

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 14.

Date of Request: April 1, 2008

Date Request Received: April 1, 2008

Board Meeting Date Requested: April 7, 2008

Board Meeting Date Assigned: April 7, 2008

Short Title: Items From County Manager/County Attorney/County Commissioners

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background:

Specific Action Requested: Review Items from County Manager/County Attorney/County Commissioners

(Administrative Use Only)

Requested by: Al Greene
Department: County Manager
Title:
Contact Phone: 910-259-1200
Contact Fax:

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent: Signed:

ATTORNEY Reviewed and Approved
Date Rec'd: Legal Problem(s)
 Comments on Reverse

Date Sent: Signed:

FINANCE Sufficient Funds Available
Date Rec'd Not Available
 Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent: Signed:

CLERK Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

To: Chairman & Members of the Board

From: ^{AG} Al Greene, Interim County Manager

Subject: Items of Interest

Date: April 7, 2008

1. Request by Board of Health Member to amend April 17, 2006 Minutes..
2. Cape Fear Area RPO Memo: US 17 Pender County Corridor Study.
3. State of North Carolina: Water Resources Development Grant.
4. Pender County Springfest Invitation.
5. Planning Department – Code Enforcement Quarterly Report – Second Quarter 2007.

was unanimously approved. Mr. Williams then made a motion as follows: Also, a proposal to possibly request the N.C. General Assembly to give Pender County the sole authority to amend its own voting districts, per census data, may also be considered. Mr. Moore seconded the motion and it was unanimously approved. It was noted that this action cannot commit future boards to this. Mr. Thurman was instructed to draft legislation and bring back to the Board at the next meeting.

14. Fire Districts' Tax Increase Requests: Public Hearings Schedule.

This item was discussed at some length. Mr. Williams said citizens of the respective districts should be surveyed. Mr. Bauer said the Fire Chiefs have said they have surveyed citizens in their respective districts and people generally agreed with increasing tax rates in order to get better fire service. There was discussion of the proposed increases and how they would affect citizens' tax rates. The Board agreed to Mr. Bauer's suggestion to have the public hearings as follows instead of having eight separate public hearings: Pender Central – combine with the regular May 15th budget public hearing, Maple Hill, Atkinson and Northeast Pender separately, combine Long Creek and Rocky Point, and combine Shiloh and Penderlea.

15. Schools' Recreation Agreement.

Mr. Bauer said this agreement surfaced during discussions with the Parks and Recreation Director about the upcoming recreational program. He said he is bringing it to the Board and the Board of Education to reaffirm the cooperative spirit of both boards.

16. Major Utility Projects Update.

Mr. Bauer said some of the major utility projects are: 2 MGD Water Plant, Water Transmission Project: \$17.5 Million; Water Distribution Projects, Each District; \$2.7 Million Unsewered Communities Grant; Highway 17 Sewer Facilities; and Water Plant preliminary engineering. He said his main reason for bringing regular updates to the Board is to keep people informed.

Mr. Parker gave some highlights of his memo to Mr. Bauer with respect to the Phase V Water Project.

APPOINTMENTS

17. Resolution Approving Appointment of Citizens to Board, Commissions, etc.

Mr. Rivenbark said Ms. Bost is a good member of the Health Board and a Senior Vice President at New Hanover Regional Medical Center. He said Ms. Bost should be reappointed to serve a full term and other Board members agreed. Mr. Rivenbark made a motion to approve the following appointments, Mr. Williams seconded the motion, and it was unanimously approved:

BOARD/COMMITTEE/COMMISSION	APPLICANT/ CURRENT MEMBER	TERM EXPIRATION	REPLACES
Health Board	Corine Bellamy (Current Member)	4/17/06 – 1/31/09	N/A
“ “	Roberta Bost “ “	4/17/06 – 1/31/09	N/A

18. ITEMS FROM THE COUNTY MANAGER

Mr. Bauer presented the following Items of Interest and explained some of them in detail:

1. Letter from Governor Michael F. Easley to announce that \$32,680 in financial assistance for the Mill Creek Dredging project has been approved.
2. Letter and Certificate of Completion from N.C. Department of Commerce with respect to Closed Pending of CDBG Number 02-C-0963.
3. Letter from N.C. Department of Transportation with respect to NC 53 Burgaw Bypass (R-3302).
4. Pender County Planning Department Code Enforcement Office Quarterly Report – First Quarter 2006.
5. Pender County Inspections Statistical Report – Through March, 2006.
6. Pender County Emergency Management Quarterly Report: January – March, 2006.
7. Pender County Cooperative Extension Monthly Report: March, 2006.
8. Resolution from Sampson County Supporting NCACC Medicaid Relief Task Force Proposal.
9. Beaver Management Assistance Program Report.

4/17/06



CAPE FEAR
COUNCIL OF GOVERNMENTS

Cape Fear Area RPO

Brunswick County ❖ Columbus County
Pender County

MEMORANDUM

DT: March 26, 2008
TO: Mr. Al Green, Interim Pender County Manager
FR: Don Eggert RPO Director
910-471-0474
RE: US 17 Pender County Corridor Study

Enclosed is a copy resolution adopted by the Cape Fear Rural Transportation Advisory Committee at their March 19th meeting concerning US 17. I have sent a copy to the North Carolina Department of Transportation. Can you see that the Board of Commissioners is given a copy of it?

Thank you.

C: Ken Vafier, Interim Planning Director

RECEIVED MAR 31 2008



Cape Fear Area RPO

Brunswick County ❖ Columbus County
Pender County

RESOLUTION IN SUPPORT OF US 17 CORRIDOR STUDY

WHEREAS, one central artery connects Eastern North Carolina through Pender, New Hanover and Brunswick Counties, with many growing and developing communities located along this corridor leading to an increase in the population and traffic loads on the highways of this region; and

WHEREAS, the North Carolina Department of Transportation, in recognition of the explosive growth of the Hampstead area and the subsequent impact to this major thoroughfare, has included a Hampstead bypass in the State Transportation Improvement Plan; and

WHEREAS, the bypass project is currently in the planning and design process; however, funding for right-of-way acquisition is not programmed until fiscal year 2012 and the project itself currently remains unfunded; and

WHEREAS, traffic and public safety on this corridor through the Hampstead area have been of great concern to residents and local elected officials for many years and the need to find some immediate solutions to the congestion and safety issues has become imminently more urgent due to subdivision development and the addition of new schools on this corridor through Hampstead; and

WHEREAS, Pender County has established and values a highly effective and supportive working relationship with the North Carolina Department of Transportation and our local NCDOT representatives and recognizes the importance of partnering with this agency to more effectively manage the growth along this corridor and throughout the county; and

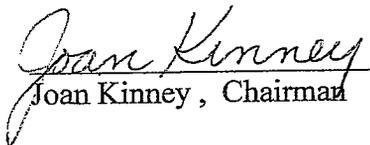
WHEREAS, the County's NCDOT Board Division 3 Member Lanny Wilson currently sits on Governor Easley's newly formed 21st Century Transportation Committee tasked with examining the condition and needs of North Carolina's transportation system and with making recommendations to the General Assembly regarding transportation priorities, transportation improvements, and other equally important transportation related issues.

NOW, THEREFORE, BE IT RESOLVED that the Cape Fear Area Rural Planning Organization does support Pender County's effort to address the urgent public safety issues relating to the Highway 17 corridor through Hampstead:

1. Funding for a NCDOT Corridor Study in Pender County.

2. Interim, pre-bypass, arterial and collector street road improvement measures to improve the traffic flow and increase public safety on this corridor, including the implementation of the Coastal Pender Collector Street Plan.
3. Ensure that the needs of Pender County relating to the Highway 17 Corridor and the Hampstead bypass become established priorities of the 21st Century Transportation Committee.

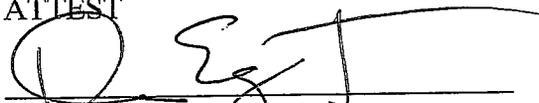
This 19th day of March, 2008.



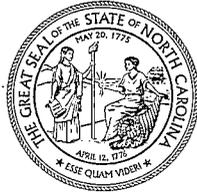
Joan Kinney, Chairman

Cape Fear Rural Transportation Advisory Committee

ATTEST



Don Eggert, RPO Director



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 MAIL SERVICE CENTER • RALEIGH, NC 27699-0301

MICHAEL F. EASLEY
GOVERNOR

March 27, 2008

The Honorable David Williams, Chairman
Pender County Board of Commissioners
PO Box 5
Burgaw, NC 28425

Dear Chairman Williams:

Thank you for your letter of March 14 regarding funding for a Water Resources Development Grant. The Governor has asked me to respond on his behalf. He is grateful for your support for our strong and vibrant tourism economy on the coast.

In every year of the Governor's administration, the budget proposal has contained full funding for the DENR Water Resources Development Grant. While it is too early to make any commitments, it would be reasonable to assume that this strong support would remain the case in the 2008-09 budget.

Of course, you should also speak with your local legislative delegation, as they have the final say over the appropriation of funds.

Thank you for sharing your views on this matter, as it is always helpful to hear from elected leaders who care so deeply about their communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Gerlach".

Dan Gerlach
Senior Policy Advisor for Fiscal Affairs

DG/lrn

RECEIVED MAR 31 2008



Springfest 2008

Post Office Box 247
Burgaw, North Carolina 28425
Fax 259-4845

Dear Vendor:

Thank you for your interest in becoming a vendor at Pender County's very own Springfest. Springfest will be held this year on Saturday, May 17. Attached is the application you need to complete and return. If you plan to hand-deliver your application, please drop it off at Rochelle Furniture Co. located at 111 West Fremont Street in Burgaw. If you are returning your application by mail, please respond to Springfest Committee, Post Office Box 247, Burgaw, North Carolina 28425.

Please make certain you have completed all questions on the application and provided current contact information. If we have questions about your application and we can't reach you, there may be a problem with your exhibiting on the day of the festival. If you plan to offer food prepared on the square, please note this on your application. Health Department Rules and Regulations will have to be complied with and you will receive additional information regarding these requirements.

After your application is accepted, you will receive additional information about times and locations for your booth.

All vendors must live, work or own property in Pender County. All items offered for sale must be handmade, homemade, or homegrown.

Thank you for your support of Pender County people. We look forward to celebrating with you.

Sincerely

Pender Springfest Committee

PENDER COUNTY PLANNING DEPARTMENT
OFFICE OF CODE ENFORCEMENT

QUARTERLY REPORT—FIRST QUARTER 2008

DATE	LOCATION	NATURE OF COMPLAINT	STATUS
01-02-08	217 Lucille's Place, Rocky Point.	Moving, setup and/or storage of a mobile home without permits	"Final Notice of Violation" mailed.
02-01-08	8605 US Hwy. 117S. Rocky Point	Storage of salvage and inoperable vehicles.	"Second Notice of Violation" mailed.
01-02-08	316 Scotch Bonnet Lane Hampstead	Construction of accessory structure w/o permits.	"Final Notice of Violation" mailed.
01-04-08	End of Winding Branch Rd Hampstead	Construction of an accessory structure w/o permits	Compliance obtained.
01-14-08	132 Pebble Beach Dr. Hampstead	Commercial Business in a residential area. Auto Repair.	Compliance obtained.
01-16-08	200 Doe Ridge Rd. Hampstead	Storage of inoperable vehicles. (3)	"Second Notice of Violation" mailed.
01-25-08	359 Horse Branch Rd. Burgaw	Construction w/o permits. Improper building setbacks.	Building removed. In compliance.
02-01-08	16202 Hwy. 17 Hampstead	Use of temporary signs in excess of the allowed time limit.	Compliance obtained.
02-02-08	220 Harts Lane Rocky Point	Storage of salvage and inoperable vehicles.	Compliance obtained.
02-05-08	13200 Hwy. 17 Hampstead	Violation of Special Use Permit conditions.	Compliance obtained.
02-07-08	8579 Slocum Rd. Atkinson	Inoperable vehicles. Violation of Special Use Permit conditions.	N.O.V. mailed. Spoke with owner will comply.
02-11-08	6345 US Hwy. 117S Rocky Point	Mobile home park w/o trash and litter control required. Inoperable vehicles.	Compliance obtained.
02-11-08	409 Horse Branch Rd. Burgaw	Construction of accessory building w/o permits.	Compliance obtained. (Permits received)
02-26-08	987 Sloop Point Rd. Hampstead.	Construction of accessory structure w/o permits	Compliance obtained. (Permits received)
03-03-08	Coras Grove and Upland Rd. Watha.	Construction of structure with permits. (Permits obtained by false pretense).	"Notice of Violation" mailed. Permits revoked.

03-07-08	28 Jenkins Rd. Hampstead	Storage of inoperable vehicle	Notice of violation" mailed.
03-11-08	116 Remington Rd. Rocky Point	Commercial business operated in a residential area.	"Notice of Violation" mailed.
03-13-08	425 Perkins Dr. Hampstead	Salvage yard in a residential area.	"Notice of Violation" mailed.
03-18-08	2012 Island Creek Rd. Hampstead	Salvage in a residential area.	Contact with owner, will remove salvage.
03-18-08	Caldonia Creek Rd. Currie	Storage of a mobile home.	"Notice of Violation" mailed.
03-25-08	612 Center Dr. Hampstead	Construction of accessory building w/o permits	"Notice of Violation" mailed.
03-31-08	819 Sykes Town Rd. Currie	Moving and setup of mobile home and construction of addition w/o permits.	"Notice of Violation" mailed.

Total Complaints first quarter 2008 = 22
Total phone calls First Quarter = 293

Total Complaints year to date = 22
Total cases resolved (Compliance) to date = 8

To: Chairman & Members of the Board

From: Trey Thurman, County Attorney

Subject: Items of Interest

Date: April 7, 2008

1. Item for Board to approve Findings of Fact on Special Use Permit that was denied at the March 17, 2008 meeting.

Special Use Permit for Salvage Yard/Scrap Processing

SUBJECT: CASE NO: 08-03-17-08
PROPERTY RECORD NO: 2279-54-3549-0000
APPLICANT: James R. Faircloth
OWNER: Same

ACTION REQUESTED: Approval of Special Use Permit for the operation of salvage and scrap metal processing.

HISTORY/BACKGROUND:

Project Location: The property is located approximately 1.6 miles northwest of the intersection of NC Highway 53 W and US Highway 421. The property address is 16222 US 421 N, Burgaw, NC. (See attached vicinity map).

Project Description: The project consists of the operation of salvage and scrap metal processing. The proposed project is located on 16.17 acres. Currently there is a single-family dwelling located on the south side of the property which will be utilized for restrooms. The project will utilize the homeowners as the only employees. According to the site plan, a separate area (northwest) will be utilized for the accumulation of the metal to be processed. Large collection bins will be located on the working site for collection and sorting of the goods. When these bins are full, the applicant will place them on a truck and haul them away. Access will be provided to the site via US Hwy 421, and according to the applicant's narrative, two (2) – three (3) truck loads will be brought in or hauled off on an average working day. The hours of operation are proposed to be seven days a week from 7:00 a.m. – 7:00 p.m.

EVALUATION:

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail. Special Use Permit signs were posted on or near the proposed site.
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3, Zoning Ordinance) and revocation procedures (15.4, B, Zoning Ordinance).
- C) Zoning Ordinance Compliance:** This property is zoned RA, Rural Agricultural District, and *Salvage Yard, Junkyards, Scrap Processing* are permitted via Special Use Permit.
- D) Land Use Plan Compliance:** This property is classified as Rural Area. *The Pender County Future Land Use Plan* describes *Rural Area* to allow home-based businesses. The northwest corner of the property is classified as Conservation Area I. The placement of bins will be crucial for the protection of this area from any deposits that may leak from the accumulation of scrap metal (See attached CAMA Land Use map).
- E) Existing Land Use in Area:** The property is in a rural area. There are some single family homes to the south, there is farmland to the north and west, across from US Highway 421.
- F) Site Access Conditions:** The property has direct access to US Highway 421 for ingress and egress.
- G) Conditions To Consider In Issuing A Special Use Permit For This Project:**
1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
 2. The following shall be submitted prior to issuance of the zoning permit as contained in the Commercial Site Plan Review Standards:
 - a. Approval of a current Sediment & Erosion Control Plan by NC Land Quality, if applicable.
 - b. Approval of a current Stormwater Management Plan by NC Water Quality, if applicable.
 - c. Certification of a drainage plan by licensed professional on a form provided by the County.
 3. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance. This will include parking and landscaping requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance.

4. A separate Permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
5. Hours of operation, all seasons:
 - 7:00 a.m. – 7:00 p.m. Seven days a week.
6. Any flood or spotlights shall be oriented away from the street. Such lights shall also be oriented away from adjacent properties or shielded to prevent direct light from shining on such properties. This provision does not apply to normal area lights (non-directional).
7. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside an approved bin.
8. All access areas leading into the development shall be constructed and maintained to NCDOT secondary road standards.
9. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit.
10. The project shall be developed and maintained in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Zoning Ordinance and the conditions contained in this permit.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on March 17, 2008, the Pender County Board of Commissioners (~~approved, modified,~~ denied) a Special Use Permit for James R. Faircloth as described herein and James David Williams, Jr., Chairman, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS: Special Use Permit denied pursuant to Subsection 15.3(b) based upon the following findings of fact:

1. The proposed SUP would result in loud and piercing noise inconsistent with the rural and residential neighborhood.
2. The use of heavy vehicles on the roadway given the limited sight distance would create a risk to the safety of the community.
3. The proposed buffers would be inadequate to prevent sight pollution inconsistent with the rural residential nature of the community and immediate neighbors of the property.

MOVED Tate SECONDED Brown

APPROVED _____ DENIED X UNANIMOUS _____

YEA VOTES: Williams X Tate X Blanchard _____ Brown X Rivenbark X



James David Williams, Jr.,
CHAIRMAN

3/17/08
DATE



ATTEST

3/17/08
DATE