

MONDAY, JUNE 23, 2014

The Pender County Board of Commissioners continued its July 16, 2014 regular meeting on Monday, June 23, 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: Butch Watson, Interim County Manager/Clerk to the Board/Finance Officer; Trey Thurman, County Attorney; 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 7:00 p.m. and thanked and welcomed all.

INVOCATION

Vice Chairman McCoy offered the Invocation.

PLEDGE OF ALLEGIANCE

Chairman Williams led the Pledge of Allegiance.

PUBLIC INFORMATION

1. **Carolyn Moser, Health and Human Services Director: "Most Improved Local Health Department" CD Award.**

This item was tabled to the July 7, 2014 meeting.

RESOLUTIONS

2. **Resolution Adopting the FY 14/15 Budget Ordinance for the Fiscal Year Beginning July 1, 2014.**

Mr. Williams explained there are two items pertaining to the Budget; Mr. Ward's salary has been removed from the Ordinance in order for him to vote on the Ordinance; his salary will then be put back into the Ordinance; and Mr. Ward will refrain from voting on the item pertaining to his salary. Mr. Williams gave some highlights of the Ordinance, which included: The Budget includes a 2% Cost of Living Adjustment (COLA) and implementation of "Phase II" of the Salary Study; the COLA will be instituted with the first full pay period ending on October 11, 2014, with a pay date of October 16, 2014; Phase II of the Salary Study will be instituted with the first full pay period ending on January 17, 2015, with a pay date of January 22, 2015; and overtime pay for the Jail and Sheriff's Department employees will be instituted with the first full pay period ending on January 17, 2015, with a pay date of January 22, 2015, and some other departments will be evaluated. Mr. Tate's comments included: He is glad the Board is doing something for the employees; he thanks Board members for support of employees; he thanks Board members for community support; and he thanks the departments too. Mr. McCoy said he echoes Mr. Tate's comment concerning employees, and said this will encourage employees. Mr. Brown said the Board probably appreciates this budget more than last year's, and said he appreciates the employees' patience. Mr. Thurman reiterated that Mr. Ward's salary is not included in this budget, so he can vote on the

budget. Following more comments, Mr. McCoy made a motion to approve the Budget Ordinance, Mr. Brown seconded the motion and it was unanimously approved.

3. Resolution Approving FY 14-15 Budget Ordinance Amendment.

It was again explained that Mr. Ward would not be voting on this item because it concerns his salary. Mr. McCoy made a motion to excuse Mr. Ward from voting on this item; Mr. Tate seconded the motion and it was unanimously approved. Mr. Brown then made a motion to approve the Budget Ordinance Amendment, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

APPOINTMENTS

4. Resolution Authorizing Approval of Appointment to the Pender County ABC Board.

The only applicant for this position was Susan Robbins of Willard. Mr. Brown said ABC Board Chairman Don Hall is not present, but he is sure Mr. Hall has confidence in Ms. Robbins. He said since Ms. Robbins is in Mr. Tate's district, Mr. Tate may want to make the motion. Mr. Tate made a motion to appoint Ms. Robbins to serve the remainder of a three-year term on the Pender County ABC Board representing District 5, with term to expire June 30, 2015. Mr. Brown seconded the motion and it was unanimously approved.

Planning & Community Development Director introduced Andy Christy, the newest employee in the Planning Department, saying Mr. Christy and his wife moved here from Concord, NC.

PUBLIC HEARINGS: ZONING MAP AMENDMENT/SPECIAL USE PERMIT REQUESTS/ RESOLUTIONS

5. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of 0.89 Acres from GB, General Business, to RP, Residential Performance Zoning District, Located Along the North Side of US HWY 17, Approximately 130' Southeast of the Pender County/Onslow County Boundary, Hampstead, NC.

The Public Hearing opened at 7:10 p.m. Planner Ed McCarthy explained the Background; Summary, including Rezoning Proposal, Property Record Number/Acreage/Location, Planning Board Recommendation, Staff Recommendation; History; Description; Project Evaluation, including Public Notifications, Existing Zonings, Existing Land Use, 2010 Comprehensive Land Use Compliance, Preferred Development Patterns Policy, Unified Development Ordinance Compliance, Summary and Administrator Recommendation. Maps were provided for demonstration of the property. Mr. Ward asked about the difference in the rezoning and Mr. McCarthy said the new zoning is a little more restrictive. Mr. Ward asked if this is not a part of Surf City. Mr. McCarthy demonstrated a small plat and said that is Surf City, but this project is not. The Public Hearing closed at 7:14 p.m. Mr. Ward made a motion to approve the Zoning Map Amendment, Mr. McCoy seconded the motion and it was unanimously approved.

6. Public Hearing and Resolution Requesting Approval of a Major Revision to a Special Use Permit, to Increase the Overall Acreage of the Pender Commerce Park, to Accommodate Tracts Acquired in 2010 for Further Industrial Development, Located Along the West and East Sides of US HWY 421, Just North of the Pender/New Hanover County Line, Currie, NC.

The Public Hearing opened at 7:15 p.m. Mr. Breuer explained the Background; Summary, including Land Use Proposed, Property Record Number/Location, Zoning District of Property;

Project Description; Evaluation, including 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 Governing Special Use Permit Approval. Mr. Breuer explained the right-of-way of the former Seaboard Coastline Railroad shall remain reserved and undeveloped to preserve its use as a future “rail-to-trail” corridor, or for use as a future rail corridor. Maps were provided to demonstrate the original project approved in 2009, and the current project additional acreage. Mr. Tate asked if we can periodically get an update on the Industrial Park in Burgaw. He also asked if the Shell Building is still “on the radar.” Mr. Williams said the Shell Building was shown last week, and “yes, it is still on the radar.” The Public Hearing closed at 7:20 p.m. Mr. McCoy made a motion to approve the Special Use Permit, Mr. Tate seconded the motion and it was unanimously approved.

7. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Child Care Center, Zoned RP, Residential Performance District, Located at the Corner of Porter Road and Little Buddy Road, Currie, NC.

The Public Hearing opened at 7:20 p.m. Mr. Thurman swore in the witnesses. Mr. McCarthy explained the Background; Summary, including Land Use Proposed, Property Record Number/Location, Zoning District of Property; History; Project Description; Evaluation, including, Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, Conditions to Consider in Issuing the Special Use Permit for this Project. It was verified that the new facility would give the applicant the right to operate one or both facilities. The Public Hearing closed at 7:25 p.m. Mr. Tate made a motion to approve the Special Use Permit request, Mr. Brown seconded the motion and it was unanimously approved.

8. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Sand Mine (NAICS 2123 Nonmetallic Mineral Mining and Quarrying), Currently Zoned RA, Rural Agricultural District, Located Approximately 5,000’ North of US HWY 17, Near the Pender/Onslow County Border, Hampstead, NC.

The Public Hearing opened at 7:25 p.m. Mr. Thurman swore in the witnesses. Mr. McCarthy explained the Background; Summary, including Land Use Proposed, Property Record Number/Location, Zoning District of Property; Project Description; Evaluation, including, Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, Conditions to Consider in Issuing the Special Use Permit for this Project. Mr. Williams asked about ingress and egress and Mr. McCarthy said Access to the road was designated by an easement from Onslow County. Attorney for the Applicants, Rick Biberstein, introduced the principals of the Project; gave a history of the project; explained that the site is isolated; the location hasn’t presented any problems in the past; and demonstrated maps of the entryway. Mr. Biberstein further explained: They have plans to evacuate the area when everything is removed; they will put in a recreational duck pond; the closest driveway will be 2000’ away; there will be no noise except the excavation when being used; there will be no emissions; the road will be maintained; and this will provide sand for the Hampstead By-Pass. Mr. Ward asked if they had talked to Onslow concerning the property; Mr. Biberstein said they received a letter from Onslow saying they don’t have any interest in it. Mr. Tate asked if mining would not affect any historic buildings or anything else and Mr. Biberstein responded “no.” Howard Ennis, a citizen, spoke: He lives right across from the entrance and exit; he’s not opposing this; they are on well water; his concern is the operation is right

in front of his house and it may affect their water; they are saying the depth of the mine will be seven feet, but how can you get sand out of 7 feet; he is also concerned about trucks; and he is not opposing it if it stays like they say it is. Mr. Breuer said we can place certain conditions on the permit, including that the mine is no more than 7 ½ feet in depth. Mr. Williams said the applicants will still have to get approval from other agencies. Mr. Mark Hargrove spoke on behalf of the project. He said: They are not going to pump; they will do whatever DOT requires; an access road is included in the permit; and the State is making them include the access road. Mr. Biberstein submitted the Application and Staff Report as evidence. The Public Hearing closed at 7:55 p.m. Mr. Ward made a motion to approve the Special Use Permit request, Mr. McCoy seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

9. Presentation of and Resolution Authorizing Acceptance of FY 12-13 Audit Report.

This item was tabled to the July 7, 2014 meeting.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman informed the Board that Mike Nadeau is still interested in purchasing a particular piece of property from the County. Mr. Thurman explained: The upset bid process; tax values; appraisals; the property has to be sold for at least the tax value; the Board can tell him to make an offer; we have no obligation to accept the offer. It was the consensus of the Board to have Mr. Breuer to look into seeing what kind of use the property could be used for. It was also the consensus of the Board to let Mr. Nadeau make an offer. Mr. Thurman said there is no meeting listed on-line for the School Board. He said there was a calendar earlier that said the 26th, with time to be announced, but now there is nothing. Mr. Thurman said there is an item for Closed Session.

ITEMS FROM THE COUNTY MANAGER

Mr. Watson said the NCACC Annual conference will be held August 14-17 in Buncombe County, and the deadline for registration is July 18th.

ITEMS FROM THE COUNTY COMMISSIONERS

Audit Report

Mr. McCoy spoke concerning the audit report. He said next year he doesn't want to see the audit come in this late, and said he is very concerned about the lateness of it.

Mr. Williams said he is also concerned about the audit report. He said he had spoken with the Auditor, Allen Thompson, who said there was an emergency in his family and he could not make it to the meeting tonight.

Mr. Brown's comments: He is concerned about the audit; he wants to know why it has taken so long; he wants to know why it hasn't been done; he wants to get reassurance from the State Treasurer's Office that we won't be jeopardizing anything; he doesn't understand why it has taken an audit this long. Mr. Brown instructed staff to find out if it is clarified that the County is alright financially.

Mr. Tate's comments: Why haven't we responded to questions addressed in the letter from the State Treasurer's Office? Has Item No. 5 from last year been addressed? He is concerned that the

State Treasurer's Office has concerns. Mr. Watson said he and Bond Attorney Bob Jessup had spoken with the Treasurer's Office and everything is fine. Mr. Williams said he wants someone to talk to the person that sent the letter.

Other Items

Mr. Williams reminded Board members to review the County Manager applications Ms. Mulhollen had distributed. Mr. Williams said he had met with department heads earlier today and then toured the Health Department. He said when he returned from the Health Department, he had an e-mail from the Board of Education with a resolution they want to put on our agenda. Mr. Watson said the request was hand delivered, and he also received some information from the Board of Education last week.

Mr. McCoy reminded Board members to get the Employee of the Year and Citizen Volunteer of the Year evaluations back to Ms. Mulhollen because she needs them.

Mr. Tate said we have this resolution from the School Board but he hasn't gotten the resolution for the School Board that he requested at the last meeting. Mr. Tate said he had been getting calls from DSS employees who said they were told they would have to leave DSS and come back as contracted employees. Ms. Mulhollen explained during the budget process, evaluations were made to determine if it is better to contract employees or keep them on as temporary employees. Ms. Mulhollen read the letter that was sent to the five temporary employees and explained: They were not told they would have to be out of a job; we are now contracting with Greene Resources, Inc.; and three of the five employees have already contacted Greene Resources about getting on with them. Mr. Williams said we did exactly what we said we were going to do in the Budget Workshop.

Mr. Tate instructed Ms. Pridgen to advertise for the District 5 position for the DSS Advisory Board because his brother will not be serving anymore.

Mr. Brown said during the budget Work Sessions, a clear message was sent to staff that these DSS positions were going to be temporary positions. Mr. Ward said he thought the suggestion was to see what the difference would be in hiring full-time versus temporary. He asked why advertise and have to train somebody else, when they already have someone trained.

Mr. Tate said he is being treated badly by other Board members and he feels there is a lack of respect for him.

DSS employees in the audience were speaking out of turn against the Commissioners' decision to contract the temporary positions.

Mr. Brown said the temporary employees are demanding to be made full time and those speaking out in the audience are downright disrespectful. Mr. Thurman said it would create a liability to make the temporary employees full-time contractors.

CLOSED SESSION

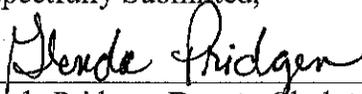
At 7:30 p.m. Mr. Brown made a motion to enter into Closed Session pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby

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. Mr. McCoy seconded the motion and it was unanimously approved. At 8:40 p.m., Mr. Ward made a motion to come out of Closed Session. Mr. Brown seconded the motion and it was unanimously approved. There were no announcements made upon exiting the Closed Session.

ADJOURNMENT

There being no further business, Mr. Ward made a motion and the meeting adjourned at 8:40 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Butch Watson, Clerk to the Board/Ann Coombs, Administrative Assistant