## MONDAY, DECEMBER 1, 2014 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, December 1, 2014 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** David Williams, Chairman, presiding; Vice Chairman Fred McCoy; Commissioners George Brown, Jimmy Tate and Chester Ward.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Bob Murphy, Interim County Manager and 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 to the meeting.

**INVOCATION**
Commissioner Tate offered the Invocation.

**PLEDGE**
Commissioner Ward led the Pledge of Allegiance.

**OLD BUSINESS**
A) **Approval of Minutes: Regular and Closed Session Meeting of November 17, 2014.**
Chairman Williams presented the minutes of the November 17, 2014 meeting and asked for any questions or comments. There being none, Mr. Brown made a motion to approve the minutes, Mr. Tate seconded the motion, and the regular and closed session minutes of November 17 were unanimously approved.

B) **Public Service Recognition to Outgoing Commissioner Chester Ward.**
Chairman Williams read a plaque and presented it to Mr. Ward. Chairman Williams commended and thanked Mr. Ward for four years of work with the Board of Commissioners and his dedicated service to the citizens of Pender County. He said they had made many accomplishments on this Board. Mr. Ward said it had been a pleasure, it had been an enjoyable four years, and thanked his fellow Commissioners and all who supported him. Other Board members also commended Mr. Ward and thanked him for his service.

C) **Recognition of Glenda Pridgen, Deputy Clerk to Board of Commissioners.**
Chairman Williams commended Ms. Pridgen, who is retiring, for her years of service to the County. Chairman Williams read and presented a plaque to Ms. Pridgen. Other Board members commended Ms. Pridgen. Mr. Murphy commented on an article written about Ms. Pridgen by *Star News* Reporter Bill Walsh.

**NEW BUSINESS**
The new Board convened.

**MEMBERS PRESENT:** David Williams, Chairman, presiding; Vice Chairman George Brown; Commissioners Fred McCoy, David Piepmeyer and Jimmy Tate.

A) **Assign County Attorney Trey Thurman as Moderator.**
Mr. Thurman was appointed to temporarily serve as Chairman.

B) **Oath of Office for Re-elected Pender County Board of Commissioner Members David Williams & George Brown; and Newly Elected Member David Piepmeyer.**
Mr. Thurman introduced Surf City Mayor Zander Guy, who issued the Oath of Office to re-elected District 1 Commissioner David Williams. Mr. Thurman introduced Pender County Clerk of Court Robert Kilroy, who issued the Oath of Office to re-elected District 3 Commissioner, George Brown, and newly elected District 2 Commissioner, David Piepmeyer. The Commissioners were accompanied by family and friends for the swearing-in. Topsail Beach Mayor Howard Braxton also accompanied Mr. Williams.

C) **Nomination and Selection of Chairman and Vice-Chairman.**
Mr. Thurman opened the floor to accept nominations for Chairman for 2015. Mr. Thurman said the nominations do not require a second. Mr. Brown nominated Mr. Williams to serve as Chairman, and it was unanimously approved. Mr. Thurman opened the floor to accept nominations for Vice Chairman for 2015. Mr. McCoy nominated Mr. Brown to serve as Vice Chairman, and it was unanimously approved. Mr. Thurman deferred and passed the gavel to Chairman Williams.

**PUBLIC INFORMATION**

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

Mr. Hall explained this update is for the quarter July-September, 2014. Mr. Hall distributed the Pender County ABC Financial Distribution Report and explained the amounts in the report that were paid out locally, and to the State. He said the parking lot repaving at the Burgaw store has been completed and there are no other major projects at this time.

2. **Topsail Chamber Executive Director Tammy Proctor: Presentation of Seasonal Population Study Results; & Request for Funding.**

Ms. Proctor explained: Recently, the Greater Topsail Chamber of Commerce & Tourism commissioned a Seasonal Population study by Dr. Rebecca Tippett of the Carolina Population Center at UNC-Chapel Hill; they had been approached by a prospective business which needed documented figures; the Chamber spent $250 for this preliminary study; Dr. Tippett has offered to provide a more in-depth study for $1,500; the expanded study will include more data; the center will train the Chamber on how to update the data annually; they are asking the Towns of Surf City and Topsail Beach and the County to contribute $500 each for the study; the Chamber will provide personnel to update the data each year; they are inviting the towns and the County to join them in the training; and they are trying to attract more business to the area. Following discussion and questions, Mr. Brown made a motion to add the item to the agenda. Mr. McCoy seconded the motion and it was unanimously approved. Mr. Brown then made a motion to approve giving the $500 to the Chamber. Mr. Piepmeyer seconded the motion and it was unanimously approved.

3. **Carolyn Moser, Health and Human Services Director: Presentation of 2014 Community Health Assessment.**

Mr. Murphy explained that due to illness, Ms. Moser couldn't be here to explain this item, and it will be presented at the January 5, 2015 meeting.

## PUBLIC COMMENT

Topsail Beach Commissioner Tom Eggleston-The County recently passed a very large bond referendum; the people on his end can't afford a 30% property tax increase; the Board needs to find some other way to pay for the bond; there was an article in the *Star News* concerning this.

Topsail Beach Commissioner Morton Blanchard-They have a beach nourishment project going on; they are trying to hold the line on spending; others want to keep costs down.

Mr. Tate asked where is this discussion about raising taxes coming from tonight. He said the Board is trying to keep taxes low and people have his commitment to keep them low. Mr. Brown reiterated from an earlier meeting that he wants the Board of Commissioners to be involved with the School Board in making decisions on projects covered by the bond.

Hampstead Business Owner Rachel Gaines said the ordinance needs to be revisited concerning temporary signs. She said small businesses like hers can't afford TV ads and other large advertising, and they need banners or something else to help them attract business. Discussion ensued concerning complaints about temporary signs, the ten-day display limitation; the economy, temporary and permanent sign regulations, Code Enforcement Officer and code enforcement, safety concerns, and accessing information on-line. Mr. Brown said he knows the Planning Department did everything the Board asked them, and asked if we are bogging down some businesses with limitations. He said businesses bring in sales taxes and we want to have as many businesses as we can. It was the consensus of the Board to revisit the sign ordinance.

## CONSENT AGENDA

Chairman Williams presented the five items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Brown made a motion to approve the Consent Agenda, Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows:

4. Resolution Authorizing Approval of Tax Releases and Refunds.
5. Resolution Accepting Petition to Add Avendale Dr. and Raven Dr. in Avendale Subdivision, Rocky Point, to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
6. Resolution Authorizing Staff to Move $8,589 from a Revenue Account to an Expenditure Account.
7. Resolution Authorizing a Budget Amendment to Approve Increase in Department of Social Services Revenues and Expenditures for Fiscal Year 2014-2015: Crisis Intervention: $1,829; LIEAP: $2725; Day Care $260,760.
8. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2014-2015: $90,372.

Mr. Tate asked why we routinely have so many tax releases and refunds. Mr. Murphy responded they are mostly automobile and military exemptions, but there are some clerical errors. Mr. Tate said it happens consistently and he wants to know why. Mr. Murphy said he will find out information and said there could be some software problems causing clerical errors. Mr. Murphy will have the Tax Assessor attend the next meeting to answer questions concerning this issue.

## RESOLUTIONS

9. **Resolution Authorizing Adoption of a Capital Project Budget Ordinance for the Engineering, Design, Permitting, Bidding, Inspections, and Construction of the New Hampstead Annex Building.**

Utilities Director Michael Mack explained: This is a housekeeping item; in November of 2013, the Board approved a reimbursement resolution in the estimated amount of $3,500,000 for the professional design, engineering, structural and soils evaluation, asbestos and mold remediation, HVAC and electrical installations, on-site wastewater design, wetland analysis, stormwater improvement design, site layout, landscaping and construction of the Old Topsail School Campus for the future use as the Hampstead Annex; in addition to the original estimated costs, several items were added to the scope and cost of the project to include three contract amendments to LS3P for other upgrades; the total costs of all aspects of the project including the $269,590 in environmental and asbestos abatement have now been determined. There ensued discussion of how an original estimate of approximately $3.5 million climbed to approximately $4.8 million, and how Commissioners are so often left unaware of cost escalations. Board members were concerned that they were never given these total costs, and all agreed they don't want to go down this process again. Mr. Williams said he wants to see something in place that the Board won't have to keep approving these housekeeping items. Mr. Murphy said new policies have been put in place and from now on, the Board will see Capital Project Budget Ordinances in the beginning instead of at the end. Mr. Tate asked about space at the new Annex and was concerned about space for the Sheriff Department. Sheriff Smith said the space they have now is basically all they need for right now. Mr. Brown said moving forward, he would like a Commissioner to sit on the Project Committee. Following more discussion, Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

10. **Resolution Authorizing Adoption of a Capital Project Budget Ordinance for the Engineering Design, Permitting, Bidding, Inspections, and Construction of the New Pender Commerce Park Wastewater Treatment Facility.**

Mr. Mack explained: This is also a housekeeping item; in September of 2013, the Board approved a reimbursement resolution in the estimated amount of $15,000,000 for the engineering and construction of the Pender Commerce Park to include the Wastewater Treatment Facility; these are still estimated costs; and bids are still out. Following discussion, Mr. Tate made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

11. **Resolution Authorizing the Combination of the Sloop Point and Hampstead Fire and Insurance Districts into One Fire and Insurance District, and Renaming the New Combined District the Pender EMS & Fire/Insurance District.**

Pender EMS & Fire Director Woody Sullivan explained in order to meet the North Carolina Department of Insurance requirements for ISO rating inspection, the Sloop Point and Hampstead Fire Districts need to be combined into one district, renamed Pender EMS & Fire/Insurance District, to receive a single rating in that district. Mr. Tate made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

## DISCUSSION

12. **Discuss Display of "In God We Trust" Motto in Board Meeting Room.**

Mr. Brown proposed the idea of installing an "In God We Trust" sign above the County logo behind the dais in the meeting room, citing references to God from the North Carolina Preamble and the Declaration of Independence. Mr. Brown said he thinks we need to get back to basics and he thinks it is important. Other Board members generally agreed with Mr. Brown. Mr. Piepmeyer said it is a fundamental concept of what our country was founded. Mr. Tate said we are not imposing our religious beliefs, but showing

respect for our own views. Mr. McCoy said it is time to stand up and he is strongly in support of this. Mr. Brown asked Mr. Thurman's opinion and Mr. Thurman said positing "In God We Trust" in a public meeting area is not a violation of established policy. He said it is a free exercise of the First Amendment and objections to "In God We Trust" on US currency have failed. The Board agreed to proceed with the posting. Mr. Murphy was instructed to get design ideas and cost estimates for such a sign.

## APPOINTMENTS

### 13. Resolution Authorizing Approval of Appointment to the Pender County Board of Adjustment.

Ms. Pridgen explained: Mr. Walton was serving as a fill-in on the Board of Adjustment; the term will end on January 4, 2015; Mr. Walton would like to be appointed to a full term; Gregory Goble is newly applying to serve on the Board of Adjustment; the positions were duly advertised; and Mr. Walton and Mr. Goble were the only applicants. Mr. Brown made a motion to approve the following appointments: Mark Walton is appointed to the Pender County Board of Adjustment to serve a three-year term representing District 3, with term to expire January 4, 2018; Gregory Goble is appointed to the Pender County Board of Adjustment to serve a three-year term representing District 4, with term to expire January 4, 2018. Mr. McCoy seconded the motion and the appointments were unanimously approved.

### 14. Boards/Committees/Commissions on which Commissioners Currently Serve: Annual Review/ Modify.

Mr. Williams explained that the Board normally reviews the boards they serve on at the December meeting, and sometimes they bring it back in January. Following discussion, revisions were made and the following were appointed: Mr. Piepmeyer-Tourism Development Authority, Planning Board Alternate, Topsail Island Shoreline Protection, CoastalCare Area Board, and Wilmington Area MPO. Mr. Tate: Juvenile Crime Prevention Council. Mr. McCoy: Wallace Airport Commission; reappointed to the Cape Fear RPO-RTAC Committee. Mr. Piepmeyer will serve as back-up for Mr. Tate on the Juvenile Crime Prevention Council and Mr. Tate will serve as back-up for Mr. McCoy on the Wallace Airport Commission. The Lower Cape Fear W/S Authority position will be advertised for a public citizen. It was noted that there are periodic changes on the Commissioner Boards, and the Board will revisit it in a few months. Mr. Tate made a motion to approve the revisions, Mr. McCoy seconded the motion and it was unanimously approved.

## ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said Four County EMC will have to apply for the loan for RC Creations/Acme Fish and Four County's Board has approved it. He said there will be items for Closed Session, Item #'s 3, 5 and 6, including considering a permanent manager. Mr. Thurman congratulated Ms. Pridgen on her retirement.

## ITEMS FROM THE COUNTY MANAGER

Mr. Murphy commended Ms. Pridgen and said we really appreciate her.

## ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate: Recognized Woody Sullivan for all he does for the County; commended the opening of the Scotts Hill Sub-Station which he and Mr. McCoy attended; thanked the Sheriff and his IT Director Bruce Sandy for their assistance in helping Penderlea, Shiloh and Burgaw Fire Departments adjust their fire district borders; asked where are we with the letter sent to the company that owes Penderlea Fire Department money; and commended Pender High School for hosting the Regional Health Occupation Students of America competition. Mr. Thurman said he sent a letter to the company but he hasn't heard back from them. Mr. Tate also spoke concerning reconvening the Council on Community Affairs. He said being a commissioner from the west, he can see the division from east to west; this committee is

designed to bridge the gap between east and west. He said we have non-political people across the County that has unique talents and we can bring the County back to being "One Pender." Mr. Tate asked Mr. Breuer if some of his staff could help, and said he would like for the committee to reconvene before the Christmas holidays.

Mr. Brown spoke concerning the Rocky Point Sub-Station, saying it was supposed to get its ISO rating today but he hadn't seen anything.

Mr. Piepmeyer said he is honored to be elected to the Board of Commissioners and he looks forward to working with the Board.

Mr. McCoy wished all a safe and Merry Christmas, and thanked Pender County Employees for the great job they do.

Mr. Williams echoed Mr. McCoy's comments.

**CLOSED SESSION**

At 6:30 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; 5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; 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. The Board exited the Closed Session at approximately 7:10 p.m. Upon exiting the Closed Session, it was announced that the Board wished to hire Randell K. Woodruff of Beaufort County as the new Pender County Manager. Mr. Woodruff's contract would include a salary of $145,000 per year and three months' severance pay if let go without cause. Mr. Tate read Mr. Woodruff's credentials, including his experience as a County Manager, and his experience in the community and civic duties. Mr. Tate made a motion to approve hiring Mr. Woodruff as Pender County Manager, under the terms of the proposed contract. Mr. Brown seconded the motion and it was unanimously approved. Mr. Williams noted Mr. Woodruff would begin in mid-January and that Mr. Ward and Mr. Piepmeyer participated in the interview process. Mr. Tate commended Mr.

Williams for his leadership during this process and thanked Ms. Mulhollen and Mr. Murphy for their assistance.

**PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS**

15. **Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of One Tract Totaling Approximately 0.508 Acres from GB, General Business District, to RP, Residential Performance District, Located at 22018 US HWY 17, Hampstead.**

The public hearing opened at 7:20 p.m. Planning and Community Development Director Kyle Breuer explained the Rezoning Proposal; Property Record Number/Acreage/Location; Planning Board Recommendation; Staff Recommendation; History; Description; and Project Evaluation, including Public Notification, Existing Zoning, Existing Land Use, 2010 Comprehensive Land Use Compliance. Board members held discussion and asked general questions, specifically concerning the Planning Board's recommendation to deny the request. The public hearing closed at 7:33 p.m. Following discussion and questions, Mr. Brown made a motion to deny the request, based on the Planning Board's recommendation. Mr. McCoy seconded the motion and the request was unanimously denied.

16. **Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of Three Tracts Totaling Approximately 83.81 Acres from PD, Planned Development District, to RP, Residential Performance District, Located along Carver Road (SR 1437) between Tom's Creek Road and Bellhammon Drive (SR 1456), Rocky Point.**

The public hearing opened at 7:33 p.m. Mr. Breuer explained the Rezoning Proposal; Property Record Numbers/Acreage/Location; Planning Board Recommendation; Staff Recommendation; Description; and Evaluation, including Public Notifications, Existing Zoning in Area, Existing Land Use in Area, 2010 Comprehensive Land Use Plan Compliance, Unified Development Ordinance Compliance. The public hearing closed at 7:39 p.m. Mr. Brown made a motion to approve the request, Mr. McCoy seconded the motion and it was unanimously approved.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:40 p.m.

Respectfully Submitted,

Glenda Pridgen MP

Glenda Pridgen, Former Deputy Clerk to the Board

Reviewed By:

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

Planning Reviewed By:

Planning Staff