

MONDAY, OCTOBER 17, 2016 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, October 17, 2016 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

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

CALL TO ORDER

Chairman Brown called the meeting to order at 4:00 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. Williams made a motion to excuse Commissioner Keith until she arrives. Mr. Piepmeyer seconded the motion and it was unanimously approved.

ADOPTION OF AGENDA

Mr. Piepmeyer made a motion to amend the agenda to add an update on Hurricane Matthew efforts and to move items 19 and 20 to the beginning of the Approvals and Resolutions portion of the agenda. Mr. Williams seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

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 2017-2018: \$170,000.

Chairman Brown opened the Public Hearing at 4:02.

Pender Adult Services Transportation Coordinator Valeria Sutton explained: Pender Adult Services (PAS) acts as Transportation Coordinator for Pender County. They provide transportation around Pender and to select destinations in New Hanover and Duplin Counties. 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 PAS is requesting \$170,000 from NC Department of Transportation, requiring a local match of \$85,000. This local match will come from the Rural Operating Assistance Program (ROAP) 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 and for residents and area visitors in Pender County. PAS 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 ROAP. A public hearing is requested to be held. There being no discussion, Mr. Brown closed the Public Hearing at 4:04 p.m.

Mr. Williams made a motion to approve the resolution. Mr. McCoy seconded the motion and the resolution was unanimously approved.

2. Public Hearing and Resolution Approving Grant Applications and Authorizing Local Share for 5311-Community Transportation Program- ADMIN; Operated by Pender Adult Services for FY 2017-2018: \$26,331.

Chairman Brown opened the Public Hearing at 4:04.

Pender Adult Services Transportation Coordinator Valeria Sutton explained: Pender Adult Services (PAS) acts as Transportation Coordinator for Pender County. They provide transportation around Pender County and to additional destinations such as Duplin and New Hanover Counties. 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 \$175,533 from NC Department of Transportation, requiring a local match of \$26,331. The administrative portion provides for the Transportation Coordinator salary, the Transportation Coordinator Assistant's salary, driver services, vehicle insurance, marketing materials, employee training, postage, and computer supplies, etc. 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 \$58,000 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. Mr. Piepmeyer asked if this was a continuation of an existing program and whether it is audited. Ms. Sutton explained that this is an existing program which receives an A133 Audit yearly. There being no discussion, Mr. Brown closed the Public Hearing at 4:05 p.m. Mr. McCoy made a motion to approve the resolution. Mr. Williams seconded the motion and it was unanimously approved.

3. Public Hearing and Resolution Approving Grant Applications and Authorizing Local Share for 5311-Community Transportation Program- CAPITAL; Operated by Pender Adult Services for FY 2017-2018: \$507,727.

Chairman Brown opened the Public Hearing at 4:05.

Pender Adult Services Transportation Coordinator Valeria Sutton explained: Pender Adult Services (PAS) acts as Transportation Coordinator for Pender County. They provide transportation around Pender County and to additional destinations such as Duplin and New Hanover Counties. 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's capital request contains a total of \$507,227, which replaces 3 vans that have exceeded their useful lives at an estimate of \$167,000 to include vehicle lettering. Two computers, desk and chairs has been requested estimating \$10,227. A dedicated van parking lot is needed to comply with Safety and Security measures. A park and ride lot is also part of transits locally coordinated plan (LCP) for the future. These estimate at \$330,000. 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 \$58,000 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. There being no discussion, Mr. Brown closed the Public Hearing at 4:07 p.m. Mr. Williams made a motion to approve the resolution. Mr. McCoy seconded the motion and the resolution was unanimously approved.

PUBLIC INFORMATION

4. Recognition of Julie Woodcock for a \$10,000 donation to the Animal Shelter.

Health and Human Services Director Carolyn Moser explained: This donation was made to establish a surgical room for provision of the spay and neuter services of shelter animals. This donation was made in memory of Ms. Woodcock's sister, Courtney Jones Aman who passed away March 24, 2016. Ms. Woodcock told a story about her sisters love for animals and spoke briefly regarding Jewel Horton and the Animal Shelter regarding how wonderfully operated it is as well as Ms. Horton's passion. Mr. Brown presented a plaque to Ms. Woodcock to be hung outside of the surgical room at the Animal Shelter. The plaque reads, "Pender County Animal Shelter Surgical Room. Dedicated in Memory of Courtney J. Aman and her love for all creatures great and small. October 17, 2016." Mr. McCoy briefly spoke about the Animal Shelter and all of the work Ms. Horton has been doing rescuing animals during the flood. Ms. Moser explained that there will be an event on October 29, 2016 at the Animal Shelter to let people tour to see the surgical area as well as free rabies vaccines and a pet costume contest. Ms. Moser stated that details are still forming and could change. Mr. Brown commented on the improvements at the Animal Shelter.

Ms. Keith arrived at 4:13 p.m.

5. Update on GCCAG Planning Efforts and Announcement of Community Meeting.

Planning and Community Development Director explained: Mr. Breuer briefly spoke regarding the efforts in the Currie Community and further explained that due to the flooding, the Greater Currie Community Action Group has postponed their presentation. Ms. Keith noted that some of these Group Members are in the flood zone which is why they are not able to be present.

PUBLIC COMMENT

There were sign-ups for Public Comment:

- Christy Halligan of 301 S. First Avenue, Atkinson: Ms. Halligan came and spoke regarding the Atkinson Library. She thanked the Board for their support and explained that their money has gone a long way. Ms. Halligan stated that the library has made several upgrades including:
 - Installing Security Cameras
 - New inside lighting
 - 7 new computers
 - New paint
 - New gutters and downspouts
 - Removal of trees
 - Reversed doors to bring them up to code
 - Added Handicap ramps
 - Added smoke detectors
 - Purchased a new printer
 - Replaced the hot water heater
 - Replaced toilets and sinks
 - Replaced the bathroom lighting
 - Purchased new books
 - Partnered with CFCC to hold ESL classes

Ms. Halligan then noted that there are still things that are needed at the Atkinson Library:

- Water Cooler
- Parking Lot
- Landscaping
- Phone (Town Hall transfers theirs over after hours)

- Magazines and Newspaper subscriptions
- Mobile library for the elderly (to deliver books)

Ms. Halligan explained how proud she is of their library. Mr. Piepmeyer asked about donations of books. Ms. Halligan explained that they get a lot of their books from other libraries who have discarded books. Mr. Halligan also noted that the Atkinson Library is open from 3pm-7pm Monday through Friday and that they would like to eventually open the library on Saturdays. The Board thanked Ms. Halligan for her work at the Atkinson Library.

CONSENT AGENDA

Chairman Brown presented the items on the Consent Agenda and asked for any discussion or questions. There being no discussion, McCoy made a motion to approve the consent as written. Mr. Williams seconded the motion and the consent agenda was unanimously approved as follows:

6. Approval of Minutes: Special Meeting: September 29 and Regular Meeting: October 3.
7. Approval of a Change to Environmental Health Fees.
8. Approval of a Purchase Order to CodeRed Emergency Notification Purchase Order to ENC, LLC: \$19,000.

UPDATE ON HURRICANE MATTHEW

Emergency Management Director Tom Collins updated the Board regarding Hurricane Matthew. Mr. Collins began by recognizing those in the room who had helped during and after the storm. Mr. McCoy stated that it is amazing how well everyone worked together. Mr. Collins explained that as far as the hurricane, Pender County was very lucky adding that thus far there has been no loss of life even through the flooding. He then explained that Pender County is slowly moving away from the emergency phase into the recovery phase. The Planning Department has begun damage assessment and explained the various debris in the area. Mr. Collins explained that there were a lot of animals rescued but there were also some that they could not get to. Mr. Collins then explained that Pender County has received a Presidential Declaration which includes IA (Individual Assistance) and PA (Public Assistance) which includes debris removal and Emergency Protective Measures. Mr. Piepmeyer commented that he has spoken with Representative Chris Millis and he is going to see what funding Pender County can receive from the State. Mr. Collins explained that typically the Federal Government will fund 75% and the State will pick up the remaining 25%. With debris the Federal Government typically refunds 87% of the removal cost. He further explained that the Federal Government will come in and do an assessment to see if the county qualifies for any other assistance such as roads and facilities. He added that Pender County has the main declarations that it needs at this time which are IA and PA. FEMA is already in Pender County helping those that have been displaced. Mr. Collins explained that the evacuation orders have been rescinded. He also explained the Public Information that had gone out. Mr. Brown commented that Senator Rabon had called inquiring where people can send donations. Mr. Collins explained that Gateway Community Church is the place where donations are being directed. He further explained programs to help those who have been displaced. Mr. Piepmeyer mentioned wild animals that have been driven out by the flooding and asked that people be aware. Mr. Collins explained that most casualties come after the storm adding that it is always best to err on the side of caution. Ms. Keith asked when Moores Creek Missionary Baptist Church will be set up for those needing assistance. Mr. Collins explained that there are a few things that need to be done first but they are hoping to have it running within a day or so. Mr. Piepmeyer requested that the Board have a special luncheon for staff who worked during the storm and then give them the afternoon off. Mr. Brown commented that he visited the EOC on Saturday adding that he was skeptical when the county began preparing but he was glad that we did. Mr. Brown also commented on the experience of those who work these storms. Mr. Collins explained

that as long as Pender County is in the error cone that staff will err on the side of safety. Mr. Brown added that he was impressed with what he saw on Saturday. Mr. Williams and Mr. Piepmeyer commented on the complements that they have received on how well staff worked together during this situation.

Sheriff Smith then took the podium to give an update on current operations. Sheriff Smith commented that Pender has been blessed with great weather since the Hurricane which has helped with efforts. He also added that the county has come through, even those unaffected to help their neighbors. Sheriff Smith stated that EOC operations are now 8am – 5pm. There have been no deaths in Pender County. There is a shelter open at Riley’s Creek Baptist Church where there are currently 15 occupants. Governor McCrory visited the EOC and Gateway Community Church this morning. Sheriff Smith explained search and rescue as well as animal operations adding that there are currently no active operations. The 911 center and the Jail are now operating on normal operations. There is one law enforcement officer at the EOC and one at the shelter. There is a presence in the Canetuck area because of reported looting. Sheriff Smith then updated the Board on road closures and noted that the Sheriff’s Department can now access these areas. He also explained the evacuation area and the command posts.

Chief Woody Sullivan of Pender EMS and Fire then approached the podium to further update the Board on operations over the entire event. Chief Sullivan began by thanking Jason Turner and the Atkinson Fire Department for all of their help during the entire event. Chief Sullivan explained each command center including swift water and five-ton assets. The Black River Team averaged 33 people per day. Greensboro and Charlotte both sent teams who completed 57 missions on the Black River Basin throughout the event. Chief Sullivan also explained SABLE (Southeastern AirBourne Law Enforcement) and the tremendous asset they were when road access to the Black River Basin was lost. Brunswick County also assisted with an aircraft. Data from the Black River Basin was discussed. Chief Sullivan explained operations at the NE Cape Fear River. He then explained that between the Greensboro Team, Charlotte Team, and US Coast Guard, there were 76 out of county personnel. Excluding normal operations, there were about 48 personnel who worked rotating shifts around the clock. Ms. Keith asked if there were any reported missing persons. Chief Sullivan explained that no one has been reported missing adding that there were 253 residents who decided to stay in their homes. There were wellness checks daily for those who stayed in their homes. Mr. Brown asked for a list of agencies whom they can send a thank you to and recognize. Chief Sullivan also discussed how well documented this storm is. He also discussed that chainsaw injuries, generator misuse, and anaphylactic shock from bee and ant stings are the three dangers after a storm like this. Chief Sullivan then explained where operations are today for Pender Fire and EMS. The Board thanked Chief Sullivan for a great job.

Health and Human Services Director Carolyn Moser then approached the podium. She began by talking about Jewell Horton and the great job she did rescuing animals large and small. Ms. Moser explained that she knew how to rescue animals as she had experience with Hurricane Katrina. Ms. Moser updated the Board of the animals at the Animal Shelter as well as the storm shelters in regards to staffing. Ms. Moser then explained that Environmental Health will be doing free well water testing for those effected adding that they will have to be chlorinated first. Additional Mosquito Control funding was discussed as well as replacement food stamps or loss of power food stamps. Ms. Moser explained that those who apply for these food stamps will have to demonstrate need. Mr. Brown explained that he understands the issue of short staffing.

Public Information Officer Tammy Proctor explained communications during the event. She explained that there were 30 press releases sent out over two weeks. She also spoke about news coverage and social media. She thanked Shirley Steele for assisting with Spanish Translation for the press releases. In the last two weeks, Pender County Emergency Management's Facebook has had 98,426 views and 12,658 people are engaged. The website has had 51,438 visits with an average visit of two minutes. Drone footage and Twitter were also discussed. Ms. Keith stated that it was comforting to see all the information that was put out.

Chief Sullivan thanked staff for stepping up when and where they were needed. Mr. Collins also commented on the Call Take Positions and thanked Ms. Long for scheduling staff to work those positions. He also thanked Mr. Woodruff for being there. Lastly, Mr. Collins thanked Mark Seitz for assisting with the animal rescue calls.

APPROVALS AND RESOLUTIONS

19. Approval of a Contract for Storm Debris Removal and Reduction.

Emergency Management Director Tom Collins explained: An RFP for a new debris contract was put out for bid the end of September. Three bids were received and opened last week and today the committee decided to recommend to the commissioners to award DRC as primary and Crowder Gulf as secondary for debris management contracts as FEMA recommends that a primary and secondary be put into place. Mr. Collins explained that the committee consisted of him, Mr. Woodruff, Ms. Brafford, and Mr. Mack. Mr. Piepmeyer asked what the cost would be for the contract. Mr. Collins stated that there is no cost as the County will be reimbursed by FEMA and the state. Mr. Piepmeyer also asked about a cost cap with this contract. Mr. Collins explained that these companies are bonded and further explained that these contracts are five year contracts that can be terminated anytime with notice. DRC is contracted with several other local Counties and Municipalities. Upon approval, debris pickup should begin next week. There being no further discussion, Mr. Piepmeyer made a motion to approve the item. Mr. Williams seconded the motion and it was unanimously approved.

20. Approval of a FY 2016-2017 Budget Ordinance Amendment to appropriate fund balance in the amount of \$340,000 from the General Fund to cover unbudgeted expenditures due to Hurricane Matthew. A lot of supplies, equipment and manpower is needed for this event. Additionally, the cost of debris removal is being estimated at \$150,000. The County hopes to recoup some of these funds from FEMA but we will not know until paperwork has been prepared and submitted how much that potential reimbursement may be. Any reimbursement from FEMA will be used to help replenish some of this fund balance appropriation.

Emergency Management Director Tom Collins explained: On June 6, 2016 the Board of Commissioners adopted a Budget Ordinance for FY 2016-2017. This budget did not cover expenditures associated with extreme emergencies, such as those associated with Hurricane Matthew which caused extensive damages in many areas of Pender County. Staff have prepared a budget ordinance amendment to incorporate the estimated revenue and expenditure budgets associated with Hurricane Matthew. Mr. Collins explained that this is an estimate and could change. Mr. Williams asked if the debris pickup was county wide. Mr. Collins explained that it was. There being no further discussion, Mr. McCoy made a motion to approve the item. Ms. Keith seconded the motion and it was unanimously approved.

9. Approval of a Purchase Order to TriTech Software Systems for Public Safety Network Software Support and Maintenance in the amount of \$57,310.92.

Sheriff Carson Smith explained: This is the annual support and maintenance agreement for the TriTech (formally VisionAir) software used on the public safety network including Computer Aided Dispatch, Records Management System, Jail Management System, Mobile Network, and Field Based Reporting. This expenditure will be funded partially through the Sheriff's Office and partially through the Emergency Telephone Fund. The amount of this expenditure went up approximately \$16,000 this year mostly due to the system expanding to the new 911 Backup Center which required additional support. This expenditure has been budgeted in the FY16-17 Budget Ordinance. There being no discussion, Mr. Piepmeyer made a motion to approve the item. Mr. Williams seconded the motion and it was unanimously approved.

10. Resolution Authorizing Contract Amendment # 3 and a Budget Ordinance Amendment to the Original McKim & Creed Pender Commerce Park Wastewater Treatment Plant Contract for the Additional Construction Administration and Inspections Services Required to Accommodate the Unforeseen Phase II Construction Delays.

Utilities Director Michael Mack explained: In 2013, the Board authorized a professional engineering services agreement to McKim & Creed for the design, permitting, and construction observation and construction inspections for the Pender County Wastewater Treatment Facilities. The original contract was for construction administration and inspections was for 15 months until the Contractor reached Final Completion on or before August 3, 2016. The project completion time has been revised as a result of contractor delays in project execution. Based on the contractor's most recent schedule, Final Completion by the contractor is now February 21, 2017. The additional construction contract time will require an extension to McKim & Creed's Professional Services contract to retain their Construction Administration and Inspections services through final completion of the construction contract. RTD Construction was notified in a letter dated September 13, 2016, that the substantial completion date of their contract was June 2, 2016 and as it had not been achieved, Liquidated Damages in the amount of \$4,000 per day were now applicable to their final payment. All additional County expenses incurred as a direct result of the delay will be withheld from their final payment. The additional funding to pay McKim & Creed for the additional Construction Administration services provided through the protracted Phase II construction period will be recovered through Liquidated Damages withheld from the contractor. Mr. Williams asked to clarify that the county is holding the money. Mr. Mack explained that payment was being held from the contractor. Mr. Piepmeyer asked how likely the contractor is to walk away. Mr. Mack explained that the contractor will most likely stay. He further explained that the delay is a corporate issue because one of the Vice Presidents left and took people with him. They are also having a hard time finding an electrician. There is a Progress Meeting a week from Thursday. Mr. Mack also explained that the contractor is 50-60 days out from substantial completion. Mr. Piepmeyer asked if the liquidated damages can pay for the contract amendment with McKim and Creed. Mr. Thurman explained the county can pursue liquidated damages later but the money held back from the contract can go to pay for this contract amendment. There being no further discussion, Mr. Williams made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved.

The Board then asked Mr. Mack to provide an update on the raw water line break. Mr. Mack explained that Pender County is going to be okay also stating that it will be tough for Brunswick County and Cape Fear Public Utility Authority because it is their sole source of water. At this time, there is a plan to do a bypass around the break to fix the problem and keep water flowing. All of the tanks in Pender County are topped off as the county has been making water and storing it since the news of the break was released. Mr. Mack did state that there has been very good communication

regarding this issue. Pender County does have a partnership with the Town of Wallace where we can get water if needed. The Board requested that staff prepare a letter to thank the Town of Wallace for their partnership. Mr. Williams also noted that Pender County can purchase water from the Town of Surf City if needed.

Mr. Piepmeyer asked that in the future the Agenda be ordered so that people can speak and not have to stick around for future items if they do not need to.

APPOINTMENTS

11. Approval of Appointment to the Pender County Nursing/Adult Care Advisory Board.

Ms. Long explained: Zenobia Henry is applying to serve on the Nursing/Adult Care Homes Advisory Board for the first time. Ms. Henry states that she has lived in Pender County for three years. This Board currently has one vacancy and the position has been properly advertised. There being no discussion, Ms. Keith made a motion to approve the appointment. Mr. Williams seconded the motion and the appointment was unanimously approved.

MOORES CREEK WATER & SEWER DISTRICT

The Board convened as the Moores Creek Water and Sewer District Board at 5:47 p.m.

12. Resolution by the Moore's Creek Water and Sewer District Board of Directors Approving the Issuance of a USDA-RD General Obligation Water Bond in the amount of \$5,281,000 for the Permanent Financing of the Moore's Creek Water & Sewer District's Water Distribution System.

Utilities Director Michael Mack explained: At a referendum held on November 7, 2006, the voters of the Moore's Creek Water and Sewer District authorized the issuance of up to \$45,000,000 of general obligation water bonds to pay the costs of a water supply distribution system within their District. The County's Board of Commissioners (the "Board") has now determined to issue the permanent USDA-RD General Obligation Water Bond authorized by the 2006 referendum (the "Water Bonds"). These funds are being used to pay the capital cost for construction of the new Moore's Creek Water Distribution System. The USDA-RD will purchase the District's \$5,281,000 "General Obligation Water Bond Anticipation Notes, Series 2016" at a private negotiated sale on October 31, 2016 at the office of the Local Government Commission. Proceeds from the sale of the Bond shall be the sole purpose of payment of the principal on the District's \$5,281,000 Water and Sewer Revenue Bond Anticipation Note maturing on November 2, 2016. The Bond, Series 2016, shall bear interest at the rate of 1.875% per annum. The Bond shall be registered as to both principal and interest in the name of the United States of America. The District's full faith and credit are hereby irrevocably pledged for the payment of the principal of and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment on the Bond, the District will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the District sufficient to pay the principal of and interest on the Bond as the same become due. Discussion ensued regarding the financing. Mr. Thurman clarified that only those in the water districts are responsible for the debt, not the county as a whole. Ms. Keith asked about those who are not getting water service. Mr. Mack explained that those who applied for service that are not part of phase one have or will receive refunds while their application remains on file for future expansion of the system. There being no further discussion, Ms. Keith made a motion to approve the resolution. Mr. Williams seconded the motion and the resolution was unanimously approved.

CENTRAL PENDER WATER & SEWER DISTRICT

The Board convened as the Central Pender Water and Sewer District Board at 5:53 p.m.

13. Resolution by the Central Pender Water and Sewer District Board of Directors Approving the Issuance of a USDA-RD General Obligation Water Bond in the amount of \$6,047,000 for the Permanent Financing of the Central Pender Water & Sewer District's Water Distribution System.

Utilities Director Michael Mack explained: At a referendum held on November 7, 2006, the voters of the Central Pender Water and Sewer District authorized the issuance of up to \$27,000,000 of general obligation water bonds to pay the costs of a water supply distribution system within their District. The County's Board of Commissioners (the "Board") has now determined to issue the permanent USDA-RD General Obligation Water Bond authorized by the 2006 referendum (the "Water Bonds"). These funds are being used to pay the capital cost for construction of the new Central Pender Water Distribution System. The USDA-RD will purchase the District's \$6,047,000 "General Obligation Water Bond Anticipation Notes, Series 2016" at a private negotiated sale on October 31, 2016 at the office of the Local Government Commission. Proceeds from the sale of the Bond shall be the sole purpose of payment of the principal on the District's \$6,047,000 Water and Sewer Revenue Bond Anticipation Note maturing on November 2, 2016. The Bond, Series 2016, shall bear interest at the rate of 1.875% per annum. The Bond shall be registered as to both principal and interest in the name of the United States of America. The District's full faith and credit are hereby irrevocably pledged for the payment of the principal of and interest on the Bond. Unless other funds are lawfully available and appropriated for timely payment on the Bond, the District will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the District sufficient to pay the principal of and interest on the Bond as the same become due. Mr. Mack added that Pender County's USDA representatives are based out of Lumberton and as of today have confirmed that they are okay but still without power and water. Mr. Williams commented on the USDA adding that there would not be a water system in Pender County without the USDA. Mr. McCoy asked about turning on the water as ready. Mr. Mack stated that they are trying to make water available as soon as possible. There being no further discussion, Mr. McCoy made a motion to approve the resolution. Mr. Williams seconded the motion and it was unanimously approved.

The Board reconvened as the Board of Commissioners at 5:57.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman explained that he had reached out to the Board last week regarding the approval of the site work for the expanded Surf City School. He explained that the information came in Friday and he had some questions that he and the Board of Education's attorney had not been able to discuss until today. Mr. Thurman asked Mr. Bob Jessup, Bond Counsel, to confirm the dates for the Bond sale with a potential to pull out if needed. Mr. Jessup explained that the Bonds are priced on October 25, 2016 by electronic sealed bids. Once the best bidder is accepted on that date, the county enters into a contract with the bidder and the bidder submits a 2% deposit to the NC State Treasurer who holds the deposit until the rest of the money is paid by November 15. The only contingency to the contract is the County's ability to provide the required documentation including the final prospectus, a statement that there is no litigation about the project, and the Bond Counsel payment. If the bidder decides not to purchase the bonds, they will be in violation of the contract and the 2% deposit then serves as the liquidated damages. Mr. Jessup added that this has not happened in the last 45 years. Mr. Thurman explained that he has the emails that were exchanged regarding this matter further stated that Mr. Schwartz and Mr. Whitley are present to answer any questions regarding the site work. Mr. Thurman also explained why he did not ask that this item be added to the agenda. Mr. Piepmeyer asked what the negative effect is of putting the item off. Mr. Thurman explained that timing was the issue further explaining that it is three weeks less to go ahead than if the item is approved tonight. Mr. Piepmeyer asked for clarity of what is being requested tonight. Mr. Thurman stated that the Board of Education

is asking for approval to move ahead with the site work for the Surf City School noting that the Board of Education and their representatives were present to discuss this issue with the Board and answer any questions. Mr. Piepmeyer explained that there needs to be improvements on the flow of information from the Board of Education moving forward. Mr. McCoy asked how long the site work would take. Mr. Justin Whitley explained that it would take approximately six months. Mr. Thurman asked about the bonding. Mr. Whitley explained that they are bonded as well as the subcontractors. Mr. Thurman also explained the payment bond requirement for public projects. Mr. Thurman clarified that this request is for the site work for all the projects and totals \$7,859,289. Mr. Piepmeyer clarified that this will work the way it has before where we pay the bills and get reimbursed with the Bond sale. Mr. Schwartz stated that bills will not come until 30 days after the work has started adding that the bonds should be sold by that time. There being no further discussion, Mr. Williams made a motion that this item be added to the agenda for approval of the site work to begin in the amount to \$7,859,289. Mr. Piepmeyer seconded the motion and it was unanimously approved. Mr. Williams then made a motion to approve the item that was just added to the agenda. Mr. McCoy seconded the motion and it was unanimously approved.

Mr. Thurman then referenced an email he just passed out requesting approval of the added design work for the expanded Surf City School. Mr. Thurman explained his concerns. Mr. Brown explained that based on some discussion that has been had today, he is not considering any additional requests at this meeting. Mr. Williams asked how much school is being added. Mr. Thurman explained that this will expand the school from 1,213 students to 1,568 students which would include more classroom space. Mr. Piepmeyer explained his disappointment that there are not the same proposals for Penderlea. Mr. Schwartz explained his communication with Mr. Thurman with the exception of some email issues over the past weekend. He added that there will be some solid numbers on Penderlea by the end of the week and that the site work at Penderlea is minimal compared to Surf City. Mr. Schwartz went on to explain the changes in building a larger school. He explained that if the design work is approved it should be completed by December and change orders can begin being done. These projects would not need to be rebid because change orders will be sufficient. Mr. Schwartz explained that what the Board of Education is requesting tonight is approval to move ahead with the design work for \$123,781 and once the final numbers come in the contract fee would be adjusted upward to 75% if needed then 25% at construction. Mr. Piepmeyer asked if this information is somewhere in writing. Mr. Thurman stated that this information was discussed in conversations with Mr. Schwartz and in email. Mr. Piepmeyer added that he needs time to digest this information before voting on it also commenting that he feels like Penderlea is being left behind again. Mr. Williams asked about timing and how waiting will affect the timing explaining the requirement of the LGC to show that the project can and will be completed. Mr. Thurman stated that the Bond sale can be scaled back by October 24 but the Board is currently set to sell the whole amount. Mr. Williams stated that he wants the Board to approve the 1,568 student school and the extras at Penderlea but he also wants the information that has been requested.

Mr. Thurman stated there was an item for closed session, item # 3.

ITEMS FROM COUNTY COMMISSIONERS

Mr. McCoy – Mr. McCoy briefly commented on the Governors visit to the EOC and Gateway Community Church this morning. Mr. McCoy added that Gateway Community Church is looking for volunteers to help distribute food.

Mr. Piepmeyer – Mr. Piepmeyer asked for a presentation on Courthouse Security and the Tier System rating. Mr. Woodruff stated that staff was working on this.

CLOSED SESSION

At 6:41 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. Mr. McCoy seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:10 p.m. There was no announcement made after exiting closed session.

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

14. Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Bed and Breakfast Facility.

Chairman Brown opened the Public Hearing at 7:12. Mr. Thurman swore in witnesses. Planning and Community Development Director Kyle Breuer explained: Phoebe Griffen Hood, applicant and owner, is requesting approval of a Special Use Permit for the operation of a bed and breakfast inn (NAICS 721191). The subject property is zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; NAICS 721191, a Bed and Breakfast Inn is permitted via Special Use Permit in the RP, Residential Performance zoning district. The subject property is located on the east side of Mallard Bay Road (SR 1566). There is one tract associated with this request totaling ±0.25 acres. The subject property is located at 960 Mallard Bay Road (SR 1566) and may be further identified by Pender County PIN: 4213-24-3697-0000. Mr. Breuer discussed the specifications of the request including the project description, hours of operation, landscape and buffers, driveway access, utilities, and environmental. Mr. Williams stated that this has been in business for years and asked if there had been any violations other than a septic tank issue. Mr. Breuer stated there was no violations. Mr. Piepmeyer asked if the septic system was checked and approved. The applicant stated that it was adding that there are typically two residents and one car per room. There being no further discussion, Mr. Brown closed the Public Hearing at 7:19 p.m. Mr. Williams made a motion to approve the Special Use Permit. Ms. Keith seconded the motion and it was unanimously approved.

15. Resolution Requesting Approval of an amendment to the 2010 Pender County Comprehensive Land Use Plan Future Land Use Map for one (1) tract totaling approximately 8.42 acres from Rural Growth future land use designation to Mixed Use future land use designation.

Chairman Brown opened the Public Hearing at 7:19. Planning and Community Development Director Kyle Breuer explained: Creative Commercial Properties, on behalf of P.H. LANCO Inc., owner, is requesting approval of an amendment to the 2010 Pender County Comprehensive Land Use Plan Future Land Use Map for one (1) tract totaling approximately 8.42 acres from Rural Growth future land use designation to Mixed Use future land use designation. Mr. Breuer explained the specifications of the request as well as the Planning Board recommendation. Mr. Breuer stated that without the approval of this change, staff's recommendation

of the next item will be rescinded. Mr. Williams asked about an issue with the sign notice on the property. Mr. Thurman explained that the signs were put out but when the code enforcement officer went to pick them up after the Planning Board's Public Hearing they were not on site. Mr. Thurman explained the Board's options. There were signups for Public Comment:

- Henry Nadeau, applicant: Mr. Nadeau explained that this property is zoned for rural growth and he does not feel that is the appropriate designation for this property adding that a mixed use zoning is more appropriate for this property.
- Jason Jordan of 217 Scrub Oaks Drive: Mr. Jordan explained that there is currently standing water on this property and is concerned will that water will go if the parcel is built on. He further explained that they did not see any signs on the property regarding the first Public Hearing. Mr. Jordan then discussed the traffic issues regarding Pinnacle Parkway. Mr. Piepmeyer asked if the road was private. Mr. Jordan stated in the deed that the road is private and not to be used for commercial traffic. Mr. Williams explained that there is a DOT right of way off of Highway 17 but he is not sure how far. Mr. Jordan explained the effects the traffic is having on their road including both traffic and the road conditions.
- William Detwiler of 1495 Pinnacle Parkway: Mr. Detwiler commented regarding the easement onto Pinnacle Parkway for these two properties which includes the Dollar General and the property under consideration tonight. Mr. Breuer stated that he had contacted DOT but there was no funding for a study on this intersection. Mr. Detwiler explained that if the Board approves this item, they allow commercial traffic on Pinnacle Parkway.
- Andy Wood of 1680 Pinnacle Parkway: Mr. Wood explained that just because something can be done does not mean that it should. He explained that approving this map amendment is detrimental to the environment, adverse impacts to residents in the subdivision, and inadequate roads for the commercial traffic. Mr. Wood summarized that he believes this map amendment is not compatible with the intention of the UDO.

There being no further discussion, Mr. Brown closed the Public Hearing at 7:51 p.m. Mr. Williams made a motion to deny the map amendment. Mr. Piepmeyer seconded the motion and the motion was unanimously approved.

16. Resolution Requesting Approval of a General Use Rezoning from PD, Planned Development zoning district to the GB, General Business zoning district.

Chairman Brown opened the Public Hearing at 7:54.

Planning and Community Development Director Kyle Breuer explained: Creative Commercial Properties, applicant, on behalf of P.H. LANCO Inc., owner, is requesting approval of a general use rezoning of one (1) tract totaling approximately 8.42 acres from PD, Planned Development zoning district to GB, General Business zoning district. Mr. Breuer explained the specifications of the request adding that because of the denial of the previous item, staff does not support the rezoning request. Mr. Williams and Mr. Breuer clarified that this item is not tied to the next. There were signups for Public Comment:

- Henry Nadeau, applicant: Mr. Nadeau explained that he believes this property is commercial due to its location and is confused as to the Board's last decision.
- Jason Jordan of 217 Scrub Oaks Drive: Mr. Jordan stated that everything he stated during the previous Public Hearing stands.
- William Detwiler of 1495 Pinnacle Parkway: Mr. Detwiler restated his concerns on traffic with rezoning this parcel as commercial.
- Andy Wood of 1680 Pinnacle Parkway: Mr. Wood explained wetlands in regarding to the flooded acres on this parcel. He also added that Hampstead is losing its heritage with all of the commercial areas popping up.

There being no further discussion, Mr. Brown closed the Public Hearing at 8:02 p.m. Mr. Williams made a motion to deny the rezoning request stating safety concerns of Highway 17. Mr. Piepmeyer seconded the motion and the motion was unanimously approved.

17. Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 5.2.3 Table of Permitted Uses, to allow dry stacks and boat storage in the GB, General Business zoning district, and to add a definition of Dry Stack Storage to Appendix A, Definitions.

Chairman Brown opened the Public Hearing at 8:03.

Planning and Community Development Director Kyle Breuer explained: Marsh Creek Investments, LLC, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 5.2.3 Table of Permitted Uses, to allow dry stacks and boat storage in the GB, General Business zoning district and to add a definition of Dry Stack Storage to Appendix A, Definitions. Mr. Breuer explained the specifications of the request. Mr. Brown asked if the dry stacks currently in the county all meeting the same requirements as to height. Mr. Breuer explained that the zoning district dictates the height requirement. In the Mixed Use and Planned Development zoning district the Planning Board sets the height allowance per application. In a General Business zoning district there is a height limit of 40 feet. Mr. Piepmeyer clarified that this is not allowed today in the General Business zoning district. Discussion ensued regarding potential locations for dry stack storage including parcels close to water that are zoned General Business. Discussion ensued regarding allowing dry stack storage by Special Use Permit. Jeb Bradshaw of 142 Lafayette Street and applicant was present and explained how the dry stack storage facility works in general. There being no further discussion, Mr. Brown closed the Public Hearing at 8:21 p.m. Mr. Williams made a motion to approve a zoning text amendment to allow boat storage and dry stacks only permitted via Special Use Permit in the GB, General Business zoning district, and to add a definition of Dry Stack Storage to Appendix A, Definitions. Mr. McCoy seconded the motion and it was unanimously approved.

18. Resolution Requesting Approval of Zoning Text Amendments to the Pender County Unified Development Ordinance: Article 2 Decision Making and Administrative Bodies, Article 3 Review Procedures, Article 4 Zoning Districts, Article 5 Permitted Uses, Article 6 Development Requirements and Content, Article 7 Design Standards, Article 11 Road Naming and Addressing and Appendix A Definitions. Specifically the request is to amend: the Summary of Review Authority (Section 2.11), Review Procedures for Minor Site Plans (Section 3.6), Notification Policies (Sections 3.3.3, 3.3.4, 3.4.3, 3.7.3, 3.9.3, 3.10.3, 3.12.2, 3.14.5, and 4.13.4), Review Procedures for General Use Rezoning (Section 3.3.5), Policies on Unlisted Uses (Section 5.2.1A), Easement Policies (Article 6), Preliminary Plat Requirements (Section 6.4), Final Plat Requirements (Section 6.5), Easement Standards (Section 7.5.4), Road Naming (Section 11.1.2), Addressing (Section 11.6) and various definitions (Appendix A).

Chairman Brown opened the Public Hearing at 8:22.

Senior Planner Megan Crowe explained: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Ms. Crowe explained each amendment individually:

- Preliminary Plat Requirements – This includes modernized the language to include private sewer and signatories for Environmental Health, Utilities, and Addressing. Ms. Crowe explained that staff wants to work with developers.
- Final Plat Requirements – Includes additional signatories on plats.

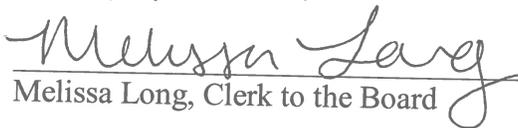
- Change of Use Permit – Requires the applicant to go through the minor site development process. This is a new type of permit issued by the Planning office. Ms. Crowe explained the permit process.
- Access Easements – Currently these are scattered through the ordinance and this will condense them into one section. Mr. Piepmeyer asked what happens if a developer does not comply with the requirements. Ms. Crowe explained that the easement would not be granted. Easements were discussed at length. Easements in regards to Family Tracts was also discussed.
- Notifications – Notifications for Public Hearings will now have a 500 foot buffer. Up to today, notifications have only been sent to adjoining properties as well as those across the DOT right of way.
- General Use Rezoning – The ordinance sends this to the Technical Review Committee (TRC) with application, but this is not needed. The TRC was discussed.
- Addressing – There were several references to statutes that needed to be consistent.
- Uses – Uses not listed cannot be prohibited. If the use is not listed it has to be considered like other uses. This just an update to the language of the ordinance.

There being no further discussion, Mr. Brown closed the Public Hearing at 8:41 p.m. Mr. Piepmeyer made a motion to approve the text amendments. Mr. McCoy seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:42 p.m.

Respectfully Submitted,



 Melissa Long, Clerk to the Board

Reviewed By:



 Ann Jones, Administrative Assistant II