

TUESDAY, JANUARY 22, 2008

The Pender County Board of Commissioners met in regular session on Tuesday, January 22, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Lori Brill, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m. and welcomed all to the meeting.

INVOCATION

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Proclamation by the Pender County Board of Commissioners Commending Brian Wyland for Achieving the Eagle Scout Award.

Mr. Wyland was accompanied by his parents. Mr. Brown read the proclamation and presented it to Mr. Wyland. Mr. Williams congratulated Mr. Wyland and his parents and the audience applauded.

2. Marilyn Meares, Cape Fear Resource Conservation & Development (CFR&D): Update on the Maple Hill Sewer Project/Resolution Authorizing Application to the NC Clean Water Management Trust Fund for the Maple Hill Water & Sewer District: \$1,000,000.

Ms. Meares said Maple Hill is a small community built on extremely wet soils. She said many septic systems in the community are failing and the effluent coming up in yards because the soils are poor and saturated all the time, creating an unhealthy environment. She showed pictures of failing septic tanks and gave a chronological history of events as follows: 1) Pender Environmental Health sampled water for Fecal Coliform in September 2003; 2) first Preliminary Engineering Report completed 10-20-03; 3) estimated project cost for 211 homes 10/03 was \$3.4M; 4) 2003-2006 NC Rural Community Assistance Program (NRCRAP) championed the community organization; 5) Completion of community sign up campaign by mid 2006 resulting in 228 applicants; 6) 2006 NRCRAP submitted a North Carolina Clean Water Management Trust Fund (NCCWMTF) grant for \$499,956 - project now considered to be \$3.7M and a loan from USDA RD was considered; 7) CFR&D applied for a NC Environmental Enhancement grant (NCEEG) grant in the amount of \$343,330; 8) Later in 2006, NC Rural Center transferred \$2.7M to project; 9) 2006 CWMTF grant thought to have been delayed and automatically reconsidered; however this was not the case and the deadline was missed; 10) CFR&D applied for \$187,1124 in NCEEG funds in June 2004; 11) project broken into two phases due to escalating costs; and 12) Cape Fear RC&D submitting \$1M grant to NCCWMTF in 2008. Ms. Meares said the estimated cost of Phase 1 is \$4,252,000 with funding as follows: NC Rural Center Grant we already have - \$2,774,614, User Tap-On Fees - \$42,750, Cape Fear RC&D - \$2,000, NC Clean Water Management Trust Fund - \$1,000,000, and Other Funding Needed - \$432,636. She said the system will be a community wide wastewater collection, alternative treatment and disposal system. Mr. Blanchard said we really need to help the residents of Maple Hill. Ms. Brill suggested seeking more grant funding, including HUD, and looking at other type systems. She asked the Board to approve funding for additional water quality testing in the Maple Hill watershed areas.

Mr. Blanchard made a motion to approve the submittal of the grant application to the Clean Water Management Trust Fund for Maple Hill Sewer. The motion was seconded by Mr. Rivenbark and carried by unanimous vote.

Mr. Blanchard then made a motion to approve \$4300 in water quality testing and Mr. Rivenbark seconded the motion. After a question raised by Mr. Williams, Ms. Brill confirmed that funding would come from a professional services account in the Public Utilities budget. The motion carried by unanimous vote.

3. Lori Brill, Tony Boahn & Greg Thompson: Pender County Utility System Report.

Ms. Brill introduced Mr. Boahn of McKim and Creed and Mr. Thompson, an Engineering Consultant. She said that for the last six weeks Mr. Thompson had been pulling together data to determine where we are now and plans for the future. Mr. Boahn gave a brief history of the Rocky Point-Topsail Water & Sewer District. Ms. Brill said that originally it was \$275,000 to upgrade the Wallace system but it has gone up to \$650,000. Mr. Blanchard asked if according to projections we're going to almost run out of water in July and Mr. Thompson said the possibility is there but there are steps that need to be taken to speed up improvements. Mr. Blanchard said he talked with the Mayor and Town Manager of Wallace and they said Pender can get more water if we contract with them. Mr. Boahn said they can give us an additional 400,000 gpd but they don't have enough pressure to meet DENHR requirements. He said we would have to build a parallel line and would have to further upgrade our pump station. Ms. Brill and Mr. Boahn agreed that we should pursue sources other than Wallace. Mr. Williams asked what else could be done to expedite the Wallace upgrade. Ms. Brill said she talked with Rural Development about using the funds left over from other Rocky Point/Topsail Water District projects, and utilizing a contractor presently working on this project through a change order, obviating the need to conduct a competitive bid. There was some discussion about the possibility of getting capacity from New Hanover County.

4. Update on Black River Restoration Project and Discussion Regarding Rockfish Creek and Sills Creek.

Mr. Jason Turner of Pender Soil and Water and Robert Murray, Beaver Trapper were present to discuss this item. Mr. Williams asked if you dredge Rockfish Creek will it help Sills Creek and Mr. Turner said if you clean out Rockfish Creek it will not help Sills Creek. Mr. Tate asked about partnering with the Town of Wallace to clean out Rockfish Creek and Mr. Murray reiterated that doing anything to Rock Fish Creek will not help Sills Creek. Mr. Murray said he removed all the beaver from Sills Creek but the Alligator Weed is the problem. Mr. Tate thanked all and said his dilemma is his neighbors. He said they want to know how to fix the problem and that he had asked for a resolution in May to address this. Mr. Murray said storm debris problems could be solved with chain saws and hip boots because you can do hand work without permits. He said it would cost a lot of money and that if you do Sills or any other you would have to move the debris far enough away that it won't go back into the water. Mr. Tate asked Ms. Brill to put together a Planning Committee to set priorities on cleaning rivers and creeks. He said the committee could possibly include him, Mr. Turner, Mr. Murray, someone from NC State and some of the citizens affected. Mr. Blanchard suggested that Ms. Brill check with staff at the Towns of Wallace and Kenansville to see if they are addressing issues related to Rockfish Creek. Ms. Brill said Duplin Soil and Water looked at it and there are sedimentation issues. Mr. Tate said he doesn't want to see the Black River Grant money go back and Ms. Brill said it is not our intent to send the money back. Mr. Williams said it's not smart to spend a lot of money to drag Black River to put debris on the bank and it falls back in. Mr. Turner said the Corps of Engineers dictates where you can put material and it can be placed no further than 20-25 feet away from the river/creek bed in a non-wetland area. Mr. Tate suggested we look at what funds Wallace applied for. Ms. Brill said Wildlife has said that when the water is normal, you can only move the debris poking out of the water. Mr. Murray volunteered to sit on the Task Force.

CONSENT AGENDA

Mr. Williams presented the six items on the Consent Agenda and asked for any questions or discussion. Mr. Blanchard mentioned number 7 and asked if that isn't a high price. Mr. Tate asked why we are paying that. Mr. Thurman explained that we locked in at a lower price for raw water. Mr. Blanchard said if we had built the plant with Lower Cape Fear, they would waive this fee. Mr. Tate made a motion to approve the Consent

Agenda as presented, Mr. Rivenbark seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

5. Approval of Minutes for the Regular & Closed Session Meeting of January 7, 2008.
6. Resolution Authorizing Payment to Carolina Architectural Products, Inc., for Installation of New Windows in the Gymnasium and Auditorium at Penderlea School: \$53,577.
7. Resolution Authorizing a Purchase Order to Lower Cape Fear Water & Sewer Authority for the Semi-Annual Payment on the Water Supply Agreement: \$60,498.64.
8. Budget Ordinance to Approve Increase in Health Department Revenues & Expenditures for FY 2007-2008: Mobile Health Clinic: \$158,530.
9. Resolution Authorizing the Purchase of One New Mobile Dental Clinic & Furnishings for FY 2007-2008: \$458,530.
10. Resolution Accepting Petition to Add Pebble Beach Drive in Hampstead to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.

RESOLUTIONS

11. Resolution Authorizing a Purchase Order to Fairway Ford for Vehicle Purchase: \$19,098.

Mr. Williams read the resolution. Mr. Blanchard said this was budgeted for and made a motion to approve the resolution. Mr. Rivenbark seconded the motion and it was unanimously approved.

12. Resolution Authorizing Addendum to Coeco Contract for Copy and Print Services, a New Five Year Rental Agreement for Wide Format Copier/Printer/Scanner for Planning - \$363 Month and the Purchase of a Color Printer for DSS - \$1,900.

Mr. Williams read the resolution. Mr. Blanchard made a motion to approve it, Mr. Tate seconded the motion and it was unanimously approved.

13. Resolution Supporting the Military Growth Task Force.

Mr. Williams said he and Mr. Tom Roper of the School Board represent Pender County on this task force. Mr. Roper said the Military Growth Task Force's initial focus will be on the impact additional Marines will have on local counties and that they will address the additional resources and infrastructure that will be needed as a result of the growth. He said an additional 11,477 Marines will be coming to Camp Lejeune; that this large growth will have an impact on the economy, infrastructure, schools, healthcare, housing, etc.; and that the large growth will add at least 3700 homes with only 850 on base. Mr. Roper said they had applied for a grant and hadn't asked for matching funds from counties but may ask for matching funds in the future. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

DISCUSSIONS

14. N.C. Division of Marine Fisheries: Pre-proposal: *Anchors Away/SE/WAMI-103-08*, Submitted for Consideration for the Waterfront Access & Marine Industry Fund: Formal Project Presentation.

Ms. Brill said the General Assembly recognized the need for waterfront properties and facilities and created the Waterfront Access and Marine Industry (WAMI) Fund. She said the WAMI will receive \$20 million through certificate of participation bonds. Parks and Recreation Director Dee Turner said there is a deficiency of public boating access areas in Pender County and that currently, there are only four public boating access areas in the County maintained by North Carolina Wildlife Resources Commission. Ms. Turner showed a map of a possible site for a future boat access. Mr. Williams said if the County comes up with the land for boating accesses, Wildlife will come up with the funds. He said they would have to be free 24-7 public accesses. Mr. Tate said they don't have public accesses on the western side of the County and asked staff to look into funds for that. Ms. Turner said there's no land available to access the Black River. Mr. Tate asked if Ms. Turner had asked anyone about selling land on the Black River and Ms. Turner said she had spoken to several people and they weren't interested in selling their land.

15. Comprehensive Plan and Unified Development Ordinance Project Update.

Planning Director Joey Raczkowski explained that upon approval by the Board of Commissioners, Planning staff disseminated Requests for Proposals in November 2007 from qualified consulting firms to assist the

County with a Comprehensive Growth Management Plan and Unified Development Ordinance. He said they received seven proposals, that anticipated time frames and costs to complete the project are as staff originally projected – time frame 18-24 months and projected costs range from \$140,000 to \$490,000. He said that staff questions both the lower and higher ends of the projected cost range and but they are confident that a qualified firm can be selected from the seven proposals submitted. Mr. Raczkowski said that prior to proceeding forward with formal review of the RFP's, Planning staff wanted to present the preliminary timeframe and cost overview to ensure this is the direction the Board supports. He said he wants to get the committee together to look at the proposals to bring back to the Board at the second meeting in February. He said the only way to complete the project is to have a task force or hire additional staff. Mr. Brown asked how many additional staff would be needed and Mr. Raczkowski said three to four, but at least three and the additional staff would be committed to this project only. He said that time would be the drawback to hiring additional staff and that if they hired additional staff, they would still have to have some outside legal assistance. He said if the Board supports it, they anticipate having a recommendation ready to present to the Board in February.

Item Number 18 was considered next.

18. Consideration of Appointing the US Highway 17 Corridor Overlay Advisory Task Force.

Mr. Raczkowski said staff and the project consultant suggested that the County form an advisory task force to coordinate the US Highway 17 Corridor Overlay Project. Mr. Williams said the committee should consist of at least two citizens from each section of Hampstead and have everyone list what category they fit. Mr. Raczkowski noted that the list of names attached came directly from the sign-in sheet of the Highway 17 Overlay public meeting held on November 15th and that he made no recommendations. However, the direction given to staff was to contact each member on the sign in sheet to verify where they lived and what background talents they may bring to the committee. Then the Board wanted a visual map depicting where each potential overlay committee participant lived in relation to the overlay district. Mr. Williams said the committee should consist of at least two citizens from each section of Hampstead and have everyone list what category they fit. Mr. Raczkowski noted that the list of names attached came directly from the sign-in sheet of the Highway 17 Overlay public meeting held on November 15th and that he made no recommendations. Mr. Blanchard made a motion for staff to be prepared to bring the information to the next meeting for the Board to adopt. Mr. Rivenbark seconded the motion and it was unanimously approved.

APPOINTMENTS

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

Mr. Rivenbark made a motion to re-appoint Dr. Nasrallah to the Pender County Health Board to serve a three-year term representing the Physician position, with term to expire January 31, 2011. Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Thurman noted that Kevin Reynolds was elected as Chairman of the Planning Board at their last meeting. Mr. Blanchard made a motion to appoint Hiram Williams to serve a three-year term on the Pender County Planning Board (replacing Mr. Reynolds) representing a Business position, such term to expire January 31, 2011. Mr. Tate seconded the motion and it was unanimously approved. Mr. Rivenbark made a motion to re-appoint Charles Newman to serve a three-year term on the Planning Board as the Fire Commission Advisor, with term expiring on January 31, 2011.

17. Amend the Appointment of Mr. Donald H. Luther to the Board of Adjustment.

Ms. Brill explained that at the January 7, 2008 meeting, the Board appointed Donald Luther to serve a three-year term on the Pender County Board of Adjustment representing an alternate position, with term to expire on January 4, 2011. She said it was later discovered that the appointment should have been made to serve the remainder of the unexpired term of Jeremy Strong who resigned from the Board. The term expires on January 4, 2010. Mr. Blanchard made a motion to amend the appointment, Mr. Rivenbark seconded the motion and it was unanimously approved.

CLOSED SESSION

At 6:22 p.m. Mr. Rivenbark made a motion to enter into closed session during dinner pursuant to NCGS 143-318.11: (3) To consult an attorney employed or retained by the public body in order to preserve the attorney-

client privilege; (5) to establish, or 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 or 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. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session. Mr. Blanchard seconded the motion and the Board unanimously approved going into Closed Session. The Board returned from Closed Session at 7:12 p.m. There were no announcements made upon exiting the closed session.

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

20. Public Hearing & Resolution Approving Grant Application and Authorizing Local Share of Community Transportation Program Operated by Pender Adult Services for FY 08-09: \$23,728.

The public hearing opened at 7:12 p.m. Mr. Wes Davis of Pender Adult Services (PAS) explained that PAS is asking for authorization to submit an application for a grant to the North Carolina Department of Transportation for the Community Transportation Program and authorize the local share of \$23,728 in the FY 2008/09 budget. He said this service is required by law to be provided for the benefit of Department of Social Services clients and PAS subsidizes the cost by approximately \$60,000 annually from their operating budget. He said they also operate the "Apple Bus" which provides transportation around Pender and New Hanover Counties for other citizens who pay \$1 each way. The public hearing closed at 7:15 p.m. Mr. Blanchard made a motion to approve the resolution, Mr. Tate seconded it and it was unanimously approved.

21. Public Hearing to Receive Public Comments Regarding the State 2009-2015 Draft State Transportation Improvement Plan (STIP). Hearing will be Preceded by Presentation by Robert Vause of NCDOT Regarding the Tip Process and Mike Kozlosky Regarding the Role of the WMPO in Transportation Planning in Pender County. Public Hearing to Receive Public Comments Regarding the State 2009-2015 Draft State Transportation Improvement Plan (STIP).

The public hearing opened at 7:16 p.m. Mr. Vause said NC DOT will be holding a public hearing Tuesday, January 29, 2008 from 2:00 to 4:00 p.m. to accept comments on the draft TIP and it will be held at the City Hall in Jacksonville. Mr. Vause said there seems to be some confusion about making Highway 17 six lanes. He said that is not in the TIP and that Raleigh had determined that sometime in the future, Highway 17 will need six lanes, even with the By-pass. Mr. Kozlosky spoke about the TIP Development Process and the Transportation Long Range Plan. He spoke about the project plan, project design, construction phase and project development stages of the Hampstead By-pass. He said they are currently working through the process and that the By-pass will extend from Sloop Point Rd. to Eastwood Rd. and Market St. in Wilmington. Mr. Vause said the six lane highway will be a divided facility with a "true" median. Mr. Chuck Wilson, President of the Greater Hampstead Homeowners Association (GHHA) distributed a report and spoke about keeping the focus on the Highway 17 By-pass. He said GHHA believes the County should take the following positions with NC Dot: actively support expedited action on the by-pass; oppose any consideration of widening Highway 17 until construction has commenced on the by-pass; support NC DOT study of engineered solutions that do not involve widening Highway 17 but that will make Highway 17 safer, more functional and more attractive; and we all need to work together to achieve our most important goal – the early completion of the Hampstead By-Pass. Mr. Wilson's full report is on file with the permanent records in the County Manager's Office. Mr. Tony Musolino of the group "Save Our Community" said their mission is to not incorporate Hampstead; that he talked to Allen Pope of DOT and Mr. Pope said it would cost \$20 million to put a median from Country Club Drive to Washington Acres; that he had looked at three different sources and none of them mentioned six lanes; that the idea is you have to be prepared to accept the fact that twenty years from now Highway 17 will need six lanes; and that he looked at all the programs DOT has and he can't find anything about six lanes. Mr. Musolino told the Board to not go to the meeting on the 29th and say "we don't want six lanes" because it will give DOT an idea. He said

the Board should stay focused on the by-pass and should say "we support the people of Pender County and Hampstead and they want a by-pass." Mr. Richard Thomas of Highway 53 West in Burgaw suggested they take the funding for the Highway 53 Burgaw By-pass project and divert it to the Hampstead By-pass where people want it. He said Burgaw doesn't need a by-pass and putting one would put him out of business. Mr. Thomas Schroder of Olde Point Villas II said the Olde Point Homeowners Association express the same kind of feelings as Mr. Wilson's group. The public hearing closed at 7:50 p.m. Mr. Tate made a motion to approve the Resolution Regarding the State Transportation Improvement Program, Mr. Rivenbark seconded the motion and it was unanimously approved.

22. Zoning Text Amendment – Don O'Neil, Applicant: Requesting an Amendment to Section 8.9, Table of Permitted Uses of the Pender County Zoning Ordinance.

The public hearing opened at 7:50 p.m. Planner Kyle Breuer explained that the applicant is requesting that "Office Only, Single Unit, Business, Government Services and Professional Activities" be permitted in the R-20, Residential District with a Special Use Permit. He said the Zoning Ordinance currently does not permit these as a use by right or by special use permit in the R-20, Residential District. He said after further review, the Planning staff would like to possibly add this use under special provisions (Section 15.5, Pender County Zoning Ordinance), and that the Planning Board voted unanimously to recommend approval of this zoning text amendment at their October 7, 2007 meeting. The public hearing closed at 7:53 p.m. Mr. Blanchard made a motion to approve the Zoning Text Amendment, Mr. Tate seconded the motion and it was unanimously approved.

23. Zoning Map Amendment – Bernard Morris, Montague Woods, LLC, Applicant and Owner: Requesting Rezoning of 56.15 Acres Located at 7167 US Highway 421, Currie, NC.

Mr. Thurman explained that unlike Special Use Permits, you don't have to be sworn in to speak on Zoning Map Amendments. Planner Ashley Frank explained that the property is located at 7167 US Highway 421; that a petition against the amendment from the residents of the Montague Road area was presented to the Planning Board at the December 4, 2007 meeting; and that the Planning Board had voted 3 to 2 to deny the amendment. Attorney Rick Biberstein said he represents Mr. Morris and Montague Woods. He said Mr. Morris can't attend the meeting because he is in the hospital and said he hesitates to ask for a continuance because of all the people present to speak tonight. He asked the Board if he and citizens can speak tonight but the Board won't make a decision tonight. Mr. Williams said it is not a special use permit so Mr. Biberstein can speak on behalf of his client. Mr. Tate said he wants to hear from the client himself and wants citizens to hear from him too. Mr. Brown asked if we're going to be satisfied with Mr. Biberstein's answers and said if he has a question for Mr. Morris and he's not here, it will affect his decision. It was the consensus of the Board that they want to hear everyone speak at the same time. Mr. Blanchard made a motion to continue the Zoning Map Amendment to the second meeting in February, Mr. Tate seconded the motion and it was unanimously approved. A resident of the area said this is the fourth time they've attended a meeting concerning this case. Mr. Tate said he appreciates the residents for attending. Mr. Brown agreed with Mr. Tate and said they can't help if there was a medical emergency.

24. Zoning Map Amendment – Haden Stanziale, Applicant, on Behalf of Keith Avant, Owner: Requesting Rezoning of Three Parcels Totaling 25 Acres Located at the Corner of Country Club Drive and Mallard Bay Road in Hampstead, NC.

Mr. Raczkowski said the applicant and staff had agreed to continue this case. Mr. Blanchard made a motion to continue it, Mr. Brown seconded the motion and it was unanimously approved.

25. Special Use Permit – Lawrence Church, Applicant and Owner: Requesting Approval for Storage of Merchandise, Materials or Equipment inside an Enclosed Building, Excluding Salvage Located at 21572 US Highway 17, Hampstead, NC.

The public hearing opened at 8:14 p.m. Mr. Thurman swore in the witnesses. Planner Jeff Jowett explained that the property consists of 1.00 acre and is zoned RT, Rural Transition District; that the storage building is 30 x 50 equaling 1500 sq. ft. and will be utilized to store a motor home, two tractors, a skid loader, two fork lifts,

merchandise, materials and equipment pertaining to the farm market health store business located on the property. Mr. Rivenbark and Mr. Brown asked why salvage was excluded from the request. Planner Ken Vafier explained that salvage is addressed in Item Number 4 of the conditions. Mr. Church said there is no salvage at all there and showed the Board a picture of the building. Mr. Thurman asked Mr. Church if everything he presented was true to his knowledge and Mr. Church responded affirmatively. The public hearing closed at 8:20 p.m. Mr. Blanchard made a motion to approve the special use permit, Mr. Brown seconded the motion and it was unanimously approved.

26. Special Use Permit – Brad Vogel, Applicant & Owner: Requesting Approval for a General Retail Merchandise Store Located on the North Side of US Highway 17, Across from Royal Tern Drive, Hampstead, NC.

The public hearing opened at 8:20 p.m. Mr. Thurman swore in the witnesses. Ms. Frank explained that Heartline Medical is an Accredited DME (Durable Medical Equipment) that ships medical supplies via UPS as well as providing supplies for local home health care agencies, physicians and local residential. She said that Heartline Health and Nutrition is a vitamin retail store, that the property is zoned RT, Rural Transition District, that general retail merchandise stores are permitted in the RT via special use permit, and that the property is classified as Urban Growth Area. Mr. Vogel said the business is basically a large mail order, that there will be no 18 wheelers, and that it is a quiet and simple business. Mr. Thurman asked Mr. Vogel if everything in the application is true and Mr. Vogel responded affirmatively. The public hearing closed at 8:25 p.m. Mr. Blanchard made a motion to approve the special use permit, Mr. Brown seconded the motion and it was unanimously approved.

A break was taken from 8:25 to 8:32 p.m.

27. Zoning Map Amendment – Pender County, Applicant & Owner: Requesting Rezoning of a Portion of a 9.5-Acre Lot Located on US Highway 17, Across from the Intersection with Hoover Road, Hampstead, NC.

The public hearing opened at 8:32 p.m. Mr. Vafier explained that this request is being made in order to consolidate the entire property into one zoning district. He said the Pender County Tax Assessor's Office is in the process of conducting a property appraisal and has originated this request in order to get the best price for the property. The public hearing closed at 8:45 p.m. Mr. Blanchard made a motion to approve the Zoning Map Amendment, Mr. Tate seconded the motion and it was unanimously approved.

28. Zoning Map Amendment – Duplin Land Development, Inc., Applicant, on Behalf of Pender Properties, LLC, Owner: Requesting Rezoning of 362.44 Acres Located on Blueberry Road, Approximately 1 Mile West of the Intersection with US Highway 421.

The public hearing opened at 8:45 p.m. Mr. Raczkowski explained that the applicant is requesting that 362.44 acres be rezoned from RA, Rural Agricultural District, to PD, Planned Development District; that a PD District allows greater flexibility; that RA provides for very low density residential uses; that PD encourages cluster development; that cluster development patterns incorporate significant open space and protect viable farm and timber operations; and that the Pender County Planning Board recommended denial of this request in a 3-2 vote at its January 8, 2008 meeting. Mr. Raczkowski said the Planning Board was concerned about the possibility of commercial activity and said we don't know what the applicants will present in their Master Plan. Mr. Thurman said there's more environmental protection with this type development than with RA subdivisions. Mr. Tate clarified that what Mr. Thurman said about environmental protection was true and Mr. Thurman said yes. Mr. Brown asked if the Developer wanted to put in 362 houses, was it true that Planning can't deny it. Mr. Raczkowski said "hypothetically, no they can't deny an RA subdivision" but added that every lot may not perk. Mr. Biberstein said he represents the applicant, and owner, Murphy Family Holdings who developed River Landing in Wallace, NC. He said this is the first step in the process and if approved, they will then present their Master Plan. He said there is tons of protection in PD, Planned Development District. Mr. Kevin Hine spoke in favor of the project and said it will be a low impact, high quality community. He said it allows you to put homes on smaller home sites, which allows more open space; that they held a community meeting for one-on-one discussions to address any concerns of residents and under fifty people attended; that there were some

concerns about traffic and environment; and that they met with the School Board Chairman and the Superintendent to let them know this development won't have a big impact on the Schools. He said there will not be 12 units per acres as stated in the Media. Mr. Mark Ashness spoke in favor of the project and said he is an engineer who is currently working with Mr. Hine. He said PD is to afford people to do things differently; that PD is the only category to allow them the flexibility to have exceptional open space; that it is a low density project with no stormwater runoff, that they can do a community wastewater system; and that it has limited access to Blueberry Rd. Brenda and Bud Hopkins spoke and said the applicant had the community meeting at 5:00 during a work day and they would have loved to see the plan; and that where they live the houses have no less than one acre. They were concerned about the development because the western side of Pender County is Rural Agricultural, traffic concerns on secondary roads, the effect excavating sand will have on the water table; where the applicant will get sewer, harvesting trees and the deer habitat being greatly disturbed. They said they have a petition with sixty signatures against rezoning from RA to PD. Former Commissioner Steve Holland spoke and said he's one of the ones that wanted development on Highway 421. He said the County brought land on 421 to put water and sewer in for development and it will add greatly to the County's tax base. He said that currently there are not enough people over there to have a fire department and this will help get fire assistance and that fire hydrants will be put in and people can get cheaper fire insurance. He said there will be more control over PD than if they were putting in single family homes. Mr. Marty Boyko said that listening to the Media, he had his mind made up against it but after listening to the developers, Steve Holland and others, he has to "research and rethink" it. Ms. Sharon Hartung spoke and said that as wonderful as this PD sounds, it's not in alignment with Highway 421. She was concerned about where they would get water and said the Planning Board was wise to be cautious. Mr. Williams said if they get County water, it will come from the Cape Fear River. Ms. Hartung said they don't want to be like surrounding counties, River Acres or Hampstead. Mr. Tate asked if Blueberry and Montague Roads will be greatly impacted and Ms. Hartung responded positively. Mr. Stephen Carpenter said the development they are proposing will be better than building on one acre lots. He said looking at the property from an agricultural standpoint, they could put hog farms on it. Mr. Doug Springer of Cape Fear River Watch said he is concerned that this is on the Black River and ground water does run to it. He said if the Board doesn't abide by the CAMA Land Use Plan, they might as well throw it away. He said this is not a good thing and the Board should send it back to the Planning Board. Mr. Williams said we can't legally send it back to the Planning Board. Mr. Blanchard asked if Mr. Springer is testifying tonight as an official or a citizen and Mr. Springer said he's testifying as a citizen on behalf of Cape Fear River Watch. Donnie and Nancy Phillips said the Board needs to think about how many people will be affected by this before they approve it. They said they moved away from Brunswick County to get to a rural area and that it's hard to find rural land to buy. Ms. Phillips said only two homes didn't flood in River Landing when the flood came and said they already don't have good drainage in the proposed project area. Mr. Milton Malpass said he has two kids and if he gives them land to build on he would have to give them an acre each and these people (the developers) are coming in putting lots of houses on lots. He said the area has been RA for 38 years and asked the Commissioners not to let the community down. He said if they let the community down, someone else will be sitting in their seats next time. Ms. Joan Weld spoke in favor of the project. She said they moved here for serenity but they know growth is coming. She said this approach is better environmentally than houses on one acre with individual septic systems. Mr. Tate asked if Ms. Weld firmly believes in industrial development on 421 and Ms. Weld said as we continue north, we really need to be very careful. Mr. Rivenbark asked about water and sewer; Mr. Hine said they have every intent to be supportive of County water and there will be no discharge into the Black River. Mr. Tate asked if River Landing provided jobs for citizens and do they intend to make a commitment to give back to the community. Mr. Biberstein said the benefits are unbelievable and they do intend to give back to the community. He said citizens are still working in construction at River Landing. The public hearing closed at 9:55 p.m. Mr. Tate made a motion to approve the request, Mr. Blanchard seconded the motion and it was unanimously approved.

29. Zoning Text Amendment – Glenn Lewis, Applicant: Requesting Amendments to Section 2(19), Definition of Building Height, Section 9.16, Maximum Building Height, & Section 8.10, Schedule of District Requirements of the Pender County Zoning Ordinance.

Mr. Raczkowski explained that the applicant is requesting any structure exceeding thirty five-feet could have the option to apply for a special use permit to be granted by the Board of Commissioners. He said the Zoning

Ordinance currently does not allow structures to exceed the height of thirty-five feet, only with the exception of Section 10.3-Height Limit Exceptions, which includes but is not limited to non-human occupancy structures above the roof line and necessary mechanical appurtenances. He said staff researched other jurisdictions in our geographical area and their height limits and that the Planning Board recommended denial of the rezoning request. The public hearing opened at 10:06 p.m. Mr. Lewis said he can still do the project at thirty-five feet but he hates to take up that much ground space, that the facility will not be inhabited and that he would like forty-eight to fifty feet. Stephen Carpenter, speaking on behalf of Mr. Lewis, said they've had ample opportunity to sell for development but they want to keep it commercial, that they submitted a new amendment with big changes that eliminates residential, that the forty-eight feet came from Surf City and that commercial has to go above thirty-five feet or it won't be viable. Mr. Williams said he'd like to see this go back to the Planning Board. The public hearing closed at 10:25 p.m. Mr. Rivenbark made a motion to continue it to the next available Planning Board meeting. Mr. Tate seconded the motion and it was unanimously approved.

**30. Special Use Permit – Stephen Carpenter, Applicant, on Behalf of Glenn & Mark Lewis, Owners:
Requesting Approval for a Marina Located at 314 Lewis Road, Hampstead, NC.**

The public hearing opened at 10:25 p.m. Mr. Thurman swore in the witnesses. Mr. Vafier explained that the applicant is requesting to construct and operate a 9 slip boat marina utilizing 3 floating docks; that the property is located at 314 Lewis Road, off Sloop Point Loop Road in Hampstead; that the property currently has a bulkhead installed along the Intracoastal Waterway; that the owners received a special use permit to operate a dry-stack boat storage facility at the January 16, 2007 Board meeting; that access will be provided via Lewis Road, which is an existing N.C. DOT maintained road; that all applicable state and federal permits must be obtained prior to construction and operation; and that the property is classified as an Urban Growth area and Conservation I area. Mr. Thurman asked if everything in the application true in fact and Mr. Carpenter responded affirmatively. The public hearing closed at 10:30 p.m. Mr. Blanchard made a motion to approve the request, Mr. Brown seconded the motion and it was unanimously approved.

**19. ITEMS FROM THE COUNTY MANAGER/COUNTY ATTORNEY/COUNTY
COMMISSIONERS**

Mr. Rivenbark mentioned National County Government Week and said he received a call from the Navy saying they were no longer considering Pender County for an outlying landing field.

Mr. Tate said he met with citizens from his district and discussed water and sewer. He said his was the only district that didn't vote for the water bonds and now that they see the benefit of it, he wants it to go back to the polls in the May Primary. It was the consensus of the Board to put it on the May ballot. He said he wants Ms. Brill to work with him to go out in his district before election time.

Mr. Rivenbark said he received a Health Department report and that the Department had achieve accreditation.

Mr. Williams mentioned the fact that Pender County Schools will receive more than \$1 million in technology funds.

Mr. Brown thanked everyone for their support when his father recently passed away.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:35 p.m.

Respectfully Submitted,

Glenda Pridgen

Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

Melinda Knoerzer

Melinda Knoerzer, Deputy Clerk to the Board

Review of Planning Matters:

Joey Raczkowski

Joey Raczkowski & Staff
