a Metropolitan Planning Organization meeting tomorrow at which the Cape Fear Transportation 2040 Plan will kick off.

Dr. Duvall said Tony Clewis of the Public Works Department will be cycling for “Lump to Laughter”, an organization that helps women with breast cancer. Mr. Clewis will be cycling from Hampstead Kiwanis Park to Myrtle Beach on June 22nd and will start back from Myrtle Beach on June 23rd.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. McCoy said the first Animal Shelter Committee meeting will be held tomorrow and he is looking forward to it.

CLOSED SESSION

At 5:46 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; 4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; and 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. Ward seconded the motion and it was unanimously approved by a 4-0 vote. The Board exited the closed session at 7:00 p.m. There were no announcements made upon exiting the closed session

**PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/
RESOLUTIONS**

10. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a Telecommunication Tower, Located on Belt Road, East of the Intersection of NC Highway 210 and NC Highway 50 in Hampstead.

The public hearing opened at 7:04 p.m. Mr. Thurman swore in the witnesses for all the Special Use Permit Requests. Planner Ed McCarthy explained the Land Use Proposed; Telecommunication Towers Definition; Property Record Number and Location; Zoning District of Property; Project Description; Evaluation; and Technical Review Committee Responses. Evaluation included: Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area; Site Access Conditions, and Conditions to Consider in Issuing the Special Use Permit. Attorney Scott Holmes, Jonathan Yates and Keith Powell of Optima Towers spoke on behalf of the project. They demonstrated and explained the project in more detail, giving the history of the property and demonstrating the areas of coverage. Discussion included: The tower will be a 195 foot monopole style tower; it will be designed to accommodate five communication carriers; and this property is the perfect location for the tower. Mr. Yates said he has dealings with lots of people building towers, and Pender County has an incredible Planning Staff. Mr. Thurman verified with the applicant that everything presented in the permit application is true to the best of his knowledge. No one else wished to speak and the public hearing closed at 7:15 p.m. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

11. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a Telecommunication Tower, Located along the Western Side of US Highway 17, East of Lark Lane in Hampstead.

At the request of the Applicant's Attorney, this item was pulled from the agenda and continued to June 17, 2013.

12. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a Telecommunication Tower, Located along the Eastern Side of US Highway 17, North of Scotts Hill Loop Road in Scotts Hill.

The public hearing opened at 7:15 p.m. Mr. McCarthy explained the Land Use Proposed; Telecommunication Towers Definition; Property Record Number and Location; Zoning District of Property; Project Description; Evaluation; and Technical Review Committee Responses. Evaluation included: Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, and Conditions to Consider in Issuing the Special Use Permit. Optima representatives demonstrated and explained the project in more detail, giving the history of the property and demonstrating the areas of coverage. Discussion included: The tower will be a monopole style tower; the transmission line on the property cuts the property in two; the property has nice tree cover; the actual fall zone is only 79'; and in case of a catastrophe it will fall within Mr. Blake's property. Mr. Brown asked about the request to reduce the setback and asked won't the Board set a precedent if they approve it. Mr. Breuer said it wouldn't set a precedent because the Unified Development Ordinance specifically enables the Board of Commissioners with a framework in which they may grant reductions in the setback requirements. In requesting a reduction in setbacks, the burden of proof rests with the applicant and is reviewed on a case-by-case basis. Mr. Thurman verified with the applicant that

everything presented in the permit application is true to the best of his knowledge. No one else wished to speak and the public hearing closed at 7:34 p.m. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

13. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of One Tract from PD, Planned Development Zoning District to RP, Residential Performance Zoning District, Located off Carver Drive in Rocky Point.

The public hearing opened at 7:34 p.m. Planner Ben Andrea explained the Rezoning Proposal; Property Record Numbers, Acreage and Location; Staff Recommendation; Description; and Evaluation. Evaluation included: Public Notifications, Existing Zoning in Area, Existing Land Use in Area, 2010 Comprehensive Land Use Plan Compliance, and Unified Development Ordinance Compliance. Mr. Brown asked what does this rezoning accomplish and Mr. Andrea responded that under the current regulations, any development in the PD Zoning District requires a mixed use component, meaning that there had to be some residential and non-residential uses. By rezoning to RP, the applicant may pursue a development that is strictly residential. No one else wished to speak and the public hearing closed at 7:40 p.m. Mr. McCoy made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

14. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of One Tract from RP, Residential Performance Zoning District to GB, General Business Zoning District, Located at 12395 NC Highway 50 in Hampstead.

The public hearing opened at 7:40 p.m. Mr. Andrea explained the Rezoning Proposal; Property Record Numbers, Acreage and Location; Staff Recommendation; Description; and Evaluation. Evaluation included: Public Notifications, Existing Zoning in Area, Existing Land Use in Area, 2010 Comprehensive Land Use Plan Compliance, and Unified Development Ordinance Compliance. No one wished to speak and the public hearing closed at 7:43 p.m. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

15. Public Hearing and Resolution Requesting Approval of an Amendment to the Pender County Unified Development Ordinance to Amend Section 5.2.3, Table of Permitted Uses.

The public hearing opened at 7:43 p.m. Mr. Breuer explained the Text Amendment Proposal; Background; Administrator/Planning Board Recommendation; Evaluation as Prescribed in the Pender county Unified Development Ordinance (UDO); and Staff Recommendation. Discussion ensued concerning indoor and outdoor shooting ranges. Mr. Breuer explained this action will take "Outdoor Shooting Ranges" out of the broad range of "All Other Amusements and Recreation" in the UDO. He said this will not affect individuals shooting on their own property. No one else wished to speak and the public hearing closed at 7:52 p.m. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

16. Public Hearing on the Pender County FY 13/14 Submitted Budget.

The public hearing opened at 8:00 p.m. Dr. Duvall presented a "Budget Summary" and him and/or Mr. Watson explained each topic. Dr. Duvall explained: The proposed Pender County General Fund Budget is \$51,559,963; Tax Base estimated at \$6,406,978,792; Fund Balance is

estimated at 28.32%; tax rate remains at 0.5120 per \$100; collection rate of 96.00% is recommended this year based on the previous year audited collection rate of 96.59%; and Tax Levy is estimated to be \$31,491,582. Other topics explained included: Fund Balance Position; Undesignated Fund Balance; Undesignated/Unreserved Fund Balance; General Fund Revenue Sources; Summary of General Fund Revenue Sources; Estimated General Fund Appropriations; General Fund Revenues; Property Tax Revenues; Property Tax Distribution; Notable Recommended FY 13/14 Required Budget Spending; FY 13/14 Pender County Public Schools; FY 13/14 Public Health Budget Highlights; FY 13/14 DSS Budget; FY 13/14 Sheriff Department/Jail Highlights; Pender County Fire Districts FY 13/14 and FY 12/13; Public Utilities-Water & Sewer Funds and Solid Waste; Capital Improvements; and Summary of General Fund. Discussion included the Schools asking for an \$843,453 increase and Surf City Fire Department asking to increase their tax rate from \$.07 to \$.08; this was not included in the budgeted numbers. With reference to the Schools, Dr. Duvall said it would take a 1.38¢ property tax increase to provide the \$843,453 additional request by the Schools (this would increase the millage rate from the current \$.5120 to \$.5258). Dr. Duvall and Mr. Watson further indicated that the Schools' budget request was received by May 15, 2013 as required by law, but they did not receive any information from the Schools indicating this amount of increase until after the recommended FY 13/14 budget was submitted to the Board of Commissioners for review on May 3, 2013. Mr. Ward was concerned about Surf City Fire Department. Mr. Watson clarified that Surf City VFD is operating "in the red."

No one was in the audience to speak on the submitted budget. The public hearing closed at 8:45 p.m.

The Board entered into closed session again at 8:45 p.m., and exited at 9:25 p.m. No announcements were made upon exiting the closed session.

ADJOURNMENT

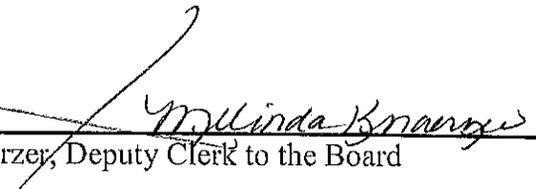
There being no further business, the meeting adjourned at 9:25 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

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