MONDAY, APRIL 20, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, April 20, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

OTHERS PRESENT: Randell Woodruff, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Melissa Pedersen, Deputy Clerk to the Board; Sylvia Blinson, Interim Finance Director, other staff and members of the Press and public.

CALL TO ORDER
Vice Chairman Brown called the meeting to order at 4:01 p.m. and thanked and welcomed all to the meeting.

INVOCATION
Commissioner McCoy offered the Invocation.

PLEDGE
Commissioner Piepmeyer led the Pledge of Allegiance.

EXCUSE COMMISSIONER
Mr. McCoy made a motion to excuse Chairman Williams who was recovering from surgery. Mr. Piepmeyer seconded the motion and it was unanimously approved by a 3-0 vote.

PUBLIC HEARING
1. Public Hearing and Resolution on the Housing Department's proposed 2015 Five Year Plan that includes the requirements for the 2015-16 Annual Plan.
Vice Chairman Brown opened the Public Hearing at 4:03 p.m.
Housing Director Judy Herring explained: The County is required to hold a Public Hearing for the purpose of gathering comments on the 2015 Five Year Plan and the 2015-16 Annual Plan and once the plan is approved it is submitted to the U S Department of Housing and Urban Development (HUD). This plan encompasses the goals that Pender County has to make the plan successful. Ms. Herring explained the process and asked if anyone had questions. Mr. Brown asked about creative uses in the plan. Ms. Herring stated that the Housing Department is only limited to the funds available and there are very strict guidelines in how the funds are used. Mr. Brown also asked about removing Public Based Vouchers. Ms. Herring explained the process for the vouchers in relation to Seven Oaks Apartments. Mr. Piepmeyer asked if there could be a negative impact at the apartments with these changes to which Ms. Herring stated that they expect a positive impact because instead of trying to fill the complex, people could choose where they would like to live instead of having to live at the apartment complex which Ms. Herring believes will make the program more successful. Mr. Piepmeyer asked about the waiting list for Seven Oaks. Ms. Herring stated there is one family on the three bedroom waiting list, and about forty families on the two bedroom waiting list. Ms. Herring stated that as of now, Seven Oaks Apartments operates at a loss and stated that she believed the recommended changes in this plan would help Pender County break even. Discussion then continued on the future of Seven Oaks and the requirements stated by law and how changes would affect the property. The Public Hearing was closed at 4:15 p.m. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Piepmeyer seconded the motion and it was unanimously approved by a 3-0 vote.

PUBLIC INFORMATION

2. ISO Grade Announcement

Pender EMS and Fire Chief Woody Sullivan explained: On June 26, 2013 the Pender County Board of Commissioners approved a merger agreement between Pender EMS & Rescue Inc., Hampstead Volunteer Fire & Rescue Inc., Sloop Point Volunteer Fire Department Inc., and Long Creek Grady Volunteer Fire Department. In combining these departments, the name was changed to Pender EMS & Fire Inc. At the time of the merger, the fire districts remained as the Sloop Point, Hampstead Fire District and Long Creek Grady Volunteer Fire Department. This was done so the current insurance rating would remain an ISO rating of 6 in the Sloop Point Fire District and an ISO rating of 7 in the Hampstead Fire District and ISO rating of 6 in the Long Creek Grady Fire District. The week of November 24th of this year. The North Carolina Department of Insurance conducted an ISO inspection of the Sloop Point, Hampstead, and Long Creek Grady districts. April 10, 2015 Pender EMS and Fire Inc. Was notified by the NC DOI that our new ISO Rating for the Pender EMS and Fire Inc. (Eastside) new rating is a 4 and Long Creek Grady Fire District is a 5. Discussion ensued regarding insurance and savings because of this change. Chief Sullivan thanked the Board of Commissioners, Utilities, and 911 for all of their help in making this happen. Mr. Piepmeyer congratulated Chief Sullivan on this achievement.

3. Presentation of 2015 National County Health Rankings.

Health and Human Services Director Carolyn Moser explained: Every March the Health Rankings come out for the year. Last year, Pender County was the 25th healthiest County out of 100. This year Pender County is the 20th healthiest County. Pender County ranks 42nd for Health Factors and 60th for Healthy Behaviors. Smoking Rates and Child Poverty rates remained about the same. Obesity in adults has dropped and activity has increased. Impaired driving and accidents rates have also increased. Pender County still does not have enough providers and Ms. Moser stated that it is very important people know that the health department is available to them. Water quality has not changed and there are lower teen birth rates and higher graduation rates. Ms. Moser stated that all these factors play a role in our state rankings and that she is available to discuss the issues at any time. Mr. McCoy stated that Pender County is doing well compared to its neighbors. Mr. Brown stated that he knows that Pender County would not have good health rankings without the wonderful staff at the Health Department.

PUBLIC COMMENT

Darnell Simmons of 387 Porter Rd, Currie spoke regarding a Housing issue that she is having. She presented a packet of information to the Board of Commissioners regarding the issue. Ms. Simmons stated that because of mistakes with the Housing Department in regards to a breach of contract, she has been displaced for the last four months and her family is living in a hotel. Mr. Brown told Ms. Simmons that the attorney will look over the paperwork and the Board will proceed from there.

Mayor Howard Braxton of Topsail Beach spoke regarding the dredging project that has recently been completed. Mayor Braxton explained that it took 10 years and over one million dollars in permitting to complete this project but he thanked the Board for their help and support to get this done. He explained how the dredging was done and that the sand was moved from the inlet to the beach. Mayor Braxton explained that by doing this, it added over 150 feet to the beach and more depth in the inlet allowing for better movement in and out of the inlet. Mr. Piepmeyer stated that the next project should not be as expensive since there is a permit in place. Mayor Braxton stated that the permit expires in one year and the process would have to start all over again. He added that the next dredging project should be needed in about five to seven years depending on the weather. The next process should not be as expensive because it is not a first time project. Mr. Piepmeyer stated that the method that was used should be used in the future. Mayor Braxton thanked the Board for their time.

CONSENT AGENDA

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

4. Approval of Minutes: Retreat March 26-27, 2015; Regular & Closed Session April 7.
5. Request for approval of the 2015 Revision of the Management Plan for Country Court
6. Authorization of Tax Releases and Refunds.

RESOLUTIONS

7. Discussion and Approval of a Budget Ordnance Amendment for Various Departments.

Interim Finance Director Sylvia Blinson explained: This is another housekeeping items. At the end of March, 2015, the Finance Department printed a report to see all the departmental line items that expenditures equaled 100% or greater. They sent an email to each department manager with a list of the line items that need to be addressed. They analyzed current year revenues to see which line items collected more than the amount budgeted. The Finance Department is proposing to use these revenues to support expenditures that were not sufficiently budgeted to cover the cost of operations. For example, $300,000 was budgeted for Sales Tax Option 4 payments to Topsail Beach and Surf City; however the expenditures will be approximately $600,000.00. There were no funds budgeted to offset the collection cost of the vehicle taxes collected by the State. We have insufficient funds to pay for utilities, vehicle repairs and building repairs. The attached amendment also budgets the remaining funds in the escrow accounts to purchase vehicles and to budget funds for the lease payments. Ms. Blinson stated that she is being pro-active to keep our budget in line with required expenses. There being no discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

8. Approval of a 5 year Lease with Courthouse Computer Systems, for Upgrading Recording Software, Website Backup and all Office Technology from Recording Documents to Issuing Certified Copies of Vital Records.

Register of Deeds Sharon Willoughby explained: Pender County Register of Deeds contract with Internet Technologies Inc. of $30,000.000 a year has expired as of June 30, 2014; a new contract has not been signed. Lack of support and communication along with problems between owners of the company are among some of the issues going on within the office of Internet Technologies Inc. She stated that they have addressed the details of these problems with Internet Technologies Inc. many times over the past several years to no avail. At this time it is imperative for Pender County Register of Deeds to change vendors. Discussion ensued regarding the issues with the vendor and the impacts on the County. Mr. Harvey explained that the current vendor is not providing the County access to its data as well as other issues. Mr. Harvey presented the vendors that quotes were received from as well as their recommendation. Mr. Brown asked for all vendor quotes to be submitted prior to the meeting in the future. Mr. Woodruff added that the money for this program has been budgeted for. Mr. Woodruff also stated that he had hoped to include this in the budget process but because of the circumstances, he felt it was imperative that it be done now and not wait until July. Had that been the case, there would have been a better presentation prepared. There being no further discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

9. Approval of a Proclamation by the Pender County Board of Commissioners: Elder Abuse Awareness: May 10 – June 21, 2015.

Health and Human Services Director Carolyn Moser explained: During the months of May and June 2015, Pender County Department of Social Services will be holding a series of activities to heighten

community awareness of Elder Abuse. There being no discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

10. Approval of a Purchase Order to Public Consulting Group for $40,395.
Health and Human Services Director Carolyn Moser explained: This request is for approval of a contract with Public Consulting Group (PCG) to conduct an organizational assessment of the Pender County Department of Social Services. The assessment will identify strengths, gaps, and concrete opportunities to strengthen organizational effectiveness as well as its operations. There is money in the current DSS budget; no additional county funding is needed. Mr. Brown added that these types of assessments are good and should probably be done in each department. Mr. Woodruff stated that this assessment will help to find any inefficiencies in the department. Mr. Piepmeyer asked if there will be a recommendation report at the end. Ms. Moser stated that there would be a final report. Mr. Brown added that the Health Department had an assessment done a few years ago and he stated that this assessment is a great way to grade the County. Mr. McCoy added that this will help with accountability. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Piepmeyer seconded the motion and it was unanimously approved by a 3-0 vote.

11. Approval of a Purchase Order to Miracle Recreation Equipment Company for $15,500 for Playground Equipment for Millers Pond Park.
Parks and Recreation Director Dee Turner explained: The weather has prolonged the construction of the park facilities but they are moving right along. Staff communicated with three playground companies; Miracle, Play & Park Structures, and Game Time. Each company had several playground systems on sale. However, Miracle Playground Equipment Company's sale includes free shipping which is an additional savings of approximately $2000. The playground system chosen is designed for ages 2-12 and has a total of eleven play components; seven elevated and four ground level components. Two spring riders are included in the order to allow additional ground level play components. Mr. Piepmeyer asked if the playground is covered under Pender County's liability insurance to which he was instructed that it was. Mr. McCoy asked if this included installation. Ms. Turner stated that the County will contract for installation and that once the equipment is ordered, it should arrive in two to four weeks. There being no further discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

12. Approval of a Purchase Order to Mazzarone Construction Company for $8,730 for Installation of Septic System for Millers Pond Park.
Parks and Recreation Director Dee Turner explained: The septic system was not in the original scope of work in the contract with Mazzarone Construction Company for Millers Pond Park. The septic system cannot be gravity fed therefore a pump is necessary. The original permit did not call for this type of Septic, but when the inspection was conducted it was deemed that the pump was necessary. The installation of the septic system will include the septic tank, pump tank, 200 feet of sewer line, all of the necessary connections, a riser lid with chain and lock. Mr. Brown asked if this change was within budget. Ms. Turner stated that it was within the budget and that is why she was looking for less expensive playground equipment. Mr. Piepmeyer asked about installation. Ms. Turner stated that the septic tank would be installed in four to six weeks. There being no further discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

13. Approval to Enter into Negotiations with NC Wildlife Commission Regarding a Partnership In the Operation of the Holly Shelter Shooting Range.
Parks and Recreation Director Dee Turner explained: On February 2, 2015 Mark Hamlett, PE, with North Carolina Wildlife Resources Commission gave a presentation about the planned pistol and riffle shooting range in Holly Shelter Game Lands. Without a partnership with Pender County, the shooting range will

consist of one twenty-five yard pistol range and one two hundred yard rifle range. A partnership with Pender County would allow for additional facilities to be constructed; i.e. a restroom facility, 3-D archery range, additional pistol and rifle ranges, etc. With the addition of facilities, the shooting range will need to be staffed by a certified range officer(s) approximately forty hours per week. The salary for this staff, janitorial maintenance of the restrooms as well as minor grounds and facility maintenance would be the responsibility of the partner. Revenue collected for use of the shooting range, would assist with the expenses occurred for staff and maintenance. The fees, required maintenance, operation schedule, etc. are items to be negotiated. Mr. Piepmeyer stressed his concern that there is no shooting allowed in Holly Shelter and the Range has not been built yet. He suggested that the range should have been built first. Mr. Hamlet stated that wetland impacts have delayed the construction. Had the site not been moved twice, it probably would have been complete now. Mr. Brown asked what penalties violators face. Mr. Hamlet stated that there is probably a ticket but that questions would have to be asked to Wildlife Enforcement. Mr. Piepmeyer also added that there should be a range closer to the east side of the County. Mr. Hamlet stated that the current range needs to be built first. Discussion ensued regarding the Flintlock Range, demand, negotiations, costs, certification of attendant, services at the range, and possible impacts and outcomes. There being no further discussion, Mr. Piepmeyer made a motion to approve the item and add a line item to the Park and Recreation budget for this facility. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

14. Approval of Agreement with McClees Consulting.

County Manager Randell Woodruff explained: The agreement with McClees Consulting will provide consulting and lobbying services on a variety of issues at the regional, state, and federal levels. It will assist in advocating for specific items which are important to the success and well-being of the citizens of Pender County as well as the development of a state and federal legislative agenda. Included will be matters related to transportation, specific types of funding/grants, planning initiatives, relief from unintended consequences of legislative and congressional mandated initiatives, etc. Having this type of service at the County's disposal will greatly enhance the ability to influence matters impacting the County by providing a voice not previously accessible. Discussion ensued regarding budgeting, legislative agendas, other counties with this service, benefits of this service, cons of the service, and placing it on the next agenda. With the Chairman's absence, the Board gave a nod to deferring the item to the May 11, 2015 agenda.

ROCKY POINT WATER & SEWER DISTRICT

15. Resolution by the Board of Directors of the Rocky Point/Topsail Water and Sewer District Accepting the Deed of Dedication for the Conveyance of Title to the Water Distribution Systems Properly Installed to Serve Oaks at Cypress Lakes aka Thomas Lane and Island Creek.

Utilities Director Michael Mack explained: : In accordance with the Pender County Water and Sewer Ordinance, Article XII, Subsection II, 5.a: submission of a Deed of Dedication is required for acceptance of any new water and/or sewer extensions constructed to serve any structure within a subdivision prior to the commencement of water and/or sewer service by the District. With acceptance of these improvements, the conveyance of title to these infrastructure improvements will occur and the District will become responsible for the permanent maintenance of these improvements. Staff is recommending acceptance of the respective project infrastructure improvements of Oaks at Cypress Lakes aka Thomas Lane: 40 LF 6" watermain on Stemwood Court, 292 LF 2" watermain on Stemwood Court, 1 fire hydrant, valves, and related water appurtenances and Island Creek: 810 LF 6" watermain in Tara Drive, 630 LF 2" watermain in Chase Lane, 2 fire hydrants, valves, and related water appurtenances. All of the improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR – Public Water Supply Section. There being no discussion, Mr. McCoy made a motion to approve the item. Mr. Piepmeyer seconded the motion and it was unanimously approved by a 3-0 vote.

SOCIAL SERVICES BOARD
The Board convened as the Social Services Board at 5:55 p.m. Vice Chairman Brown asked if there was any business that needed attention. There being none, the Board reconvened as the Board of Commissioners at 5:56 p.m.

ITEMS FROM THE COUNTY ATTORNEY
Mr. Thurman also stated there will be items for Closed Session, Item #'s 3, 4, 5, and 6.

ITEMS FROM THE COUNTY MANAGER
Mr. Woodruff reminded the Board of County Assembly day on May 6 in Raleigh. He stated that we need to have a presence in Raleigh. Mr. Woodruff also stated that he will be attending a meeting with the LGC on May 5 in Raleigh.

ITEMS FROM THE COUNTY COMMISSIONERS
Mr. McCoy – Mr. McCoy stated that he was concerned with the security of County Vehicles. Mr. McCoy suggested putting vehicles in a security fence. He stated that vehicles need to be locked at night. Mr. Woodruff stated that some vehicles are assigned to one person and some are shared, but he will discuss this concern with department heads.

Mr. Brown – Mr. Brown requested a master Board list with all members added into the agenda book for reference when reviewing the agendas prior to meetings. Ms. Pedersen stated that the list will be in the books prior to the next meeting.

CLOSED SESSION
At 6:00 p.m., Mr. Piepmeyer 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; 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. McCoy seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:10 p.m. There were no announcements made upon exiting the Closed Session.

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

16. Resolution Approving Amendments to the Pender County Road Naming Ordinance and the Pender County Property Addressing and Display Ordinance.

Vice Chairman Brown opened the Public Hearing at 7:17 p.m.

Addressing Coordinator Jan Dawson explained: We have strengthened existing language and added new language that will allow Pender County to have more consistent road naming procedures, addressing procedures, and address displaying requirements. The other recommendations are to provide support for existing items in the ordinance where the ordinance has been unclear or needs further explanation. Ms. Dawson provided a copy of the ordnances with the suggested changes in red for the board to review. There being no discussion Vice Chairman Brown closed the Public Hearing at 7:18. Mr. McCoy made a motion to approve the item and Mr. Piepmeyer seconded the motion and it was unanimously approved by a 3-0 vote.

17. Approval of a Special Use Permit (SUP) for the Construction and Operation of a Telecommunication Facility.

Vice Chairman Brown opened the Public Hearing at 7:19 p.m. and Mr. Thurman swore in witnesses. Senior Planner Megan O'Hare explained: Optima Towers IV, LLC, applicant, on behalf of H. Allen Wooten, owner, is requesting approval of a Special Use Permit for the construction and operation of a telecommunication tower. The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; telecommunication towers are permitted via Special Use Permit in the RA, Rural Agricultural zoning district. The property is located at 4559 NC Highway 53 West and may be further identified by Pender County PIN 3208-18-5058-0000. Ms. O'Hare showed a map of the property and where the tower will sit as it relates to the property lines.

The following residents and others voiced their concerns:

> Mr. Scott Holmes with Murchison, Taylor, and Gibson in Wilmington, NC stated that Ms. O'Hare covered everything and introduced Mr. Keith Powers.
>
> Mr. Johnathan Yates of Optima Towers wished the Chairman a speedy recovery. He then introduced the parties involved. Mr. Powell then discussed the need for this tower in the proposed area. Mr. Powell thanked the Board for their time.

There being no further discussion Vice Chairman Brown closed the Public Hearing at 7:30. Mr. McCoy made a motion to approve the item, Mr. Piepmeyer seconded the motion and it was unanimously approved by a 3-0 vote.

18. Resolution to Amend the Pender County Unified Development Ordinance, to Revise the Review Procedures for By-Right Development and to Clarify Requirements for the Planned Development Zoning District.

Vice Chairman Brown opened the Public Hearing at 7:31 p.m.

Planning Director Kyle Breuer explained: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to revise the review procedures for by-right development by amending Sections 2.3, 2.5, 2.9, 2.11, 3.4, 3.5, 3.7, and 3.10 and to clarify requirements for the Planned Development zoning district by amending Sections 4.8, 4.14, and 6.1. Mr. Breuer stated that there were two parts to the request. The first was a revision of the By-Right Development Review. Mr. Breuer reviewed the intent, current approval process, the proposed approval process, and Public Notifications. Mr. Breuer also discussed a website component for the public to view when it comes to open applications. Mr. Breuer also highlighted some of the important changes of the amendment. Discussion ensued regarding the pros and cons of the change for both staff and the public and how approving this amendment would change things. The second part of the request was clarification of requirements for the PD Zoning District. Mr. Breuer reviewed the intent, current process approval process, and the proposed approval process. Mixed Use Districts was where the biggest changes are being made and Mr. Breuer pointed out the changes. He stated that the changes were primarily made for clarification purposes.

The following residents and others voiced their concerns:

> Mr. Linwood Jones of 101 Turnbury Drive, Hampstead – Mr. Jones stated that he was a land developer, land surveyor, and home builder by profession. He spoke in favor of the amendment. Mr. Jones also stated that Johnston County has the same setup. He told the Board that this amendment would be a good thing for Pender County.

There being no further discussion Vice Chairman Brown closed the Public Hearing at 7:58. Mr. McCoy made a motion to approve the item, Mr. Piepmeyer seconded the motion and it was unanimously approved by a 3-0 vote.

ADJOURNMENT
There being no further business, the meeting adjourned at 7:58 p.m.

Respectfully Submitted,

Melissa Pedersen

Melissa Pedersen, Deputy Clerk to the Board

Reviewed By:

Randell Woodruff, Clerk to the Board/Ann Coombs, Administrative Assistant

Planning Reviewed By:

5/5/2015

Planning Staff