MONDAY, OCTOBER 26, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, October 26, 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, David Piepmeyer, and Demetrice Keith.

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

CALL TO ORDER
Vice-Chairman Brown called the meeting to order at 4:02 p.m. and thanked and welcomed all to the meeting.

PLEDGE
Commissioner McCoy led the Pledge of Allegiance.

INVOCATION
Commissioner Piepmeyer offered the Invocation.

EXCUSE COMMISSIONER
Mr. Piepmeyer made a motion to excuse Mr. Williams. Ms. Keith seconded the motion and it was unanimously approved.

ADOPTION OF AGENDA
Mr. McCoy made a motion to adopt the agenda as written. Ms. Keith seconded the motion and it was unanimously approved.

PUBLIC HEARING
1. Public Hearing and Resolution Approving Grant Application 5310-Enhanced Mobility of Seniors and Individuals with Disabilities Program Operated by Pender Adult Services for FY 2016-2017: $150,000.

Vice Chairman Brown opened the Public Hearing at 4:04 p.m. Valeria Sutton with Pender Adult Services explained: Pender Adult Services acts as Transportation Coordinator for Pender County. They operate the MV Transit Bus which provides transportation around Pender and New Hanover County. Patrons of this service will pay a minimum $.50 each trip (request on and off van) for their transportation to the senior center and $3.00 each trip to other approved destinations. This year Pender Adult Services is requesting $150,000 from NC Department of Transportation, requiring a local match of $75,000. This local match will come from the Rural Operating Assistance Program and is in agreement with guidelines from NC Department of Transportation. This service is to be provided for the benefit of seniors age 65 and older and/ or have a disability, for residents of Pender County. Pender Adult Services will be subsidizing the cost of this program from their operating budget. Fares will be charged to allow a reduced amount of subsidy. Fuel costs has impacted Pender Adult Services directly. Funds for the local match are budgeted through NC Department of

Transportation which requires that a public hearing be held prior to authorizing this action. There being no further discussion, Mr. Brown closed the public hearing at 4:05 p.m. Mr. McCoy made a motion to approve the resolution. Ms. Keith seconded the motion and it was unanimously approved.

2. Public Hearing and Resolution Approving Grant Applications and Authorizing Local Share for 5311-Community Transportation Program Operated by Pender Adult Services for FY 2016-2017: $35,884.

Valeria Sutton with Pender Adult Services explained: Pender Adult Services (PAS) acts as Transportation Coordinator for Pender County. They operate the MV Transit Bus which provides transportation around Pender and New Hanover County. Patrons of this service pay $3 each way for their transportation within the County and $8 each way for transportation outside of Pender County. This year PAS is requesting $276,247 from NC Department of Transportation, requiring a local match of $35,884. The administrative portion provides for the Transportation Coordinator salary, the Transportation Coordinator Assistant's salary, motor vehicle transit management services, vehicle insurance, marketing materials, employee training, postage, and computer supplies, etc. This year's capital request contains a total of $111,061, which replaces 2 vans that have exceeded their useful lives at a cost of $104,500 to include bike racks and cameras for each van with vehicle lettering. Security cameras have been requested for this year totaling $6,100. This service is required, by law, to be provided for the benefit of Department of Social Services clients. In addition, it is available to all residents of Pender County. PAS subsidizes the cost of this program by approximately $85,000 annually from their operating budget; however, the fares have allowed them to reduce the amount of subsidy. Fuel costs has impacted this program directly. Funds for the local match are budgeted under 681-461920 Community Transportation Program. NC Department of Transportation requires that a public hearing be held prior to authorizing this action. Discussion ensued regarding the funding rate as it compares to neighboring counties. Discussion also took place regarding last year's usage of the program, limitation to routes and who can utilize services when, vehicle sizes, and travel to and from doctors in Chapel Hill and Durham. There being no further discussion, Mr. Brown closed the public hearing at 4:14 p.m. Mr. Piepmeyer made a motion to approve the resolution. Ms. Keith seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

3. Presentation of Pender County Quarterly Financial Report.

Ms. Brafford explained: This is the first draft of the Quarterly Financial Report. Ms. Brafford added that she could either add or omit information as requested by the Board. She mentioned that the numbers for FY 15 may be changed depending on the audit and that encumbrances were not factored into the report. Ms. Brafford briefly explained all the funds. Mr. Piepmeyer asked that any important occurrences or expenses for the quarter be highlighted in the report. Mr. Piepmeyer also suggested that Ms. Brafford summarize anything that could be of concern now or in the future in the report. Mr. McCoy stated that this report is important so that there are no surprises to the Board or the public. Ms. Brafford added that in the future, she would like to add the respective quarterly report from the past year to the current report for comparison. The Board thought that would be a good idea. Ms. Brafford also gave a brief update on the status of the FY 15 audit upon request from the Board.

4. Update on Pender County Parks and Recreation Projects.

Parks & Recreation Supervisor Dee Turner explained: This is the first of all future quarterly reports regarding Pender County Parks. The first park that was discussed was Millers Pond Park in Rocky

Point. Ms. Turner showed an aerial map of the park as well as current pictures of the park. Discussion also took place to update the additions to the park as well as future plans for the park. Fees and future possible fees to use the park as well as signage was discussed. The next park discussed was the Kiwanis Park in Hampstead. Ms. Turner showed the Board an aerial map and current pictures of this park as well. Future plans for Kiwanis Park and utilization of this park for Rec groups and teams were also discussed. Ms. Turner then moved on the Pender Memorial Park in Burgaw. Ms. Turner showed the Board an aerial map and current pictures of this park as well. Possible expansion of this park was discussed as well as updates and repairs to the park. Lastly, the Holly Shelter Shooting Range was discussed. Ms. Turner stated that construction is underway on the shooting range. Discussion ensued regarding the possibility of partnering with NC Wildlife to add to the range and what that would encompass. This range is anticipated to open in the spring of 2016 as an unmanned site. Minnie grants were also discussed regarding the Minnie Newkirk Park. Mr. Breuer added that staff will update the Board every quarter on Pender County Parks.

5. Update on Pender County Collector Street Plan.

Planning & Community Development Director Kyle Breuer explained: Mr. Breuer began by explaining what Collector Street Plans were alongside Josh Lopez of the Wilmington MPO. Mr. Breuer then updated the Board on efforts regarding the Pender County Collector Street Plan. The Steering Committee has been working under the guidance of staff and the consultant to update the plan. An updated Project Schedule was presented to the Board outlining the status of the project to date. Mr. Lopez then updated the Board on possible issues in the study area regarding developable land, average travel time to work, and wetlands. Mr. Breuer added that the study has a website at www.pendercollector.com which has all the information including maps. Those who wish to participate are encouraged to visit the website. Mr. Breuer added that the survey is also on the website.

PUBLIC COMMENT

James Dyer of Hampstead – Mr. Dyer addressed the Board regarding his concern for poor planning on behalf of the DOT. He also expressed his concern on replacing the citizen rep on the WMPO and opposed the middle interchange planned for the Hampstead Bypass. Mr. Dyer also asked Mr. Piepmeyer about his trip to Washington, DC. Mr. Piepmeyer stated that trip has not yet been made. Mr. Dyer asked that the results of that trip be made public.

CONSENT AGENDA

Vice-Chairman Brown presented the items on the Consent Agenda and asked for any discussion or questions. Mr. Piepmeyer asked that Item 13 be pulled for discussion. Ms. Keith asked that Item 9 also be pulled for discussion.

9. Resolution to Declare County Owned Vehicles Surplus and to Accept Disposal Through a County Public Auction provided by Bradley Auction on November 14, 2105.

Public Works Supervisor Pat Simmons explained: The Pender County Public Works Department recommends the Board of Commissioner declare the attached list of vehicles as surplus. It is requested that vehicles deemed suitable will be disposed of through a county public auction. Discussion ensued regarding who can participate in the auction and how it is determined what surplus vehicles go to what non-profits. Ms. Simmons explained that these non-profits request vehicles and staff recommends the best vehicle. Ms. Simmons further explained that the last auction held was in

2012 and was very successful with 140 bidders and everything being sold. After much discussion about bids, the Board requested that staff go out for bids for Auctioneers prior to holding an auction.

13. Approval of a Purchase Order to ThyssenKrupp for Replacement of the Elevator at the Pender County Courthouse: $60,416.59.

Public Works Supervisor Pat Simmons explained: The elevator at the Pender County Courthouse has been out of service since October 8, 2015 due to mechanical failure. Because of its age, condition, and mechanical failure, Public Works recommends replacement of the existing elevator. Mechanical permits, material and labor are included. Due to the nature of repairs and the urgency to complete them, bids were not obtained. ThyssenKrupp has provided elevator service for the county in the past including the Hampstead Annex and have been competitive in pricing. Discussion ensued as to why staff did not go out for bids for this project. Michael Marriot with ThyssenKrupp also spoke to the Board regarding the plans for the new elevator including comparing with the annex elevator, and what happens if this item is approved. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Piepmeyer seconded the motion and it was unanimously approved.

After lengthy discussion about going out for bids, Mr. McCoy made a motion to approve the consent agenda as follows including an amendment to Item 9 to only surplus vehicles and go out for bids on Auctioneers. Ms. Keith seconded the motion and it was unanimously approved.

6. Approval of Minutes: Regular Meeting: October 12.
7. Resolution Accepting Petition to Oak Grove Drive in Oak Grove Subdivision, Hampstead, to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
8. Board Action to Approve a Purchase Order to DSI (Data Solutions and Integration) for Medicaid Transportation Software in the Amount of $9,900.
9. Resolution to Declare County Owned Vehicles Surplus and to Accept Disposal Through a County Public Auction provided by Bradley Auction on November 14, 2105.
10. Resolution to Declare Two County Owned Vehicles as Surplus and Transferring Titles to Camp Kirkwood.
11. Resolution to Declare One County Owned Vehicle as Surplus and Transferring Titles to Rocky Point Fire Department.
12. Resolution to Declare One County Owned Vehicle as Surplus and Transferring Titles to Shiloh Fire Department.

APPROVALS AND RESOLUTIONS

14. Approval of a Proposal to Sell Surplus County Property.

Attorney Chip Rodgers with Sherman and Rodgers, LLC explained the changes that were made to his proposal from the last meeting. Discussion ensued as to the terms and length of the agreement. Mr. Rodgers stated that this agreement can be revisited and changed at any time. There being no further discussion, Mr. McCoy made a motion to approve the agreement. Mr. Piepmeyer seconded the motion and it was unanimously approved.

15. Approval of a Policy for Sale of County Owned Land to the Public.
Mr. Woodruff explained: With the adoption of the agreement with Sherman & Rodgers, LLC regarding the sale of surplus county property, the Board could choose to not adopt this policy. After some brief discussion, the Board gave a nod to remove this item until further notice.

APPOINTMENTS
16. Approval of Appointment to the Tourism Development Authority.
Ms. Pedersen explained: Barbara Baker has served two terms on the Tourism Development Authority and is seeking reappointment. Ms. Baker lives in District 1. This appointment will be for three years and expire on August 31, 2018. There being no discussion, Mr. Piepmeyer made a motion to approve the appointment. Mr. McCoy seconded the motion and it was unanimously approved. Ms. Baker stood up and thanked the Board for the opportunity and commended Tourism Director, Tammy Proctor. The Board thanked Ms. Baker for all that she does for the TDA Board.

ITEMS FROM THE COUNTY ATTORNEY
Mr. Thurman stated there is an item for Closed Session, Item # 3.

ITEMS FRIOM THE COUNTY MANAGER
Mr. Woodruff stated that the Pender County Board of Education will be at the November 9 meeting to give an update on the School Bond projects. Mr. Woodruff further explained that the School Board will be coming before the Board in December for approval on some School Bond items. Mr. Woodruff then mentioned that he received a complement from a citizen regarding the Mosquito Control staff citing their kindness and professionalism.

ITEMS FROM COUNTY COMMISSIONERS
Ms. Keith – Ms. Keith stated that she participated in the Maple Hill Parade this past weekend and enjoyed talking with people in the community. Ms. Keith also stated that she gave the opening comments for the Cape Fear RC&D Banquet last week.

Mr. Piepmeyer – Mr. Piepmeyer mentioned his conversation with Hunter Hock who is a resident of Scotts Hill regarding drainage issues. Mr. Piepmeyer also asked for a list of unfunded mandates stating that he has asked before and still has not received it.

Mr. McCoy – Mr. McCoy stated that in a few weeks he will be having his right knee replaced and will miss the November 23 meeting.

CLOSED SESSION
At 6:36 p.m., Ms. Keith 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 Mr. McCoy seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:30 p.m. There were no announcements made upon exiting closed session.

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

17. Resolution to Approve a Zoning Map Amendment for a General Use Rezoning of One (1) Tract Located at 13471 US HWY 17 in Hampstead from RP, Residential Performance Zoning District, to GB, General Business Zoning District.

Vice-Chairman Brown opened the Public Hearing at 7:30 p.m.

Planning & Community Development Director Kyle Breuer explained: Nicholas K. and Carol S. Shepard, applicants, on behalf of Whitehouse Investments, LLC, owner, are requesting approval of a Zoning Map Amendment for a general use rezoning of one tract totaling approximately one acre from RP, Residential Performance zoning district to GB, General Business zoning district. The subject property is located at 13471 US HWY 17 in Hampstead and may be identified by Pender County PIN 3282-42-3687-0000. Discussion ensued as to the zoning around this property including neighboring businesses. Kyle Shepard, owner and applicant stated that he just wants to bring the zoning with what the property is. He further stated that this property was allowed to operate as a business at the time it was purchased. Mr. Shepard added that he does not plan to change the property or sell it but that he just wants to bring it into conformance of its use.

The following persons voiced concerns:

- Sharon Howard – Ms. Howard stated that she is afraid that if the Zoning Map Amendment is approved, the taxes on her home and her neighbors homes will go up. She stated that those who live in the area cannot afford for taxes to go up further.

Discussion ensued regarding spot zoning, how the property is currently zoned, and the effect this approval would have on taxes. There being no further discussion, Mr. Brown closed the public hearing at 7:52 p.m. Mr. Piepmeyer made a motion to approve the resolution. Mr. McCoy seconded the motion and it was approved 3-1 with Ms. Keith voting in opposition.

18. Resolution to Approve a Zoning Map Amendment for a General Use Rezoning of Two (2) Tracts Located Along NC HWY 210 Approximately 1,500 Feet East of the Intersection of NC HWY 210 and Island Creek Rd. (SR 1002) and Along Harrison Creek Rd. (SR 1573) Approximately 2,000 Feet South of the Intersection of Island Creek Rd. (SR 1002) and Harrison Creek Rd. (SR 1573) in Hampstead from RA, Rural Agricultural Zoning District, to RP, Residential Performance Zoning District.

Vice-Chairman Brown opened the Public Hearing at 7:53 p.m.

Planning & Community Development Director Kyle Breuer explained: Resolution to Approve a Zoning Map Amendment for a General Use Rezoning of two tracts located along NC HWY 210 approximately 1,500 feet east of the intersection of NC HWY 210 and Island Creek Rd. (SR 1002) and along Harrison Creek Rd. (SR 1573) approximately 2,000 feet south of the intersection of Island Creek Rd. (SR 1002) and Harrison Creek Rd. (SR 1573) in Hampstead from RA, Rural Agricultural zoning district, to RP, Residential Performance zoning district. Discussion ensued regarding the difference between being zoned as RP and being zoned as RA and proximity to the substation. Discussion also took place regarding the Duke Energy Transmission line and the Bypass plans through the property. Mr. Coleman Parks discussed buffers with the Board as well as roads and

utilities intersecting the property. There being no further discussion, Mr. Brown closed the public hearing at 8:04 p.m. Mr. Piepmeyer made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved.

19. Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Vegetative Recycling Center.

Vice-Chairman Brown opened the Public Hearing at 8:04 p.m. Mr. Thurman swore in witnesses. Planning & Community Development Director Kyle Breuer explained: Four Points Recycling, LLC., applicant, on behalf of Stacy Hollis Family LTD. Partnership, owner, is requesting approval of a Special Use Permit for the operation of a vegetative recycling center (NAICS 562219; Other Nonhazardous Waste Treatment and Disposal). The property is zoned GB, General Business zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; NAICS 562219, Other Nonhazardous Waste Treatment and Disposal is permitted via Special Use Permit in the GB, General Business zoning district. The subject property is located at 25540 US HWY 17 and may be further identified by Pender County PIN 4226-97-4215-0000. Mr. Ray Peele on behalf of Four Points Recycling, applicant explained the business and how it works. Lengthy discussion ensued regarding violations in New Hanover County and how it relates to the application for this Special Use Permit as well as how long the applicant has been operating in Pender County. After much discussion, the Board gave a nod to table this item until more information can be researched about past violations and operations in Pender County.

20. Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Substance Abuse Facility.

Vice-Chairman Brown opened the Public Hearing at 8:32 p.m. Mr. Thurman swore in witnesses. Planning & Community Development Director Kyle Breuer explained: Recovery Ventures Corporation, applicant, on behalf of Kyle Page et al, owner, is requesting approval of a Special Use Permit for the operation of a substance abuse facility (NAICS 6232; Residential Mental Retardation, Mental Health, and Substance Abuse Facilities). 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 6232, Residential Mental Retardation, Mental Health, and Substance Abuse Facilities are permitted via Special Use Permit in the RA, Rural Agricultural zoning district. The subject property is located at 163 Joy Lane (private) and may be further identified by Pender County PIN 2255-88-3624-0000. The following persons voiced concerns:

- Dale Martin, applicant and Executive Director of Recovery Ventures spoke on behalf of the facility with regard to what they do and the rules and specifics of the program and the Special Use Permit request. Discussion ensued regarding whether or not this would be considered a business, the size of the house, the number of people that would be living in the house, how the program works, and what keeps program participants from leaving when they shouldn't.
- Steve Serrells, Clinical Director of Recovery Ventures addressed the Board about how residents are selected and the success rate of the program.
- William Faulkner, Facilities Director with Recovery Ventures asked the public give this program a chance adding that this program is committed to community service.
- Jane Albers of Carolina Beach, NC stated that she has worked with substance abuse programs for 32 years. She explained the need for this program in Southeastern North Carolina by giving examples of success.

- Bradley Walker of 1029 Point Caswell Rd, Atkinson gave reasons why he is opposes the Special Use Permit citing safety and distance from law enforcement and medical care.
- Rich Dawson of 1152 Point Caswell Rd, Atkinson stated that the house in questions used to be owned by his mother and father. He questioned about sanitation and septic issues, lighting, buffers, traffic and maintaining the road, medical care, and the unfinished upstairs.
    - The applicant came back to the podium and addressed the questions.
- Bernie Hickman of 1191 Point Caswell Rd, Atkinson stated that he was worried about property values, whether having this many people in that home would be a violation of the fire code, and safety concerns.
- Susie Bennett of Recovery Ventures stated that she works in the women's facilities and clarified some of the misconceptions regarding the program.
- Becky Fowler of Atkinson, NC showed the notice received in the mail to point out that this facility would be housing mentally retarted people. She also added that the size of the septic tank at the home was probably only constructed for 4-5 people.
- Billy McGowan of Carolina Beach stated that he graduated the program in 2011. He explained how this program saved his life and stated that those who enter the program want to be there. He further explained the need for a residential care facility in this area.
- Jody Long of Wilmington stated that she is licensed to help people with addiction and serves clients in New Hanover, Pender, and Brunswick Counties. She added that there are people in the community that are using that people do not even know about and stated that at least these people are trying to get clean.
- Dave Bickhart of 506 Tory Trail, Currie spoke to the need for these programs. Mr. Bickhart questioned the zoning and stated that most facilities of this nature in his experience as a retired parole officer were near a hospital. He also questioned the the safety for the community.
- Kathy Becker of 129 Widow Moore Drive, Currie stated that she was concerned that this is a business and if their clients are in Wrightsville Beach and that is where she feels they should be. She further discussed a recent burglary in the neighborhood and that it took two hours for law enforcement to arrive.
- Oncra Allsbrook of 59 Joy Lane, Atkinson asked regarding travel and what times the participants in the program would be leaving. He asked because of the children he has at the bus in the morning and is concerned with their safety.
- Brian Martin of 153 Widow Moore Drive, Currie stated that he works in the septic field and is concerned that the septic may not be large enough to handle that many people living in the home.

Lengthy discussion ensued between the Board and the applicant regarding all of the concerns stated by residents in the community. Discussion included plans to finish the upstairs, septic concerns, whether Recovery Venture looked for other homes in the region, inspection of facilities by the state, traffic in and out of the facility, where the residents of the facility are from, explanation of *NAICS 6232, Residential Mental Retardation, Mental Health, and Substance Abuse Facilities*, and protocol for visitors and the ramifications if residents use or bring drugs into the facility. There being no further discussion, Mr. Brown closed the public hearing at 10:10 p.m. Ms. Keith made a motion to

deny the Special Use Permit pursuant to Attachment A, Section G-2 specifying safety. Mr. Piepmeyer seconded the motion and it was denied 3-1 with Mr. McCoy voting in opposition.

21. Resolution to Amend the Pender County Unified Development Ordinance to add Exceptions for Buffer Location and Applicability as well as to Update Final Plat Requirements Adding Addressing Coordinator Signatory.

Vice-Chairman Brown opened the Public Hearing at 10:20 p.m.

Planning & Community Development Director Kyle Breuer explained: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Sections 8.1.2 and 8.2.2 to revise the requirements for buffer location and applicability. Additionally, to amend Section 7.6 to allow for cluster boxes as a permitted use in dedicated open space, Appendix A; Definitions to add Addressing Coordinator and Appendix D; Typical Forms and Surveyor Notes, to include Addressing Coordinator approval on Final Plat. Mr. Breuer explained these changes in detail. There being no discussion, Mr. Brown closed the public hearing at 10:26 p.m. Mr. McCoy made a motion to approve the resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:27 p.m.

Respectfully Submitted,

Melissa Pedersen

Melissa Pedersen, Clerk to the Board

Reviewed By:

Ann Coombs, Administrative Assistant II