TUESDAY, APRIL 22, 2014

The Pender County Board of Commissioners met in regular session on Tuesday, April 22, 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 4:10 p.m. and thanked and welcomed all. He explained the meeting was late getting started due technical difficulties in the equipment room.

INVOCATION

Vice Chairman McCoy offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

PUBLIC HEARING

1. **Public Hearing and Resolution Authorizing Approval of the Housing Department's Proposed 2014-15 Annual Plan.**

The Public Hearing opened at 4:10 p.m. Housing Director Judy Herring explained: The Annual Plan is renewed each year; this one is similar to the one last year but it has been tweaked a little; and there are 217 housing vouchers in the County. There was no one present for public comment. Ms. Herring added that they also did not receive any comments in the office. The Public Hearing closed at 4:11 p.m. Mr. Tate made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

2. **Special Recognition to Stephanie Bowens (*Star News*) for Outstanding Service to Pender County.**

Dr. Duvall explained: On behalf of Pender County, we would like to officially recognize Ms. Bowens; Ms. Bowens has exemplified a high degree of excellence and fairness in reporting Pender County Government news to the Citizens of Pender County and the surrounding region; Ms. Bowens has always reported the news fairly; she was reporting for the County before he came here; Ms. Bowens will be leaving the Star News after a very distinguished career there; and we will miss her smiling face in Commissioner meetings. Mr. Williams read and presented Ms. Bowens with a Certificate of Appreciation. He said Ms. Bowens reported what she had to report and did so with fairness to all. Mr. Tate said he echoes the Chairman and said Ms. Bowens has exemplary characteristics. Mr. Brown said he appreciates Ms. Bowens' friendliness that she always showed. It was noted Ms. Bowens' mother was in the audience.

3. **John Winecoff, North Carolina Military Historical Society: Presentation of Books on Behalf of the South Korea Government Expressing Gratitude to United States Veterans of the Korean War (1950-1953).**

Library Director Mike Taylor introduced Mr. Winecoff, who in turn introduced Bob Cooke. Mr. Winecoff explained: To commemorate the 60th anniversary of the official end of the Korean War, the government of the Republic of Korea has issued a book, Korea Reborn: A Grateful Nation Honors War Veterans for 60 Years of Growth; as long as copies are available the book is available to veterans of that war, their spouses, and their children if the veteran is deceased or unable to personally receive the book; and while there is no monetary charge for the book, it is not free—it has been paid for by the sacrifices made by those who served in what many refer to as "The Forgotten War." Mr. Cook said he had given Korean War Veteran Anthony Caputo his book this afternoon in a special presentation. Mr. Cook introduced Lonnie Davenport of Post 65 in Burgaw. Mr. Davenport presented books to Joab Johnson and Warner Batson, Veterans of the Korean War. Mr. Winecoff thanked Mr. Taylor for taking charge of this event and also thanked Pender County Veterans Service Officer Roy Horne. Mr. Davenport said the books will be available at the Pender County Libraries, American Legion Post 167 in Hampstead, American Legion Post 165 in Burgaw, the Veteran Services offices in Burgaw and Hampstead, and he would personally see that any Korean Veteran that wants one will get one. Mr. Williams said he thanks all the Korean Veterans on behalf of all of us. He said his father served in Korea but during a more calming time than these gentlemen.

4. **Jim Corrin, Charter Communications Director of Government Relations: Update on New Developments with Digital Cable Required Equipment and Other Information.**

Mr. Corrin thanked the Board for allowing him to speak and said he was here thirty days ago for the kick-off meeting with Dr. Duvall and staff regarding Broadband. Mr. Corrin explained: Charter is a Fortune 500 Company serving 5.9 million customers in twenty-nine states; they are the fourth largest cable operator providing broadband, video and voice services to subscribers in urban, suburban and rural communities; Charter is going all-digital; they are adding more than seventy new high definition (HD) channels in their lineup; in February they began removing the analog format of every channel from their lineup and began delivering only high-quality digital signals to each television outlet in the home; there is no additional fee for the new HD channels for customers already subscribing to Charter HD services; in this area, more than ninety percent of Charter's customers are already using digital equipment from Charter to view their favorite channels; and feedback from customers indicated people want more HD channels and more On-Demand channels. Mr. Ward asked what the percentage is in the County in certain areas that can't get Charter. Mr. Corrin said if they are not within the Charter area, they can't get it, but that doesn't mean they won't ever be able to get it. He said they always evaluate situations. There ensued discussion concerning cable versus Dish TV. Mr. Corrin explained the competition between Dish TV and cable. Mr. McCoy said we have Time Warner over here and Charter on the east side and asked when that happened. Mr. Williams said no franchise is inclusive. Mr. Williams said many times people buy a house thinking everything is there, and later find out it is not. Mr. Brown asked if Charter is satellite and Mr. Corrin responded "no." Mr. Brown said maybe that explains the customer base because some are out in areas that can't get cable. Mr. Williams thanked Mr. Corrin saying many times he has gone to him with some problem, and Mr. Corrin always gets back with him.

5. **Matt Livingston, Town of Wallace Manager: Update on Henderson Field Airport.**
Mr. Livingston delivered a Power Point presentation which included: Current Airport Property; 2014 Plans and Goals (Operations); 2013 Development Accomplishments; 2014 Development Plans and Goals; Roadway Relocation Design; 2014 Project Costs and Funding; Land Acquisition; 2014-2020 Plans and Goals; 2014-2020 Project Costs; and the Ultimate Layout Plan-5500' R/W. Mr. Livingston explained each category in detail. He stressed that the biggest asset for the Airport is Economic Development. Board members held discussion and asked questions. Jason Kennedy of CC Dickinson, consultant for the Airport, was also present and assisted Mr. Livingston in answering questions by the Board. Mr. Tate thanked the Board for supporting the Airport and thanked Mr. Livingston for always keeping the Board informed. The presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. Livingston invited everyone to come to the Carolina Strawberry Festival in Wallace in May.

6. **Matt Mulhollen, Topsail High School Student: Presentation on Senior Project.**
Planning and Community Development Director Kyle Breuer introduced Mr. Mulhollen and explained: This is Mr. Mulhollen's Senior Project; he serves as Mr. Mulhollen's mentor; he has met several times with him; and Mr. Mulhollen "blew him out of the water" with his project. Mr. Mulhollen delivered a presentation entitled "Sustainable Housing Community." The presentation included: Idea-A development of small, compact homes that offer an eco-friendly lifestyle at a low cost; Potential Home Designs; Why? Advantages; Necessities to Develop Community; Associated Costs; Minimum Requirements; Minimum Height; Sanitation; Emergency Escape; Design Criteria; Location on Lot; Minimum Interior Areas; Stairways; Impediments; and Conclusion. Mr. Mulhollen explained each category in detail. Board members discussed the project and commended Mr. Mulhollen. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. Mulhollen also had a model of a small house and it was passed around for Board members to view. It was noted that Mr. Mulhollen is the son of Pender County Human Resources Director, Denise Mulhollen.

7. **Tammie Parris, Pender County Citizen/Brain Aneurysm Survivor/ Coordinator for "Kitchens That Care": Presentation of Brain Aneurysm Awareness Event to Support the Brain Aneurysm Foundation.**
Ms. Parris distributed and read a portion of an article she had written which was published in the *Brain Aneurysm Journal.* The article was entitled "Don't Procrastinate, Let's Educate Before It's Too Late." Ms. Parris explained: This is her two year anniversary of being a brain aneurysm survivor; she has been working on various projects in an effort to raise awareness about brain aneurysms; since May is "Stroke Awareness Month" she decided to do something for "Brain Aneurysm Awareness" in conjunction with Stroke Awareness Month; the idea she came up with was "Kitchens That Care" for restaurants to participate on May 10th 6:00 – 9:00 p.m.; and a portion of the dinner proceeds from participating restaurants will go to the Brain Aneurysm Foundation.

PUBLIC COMMENT
No one wished to speak under public comment.

CONSENT AGENDA
Mr. Williams presented the three 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:

8. Approval of Minutes: Regular & Closed Session: April 7, 2014.
9. Resolution Authorizing Issuance of Purchase Order to Creekridge Capital for the Remaining Annual Lease Payment for the Public Safety Virtual Network: $8,517.68.
10. Resolution Authorizing Issuance of Purchase Order to Motorola Solutions for the Purchase of Three Portable Radios: $10,632.

RESOLUTIONS

11. **Resolution Authorizing Approval of the Juvenile Crime Prevention Council's Annual Plan, Board Members and Funding Recommendations for FY 2014-2015.**

Parks & Recreation Supervisor Dee Turner explained: The Juvenile Crime Prevention Council (JCPC) is a state mandated county board tasked with administering the distribution of state funds for programs serving youth who are currently in the juvenile justice system or are at-risk of entering it; the amount of funding is based on a youth per capita basis within the county; it is anticipated that Pender County will receive $113,591 for FY 2014-2015; to receive these funds, the JCPC must complete an Annual Plan of which a major component is doing an assessment summary of the risks, needs and available resources for the youth of Pender County; as a result of the assessment summary, the following needs were determined and prioritized: Psychological Assessments, Individual, Group and/or Family Counseling, Home Based Counseling, Community Service & Restitution, and Teen Court; this is the first year the State didn't indicate that funding might be cut. Mr. Ward made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

12. **Resolution Authorizing Approval of Surf City Pyrotechnic Display on July 3, 2014, in Accordance with North Carolina General Statute 14-413.**

Deputy Fire Marshal Tommy Batson said he is asking the Board for permission to allow Surf City to have their show. Board members discussed previous Surf City firework shows. Mr. Brown made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved.

13. **Resolution Authorizing Adoption of a Proclamation by the Pender County Board of Commissioners: Travel and Tourism Week in Pender County: May 3-11, 2014.**

Tourism Director Monique Baker distributed the new "Pender County Visitor's Guide." Ms. Baker delivered a presentation. Highlights included: In 2013, North Carolina ranked 6th in visitation in the US resulting in: Approximately 200,000 jobs; over $4.2 billion to the State's payroll; visitors spending $19.4 billion dollars (5% increase); generating $970 million in state tax receipts, which saved each NC household $423 in state & local tax savings or $159 per NC resident. In 2012 Pender County ranked 43rd in visitation in NC resulting in: More than 740 jobs; contributed to $13.4 million in payroll; an economic impact of over $80.6 million; 5.5% increase over 2011; $9.4 million in State and Local taxes, which saved each County resident over $173.56 in tax savings. Mr. Williams said it is good to see Ms. Baker back and walking. Mr. Tate said he echoes Mr. Williams. There was discussion of Tourism's move to the Old Jail. Dr. Duvall said he thinks they are waiting on IT; Ms. Baker said it will probably be next week when they move. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

14. **Resolution Authorizing Acceptance of the Fuel Management Services of "Go Energies" to Provide Three County-Owned Fuel Depot Stations, Fuel Cloud Software from GE Software, Inc. and Wireless Communications at each Depot Location in the Not-To-Exceed Amount of $300,000 for the Tanks and Equipment and $800 Per Month for the Fuel Management Software Support and Concierge Service, and the Authorization of a Purchase Order for the Contract.**

Utilities Director Michael Mack explained: There have been issues with fuel options over the last two years; fuel management options for the County have been on the decrease; on January 21, 2014, our current fuel management provider, Springer-Eubank Company, provided notice to the County and Pender EMS & Fire that as of April 16, 2014, they were discontinuing fuel services at the two major fuel depots used by the County and Pender EMS & Fire fleet vehicles; those vehicles would now have to fuel at Springer's Retail locations; Bulk fuel pricing would be discontinued; after contacting several fuel management providers, County staff and Pender EMS & Fire found that the best and most cost effective method to control the declining fuel options and bulk fuel costs would be to purchase and own our own fuel depots; with the County owning the tanks and associated hardware, we would then be able to solicit our own competitive bids for bulk fuel and save an average of $0.20 per gallon; with the County and Pender EMS vehicles and equipment using on average 360,000 gallons per year, the bulk fuel savings would translate to approximately $72,000 per year; Go Energies of Wilmington has presented a quote and proposal for fuel management solutions that includes the construction, installation, freight, and setup for three fuel stations to be placed on County or Pender EMS properties in Burgaw, Rocky Point, and Hampstead and the fuel stations shall be owned by the County; they will provide a fleet fuel management software (Fuel Cloud); they will provide fuel use tracking and fuel tank level monitoring; there will be Wireless Communications between the fuel stations and the Fuel Cloud tracking system; the proposal includes the total capital expenditure for the provision of three Ekos Fuel Stations at $100,000 each and a monthly expenditure for all the software, card readers, wireless communication from the card readers to the tracking software, and fuel tank level monitoring of the sites at $800 per month. Mr. Brown was concerned that staff did not work with the Schools on this as Mr. Tate previously instructed them to. Mr. Watson said they had to access availability of locations, the Schools have to follow State rules and David Smith of the Schools said it would not work because of security issues. Mr. Sullivan said there would be accounting problems as well because of how the Schools fuel is funded and tracked. Mr. Brown instructed Dr. Duvall to find out why the County and the Schools can't go in together to find ways to save money on fuel. Mr. Tate asked who in Raleigh said we can't go in with them. Mr. McCoy and Mr. Tate asked had other counties done it. Mr. Ward asked if we can't find other ways to cut back on fuel costs. Mr. Watson introduced Kevin Keen of Go Energies. Mr. Keen said his company will be glad to work with the County on other options and will do anything they can to help the County save money. Mr. Brown asked if we decide we no longer want to pay the $800, will we still be able to get fuel. Mr. Keen responded affirmatively. Mr. Ward said he still wants them to look at other options. Following more discussion, Mr. Ward made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

APPOINTMENTS

15. **Resolution Authorizing Appointment of Private Sector Representative to the Pender Housing Initiatives Board.**

Ms. Herring explained: Pender Housing Initiatives, LLC was created by the Pender County Board of County Commissioners in 1997 for further development of affordable housing in Pender County; at least three members of the Board are to be appointed by the County to serve

for three years; the Board is short one member currently; the Board currently provides oversight for Seven Oaks of Pender LLC; the Pender Housing Initiatives Board of Directors has reviewed Ms. Ooten's application and recommended appointment; Ms. Ooten works for the Schools; and although the position is for a Private Sector Representative, the PHI Board is asking the Pender County Board of County Commissioners to formally appoint Ms. Ooten. Mr. Tate made a motion to approve the appointment of Shannon Ooten to serve a three-year term on the Pender Housing Initiatives Board representing a Private Sector position, with term to expire April 21, 2017. Mr. Brown seconded the motion and it was unanimously approved.

16. **Resolution Authorizing Approval of Appointment to the Pender County Fire Commission Representing Pender EMS and Fire.**

Mr. Williams said we all know the applicant. He asked if anyone has any grave concerns and said the applicant will represent a lot of people. Mr. Brown said to say the least, Pender EMS and Fire is a huge component of the Fire Commission and it is appropriate for Mr. Sullivan to serve as long as he wants to do it. Mr. Ward agreed with Mr. Brown saying Mr. Sullivan is a great component of it. Mr. Sullivan explained he hadn't already applied for the position before because so many things were going on. Mr. Brown made a motion to approve the appointment of Woody Sullivan to serve a three-year term on the Pender County Fire Commission representing Pender EMS and Fire, with term to expire June 30, 2017. Mr. Tate seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman reported to the Board that the Judge reviewing the appeal of the Alastar SUP had remanded the case to the Board for specific findings in light of a February, 2014 Court of Appeals case. Because that case had not been decided when the Board decided on whether the removal of the outdoor shooting range was a material change to the application, the Judge directed that the Board to make specific findings on that issue alone. There will not be additional evidence received.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall's items included: Customer Service training was held with Department Heads, staff training will begin next and Customer Service training will be an ongoing process. He said the Budget Process started today at 1:00 with the work sessions with fire departments.

Mr. Williams requested to be excused due to another obligation. Mr. Tate made a motion to excuse Mr. Williams, Mr. McCoy seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate thanked Mr. Mack and said he had been hearing nothing but good things about the Convenience Center and bins in Willard. He said he received a call from a Maple Hill citizen last night concerning drainage issues on the main highway in Maple Hill.

Mr. Ward said a citizen requested someone to look into how much it would cost to have a Paddle Ball Court at the Hampstead Kiwanis Park. The citizen said people currently have to go to Wilmington for this sport.

Mr. Brown reported on the Clayton Lane situation in Rocky Point. He explained: We ran into the same thing we did a couple of years ago; the road was not established before September 1975 so the State turned it down; since the road wasn't built before 1975, it would have to meet State

standards in order for DOT to take it over; the folks that live on the road are very upset; there is nothing we can do at this point unless folks contact their legislators; and we don't know if the rules were set by DOT or legislators.

Mr. McCoy spoke concerning personnel going to the News Media. He said these types of things can't be in the News Media, folks should follow the proper channel and follow the chain-of-command, and he appreciates Dr. Duvall' response to the Media. Mr. Brown echoed Mr. McCoy's concerns. He said it was very unprofessional and he did not like it.

CLOSED SESSION

At 6:15 p.m. Mr. Brown 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 went into Closed Session at approximately 6: 45 p.m. At 7:25 p.m. Mr. Ward made a motion to come out of Closed Session. Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote. Upon exiting the Closed Session, the Board announced an item they discussed in Closed Session with respect to extending RC Creation Holdings, LLC contract to June 30, 2014. Mr. Brown made a motion to add the item to the agenda, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Brown then made a motion to approve the item, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC HEARINGS: ZONING MAP AMENDMENT/ZONING TEXT AMENDMENT/ RESOLUTIONS

17. **Public Hearing and Resolution Requesting Rezoning of a Portion of One Tract from RA, Rural Agricultural to RP, Residential Performance Zoning District, Located along the North Side of Island Creek Road, East of the New Hanover/Pender County Boundary.**

The Public Hearing opened at 7:25 p.m. Mr. Breuer explained the Proposal; Property Record Numbers, Acreage and Location; Planning Board Recommendation; Staff Recommendation; Description; Zoning Classification; Land Use Classification; Public Infrastructure;

Environmental Issues; Evaluation, including Public Notifications, Existing Zoning in Area, Existing Land Use in Area, 2010 Comprehensive Land Use Plan Compliance, Unified Development Ordinance Compliance, Review Criteria for Rezoning and Summary and Staff Recommendation. The Planning Board unanimously voted to recommend approval of the rezoning request on March 4, 2014 and Planning Staff recommends approval. Following discussion and questions, the Public Hearing closed at 7:30 p.m. Mr. Ward made a motion to approve the Zoning Map Amendment request, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

18. **Public Hearing and Resolution Requesting Amendment to the Pender County Unified Development Ordinance, Section 3.15.2 Administrative Adjustment, and Section(s) 5.2.3 and 5.3.3, Table of Permitted Uses and Design Standards to Allow for Public Safety Telecommunications Towers.**

The Public Hearing opened at 7:30 p.m. Mr. Breuer explained the Text Amendment Proposal; Background; Administrator/Planning Board Recommendation; Administrative Adjustment: Section 3.15; Public Safety Telecommunication Towers: Section 5.3.3; Evaluation; Comprehensive Land Use Plan Classification; and Staff Recommendation. The Planning Board unanimously voted to recommend approval of the rezoning request on April 7, 2014 and Planning Staff recommends approval. Mr. Breuer stressed the fact that this amendment does not cover typical cell towers; it is solely for public safety towers. Following more discussion and questions, the Public Hearing closed at 7:37 p.m. Mr. Brown made a motion to approve the Zoning Text Amendment, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

ADJOURNMENT

At 7:40 p.m., Mr. Ward made a motion to adjourn the meeting. Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

Respectfully Submitted,

Glenda Pridgen

Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

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

Planning Items Reviewed By:

Planning Staff