

FEBRUARY 18, 2008

The Board of Commissioners met in a regular session on Monday, February 18, 2008 at 4:00 p.m., in the Pender County Commissioners meeting room, 805 S. Walker Street, Burgaw, NC 28425.

MEMBERS PRESENT: Chairman David Williams, Vice-Chairman, Jimmy Tate
Commissioners Norwood Blanchard, George Brown and F.D. Rivenbark

STAFF PRESENT: Al Greene, Interim County Manager, Trey Thurman, County Attorney, Melinda Knoerzer, Deputy Clerk to the Board, other staff and members of the press and public.

Chairman Williams called meeting to order at 4:00 p.m.

Commissioner Tate gave the invocation.

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. The North Carolina Local Health Department Accreditation Board presented a plaque to the Pender County Health Department for Receiving Accreditation.

Mr. Tate introduced the following: Roberta Bost, Chairman of the Pender County Health Board, Dr. Jack Griffith, Health Director, David Stone, Accreditation Administrator, NC, Institute for Public Health, Joy Reed, Head of Local Technical Assistance and Training and Office of Public Health Nursing, Department of Health and Human Services Division of Public Health, Brittan Williams, State Accreditation Coordinator, NC Institute for Public Health. Mr. Tate offered congratulations to the team responsible for the accreditation's success. Ms. Bost congratulated the staff and read comments from the application review. Dr. Reed read a letter of congratulations. Dr. Griffith thanked the State for their help. He said that their strength lies in the Board of Health that is well versed in policy and works well with the community. He introduced and thanked the following Health Department staff: Shirley Steele, Clinical Nursing Coordinator, Pam Overstreet, Environmental Health Director, Linda Walker, Outreach Director, Patricia Flake, Health Education Coordinator.

2. Presentation on Voluntary Agricultural Districts – was continued.

3. Pender Memorial Hospital Board of Trustees: Request to change number of terms of service

Mr. David Long, CEO of Pender Memorial Hospital (PMH), said they have non-board members who serve as hospital trustees. He said the PMH Board of Trustees is composed of nine (9) individuals; five (5) of whom are appointed by the Pender County Board of Commissioners, three (3) of whom are appointed by the New Hanover Regional Medical Center Board of Trustees, and the ninth member is the Chief of the Medical

Staff. He said presently the Board tenure is limited to two (2) consecutive three (3) year terms and the request is to have that extended to three (3) terms. He said that it takes a great deal of training and education involved in becoming an effective hospital trustee. Mr. Rivenbark concurred that they send trustees to extensive training sessions and much time and money is invested. Upon the motion of Mr. Blanchard and second by Mr. Brown, the Board voted unanimously to change the number of terms of Pender County's appointees to the PMH Board of Trustees from two (2) to three (3) consecutive three (3) year terms.

CONSENT AGENDA

Chairman Williams presented the six (6) items on the Consent Agenda and asked for any comments or discussion. There being none, Mr. Rivenbark motioned for approval and Mr. Brown seconded the motion. The Board unanimously approved the Consent Agenda as follows:

4. Approval of Minutes for the Regular Session Meeting of February 4, 2008.
5. Emergency Management Performance Grants Funding Budget Increase: \$6,708.
6. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2007-2008: \$11,584.
7. Resolution Authorizing a Purchase Order for Survey and Professional Engineering Services on Behalf of Pender County Schools to Norris Kuske & Tunstall Consulting Engineers, Inc.: New Topsail High School: \$45,000.
8. Order for the Tax Collector to Advertise 2007 Taxes which are a Lien on Real Estate.
9. Resolution Appointing Interim County Manager as Clerk to the Board.

RESOLUTIONS

10. Resolution Authorizing a Contract with and Purchase Order to Southern Engineering for Technical and Operational Support of the Pender County Utilities Office: \$7,700 per Month

Melinda Knoerzer, Pender Utilities, explained that Mr. Greg Thompson of Southern Engineering has been assisting in the absence of a Utilities Director, by verbal agreement with the former County Manager, who is no longer here. It was previously negotiated that Mr. Thompson would work as needed with the Utilities Department at a rate of \$7,700 per month, which represents half of his hourly rate of \$125, based on a full work week. Rather than approve the contract as presented, Ms. Knoerzer requested that the Board authorize a purchase order for the three (3) months of January through March of 2008 to allow for overlap with the new Utilities Director's arrival. In addition, she requested that the Board approve Mr. Thompson's proposal to develop a water system map in the amount of \$5,600. This map will serve as the basis for hydraulic modeling, will allow for interface with County GIS, and satisfy a requirement of the Local Water Supply Plan required by NC DENR. Mr. Rivenbark made a motion to approve a purchase order to Southern Engineering for three (3) months of consultative services at \$7,700 per month and to approve the mapping proposal for \$5,600. This motion was seconded by Mr. Tate and carried by unanimous vote of the Board.

11. Resolution Awarding and Authorizing a Classification and Compensation Study for Pender County by Springsted Incorporated: \$34,350 & Approving Budget Ordinance Amendment to Transfer Funds to cover it

Al Greene presented this proposal from Springsted, Inc. to conduct the pay and classification study. He said NCACC provides this service through the Springsted Company. He said that last year, \$700,000 was designated toward implementing the results of this study in this fiscal year. He said that this proposal will provide the County with the study and software and programs by which all employees can be evaluated annually and compared to this mode. He asked the Board to authorize this agreement with NCACC, conditioned upon Trey's favorable approval, and to approve the associated budget transfers. He recommended that \$50,000 be transferred from School Current Expense (where additional funds had been allocated and were subsequently not needed) to pay this, allowing for extra over and above the contract cost of \$34,350.

Mr. Tate said that County employees are deserving of this and asked the length of time necessary for implementation. Mr. Greene responded that the study would take three (3) months, which pushes to the end of the fiscal year. Mr. Tate then made a motion to give County employees a one-time 5% bonus now. Mr. Williams said he was "not prepared to settle on a number today" and would instead prefer to give staff and the Board time to research this issue. He asked if the Manager and staff could have a recommendation to proceed prepared for the next meeting. Mr. Tate then modified his motion to indicate that the one time bonus would be at a percentage not to exceed the \$700,000 budgeted for this item. Mr. Williams asked that the Board address item #11. Mr. Brown asked how quickly after the results of the pay study are known the employees could anticipate receiving the pay adjustment. Mr. Greene responded that once study is complete it would be brought to the Board, along with implementation recommendations to be decided upon all at one time. Mr. Rivenbark made a motion to approve item #11 with the additional funding as recommended by Mr. Greene's accompanying February 14, 2008 memo to the Commissioners. This motion was seconded by Mr. Brown and carried by unanimous vote of the Board. Mr. Williams noted that the results of this study may reveal that not all positions are under-paid. Mr. Tate's motion died for lack of a second.

Sheriff Carson Smith shared information on how the Sheriff's Department had a pay study done before at a time when there was no financial plan to implement the recommendations. He said that two (2) years ago there was again a pay/classification study conducted in his office, but he felt it was inadequate because it compared Pender to like counties across the state. He said in this area Pender competes with New Hanover County and this must be taken into account. Mr. Smith thanked the Board for taking this action.

12. Resolution to Declare One County Owned Vehicle as Surplus and Transferring Title to Surf City Volunteer Fire Department

Sheriff Smith said that the Surf City Fire Department requested a vehicle for department use. He said they have a 1998 Explorer with 148,229 miles on it that he had planned to surplus. Upon a motion by Mr. Tate and second by Mr. Brown, the Board unanimously

approved this resolution. Mr. Rivenbark then asked the Sheriff if he would remain for closed session.

13. Resolution to Authorize Submission of a Pre-Application for Public Beach and Coastal Waterfront Access Funds

Dee Turner presented this resolution requesting authorization to submit a grant application to Waterfront Access and Marine Industry (WAMI) Funds to acquire a 9.2 acre site for public waterfront access. She said she has been working with Rep. Justice and Sen. Soles. She said that if successful, the County could acquire this site and there would be state funding to maintain this site. She said the location is off Sloop Point Loop Road, at the end of Lewis Road, near Marker 90 Boat Yard. Mr. Brown made a motion to approve, Mr. Rivenbark seconded, and the Board approved unanimously.

14. Resolution Authorizing Signature Authority for County Encroachment Agreements

Ms. Knoerzer explained that this resolution designates specific positions within the County government who are authorized to sign NC Department of Transportation three way encroachment agreements, which are needed each time a developer wishes to make a connection to County Utilities. Mr. Brown made a motion to approve this resolution and Mr. Blanchard provided the second. The Board unanimously approved this item as presented.

15. Resolution Authorizing the Board of Elections to Apply & Accept Special Hava Grant.

Elections Director, Dennis Boyles presented this resolution and explained that due to anticipated high voter turnout this year, the State Board of Elections is enforcing the Help America Vote Act (HAVA) minimum voting machine requirements of one per 250 registered voters. He said based on current trends the County can anticipate 32,000 registered voters in the November election. He asked the Board to approve a grant application to HAVA in the amount of \$40,000 to purchase 4 ADA, HAVA compliant machines and 8 regular machines. No local match is required. Upon the motion of Mr. Blanchard and second by Mr. Brown the Board unanimously approved this resolution.

DISCUSSIONS

16. Avendale Development – Request to Change from Rocky Point to Hampstead Postal

Commissioner Williams presented this on behalf of the Developer of Avendale. Upon the motion of Mr. Brown and second by Mr. Blanchard, the Board voted unanimously to approve sending the letter to the Postal Service requesting a change of address from Rocky Point to Hampstead, NC.

17. Recommendation Regarding Board Retreat and Budget Process.

Al Greene presented this item and requested that the format of the annual retreat be changed from the Department Heads making budget requests to a presentation of goals and accomplishments in the past fiscal year. He said that although the budget process has

begun, there would not be ample time to properly prepare personnel and capital requests for this even. He said staff would gear up for the full budget process in May.

On a related matter, Mr. Williams indicated that two (2) Commissioners would be out of town on March 3rd, and recommended moving the meeting date to March 10th to coincide with the commencement of the retreat. Upon the motion of Mr. Blanchard and second by Mr. Rivenbark, the Board voted unanimously to change the date of the first regular meeting to March 10, 2008 at 1:00 p.m. at the Surf City Community Building.

Mr. Tate asked for a segment on county strategic planning over the next five (5) to ten (10) years. Mr. Greene said that the County has sent out an RFP for a firm to assist the County in developing this plan; however there are no funds budgeted in this fiscal year. He said staff hopes to have a recommendation on award of firm and how to finance this project in the near future.

18. Readdress Appointment to the Pender County Planning Board Made on January 22, 2008.

Upon the motion of Mr. Brown and second by Mr. Blanchard, the Board voted unanimously to continue this item to the next meeting.

APPOINTMENTS

19. Appointment of Citizens to Various Boards/Committees/Commissions

Mr. Brown first asked if this is to fill the position of someone stepping down. Staff reported that this was a new application to fill an existing vacancy for an "Engineer" on the Board of Health. Upon the motion of Mr. Blanchard and second by Mr. Brown, the Board unanimously approved the appointment of Jimmy Holland to the Board of Health.

20. ITEMS FROM THE COUNTY MANAGER/ COUNTY ATTORNEY/COUNTY COMMISSIONERS

Al Greene reported that he and Trey had met with Ken Vafier, who has agreed to accept the Interim Planning Director position upon the departure of Joey Raczkowski until a new Planning Director can be hired.

Mr. Thurman reported that his working with the Clerk of Court and the Sheriff to locate a place to hold court on March 24, 2008. In addition, he reported that the Board has received a request from attorney Rick Biberstein that a matter set for public hearing tonight be continued. He asked that if the Board is inclined to continue this, we so notify Mr. Biberstein (who is extremely ill) and as much of the public as possible before the 7:00 p.m. start time. He then asked the Planning Staff if they had a means to contact people, but they indicated they have only addresses.

Mr. Rivenbark said he had been approached about a donation of original prints in memory of long time Commissioner Mr. Cecil Eakins, who served 23 years on the Pender County Board of Commissioners. He said someone wishes to donate four (4) original prints in his honor for display in County Government Buildings. Upon the motion of Mr. Rivenbark and second by Mr. Tate the Board voted unanimously to accept these prints and to ensure that a plaque indicating the circumstances be placed with them.

Mr. Rivenbark said his conflict on March 3, 2008 is due to his attendance at the NACo Legislative Conference in Washington DC. He invited other Commissioners to attend. Mr. Rivenbark then shared his itinerary from the prior week, to give folks a perspective on the week of a Commissioner. He indicated that he also assists at UNCW School of education in helping to choose the next Teaching Fellows, indicating that there are some good candidates from Topsail High School. He asked staff to prepare a proclamation, on behalf of Ms. Inez Bradt, for Litter Sweep to be held the week of April 19th and said he would be attending a Bio-technology conference Robeson County next week.

Mr. Tate thanked Library Directory, Mike Taylor for his help with African American history month. He requested a resolution on next agenda honoring work of Clerk of Court, Mary Ann Briley, and Burgaw Police Chief, Wayne Briley, on the occasion of their retirement.

Chairman Williams asked Cooperative Extension Director, Mr. Wayne Batten about recent concerns voiced over the pesticides used to spray for mosquitoes. Mr. Batten indicated they are approved by Department of Environment and Natural Resources and the Division of Water Quality.

PUBLIC COMMENT

No one came forward for public comment.

CLOSED SESSION

At 5:10 p.m., Mr. Rivenbark made a motion to enter into closed session pursuant to N.C.G.S. 143-318.11 (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract, and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

This motion was seconded by Mr. Blanchard and approved by unanimous vote of the Board. The Board came out of closed session at 5:30 p.m.

**PUBLIC HEARINGS: ORDINANCES RESOLUTIONS/SPECIAL USE
PERMITS/ZONING**

Mr. Thurman made an announcement that Item # 24, a Zoning Map Amendment for Mr. Bernard Morris of Montague Woods, LLC would be continued to a future agenda because their attorney, Mr. Rick Biberstein, is in bed sick and cannot attend. Upon the motion of Mr. Rivenbark and second by Mr. Brown, the Board voted unanimously to continue this matter.

Mr. Thurman also made an announcement with respect to item #25, a Zoning Map Amendment for Haden Stanziale, that this applicant requested this be tabled to the March meeting in order for them to make outreach to the public on this matter. Upon the motion of Mr. Brown and second by Mr. Blanchard, the Board unanimously approved tabling this matter to March 17, 2008.

21. Public hearing on NC Department of Transportation 2008-2009 Secondary Road Construction Plan.

Mr. Glenn Crews of the NC Department of Transportation came forward and read the letter dated January 31, 2008 from the Jacksonville office regarding the Secondary Road Construction Plan. He said the Board of Transportation has approved a total of \$944,650 available in all categories of funding. He read a list of roadways to be paved or improved.

Mr. Tate thanked Mr. Crews for assisting him and Mr. Felton with a major issue on Highway 11. Mr. Rivenbark asked if there is a set procedure for the DOT addressing the drainage of highways and how they move from one community to another for ditch cleaning. Mr. Crews indicated that they are presently working on NC Hwy 210, cleaning ditches prior to the resurfacing project. He indicated that as complaints are received they are evaluated based on severity. Mr. Rivenbark asked Mr. Crews to meet with him to discuss some roads in his community that have not been addressed in over twelve (12) years. Mr. Williams asked if Sloop Point Road in the area of Hilltop, where it was widened, could be put on a paving priority list in the next 1 to 2 years. Mr. Tate asked DOT to speak to the recent legislation concerning sections of I-40 being made into direct fencing areas, thereby negating the ability for emergency responders to use them for turn-around. Mr. David Thomas, Division Maintenance Engineer, said that one charge that field forces are being given is to make highways safer. He said at the current break points on I-40 the public utilizes these as much as officials, and this is not a safe mix with 75 mph traffic. He said Mr. Pope sent letters to emergency responders on this issue but has not received any comments. He said there are ways to build fencing that appears to be a break to the untrained eye but could actually allow emergency responders to get through. Mr. Tate said that local EM responders are concerned about this issue. Mr. Thomas said it is difficult to define an "emergency". He said this project is in its infancy in this division and Mr. Pope would be looking for their responses indicating their concerns. Mr. Thomas then introduced the District Engineer, Mr. Robert Vause. At 7:00 p.m., the public hearing was closed. Upon the motion of Mr. Rivenbark and second by

Mr. Blanchard, the 2007-2008 Secondary Road Construction Program was unanimously accepted as presented.

22. Public Hearing & Zoning Ordinance Text Amendment: Section 8.9, Freestanding Drive-up Automatic Ice Vending Machines Regulations

Planner, Jeff Jowett, presented this request for a rezoning to permit an accessory use to commercial uses to allow for free standing ice machines. He explained the history of the actions associated with this request. He said the Planning Board denied this on a vote of two (2) to two (2). Mr. Craig Wilson, applicant, came forward and said he lives in Hampstead. He provided handouts to the board that he said came directly from the manufacturer. He said there are thousands of these machines in use in the United States and 70 in NC, but none currently in Pender County. He said the benefits to the consumer are that fresh quality ice is made on site at half the cost. He said this process is approved by FDA as having a clean sanitary process for making ice. He said it is contained in a modular building designed and anchored to withstand hurricane winds, and aesthetically designed to blend in with the existing surroundings. He said this product could provide a benefit to community in times of disaster as it has the capability of making 6,000 lbs of ice. He said that FEMA deals with this manufacturer to determine motor generator size and to test the process. He said this machine could actually be registered with FEMA, for emergency planning groups to consider during times of disaster. Mr. Rivenbark asked about traffic studies. Mr. Wilson said they want ease of access for those with trailers in tow; contractors with trailers and boaters, etc. He said they need not be located at on major intersections, but instead at a location that would allow for the safe turnaround with good access. Mr. Williams said he has a major concern about a text amendment, however, if this was allowable as a special use permit, each board could determine if the location is safe or not. Mr. Wilson said they are still looking for a location and he has had prospects come to him with interest. Mr. Brown said he too would like to see this under a special use permit.

Margaret Ciardella, representative of Pender Watch and Conservancy said she is concerned with the increase in traffic on Highway 17 and asked that before any action is taken on this matter, the Highway 17 Overlay Committee be allowed to comment. She said they are concerned with aesthetics. She said there are seven 7 locations between Highway 210 West and Sloop Point where folks can get ice, at gas stations, grocery stores, etc. She said they are concerned with people putting ice in plastic bags and not properly discarding the bags. She asked that this request be denied.

Tony Musolino of Save Our Community said he has a degree in industrial risk management. He said that during emergencies communities need power, water and ice. He said not everyone has a generator, and everyone needs ice. He noted that after hurricane Fran it took three (3) days for an ice truck to come to Hampstead. He said the people who have that machine told me they will teach me how to connect a generator and run ice out. He said that in a meeting with the Christian Community Caring Center a local food bank that opens immediately following a disaster, their board endorsed the use of this machine if they could use it during an emergency. He said they would put people on the scene to manage the machine. He said the Pender Emergency Management

Director, Eddie King said he cannot endorse, but "sure would be nice to have ice within a few hours of a disaster." Mr. Musolino said the County would get sales tax revenue from this. He said this is a good business to have in this area and asked that the board approve the request. Mr. Williams cautioned that the Board cannot take into account what this one applicant says he would do. Mr. Thurman said it cannot be made a condition of approval that they make this available for use in a disaster.

Garland Allen, representative of Ice House America said that when Katrina hit, they placed four (4) of these machines at the Astrodome. He said that Senator Trent Lott is working with FEMA to get Ice House owners to register with them to be accessible in a national emergency. He said that ice costs are escalating due to transportation costs, which are eliminated when the ice is made on sight. He said the average visit time is three (3) minutes, and generally, trash cans are made available.

Hiram Williams said he attended both the December and January meeting of the Planning Board and his concerns are related to the "restraint of trade" as this manufacturer permits only one (1) machine per two (2) mile radius.

George Mara, president of the Belvedere Homeowners Association said they support the Planning Board decisions opposing this approval. He said they do not wish to see large ugly structures located close to the right of way. He said there is a major effort underway to preserve the community through a Zoning Overlay Advisory Committee set to meet again on February 26, 2008. He said they see no reason to locate these every two (2) miles and that every five (5) miles apart would be ample. He said that approval tonight might pre-empt the work of the Zoning Overlay Committee and he asked that the Board not approve this until their input could be had. He said they believe this should go through the Special Use Permit process based on an actual location.

Bob Constine, member of the Zoning Overlay District Board said they will be looking at this request at their next meeting and also requested that this Board not approve until they have had a chance to review and comment. He said that Planned Development (PD) often intermixes residential and commercial, and that the noise associated with this type of use could be great. He said the applicant indicated the greatest time of use is before 7 a.m. which could potentially create noise problems in or near a residential area. He said they would agree this should be done by Special Use Permit.

The Chairman closed the public hearing at 8:00 pm. He said that if this is approved as a text amendment, these machines would likely be seen first along the Highway 17 corridor in Hampstead. He said this is exactly why we appointed the zoning overlay committee and he wishes to defer to them on this matter. Mr. Blanchard said that if we defer this, the folks living in Maple Hill at the intersection of 50 and 53 could not install a similar ice machine until the Hampstead Zoning Overlay Committee makes a recommendation. Mr. Blanchard then made a motion to adopt the text amendment with the provision that each location be subject to the Special Use Permit process. Mr. Brown said he definitely wants this to be handled through Special Use and asked how this could be done to allow the overlay committee to have a crack at it. Mr. Raczkowski said the Zoning Overlay

Committee makes recommendations to the Planning Board on potential ordinances changes; however, the Planning Board is still the advisory board to the Commissioners. He suggested that the Board either approve this subject to the Special Use Permit process or deny it, but the text amendment cannot be determined by the Zoning Overlay Committee. He further noted that the Zoning Overlay Committee is charged with studying and making recommendations for the overlay district only. He said if the Board makes this a special use, all such applications will come before the Board for approval. Mr. Blanchard then modified his motion to make these uses subject to the Special Use permit process. Mr. Brown seconded the motion and it carried by unanimous vote of the Board.

23. Public Hearing & Zoning & Subdivision Ordinances Text Amendments to Slow the Rate of Growth in the County

Planner, Ken Vafier said the Board of Commissioners gave staff a directive at the November 19, 2007 meeting to research methods to slow the rate of growth in the County. He said they initially presented their findings to the Planning Board in January in the form of text amendments, which were approved. He said the thrust of their proposal addresses deadline extensions to allow staff proper review time. He said presently staff has 30 days for review, however, if they receive an application at 4 p.m. on deadline day, their actual review time is actually more like two weeks. He said they recommend extended deadlines to 45 days for rezoning and master plan submissions. He said initially they considered requiring applicants hold a pre submittal meeting at which time they would be given a deadline to submit, and possibly require them to hold separate community meetings, however the feedback was that this could create more problems related to who facilitates and how and when these meetings would be held. As a result of those comments, staff proposes that in addition to the notification requirements, applicants are required to provide confirmation that they have notified adjacent property owners. He said the Planning Board recommended that we adopt the extended deadline dates but not the additional notification process. Mr. Williams agreed that the deadline extensions are a good idea to give Planning Staff additional review time. He said he is very pleased with the work of the Planning Department overall. The Chairman opened the public hearing at 8:16 p.m. Hiram Williams said he attended both Planning Board meetings at which these were discussed and he supports them. He said they need to have time to prepare and deliver a good product to the Planning Board and to the Commissioners. In addition, he said there needs to be a Technical Review Committee established. The public hearing was closed at 8:18 p.m. Mr. Tate made a motion to approve item 23 as presented. This motion was seconded by Mr. Brown and carried by unanimous vote of the Board.

26. Public Hearing & Special Use Permit – Southern Outdoor Living, LLC, Applicant, Requesting Approval for Sale of Prefabricated Buildings Located Approximately ¼ Mile West of the Intersection of US Highway 17 and NC Highway 210 in Hampstead,

Mr. Thurman swore the witnesses. Planner Kyle Breuer presented this item and said it involves 2.25 acres zoned B-2 (Business Highway District) located approximately ¼ mile west of the intersection of US Highway 17 and NC Highway 210 in Hampstead. He said

this area was formerly used for pipe storage for the County's water project and it is completely surrounded by chain link fence. He said the applicant wishes to use this for the sale of prefabricated buildings.

Chairman Williams opened the public hearing at 8:21 p.m. Applicant, Gary Poirier said he sells sheds and gazebos that are built by the Amish in Pennsylvania and trucked here. He said he would like to display buildings on this site because it is a good location with good visibility. He said the impact on the general area would be minimal as these buildings will sit on existing topography. He said he sells six (6) to eight (8) buildings per week and his deliveries arrive two (2) times per week, taking approximately 20 minutes to unload each delivery. He said that he then delivers the buildings, upon sale, to the customer's site. He said his higher volume "sales season" is April – June and he estimates approximately nine (9) customers per day. He said most of his business is conducted offsite. He requested approval of this use for a maximum of one year, at which time he plans to move to a new location.

Mr. Thurman asked and the applicant verified that all documentation submitted in support of his application is correct.

Marilyn Constine said her major concern is that this business has been cited for being out of compliance at his current location and she is reluctant to support approval for this at a new location in the downtown business district. Mr. Breuer confirmed that Mr. Poirier is not in compliance now at his current location but he has been working with the Code Enforcement Officer and this is his effort to comply. Mr. Rivenbark asked if he has only a one year agreement with the owner. Mr. Poirier responded that he prefers more than one year, however that is all the owner will allow at this time.

Chairman Williams closed the public hearing 8:28 p.m. Mr. Blanchard made a motion to approve this Special Use Permit for a period of one year. Mr. Brown seconded the motion and it carried by unanimous vote.

27. Public Hearing & Special Use Permit for a Stable at Lot 17 on Winding Branch Road in Hampstead, NC – Bobby King, Applicant

Mr. Thurman swore the witnesses. Planner, Jeff Jowett presented this item and said this is a request for a Special Use permit for a stable. He said the property consists of 5.2 acres presently zoned R-20 and located on Lot 17 on Winding Branch Road. He said a small corner of the property is zoned FA Flood Hazard District. The applicant wants to build a 24 x 40 ft. stable and keep one horse on the property. Mr. Jowett said there may be restrictive covenants in this neighborhood but he does not have confirmation of that fact.

Kim Burns and Kelly Jacobson of 125 and 151 Winding Branch Road, respectively, came forward and provided a copy of the restrictive covenants. They also brought forth a petition representing the neighborhood's opposition to this application. Mr. Thurman said that the petition cannot be accepted into evidence, but they may testify as to the contents.

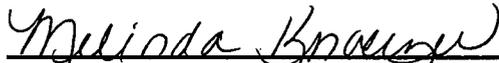
Ms. Burns said that the barn has been built; the owner is already in violation and has applied for the permit after the fact. She presented a letter from Realtor Ken Johnson indicating that at the time of the sale he informed Mr. King's agent about the restrictive covenants which specifically prohibit livestock of any kind. She said none of the neighbors want this. Mr. Thurman indicated that the letter could not be accepted into evidence because the authors are not present to testify that these are their words. He also indicated that it is not within the purview of the Board of County Commissioners to enforce the restrictive covenants. Kelly Jacobson said she moved there to get away from a horse, and asked the Board to take into consideration that small children play there. She said they use the outdoors extensively and they have swimming pools and do not wish to be located near a horse barn.

Applicant Bobby King came forward. He said he purchased this land in April of 2007 and he just needs a building permit. He said the County will not give him one because he does not yet live on the land.

Chairman Williams closed the public hearing at 8:38 p.m. Mr. Blanchard made a motion to deny the Special Use Permit. This motion was seconded by Mr. Brown and carried by unanimous vote of the Board.

The meeting was adjourned at 8:39 p.m.

Respectfully Submitted,



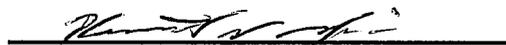
Melinda Knoerzer, Deputy Clerk

Reviewed By,



Glenda Pridgen, Deputy Clerk

Planning Items Reviewed By,



Ken Vafier, Interim Planning Director