

MONDAY, NOVEMBER 17, 2014

The Pender County Board of Commissioners met in regular session on Monday, November 17, 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, and Chester Ward.

MEMBERS ABSENT: Jimmy Tate.

OTHERS PRESENT: Bob Murphy, Interim County Manager/Clerk to the Board; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER

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

INVOCATION

Commissioner Ward offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown led the Pledge of Allegiance

EXCUSE COMMISSIONER

Chairman Williams announced that Mr. Tate had been detained out-of-town and probably wouldn't make the meeting. Mr. Brown made a motion to excuse Mr. Tate, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

Chairman Williams also announced that County Attorney Trey Thurman wouldn't be present due to unforeseen illness.

PUBLIC INFORMATION

1. **Discussion, Possible Selection of County Manager, and Approval of Employment Agreement.**

Chairman Williams explained the Board is working on this item and it will be discussed tonight in closed session.

2. **David Williams, Chairman: Recognition of Dr. Naseem H. Nasrallah.**

Chairman Williams said this item is being removed from the agenda.

3. **Ted Cole, Davenport & Company: Discussion of Upcoming Bond Projects & Consideration of a Resolution Authorizing Staff to Pursue Financing.**

Mr. Murphy explained: This update is not much different than the last ones given; he is transitional and wanted to talk about this one more time before he leaves; and he wanted to reacquaint everybody with county projects. Mr. Cole distributed copies of a report on the County's finances, saying only a few things have changed since the September report, and the goal is that when the 2014 audit is complete, we move forward on financing. Mr. Cole delivered a PowerPoint presentation and explained in detail Page 16-Capital Improvement Planning Cases Overview; and Page 17-Summary of Cases. Discussion and questions included: Following

Board policies; Fund Balance; the County reimbursing itself; difference between GO Bonds and installment financing; repayment terms; LGC requirements; structuring the principal; how many pennies it will take to pay the debt; need to have more detailed budget workshops; new operating costs; savings from room and board for prisoners sent to other counties; growth in the county; private money being invested in the County will help; sales tax increase. Bond Counsel Bob Jessup explained the Pender County Installment Financing Schedule, which was included in the agenda packets. The schedule included holding a public hearing on January 5, 2015, a target date of January 13, 2015 for receiving construction bids on WWTP Phase II, and LGC approval on February 3, 2015. Board members thanked Mr. Cole and Mr. Jessup. The entire presentation is on file with the permanent records in the Clerk to the Board's office.

4. Jeanette Jones, Pender County Historical Society Volunteer Coordinator: Request for Donation for the Pender County Museum.

Ms. Jones explained: The Pender County Historical Society and Museum is solely responsible for the maintenance and upkeep of the Main Museum building and the farm equipment Exhibit Building, which houses the meeting room and all artifacts and displays; they are now in desperate need of repairs to the Black Smith Shop, which is leaking and damaged; the Agricultural Barn has leaks where they display farm equipment; they replaced one air conditioner over the summer; it is necessary to maintain good temperature control to protect artifacts; the Museum is funded solely through donations, memorials, dues, limited sale of souvenirs, a restricted endowment, and Christmas Home Tour sale; the Town of Burgaw is willing to donate money to them if the County Commissioners would be willing to appropriate approximately \$1,500 to help save the Black Smith Shop. Following comments and questions from Board members, the Board agreed to fund the \$1,500. Mr. Murphy said the funds will be transferred from Contingency through a budget amendment. Mr. McCoy made a motion that \$1,500 be transferred from Contingency to help with repairs at the Museum. Mr. Brown seconded the motion and it was unanimously approved. Mr. Williams acknowledged former Commissioner Bob Murray in attendance with Ms. Jones, and Commissioner Elect David Piepmeyer who was also in the audience.

5. Mark Seitz, Extension Agent: USDA SNAP-Ed Funded Nutrition Educator.

Mr. Seitz delivered a PowerPoint presentation entitled Cooperative Extension Nutrition Educator Position. The presentation included: Pender County's 2010 Community Health Issues; Steps to Health; Nutrition Educator; Core Curriculum; Primary Audiences; Program Expectations; Program Focus; Steps to Health Provides; Cooperative Extension Provides; and Timeline. Mr. Seitz explained each category. The main health issues of concern are obesity/overweight, diabetes, and heart disease/heart attacks. Board members asked general questions. The entire presentation is on file with the permanent records in the Clerk to the Board's office.

PUBLIC COMMENT

Ms. Irene Edwards of El Pointe distributed information to the Board and explained: El Pointe would like to piggyback on Mr. Seitz's project; El Pointe would like to use space at Cooperative Extension for their nutrition program; there will be six educational classes and six cooking classes; they want to work with obesity and diabetes in the County; part of the program will focus on moms; they will be working with Pender Memorial Hospital; they will start in April 2015; they would like to have a Multicultural Festival; and they would like to use the Courthouse Annex parking lot for the Festival. There ensued discussion of the use of county space. Mr. Seitz said he wouldn't have any problem with El Pointe using space in Cooperative's building.

Mr. Williams said the County Attorney is not here and we would need to confer with him concerning protecting the County with waivers, etc. Discussion then ensued concerning creating policies for use of county buildings.

CONSENT AGENDA

Mr. Williams presented the three items on the Consent Agenda and asked for any discussion or questions. In response to question by Mr. Brown, Mr. Murphy explained he is asking that Item No. 7 be removed from the Consent Agenda at this time, and said it will be on the December 1 agenda. Mr. Brown then made a motion to approve the Consent Agenda, minus Item No. 7. Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved by a 4-0 vote as follows, minus Item No. 7:

6. Approval of Minutes: Regular & Closed Session: November 3, 2014.
7. Resolution Authorizing Purchase Order for Roof Replacement at the Hampstead Library and Public Works Facility.
8. Resolution Appointing Kayla Bolick and Laura Zygmunt as Map Review Officers for Pender County.

RESOLUTIONS

9. **Resolution Authorizing Amendment to August 16, 2004 Agreement between Hampstead Kiwanis Park, Inc. and Pender County.**

Mr. Williams explained that in light of neither the Parks and Recreation Supervisor nor the County Attorney being present, he would present this item. Mr. Williams explained: This amendment is to make something official that has been done for ten years; Hampstead Kiwanis Park, Inc. has emerged as being the responsible party for generating revenue for the park; the amendment gives Hampstead Kiwanis Park, Inc. the authority to engage in revenue generating practices as long as the proceeds or profits are used solely for the improvements to Hampstead Kiwanis Park. Hampstead Kiwanis Park Board President Adrian Hansing made comments, including the funds that are raised are controlled by Hampstead Kiwanis Park, Inc. Mr. Ward made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

10. **Resolution Authorizing Approval of Hampstead Kiwanis Park Lease for Additional Park Property.**

Mr. Williams explained: Hampstead Kiwanis Park is in need of additional field space as well as parking; Hampstead Kiwanis Park, Inc. owns approximately twenty-five acres adjacent to Hampstead Kiwanis Park; Pender County and Hampstead Kiwanis Park, Inc. have a long standing working relationship to develop and enhance Hampstead Kiwanis Park; to further this relationship, Hampstead Kiwanis Park, Inc. is willing to lease the adjacent property to Pender County to stump, grade and make suitable for general recreational use and parking during clement weather; and \$100,000 was put in the county budget to cover this work. Mr. Ward asked if aren't they short on parking. It was noted this item will cover additional parking. Mr. Brown asked who is responsible for upkeep of the park and the response was the County maintains the park. Mr. Hansing spoke concerning the upcoming Turkey Trot, saying it will be an 8K race; there will also be a two mile run and a sprint for the little kids. Mr. Ward made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

11. **Resolution Requesting Support of Pender County's Application to the Wilmington Metropolitan Planning Organization for the Surface Transportation Program-Direct Appointment Funds for the Proposed Sidewalk on Doral Drive (SR 1693) to Include Potential Maintenance and Liability to Pender County.**

Planning & Community Development Director Kyle Breuer explained: At the first October meeting, the Board authorized Pender County to submit an application to the Wilmington Metropolitan Planning Organization, who issued a call for projects to agencies in its jurisdiction for Surface Transportation Program-Direct Appointment Funding; no additional funds are requested at this time; however, the original Board approval for application submittal did not include mention of maintenance and liability of this sidewalk; fund allocation requires local governments must enter into a contract with the State of North Carolina to maintain the sidewalk; this maintenance and liability is similar to the previously approved Safe Routes to School multi-use path; and the developer of the subdivision will be contributing a 20% local match. Mr. Ward made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

12. **Resolution Certifying and Approving Results of November 4, 2014 Bond Referendum.**

Mr. Jessup explained state law requires the Board of Commissioners to certify the results of the November 4, 2014 School Bond Referendum, and said this is the last formal action required. Mr. Brown commented: He would have liked more information put on the referendum; he prefers folks know exactly what it would cost them; folks voted to pass it; personally, he wants to be very involved in the process; and he wants the Board of Commissioners kept in the loop about School Board decisions. Mr. Brown instructed Mr. Murphy to initiate some type of process to work with the School Board. Mr. Williams noted the Board of Commissioners has to vote on each bond issue. Mr. McCoy commented he was opposed to the bond in the beginning, but he wants us to work with the School Board and move on. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

DISCUSSION

13. **Sylvia Blinson, Interim Finance Director: Update on FY 2014-15 Budget.**

Ms. Blinson distributed a financial report for the month ending October 31, 2014. The report included each county department/agency original appropriation, transfers/adjustments, revised budget, YTD expended, encumbrances, available budget, and % used. It also included General Fund Revenues. Mr. Murphy commented: This is the first monthly financial report; the Board should be getting a monthly report from now on; if the Board doesn't get a report, it should send up a red flag; and this report is a start. Ms. Blinson discussion included: The FY 2013-2014 audit; General Fund; some fluctuations in the numbers-everything is not 1/12th every month; encumbrances; sales taxes higher in December; most property taxes paid last two weeks in December and first week in January-revenues will be more than expenditures during that time. Board members thanked Ms. Blinson and said the entire Board appreciates what Ms. Blinson and others are doing, and the help they have given to the County.

ITEMS FROM THE COUNTY ATTORNEY

The County Attorney was not present.

ITEMS FROM THE COUNTY MANAGER

Mr. Murphy's comments: The County Attorney sent a text message commenting on the Chairman's remarks about the Kiwanis Park contract; he will follow-up with the Schools' Superintendent concerning the two Boards working together; there is an item for Closed Session.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. McCoy noted new businesses coming to the County and said Pender County is on the move. The businesses included Tractor Supply in Rocky Point, Wal-Mart in Burgaw, and the sports complex on Highway 210.

Mr. Williams said he visited the Commerce Park, he is really impressed with what Acme Fish has done and we are building for the future.

Mr. Brown's comments included: He was pleased with the Election; there should have been justification for a tax increase; he received an e-mail concerning an "In God We Trust" sign; he would like to see such a sign on the wall behind the Board's dais.

CLOSED SESSION

At 6:00 p.m., Mr. Brown made a motion to enter into closed session, 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. Ward seconded the motion and it was unanimously approved by a 4-0 vote. At 7:00 p.m. Mr. Ward made a motion to exit the Closed Session. Mr. Brown seconded the motion and it was approved by a 4-0 vote. There were no announcements made upon exiting the Closed Session.

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

14. **Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of One Tract Totaling 2.64 Acres from RP, Residential Performance Zoning District, to GB, General Business Zoning District, Located at 188 Hoover Road (SR 1569), Hampstead.**

The Public Hearing opened at 7:01 p.m. Mr. Breuer explained: The Planning Board and staff recommends approval of this request; the tract is currently undeveloped; the tract has direct access to Hoover Road to the west and is approximately 640 feet from the intersection of Hoover Road and US Hwy 17 to the south; the property meets the minimum lot size of 15,000 square feet and the minimum rezoning acreage requirement of one acre for the General Business zoning district (GB); the property meets the 2010 Comprehensive Land Use Compliance. Mr. Breuer demonstrated the property on-screen as he explained the request. The Public Hearing closed at 7:03 p.m. Mr. Ward made a motion to approve the Zoning Map Amendment, Mr. McCoy seconded the motion and it was unanimously approved.

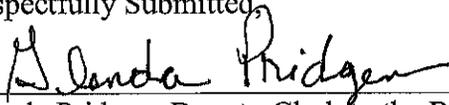
15. **Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a Telecommunication Tower, Located at the Intersection of Cowpen Landing Road and US Highway 421, Wilmington.**

Mr. Williams swore in the witnesses. The Public Hearing opened at 7:04 p.m. Mr. Breuer explained: The applicant for the SUP is Capital Telecom Acquisitions, LLC; the owner is Phillips Leasing Systems, LLC; the property is located across from Pender Commerce Park; the property is zoned General Industrial zoning district (GI) and telecommunication towers are permitted via Special Use Permit in the GI zoning district; the tower is proposed as a 155 foot tall monopole and must comply with the Pender County Unified Development Ordinance; the setbacks meet ordinance requirements; as the tower is more than 100 feet high, but less than 180 feet high, it must be engineered and constructed to accommodate at least one additional telecommunication user. Mr. Breuer demonstrated the property on-screen as he explained the request. Mr. Brown commented it is industrial property, it is not close to residences and he has no problem with it. Attorney Jonathan Yates commented: The tower was initially designed for Verizon, but was designed to accommodate three others; it will accommodate the Commerce Park and Acme Smoked Fish; a lot of growth is projected for that area. Attorney Mary Kelley introduced the application into evidence. The Public Hearing closed at 7:08 p.m. Mr. Brown made a motion to approve the Special Use Permit, Mr. Ward seconded the motion and it was unanimously approved.

ADJOURNMENT

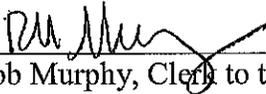
There being no further business, upon motion by Mr. Ward, the meeting adjourned at 7:09 p.m.

Respectfully Submitted



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