

**FRIDAY, SEPTEMBER 28, 2007
WATER & SEWER WORKSHOP**

The Pender County Board of Commissioners met in a special session on Friday, September 28, 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; Tony Boahn - McKim & Creed, Scott Satterfield – Wilmington Industrial Development, Skip Green, Bruce Shell- New Hanover County Manager, Averil Pinder, NHC Finance Officer, Greg Thompson, 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 1:00 p.m.

Ms. Brill welcomed everyone and thanked them for their participation. She introduced Tony Boahn of McKim & Creed Engineering who provided an overview of infrastructure in Pender County.

WATER TREATMENT PLANT

Mr. Boahn's presentation included the following:

- The County must update the Water and Sewer Master Plans every five (5) years, or by 2010.
- Pender County currently has 800,000 gpd of water from Wallace and can increase to 1,100,000 (cannot take the full 1,200,000 due to pump limitations)
- Need to plan for Water Treatment Plant (WTP) construction of initial 2MGD plant with expansion by 2011 to be online by 2015 for New Hanover County (NHC)
- NHC wants 300,000 gpd by 2015
- Pender County must continue with plans to build a 2 MGD WTP because to build anything larger would require a re-design and substantially delay this project. USDA plans to fund the entire project in the FY07-08 cycle and would like to fund it in the first part of the fiscal year.
- This WTP is the largest single USDA project in NC and we cannot afford any further time delays
- \$17.5 million cost to build the project was old estimate – actual cost now estimated at \$20-\$21 million
- \$8.5 million is estimated cost for NHC to build transmission mains to carry the water to customers – the debt service for which is \$600,000 annually. Estimated monthly water bill to NHC customers is \$43- none of which is the cost to Pender County residents

The next steps in this project are as follows:

- Need Interlocal Agreement between PC and NHC
- Need to build a 2MGD plant – timeline for which is estimated at 36-42 month from the selection of the Engineering Firm to design.
- Must begin planning for Phase II expansion of Plant which can be done while Phase I is under design
- Initial plant to be designed for expansion to meet NHC needs and increased PC needs
- When plant is online, Pender will need 7,300 customers to fund the debt service.
- Pender Utilities currently has 4600 customers including Phases I, III, IIIa, IV and V

Positive Impact of NHC involvement:

- O & M Costs decrease in per gallon cost as more users are brought online
- Gives Pender a buffer if our local development occurs more slowly

Mr. Boahn reminded the group that the Water Master Plan calls for a demand of 7.2 MGD by 2020 in Pender County alone. The maximum upgrade potential would be 8 to 10 MDG depending on how aggressively the County develops.

WASTEWATER TREATMENT PLANT

Stressing the importance of Regionalization and a partnership with New Hanover County, Mr. Boahn made the following points during his presentation on wastewater:

- NHC has NPDES (National Pollution Discharge Elimination System) permit for 4 MGD to discharge by a pipe into the Cape Fear River, which expires in November of 2011
- Pender County has the land upon which to build a Wastewater Treatment Plant (WTP)- former site of BASF off Highway 421 near the Pender/NHC border
- Could be co-located with the Water Treatment Plant on same property
- No Collection/Conveyance problems in either PC or NHC
- Soils in this area will accommodate spray/drip land applications or infiltration ponds.
- Location fits well with County's Wastewater Master Plan
- PC has no immediate potential customers but NHC has identified 120-150 users, needing approximately 300,000 GPD.
- A 4 MGD plant would cost \$80 to \$100 million to build, but a 1 MGD plant is estimated at \$23 million and can be built to be expanded. 500,000 GPD each for NHC and PC.
- 1 MGD would take 48-60 months to complete as they anticipate a challenging Environmental Assessment process
- All projections are premised on "Domestic" and not "Industrial" waste.
- Could look into production of fertilizer solids to sell back to farmers – as well as re-use water which has great value for irrigation, etc.

Scott Satterfield of Wilmington Industrial Development said that the endeavor here today is a good one, however, water and sewer are not an incentive for his clients, they are a necessity. He reviewed the successes of Del Labs, currently employing over 1,000 employees. He said the Highway 421 corridor is ripe for industrial development, but not without ample utilities. He noted that the airport, state ports and highway systems in and around this area are growing, particularly with the proposed I-74 corridor. He said that if Pender would invest and participate with NHC he believes that great results will be realized. He said each year he has to turn away clients because he does not have sites that fit their needs.

Bruce Shell, New Hanover County Manager, said that his County has lost opportunities because there is no water and sewer on the Highway 421 corridor. He said that while water is a given, both counties will have to get very creative on the funding for the sewer component. He said he will be asking for a vote of his Board on October 15th to support a partnership, the consensus of which is very favorable. He noted that they are taking a more regional approach in these projects, citing the creation of Cape Fear Utilities, a joint venture of the City of Wilmington and New Hanover County. He said that the recent announcements regarding the expansions of Invista and General Electric, anticipated to create 950 new jobs in the area, will have a great economic impact on this corridor. He said that New Hanover would be a customer of Pender's for bulk capacity and Pender would not handle individual services.

Mr. Shell noted that it is not easy anymore to renew an NPDES permit unless projects are clearly underway.

GRANT AND OTHER FUNDING OPPORTUNITIES

Mr. Skip Green, Grant Consultant, outlined the following opportunities for funding:

- USDA – Loans and Grants
- CDBG
- EDA- Pender County can apply for grants based on credits for jobs being created in NHC.
- Clean Water Management Trust Fund – objective is to stop degradation by taking smaller systems offline (users in NHC will come off line)
- All parties need to agree t take on debt first, then seek grant opportunities to offset. The cost of the project exceeds grant funding capability.
- Construction Grants and Loans – requires 51% residential customer base to participate
- STAG Grants- are for small amounts of money – compared to overall cost of project. No additional STAG grant requests are begin taken at this time.
- Installment Financing

OWNERSHIP OF THE PLANT

- Either Pender could own and NHC become a customer of Pender, or each could have 50% ownership.
- Pender is the stronger “grant” applicant.
- Ownership Issues are unresolved.

At the completion of the meeting, both parties agreed there is a strong spirit of cooperation and will present resolutions of support to both the NHC and PC Boards of Commissioners on October 15, 2007.

Respectfully Submitted,

Melinda Knoerzer, Deputy Clerk to the Board

Reviewed By:

Lori Brill, Clerk to the Board

MONDAY, OCTOBER 15, 2007

The Pender County Board of Commissioners met in regular session on Monday, October 15, 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; Glenda Pridgen, 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

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Williams led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Rails to Trails Program Brief: Susan Bullers, Ph. D., Women's Resource Center Director, University of North Carolina Wilmington.

Ms. Bullers noted that she is speaking on this matter as a Pender County citizen, not representing what's listed on the agenda. She said she is asking the Board for support and assistance to research the possibility of developing a public bike/hike trail along the abandoned rail corridor that runs from Atkinson to I-140 near Hwy 421. Ms. Bullers gave a brief history of the Rails to Trails Program, which included: Benefits – including rural economy, public health, tourism historic preservation and others; and Beneficiaries/Stakeholders – including neighborhood families, schools, developer, Moore's Creek Battlefield. She showed a map of the corridor and said she is asking for help from Planning and the Parks and Recreation Department to help get the project started. She noted it is important to look at this quickly because of the issue of ownership of the property. Mr. Tate asked if she had looked at any grant funding and Ms. Bullers responded she hasn't approached anyone in particular yet but she is compiling a list of agencies to approach. Mr. Williams mentioned looking up ownership of the property on the County's GIS System. Mr. Brown asked if there are any DOT signs like the ones on Hwy 117 and Ms. Bullers responded she hadn't walked the corridor yet and said that DOT had never indicated who owns it. Mr. Tate suggested Ms. Bullers talk with someone at UNCW in the Historic Preservation Department about becoming a potential partner and said she should talk with Pam Batten in the Tourism Department and Wayne Batten at Cooperative Extension Service. Mr. Al Shortell of the Cape Fear Bicycle Club spoke and said he had worked with Ms. Batten before and said this is a wonderful opportunity and he will offer any support he can. It was the consensus of all concerned that the first step of the project would be to research the availability and status of the property and to identify who owns it. The Board authorized Parks & Recreation and Planning staff to work with Ms. Bullers on this.

2. Annual Report for the Division of Communication Corrections: Jean Walker, Judicial District Manager, Division of Community Corrections.

Ms. Walker said she is proud of the staff in the 5th Judicial District which is comprised of New Hanover County, an urban area, and Pender County, a large rural area. Some of the highlights of her report included: 1) Personnel: a total of 95 employees including judicial, officers and administration; 2) Facilities: New Hanover County main and satellite offices and Burgaw office; 3) Programs: Urban Plan Project which includes the Community Services Work Program, Special Operations Unit, Field Units and others; Specialized caseloads which include Sex Offender Control Program, Electronic House Arrest, Domestic Violence and others; and additional emphasized caseloads which include Community Threat Group, Intensive Supervision, US Marshal's Task Force and others; and 4) Activities: Community

Policing, Red Cross Blood Drive, Salvation Army, Lower Cape Fear Hospice and others. Mr. Brown asked if sex offenders are required to make their presence known in communities and Sheriff Smith responded they don't have to but said there are many ways you can find out if there are offenders in your neighborhood. He said sex offenders have to register with the Sheriff's Department and it can be searched by anyone in many different ways. Ms. Walker noted that this will be the second year of the "Operation Lights Out Program" – a program in which sex offenders have to keep their lights out on Halloween and officers will be contacting every sex offender to ensure this. Mr. Tate asked with regards to the program that generates funds, how it equates with the overall administrative costs. Ms. Walker said their payroll is around \$3 Million and the amount collected from offenders is around \$2 Million. She said approximately \$350,000 is collected from Pender County offenders and approximately 1/3 of all monies collected goes back to the victims. Ms. Walker noted that most primary felonies are drug related and most primary misdemeanors are DWI's.

3. Resolution in Support of Jean Beasley of the Karen Beasley Sea Turtle Rescue and Rehabilitation Center - Finalist in Animal Planet's "Hero of the Year" Award.

Commissioner Williams said Ms. Beasley has worked hard with the Karen Beasley Sea Turtle Rescue Center and has now been selected as one of ten finalists for the distinction of "Animal Planet Hero of the Year." He said he requested a resolution from the Board in hopes that it will persuade more folks to vote for Ms. Beasley. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

4. Update on Water & Sewer Infrastructure: Tony Boahn, McKim & Creed Engineers. Resolution of New Hanover County & Pender County: Water & Sewer Treatment Plants along the U.S. Highway 421 Industrial Corridor.

Mr. Boahn said this report is really just a reiteration of the Water & Sewer Workshop held by the County a couple weeks ago. He said that during the workshop the following concepts were discussed: New Hanover and Pender working together is a feasible joint partnership; Pender County is going to construct a 2 MGD water treatment plant and will plan for an upgrade to accommodate the needs of New Hanover as a customer of that plant; Pender could also partner with New Hanover to construct a 1 MGD wastewater treatment plant that could potentially increase and New Hanover County would either be part owner, or would own capacity in and be a customer.

With respect to the water treatment plant, Mr. Boahn explained that the original estimate of \$17.5 million to construct is outdated and today's costs are more in line with \$22 to \$23 million. He said this project has been submitted to USDA for funding; engineering design will start January 2008 and projected completion of the project is 2011. He said that having New Hanover County as a customer will have no impact on the fees to be charged in Pender County. Mr. Boahn showed a map of the proposed water and wastewater system and showed how it connects to the Rocky Point Water and Sewer District. Some of Mr. Boahn's other highlights included: the benefits of having this regional "partnership" is that Pender owns the land and New Hanover owns the NPDES permit; regionalization is beneficial to permitting, funding and grants; the system will provide service to the entire corridor; there will be significant savings due to co-location of the water and wastewater plants; 4 MGD is too expensive to build initially; the project start-up will cost approximately \$15 Million - \$7.5 for each county; New Hanover has existing customers on Highway 421; and the projected timeline is 54 to 66 months.

With regard to the wastewater treatment plant, Mr. Boahn said the next steps are to consult with DEHNR and get an Engineering Alternative Analysis which is approximately \$50,000 and is estimated to take six months and an Environmental Assessment at \$175,000 estimated to take eighteen to twenty months. Mr. Williams said the plant can be designed to be added onto. Mr. Boahn said it is a "necessary evil" to build small and plan for expansion. Mr. Rivenbark said eleven years ago some gentlemen from New Hanover sent a letter to Pender asking for collaboration and now their Chairman, Bill Caster, and Manager, Bruce Shell, are present here today. Mr. Caster said it was a pleasure to have Ms. Brill and Commissioner Brown at their meeting this morning. He said he believes that a regional approach will work for both entities; that a 2002 Interlocal Agreement was signed for Del Labs, which is a fine facility; and that despite opposition in New Hanover County at that time, it turned out that it was the right thing to do. Chairman Caster said New Hanover's NPDES permit is good until 2011. He expressed concern that we don't "mess around" on this and risk losing this opportunity to "do something with the Highway 421 corridor" – he thanked Pender for "doing something."

CONSENT AGENDA

Mr. Rivenbark presented the one item on the Consent Agenda and asked for any questions or discussion. Mr. Thurman noted the meeting was October 1st and not October 10th as written. Thereupon, Mr. Blanchard made a motion to approve the Consent Agenda as presented, Mr. Williams 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 October 1, 2007.**

DISCUSSION OF LAND TRANSFER TAX

Mr. Williams said he had been contacted by Ken Lanier, Chairman of the School Board, who was concerned about people that live outside Pender County raising money to work against the Land Transfer Tax. Mr. Williams introduced Ms. Lorrie Luhring, a concerned citizen who along with other Pender County citizens formed the political action group "Better Way to Pay." Mr. Williams presented Ms. Luhring with a \$100 check and said each Commissioner contributed \$100 out-of-pocket to help fund the group. Ms. Luhring said they have a resolution to approve the Land Transfer Tax; that with the astronomical growth in Pender County the tax is a real benefit for funding the Schools; that they had been writing the General Assembly for other options to fund the Schools for several years; that their Referendum Committee had filed with the Board of Elections; and that realtors are saying the economy is dwindling and that is not true.

RESOLUTIONS

6. **Resolution Authorizing the Pender Housing Initiative Advisory Board to Reinvest the Reserve Accounts for Seven Oaks Apartment Complex.**

Housing Director Angela Keith explained that the Pender Housing Initiative Board is seeking permission to reinvest several of the Seven Oaks reserve accounts to higher yielding (FDIC insured) certificates of deposit, which will increase earning potential. She said that currently, all the accounts are held with Bank of America in low interest rate checking accounts or reserve accounts and that the new accounts will be invested with Wachovia Bank and arranged to "stagger" from six months to a year in order to ensure that at no time the property will be without funding or incurring penalties. She said all accounts will be segregated but will have an "umbrella statement" that will be more efficient. Mr. Tate said he really thanks Ms. Keith for the job she does in the Housing Department. He said that several years ago he was always reading negative items about the Housing Department. Mr. Blanchard made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

7. **Resolution Authorizing the Sale of County Property: PIN # 3292-19-3340-0000, 0.14 Acres to Hampstead Village Shopping Center: \$9,071.34.**

Administrative Assistant Melinda Knoerzer explained that Mr. James Carl had originally started the bidding on this property at \$7,000. She said there was another interested party counter-bidding and the amount had escalated to \$9,071.34. She noted Mr. Carl's last bid had not been upset and that he is the successful bidder at this amount. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

8. **Resolution Authorizing Purchase Orders to Dell Computers and Dana Safety Supply for the Purchase of Mobile Computers And Mounting Hardware: \$6,966.56.**

Sheriff Carson Smith explained the resolution and said that things they were looking to do anyway, can now be done with grant monies. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

9. **Resolution Authorizing the Purchase of One Used Vehicle for Fiscal Year 2007-2008: \$13,670.**

Ms. Brill explained that this request is the result of the State passing a mandatory Well Water Program. Administrative Assistant Gwen Smith explained that the vehicle is for the additional Environmental Health Specialist hired to operate the new Well Water Program. She said a vehicle was included in the FY 2008 Environmental Health Program budget for the position and that the used vehicle is a low-mileage vehicle. Mr. Tate made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

MAPLE HILL WATER & SEWER DISTRICT

The Board convened as the Maple Hill Water & Sewer District from 4:54 p.m. to 4:56 p.m.

10. Resolution of the Maple Hill Water & Sewer District Awarding Contract for Engineering Services for Maple Hill Sewer Project to Hobbs, Upchurch & Associates, P.A. and Authorizing a Purchase Order in and Amount Not-to-Exceed \$312,000 for the Maple Hill Sewer Project.

Mr. Parker explained that these funds are coming from a \$2.7 Million grant awarded to the County to construct a sanitary sewer system in Maple Hill. He said Hobbs, Upchurch was chosen out of three firms that responded to bids for this project, based on predetermined criteria. He said Hobbs, Upchurch propose to complete the engineering task in line with the project budget as follows: \$40,000 – surveying; \$140,000 – detailed design and \$132,000 – construction management/inspection. Mr. Williams added that he is glad a local firm got the bid. Mr. Brown made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

SCOTTS'S HILL WATER & SEWER DISTRICT

The Board convened as the Scott's Hill Water & Sewer District from 4:56 p.m. to 4:58 p.m.

11. Resolution of the Scott's Hill Water & Sewer District Accepting the Conditions in the June 20, 2007 Letter of Conditions from USDA, Rural Development.

Mr. Parker explained that the conditions are the same as the conditions for the Rocky Point/Topsail Water & Sewer District and that the County Attorney had reviewed them. Mr. Williams noted that some concerned citizens volunteered and did most of the "leg work" by doing surveys of residents of the area. Mr. Rivenbark added good water is needed in this area and that years before, citizens had expressed concerns of salt in their drinking water. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

DISCUSSION

12. Update to the Board of Commissioners Regarding Current Community Development Block Grant Projects.

Planning Director Joey Raczkowski noted the following Community Development Block Grant Projects are currently ongoing: 1) Scattered Site Housing Project; 2) Crisis Housing Assistance (Rocky Point Tornado); and 3) the Fuller Lane Project. He said the Fuller Lane Project is an "environmental nightmare" and said he is sending a letter to the State requesting an extension. There was no formal action needed by the Board.

APPOINTMENTS

13. Resolution Approving Appointment of Citizens to Various Boards, Commissions, Etc.

Ms. Brill explained that the resolution is to appoint a citizen to the Pender County Social Services Board. There were two applicants: Mr. Don Hall of Rocky Point and Mr. Harvey James Tate, Jr. of Willard. Mr. Blanchard noted he sits on the Social Services Board. He said he had encouraged Mr. Hall to apply for the position but said someone from the western side of the County needs to be appointed to this board. Mr. Tate said he will abstain from voting if necessary because Mr. Harvey Tate is a family member; he added that Mr. Tate is very deserving of being appointed. Mr. Blanchard made a motion to approve the appointment of Harvey James Tate, Jr. to the Pender County Social Services Board to serve a three-year term representing a Board of Commissioners Appointment, such term to expire June 30, 2010. Mr. Williams seconded the motion and it was unanimously approved.

14. ITEMS FROM THE COUNTY MANAGER

Ms. Brill presented the following: Cooperative Extension Director Wayne Batten will present the Board with his Annual Report during a luncheon meeting on December 3rd, following the Board's regular meeting; due to issues with getting chemicals, Mr. Batten will present the update on Sills Creek at the November 5th meeting instead of today's meeting as requested; Marc Finlayson of the Highway 17 Association will present an update at the November 19th meeting; the announcement of an additional 11,500 troops coming to Camp Lejeune, which is expected to bring the total to 20,000 to 25,000 over the next five years; and the Maple Hill Parade on Saturday, October 22nd.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he has an item for closed session and said the Supreme Court denied Donald Sullivan's petition in which he was trying to sue the Sheriff and others. He noted this case had gone on for a number of years.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown said he would like to excuse himself in order to attend a countywide Parent Advisory Board meeting at Cape Fear Middle School beginning at 5:30 p.m.

Mr. Williams noted a situation on Renee Drive in Hampstead involving an inoperable vehicle and the neighbors signing a petition against it. He said Code Enforcement Office Ralph Kays had investigated it and it's been turned over to the County Attorney.

Mr. Tate said he attended the Penderlea Volunteer Fire Department's celebration of fifty years of public service on October 13th and said it was well represented. He apologized for not being able to attend the Rocky Point Harvest Day on the same day and said he understood it was well attended.

Mr. Rivenbark mentioned the proposed navy landing strip. He said his house is only 4 ½ to 5 miles from the runway and noted that five other counties had already passed resolutions opposing it. Mr. Blanchard said he doesn't think it's appropriate to weigh in on this at this time and said he lives closest to the landing strip than any other Board member. Mr. Williams said he wants to wait and see how the process plays out. Mr. Tate said he attended a PenderWatch meeting in which this was discussed and said he's indecisive right now because we don't have enough information yet. He said we should have received advanced notice from the Governor. Mr. Rivenbark said Senator Doyle is also concerned about them not sending prior notice.

PUBLIC COMMENT

There was no public comment.

CLOSED SESSION

At 5:14 p.m. Mr. Tate made a motion to enter into closed session 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. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session.

A recess was taken from 5:14 to 5:19 p.m. Mr. Tate made a motion to excuse Mr. Brown, Mr. Blanchard seconded the motion and it was unanimously approved. The Board entered into closed session at 5:19 p.m. At 5:25 p.m. Mr. Blanchard made a motion to exit closed session, Mr. Williams seconded the motion and it was unanimously approved by the remaining four Commissioners. There were no announcements made upon exiting the closed session.

PUBLIC HEARINGS: RESOLUTIONS/TEXT AMENDMENTS/REZONING/SPECIAL USE PERMITS/SUBDIVISION APPEAL

CHANGE OF MEETING TIME FROM 4:00 P.M. TO 5:00 P.M. FOR THIRD MONDAY MEETINGS

Mr. Blanchard suggested that due to the long length of time between the 4:00 and 7:00 meetings, that the Board start meeting at 5:00 beginning with the next 3rd Monday meeting. Mr. Blanchard made the motion, Mr. Tate seconded it and it was unanimously approved.

15. Public Hearing & Request for Approval of a Text Amendment to the Pender County Zoning Ordinance: All Carolina Crane & Equipment, LLC, Applicant.

Mr. Raczkowski distributed a revised staff report. The public hearing opened at 7:01 p.m. Mr. Raczkowski explained that the request is to consider a Text Amendment to the Zoning Ordinance to allow storage of merchandise, materials or equipment on-site outside an enclosed building, excluding salvage as a Permitted Use in the RT, Rural Transitional District, requiring a Special Use Permit. He noted the Zoning Ordinance currently does not permit storage of merchandise, materials or equipment on-site outside an enclosed building, excluding salvage by Special Use Permit. He said it would only be allowed as an accessory use and would include landscape buffers as described in Section 14 of the Zoning Ordinance. Mr. Williams noted that staging of equipment for a job being done somewhere else would not qualify. Attorney Rick Biberstein noted that each section – construction, manufacturing, etc. – is a “stand alone” and said his client doesn't want any “ambiguity.” Mr. Raczkowski added that the Planning Board voted unanimously on October 2, 2007 to approve the text amendment to the Zoning Ordinance and Table of Permitted Uses, with some changes and additions. The public hearing closed at 7:10 p.m. Mr. Blanchard made a motion to approve the Text Amendment, Mr. Tate seconded the motion and it was unanimously approved.

16. Public Hearing & Request for Approval of a Tract Totaling 8.24 Acres be Rezoned from R-20 Residential District to B-2, Highway Business District: James Asbury, Applicant.

The public hearing opened at 7:10 p.m. Planner Ken Vafier explained that this is a request to rezone one tract totaling 8.24 acres from R-20, Residential District to B-2, Highway Business District and that it is located on the west side of NC Highway 50, north of the Shepard's Road intersection. He said the property is surrounded by R-20, Residential District, that it is approximately 750 feet from the Onslow County Border which is zoned RA – RA in Onslow County allows some commercial uses; that the property is approximately 1500 feet from a Surf City Satellite Annexation which is zoned Neighborhood Commercial, that the Planning Board recommended approval of the rezoning request at its October 2, 2007 meeting with a 3-2 vote; and that since the request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance and is consistent with the 2005 CAMA Land Use Plan, staff recommends the request be approved. Mr. Vafier said there had been two or three instances in this area where property owners had existing businesses and were "outzoned" during the new rezoning which occurred in 2003. The public hearing closed at 7:12 p.m. Mr. Blanchard made a motion to approve the rezoning, Mr. Williams seconded the motion and it was unanimously approved.

17. Public Hearing & Request for Approval of an Amendment to an Existing Special Use Permit: All Carolina Crane & Equipment, LLC, Applicant.

The public hearing opened at 7:13 p.m. Mr. Thurman swore in the witnesses. Mr. Raczkowski said that this item had come before the Board last month and was tabled, and that it can now be considered because the text amendment has been approved. The project is located in the Rocky Point Business Park on the west side of US Highway 117 South, adjacent and south of West Strawberry Lane. Mr. Raczkowski noted that there is a lot of berming around the property and that the existing berming is adequate. Mr. Williams clarified that the item was previously tabled by the applicant and that the Board of Commissioners never voted on it. Mr. Brown asked if there would be additional lighting and a representative for the applicant responded "no." Mr. Brown asked if there is anything in the Planning Ordinance with respect to lighting and Mr. Vafier responded "no." Mr. Brown said he is concerned about excess lighting in rural areas. Mr. Tate asked if Mr. Brown had heard any concern from citizens about lighting and Mr. Brown said he had heard some concern from neighbors. Mr. Biberstein said the applicant has no problem with lighting and can make sure it is directed inward and downward. Mr. Biberstein said they can add that as condition #12 to the eleven conditions already set forth. Mr. Biberstein said they would like to change condition #7, "booms for cranes must remain in the lowered position during storage on the property", to read "booms for cranes must remain in the lowered position during storage on the property, **but may be raised when in actual use.**" Mr. Rivenbark asked about the equipment being in use on the site and Mr. Biberstein said the cranes are actually used to move unwheeled equipment around on the site and to load trucks with the cranes themselves. He said the cranes are disassembled for transport and assembled at the work site and then disassembled when returned to the home area. Mr. Biberstein said the facts presented are true and accurate to the best of his knowledge. The public hearing closed at 7:25 p.m. Mr. Brown made a motion to approve the amendment to the existing Special Use Permit, Mr. Blanchard seconded the motion and it was unanimously approved.

18. Public Hearing & Request for Approval for a Revision to a Special Use Permit for Wastewater Treatment Plant: Jamestown Pender L.P., Applicant.

The public hearing opened at 7:25 p.m. Mr. Thurman swore in the witnesses. Planner Jeff Jowett explained that the site is located at 17451 US Highway 17 in Hampstead and is approximately ½ mile north of the existing Topsail High School. He said the revision to the Special Use Permit is to increase the capacity of the proposed Hampstead Lands Wastewater Treatment Facility from the 100,000 gallons approved in the original Special Use Permit to 500,000 gallons. A citizen, Ms. Marilyn Constine, asked about the temporary plant and Mr. Russell Wilde responded they are using a temporary plant until the permanent plant is completed so they can get the new Topsail High School up and running as soon as possible. Mr. Wilde explained that the spray fields are 400' back from Highway 17; that 500,000 gallons should handle all their needs – including the Schools' needs and 350 subdivision units; and that with respect to effluent, they are in the process of getting permits for infiltration ponds so they won't have to use spray fields. Mr. Don Ellson, resident and President of PenderWatch & Conservancy, said they had received minimal information from the applicant and staff as to what this item is about. He asked why they are going from 100,000 gallons, who will it serve, what are the alternatives, how is two acres going to be large enough to handle this, who is responsible for a privately-owned sewer plant, how long they will be responsible, and who's going to take care of it in its old age? He expressed concern about what will happen if there is a malfunction and there is an overflow. He said there's nothing in

the public information to address these concerns. Mr. Gus Simmons, representing the applicant, said that the effluent is designed to exceed what is required; that reclaimed water is almost drinkable; that there is redundancy in the components and that there is a great deal of redundancy in safety issues and state requirements. Mr. Williams asked that in the long-term, would the utility running the project be a public utility, private, or public non-profit. The response was that the applicant hasn't decided yet but it would most likely be a publicly held primary utility. Mr. Tate said he is concerned about citizens saying they're not getting information and asked if the applicant can't meet with citizens prior to the meetings to answer questions. Mr. Tate also asked that with respect to state requirements, if they have a specific plan with respect to a Disaster Master Plan. Mr. Simmons said they exceeded the state requirements and said they have a tremendous amount of redundancy built into the system to ensure that any kind of disaster will be taken care of. He said the state did inspect their Disaster Master Plan. Mr. Williams asked since they have been permitted by the State, if the State modifies something will it have to come back to the Board of Commissioners. Mr. Thurman said the Board can't modify anything that is State regulated. Mr. Ellson asked about the spray fields and Mr. Simmons said they are not asking to increase spray fields, only asking to increase capacity. Mr. Ellson asked what effect this will have on water supplies of people using wells and Mr. Simmons responded they don't have any underground storage, only above-ground, and that the existing Special Use Permit is not involved in any underground storage. Mr. Tate asked about staff going out into communities to address these types of questions. Mr. Raczkowski responded in order to do this they would have to look at readdressing special use permits, that they would have to hold public hearings for each case, that going into communities for every special use permit would be tremendous and that they would have to revise the Zoning Ordinance. Mr. Tate suggested requiring the applicant or engineer to hold community meetings to answer questions. He asked if a standard amount of information was issued this time and Mr. Raczkowski responded affirmatively. Mr. Thurman clarified that 23,000 gallons are needed for the Schools. In response to a question asked by Ms. Constine, Mr. Vafier said "Conservation 2" means non-coastal wetland areas. The public hearing closed at 7:55 p.m. Mr. Williams made a motion to approve the revision to the special use permit, Mr. Blanchard seconded the motion and it was unanimously approved.

19. Public Hearing & Request to Hear Appeal of Planned Development Master Plan: Broadbridge Division at Belvedere.

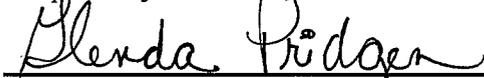
It was noted by Mr. Raczkowski that this is not a public hearing. Mr. Raczkowski explained that this item was tabled by the Planning Board at the June 5, 2007 and July 10, 2007 meetings and subsequently denied at the August 7, 2007 Planning Board meeting. He said the applicant is appealing this decision to the Board of Commissioners pursuant to Section 3.5 C of the Pender County Zoning Ordinance. Mr. Williams noted this is the second time this has happened since he's been on the Board and asked about the procedure. Mr. Raczkowski said the Board of Commissioners is requested to hear the appeal based on the facts presented at the June 5 and July 10, 2007 Planning Board meetings. Mr. Raczkowski explained that these are "in-fill" lots. Mr. Brown asked what are "in-fill" lots and Mr. Raczkowski responded it's an area in which several vacant lots are eventually built upon or redeveloped. He said the Planning Board's concerns were related to density. Ms. Cynthia Wolf, representing the applicant, spoke on behalf of the appeal. She said it is the owner's belief that the Planning Board's denial of the petition is in violation of the Zoning Ordinance and Subdivision regulations. She said this is not part of Belvedere and is not required to meet the ordinance requirements. She said that this is not part of a planned development (PD); that the revision does not violate the Pender County Zoning Ordinance; that they were never really given a reason for the denial; that they did everything Planning staff suggested; and that the Planning Board overstepped their bounds by denying something just because they didn't like it. Charles Meyer, Attorney for the applicant, said they met all the requirements; that they didn't change any right-of-ways; that the Planning Board only showed concern about lot size and they downsized the number of lots as the Planning Board instructed them to do; and that they were never given a plausible reason why they were turned down. Mr. Thurman said these arguments weren't presented at the Planning Board meetings. Attorney Dave Morison, representing the Belvedere Homeowner's Association, said they oppose the project. He said they researched the minutes for a Master Plan; the minutes didn't reflect that the Planning Board had considered a Master Plan and they couldn't find the actual map that was adopted. Mr. Thurman said there had never been formal approval by the Board of Commissioners of a Master Plan for Belvedere. Mr. Brown asked if the people living in Belvedere were guaranteed a view when they brought the property and Mr. Morison said they were not guaranteed a view but they brought the property based on the presumption that they would have a view. Mr. Blanchard asked why the Planning Board voted the way they did and Mr. Raczkowski said he's not quite sure what the Planning Board's criteria was, but said they had gotten a lot of public outcry. Mr. Brown asked if the public outcry was over changes or over the development. Mr. Raczkowski said they had discussed every aspect of development and the public outcry was about everything involving the project. Mr. Raczkowski said staff felt like it should be approved according to the criteria in

the ordinance. Mr. George Mara, a property owner in Belvedere, spoke in opposition of the project and said the Planning Board did a great job and he hoped the Board of Commissioners would do the same. Ms. Constine said they didn't even know this was on the agenda. Mr. Williams asked if it had been advertised and Mr. Raczkowski said it wasn't advertised because we're not hearing any new information. Mr. Williams suggested advertising it the next time along with other Planning items and Mr. Raczkowski said they will have to change the ordinance in order to do this. Mr. Raczkowski said this was listed on the agenda as a public hearing by mistake. Mr. Thurman noted the Planning Board had struggled with this with considerable evaluation and it was a 4-2 vote to deny it. Mr. Williams made a motion to uphold the Planning Board's decision to deny the petition, Mr. Brown seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:40 p.m.

Respectfully Submitted,



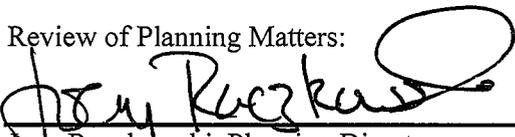
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Lori Brill, Clerk to the Board

Review of Planning Matters:



Joey Raczkowski, Planning Director