

## MONDAY, JULY 7, 2014

The Pender County Board of Commissioners met in regular session on Monday, July 7, 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; 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 4:03 p.m. and thanked and welcomed all.

### INVOCATION

Commissioner Ward offered the Invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance

### PUBLIC INFORMATION

#### 1. **Recognition of Student Athletes: Topsail High School Baseball Team.**

Topsail High School Baseball Team, who won the 3-A Baseball State Championship, and coaches came forward. Mr. Ward read and presented a plaque to the team. Mr. Williams read the certificate and presented individual certificates to the students and coaches who were present: Isaac Beach, Kyle Giddens, Andrew Bishop. Trader Flora, Sam Hall, Chase Thompson, Sam Luchansky, Danny Wilson, Colin Buete, Jake Madole, Clark Cota, Austin Baird, Austin Rodriguez, Trent Hansley, Bryce Cota, Chase Riker, Ken Kampen, Cameron Kimrey, Mason Berne; Head Coach: Granville Gehris; Assistant Coaches: Chris Blake, Cpt. Scott Cota (USA Navy); Jordan Reisman, Mike Wortman, John White, Brandon Johnson. Certificates were accepted for the individuals not present. Board members congratulated the team and the coaches. Coach Gehris commented: This is a very special group; they won eight games in a row; that is what it took to go to the State Championship; they were glad to represent Pender County; and they appreciate Pender County's support. Mr. Tate remarked even though he lives on the west side of the County, he received lots of calls commending Topsail High's Baseball Team for winning the State Championship. He commented the team has good leadership.

#### 2. **Board Chairman Bernadette Silivanch/President Ruth Glaser: Update on Pender Memorial Hospital.**

Ms. Silivanch thanked the Board of Commissioners and said there were major changes in the past year; not only physical, but also new services were added. Ms. Glaser thanked the Board of Commissioners as well, and thanked Mr. Tate, Mr. Williams and Ms. Silivanch for serving on the Pender Memorial Hospital Board. Ms. Glaser delivered a PowerPoint presentation entitled Hospital Update July 7, 2014, which included: Enhanced Technology; Comfortable Environment; Volunteer Program; The Genoa Williams Chapel; Honoring our Physicians; New

Services; Physician Additions; Emergency Center; and What's Next? Ms. Glaser explained each category in detail. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Mr. McCoy said Pender Memorial is one of the best hospitals around and said he is really impressed with the changes. Mr. Tate asked if the Hospital didn't also recently undergo Accreditation and Ms. Glaser responded affirmatively. Mr. Williams said he is very pleased with the direction the Hospital is going, and said when former Board of Commissioner member F.D. Rivenbark sat on the Hospital Board, they advocated for the merger with New Hanover Regional.

**3. ABC Board Chairman Don Hall: Quarterly Report on the Pender ABC System Involving Financial Information and Other Progress/Activities.**

It was noted that Chairman Don Hall had requested this item be tabled to one of the August meetings. Board members gave a nod of agreement.

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

Ms. Moser congratulated her staff on this achievement. Ms. Moser explained: Pender County Health Department was recognized as the "Most Improved Local Health Department in the State" on May 20, 2014 at the 5<sup>th</sup> Annual NC Communicable Disease Skills Development Conference in Wrightsville Beach, NC; the nomination for the award was made by Vivian Mears, RN, BSN, with the NC Department of Health and Human Services; and the Health Department did not previously know about the nomination. Mr. McCoy remarked Ms. Moser has done a really good job with the Health Department. Mr. Brown said he was one of the strongest opponents of the Health Department a while back when so much was going on, and now he is one of its strongest proponents. Mr. Williams said he recently took a tour of the Health Department and he is extremely impressed.

**5. Update on Submitted Pender County Transportation Projects for State Prioritization 3.0.**

Mr. Williams explained: There are more road projects that need to be done than there are funds to do them; the Hampstead Bypass is one that came out ranking in this draft; that project and others are prioritized; it may be years before the Bypass project is finished; and this draft is not over. Planning and Community Development Director Kyle Breuer explained: The North Carolina Department of Transportation currently utilizes a strategic prioritization process which categorizes similar projects together into "prioritization buckets" where they are compared against each other using a data-driven methodology; based off of the prioritization points, projects are typically separated into three separate funding categories: State, Regional, and Division; these categories then share the State funds programmed within the State Transportation Improvement Program; Pender County annually submits transportation related projects to both the Wilmington MPO and the Cape Fear RPO for prioritization and scoring based off of the State formula and local organization formulas; projects submitted are based on local input as well as adopted Pender County and other regional transportation plans; some high dollar projects such as the Hampstead Bypass are not scoring high enough to meet the State schedule; Pender County works from the bottom up; the Bell Williams Intersection in Currie is an example of a project that was funneled to a local agency (the RPO); and staff currently fights for our projects as much as we can. Mr. McCoy said Senator Rabon is a strong supporter of Roads' programs. Mr. Williams said he and Mr. Brown had gone to Raleigh concerning road projects on several occasions, and they will be going again. Mr. Tate asked if staff can produce a document that will

update the Board as to the Pender County projects that make it on the STIP. He said we all see the need for the Hampstead Bypass.

### **PUBLIC COMMENT**

Ms. Irene Edwards distributed information and spoke concerning El Puente NC. Ms. Edwards explained El Puente is a grassroots organization that provides preventative health education, access to community resources and advocacy for the Hispanic/Latino Community, the underserved, the uninsured and other populations residing in the tri-county region of Southeastern North Carolina. Activities would include: Nutrition classes, ZUMBA exercise classes, YOGA classes, weekly farmers market, line dancing at Burgaw Community Center, and a multi-cultural festival during fall/winter of 2015. Ms. Edwards is asking the Board's support to use the Cooperative Extension facility for monthly cooking classes and ZUMBA classes, \$50 per month for line dancing classes and to support the multi-cultural festival. There was discussion of when to hold the multi-cultural festival, and Mr. Ward suggested maybe holding it during the Christmas Parade.

### **CONSENT AGENDA**

Mr. Williams presented the twenty-three items on the Consent Agenda and asked for any discussion or questions. Mr. Tate questioned Item No. 7, saying he is concerned that we have so many releases and refunds each month. Mr. Watson explained some of them are military exempt, some were listed in the wrong county, etc. Mr. Tate said he is concerned to see some of them labeled "listing error" and asked what we can do to rectify it. Mr. Watson said he will spend some time with the Tax Assessor and try to come up with a solution. Mr. Tate said going forward, he would like to know if the "listing errors" are on the Tax Office side or the Taxpayer's side. There being no further discussion, Mr. McCoy made a motion to approve the Consent Agenda, Mr. Brown seconded the motion and the Consent Agenda was unanimously approved as follows:

6. Approval of Minutes: County Departments' Budget Work Session June 12, 2014 Regular Session June 16, 2014; Regular and Closed Sessions June 23, 2014.
7. Resolution Authorizing Approval of Tax Releases and Refunds to the Individuals Listed Herein.
8. Resolution Authorizing Approval of Payment of Membership Dues: Southeastern Economic Development: \$4,700; NCACC: \$5,899; School of Government: \$6,202.
- 9a. Resolution Authorizing Issuance of Purchase Order to Carolina Recording Systems, Inc. for Annual Maintenance Renewal: \$5,500.
- 9b. Resolution Authorizing Issuance of Purchase Order to Priority Dispatch for Software Maintenance and Support : \$5,965.50.
- 9c. Resolution Authorizing Issuance of Purchase Order to Sungard Public Sector for Software Maintenance Services: \$6,723.84.
- 9d. Resolution Authorizing Issuance of Purchase Order to North Carolina Department of Justice: \$16,000.
- 9e. Resolution Authorizing Issuance of Purchase Orders to NC Department of Corrections: \$10,000; and US Food Services: \$75,000.
- 9f. Resolution Authorizing Issuance of Purchase Order to Southern Health Partners: \$277,000.
- 9g. Resolution Authorizing Issuance of Purchase Orders for Inmate Safekeeping to NC Department of Corrections: \$100,000; New Hanover County Sheriff's Office: \$75,000; and Onslow County Sheriff's Office: \$400,000.

- 10a. Resolution Authorizing Approval of Purchase Order for Child Support Office Space: \$25,000.
- 10b. Resolution Approving Social Services Contracts and Authorizing Purchase Orders for FY 2014-2015: Mega Force, \$35,000; DSS Attorney \$75,000.
- 10c. Resolution Authorizing Approval of FY 14-15 Contracted Services and Purchase Order to Advanced Imaging System: \$150,000.
- 10d. Resolution Authorizing Approval of Purchase Order for Medical Transportation Services: Kris Transportation: \$125,000; MV Transportation: \$400,000.
- 10e. Resolution Authorizing Approval of Purchase Order for Foster Care Vendor Payments: \$450,000; and Approval of Purchase Order for Day Care Provider Payments: \$1,438,000.
- 11. Resolution Authorizing River Monitoring Purchase Order to the US Geological Survey: \$6,000.
- 12a. Resolution Authorizing a Purchase Order to Overdrive for Library E-Book Collection Purchase and Management: \$6,000.
- 12b. Resolution Authorizing Approval of Annual Renewal of Licenses and Maintenance Agreement for Library Automation System with Library Corporation: \$13,798.75.
- 12c. Resolution Authorizing Approval of Purchase Order to Ingram Library Services for Book Purchases: \$55,000.
- 13a. Resolution Authorizing Approval of Contract Service Renewals and Purchase Orders over \$5,000 for the Information Technology Services (ITS) Department for FY 2014-2015: \$373,406.99.
- 13b. Resolution Authorizing Approval of FY 14/15 Information Technology Services (ITS) Department Capital Outlay Purchase Orders: \$533,869.87.
- 14a. Resolution Authorizing Approval of Purchase Orders for Health Department Supply and Vendor Services for Fiscal Year 2014-2015: \$320,004.
- 14b. Resolution Authorizing Approval of Purchase Orders for Health Department Service Contracts for Fiscal Year 2014-2015: \$681,344.

## RESOLUTIONS

- 15. **Resolution Authorizing Approval of FY 14-15 Cooperative Service Agreement between Pender County and USDA Wildlife Services for the Beaver Management Program (BMAP): \$56,000.**

Mr. Watts explained this is the annual service agreement with USDA for the Beaver Management Program. Following discussion, Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

- 16. **Resolution Approving Recruiting Contract with Greene Resources, Inc.**

Human Resources Director Denise Mulhollen explained: Greene Resources, Inc. is an award-winning employment solutions firm with offices in Wilmington, Raleigh and Charleston, SC; Greene has been honored with numerous awards for growth, entrepreneurship and integrity; some of the notable awards include: "Entrepreneur Magazine's 100 Hottest Companies in America", "North Carolina Association of Staffing Professionals Sales/Marketer of the Year" and "Pinnacle Business Award from the Greater Raleigh Chamber of Commerce"; Greene works with their clients to understand their business, skill requirements and culture; they then work within set parameters to find the right candidates for the job; partnering with Greene to provide temporary contracted employees would provide cost savings to the County; by utilizing contracted workers, there would be savings in salaries, taxes, benefits, workers' compensation and LGERS contributions; a contracted worker with a defined end-date would mean no recurring

costs to the County; Paid Time Off and Holidays are not billed back to the client-these are paid by Greene; Greene would also provide time savings to the County's departments as they administer the screening, background and drug testing services. Mr. Ward asked what other contractor do we have for employment services and Ms. Mulhollen responded there is one employee working for Mega Force out of Wallace. Mr. Ward asked what is the difference between Mega Force and Greene and Ms. Mulhollen responded Greene pays more to the employee. Mr. Tate said he would like to see both contracts made into one. Discussion and questions ensued concerning drug testing, background checks, using two separate agencies, etc. Ms. Mulhollen said she would like to use Greene exclusively, but she doesn't want to take the employee from Mega Force if the employee doesn't want to, and she thinks the employee resides in close proximity to Mega Force. Ms. Mulhollen reiterated that with Greene, the employee would get more pay. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

**17. Resolution Authorizing FY 13-14 Budget Amendment for Winter Storm 2/11/2014 Related Costs, Purchase Order(s) for Winter Storm 2/11/14 Debris Management Services with DRC Emergency Services, LLC.**

Emergency Management Director Tom Collins was not in attendance. Mr. Watson explained this resolution authorizes the contract with DRC Emergency Services to provide for storm debris reduction from last winter's storm. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved. Per request of the Board, Deputy Fire Marshal Tommy Batson gave an update on the Hurricane Author from last week. The update included: One home in Atkinson was lost from a lighting strike; one funnel cloud was spotted by a law officer in the western part of the County; EOC was activated partly Wednesday and fully Thursday; and the beaches actually gained sand from the storm.

**18. Resolution Authorizing Approval of the Recruitment of a Licensed Practical Nurse II.**

Ms. Moser explained: The Pender County Health Department has a vacancy for a Community Health Assistant; recruitment of an LPN II in lieu of this position allows for more versatility in clinical staffing; the LPN II is licensed to perform many more nursing functions than an assistant; this nurse can work in a shelter during a public health/natural disaster; they can function more independently and require less supervision; there is funding in the budget; and no additional county money is needed. Mr. Tate asked what an LPN's credentials are versus a Community Health Assistant's. Ms. Moser said an LPN attends at least one year of training and has to be state certified; whereas, a CHA may attend as little as six months training. Ms. Moser then discussed the duties of an LPN. Mr. Brown made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved. Mr. Tate said he hadn't visited the Health Department in a while and would like to take a tour. Ms. Moser said their doors are always open.

**19. Resolution Authorizing Renewal of Legal Advertising Contract with the Pender-Topsail Post & Voice, and Authorizing Purchase Order for FY 2014-15: \$14,404.**

Mr. Williams asked if anyone has any questions for Ms. Pridgen or Mr. Watson concerning this item, and noted Andy Pettigrew, Editor of the paper, also said he would be available for any questions. Mr. McCoy asked about putting this on the Internet and asked if it has to be printed. Mr. Brown said he asked about this a while back and found out it still has to run in a newspaper. Mr. Brown commented: He misses having Melinda Knoerzer around; she usually takes care of this; every year we look to her to handle this; and when he saw this, it reminded him of her. Mr.

Williams said Melinda knows we love her. Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

**20. Resolution Requesting Funding for a Capital Improvement Program by the Pender County Board of Education, in an Amount Not-to-Exceed \$75,000,000 for the School System's Capital Building Needs.**

Board of Education members Tom Roper and Kenneth Lanier were present to answer any questions. Mr. Roper stated the resolution by the Board of Education requesting approval of the funding is included in Board of Commissioners' packets. Mr. Williams commented: From what was explained to him about the bond, you need to set a threshold and not exceed it, you can go down but you can't go up; he understands the timeline involved; and this is the first of many procedures involved. Mr. Williams asked Bond Attorney Bob Jessup to lay it out in laymen's terms how the whole process works. Mr. Jessup explained: The Board needs to take action at three different points; the first one is scheduled tonight; he has provided a separate resolution which establishes the Board's intent to proceed with an application to the Local Government Commission to go forth with the bond; the resolution establishes the maximum amount of the bond to be put on the referendum, which in this case is \$75,000,000; at the first August meeting the Board will approve a resolution to Introduce the Bond Order; at this meeting, there will be an opportunity to adjust the amount; at the second August meeting the Board will hold a public hearing; after the public hearing, the Board will take final action on the Bond Order, which will be to approve the Bond Order and to send the question to the voters; during this time you can either abandon the whole bond issue or adjust the amount; and after this, you can't go up without starting the whole process again. Mr. Williams asked for clarification that after the second August meeting we are "at the point of no return" and that if this misses the November ballot, when the next option is. Mr. Jessup responded it would have to wait until May, 2016. He explained you can only have a referendum on the day there is a County election. Mr. McCoy asked if we could have it in 2015. Mr. Jessup said there is not an election in 2015 and May 2016 would be the earliest date unless the Board asked for a special election. Mr. Jessup explained legislation and laws concerning referendums. Mr. Tate asked if we are not moving forward at this time. He said he was told if we don't proceed at this time, construction costs could exceed the current costs by more than \$10 million. Mr. Williams commented: If he votes on this tonight, between now and mid-August he would like details on each project; he doesn't want to wait two years to vote on this; and he would like the School Board to hold an informational meeting at Topsail High School between now and the August 18<sup>th</sup> BOCC meeting. Mr. Roper said they will evaluate each project listed on the bond issue, and will keep the public informed. Mr. Brown said keeping the public informed was his concern. He said he respects Mr. Roper for admitting at the last Schools' informational meeting that the public was not well enough informed, and he wants to publicly appreciate Mr. Roper. Mr. Tate thanked Mr. Brown for attending the last Schools' community meeting. He said it is time for Penderlea to get its share of the bond, he will help disseminate any information, they are a partnership, and he hopes we can move forward with this. Other discussion included: Letting people know what is going on; Penderlea School and keeping it a K-8; the bid process and construction process; how things changed in past couple of weeks. Mr. Roper said he, Mr. Lanier and Superintendent Cobb were in favor of Mr. Jessup's resolution. Following more discussion, Mr. Tate made a motion to approve the resolution, along with Mr. Jessup's resolution "Resolution Stating Intent to Proceed with a Referendum for General Obligation School Bonds." Mr. Ward seconded the motion and it was approved by a 4-0 vote, with Mr. McCoy voting in opposition.

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

Mr. Williams commented: This is something we have all been talking about a lot lately; he talked to Auditor Alan Thompson fifteen minutes before the meeting; the Auditors are waiting for one thing to be taken care of, and if it happens, the audit can be in everybody's hands a week from Friday; if anyone has any questions, they can talk to Mr. Thompson after the regular part of the meeting; he likes to boil things down sometimes because the rumor mill is all over; and there are three different letters the Board needs to talk about later. Mr. Thompson explained: These are draft numbers; as the Chairman mentioned, they are waiting for a report from a firm that does valuation services; the report is the OPEB Report (Other Post Employment Benefits); it is an actuarial valuation that determines future costs of health insurance benefits that will be paid for retired employees; the group actually attempts to determine the future based on their study using models; it is an estimate but you can't finish the financial report without it; the report affects the entire financial picture; the report should be finished by the first of next week and if so, the Audit Report will be delivered a week from Friday; the County is in good financial state as a whole; the General Fund increased by \$3 million and the cash position is up \$3 million; and the tax collection rate is 1% above the current rate. Other comments and questions included: The Board was not made aware the situation had gotten to this point; some housekeeping needs to be done; the Audit will have to be delivered to the LGC and the Board without formal action of the Board; can someone contact the State Treasurer's Office and let them know what we are doing; Mr. Watsons spoke with someone from the Treasurer's Office today; Mr. Williams had spoken to someone from the LGC; have Mr. Thompson talk with someone at the LGC; what will this situation do in the scheme of things getting contracts paid, etc.; didn't the fiscal year close on June 30; comments concerning Period 13. Mr. Thompson said he talked with Finance today and they assured him nothing and been affected by the delay in the Audit Report.

**APPOINTMENTS**

**22. Resolution Authorizing Approval of Appointment to the Pender County Social Services Advisory Board.**

Ms. Pridgen explained Ms. Dot Spencer has served a three-year term on the Social Services Advisory Board, her term has expired and she wishes to be reappointed; Mr. Douglas Johnson is applying for the first time to serve on the Social Services Advisory Board; the positions have been advertised; and these are the only two applicants. Mr. Tate made a motion to approve the reappointment of Dot Spencer to serve a three-year term on the Social Services Advisory Board representing a Public Citizen position, with term to expire June 30, 2017; and to approve the appointment of Douglas Johnson to serve a three-year term on the Social Services Advisory Board representing a Public Citizen position, with term to expire June 30, 2017. Mr. Brown 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**

There were no items from the County Manager.

**ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. McCoy said he is not against the Schools, his big concern is the County's debt management, and this bond issue is happening too quickly and moving too fast. Mr. McCoy said he wants to thank County employees for their time during the hurricane, and said we "dodged the bullet" this time.

Mr. Williams said he thanks staff for keeping everyone informed about the storm, and he thanks Mr. Collins, Mr. Batson and other staff for doing a good job.

### **CLOSED SESSION**

At 5:28 p.m. Mr. Tate 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; 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. Mr. Brown made a motion to come out of Closed Session. Mr. McCoy seconded the motion and it was unanimously approved. There were no announcements made upon exiting the Closed Session.

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

#### **23. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of Four Tracts Totaling 15.69 Acres from RA, Rural Agricultural, to the GB, General Business District, Located on the Northwest Corner of the Intersection of Camp Kirkwood Road US HWY 117, Watha, NC.**

The Public Hearing opened at 7:30 p.m. Senior Planner Ashley Frank explained the Background; Summary, including Rezoning Proposal, Property Record Number/Acreage/Location, Planning Board Recommendation (Ms. Frank distributed a revised Staff Report to include the Planning Board recommendation, which wasn't in the original), Staff Recommendation; History; Description; Project Evaluation, including Public Notifications, Existing Zoning, Existing Land Use, 2010 Comprehensive Land Use Compliance, Unified Development Ordinance Compliance, Summary and Administrator Recommendation. Ms. Frank explained that this is a County initiated rezoning. Under Planning Board Recommendation, Ms. Frank said the Planning Board had tabled Tracts 2 and 4. Under History, Ms. Frank explained these tracts of land were changed from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999. The property owner requested the property to be rezoned and that request was approved by the Pender County Board of Commissioners. These four properties were

inadvertently affected by a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural because of technical error.

The following property owners, adjacent property owners and others spoke:

Miranda Rodriguez, Owner-Under the assumption the property was zoned Commercial when they purchased it.

Sharon Hardison-Not against the property, but concerned that Camp Kirkwood is right behind it; children, church groups and others spend the summer at Camp Kirkwood; leave the property as residential. Mr. Tate asked if the rezoning would affect Camp Kirkwood and Ms. Frank responded “no.” Mr. Williams said we changed the game on them after they bought the land.

Robert Murray-Lives across from lots 1, 2 and 3; against any kind of business going in.

Karen Berger-Doesn't live adjacent to property, lives north of it; safety issues; almost 700 acres zoned GB; this request coming five years after mistake made; taxes paid on this the last four years as residential, not GB; rezoning issue fifteen years later; look at it for the merits of where we are today; anything can go in GB, such as junkyards.

W. Rodriguez-Husband of Miranda Rodriguez; found out it wasn't commercial when he was looking for something else; if the mistake had never been made, they wouldn't be here tonight; Mr. Breuer verified it was a mistake on staff's part or they would have gone through the normal process.

Keith Tatro, Owner-Tract # 4 will be a wedding shop.

Melanie Herring, Owner-Property bought with residence on the river; planned to put something else there with exposure to the road.

Mr. Tate asked what type of business can be located at the site and would it have to come back to the Board for approval. Ms. Frank said Salvage Yards are not permitted, GB allows General Retail, and the uses are listed in the Table of Permitted Uses.

Mr. Brown asked if residential is allowed there and Ms. Frank responded “no.”

The Public Hearing closed at 7:58 p.m. Mr. McCoy made a motion to approve the Zoning Map Amendment, Mr. Brown seconded the motion and it was unanimously approved.

**24. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of 7.42 Acres from OI, Office & Institutional District, to RA, Rural Agricultural District, Located Along the East Side of US HWY 117 between River Road and Church Street, Just South of the Duplin/Pender County Line, Willard, NC.**

The Public Hearing opened at 7:55 p.m. Mr. Breuer explained the Background; Summary, including Rezoning Proposal, Property Record Number/Acreage/Location, Staff Recommendation, Planning Board Recommendation; History; Description; Project Evaluation, including Public Notifications, Existing Zoning, Existing Land Use, 2010 Comprehensive Land Use Compliance, Unified Development Ordinance Compliance, Summary and Administrator

Recommendation. Under History, Mr. Breuer explained according to the Pender County GIS, the subject property was rezoned to OI, Office & Institutional from the RA, Rural Agricultural zoning district with the adoption of the Pender County Unified Development Ordinance and official zoning map in June, 2010. Charles Cazier of Intracoastal Engineering explained the parking lot design was not allowed and they obtained an NC DOT Driveway Permit, plus they obtained a Sedimentation and Erosion Control Permit, as well as a Stormwater Permit. The Public Hearing closed at 8:05 p.m. Mr. Tate said he would like to decline voting on this item. He said this is a great project, he knows the good Bishop very well, and he doesn't want to. Mr. Ward made a motion to approve the Zoning Map Amendment, Mr. McCoy seconded the motion and it was unanimously approved.

**25. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of an Electrical Substation Located at the Corner of US HWY 17 and Old Whitfield Rd., Hampstead, NC.**

Mr. Thurman swore in the witnesses. The Public Hearing opened at 8:06 p.m. Planner Ed 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, 2010 Pender County Comprehensive Parks & Recreation Master Plan, Existing Land Use in Area, Site Access Conditions, Conditions to Consider in Issuing the Special Use Permit for this Project. In response to the applicant's concern regarding the C-Type Buffer, Mr. Breuer said regardless of C-Type Buffer, or D-Type Buffer, the project will require a canopy tree. Rick Biberstein, Attorney for Duke Energy Progress, said Duke will work with Planning staff to get the project done. Mr. Biberstein introduced the evidence. The Public Hearing closed at 8:20 p.m. Mr. Ward made a motion to approve the Special Use Permit Request, Mr. McCoy seconded the motion and it was unanimously approved.

**26. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of an Airsoft Facility Located Approximately 1,500 Feet East of the Intersection of NC HWY 210 and Little Kelley Rd., Rocky Point, NC.**

Mr. Thurman swore in the witnesses. The Public Hearing opened at 8:21 p.m. Mr. McCarthy explained the Background; Summary, including Land Use Proposed, Property Record Number and Location, Zoning District of Property; Project Description, Including Phase 1 and Phase 2; 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. Under Project Description, Mr. McCarthy explained Phase 1 will consist of the construction of a pro-shop, parking, landscaping and the airsoft fields, and they plan to install netting across the entire front of the property to ensure that projectiles do not travel beyond the buffer zone and onto NC Hwy 210 or adjoining neighbors' property. Mr. Brown asked is the pro shop considered a business and if it is open to the Public. Mr. McCarthy responded that the pro shop is an accessory to the primary use and that the pro shop would be open for external customers.

The following adjacent property owners and others spoke:

Scott Robbins, Applicant, stated: Basically, they have no place to play airsoft; he, his son and others were playing in Ogden but the operation there shut down; this property was available

through his Fiancée's family; this game is like Paint Ball; they will only play on weekends; and it is a really quiet game. Mr. Ward asked why the Ogden operation shut down. Mr. Robbins said the person that owned the property couldn't get a permit that he could take money from people, so he had to shut down.

Georgia Scott-Owens the property right beside the site and she is against it.

Penny Scott Owens-Georgia Scott's daughter; she is speaking on behalf of her mother; applicants have not confronted people; she has nothing against guns; Items 2 and 3 of the SUP Review Criteria applies to this case; it will cause private nuisance with safety issues, welfare, noise and projectile issues; her mother works at Pender Packing and she will have to hear this noise on her days off; ingress and egress issues, increased traffic; neighbors will be surrounded by this endeavor; yelling profanity when they shoot; private nuisance; non-biodegradable ammunition; other types of ammunitions; Porta Johns; drainage issues; they can use Jacksonville's facility; they are out of Wilmington; this will be more revenue for New Hanover County.

John White, Jr., Adjoining Property Owner-Quiet, good neighborhood; RA, should remain residential; airsoft dangerous to children, animals; netting won't help; quality of life, nothing sacred anymore; character; better curb appeal; not what is best for community.

Larry Younginer-Will impair integrity and character of neighborhood; zoned RA; applicant doesn't own the property; does not live in Rocky Point; personally asking the Board not to approve.

Mary Younginer-Has horses; won't be able to safely ride horses; combat and warfare; safety nuisance; parking lot full of cars; Saturdays and Sundays; problem with the guns; people getting hurt; this is learning how to fight.

Ashley Teachey-She is Mr. Wilson's granddaughter and one of the heirs to the property; her grandfather died years ago; her son came up with this idea; the land has just been sitting there for years with nothing on it; people have been out there hunting; the hunter's bullets travel a lot further than these.

Jared Sipe-Moral implications; will have a 100' buffer; you won't even see us; out there to have a good time; not trying to hurt each other; referees will take care of people using profanity; as far as safety, someone can get hurt in all sports; BB's biodegradable; they regulate ammunition; just want to have fun.

David West-He and his son played two years until their local field couldn't get SUP; tactical training facility in Florida; tactical facility could be used by our Sheriff.

Darryl Burnett-Hardly any noise; being hit by BB's is nothing; kids will have somewhere to go; this has helped his nephew who had some problems; teach boys right from wrong; boys 13-16.

Andrew Daffer-Playing almost three years; have something to do on weekends; stress reliever; no profanity; expulsion from field; guns not that loud; people not yelling loudly.

Mark Daffer-Andrew's father; started playing couple years ago; helps bring fathers and sons together; can now see what all the excitement is about; all these groups have proven to him they are good guys.

The Public Hearing closed at 9:14 p.m. Mr. Brown commented: He likes the concept of the father/son camaraderie; if it was just listening to the folks wanting the project, it would be a hard decision, but listening to the other folks in the area, they have valid concerns; and he is not convinced that Items 2 and 3 don't apply. Mr. Brown made a motion to deny the Special Use Permit Request, Mr. McCoy seconded the motion and it was unanimously denied.

All Planning and Zoning items were demonstrated with Power Point presentations.

### **CLOSED SESSION**

At 9:17 p.m. Mr. Ward made a motion to enter into Closed Session again, pursuant to NCGS 143-318.11: 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. McCoy seconded the motion and it was unanimously approved. There were no announcements made upon exiting the Closed Session.

### **ADJOURNMENT**

There being no further business, the meeting adjourned.

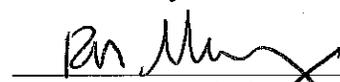
Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Bob Murphy, Clerk to the Board/Ann Coombs, Administrative Assistant