

**TUESDAY, MAY 26, 2015 – 4:00 p.m.**

The Pender County Board of Commissioners met in regular session on Tuesday, May 26, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

**OTHERS PRESENT:** Randell Woodruff, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Melissa Pedersen, 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**

Chairman Williams offered the Invocation.

**PLEDGE**

Commissioner Keith led the Pledge of Allegiance.

**ADOPTION OF AGENDA**

Mr. Brown made a motion to adopt the agenda as written. Mr. Piepmeyer seconded the motion and it carried unanimously.

**PUBLIC HEARING**

**1. Public Hearing on FY 15-16 Submitted County Budget.**

Chairman Williams opened the Public Hearing at 4:03 p.m. There were no signups for comment. Mr. Williams opened the floor for other commissioners to speak on the budget. There being no comments on the FY 2015-16 Submitted Budget, Mr. Williams closed the Public Hearing at 4:04 p.m.

**PUBLIC INFORMATION**

**2. Introduction of Newly Appointed NCDOT District Three Board Member and Discussion of Short Term and Long Term Goals.**

Mr. Woodruff stated that Ms. Fountain called just prior to the meeting to inform him that she was unable to make it to today's meeting. Mr. Williams asked that this item be moved to the next agenda.

**3. Presentation of 2015 Annual Communicable Disease Report.**

Health and Human Services Director Carolyn Moser explained: This is a report that is required to be shared each year as part of the Health Department's accreditation. Ms. Moser supplied a copy of the report to the Board and explained the communicable diseases reported as well as projected trends. Ms. Moser also elaborated on rabies and the precautions taken to prevent the spread of the disease.

**PUBLIC COMMENT**

Attorney Robert Kenan on behalf of the Pender County Board of Elections – Mr. Kenan spoke regarding the poll workers and one stop workers and requested that these workers be exempt from the Pender County Personnel Policy. Mr. Kenan stated that these workers only work 1-10 days per election cycle and

as of right now these employees while under the Pender County Personnel Policy are required to be background checked and drug tested. Mr. Kenan continued, stating that these workers are appointed by the Board of Elections and serve under their direction. Mr. Boyles approached the podium and elaborated on this process with regard to the May and November 2014 elections. Mr. Boyles stated that because of this process, some of these workers have requested not to be called back to work because under the current policy they do not make any money after testing and taxes. Mr. Williams thanked Mr. Kenan and Mr. Boyles for their time and stated that the Board would look into the issue.

## **CONSENT AGENDA**

Chairman Williams presented the seven items on the Consent Agenda and asked for any discussion or questions. There being no discussion, 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. Approval of Minutes: Regular Session May 11.
5. Approval of a Budget Amendment for Various County Departments.
6. Approval of a Budget Amendment to Approve an Increase in Health Department Grant Revenues and Expenditures for Fiscal Year 2014-2015; Animal Shelter \$2,500; and Approval for a Purchase Order to Atlantic Appliances in the Amount of \$2,500 to Purchase a Washer and Dryer for the Animal Shelter.
7. Approval of Fund Raising Efforts to Conduct an On-site Spay/Neuter Program for Animals at the Pender County Animal Shelter.
8. Approval of a Budget Amendment to Approve an Increase in Health Department Revenues and Expenditures for Fiscal Year 2014-2015; Migrant Health \$30,620.
9. Approval to Increase Purchase Order for Health Department Dental Service Contracts For Fiscal Year 2014-2015; Dental Clinic: \$35,000.
10. Resolution Approving Two Million Dollar (\$2,000,000.00) REDLG Loan with Four County EMC and RC Creation Holdings LLC.

## **RESOLUTIONS**

### **11. Approval of a Purchase Order to Elections Systems & Software (ES&S) for Voting Equipment Licensing and Support in the Amount of \$40,831.32 Including NC Taxes.**

Elections Director Dennis Boyles explained: Pender County purchase state certified voting equipment from Elections Systems & Software in March 2006. Then, Commissioner Chairman, Steve Holland signed a contract obligating the county to annual licensing and support fees for the life of this equipment as required by G. S. § 163-165.9(b2). These funds are due and payable by July 1st of each year. Pender County is obligated to this contract through the 2016 election. There being no discussion, Mr. McCoy made a motion to approve the item, Mr. Brown seconded the motion and the item was unanimously approved.

### **12. Approval of Agreement with McClees Consulting.**

Mr. Williams presented the item. Discussion ensued regarding the Bypass and other benefits of hiring a lobbyist. Mr. Brown thanked the Board for tabling the item until he could be present for the vote. Mr. Brown also added that up to this point because of budget constraints he was not in favor of hiring a lobbyist, but after the fatal accident Memorial Day weekend that he would do anything to make the Bypass happen. Discussion then ensued regarding the pros and cons of this lobbyist; annual cost; how soon benefits could be seen; measuring the benefits after they are hired; and professional history of Mr. & Mrs. McClees. The Board gave a nod to table this item to the next meeting. The Board also requested that an updated contract be drafted prior to the next vote.

## **APPOINTMENTS**

### **13. Revision to Approved Appointments to the Coastal Care Area Board.**

Ms. Pedersen explained: As of July 1, 2015, CoastalCare will be consolidating and therefore appointing a new Board. On May 11, 2015, the Board appointed the following to the CoastalCare Area Board: Janice Nichols, Financial Expertise, Carol Peay, Healthcare Expertise, and Don Hall, Pender County Commissioner Appointee. It was brought to the attention of Pender County that a Commissioner Appointee and only one other person were to be appointed. The two applicants for the Citizen Representative Appointment are: Janice Nichols who has served on the CoastalCare Board since June of 2012 is requesting reappointment and Carol Peay who has served on the CoastalCare Board since September of 2014 is requesting reappointment. An application is attached. Ms. Pedersen stated that this term will be for three years. Mr. Brown recommended that since Ms. Peay has just been appointed to the Board within the last year, and Ms. Nichols term runs out the end of June and she has served a few terms already that the Board appoint Ms. Peay. After some brief discussion, Mr. Brown made a motion to appoint Ms. Carol Peay to the Coastal Care Area Board as of July 1, 2015 for a term of three years as a citizen representative. Mr. Piepmeyer seconded the motion and it was unanimously approved.

## **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman stated that the Tillman case has been settled for \$3,000.00 which was less than what it would cost for litigation. Mr. Thurman stated that since the case had been settled, the Board must vote on the matter during a public meeting to authorize the payment of \$3,000.00 to complete the settlement. Mr. Brown stated that he is glad that the Board has come to this resolution. Mr. Brown made a motion to add the vote to the Agenda, Mr. McCoy seconded the motion and it was unanimously approved.

## **ADDENDUM**

Mr. Brown made a motion to approve the payment of \$3,000.00 to complete the settlement in the Tillman vs. Pender County case. Mr. McCoy seconded the motion and it was unanimously approved.

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 recognized new Tourism Director, Ms. Tammy Proctor who was sitting in the audience. Mr. Woodruff also asked the Board to schedule another Budget Work Session sometime next week. After some brief discussion, the Board set the next Budget Work Session for Thursday, June 4, 2015 at 4:00 p.m.

## **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Brown – Mr. Brown reminded everyone about the Town Hall Meeting with Representative Millis Thursday night at the Hampstead Annex. Mr. Brown also asked Mr. Woodruff to get some clarity about the cautionary speed limit by Topsail High School in Hampstead. Mr. Woodruff stated that he would check with DOT and let the Board know. Mr. Brown also introduced his wife Karen who was sitting in the audience.

Mr. McCoy – Mr. McCoy stated that he was concerned with the lack of long range planning from the School Board. His concern lies mostly with the fact that this Bond approval came at a bad time for Pender County and it is not the School Board that will get blamed for the issue, but the Board of Commissioners.

Mr. Williams – Mr. Williams spoke regarding the fatal accident on Saturday. He stated that without the Hampstead Bypass, things will only continue to get worse on Highway 17. Mr. Piepmeyer commented on the duration of the yellow light at Sloop Point and Highway 17. Mr. Woodruff recommended reducing the speed limit stating that it will not prevent accidents, but it will allow drivers to be more cautious.

### **CLOSED SESSION**

At 5:05 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; 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. Piepmeyer seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 6:43 p.m. There were no announcements made upon exiting the Closed Session.

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

Before opening the Public Hearings, Mr. Thurman swore in all witnesses.

#### **14. Public Hearing to Readdress Elsie Drive and Harveys Lane.**

Mr. Williams opened the public hearing at 7:01 p.m. Addressing Coordinator Jan Dawson explained: The Hampstead Community was not included in the initial readdressing when Pender County adopted Enhanced 911 in the early 1990's. The residents in Topsail Plantation on Elsie Drive and Harveys Lane were issued addresses by the Hampstead Post Office utilizing the block system numbering scheme. According to Article I, Section 103 of the Pender County Addressing and Display Ordinance, as

conditions merit, such official numbers may be changed upon proper official notice to the property owner and public agencies. According to Article II, Section 201 of the Pender County Addressing and Display Ordinance even numbers are assigned on the right side of the roadway and odd numbers on the left side of the roadway. From the beginning of Elsie Drive, even numbers were assigned to both sides of the roadway and continued around Harveys Lane. There are nine existing structures that will be affected. They will receive new addresses if the readdressing request is approved. There are three remaining structures that will not be affected. Therefore, to avoid conflicts and delays with emergency and public safety responses, and to provide for conformance with the County's addressing ordinance, the request is made to readdress the aforementioned roads. The Legal Notices have been properly posted and the residents have been notified by mail. There was no one present to speak, but Ms. Dawson did convey to the Board that Kenneth Van Neste of 208 Elsie Drive has addressed to her his opposition and he was not able to attend tonight's meeting due to work. Mr. Williams closed the public hearing at 7:07 p.m. Mr. Williams stated that this is a 911 issue for Pender County which is why the readdressing is needed. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Brown seconded the motion and it was unanimously approved.

**15. Resolution Requesting Approval of Major Revisions to an Existing Special Use Permit (SUP) for the Operation of a Sand Borrow Pit Mine. The Revisions are to Expand the Previously Approved Movable Area.**

Mr. Williams opened the public hearing at 7:07 p.m. Senior Planner Megan O'Hare explained: Dallas Harris, applicant and owner, is requesting approval of a major revision to an existing Special Use Permit (SUP) originally issued January 18, 2005 (SUP 04-12-20-20) for the excavation of 23.06 acres; this request is to excavate 5.578 acres directly adjacent to the previous dig site. This was the only requested revision to the previously approved SUP. There was one tract associated with this request totaling  $\pm$  57 acres. The subject property is located directly west of Shaw Highway (SR 1520), Holly Township, and may be identified by Pender County PIN 3258-51-1378-0000. The property is currently zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance Section 5.2.3, Nonmetallic Mineral Mining & Quarrying (NAICS 2123) is permitted via Special Use Permit. In accordance with Section 3.12.4.H of the Pender County Unified Development Ordinance, major revisions to Special Use Permits must be submitted to the Board of Commissioners. Ms. O'Hare reviewed the Special Use Permit Conditions. Discussion ensued on the type of mining included with this Special Use Permit request. Mr. Williams closed the public hearing at 7:15 p.m. There being no further discussion, Mr. Brown made a motion to approve the Special Use Permit with the conditions as written. Ms. Keith seconded the motion and it was unanimously approved.

**16. Approval of a Special Use Permit (SUP) for the Operation of a Full Service Restaurant.**

Mr. Williams opened the public hearing at 7:16 p.m. Senior Planner Megan O'Hare explained: Alphonso L. Cromartie, applicant, on behalf of John Silva, owner, is requesting approval of a Special Use Permit for the operation of full service restaurant (NAICS 7221; Full-Service Restaurant). There is one tract associated with this request totaling  $\pm$  2.3 acres. The subject property is located at 14581 Ashton Road (SR 1411) in the Long Creek Township and may be further identified by Pender County PIN 3216-56-5573-0000. 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; NAICS 7221, Full-Service Restaurants are permitted via Special Use Permit. Mr. Cromartie spoke regarding food to be served and his experience in the food service industry. Mr. Piepmeyer asked if neighbors had been notified. Ms. O'Hare stated that neighboring property owners had been notified and no one has contacted their office regarding this Special Use Permit. Mr. Williams closed the public hearing at 7:20 p.m. There being no

further discussion, Mr. Brown made a motion to approve the Special Use Permit with the conditions as written. Ms. Keith seconded the motion and it was unanimously approved.

**ADDENDUM**

Mr. Woodruff asked the Board to amend the agenda regarding Health Insurance for discussion and a vote on changes to the current policy. Mr. Piepmeyer made a motion to add the item to the agenda, Mr. Brown seconded the motion and it was unanimously approved. Mr. Woodruff stated that Pender County has spoken with the insurance agent and found areas that the county could cut to save money. Mr. Woodruff stated that Healthcare is in a state of transition and that for the last several years the county has absorbed the additional cost. Mr. Woodruff stated that the County could save as much as \$414,000 by raising deductibles and co-pays, removing dental and eye coverage with the option for employees to purchase those additional coverages. With these changes, the plan would still be better than the State Health Plan. Discussion ensued regarding the current plan and the proposed plan and what this insurance costs per employee. Mr. Woodruff stated that the Board would have to approve these changes tonight to allow for an open enrollment period. There being no further discussion, Mr. Piepmeyer made a motion to approve the change. Mr. McCoy seconded the motion and it was unanimously approved.

**ADJOURNMENT**

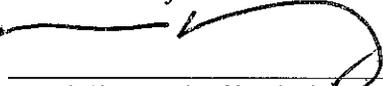
There being no further business, Mr. Brown made a motion to adjourn. The meeting adjourned at 7:31 p.m.

Respectfully Submitted,

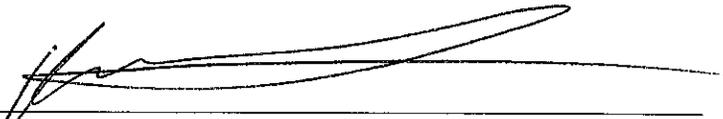


Melissa Pedersen, Deputy Clerk to the Board

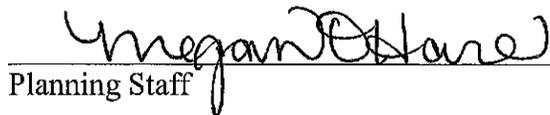
Reviewed By:



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



Planning Reviewed By:



Planning Staff