

**JULY 9, 2007**

The Pender County Board of Commissioners met in regular session on Monday, July 9, 2007 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Lori Brill, County Manager and Clerk to the Board; Paul Parker, Assistant County Manager; Trey Thurman, County Attorney; Melinda Knoerzer, Deputy Clerk to the Board; other staff and members of the Press and public.

**CALL TO ORDER**

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

**INVOCATION**

Mr. Tate offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Mr. Williams led the Pledge of Allegiance.

**PUBLIC INFORMATION**

**1. Recognition and Congratulations to Ms. Mary E. Williams, Social Worker II with the Pender County Health Department, Retiring on July 31, 2007 with over Twenty-five Years of Service to Pender County.**

Chairman Rivenbark presented Ms. Mary Williams with a plaque in recognition of her service to the County and thanked her for her dedication.

**2. Recognition of Student Athletes: State Championship Teams: Pender High School Softball, Topsail High Women's Track & Field and Topsail High Men's Tennis**

Chairman Rivenbark and Commissioner Williams congratulated the following teams for achieving State Championships at the North Carolina High School Athletic Association, Division 1-A level, in their respective sports and presented each one with a certificate of achievement. The respective school Athletic Directors were presented with plaques commemorating each championship:

**Topsail High School**

Zatha Loewen                      **Cross Country - Coached by Julie Capps**  
Ahmad Garrison                 **Discus**

Tiffany Mullin                   **4X100 and 4X200 Relay**  
April London  
Julie Schooley  
Lacey Tate

**Women's Track and Field Team- Coached by Ian Roper and Meredith Hobson**

Kelli Coleman	April London	Miesha Shepard	Christina Zapolski
Kelsey Davis	Tiffany Mullin	Lacey Tate	Brittany Zinser
Ashley Gerganous	Julie Schooley	Brittany Walsh	
Zatha Loewen	Nea Nea Shepard	Alexis Waters	

**Men's 1A Tennis Team – Coached by Mike Stair and John Dalrymple**

Charles Ather	Chandler Hatch	Blake Monteith	Hunter Smith
Taylor Dalrymple	Nico Hoff	Grant Monteith	William
Josh Grant	Conor Hughes	Blake Pleasants	Underwood

**Pender High School**

**Patriot Softball Team – Achieving back to back State Championships in 2006 and 2007**

**Coaching Staff:**

**Tom Roper**

**Drew Crist**

**David Dias**

**Angus Phillips**

**Al Highsmith**

**Dorothy Taylor**

Manager: Mindy White

Janetta Robinson

Nichole Dias

Anslee Scott

Ashton Thornton

Mallory Phillips

Leah Mackley

JaQuetta Gresham

Jakia Murphy

Brittney Barnes

Cassie Janicki

Nikki Taylor

Guss Crist

Britton Piner

Katie Rosenberger

Ali Highsmith

Pender County Schools Athletic Director, Paula Coker, thanked the Board of Commissioners for their support throughout the years and thanked the student athletes for their hard work and dedication.

**3. Senate Joint Resolution Honoring the Life and Memory of William Dudley Robbins, Sr. Commissioner**

Commissioner Tate read the following Resolution that was jointly adopted by the NC House and Senate on June 29, 2007:

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 2007**

**RATIFIED BILL**

**RESOLUTION 2007-52**

**SENATE JOINT RESOLUTION 1561**

**A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF**

**WILLIAM DUDLEY ROBBINS, SR.,**

**FORMER LIEUTENANT COLONEL OF THE UNITED STATES ARMY.**

Whereas, William Dudley Robbins was born on February 8, 1921, to W.H. "Red" Robbins and Izma Jennette Robbins in the City of Raleigh; and

Whereas, as a young boy, William Dudley Robbins moved with his family to Pender County; and

Whereas, William Dudley Robbins graduated from Burgaw High School in 1938 and received a degree in horticulture from North Carolina State University in 1942, where he served as president of the student body and Cadet Colonel of the ROTC and was a member of the football, baseball, and boxing teams; and

Whereas, after college, William Dudley Robbins proudly served in the United States Army during World War II, where he fought in the Battle of the Bulge; and

Whereas, William Dudley Robbins spent time as a prisoner of war from December 1944 to May 1945, and was awarded the Bronze Star, Combat Infantryman's Badge, the Purple Heart, and three Battle Stars; and

Whereas, upon his discharge from the army, William Dudley Robbins joined the Army Reserves, remaining an active member until 1964 and reaching the rank of Lieutenant Colonel; and

Whereas, William Dudley Robbins' deep affinity for the land and his background in horticulture provided the foundation in helping him to succeed as the owner of Robbins Nursery in the Town of Penderlea; and

Whereas, William Dudley Robbins was an active supporter of veterans and veterans' rights and in 1965, became a charter member of the American Legion Post 165 in Burgaw; and

Whereas, William Dudley Robbins served as Post Commander for two years and was later elected District Commander, State Vice Commander, and State Commander; and

Whereas, William Dudley Robbins went on to serve on the National Executive Committee and as a member of the American Legion's National Insurance Committee, the National Americanism Commission, and the National Security Commission; and

Whereas, William Dudley Robbins was appointed to the North Carolina Veterans Commission, serving under Governors Daniel T. Moore, James B. Hunt, Jr., and Michael F. Easley, and served as Chair of the North Carolina Veterans Affairs Commission from June 1993 to September 2004; and

Whereas, William Dudley Robbins strongly believed in educating the youth in his community, serving as Chair of the Pender County Board of Education for 23 years of his 25-year tenure; and

Whereas, William Dudley Robbins was a strong participant in his community, serving as a Ruritan and Mason for more than 50 years, as a Shriner, and as a charter member of both the Pender County Rescue Squad and the Penderlea Fire Department; and

Whereas, William Dudley Robbins was awarded the Order of the Long Leaf Pine by Governor James B. Hunt, Jr., and presented a POW Medal by Congressman Mike McIntyre; and

Whereas, William Dudley Robbins was active in the Saint Mary's Episcopal Church in Burgaw, where he was a Sunday school teacher, Sunday school superintendent, and a member of the Vestry; and

Whereas, William Dudley Robbins died on March 13, 2007, at the age of 86; and

Whereas, William Dudley Robbins is survived by his wife, Jacquelyne Gordon Robbins; four sons, William Dudley "Bill" Robbins, Jr., Wilfred Lee "Red" Robbins, Martin Gordon "Marty" Robbins, and James Thomas "Jimbo" Robbins; six grandchildren; and several other close relatives; Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

**SECTION 1.** The General Assembly honors the memory of William Dudley Robbins, Sr., and expresses the appreciation of this State and its citizens for his contributions and service.

**SECTION 2.** The General Assembly extends its deepest sympathy to the family of William Dudley Robbins, Sr., for the loss of a beloved and distinguished family member.

**SECTION 3.** The Secretary of State shall transmit a certified copy of this resolution to the family of William Dudley Robbins, Sr.

**SECTION 4.** This resolution is effective upon ratification.

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of June, 2007.

Mr. Tate then asked the members of the Robbins Family present to stand and introduce themselves. He made a motion to execute this as a County resolution and present a signed copy to the family, which was seconded by Mr. Blanchard and unanimously approved by the Board.

**4. Charles Webb: Holly Shelter Game Lands: The Bear Garden Land Tract Hunting Restrictions.**

Commissioner Williams said he requested this be included on the agenda due to the high volume of calls he has received on the matter. He said this particular tract of land now carries the requirement to obtain permits for bear and deer hunting which are issued on a "lottery" basis. Mr. Stephen Holland, an adjacent landowner said historically there had been problems with trespassing and threats being made by folks randomly hunting on this property. He said the Wildlife Commission held several public hearings on the matter, many of which were attended by the surrounding landowners who support the implementation of the lottery. He said the State did their job by holding the hearings, taking public comment and then following through on their original recommendation. He said now that the State has acted, the County has no jurisdiction to change anything; however, the landowners affected are satisfied with the way in

which the lottery is being maintained. Several local landowners had come to the meeting, but stated that they were satisfied with the lottery the way it had been set out by the State and with the way in which Mr. Holland presented the facts.

**5. Lynn Lanier, Hampstead Volunteer Fire Department: Replacement of 1974 Ford Pumper Truck & 1983 Service Unit Van.**

Lynn Lanier of the Hampstead Volunteer Fire Department introduced Mr. David Lee, Chairman of the Board of Directors of the Hampstead Volunteer Fire Department. Mr. Lee said they plan to purchase a new rescue pumper to replace a 1974 Ford pumper and a 1986 service truck. He said they went out for bids and received three (3) responses, of which the Rosenbaur Rescue Pumper from C.W. Williams at \$335,406 was the lowest cost. He said based on their projected tax revenue of \$92,148, and considering their additional debt service, this payment would put them at 19.92% of revenues being used for capital acquisition – falling short of the “requirement” of them to present this to the Board of Commissioners. He said, however, that this department has the best interest of the citizens of Hampstead in mind and they plan to keep the Board informed of their progress along the way. There was a brief discussion regarding low interest financing from the USDA Rural Development, which they indicated their willingness to pursue.

**6. Right-of-Way Acquisition on Highway 210 from Watts Landing Road to NC Highway 50**

Mr. Parker updated the Board on the Right of Way Acquisition along Highway 210 from Watts Landing Road to Highway 50. He said that overall, Phase 5 of the water project is 75% to 80% complete, with the exception of this area. He recounted that both the Town of Surf City and the County held a DOT Encroachment agreement to run utilities on the north side of Highway 210, however, Surf City installed a 4” sewer line first and that does not leave enough room for the County to install a water line, respecting the required 10’ separation between these pipes. Mr. Parker said initial estimates are that we will need to obtain approximately 15’ of easement. He said this process will begin with letters to the landowners, informing them that survey crews will be on their land assessing the actual easement necessary. He said these letters could be mailed out as soon as the middle of the following week.

**CONSENT AGENDA**

Chairman Rivenbark stated that the Consent Agenda is normally very large at the outset of the new fiscal year since departments are establishing new purchase orders for services required for the entire year. He asked for any questions or discussion. Upon the motion of Mr. Tate and a second by Mr. Blanchard, the Board unanimously approved the Consent agenda as follows:

7. Approval of Minutes for the Regular Session Meeting June 18, 2007.  
Pridgen/Brill
8. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.  
Heath/McCole
9. Resolution Accepting Petition to Add Mary Ann Drive in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to NC Dot.
- 10a. Resolution Approving a Purchase Order to Pitney Bowes for Lease of a Mail Processing Machine for FY 2007-08: \$8,000; and a Purchase Order to Pitney Bowes Purchase Power for Postage for FY 2007-08: \$30,000.
- 10b. Resolution Authorizing Issuance of a Purchase Order to North Carolina Department of Juvenile Justice for FY 2007-2008: \$70,000.
- 10c. Resolution Approving Contracts and Authorizing Purchase Orders for FY 2007-2008: Mega Force: \$60,000; and Attorney Regina Davis for Legal Services: \$62,500.
- 11a. Resolution Authorizing the Issuance of a Purchase Order to North Carolina Department of Corrections for Medical Expenses for Inmates in Safekeeping: \$30,000.
- 11b. Resolution Authorizing Purchase Orders for Food and Provisions to Nichols Foods:

- \$70,000; North Carolina Correction Enterprises: \$20,000; United States Food: \$12,000; and Merita Bakeries: \$5,000.
- 11c. Resolution Authorizing a Purchase Order to Southern Health Partners, Inc. for Medical Expenses for the Jail: \$125,000.
  - 12a. Resolution to Approve Health Department Medical Professional Liability Renewal Premium for Fiscal Year 2007-2008: \$13,821.33.
  - 12b. Resolution to Approve Health Department Radiology and Mammography Services Contracts for Fiscal Year 2007-2008: \$20,002.
  - 12c. Resolution to Approve Health Department After Hours Services and Flu Vaccine Purchase for Fiscal Year 2007-2008: \$27,500.
  - 12d. Resolution to Approve Health Department Animal Control Services Contract for Fiscal Year 2007-2008: \$30,066.
  - 12e. Resolution to Approve Health Department Specialized Laboratory Testing for Fiscal Year 2007-2008: \$40,900.
  - 12f. Resolution to Approve Health Department Dental Supply and Equipment Contracts for Fiscal Year 2007-2008: \$50,000.
  - 12g. Resolution to Approve Health Department Consultant Services for Fiscal Year 2007-2008: \$113,640.
  - 12h. Resolution to Approve Health Department Pediatric Services Contract for Fiscal Year 2007-2008: \$194,120.
  - 12i. Resolution to Approve Health Department Dental Services Contract Fiscal Year 2007-2008: \$520,012.
  - 13a. Resolution to Approve Contracted Services for Information Technology for Fiscal Year 2007-2008: \$71,243.
  - 13b. Resolution to Approve Capital Outlay for Information Technology for Fiscal Year 2007-2008: \$120,203.
  14. Resolution Approving Munis Support Agreement for the Pender County Finance Office and Utilities Department: \$16,799.
  - 15a. Resolution Authorizing a Purchase Order for the Administrative Duties for the Juvenile Crime Prevention Council (JCPC) for Fiscal Year 2007-2008: \$5,950.
  - 15b. Resolution Authorizing a Purchase Order to JC Lawncare for Lawn Mowing Services Contract for Fiscal Year 2007-2008: \$18,000.
  - 16a. Resolution Authorizing Purchase Order to Carolina Exterminator for Pest Control Service: \$10,140.
  - 16b. Resolution to Approve Floor Maintenance Contract and Purchase Order to Scott's Floor Shine: \$18,940.
  - 16c. Resolution to Approve Contract with York International for Maintenance Service on the Chiller/Boiler at the Government Complex: \$30,580.
  17. Resolution Approving Budget Ordinance Amendments: Criminal Justice Partnership Program: \$7,900 Increase.
  - 18a. Resolution Authorizing Purchase Orders for School Construction Projects Pursuant to 2005 School Bond Issue: Penderlea Middle/Elementary School: Rich's Heating & Air Conditioning: \$89,228.
  - 18b. Resolution Authorizing Purchase Orders for School Construction Projects Pursuant to 2005 School Bond Issue: Burgaw Middle School: Southern Metal Systems, Inc.: \$27,500; G&H Construction & Paving, Inc.: \$30,500.18; Master Craft Renovation Systems, LLC: \$38,845.
  - 18c. Resolution Authorizing Purchase Orders for School Construction Projects Pursuant to 2005 School Bond Issue: Rocky Point Primary School: \$134,201.

- 18d. Resolution Authorizing Purchase Orders for School Construction Projects Pursuant to 2005 School Bond Issue: West Pender Middle School: Southern Glass & Mirror: \$159,696.
- 18e. Resolution Authorizing Purchase Orders for School Construction Projects Pursuant to 2005 School Bond Issue: C. Heide Trask High School: LS3P Associates, Ltd: \$180,894 & S&ME: \$7,400.
- 18f. Resolution Authorizing Purchase Orders for School Construction Projects Pursuant to 2005 School Bond Issue: Topsail Middle School – LS3P Associates, Ltd.: \$192,207.
- 19a. Resolution Approving Execution of Leases and Authorizing Purchase Orders for Convenience Center Leases: \$10,500.
- 19b. Resolution Authorizing Purchase Orders to Central Carolina Tire for Scrap Tire Disposal: \$75,000.
- 19c. Resolution Authorizing Purchase Orders to Waste Industries, LLC for Solid Waste Services: \$3,412,000.
- 20a. Resolution Authorizing a Purchase Order to W.T. Cox Subscriptions for Annual Library Periodical Renewals: \$5,194.86.
- 20b. Resolution Authorizing a Purchase Order to The Library Corporation for the Renewal of Software Support: \$10,697.
- 21. Resolution Approving the Payment of Membership Fees & Dues: NCACC – \$6,736; Cape Fear Council of Governments (COG) – \$11,219; and Rural Transportation Planning Organization (Through the COG) – \$5,000.

**RESOLUTION: 5 Min.**

**22. Resolution to Amend the Pender County Fire Prevention and Protection Ordinance and Adoption of New Civil Citation Fees.**

Emergency Management Director Eddie King said that the current Pender County Fire ordinance was enacted in 1991 and has not been updated since. He said the current civil citation schedule is based on old fire code and it must be updated to maintain consistency with State code. He said that since this is a proposed change to the Ordinance a public hearing is required. He said the action he is requesting of the Board at this time is to authorize him to advertise for a public hearing at the August 20, 2007 meeting. Mr. Rivenbark asked if Mr. King had compared these proposed fees to those of the surrounding counties and Mr. King answered affirmatively. Mr. Blanchard asked if this action would affect the Forestry Department permits. Mr. King clarified that Forestry permits are issued for burns in excess of 100' from a structure. Mr. Williams then made a motion to hold a public hearing on whether or not to adopt changes at the August 20, 2007 meeting. This motion was seconded by Mr. Brown and unanimously approved by the Board.

**23. Resolution Authorizing Commencement of the Upset Bid Procedures for PIN # 3292-12-3340-0000.**

Melinda Knoerzer explained that the Hampstead Village Property Owners wish to purchase back a long narrow strip of land that was obtained by the County in a tax foreclosure in 2001. She said that the property owners were unaware, until they recently attempted to sell the land, that they no longer owned it. She said they now wish to purchase the property back and have offered, by letter from James Carle dated June 11, 2007, \$600 plus interest the County would have earned. Ms. Knoerzer said the Board has a policy of commencing the upset bid process for a parcel only when the opening bid is at least in the amount of the tax value.

Tax Assessor Coby Heath explained that he did not believe the parcel would be worth the tax value of \$12,300 because it is not a buildable lot and is really only wide enough for an easement. Mr. Thurman explained how the upset bid process works. Mr. Williams stated that the Board of Commissioners, as guardians of the County, want to know that they are getting the best value for the taxpayers and are

treating everyone fairly in the process. He asked why this situation might be treated any differently. Mr. Heath said he has taken a good look at this parcel and does not believe it is worth the tax value. Mr. Rivenbark suggested that Mr. Heath set a fair tax value and start the upset bid process at that point.

Jim Carle, Chairman of the Board of Directors of the Hampstead Village Shopping Center (HVSC), explained how he believed this lot became detached from the remainder of the common areas owned by their association, and subsequently sold at tax auction without their knowledge. He said they would like to package this parcel with another parcel, sell this to another entity and use the proceeds of the sale to install water pipes to hook to County water. He said he owns other lots in this tract that are buildable and they run less than \$200 per year in taxes. He said this land is not practical alone for development because there is a branch that occasionally runs through it. He said they wish to pay a fair price based on other lots in there, pay the County for the loss of revenue, and re-acquire the property.

Mr. Brown confirmed with Mr. Heath that he believes \$12,300 is too much, and Mr. Heath concurred – pointing out that the reason the County owns it now is that no one would bid \$2,000 for it in 2001. Mr. Thurman noted that there was no change made at revaluation. Mr. Williams made a motion that the County should re-appraise the parcel, determine the value and accept opening bids at that amount. Mr. Brown seconded the motion and it carried unanimously. Mr. Carle believes that a re-appraisal is reasonable.

#### **ROCKY POINT/TOPSAIL & MAPLE HILL WATER & SEWER DISTRICTS**

##### **24. Resolution Authorizing a Purchase Order to Environmental Chemists (Envirochem) for Testing and Sampling: \$19,000.**

Chairman Rivenbark convened the Board as the Directors of both the Rocky Point/Topsail Water & Sewer District and the Maple Hill Water & Sewer District. Mr. Parker explained that all of these items are the usual "Consent Agenda" items, however they had to be dealt by the Board sitting as the directors of both Water & Sewer Districts. Mr. Williams made a motion to approve item #24, which was seconded by Mr. Blanchard and approved by unanimous vote of the Board.

##### **25. Resolution Authorizing a Purchase Order to Iris Redifer for Reading Meters: \$35,000.**

Mr. Williams made a motion to approve item #25, which was seconded by Mr. Blanchard and approved by unanimous vote of the Board.

##### **26. Resolution Authorizing a Purchase Order to HD Waterworks for Water Service Installation: \$58,000.**

Mr. Williams made a motion to approve item #26, which was seconded by Mr. Brown and approved by unanimous vote of the Board.

##### **27. Resolution Authorizing a Purchase Order to T & D Quality Utilities for Water Service Installations: \$91,000.**

Mr. Williams made a motion to approve item #27, which was seconded by Mr. Brown and approved by unanimous vote of the Board.

##### **28. ITEMS FROM THE COUNTY MANAGER/ COUNTY ATTORNEY/COUNTY COMMISSIONERS**

Ms. Brill commended the Tax Collector, Barbara Murray and her staff because the collection rate is the highest it has been in the 24 years since Ms. Murray has been in office. She said the percentage rate collected on all taxes (Annual and Motor vehicles) for county only was 97.08%, the percentage rate collected on Annual Taxes for the county only was 98.26%, and the percentage rate

collected on Motor Vehicles for the county only was 85.55%. She said she had spent time in the Tax Office last Friday and she was very impressed with their service delivery. She said they learn from lessons and continuously strive to improve their process.

Ms. Brill noted that security enhancements at the Department of Social Services would begin this week and be completed by the following week.

The NCACC annual conference will be held August 16-19, 2007 in Fayetteville. She said she will drive the County Suburban on Friday and invited all Commissioners to ride along.

Ms. Brill said she would be participating in an assessment for State Reform on July 11<sup>th</sup>.

Ms. Brill stated that NC Department of Transportation held a Debris Management session earlier today with County and Municipal officials to discuss and inform folks about how to develop debris management programs in their jurisdictions. She said that Don Ashbrenner, Robert Vause and Glenn Crews attended on behalf of DOT.

Finally, Ms. Brill introduced Mr. Steven White, coach of the Burgaw Dixie Youth Angels softball team who won their state tournament and who will now travel to Dennison, TX to represent the State of North Carolina at the Dixie Softball World's Series. Mr. White recalled that in 2001 and 2002, Burgaw Dixie Youth softball won their state championships and traveled to represent their state in the World Series. He said he has come today to request financial assistance from the County. He said these young ladies have worked very hard and have truly earned this honor. He thanked the Commissioners for their support of Dixie youth and thanked Parks and Recreation Director, Dee Turner for maintaining the fields in the best shape they have ever been in. He said the County provided \$2,500 each year for the teams that traveled in 2001 and 2002 and they would appreciate the same consideration this year. He said they are asking for this rather quickly as the group leaves on Wednesday, July 18<sup>th</sup>. He said they have had only 2 weeks in which to raise \$15,000 for this trip. He said the cost of the bus ride for these girls and their parents is \$10,000 for 50 people, driving is 1300 miles. Ms. Brill confirmed that in 2001 and 2002 the County provided \$2,500 in funding and said these funds could be found again if the Board wished to provide support. Mr. Williams said he believes this Board should support this request and suggested that funding be earmarked, possibly in the Parks & Recreation budget for these types of expenditures in the future. The Board thanked Mr. White for his dedication in coaching this team and authorized the County Manager to provide this funding to the Dixie Youth Angels team. Mr. White said that any money raised beyond that which they need for the transportation and accommodations of the team would be returned to the Burgaw Dixie Youth organization, who is matching their fund-raising effort for this trip up to \$7,500.

Mr. Thurman had no items for discussion.

Mr. Williams made a motion to designate both Mr. Rivenbark and Mr. Tate as voting delegates to the NCACC annual meeting. This motion was seconded by Mr. Blanchard and carried by unanimous vote.

Mr. Tate said he had attended an Atkinson Town Board meeting and they were grateful for the County's support of the library. He said he had attended the Department of Social Services annual awards dinner with Mr. Blanchard and he was very impressed at how well it was run. He asked about national funding for beaver management. He recalled that in the retreat minutes there was discussion of Green County government and the public schools receiving money to implement high speed internet access county-wide. He asked about the status of this concept for Pender County. Ms. Brill indicated that she had been in touch with Dr. Kaniuka but had no response as yet.

Mr. Williams said that he had met with Planning Director, Joey Raczkowski and Ms. Brill regarding a zoning overlay district in Hampstead and the Highway 17 corridor. He said the Planning Board has identified a list of priorities, which will be presented to the Board of Commissioners on August 20<sup>th</sup>. He said he has come to understand that before these priorities can be implemented, several zoning foundational elements of the County's Zoning Ordinance must be addressed first. He said these must be fixed in order to implement an Overlay District. He said these issues are very important and he thanked the staff for working on these.

Mr. Tate said he had learned from the Fire Commission meeting that a volunteer with the Hampstead Fire Department is attempting to address County house-numbering display issues. He asked where the County is with progress on this project. Mr. Raczkowski said there are some areas where the Planning Department could be an information distribution point, however, all fire chiefs county-wide must buy into the program in order to make it viable. Mr. Brown said the fire departments need help from the County in enforcing this.

Mr. Rivenbark asked about the status of a program to deal with abandoned and decrepit trailers here in the County. He said that Brunswick County has a program and in McDowell County, there is an ordinance on abandoned mobile homes. He provided a copy of this ordinance to Ms. Brill.

Mr. Brown inquired about the status of citations for code enforcement. Mr. Thurman stated that he had filed numerous actions in court to obtain compliance.

Mr. Rivenbark noted he would not be able to attend the 85<sup>th</sup> anniversary celebration LS3P/Boney Architects on July 12<sup>th</sup> and asked if another Commissioner might consider going to represent the County. He provided a Star News clipping to Ms. Brill regarding the opening of a new public boat ramp in Duplin County. He said he has spoken with a number of boaters who have told him how long they wait in line to put a boat in the water. He said it is time to "stop talking and put something in next year's budget." Mr. Williams said he has approached the Corbett family who owns the last large tract of land between Scott's Hill and Hampstead and they are willing to work out a long term lease or a donation of land for this purpose. The problem is, they are not yet sure how they are going to lay out the land for future development and they are not in a hurry. He said they have expressed a willingness to work with the County, but we can't really wait 10 years. Mr. Rivenbark said we need to begin putting money aside now and looking at the potential for a Parks and Recreation bond.

Mr. Rivenbark said he has a pamphlet from NACo on juvenile detention reform for the Sheriff. He said the Tobacco Trust Fund is seeking grant proposals. He read a paragraph regarding collaborative success on "regional facilities" from the NCACC.

Mr. Blanchard said he is confused because he is the only person on the board who "carried the torch on regionalization" (of the water treatment plant), and from discussions with New Hanover County Commissioners he learned that a meeting between New Hanover and Pender County had recently taken place without his knowledge. He asked why he was not included. Mr. Williams said that only two (2) commissioners could attend without creating a quorum. Mr. Rivenbark noted that they could notify the press in advance. Mr. Williams said that Pender County is in the same place it was ten (10) months ago, when the prior Manager and Commissioners had begun laying the groundwork of working with New Hanover County to acquire the sewer permit they have. He said the original intent was to bring only two Commissioners and the Manager from each jurisdiction together to discuss this project, however other parties invited state level representatives and it turned into a much larger meeting than originally intended. He said Mr. Tate was involved as he was the swing vote to bring us back to where we were last year. He said that Ms. Brill sent everyone a recap of the meeting and that this would be formally addressed to the entire board at a future meeting. He said there was good feedback on the meeting and he

sees the potential to partner with New Hanover County on sewer. He said the selection of representation at that meeting was "nothing personal" – just an attempt to get this project back on track.

Mr. Williams cautioned that this meeting was to discuss a potential partnership with New Hanover County on the wastewater treatment plant, NOT the water plant, which the County is still building. Mr. Blanchard made a motion to look at all options involving both the water and wastewater treatment plant, however this died for lack of a second. Mr. Brown said he also did not attend this meeting but feels that it was important.

Mr. Tate thanked staff and Commissioner Williams for getting a large delegation of our Raleigh representatives to attend, noting however, that Senator R. C. Soles should have also been included. Mr. Brown noted that this was "preliminary" to see if there was interest on both sides of the issue. Mr. Williams said that in the future and any subsequent meetings to be held would be represented by Mr. Rivenbark.

#### **PUBLIC COMMENT**

Mr. Donald Sullivan said he is here to follow up on his June 1<sup>st</sup> letter to the County requesting a hearing on the legality of property tax in Pender County. He said he is merely asking "When" a hearing could be held. Mr. Thurman explained that Mr. Sullivan had not asserted the specific grounds upon which he was requesting a hearing. Mr. Thurman will respond to Mr. Sullivan's letter in writing.

In addition, Mr. Sullivan noted that the utility project along Highway 53 in Burgaw appears to have illegal aliens working on it. Staff explained that the project he is speaking of is actually the Town of Burgaw Sewer Improvements. He said several states have passed legislation making it illegal to employ illegal aliens.

#### **CLOSED SESSION**

There were no items for closed session.

The Board took a recess from 6:14 pm to 7:00 p.m.

**7:00 P.M.**

#### **29. Public Hearing & Resolution Authorizing FY 07-08 Rural Operating Assistance Program Grant Application: \$159,152.**

Chairman Rivenbark opened the public hearing at 7:01 p.m. Ms. Judy Cromer of Pender Adults Services came forward and explained the following with regard to this application:

This year's application provides for three levels of funding:

- The EDTAP component is \$79,639 and provides Elderly and Disabled Transportation Assistance to allow the folks who are at least 60 years old or who are disabled to remain in their homes by providing for their transportation needs.
- The EMP - or Employment Transportation Assistance Program component is \$10,716 and provides transportation to work for folks who are in transitional work situations (Work First or Workforce Development) but who are not eligible for other benefits. Neither of the first two components require a local match.
- The RGP or Rural General Public component is new this year and the County is requesting \$68,797. This will add a component whereby transportation services will be made available to all citizen of Pender

County. This requires a 10% local match (approximately \$7,000) and Pender Adult Services will generate this by collecting a fee of \$1 per ride for all who utilize the services and by selling advertising on the vans. No one signed up to speak. Chairman Rivenbark closed the public hearing at 7:05. Upon the motion of Mr. Williams and second by Mr. Blanchard this resolution was unanimously approved.

**30. Public Hearing & Resolution: Special Use Permit to Operate an Auto and Boat Sales Lot: Sandy F. Shirley, Applicant.**

Chairman Rivenbark opened the public hearing at 7:07 p.m. and Mr. Thurman swore in the witnesses. Mr. Raczkowski said this is a request to operate an auto and boat sales lot at 16290 US Hwy 17, just south of Williams Store Road. He said the property consists of three (3) parcels totaling 0.79 acres and is in a B-2 "Highway Business District". He said there is an existing building on site that they intend to use as an office. If approved, he said conditions 1-12 as indicated on the proposed permit are standard.

Sandy Shirley, applicant, came forward and said that they are in the process of purchasing this property and would like to develop as a family business. She said her fiancé's family has owned a successful boat business in Wilmington and they have acquired the rights to sell an exclusive line of boats which they propose to display at this lot. She said these boats are made in North Carolina and they would be promoting an NC business. She said this is merely a display lot, with all the custom metal fabrication being done off site. She said there is a one-way entrance and one-way exit, no new structures are planned for this site, and it was formerly the site of a car sales lot.

Al Freimark, President of the Greater Hampstead Homeowners Association (GHHA) stated that this proposed use is not a "permitted use" – rather it is a "special use" because Highway 17 is the "Downtown" area of Hampstead. He said there are already several boat yards and car sales lots along Highway 17 and they are "eyesores" and we don't need anymore. He stressed the importance of developing an Overlay District to protect Highway 17 in Hampstead from becoming another Ogden or Market Street. He said "Please do not burden us with another car or boat lot in our downtown."

Chuck Wilson, a resident of Hampstead and member of both GHHA and Pender Watch and Conservancy, said he is concerned about the traffic issues along this corridor. He said one problem that has been observed in Wilmington is that too many ingress/egress points exist off the heavily traveled roadways. He said this property is only 220 ft. wide and this would not be good transportation planning. He said there is not a boat yard or auto dealership in Hampstead that is attractive. He said that without the overlay district, we have to oppose these. From a "Pender Watch" standpoint, he said this is in a Conservation I land classification and read the definition for the Board.

Sandy Shirley said this is a new line of boats and residents in the area are presently purchasing them on Highway 421. She said it is a large and well-known boat type. She pointed out that Hampstead Furniture is a neighboring business and that the surrounding neighbors have no opposition to their proposed use. In response to a question from Commissioner Brown, Ms. Shirley explained that her own family has operated a successful vehicle sales business in the Raleigh area for many years, custom fitting heavy duty trucks: F250's and Power Strokes. She said they plan to display these trucks for sale along with the boats on this lot.

Paul Grimsley a resident of Hampstead and area realtor, said this property has been for sale for a long time and he would be glad to see this type of business in the area. He noted that this is not his sale.

Mr. Blanchard asked Mr. Raczkowski for his recommendation and Mr. Raczkowski stated that staff does not make a recommendation in advance; rather the Board is requested to decide based on the facts disclosed at the public hearing. He said this is a solid request and it does meet the general conditions of the ordinances at this time. There being no further comments or discussion, Chairman Rivenbark closed

the public hearing at 7:30 p.m. Mr. Tate made a motion to deny this permit because the proposed use does not comport with Section 15.3 (B) of the Pender County Zoning Ordinance, which reads as follows: "The Requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property." Mr. Williams seconded this motion and it carried by a vote of 3 to 2 (Commissioners Tate, Williams and Brown voting affirmatively and Commissioners Rivenbark and Blanchard voting in opposition.

**31. Public Hearing & Resolution: Special Use Permit for a Wastewater Treatment Plant: Stroud Engineering, Applicant.**

Chairman Rivenbark opened the meeting at 7:35 p.m. Mr. Raczkowski explained that this is a request for a special use permit to construct a wastewater treatment plant to supply 120 building lots with sewage treatment, located at the corner of Southwest Drive and Washington Acres Road in Hampstead. He said this facility will be located on approximately 10.21 acres of the 89.71 acre property and the current zoning is R-20C.

Mr. James Fentress of Stroud Engineering presented photos representative of the type of system they will be building. He also presented a letter from the land owner, Patricia Hughes, authorizing Jeremiah B. Reeves (applicant representative) to act as agent for Washington Acres, Inc., landowners in this matter.

Commissioner Williams said that as long as the buffers are adhered to and the other conditions, he has no problem with this.

Mr. Fentress said the size of the plant is determined based on the number of housing units, in this case 120, and that the plants themselves come in pre-determined sizes. He said the 100,000 gallon per day (gpd) plant size is what they will require.

Mr. Brown asked about the buffers. Mr. Fentress said the property would be fenced and landscaped with Leland Cypress and Wax Myrtles. He said the plant itself is constructed flush to grade, and that on the piping and one or two buildings would be visible. He said the pond will be treated to ground water standards and could be treated to drinking water standards

Mr. Thurman asked Mr. Fentress to verify that all information submitted including the photos submitted tonight fairly and accurately represent his application, and Mr. Fentress responded, "yes".

Jim Cornette of Applied Resource Management and resident of Washington Acres said this is an innovative plant and all water will be treated to re-use standards. He said that as a resident and a scientist, he is pleased that this system will prevent 100 conventional septic systems from being built in his neighborhood.

Don Ellson deferred to Stuart Mossman

Stuart Mossman, resident of Washington Acres and President of their Homeowners Association, presented a list of conditions which if met, would satisfy the wishes of the residents and the HOA. He said the most important concern is that density not be increased in the project area. Item #1 on this list (maintained with the permanent records of the Board) was a request that they not seek a rezoning to a greater density. Mr. Thurman explained that the Board of Commissioners cannot preclude the applicant from seeking a rezoning as a matter of "right". They could, however, limit the number of gallons per day processed. Mr. Mossman said that NCDENR uses a standard of 120 gallons per bedroom per day and using a four (4) bedroom home as example, this equates to 480 gpd per home. One hundred twenty (120)

homes would then use a total of 57,600 gpd. Finally, the list requested that they use only new equipment to construct this facility, no "used" parts.

Olivia Marshburn, a resident of Washington Acres, asked who would be responsible for monitoring the waste and who is responsible in the event of a spill. Mr. Fentress said this plant would be operated by a licensed utility operator: either Aqua or Carolina Water Services. He said the plant would be permitted in their name and they would have to pay for any spills and be responsible for reporting. He said any spills over 1,000 gallons must be advertised. Mr. Williams noted that these facilities are inspected on a regular basis and they are required to report flows daily and effluent monthly.

Mr. Fentress said they are content with the condition limiting the zoning to R20 – which is what it is. He said they would like to use the additional capacity to serve some commercial properties nearby under this permit. He said all capacity use would be contained within the footprint shown, and they have no problem limiting by gallons rather than by building units. He said that they will not attempt to re-zone, noting that a smaller parcel was previously denied.

Wesley Thomas said he and his brother Johnny Thomas own adjacent property across the street (80 to 100 acres). He said they are both lifelong residents of Hampstead and they appreciate all this developer has done in the surrounding area. He said they trust his judgment and have no problem with this project. He asked that the Board approve this permit.

There being no further comments, Chairman Rivenbark closed the public hearing at 8:05 p.m. Mr. Williams made a motion to approve this permit as submitted by staff and Mr. Blanchard provided the second. The Board voted unanimously to approve item #31 as presented.

There being no further business to come before the Board, the Chairman adjourned the meeting at 8:06 p.m.

Respectfully Submitted,

Melinda Knoerzer  
Melinda Knoerzer, Deputy Clerk to the Board

Reviewed by: Lori A. Brill  
Lori A. Brill, County Manager

Planning Items Reviewed by: Joey Raczkowski  
Joey Raczkowski, Planning Director