

## **MONDAY, OCTOBER 20, 2014**

The Pender County Board of Commissioners met in regular session on Monday, October 20, 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 Jimmy Tate and Chester Ward.

**MEMBERS ABSENT:** Commissioner George Brown.

**OTHERS PRESENT:** Bob Murphy, 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 4:00 p.m. and thanked and welcomed all. Mr. Williams announced this meeting was continued from earlier today when the Commissioners held County Manager interviews, which he said went well.

### **INVOCATION**

Commissioner Tate offered the Invocation.

### **PLEDGE OF ALLEGIANCE**

Commissioner Ward led the Pledge of Allegiance.

### **EXCUSE COMMISSIONER**

Mr. Williams also announced Mr. Brown would not be in attendance due to illness. Mr. Tate made a motion to excuse Mr. Brown, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

### **ADDITIONAL ITEM**

Sheriff Carson Smith explained he has a resolution he is asking the Board to approve authorizing a lease with the Pender County Board of Education to construct an emergency communications tower on school property. Sheriff Smith distributed the resolution, explained what type of tower it is, the tower's location, a special permit has already been approved for it, and he is asking the Board for approval of the lease tonight due to time constraints. Mr. Ward made a motion to add the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote. Mr. McCoy made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

### **PUBLIC INFORMATION**

There were no Public Information items.

### **PUBLIC COMMENT**

No one wished to speak under Public Comment.

### **CONSENT AGENDA**

Mr. Williams presented the ten items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Tate made a motion to approve the Consent Agenda, Mr.

McCoy seconded the motion and the Consent Agenda was unanimously approved by a 4-0 vote as follows:

1. Approval of Minutes: Emergency & Closed Session October 3, 2014; Regular & Closed Session: October 6, 2014.
2. Resolution Accepting Petition to Add Williams Store Road in Hampstead to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
- 3a. Resolution Authorizing Approval of a Purchase Order to Student Action with Farmworkers, for the Farm Workers Program for Fiscal Year 2014-2015: Migrant Health: \$9,870.
- 3b. Resolution Authorizing Approval of a Purchase Order to Tina Reagan, FNP, for the Health Department Clinic, Fiscal Year 2014-2015: \$70,200.
- 3c. Resolution Amending the FY 14-15 Budget Ordinance Authorizing Increase to Health Department Expenditures for Fiscal Year 2014-2015, Moving Designated Funds from Medicaid Maximization to the Health Department: \$152,588.
- 4a. Resolution Authorizing Issuance of Purchase Order to NetMotion for Software Maintenance and Support for the County Emergency Services Mobile Network: \$6,410.00.
- 4b. Resolution Authorizing Issuance of Purchase Order to Tritech for Software Maintenance and Support: \$39,882.74.
- 4c. Resolution Authorizing Issuance of Purchase Order to Creekridge Capital for the Annual Lease Payment for the Public Safety Virtual Network: \$50,628.98.
5. Resolution Authorizing Approval of Budget Ordinance Amendment for Wastewater Pump and Haul Contract.
6. Resolution Authorizing Approval of Wellness Contract with HealthStat, Inc.: \$45,696.79.

Mr. Ward asked with respect to Item No. 6, how the Wellness Program is going. Human Resources Director Denise Mulhollen came forward and explained: We have done the health risk assessments with employees and are in the middle of doing follow-ups with the Health Educator last week and this week; the health assessors are pleased with results from the employees; the employees are pleased with results; the employees have been working very hard to get healthy, including some employees have given up smoking and there have been lots of pounds lost; employees getting healthy means the cost of insurance premiums will be reduced. Mr. Ward said lots of HR's are going in the direction of wellness programs. Ms. Mulhollen said she will present a full report at a future meeting giving statistics on employee health results and comparisons to last year.

#### **ADDITIONAL ITEM**

Mr. Tate explained: There have been several vacancies open on boards in his district for some time now; he now has two applicants; and he would like this item added to the agenda tonight. Mr. Tate explained Ms. Donnie Brown is applying for a seat on the Hospital Board and Ms. Ann Cottle is applying for a seat on the Tourism Development Authority Board. Mr. Tate said he has known both of them for a long time, and listed some of their credentials. Mr. Williams said he also knows both of the applicants. Mr. Ward made a motion to add the request, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Tate made a motion to approve the following appointments: Ms. Donnie M. Brown to serve a three-year term on the Pender Memorial Hospital Board representing District 5, with term to expire July 25, 2017; and

Ms. Ann S. Cottle to serve a three-year term on the Tourism Development Authority Board representing District 5, with term to expire August 31, 2017.

## **RESOLUTIONS**

### **7. Resolution Authorizing Approval of the 2015 Calendar of Meetings of the Pender County Board of Commissioners.**

Ms. Pridgen explained the schedule includes three months that have only one meeting-March, July and December. Mr. McCoy was concerned about there being only one meeting in July, and the length of time until the next meeting. He said when there was only one meeting in July last year, there were too many items on the agenda. Discussion included whether to have an extra meeting in June, such as a Budget Work Session. Mr. Williams said we only have one meeting in July because so many people are on vacation during that time. Mr. Tate said we also have only one because some Commissioners go to the NACo Conference. He said we don't really need to go to the Conference if we are not going to bring something back and follow through with it. Following more discussion, Mr. Tate made a motion to approve the Calendar of Meetings, amended to reflect a second July meeting on the 20<sup>th</sup>, and removing the NACo Conference. Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

### **8. Resolution Authorizing Donation to Topsail High School Varsity & Junior Varsity Cheerleading Teams: \$3,000.**

Mr. Ward asked if it would be a conflict for him to vote on this because he works at the school; Mr. Thurman responded no. In response to question, Mr. Williams explained the teams will be competing in national competitions, with one team going to Disney World and one to Myrtle Beach. Mr. Williams said these girls take their cheerleading teams as seriously as any ball team does. He added his daughter is on the JV team, and he doesn't think it is a conflict. Mr. McCoy made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Ms. Cynthia Kampen and others with her thanked the Board.

### **9. Resolution Authorizing CodeRed Emergency Notification Purchase Order to ENC, LLC: \$19,000.**

Emergency Management Director Tom Collins explained: CodeRed is the system the county uses for emergency notification of the citizens of Pender County when an emergency occurs; the system can also be used for notification of staff recalls or boil water warnings; this year we will have 75 thousand new messages and add Unlimited National Weather Service Alerts, all for \$19,000; the start date for CodeRed was October 28, 2013 of a five year contract; this is the second installment; they sent out for bids for this project; CodeRed was cheaper than the other systems. Mr. Tate asked how they get the word out to people and Mr. Collins responded they get the word out to churches and other public places. Discussion ensued concerning how many people are on the system, how people can get on the system, etc. Mr. Tate asked to be notified the next time they do a public notification so he can have them come to his district. Mr. Tate said he wants to make sure all citizens in the County are signed up. Following more discussion, Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

### **10. Resolution Authorizing Acceptance of FEMA's Hazard Mitigation Planning Grant Funds and Authorizing Purchase Order to Hire a Contractor to Develop the Regional Hazard Mitigation Plan.**

Mr. Collins explained: North Carolina Emergency Management (NCEM) contacted Brunswick, New Hanover and Pender Counties regarding the Hazard Mitigation Plans (HMP) in July to

discuss regional plans; all three counties' HMPs will expire at various points in 2016; the Grant is a 75% Federal Share and 25% Local Cost Share, which is typically met through In-Kind Services; NCEM told Brunswick, New Hanover and Pender Counties if they would agree to join together in a regional HMP, NCEM would prioritize these counties as one application, which will fall into the \$250,000 allocation; after careful consideration and discussions with the other counties and NCEM, Pender County agreed to the regional plan; Pender will be the lead county of the three. Mr. Tate asked Mr. Collins how many grants he had received since the Board approved a new position for his department, based on the fact that the new employee would pursue grants. Mr. Collins responded two. Mr. Tate said he was speaking of grants other than the ones we get automatically from FEMA or the State. Following more discussion, Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

11. **Resolution Authorizing Approval of an Interlocal Agreement (ILA) between the Town of Wallace and Pender County for a Pump and Haul Arrangement as an Interim Solution for Pender County to Accept Up to 80,000 Gallons Per Day of Wastewater from R.C. Creations (Acme Smoked Fish) at the Pender Commerce Park, Approval of the Necessary Budget Ordinance Amendment, and Authorization to Issue a Purchase Order for this Service. This Interim Solution will Remain in Place Until Completion of the County's Phase I Wastewater Treatment Facility or 20-Months, Whichever Occurs First.**

Utilities Director Michael Mack explained: There are three components they are asking from the Board in this resolution: Approval of the Interlocal Agreement with the Town of Wallace for a pump and haul arrangement for R.C. Creations; approval of the necessary Budget Ordinance Amendment; and authorization of a purchase order for this service. Mr. Mack explained this is for pump and haul only, and it is an interim solution which will remain in place until completion of the Phase I Wastewater Treatment Facility or 20 months, whichever occurs first. Mr. Mack noted Phase I is running behind due to mechanical problems, which is the manufacturer's fault. Discussion ensued concerning what to do about getting the manufacturer to take care of the matter. Mr. Mack said they will be meeting with the manufacturers again on Thursday. Following discussion, Mr. Tate made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

#### **PENDER COUNTY BOARD OF HEALTH**

12. **Resolution Authorizing Approval of the Pender County Board of Health's Operating Procedures Policy.**

The Board convened as the Board of Health at 4:43 p.m. Health and Human Services Director Carolyn Moser explained the Pender County Commissioners, serving as the Pender County Board of Health, is to have standard operating procedures that are to be reviewed and approved on yearly basis. She said they are still figuring out which policies have to be passed by the Board of Health and which ones can be passed by the Advisory Board of Health. Mr. Ward made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved by a 4-0 vote.

13. **Resolution Authorizing Approval the Pender County Board of Health's Administrative Policies for *Adjudication Process* and for *Residency of Department Head*.**

Ms. Moser explained the adjudication process. She said the process is basically, if they establish fees and someone wanted to contest it. Mr. Thurman further explained the process. He said an

example is if a fee is \$1, you can't just charge \$10. Discussion then ensued concerning the Department Head Residency Policy. Mr. Tate and Mr. Ward had questions concerning why Ms. Moser was requesting this. Ms. Moser explained the Board of Commissioners rescinded its policy that required Department Heads to live in the County, so she is changing the Health Department's to be consistent with the County. Mr. Tate said he can't vote for this because he didn't vote for it when the Board rescinded it. Following more discussion, Mr. McCoy made a motion to approve the resolution, Mr. Ward seconded the motion and it was approved by a 3-1 vote, with Mr. Tate voting in opposition.

The Board reconvened as the Board of Commissioners at 5:05 p.m.

#### **APPOINTMENTS**

##### **14. Resolution authorizing Approval of Appointment to the Pender County Housing Initiative Board.**

Housing Director Judy Herring explained: Member Scott Redinger left the Board because he is going into semi-retirement; Ms. Vickie Foster has applied to serve; Ms. Foster is a Real Estate Broker with lots of knowledge; and Ms. Foster has served on other county boards before. Mr. Tate made a motion to approve the appointment of Vickie Foster to serve a three-year term on the Housing Initiative Board representing a Private Sector position, with term to expire October 19, 2017. Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

#### **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said he has items for Closed Session.

#### **ITEMS FROM THE COUNTY MANAGER**

Mr. Murphy said he has items for Closed Session.

#### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Tate had the following items: 1) He visited the East side last night; he talked with some folks from Scotts Hill; he commends Poplar Grove for the things they are doing and salutes their efforts. 2) Penderlea Fire Department cleaned up a spill a year ago; the Department can't collect its money from the company; can Mr. Thurman send a letter to the company. Mr. Thurman responded he can send them a letter saying we have an ordinance and they have to pay it back. He said what happens is the Fire Department spent its money to clean up the spill and they have to replenish their supplies. The Board gave a nod for Mr. Thurman to send the letter. 3) Some people in Atkinson say they had a speed trailer and it really helped them. He thanked Sheriff Smith and asked if they can get one in Willard. 4) He has been getting calls about an article in the Pender Post quoting Mr. Williams as saying there will be a 10¢ tax increase because of the bond. He supports the bond but where did this figure come from. He wants clarity. Mr. Williams said he was asked a direct question and he answered you can't just construct something without preparing for operating expenses. He said he gave a worst case scenario. Mr. Murphy said the consultants (Davenport) had told us it would be cheaper to do the tax increase up front instead of incrementing it for seven years. He said Davenport gave different financing options. Mr. Tate said he didn't think we had finalized the option yet. Mr. Williams said he supports the bond also. Mr. McCoy commented: Everyone knows how he feels about the bond; we need to ask the Schools how many children attend before voting on it; and now is not the time to vote for a bond.

Mr. Williams said he had a good meeting with NC Wildlife. Wildlife has agreed to look into seeing if they have enough funds to construct restrooms at the boat ramp, and also more land for additional parking. The County would have to maintain the restrooms if they are built. Wildlife also spoke about putting a rifle and pistol range in Holly Shelter. They would put it in with or without the County's help, but if they build a building, maybe the County could provide some part-time help. Mr. McCoy asked if the Sheriff has a range and Sheriff Smith said the Department of Corrections has a place they use.

### **CLOSED SESSION**

At 5:25 p.m., Mr. Ward made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; and 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. Tate seconded the motion and it was unanimously approved. Mr. Ward made a motion to exit the Closed Session at 7:00 p.m. Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. There were no announcements made upon exiting the Closed Session.

### **PUBLIC HEARINGS: AMENDMENT TO THE 2010 COMPREHENSIVE LAND USE PLAN/ZONING MAP AMENDMENT/SPECIAL USE PERMIT REQUEST/RESOLUTIONS**

15. **Public Hearing and Resolution Requesting Approval of an Amendment to the 2010 Pender County Comprehensive Land Use Plan, Future Land Use Map to Reclassify the Subject Property's Future Land Use Classification from Conservation to Rural Growth, Located Approximately 5,000' North of US Hwy 17, Near the Pender/Onslow Border, Hampstead.**

The Public Hearing opened at 7:00 p.m. Planning and Community Development Director Kyle Breuer explained the Background; Summary, including Proposal, Property Record

Numbers/Acreage/Location, Comprehensive Plans and Policies Committee Consensus, 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, Summary and Staff Recommendation. Rick Biberstein, Attorney for the Applicant, updated the Board on the process, provided recommendations from the Planning Board and Comprehensive Plans and Policies Committee, and said no driveway permits are required by NC DOT. Mr. Biberstein introduced the applicants. The Public Hearing closed. Mr. Tate made a motion to approve the Amendment, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

**16. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of One Tract from PD, Planned Development District, to GB, General Business District, Located at 12900 US Hwy 17 in Hampstead.**

The Public Hearing opened. Mr. Breuer explained the Background; Summary, including Rezoning Proposal, Property Record Number/Acreage/Location, Planning Board Recommendation, Staff Recommendation; History; Description; Evaluation, including Public Notifications, Existing Zoning, Existing Land Use, 2010 Comprehensive Land Use Compliance, Unified Development Ordinance Compliance; Summary and Administrator Recommendation. Kenneth Lloyd, Owner, spoke on behalf of the project. The Public Hearing closed. Mr. Ward made a motion to approve the Zoning Map Amendment, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

**17. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Triathlon Training and Event Facility, Including Instruction, Recreational Vehicle Parking Area, and Campsites, Located Adjacent to the Northeast Cape Fear River.**

Mr. Thurman swore in the witnesses. The Public Hearing opened. Mr. Breuer explained the Background. Mr. Ward requested further information on traffic control measures. Attorney M. Lee provided information via PowerPoint presentation. The presentation included: Conditions of the permit; credentials of Bill Scott, Founder and CEO of Set Up Events; location of the project; examples of existing access; two proposed access points and the company's preference of using the western access point; two thirds of the property to be left in its natural state; review of the site.

Mr. Lee presented the findings

The following citizens and others spoke:

Tom Spencer of 1984 Kings Landing Road in Hampstead-He is a proponent of the project; resident of Pender County for 18 years; sees growth along I-40; has participated in several of these events this year; great group of people participating; attested that Mr. Scott is dedicated to responsible event management.

Richard Collier, Engineer with McKim & Creed: He is exploring the race day traffic details; not all races start at the same time; Sheriff will provide race day control; free-flow traffic from I-40; signs to be used to indicate race times; turn lanes to be utilized for free-flowing traffic to funnel into the site. Mr. Ward mentioned the Beach2Battleship Event and asked if Mr. Collier had spoken to the Sheriff's Office. Mr. Collier indicated that they plan on speaking to the Sheriff.

David Williamson of Wilmington-They will be impacted by this facility; it directly affects the rights to their property; issues with the applicant and access rights; doesn't think Pender County has enough deputies to handle the traffic; only employs seven people; a great concept but Board needs to look at impact. Mr. Ward asked where his residence is located and Mr. Williamson indicated he bought this property. Mr. Tate asked if there were any attempts to contact the developer and were there any community meetings.

Kenneth Williamson of Raleigh-Two other property owners; three on the left hand side; did receive notification from Pender County.

Kim Jones of Thankful Road in Rocky Point-She received a letter but would like more information; the traffic on NC Hwy 210 is horrible during beach weekends.

Mr. Williams asked about ingress and egress. Mr. Lee said the roadway will maintain ingress and egress for other owners. Mr. Lee said Mr. Scott will be more than happy to sit down and discuss the project. He asked who supports the project and the majority of the audience raised their hands.

Mr. Ward asked if anyone had communicated directly with the owner of the nearby Day Care Center and Mr. Lee responded someone did.

The applicant had prepared the following amended conditions and they were distributed to the Board:

1. A schedule of events shall be presented semi-annually to the County. Event shall be defined as a triathlon, marathon, or similar activity that will attract more than 250 individuals, racers, or vehicle trips.
2. All recommended improvements outlined within the presented Traffic Impact Analysis (TIA) and concurred upon by the NC DOT shall be constructed prior to Certificate of Occupancy of the site.
3. The access from NC HWY 210 to the project site shall be designed and built to 2010 NC DOT Subdivision Standards and 2012 NC DOT Roadway Design Standards. The access road will be maintained to the standards specified within the conditions of this permit.
4. The County may require an updated TIA based off of actual traffic counts and event participation.
5. Uses on-site shall be limited to those outlined within this report.
6. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
7. No project activity shall commence on the site including clearing and grading until a Final Zoning Permit has been issued.
8. All activities undertaken associated with the project must follow federal, State, and local standards, regulations, ordinances, permits, statutes, and/or laws.

Other discussion and questions included: Conflicts with participants and vehicular traffic; the natural spring located on the site and its uniqueness; the number of employees; the centralized location of activities. The Public Hearing closed at 8:25 p.m.

Mr. Ward asked why the applicant chose Pender County. Mr. Scott asked to speak and Mr. Williams reopened the Public Hearing at 8:35 p.m. Mr. Scott explained: They chose Pender County due to Wilmington being a "hotbed" of triathletes; North Carolina is #4 in the country for registered triathletes; Pender County is a great destination with good locations; Beach to Battleship great event; Pender County is growing; it is half way between Florida and the Northeast; people will be able to drive to the site; strategically, it is a good area to place this; Pender County contains great property and proximity to airport and I-40. The Public Hearing closed at 8:38 p.m. Mr. McCoy said this is a great economic incentive for the County. Mr. Williams said they did not ask for incentives from the County. Mr. Tate made a motion to approve the Special Use Permit, with the amended conditions presented by the applicant. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

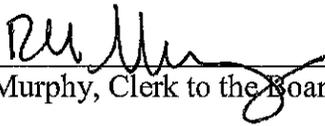
#### ADJOURNMENT

There being no further business, Mr. Williams announced we will recess the meeting until 3:30 p.m. tomorrow to continue conducting County Manager interviews.

Respectfully Submitted,

  
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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

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

Planning Items Reviewed by:

  
\_\_\_\_\_  
Kyle Breuer, Planning & Community Development Director