

## **MONDAY, JUNE 17, 2013**

The Pender County Board of Commissioners met in regular session on Monday, June 17, 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 4:10 p.m. and thanked and welcomed all.

### **INVOCATION**

Commissioner Tate offered the Invocation.

### **PLEDGE OF ALLEGIANCE**

Chairman Brown led the Pledge of Allegiance.

**Chairman Brown noted the applicant for Item No. 18 had requested that the item be withdrawn.**

**It was the consensus of the Board to conduct the Public Information Section before holding the Public Hearing.**

### **PUBLIC INFORMATION**

#### **2. Recognition of Colleen and Adam Holmquist and Mark Fowler, Hampstead Residents, who Performed Acts of Heroism Responding to an Automobile Accident.**

Mr. Brown asked Mr. and Mrs. Holmquist, Mr. Fowler and the young man whose life was saved, Zachary Johnson, to come forward. Mr. Ward read the following: While sitting in their home in Olde Point on August 14, 2012, Colleen Holmquist and her husband Adam Holmquist heard a car speeding down Olde Point Road towards their house. They then heard screeching tires and what sounded like a severe collision. Mr. and Mrs. Holmquist immediately got up, grabbed a medical kit, and began moving to the scene of the apparent accident. Before they reached their car they began hearing screams and cries for help. Upon arrival at the scene, Mr. and Mrs. Holmquist and their neighbor, Mark Fowler, who had also heard the accident and come to assist, jumped out and began moving towards the screams. While they were approaching the vehicle, they began to hear one of the victims, who had apparently been ejected from the car, calling for help some distance from the vehicle. While her husband, Mr. Fowler and Deputy Clay Barbee who had arrived on the scene, moved to the vehicle, Mrs. Holmquist moved to locate and assist the ejected victim. Mr. Holmquist and Mr. Fowler announced to Deputy Barbee that they are Combat Medics. The three went to the car where a young male was laying in the front passenger seat and a female in the back seat. The two Combat Vets were working on the male in the car when one of them said "we need to get a line started on him." They had a bag on the car and began working and got a line started to the victim's nose to assist his breathing. EMS arrived soon after the line was started and they

took over. Deputy Barbee attributed the young man's life to these two gentlemen who gave of themselves unselfishly.

Once Mrs. Holmquist located the ejected victim, who was entangled and buried under a combination of tree branches, vines, and underbrush, she immediately began reassuring the victim that help was on the way. She stayed with the victim until more emergency personnel arrived. Once she realized that first responders had arrived on the scene, she moved to meet them on the road and began leading them and directing them to the location of the victims. Once she had ensured emergency personnel were with all of the victims, Mrs. Holmquist moved back to the road and continued directing other emergency personnel as they arrived on the scene. While leading the emergency personnel to the victims, Mrs. Holmquist was told by one of them that "Life Line," referring to helicopter evacuation, was needed. She immediately moved to a State Highway Patrol vehicle and after making the Trooper aware of the need for Life Line, assisted him with directing the helicopter to the scene. Mr. and Mrs. Holmquist and Mr. Fowler then continued to assist other emergency personnel in any way they could.

Mr. Ward then read and presented Mr. and Mrs. Holmquist and Mr. Fowler with certificates of appreciation. The three and Mr. Johnson received a standing ovation from the audience. Deputy Barbee was also in attendance.

### **3. Senior Planner Ben Andrea: Update on Maple Hill Small Area Plan.**

Mr. Andrea said because they are about halfway through the Maple Hill Small Area Plan project, Staff wanted to update the Board on the progress. Mr. Andrea explained: At the January 7, 2013 Board meeting, staff received permission to undertake a small area plan project for the Maple Hill Community; a public kickoff meeting was held at the Maple Hill Resource Center on January 26, 2013 to inform the community about the project, start some discussions, and solicit participation for the Steering Committee; applications for the steering committee were received and a Steering Committee was appointed by the Board of Commissioners on February 19<sup>th</sup>; the committee includes two Planning Board members, Chairman Boney and Mr. Marshburn; staff and the Steering Committee have had four meetings so far; and they meet on the last Wednesdays of the month from 6:00 to 8:00 p.m. at the Maple Hill Resource Center. Some specific milestones include: Introduced Small Area Planning process to Steering Committee; completed Public Input Survey and analysis of results; drafted a vision statement for the plan and a mission statement for the Steering Committee, and drafted the existing conditions and history sections of document; completed goals for topics of Housing and Environmental Issues and Constraints; identified issues and opportunities in order to draft goals for Services and Utilities; and held a Community Input Meeting at the Resource Center to update the community on the project on June 1<sup>st</sup>. Mr. Andrea further explained: They have four more discussion areas, which are Transportation, Economic Development, Parks and Recreation, and Community Heritage; after they discuss all of the topic areas, they will have a complete draft of the document; they intend to present this to the Steering Committee in August; a final Community Input Meeting is scheduled for Saturday, September 14<sup>th</sup>, followed by a period of two weeks for public input and comment; after any final edits, the final draft is tentatively scheduled to be presented to the Planning Board at their November meeting and to the Board of Commissioners at their December meeting for adoption.

Mr. Ward apologized to the community for not attending the meetings, saying he did not realize he was on the committee until Mr. Andrea reminded him he had volunteered to be on it. Board members thanked Mr. Andrea and other staff working with the Maple Hill Community.

## **PUBLIC HEARING**

### **1. Public Hearing to Receive Public Comment on the Pender County Board of Commissioners Exercising its Powers to Assume Control of the Activities of a Consolidated Human Services Board.**

The public hearing opened at 4:25 p.m. Dr. Duvall distributed additional information concerning the structure of the Health and DSS Boards, and copies of agendas of past DSS Board meetings. Mr. Brown explained this is something the Board had talked about back in May, and a public hearing is required before the Board can go any further on it.

DSS Board Member Dot Spencer spoke and her comments included: How is the Board going to combine the two agencies; if they attempt to do this in-house they won't succeed; they need to hire a team from outside to make it work; the team has to be given free access to the people on the ground; this effort is going to take away a lot of time from everybody; and if the departments do consolidate, the Board needs someone to evaluate it. Mr. Brown said it is not about combining Health and DSS as one department, it is being structured to put the departments under one umbrella, and it is about putting responsibility on the shoulders of the Commissioners. Mr. Williams said it will put final accountability on the Board of Commissioners, but the Board won't be taking over day-to-day operations. Mr. Brown said we have to meet minimum qualifications in order to consolidate; the DSS Board and Health Board would no longer be the decision-making boards-they would be advisory boards; and the advisory boards will make recommendations to the Board of Commissioners.

There was discussion concerning the CHS Director's role. Mr. Ward said we already have two directors in place and he is not going to agree with hiring another person in this county. Mr. Brown explained: The CHS Manager will serve in a dual role; we can use someone in-house; we are not going out and creating a whole new person; Brunswick County didn't hire a new person-they are using their Assistant County Manager; this is creating a figurehead position; the Board is not advocating someone outside to do it; and we have people in-house that can do it. Mr. Tate asked if we are going to do it, why not leave it under the Manager. Dr. Duvall read the following from the School of Government with respect to who will be the head of the agency: "The consolidated human services director will be assuming all of the powers and duties of the DSS and Health directors. The CHS director may then choose to delegate some responsibilities to others in the new agency. If the CHS director does not meet the minimum education and experience requirements required of a health director, the CHS director must appoint someone in the agency who does satisfy those requirements." Human Resources Director Denise Mulhollen said according to GS 130A-40, if anyone on the County Manager's staff has the qualifications, they could be CHS Director. Mr. Brown reiterated that this will give accountability to the Board and said there will be no change in services from either agency.

DSS Board Chairman Frank Perez had questions, which included: Is the DSS Board doing a bad job? How will this affect the employees? Will anyone get fired? Mr. Brown responded: The Board is not saying the DSS Board is doing a bad job; this goes back to some Health Department issues some years back, in which the Board of Commissioners couldn't do anything about it; the Board has to answer to the public on decisions it makes; and the only change for the employees is they will no longer work under State Personnel guidelines. Mr. Williams said nobody said the DSS Board messed up and there is lots of misinformation out there. Mr. Perez said the Board of Commissioners has been invited to DSS Board meetings but no one ever came. He said everything will be okay as long as the employees, the Director and DSS Board members don't get hurt.

Board member Samenthia Jones said she is representing the DSS Board and distributed a statement for the Board to read.

Gentry Sessoms, a citizen, made comments: He works part-time at a local grocery store; he sees horrendous food stamp abuse; he was told the county only has one food stamp investigator; and the Board should hire another investigator. Mr. Ward asked what abuse he sees. Mr. Sessoms gave some examples of people selling food stamps at a discount and taking the cash to buy alcohol, play video games, and other activities. Mr. Sessoms said he made complaints to two different Social Workers who didn't want to talk to him. They told him they would take the complaint if he insisted but nothing would be done. The Social Workers said they were overwhelmed with cases, and they wouldn't get to Mr. Sessoms complaint. Mr. Tate said he can't believe Dr. Shiver or her staff would respond with such negativity. Mr. Brown advised Mr. Sessoms to make an appointment to speak with Dr. Shiver.

There ensued discussion concerning the affected employees' personnel status. Mr. Ward asked if the employees will no longer be state employees. Mr. Tate explained they are not state employees now; they only work under State Personnel Policy. Mr. Thurman gave an example of how being under State Personnel Policy can have a downside: A Health Department employee was fired for falsifying her timesheet; the employee appealed the decision to fire her; the employee offered to pay the county the money back; she filed an appeal; the Administrative Judge said the employee couldn't be fired and her job would have to be reinstated. He said consolidation will put all employees under the same County Personnel Policy. Mr. Ward said the State Personnel Policy information sheds a different light on this for him. Mr. Tate said he doesn't want it to go out that consolidation is the result of employees falsifying information. After more discussion concerning State Personnel Policy, the public hearing closed at 5:26 p.m. Mr. Williams made a motion to approve a resolution to establish a Consolidated Human Services Board, with the caveat that the Department of Social Services and the Health Department will each have an Advisory Board within the structure. Mr. McCoy seconded the motion and it was approved by a 4-1 vote, with Mr. Tate voting in opposition. Mr. Williams made a motion to approve a resolution that the Board of Commissioners will assume the powers and duties of the CHS Board (becoming governing board for the agency). Mr. McCoy seconded the motion and it was approved by a 4-1 vote, with Mr. Tate voting in opposition. Dr. Duvall suggested himself as Interim CHS Director and the Board gave its advice and consent to his selection. Mr. Thurman said Dr. Duvall will then come back and make a recommendation on a permanent Director.

#### **PUBLIC COMMENT**

No one wished to speak under Public Comment.

#### **CONSENT AGENDA**

Mr. Brown presented the five items on the Consent Agenda and asked for any discussion or questions. With respect to Item No. 6, Mr. Ward said based on any study done, who will be picking up the cost. Dr. Duvall said this is for the study the Commerce Park and will allow the county access to any contiguous adjacent properties. Mr. Thurman said the County will be responsible for the costs. Mr. Brown explained the study is grant-funded, and there will be some participation costs involved. Mr. McCoy had concerns about Item Number 8 and it was the consensus of the Board to vote on this item separately. Mr. Tate made a motion to approve the remainder of the Consent Agenda, Mr. Ward seconded the motion and the remainder of the Consent Agenda was unanimously approved as follows:

4. Approval of Minutes: County Departments' Budget Work Session-June 3, 2013; Regular and Closed Session-June 3, 2013.
5. Resolution by the Pender County Board of Commissioners Authorizing Adoption of the Proclamations: "Pink Heals Day" & "Care Enough to Wear Pink Days."
6. Resolution Authorizing Approval of Pender Commerce Park Access Agreement for Rail Feasibility Study until December 31, 2013.

7. Resolution Authorizing Approval of a FY 2012-13 Budget Ordinance Amendment Decreasing Federal LSTA Revenues and Expenditures: \$20,000.
8. **Resolution Authorizing Purchase Order to Nash Equipment Co., Inc., to Purchase One Kubota L3560 Tractor with Loader: \$25,668.**

Public Works Administrative Officer Pat Simmons explained: The tractor that is currently being used is too heavy for some of the applications and causes damages to the athletic fields; and due to previous damages to the fields at Hampstead Kiwanis Park and Pender Memorial Park, it is recommended to purchase a Kubota 3560 tractor, which includes turf tires and front end loader. Mr. McCoy asked why not just purchase turf tires. Groundskeeper Adrian Carroll responded the tractor they are currently using has turf tires, but it is too heavy to use on the athletic fields. Mr. McCoy and Mr. Tate showed concern about the need to have two tractors. Mr. Carroll said it is good to have the big one as a backup for emergencies. Mr. McCoy asked if they were offered a trade and Mr. Carroll responded they could get more for the tractor if it surplussed rather than traded. Ms. Simmons noted they also use the tractor for other projects. Mr. McCoy said the bottom line is we don't need two tractors. After more discussion, it was the consensus of the Board to allow staff to go ahead and purchase the tractor, to evaluate use of the current tractor and come back to the Board if they see a need to keep the current tractor. Mr. McCoy then made a motion to approve Item Number 8, Mr. Tate seconded the motion and it was unanimously approved.

## RESOLUTIONS

9. **Resolution Authorizing Approval to Cancel the Current Contract with Surf City Volunteer Fire Department for the Northeast Pender Fire District and Enter a New Contract with the Town of Surf City Fire Department for the Entire Coverage of the Northeast Pender District.**

Emergency Management Director Tom Collins explained: Surf City VFD is losing a lot of its territory due to annexation by the Town of Surf City; the Department has been operating in the red for some time; other events transpired; the Board turned down refinancing current debt and financing of a truck at the last meeting; and Surf City VFD's money is running out. EMS Director Woody Sullivan explained: He talked to Surf City VFD Chief Batts and told him what he and the other departments were doing; he told Mr. Batts there is a very sensitive timeline transferring assets into one; Mr. Batts' response was he did not want to be a part of this; he had told Mr. Batts to get data to him by last Friday and Mr. Batts hadn't responded; and Mr. Batts gave him a letter to deliver to the Board. Mr. Tate said he is disappointed Mr. Batts is not here to speak to this important matter. Mr. Williams asked Surf City Chief Joel Rivenbark to confirm he will be keeping Surf City VFD volunteers. Mr. Rivenbark said he had assured Mr. Batts he would hire four of his part-timers. Mr. Ward asked if the public had been made aware of this new contract and Mr. Brown said that is why it is on the agenda. Mr. Ward said he is concerned that the people in his District didn't know about this. Mr. Ward asked if Mr. Collins had talked with Mr. Batts and Mr. Collins responded "no." There was discussion of the merger with EMS and the fire departments and discussion of the letter from Mr. Batts. Mr. Brown explained the steps taken to come to this point and said the County approached Surf City about this, Surf City didn't approach the County. Mr. Tate said Mr. Ward brought up a valid point that the people in his District should have been informed about this. Mr. Ward said as a courtesy to the people in his district he won't be voting on it. Mr. Williams asked if anybody's rate would go up and Mr. Rivenbark said it would be a split district and anyone within 1,000 ft. of a Town hydrant would be a 6. Mr. Rivenbark said if this is approved he will advertise for two positions tomorrow and two later on. There was discussion of holding a public meeting before voting on the item. Mr. Williams said he had this put on the agenda. Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was approved by a 4-1 vote, with Mr. Ward voting in opposition.

**10. Resolution Approving Reappointment of Anthony Masiero as Tax Assessor.**

Dr. Duvall explained: Per N.C. General Statute, the Board of County Commissioners has to appoint a County Tax Assessor to serve a term of not less than two nor more than four years; when a vacancy occurs, the Board shall appoint a qualified person to serve for the period of the unexpired term; on August 16, 2010 Anthony Masiero was appointed to fill the remaining term of outgoing Tax Assessor Coby S. Heath; and Mr. Heath's appointment began July 1, 2009 and was to end on June 30, 2013. Mr. Ward asked what the qualifications for the Tax Assessor position are and if Mr. Masiero has his certifications. Mr. Masiero confirmed that he had received all the required certifications. Mr. McCoy made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**11. Resolution Approving Reappointment of Barbara Murray as Tax Collector, and Tereca Crenshaw and Sarah Pridgen as Deputy Tax Collectors.**

Dr. Duvall explained: Per NC General Statute, the Board of Commissioners has to appoint the Tax Collector and Deputy Tax Collectors; the current terms expire June 30, 2013; Ms Murray is recommended to be appointed as Tax Collector; and Ms. Crenshaw and Ms. Pridgen are recommended to be appointed as Deputy Tax Collectors. Mr. Tate made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

**12. Resolution Authorizing Approval of Surf City Pyrotechnic Display on July 3, 2013, in Accordance with North Carolina General Statute 14-413.**

Assistant Fire Marshal Tommy Batson explained: The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all pyrotechnic displays under N.C.G.S. 14-413; this requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed; the State of North Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that modified the General Statutes to define the term fireworks "expert" as a state requirement to obtain a display operator's permit effective February 1, 2010; the Fire Marshal's Office will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display; the pyrotechnic display will be a public display in Surf City NC on July 3, 2013; it will be conducted by an approved and licensed fireworks company; and the display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. Mr. Tate asked when a fire complaint comes in, who does the inspection. Mr. Batson responded the closest one to the site will respond – Mr. Collins, Fire Marshal Charles Newman, or himself. Mr. Tate asked if they have to be recertified and Mr. Batson responded "yes, every year." Mr. Tate asked if Human Resources review positions for certifications and other requirements and Ms. Mulhollen responded not yet, but she will be putting a system in place. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

**13. Resolution Authorizing Approval of Updated Interlocal Water Purchase Agreement between Rocky Point/Topsail Water and Sewer District and the Town of Wallace.**

Dr. Duvall explained: The original Interlocal Water Purchase Contract with the Town of Wallace for the ability to purchase potable drinking water was approved on December 6, 1999; the agreement was later amended on September 2001, January 2005, August 2007, and April 2010; and that even with the new Pender County Surface Water Treatment Plant, the District desires to retain a water supply from another source. Mr. Tate made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

14. **Resolution Authorizing Staff to Proceed with Requesting the Local Government Commission (LGC) to Extend the Time to Issue the General Obligation Bonds Approved by Voter Referendum on November 7, 2006 for an Additional Three Years from the Original Referendum Date for the Central Pender and Moore's Creek Water and Sewer Districts.**

Mr. Mack explained: On November 7, 2006, the voters within the Central Pender and Moore's Creek Water & Sewer Districts approved the Districts to issue General Obligation Bonds for the extension of water distribution lines into each of their respective Districts; without having capacity there was no use going forward; and this resolution is just to ask for an extension on the time. Following discussion, Mr. Ward made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

15. **Resolution Adopting the FY 13/14 Budget Ordinance for the Fiscal Year Beginning July 1, 2013.**

Dr. Duvall explained: The General Fund Recommended Budget is \$51,559,963; the tax base is estimated at \$6,406,978,792; the budget being adopted by this action is less \$48,034 in the Sheriff's Department Budget and being held in General Fund Contingency 999 which will allow Commissioner Chester Ward to vote on the overall Budget since Commissioner Ward serves as a Sheriff's Deputy employed by Pender County; a subsequent amendment will follow which will add Deputy Ward's salary back to the Sheriff's Department Budget; and Commissioner Ward will recuse himself from voting on the subsequent amendment to prevent any appearance of a conflict of interest or impropriety as an elected public official. Dr. Duvall said the School of Government has said if the Board is going to consider a merger of the fire departments and EMS, we cannot set any kind of tax rate. There was discussion of the merger, property taxes, fire tax increases for the merger, the possibility of the Schools coming back asking for more funding, and voting on taxes separately after the merger is approved. Mr. Thurman cautioned the Board that they need to go ahead and pass the budget with the current fire tax rates in case something happens and they can't meet a quorum. He said the Board can continue this meeting and come back to vote on the new fire tax rates. There was discussion of holding a public meeting. Mr. Williams asked what the purpose of holding a public meeting is if you are not going to do anything. He said waiting to vote on the merger will kill it and you will have to wait a whole year to vote on it again. Mr. McCoy made a motion to approve the Budget Ordinance, Mr. Ward seconded the motion and it was approved by a 4-1 vote, with Mr. Williams voting in opposition.

16. **Resolution Approving FY 13-14 Budget Ordinance Amendment.**

Dr. Duvall explained this is the amendment that will add Mr. Ward's salary and benefits back to the Sheriff's budget. Mr. Tate made a motion to excuse Mr. Ward, Mr. Williams seconded the motion and it was approved by a 4-0 vote. Mr. McCoy then made a motion to approve the amendment, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

## **APPOINTMENTS**

17. **Resolution Approving Appointment to the Pender County ABC Board, the Pender County Fire Commission and the Nursing/Adult Care Homes Advisory Board.**

Mr. Brown introduced the resolution, explained each position applied for and verified with the Deputy Clerk that there was only one applicant for each position. Mr. Ward made a motion to approve the following appointments: Reappointment of Don Hall to the ABC Board to serve a three-year term representing District 3, with term to expire June 30, 2016; reappointment of Robert Chace to the Fire Commission to serve a three-year term representing the Town of Surf City, with term to expire June 30, 2016; appointment of Shannon Bennett to the Fire Commission to serve a three-year term representing an At-Large position, with term to expire June 30, 2016; and appointment of Jeannine Smith to the

Nursing/Adult Care Homes Advisory Board to serve a three-year term, with term to expire June 30, 2016. Mr. Williams seconded the motion and it was unanimously approved.

## **ITEMS**

Due to the fact that it was almost 7:00 and time for public hearings, the County Attorney, County Manager or County Commissioners deferred any additional items they may have had.

Mr. Tate noted he needs to leave the meeting for a while. Mr. Williams made a motion to excuse Mr. Tate, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Tate later returned during Closed Session.

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

Planning Director Kyle Breuer introduced new Planner, Meagan O'Hare, noting Ms. O'Hare attended UNCW.

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

This item was withdrawn at the beginning of the meeting, at the request of the applicant.

### **19. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a Telecommunication Tower, Located on the Eastern Side of US Highway 17, Northeast of Factory Road, in Hampstead.**

The public hearing opened at 7:40 p.m. Mr. Thurman swore in the witnesses. Planner Ed McCarthy delivered a presentation which included demonstration of site maps. Mr. McCarthy explained the Land Use Proposed; Telecommunications Tower 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. Jonathan Yates, Keith Powell and Attorney Scott Holmes, Representatives for the Applicant, were present to answer any questions. Mr. and Mrs. Chann Langrudi spoke in opposition to the proposed tower. Their comments included: Their property adjoins the proposed tower location; they don't feel like it is safe for their family having a tower in that close proximity to their property; they are concerned with the appearance of a tower; there has not been a lot of research in the US on how towers in close proximity affect human's health; the tower would be right in their back yard; a lot of their neighbors didn't even know about proposed tower; the applicant told them the site is approximately 400' away from them but they think it is 200-250'; and there are already four towers in that area. When asked if the applicant sent notices out Mr. Yates responded affirmatively. Mr. Holmes said the tower will be in compliance with the FAA. When asked what the setbacks are, Mr. McCarthy responded the height of the tower or the minimum setback in the district plus the fall zone, ensuring that the tower would have to fall within the property. Mr. Yates explained: He wants to take away some of the fear of the LanGangrudi's; the tower will only be 195 ft. tall; it will be a monopole tower; they are designing it for AT&T but AT&T's competitors can also use it; AT&T objectives are to cover Highway 17 and all the neighborhoods around it; and the goal of AT&T is infrastructure, just like any other entity. Mr. Brown asked if they would consider moving it a little further from the neighbors and Mr. Yates responded they are trying to get it as close to commercial as they can get. There ensued discussion of the vegetative buffer. Mr. Williams said this is one of the better buffers he has seen at a tower he has voted on. Mr. Williams also said he sympathizes with the LanGangrudi's

but he supports the project. Mr. Brown asked would there be a problem with moving it more northward and Mr. Powell responded affirmatively. He said there is not really anywhere else to move it. Mr. Powell demonstrated the wetlands near the property and said nothing would be able to go there. The public hearing closed at 8:15 p.m. Mr. Williams made a motion to approve the Special Use Permit request, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Tate was absent during this item.

**20. Public Hearing and Resolution Requesting Approval of a Revision to a Special Use Permit to Extend the Term of the Permit for an Additional Ten Years, from 10-05-14 through 10-4-24, Located South of Rebecca Kennedy Road along the Eastern Portion of I-40, in Rocky Point.**

The public hearing opened at 8:15 p.m. Mr. Thurman swore in the witnesses. Planner Ed McCarthy delivered a presentation which included demonstration of site maps. Mr. McCarthy explained the Land Use Proposed; Mining Definition; Property Record Number and Location; Zoning District of Property; Project Description; and Evaluation. 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 Rick Biberstein said he would like to offer the following into evidence: The amendment is asking for an extension for ten years from 10/5/14 through 10/4/2024; they are hoping to have it mined out in three or four years; and the original permit was granted in 2004 and amended in 2006 for the use of a limestone mining operation. Paxton Badham of Martin Marietta, the applicant, demonstrated the property, explained what part of the 330 acres they are mining, and demonstrated the area that had been reclaimed. The public hearing closed at 8:26 p.m. Mr. Ward made a motion to approve the Special Use Permit request, Mr. Williams seconded the motion and it was unanimously approved.

**TOWN OF BURGAW – OLD JAIL**

Town Manager Chad McEwen and Town Planner Louis Hesse were in attendance to present a proposal to the Board concerning the Old Jail. Mr. McEwen said the Town has to get permission from the Board to use the Old Jail if it is used for anything other than public. He explained: They talked about renovating the building, with the Town paying half the cost and the County paying half; the County could use part of the downstairs for small offices and the Town would use part for storage space. Mr. Hesse said the building can be renovated with some upfit for approximately \$100,000 or renovated with the bare necessities for \$85,000. Mr. McEwen said he, Mr. Brown, Mr. Watson and Town Councilwoman Jan Dawson had met and discussed possibly forming a partnership to make decisions about renovating the building. Mr. Brown said the building is a piece of history and we don't want to see it fall down. He said the County could possibly put the Tourism Department in it. Other discussion included: Keeping the upstairs as a jail; payment arrangements; the Town up-fronting the money; parking spaces; and possibly adding it to the old Topsail School renovation project. It was the consensus of the Board to let Board members think about it and revisit it at later date.

**CLOSED SESSION**

At 8:45 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; 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. Ward seconded the motion and it was unanimously approved. The Board exited the closed session at 9:25: p.m.

#### **OPEN SESSION**

Upon exiting the Closed Session, the Board discussed continuing tonight's meeting to next week to allow public comment concerning the recent proposed Pender County EMS/Fire Department Mergers. It was the consensus of the Board to meet on Wednesday, June 26, 2013, at 6:00 p.m., in the Commissioners' Meeting Room.

Mr. Sullivan then gave an update on the merger and answered questions by Board members. Mr. Sullivan's discussion included: The fire departments that are participating in the merger; career fire stations; volunteer fire fighters; paid stations open 24/7-365 days per year; additional staff; response times; EMS stations save cost of two facilities; meeting with state official to discuss station locations; hiring additional forty-two firemen over two year period; transition team meetings; he and fire chiefs agreed to basics of the plan; Hampstead and Sloop Point taxes increase by 3.5¢; and the 3.5¢ will generate \$2.2 million. Mr. Ward asked what about the other fire departments. Mr. Sullivan said the others haven't said they want to join, the invitation is out there and this is not a hostile takeover. Sloop Point Chief Scott Sills provided additional information concerning staffing trucks, paid staff trucks, ISO ratings, paid fire stations, volunteer fire stations, and exploring other funding sources. Mr. Ward said a gentleman from Maple Hill had contacted him saying they need a transport truck in that community. Mr. Sullivan said Maple Hill is better served with the paramedic QRV they have because it stays over there at all times. Mr. Ward said he is concerned about the proposed increase in taxes in the Hampstead/Sloop Point area and asked if they will be picking up the slack for Long Creek. Mr. Sullivan said it is not like that, the task was to look at an amicable merger without hostile takeover, and they are trying to give the Board of Commissioners the information they asked for. Mr. Ward said the merger moved too quickly. Mr. Brown explained the merger came about when Mr. Sullivan and the fire departments got together and came up with a plan to bring to the Board. Mr. Williams added "you have to start somewhere." Mr. Sullivan explained: Everybody has the perception that this happened in three weeks; they have talked about it over the past several years; they know this is the right plan so they want to go ahead and get it done; and Fire and EMS were already working together before this came about. Mr. Brown said there were time constraints on it because we were so close to adopting the budget, and said there are no ulterior

motives for the merger. There was more discussion of equipment, buildings, building substations, police calls versus EMS calls, and looking at structure fees instead of ad valorem taxes. Mr. Williams said he had talked with Surf City VFD Chief Demetrius Batts in the hall and Mr. Batts would like to address the Board. Mr. Batts apologized for the letter he had sent the Board earlier tonight and said if the option is available, Surf City VFD would like to merge with the others. Mr. Thurman said Mr. Batts would have to work it out with Mr. Sullivan. There was more discussion of Surf City VFD and the Town of Surf City.

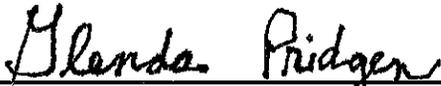
Mr. Thurman announced the Board is adding an item to amend the Pender County Personnel Policy to say an employee can receive more than 240 hours a year of donated sick time and an employee can donate up to eighty hours sick time per year. No cap was set on the amount a person can receive. Mr. Ward made a motion to add the item, Mr. Williams seconded the motion and it was unanimously approved. Mr. Ward then made a motion to approve the amendment, Mr. Williams seconded the motion and it was unanimously approved.

Mr. Ward made a motion to approve adding an item to allow Public Works to order replacement vehicles now for FY 13-14, in order to get them at state contract prices, which ends on June 28, 2013. Mr. Tate seconded the motion and it was unanimously approved. Mr. Ward made a motion to approve the item, Mr. Tate seconded the motion and it was unanimously approved.

**ADJOURNMENT**

There being no further business, the meeting was continued at 10:28 p.m.

Respectfully Submitted,



---

Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



---

Mickey Duvall, Clerk to the Board