

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.

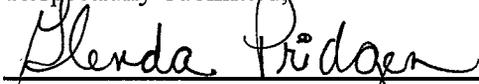
It was noted by Mr. Raczkowski that this is not a public hearing. Mr. Raczkowski explained that this item was tabled by the Planning Board at the June 5, 2007 and July 10, 2007 meetings and subsequently denied at the August 7, 2007 Planning Board meeting. He said the applicant is appealing this decision 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,



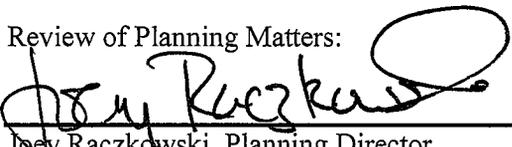
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Lori Brill, Clerk to the Board

Review of Planning Matters:



Joey Raczkowski, Planning Director

MONDAY, NOVEMBER 5, 2007 – 10:00 A.M.

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: Vice Chairman Norwood Blanchard, presiding; and Commissioners George Brown, Jimmy Tate and David Williams.

MEMBERS ABSENT: Chairman F.D. Rivenbark.

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

Vice Chairman Blanchard called the meeting to order at 10:00 a.m.

INVOCATION

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Brown the Pledge of Allegiance.

PUBLIC INFORMATION

1. Proposal to Pender County to Purchase Town of Burgaw Wastewater Treatment Plant: Burgaw Mayor Pete Cowan & Town Manager Martin Beach.

Mr. Cowan said he's not here to try to sell anything – he's just here to give the Board an update on the status of the Town's application for a Clean Water Trust Fund Grant to run a line to Wallace; the grant application has been approved. He said they will receive bids this month and expect construction to begin in late spring or early summer of 2008. He said some Commissioners had indicated they don't want the Town to do away with its discharge permit and he wants the Town and the County to work together. Mr. Cowan said the plant could be utilized to take wastewater to the Rocky Point area. He said this will benefit all citizens, not just the citizens of Burgaw – whatever benefits the Town will eventually benefit the County and vice versus. Mr. Cowan thanked the Commissioners and said he looks forward to working with them. Mr. Beach said Mr. Cowan came to him with this proposal and they're trying to help the County out. He said the Rocky Point area has problems and this could possibly be a solution. Mr. Beach gave a presentation entitled "Proposal to Sell Burgaw WWTP: October 1, 2007." The presentation included: Burgaw WWTP; Why Would Burgaw Sell WWTP; Facts Bearing on the Issue; the Math; and Cost per Gallon. The Complete presentation is on file with the permanent records in the County Manager's Office. Mr. Williams asked if you can "moth ball" the plant – if it closes, can you open it back up in a few years. Mr. Beach said when it comes time to renew the permit they'll ask what you are going to do. Mr. Parker said you can "moth ball" it but you have to have a plan in place when it comes time to renew the permit. He added that the Stevco Knit Plant in Wallace did it in 1998. No action was taken on this item.

Mr. Blanchard announced that Chairman Rivenbark is out-of-town in training for the Hospital Board. Mr. Tate made a motion to excuse Mr. Rivenbark, Mr. Williams seconded the motion and it was unanimously approved.

2. Pender EMS & Rescue: Pender EMS Draft Model System Plan: Woody Sullivan, Chief, Pender Volunteer EMS & Rescue Inc.

Mr. Sullivan explained that changes have been made to the Pender County EMS System Plan in the pursuit of Model System status with the North Carolina Office of Emergency Medical Services. He said it had been their goal all along to achieve Model System status. Mr. Williams asked if this status makes the EMS favored upon for grants and Mr. Sullivan responded "yes." Mr. Tate thanked Mr. Sullivan for all his hard work and thanked J.L. Giddeons for his hard work with EMS in the Union Rescue district.

3. Update on Sill's Creek: Wayne Batten, Pender Cooperative Extension Director.

Mr. Batten gave a presentation entitled "Sill's Creek Update – November 5, 2007." Mr. Batten noted that right now there is one key word to summarize the condition of Sill's Creek and others: "drought." The presentation included: Emergent Alligatorweed; Johnson's Nursery Pond – started Alligatorweed treatment in 2004; Alligatorweed Flea Beetle – flea beetles did a good job; Johnson's Nursery Pond in 2006; Johnson's Nursery Pond – no Alligatorweed in 2007; Project Basics; Pender County/SE NC IPM Project; Sill's Creek – so thick Beaver Trappers cannot work; Sills' Creek 2005 – project started; Sill's Creek 2006 – things opened up due to release of Flea Beetle and hurricane wash-out; Sill's Creek 2007; Chemical Spray Trials – chemicals were donated but there's nowhere to put a boat in; and Conversations with Bob Murray – Beaver Trapper. Mr. Batten said the most contributing factors to the condition of Sill's Creek are the severe drought and no hurricanes this year. Mr. Williams asked about chemical treatment and Mr. Batten said chemical treatment is excellent but there are irrigation restrictions. Mr. Tate asked if we are getting more beetles and Mr. Batten said the Florida beetles normally arrive in May of each year, but NC beetles, that have adapted and wintered over are trapped and released by staff throughout the season. Mr. Tate asked when "peak season" for beaver is over, and Mr. Batten said they exist all year long but under these unieque drought conditions most of the beaver in Sill's Creek have moved to Rockfish Creek. Mr. Tate asked if an extra person had been hired for beaver trapping and Mr. Batten responded "yes." Mr. Tate thanked Mr. Batten for his presentation and asked him to please continue to work on the problem.

CONSENT AGENDA

Mr. Blanchard presented the nine items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Williams made a motion to approve the Consent Agenda as presented, Mr. Tate seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

4. Approval of Minutes for the Water & Sewer Workshop of September 28, 2007 & Regular and Closed Session Meetings of October 15, 2007.
5. Resolution Approving the Releases and Refunds to the Individuals Listed Herein.
6. Resolution Authorizing Purchase Order for Purchase of a Hydraulic Boom Mower: \$8,300.
7. Budget Ordinance Amendment: Criminal Justice Partnership Program (CJPP): Recognize Additional State Funding: \$9,063 Increase.
8. Resolution Authorizing Purchase Order to Carolina Window Coverings for Installation of Window Blinds for West Pender Middle School Pursuant to 2005 School Bond Approval: \$9,970.
9. Resolution to Approve a Joint Regionalized Public Health Preparedness Coordinator for Fiscal Year 2007-2008: \$13,195.
10. Resolution Approving Recruitment of a Grant Funded Part-Time Individual to Serve as Recruitment Worker for Adoption Unit for a Six-Month Period from January 2008 until June 2008: \$25,000.
11. Interlocal Agreement with New Hanover County to Share Costs of Engineering Studies Relating to Wastewater Treatment Plant on Highway 421.
12. Proclamation by the Pender County Board of Commissioners: Family Caregivers Month November 2007.

RESOLUTIONS

13. Resolution Authorizing Purchase Order to ESC Carolinas, LLP for Change Order #2 to the Existing Contract on New Topsail High School: \$25,000.

Administrative Assistant Melinda Knoerzer explained that the original estimate for testing for the new high school was \$100,000, that the Board previously approved a \$54,757 contract with ESC Carolinas, that on September 4, 2007 Change Order #1 was approved in the amount of \$18,000 and that this \$25,000 Change Order will bring the total to \$97,757. Ms. Knoerzer said David Smith with Pender County Schools Maintenance said he doesn't anticipate any more charges. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

14. Resolution to Grant Approval of a Late Application for Exemption of Property Taxes for the Faith Harbor United Methodist Church & the Wesleyan Chapel United Methodist Church.

Tax Assessor Coby Heath explained that state law requires that eligible religious organizations that want to apply for tax exemptions must do so during the listing period. He said an application for exemption filed after the close of the listing period and the adjournment of the Board of Equalization and Review may be approved by the Board of County Commissioners, upon showing of good cause by the applicant for failure to make a timely application.

Mr. Heath said these two churches weren't aware they had to make application. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

15. Consideration of Request for Easement across County Property by the Town of Burgaw for Osgood Canal Trail & Greenway Project.

Parks and Recreation Director Dee Turner explained that the Town of Burgaw has recently completed the preliminary design of the Osgood Canal Greenway and Urban Trail. She said the trail will run along the eastern portions of County owned property where the Howard Holly Building and the York House are located. Ms. Turner said the Town plans to apply for a Parks and Recreation Trust Fund (PARTF) grant for the project and in order to be considered for the grant, they must have tentative agreements in place with the property owners affected by the project. She said staff is proposing three options for the Board's consideration: 1) give the Town fee simple ownership through selling or donating the property; 2) give the Town a perpetual easement; or 3) give the Town a lease for a minimum of 25 years. Mr. Williams said this is a great project and confirmed with Ms. Brill that the County has no plans to expand the parking lot at the Howard Holly Building. Mr. Chad McEwen, Planner for the Town of Burgaw, said the Town initially preferred fee simple ownership by donation but since finding out that when one government entity donates property to another government entity, it cannot be used as a match for PARTF Grant funds and an easement will be sufficient. Ms. Brill added that it is a worthwhile project and said she recommends option number 2 or 3. Mr. Williams made a motion to approve Option No. 3, ie. Give the Town a lease for a minimum of 25 years. Mr. Tate seconded the motion and it was unanimously approved.

16. Resolution Accepting Bid Proposal and Issuing a Purchase Order to Visionair, Inc., for Implementation of New Public Safety Software Suite; \$235,685.

Sheriff Carson Smith explained that the Sheriff's Office has been utilizing the Open Software Solutions, Inc. (OSS) software since 1999 and that they now recognize that there are functional needs that are no longer being met by this software. He said this coupled with a continuous year-to-year increase in maintenance costs and the desire to implement a mobile network for use by responders in the field has led the Sheriff's Office/911 Center to seek a more comprehensive software package. He said that after the required bid process, Visionair was chosen by a panel made up of emergency agencies. Sheriff Smith said this new system will provide a completely integrated software solution, including the new mobile component, that will be utilized by county/city law enforcement, fire, EMS, an Emergency Management. He said it has been budgeted in the FY07-08 Budget: \$136,859.00 – 510-404500; \$43,571.70 – 25-404500; and \$53,254.30 – 251-404500. He said they will be coming back to the Board for approval of hardware, and are planning to use E-911 funds where they can be used. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT

The Board convened as the Rocky Point/Topsail Water & Sewer District from 10:59 a.m. to 11:03 a.m.

17. Resolution Authorizing the Approval of Change Order #5 to Herring Rivenbark for Construction of Phase IIIa - Rocky Point/Topsail Water & Sewer District: \$526,553.80.

Utilities Director Paul Parker explained that Phase IIIa consists of road extensions to fourteen roads in the original Phase III project area that were not done in Phase III. He said the additional streets can be added due to savings from Phase III. He said USDA granted permission to have the project completed by via change order by Herring Rivenbark, who was the Phase IV contractor. Mr. Parker said service to the homes in Phase IIIa is projected to be activated in the Spring of 2008. Mr. Williams said he had heard that folks on Factory Road that don't have service are saying their money is going somewhere else. Mr. Parker said those people that don't have service can certainly be refunded their \$120 fee. He said the \$120 fee was initially charged in order to assure there would be enough sign-ups to meet loan requirements. Mr. Parker said there is no money left in Capital to extend that line. Mr. Williams mentioned the possibility of residents doing a door-to-door campaign to get enough folks to sign up, as was done in Sloop Point. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

Mr. Blanchard requested that Item No. 19 be moved up on the agenda before the Planning items are discussed.

APPOINTMENTS

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

Mr. Blanchard said he can't make a motion to appoint the applicant for the Board of Adjustment, Ms. Mary James, but he certainly recommends her appointment. Mr. Thurman added that Ms. James had attended the Board of Adjustment Training Workshop held last week and she made a very good impression. Mr. Williams made a motion to appoint Ms. Mary James to the Board of Adjustment in an Alternate position, to serve the remainder of the unexpired term of Mr. Larry Johansen, term to expire January 4, 2010. Mr. Tate seconded the motion and it was unanimously approved.

A break was taken from 11:05 a.m. to 11:11 a.m.

Mr. Brown said that District Attorney Ben David is present and asked that he be allowed to speak at this time. Mr. David said the Computer Cop software has arrived and he wants the Commissioners to be the first to receive it in Pender County because of their commitment to help achieve this goal. Mr. David said this software will put parents in charge of what goes on in their homes with respect to home computers and that copies are available for the public in various places in the County. He said the purpose of this program is to prevent crimes committed on the Internet and that prevention is more effective than punishment after something happens. Mr. David said he'd like to personally thank the Board and said this wouldn't have been made possible without them. Mr. Tate said he and Mr. Brown attended a meeting with the City of Wilmington on racial relations that it went really well; he thanked Mr. David for his efforts in this meeting.

PRESENTATIONS/RESOLUTIONS: PLANNING ITEMS

18a. Planning Priorities FY 07-08 Update.

Planning Director Joey Raczkowski made a detailed presentation on Planning priorities and noted these priorities were set by the Planning Board. The presentation included: Factors Affecting Planning Priorities; Factors that Continue to Affect Planning Priorities; A New Direction for Planning in Pender County; Planning Priorities – Administrative Related Projects which include Development Project Tracking and Facilitation, Educational Efforts and Technical Review Committee; Research Projects which include Special Use Permits, Nuisance Abatement Program, Planned Developments & Conditional Use Zoning; Overlay Districts which include Transportation Overlay District for Coastal Pender County-US 17, Overlay Districts-Coastal Pender US Highway 17 Corridor, Kick-Off Meeting Highway 17 Corridor Overlay, Flood Hazard Overlay District, and Prioritization of other Areas for Potential Study; New Programs; Miscellaneous Issues; Identification of Future Priorities and Hampstead Area Planning Efforts. The complete presentation is on file with the permanent records in the County Manager's Office.

18b. Special Use Permit Inventory Update.

Mr. Raczkowski made a detailed presentation on Special Permit Inventory Update and said this is a result of concerns over the existing special use permit process by staff, Planning Board, Board of Commissioners and the general public. The presentation included the following: Special Use Permit Inventory, which includes files dating back to July 1988; Special Use Permit Process; Special Use Permit Process Recommendations; and Special Use Permit Process: Resources Needed. The complete presentation is on file with the permanent records in the County Manager's Office.

18c. Code Enforcement Program Report and Recommendations.

Mr. Raczkowski made a detailed presentation on the Code Enforcement Program which included: Current Code Enforcement Program (staff of one); Duties of the Code Enforcement Officer; Challenges Facing Code Enforcement Program; What is an Effective Code Enforcement Program; Recommendations; and Code Enforcement Program Staffing Options. Ms. Brill asked if the Board has any direction in staffing. Mr. Williams said at the very least, Code Enforcement needs to have more man power next fiscal year. Mr. Blanchard said we should revisit the issue after the first of the year (2008) and Ms. Brill said that is a good idea. The complete presentation is on file with the permanent records in the County Manager's Office.

18d. Request to Approve Dissemination of a Request for Proposal (RFP) to Update the County Growth Management Plan and Create a Unified Development Ordinance.

Mr. Raczkowski explained that staff is asking the Board to consider approval of disseminating the Request for Proposal to update the county growth management plans, and for the creation of a Unified Ordinance. He said the County has existing plans and policies but not in a comprehensive plan and said staff would like to be able to get responses for RFP's in December and proceed with a recommendation on a qualified consulting firm at the second Commissioners meeting in January 2008. He said the Request for Proposals consist of Comprehensive Growth Management Plan which is the first phase, and Unified Development Ordinance which is the second phase. Mr. Raczkowski made a detailed presentation which included: Staff Recommendations; What is a Growth Management Plan; Comprehensive Growth Management Plan Process; Results of Comprehensive Growth Management Plan Process; What is a Unified Development Ordinance – including commercial appearance and community appearance; Why has Staff Proposed such a Comprehensive Approach; Project Recommendations; Necessary Resources; Other Options; and Proposed Project Summary. The complete presentation is on file with the permanent records in the County Manager's Office. Mr. Raczkowski noted that this project has not been budgeted in the current fiscal year budget, and will be costly. However, Mr. Raczkowski stated that he is quite sure that any chosen consultant will work with the county on funding the project over multiple budget cycles. Mr. Williams said we need to move forward with this because of all the new growth in the County. Mr. Williams made a motion to approve staff's request to approve dissemination of a Request for Proposal, Mr. Tate seconded the motion and it was unanimously approved.

18e. Presentation on Development Agreements.

Mr. Raczkowski suggested that due to the time, that this item be put on the November 19, 2007 agenda; the Board generally agreed to table this item to November 19, 2007.

18f. Highway 17 Overlay Community Meeting Announcement.

Mr. Raczkowski said Planning staff has obtained consultant assistance from the Cape Fear Council of Governments to assist with the Highway 17 Corridor Overlay Project and said the first public meeting is scheduled for Thursday, November 15, 2007 from 6-8 p.m. at Topsail High School.

20. ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate said he received a letter he doesn't know how to respond to and will refer it to the County Attorney.

Mr. Brown said he has an item for Closed Session.

Mr. Blanchard said he realizes his friend Mr. Al Freimark can be very persuasive but we must follow Planning's Priority List. He said we wasted hours back in the summer chasing a moratorium on Special Use Permits and some citizens raised concern about this. Mr. Blanchard said we need to stay on board and that Mr. Raczkowski serves all the citizens of the County, not just a select few.

PUBLIC COMMENT

Mr. Al Freimark, a Hampstead citizen, said Coastal Pender residents have lots of challenges but no authority. He said what we saw today is progress and he applauded Mr. Raczkowski's efforts. He said he had criticized the Planning Department from time to time but it was constructive criticism and it seems to have had some effect. He said when the Board looks at Mr. Raczkowski's plans they should plan to "bite off and enforce," and not just plan for it.

School Board Vice Chairman Tom Roper distributed a report on Pender County Planned Developments by Planning jurisdiction and gave some information on what effect these new developments would have on the Schools. He said the Board of Commissioners and others approved these new homes without any input from the Board of Education and said no one ever consults the Board of Education. Mr. Thurman said he knows that in the case of new development in Surf City, former Superintendent Dr. Ted Kaniuka had been advised. Mr. Roper quoted Representative Carolyn Justice speaking about traffic problems on Highway 17 in which she said officials are "aimlessly approving developments." Mr. Roper added that it is disturbing that the Schools are not on Planning's Priorities List and said "we've gotta have the Land Transfer Tax." Mr. Brown said he agrees that the Schools need to be integrated with Planning Priorities.

Mr. Chuck Wilson of Hampstead noted the meeting with DOT and county staff. He said there are now 30,000 trips per day on Highway 17 and with all this development, 200,000 new trips will be added which will create real issues.

ITEMS FROM THE COUNTY MANAGER

Ms. Brill referred to Mr. Roper's presentation and said we need to plan for a technical committee to discuss what the needs are, which should include the School Board, DOT, Planning and others. She agreed the Schools should be integrated into the Planning Priorities.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said with regard to developments, if they meet technical requirements, they have to be approved. Mr. Brown, referring to Mr. Roper's earlier comments, asked about who should be on who's ordinance. Mr. Raczkowski said it works two ways – that the Board of Commissioners need to receive the Schools' Long-Range Plan as part of development. Mr. Thurman said that as a follow-up to some of Mr. Raczkowski's items: 1) some enforcement actions are going to court in the morning and Code Enforcement Officer Ralph Kays needs to attend; and 2) with respect to a specific CDBG project, presently the County is in 3rd lien position and the participant wishes to refinance, which would leave the County in 2nd position. He asked the Board to approve a proposed subordination agreement prepared by attorney Robert Kenan to accomplish this. Mr. Williams made a motion that the County Manager be authorized to execute Subordination Agreements, Mr. Brown seconded the motion and it was unanimously approved. Mr. Thurman said that with respect to the land transfer complaints, neither Ms. Brill nor the Board had done anything improper. He said Ms. Brill reviewed the presentations with him first and she had done absolutely nothing wrong. Mr. Williams said he and School Board Chairman Ken Lanier made a presentation, speaking as parents, not as officials.

CLOSED SESSION

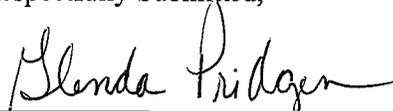
At 12:35 p.m. Mr. Brown made a motion to enter into closed session pursuant to NCGS 143-318.11: (3) to consult an attorney employed or retained by the public body in order to preserve the attorney-client privilege; and (6) to consider the qualifications, competence, performance, character, fitness, conditions 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. Tate seconded the motion and the Board unanimously approved going into Closed Session. Mr. Brown asked that the County employees in the room please remain.

At 1:00 p.m. Mr. Tate made a motion to exit Closed Session, Mr. Williams seconded the motion and it was unanimously approved. There were no announcements made upon existing the closed session.

ADJOURNMENT

Mr. Tate made a motion to adjourn the meeting, Mr. Brown seconded the motion and it was unanimously approved. The meeting adjourned at 1:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Lori Brill, Clerk to the Board