

MONDAY, AUGUST 5, 2013

The Pender County Board of Commissioners met in regular session on Monday, August 5, 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 and Chester Ward.

MEMBERS ABSENT: David Williams.

OTHERS PRESENT: 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.

Chairman Brown announced that Commissioner Williams, the County Manager and County Finance Officer are all out of town trying to bring new industry to the County. Commissioner Tate made a motion to excuse Commissioner Williams, Commissioner Ward seconded the motion and it was unanimously approved by a 4-0 vote.

COMMISSIONER APPOINTMENT OF REGISTER OF DEEDS

1, Resolution Authorizing Appointment of Register of Deeds, as Recommended by the Pender County Republican Party.

Mr. Brown introduced Republican Party Chairman Bob Muller. Mr. Muller explained: Register of Deeds Faye Teachey Prevatte passed away on July 4, 2013; Mrs. Prevatte had been an outstanding Register of Deeds; N.C. General Statute Section 161-5 states that in the event of a vacancy in the Office of the Register of Deeds, the Board of County Commissioners will fill the office by appointment for the remainder of the unexpired term; if the Register of Deeds was elected as the nominee of a political party, the Board shall consult with the County Executive Committee of that party before filling the vacancy and shall appoint the Committee's recommendation; the Pender County Republican Executive Committee met on July 27, 2013 and selected Ms. Sharon Willoughby as their recommendation to fill the unexpired term of the Register of Deeds; and Ms. Willoughby is currently the Chief Assistant Register of Deeds for Pender County. Mr. Muller said Ms. Willoughby's accomplishments include: She has been working in the Register's Office for 10 years; she started working in the office in August of 2003 as a temporary employee but quickly became a full-time employee in September of the same year; other positions she held in the office before becoming Chief Assistant were Deputy, Assistant 1, and Assistant 2; she successfully completed the UNC Chapel Hill Institute of Government Basic Register of Deeds School and Advanced Register School; she has attended

numerous workshops, seminars, regional and state meetings with other Register of Deeds officials throughout North Carolina; and she is qualified, knows the job and will serve the County well in this position. Mr. Tate said he wants it to go on record that he agrees 100% with the Republican Party in recommending Ms. Willoughby, and said he commends the Republican Party for this recommendation. Mr. McCoy said he agrees also and said Ms. Willoughby is well qualified for this position. Mr. McCoy made a motion to approve the appointment of Ms. Willoughby to fill in the vacancy for the unexpired term for the Register of Deeds. Mr. Ward seconded the motion and it was unanimously approved. Clerk of Court Robert Kilroy administered the Oath of Office to Ms. Willoughby. Ms. Willoughby's mother Vicky Singleton and co-worker Hazel Lee stood with her during the swearing in. Board members congratulated Ms. Willoughby and she received a standing ovation from all present.

PUBLIC INFORMATION

2 Pamela H. Bostic, Executive Director, Southeastern Economic Development: Update on Specific Benefits Pender County Receives as a Member of the Southeastern Economic Development Commission (SEDC).

Highlights of Ms. Bostic's presentation included: SEDC consists of twelve member counties, which is all of Southeastern North Carolina; SEDC secures Economic Development Administration (EDA) funds for member counties and help maintain their eligibility to receive funds; SEDC strives to create new jobs, retain existing jobs, and stimulate economic and industrial growth in southeastern North Carolina; they assist member counties with the solicitation of grant funding for projects such as public facilities and infrastructure; and they continuously endeavor to enhance the quality of life for all residents of its member counties. Ms. Bostic explained their Comprehensive Economic Development Strategy (CEDS) which is a regional planning process focusing on economic development. The CEDS process results in a five-year strategic plan for regional economic development that is updated annually and submitted to the U.S. Department of Commerce, Economic Development Administration for review and approval. Once the CEDS report is approved, the region may apply to receive funding assistance for public works and planning projects related to economic development. Ms. Bostic and Board members discussed some Pender County projects completed with EDA grants. Mr. Tate asked about EDA funds assisting with the Surf City Campus of Cape Fear Community College and Ms. Bostic said she will look into it. When asked how much Pender County pays them annually, Ms. Bostic responded \$5,222

3. Natiera Lofton, Chairperson, Maple Hill Steering Committee: Discussion of Maple Hill Small Area Plan.

Planning Director Kyle Breuer announced that Ms. Lofton was not able to be here. Ms. Cindy Moore of Maple Hill spoke up from the audience and said Ms. Lofton is not here because she was not told she could be on the agenda at this meeting, and that she would have to be put on another time. Ms. Pridgen spoke up and said that was not true, she talked with Ms. Lofton herself several weeks ago, and they made arrangements for Ms. Lofton to be put on this agenda.

4. Sheriff Carson Smith: Introduction of Updated Pender County Sheriff's Office Website.

Sheriff Smith delivered a presentation of the Sheriff's Office new website, explaining the new site is more user-friendly and will provide more services to the public to help save time and travel. The new site services include an online application for handgun permits, an inmate lookup for the County Jail, links to sex offender locators, crime map feature, and allows for

deposits into the Jail commissary fund for inmates. Sheriff Smith explained: The crime map feature allows residents to look up specific areas of the County and see what crimes have been reported; calls made to the Sheriff's Department; you can see two weeks' worth of calls; it gives you incident reports in case you need to get more information; and you can see what is happening in your neighborhood or any other neighborhood in the County. Sheriff Smith also explained residents can now register their address with the website and receive email notification of crimes or Sheriff's Department calls in their area. Sheriff's IT Director Bruce Sandy explained some of the new features in further detail. Board members thanked Sheriff Smith and Mr. Sandy for the presentation. Mr. Sandy introduced their part-time IT Technician LaShonia Burns, and said they brought her in to work on this project and she did a great job.

5. Kim Gillespie, PE, NC DOT Project Development and Environmental Analysis: Update on the Hampstead Bypass (R-3300) Project/Information Regarding the Upcoming Public Meeting to be Held at Topsail High School on August 15, 2013.

Mr. Breuer introduced Ms. Gillespie. Ms. Gillespie introduced co-workers Jay McGinnis and Jackson Provost. Highlights of Ms. Gillespie's presentation include: DOT proposes to construct the US 17 Hampstead Bypass as a freeway on a new location; the Bypass will connect to the proposed Military Cutoff Road Extension at the existing US 17 Wilmington Bypass and Sloop Point Loop Road north of Hampstead; the proposal includes construction of an additional interchange at the northern end of the Bypass to address citizens' concerns regarding access along existing US 17; the proposed interchange would be constructed north of the Topsail Schools complex in addition to the current proposed interchange west of Grandview Drive; an additional lane in each direction is also proposed along the Bypass from the interchange west of Grandview Drive to the northern project terminus at Sloop Point Loop Road; they will start buying property in 2017; and they will be holding a public meeting at Topsail High School on August 15, 2013 to present information about changes to the US 17 Hampstead Bypass design. Ms. Gillespie demonstrated the project using maps. Board members held discussion and asked questions of Ms. Gillespie and Mr. McGinnis. Discussion included how the project will affect the schools and would it increase traffic on the back roads.

PUBLIC COMMENT

Mr. Gary Haddock spoke concerning barking dogs in his neighborhood. Mr. Haddock's comments included: There are dogs in his neighborhood that bark all night; he can't get any sleep and has to get up real early in the mornings for work; the Sheriff Department said they couldn't do anything and told him to come to the Commissioners; he commends Animal Control for how they have cleaned up the neighborhood in the past year; the issue now is dogs barking all night; there is no law barking dogs but if he was to play loud music or any other loud noises, he would be held accountable for it; and owners should be responsible for their dogs. Mr. Tate asked if he has any suggestions but Mr. Haddock had none. Mr. Brown said the Board has heard this complaint before and there is nothing they can do about it. He said there is only so far the Commissioners can go when it comes to people and their animals. Mr. Ward asked if they have a homeowners association and Mr. Haddock responded "no." Mr. Brown said the Commissioners will discuss the issue amongst themselves to see if there is any solution.

Ms. Lori Fisher spoke concerning her business, the Quarter Moon Bookstore in Topsail Beach. She explained: On April 17, 2013, she was issued an on-premises malt beverage permit which she had applied for to compliment the on-premises wine permit she already has; on July 17, 2013 she received a phone call from Sally Blackmon of the ABC Commission stating that she had

made a mistake in issuing the Malt beverage permit to Ms. Fisher; she was ineligible due to a law in Pender County that she was unaware of; this law designates that only restaurants, motels, hotels and establishments with a full ABC permit are allowed to have an on-premises malt beverage permit; she would like to suggest an additional option so that she may reinstate the on-premises malt beverage permit she was issued; she would like the Board to consider adding businesses that have an on-premises wine permit to the list of eligible establishments; and she has a letter of support from the Topsail Beach Police Chief. Ms. Fisher gave an example of a woman living next door to their store came over one evening with her can of beer, sat down at one of their tables and listened to their live musicians while consuming her own beer. She said it is very frustrating people are allowed to bring their own beer and consume it, but they cannot serve their own customers. Mr. Breuer came forward and said he received an e-mail from Commissioner Williams concerning this. He said he checked with Elections Director Dennis Boyles who said the law was put on by referendum. Mr. Thurman said we can't just add what Ms. Fisher is asking for; it would have to go to the voters. Mr. Grier Fleischauer, a Topsail Beach Commissioner, came forward to speak in support of Ms. Fisher. He said he had done some research elections for mixed beverage sales and discussed municipalities holding elections and what surrounding counties do in cases like this. Mr. Brown suggested this Board sit down with the ABC Board and the County Attorney and look at other counties' language and how they have handled something like this. Board members agreed to support this issue.

CONSENT AGENDA

Mr. Brown presented the eight 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. Ward seconded the motion and the Consent Agenda was unanimously approved by a 4-0 vote as follows:

6. Approval of Minutes: Continued Regular June 17, 2013 Meeting: June 26, 2013; Regular and Closed Session: July 8, 2013.
7. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
8. Resolution Accepting Petition to Add Azalea Drive in The Forest Phase 6 Subdivision, Hampstead, to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
9. Resolution Authorizing FY 13-14 Budget Amendment to Accept Emergency Management Performance Grant Funds: \$14,876.62.
10. Resolution Authorizing Purchase Order to American Detection Systems, Inc., for the Boring and Installation of Communication Wiring for the JROTC Building at Heide Trask High School: \$14,602.07.
11. Resolution Authorizing Purchase Order to American Detection Systems, Inc., for the Installation of the Fire Alarm System for the JROTC Building at Heide Trask High School: \$7,527.25.
12. Resolution Authorizing Purchase Order to Luna Ads (Formerly Phoenix Rising) for an Ad in the NC Division of Tourism's 2014 Travel Guide: \$7,000.
13. Resolution Authorizing Approval of a FY 2013-14 Budget Ordinance Amendment Increasing Revenues and Expenditures by \$4,000 and Authorizing a Purchase Order to Overdrive for Library E-Book Collection Provision: \$6,000.

RESOLUTIONS

14. **Resolution Authorizing Renewal of Legal Advertising Contract with the Pender-Topsail Post and Voice, and Authorizing Purchase Order for FY 2013-2014: \$13,104.**

Mr. Brown explained: This is the contract for our weekly advertising in the *Pender County Government News*; the contract is renewed annually; and the pricing hasn't changed from last year's. Mr. Tate made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

15. **Resolution Authorizing Approval of a Memorandum of Understanding (MOU) for the Provision of Providing Supplementary Inspection Services for the Town of Atkinson.**

Mr. Breuer explained: The Town of Atkinson has requested the County to provide supplemental inspection services in cases where their Building Inspector is temporarily unavailable or does not hold the necessary building inspection certificates for a certain level construction project; as of July 1, 2013, the Town and County's existing MOU has been terminated on behalf of the Town due to their recently hiring a building inspector; the Town is requesting that the County assist in providing inspection services in times when their Inspector is sick, on vacation, or does not have the adequate credentials to accomplish a specific inspection; the County's Inspector have their full credentials in all trades and are capable of providing this service; the County will be reimbursed for inspection services by providing hourly rates; and due to current work-load and responsibilities, the MOU will only cover inspection requests that are out of the scope of the Town's staff. After discussion everyone was in agreement that if County staff wasn't available, the Town would be told that the County is priority number one. Also, it will be at Mr. Breuer's discretion in managing his personnel. Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

16. **Resolution Authorizing Approval of Health Department Fee Schedule for Fiscal Year 2013-2014.**

Health Director Carolyn Moser explained that each year, the Health Department Fee Schedule has to be approved by the Board of Health and then the Board of Commissioners. In response to question, Ms. Moser said nothing changed from the FY 12-13 Fee Schedule. Mr. McCoy made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

17. **Resolution Authorizing Approval of Animal Shelter Fee Schedule for Fiscal Year 2013-2014.**

Ms. Moser explained the Animal Shelter Advisory Board approved the new Fee Schedule for the Animal Shelter on July 23, 2013. Mr. Tate asked what the biggest change is in the new schedule and Ms. Moser responded all the numbers changed. Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

APPOINTMENTS

18. **Resolution Appointing Commissioner as Voting Delegate for Pender County for the 2013 NCACC Annual Conference.**

Mr. Brown explained each county can designate a commissioner as a voting delegate to the NCACC Legislative Conference. Mr. McCoy made a motion to approve the appointment of Mr.

Tate as Pender County's Voting Delegate to the 2013 NCACC Annual Conference. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

19. Resolution Authorizing Appointment of Kyle Breuer, Planning Director, and Carolyn Moser, Health Director, to serve as County Representatives to the Pender Housing Initiatives Board.

Housing Director Judith Herring explained: The Housing Initiatives Board was created for further development of affordable housing in Pender County; at least three members of the Board are appointed by the County; the Board is currently short three members, two of which must be County Representatives; and the Board currently provides oversight for Seven Oaks Apartments. Mr. Ward made a motion to approve the appointment of Kyle Breuer and Carolyn Moser to the Pender Housing Initiatives Board to serve three-year terms as County Representatives, with terms to expire June 30, 2016. Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote

20. Resolution Authoring Appointment to the Pender County Nursing/Adult Care Homes Advisory Committee, and the Pender County Parks & Recreation Board.

Mr. Brown introduced the resolution. In response to question, Ms. Pridgen explained: There were two positions open for the Nursing/Adult Care Homes Advisory Board and these two applications were the only two received; Mr. Collier has served one three-year term on the Parks and Recreation Board and is asking to be reappointed; no other applications were received for the Parks and Recreation Board; and all the positions were advertised. Mr. Ward made a motion to approve the appointment of Carolyn Bacchus and Adnita Sidbury to serve two-year terms on the Nursing/Adult Care Homes Advisory Committee, with terms to expire June 30, 2015. Mr. McCoy seconded the motion and it was unanimously approved. Mr. Ward made a motion to approve the re-appointment of Michael Collier to the Parks and Recreation Board to serve a three-year term representing District 3, with term to expire June 30, 2016. Mr. Tate seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said there are items for closed session.

ITEMS FROM THE COUNTY MANAGER

Mr. Thurman stood in for Dr. Duvall. Mr. Thurman presented a letter received from the American Legion Post 167 in Hampstead. The letter was requesting the Board to consider letting them buy the Fire Station #2 building in Hampstead for \$100 because they can no longer use the Hampstead Community Building. Discussion followed. Mr. Brown said there may be the possibility that they could use one of the buildings at Old Topsail High School. It was the consensus of the Board to bring the discussion back to the next meeting when Mr. Williams will be present.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. McCoy spoke concerning the Animal Shelter saying it is now going in the right direction. Mr. McCoy commended Ms. Moser and staff for doing a good job with the Animal Shelter.

CLOSED SESSION

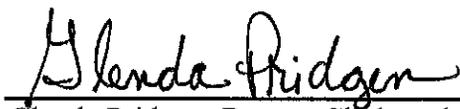
At 5:58 p.m., Mr. Ward made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to

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. Tate seconded the motion and it was unanimously approved by a 4-0 vote. The Board exited the closed session at approximately 7:12 p.m. There were no announcements made.

ADJOURNMENT

There being no further business, the meeting adjourned.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Mickey Duvall, Clerk to the Board/Ann Coombs, Administrative Assistant