

MONDAY, FEBRUARY 3, 2014

The Pender County Board of Commissioners met in regular session on Monday, February 3, 2014 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman David Williams, presiding; Vice Chairman Fred McCoy; and Commissioners George Brown, Jimmy Tate and Chester Ward.

MEMBERS ABSENT: None.

OTHERS PRESENT: Mickey Duvall, County Manager/Clerk to the Board; Trey Thurman, County Attorney; Butch Watson, Finance Officer/Assistant County Manager; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m. and thanked and welcomed all.

INVOCATION

Vice Chairman McCoy offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance.

EXCUSE COMMISSIONERS

It was noted Mr. Ward would be a few minutes late. Mr. Brown made a motion to excuse Mr. Ward until he arrives, Mr. Tate seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

There were no items for Public Information.

ADDENDUM

Resolution Opposing Any Homeowners Insurance Rate Increase in Pender County, North Carolina

Mr. Brown said he requested this resolution to be added tonight because it may be too late for the next meeting. Mr. Brown read the resolution, said New Hanover County is voting on it tonight and other counties will be voting on it. Mr. Brown made a motion to add the resolution to the agenda, Mr. McCoy seconded the motion and it was unanimously approved. Mr. Brown then made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

PUBLIC COMMENT

Greg Thompson of Currie spoke on behalf of his father, Rossie Thompson. Mr. Thompson relayed this chain of events: On New Year's Day, a group of hunters released their dogs on the road in front of his father's property; within minutes, about six-seven dogs ran through the yard and cornered and killed his mother's cat; 911 was called and an Animal Control Officer was sent; and the Officer informed Mr. Thompson's parents there was nothing he could do other than file a report, which he did. He said the problem is that at present, dogs can be released to run on any property in Pender County, whether it is posted or not, while the hunters roam the neighborhood in trucks. Mr. Thompson presented a petition that had been drawn up, signed by 94 residents or property owners with similar problems, asking for regulations to be presented to the General Assembly concerning deer hunting with dogs in Pender County.

The petition was presented in person, one at a time, and in speaking with them, the Thompsons know they all share the same concern. Mr. Thompson said if adopted, these regulations would accomplish four things: 1) Require written permission from landowners to allow deer dogs to run on their property; 2) require identifying collars on dogs; 3) require hunters to have written permission from landowners whose property abuts the right-of-way to be on the right-of-way in front of that land with a loaded gun; and 4) make it illegal to hunt from or on the traveled road surface. Mr. Thompson, Sr. came forward and further elaborated on the situation, saying it has been going on for years. Board members made comments and questioned both Thompsons. Board members sympathized with the Thompsons and agreed they had all heard this before. All agreed they would support revisiting this issue.

CONSENT AGENDA

Mr. Williams presented the two items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Brown made a motion to approve the Consent Agenda, Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows:

1. Approval of Minutes: Regular & Closed Session: January 21, 2014.
2. Resolution Authorizing Approval of Tax Releases and Refunds.

RESOLUTIONS

3. **Resolution Requesting the State of North Carolina to Provide Adequate Teacher Compensation.**

Mr. Williams explained a resolution by the Board of Education was discussed at the last meeting; the resolution was tabled so the Board of Commissioners and staff could edit the resolution and modify it. Mr. Brown said he appreciates the Board indulging him in asking for modification of the resolution. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

4. **Resolution Requesting the Animal Shelter Budget be Incorporated under the Health Department Budget.**

Ms. Moser explained: The budget had already been approved when she took on the Animal Shelter; there were inefficiencies in the way things were done; for improved efficiency, it is requested that the Animal Shelter budget be merged into the Health Department's budget and the Shelter staff become health Department staff in order to assure consistent communication and training; and it will make things easier to put the Shelter staff under the Health Department. Mr. Brown said they had delayed this until after the Health & Human Services decision had been made because Shelter staff would have had to be moved under State Personnel policies and then moved back to County policies. Dr. Duvall said it will make it easier to shift money than it is with stand alone funds. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

5. **Resolution Authorizing Submittal of a Rural Economic Development Division (NC Department of Commerce) Infrastructure Program Grant Application (up to \$500,000).**

Dr. Duvall explained: This grant is a Rural Economic Development Grant; we were awarded just today a \$2,275,000 grant by the EDA; and once we are approved for the other WWTP grants, we will have almost \$4 million for infrastructure at the Commerce Park. Mr. Williams asked Dr. Duvall to clarify what the \$2.27 million is for and Dr. Duvall said for the Wastewater Treatment Plant at the Commerce Park. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved. Mr. Williams said thank you to Dr. Duvall and others for working together amongst themselves and other agencies to secure these grants.

DISCUSSION

6. Discussion of ABC Referendum.

Mr. Williams explained: The Board has looked at this in every way; Sheriff Smith has since come to him with valid concerns; and asked is there a way a municipality can do it. Mr. Thurman said by State Statute, the population of a municipality has to be 500, or it has to be a county-wide referendum. Mr. Brown asked if county-wide, can the county set limits on the number of residents in a municipality and Mr. Thurman responded "no." Mr. Thurman said we can't regulate this with our zoning laws. Mr. Brown asked if you can regulate it by asking for a Special Use Permit and Mr. Thurman responded "no." Town of Topsail Beach Manager Tim Holloman clarified that you do have to have building, zoning, and fire permits to operate a business. Mayor Braxton spoke of Lori Fisher's situation and her book store not being able to serve beer. Mayor Braxton asked the Board to give them more time to work with Representative Millis and others to try to come up with something. He said they have tried everything, even going back to the Census, but the Census was no help. Mr. Williams said that is our goal, we don't want to go backwards, but we don't want to create problems for the Sheriff and ALE either. Mr. Brown pointed out that this has already been approved to be on the referendum and if the Board wants to change it, the Board would have to reverse its decision. Mr. Tate asked if there had been any attempts of communication between the Sheriff and the Town before it got to this point. Sheriff Smith responded: Yes, he has spoken with the Mayor and the Manager; he doesn't have anything against Topsail Beach; he would love to see this work out but it could cause problems for a large area of the County if done this particular way; and he thanks the Town for understanding his position. Mr. Ward asked why the store can't sell beer. Ms. Fisher explained the law that had been on Pender County's books since 1963. Mr. Ward asked about the store being a restaurant and Ms. Fisher explained why her store couldn't qualify as a restaurant. Ms. Fisher spoke of the forms she had to complete for local government in order to open her book store. There was discussion of getting something to legislation in short session. Mr. Holloman noted if it is something controversial, legislation will drop it in short session. It was the consensus of the Board to bring this matter back to the next meeting. Mr. Braxton thanked the Board for approving the insurance resolution. Mr. Braxton introduced new Topsail Beach Councilman Morton Blanchard.

APPOINTMENTS

7. Resolution Authorizing Approval of Appointment to the Pender County Board of Adjustment.

Ms. Pridgen explained: Ms. Jacqueline Newton has served a three-year term on the Pender County Board of Adjustment representing District 5; Ms. Newton's term expired January 4 and she wishes to serve another term; Ms. Newton is eligible to serve another term; and the position was advertised and Ms. Newton was the only applicant. Mr. Tate made a motion to approve the re-appointment of Ms. Jacqueline Newton to serve a three-year term on the Pender County Board of Adjustment representing District 5, with term to expire January 4, 2017. Mr. McCoy seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said we will have items for closed session.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall: Distributed maps of local government buildings; gave an update on the County Smoking Committee; distributed a copy of the letter from the EDA informing the county of a \$2,276,000 grant it will be awarded; and said there will be a Priority 1 meeting on Friday.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate said he received a “good” call from Senator Rabon. Senator Rabon will be sponsoring a Black History Month Program in Wilmington.

Mr. McCoy said the storm last week was his first emergency since becoming a Commissioner, he and the Manager went to the EOC a couple of times and he is very pleased with the way things were carried out.

Mr. Williams said he was out of town during the storm but he was kept in the loop and he appreciates everybody working together. Mr. Williams said they received a \$2,500 check from Pluris, LLC for the Kiwanis Park, Pluris is the company that was approved to build a sewage treatment facility in Hampstead a few meetings ago, and there is a promise of a \$2,500 or more donation for next year.

CLOSED SESSION

At 5:07 p.m., Mr. Brown made a motion to into closed session, pursuant to NCGS 143-318.11: (Mr. Thurman cautioned that one of the items to be presented may not qualify for closed session). 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 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 5:40 p.m. upon motion by Mr. Ward, second by Mr. Tate and unanimously approved.

Mr. Williams explained to some parties that wished to address the Board in closed session the Board’s position on this. He said it wasn’t a matter for closed session and it wasn’t listed on the public agenda, but the Board will listen to them briefly since they are already here.

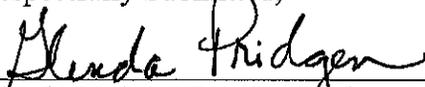
Paul Clark of Pender Utility Partners, LLC, spoke to the Board concerning a proposed non-exclusive public-private partnership offering by them to the Rocky Point/Topsail Water & Sewer District. Mr. Clark explained: They are interested in doing what was tried to do before with Integra, but they are different from Integra; this is a whole team of local folks; they want to re-advocate with the County in terms of public trust; and this is a \$17 million project. Mr. Clark gave a history of his family and roots in Pender County; gave a history of the County’s

involvement with Integra; and gave some details and demonstrated the project. Mr. Tate asked if they would open to the idea of bringing the project to the west side of the county. Mr. Williams said we will put this on the agenda and bring back to the next meeting.

ADJOURNMENT

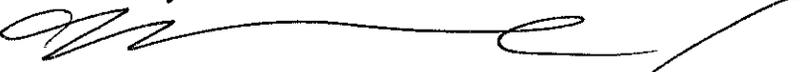
There being no further business, the Board adjourned the meeting at 5:58 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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