

**MONDAY, NOVEMBER 19, 2007**

The Pender County Board of Commissioners met in regular session on Monday, November 19, 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 5:00 p.m.

**INVOCATION**

Commissioner Brown offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Blanchard led the Pledge of Allegiance.

**PUBLIC INFORMATION**

**1. Representative Carolyn Justice and NCDOT Board Representative Lanny Wilson Wish to Address the Board Regarding the Highway 17 Corridor.**

Representative Justice said that speaking as a citizen, she appreciates all the Board of Commissioners does for the County. Ms. Justice expressed concern for the traffic problems on US Highway 17 in Hampstead due to growth. She said that 11,500 new marines will be coming to Camp Lejeune, some with families, causing more traffic; that something needs to be done in the interim while waiting for the bypass to be constructed; that she'd like to push for a corridor study; and that there's been a divide between the Board of Commissioners and the NC DOT and she encourages the Board to get involved with DOT. DOT Board member Lanny Wilson said Rep. Justice is key in getting transportation funding for Pender County; that Pender County is not alone with its growing pains, as Brunswick has faced the same situation; that currently there are 30,000 trips a day on Hwy 17 and that number will increase to 200,000 if the additional 20,000 units currently planned for Hampstead are completed; that the County and DOT need to work on a partnership now; and that the ultimate solution is the bypass, but he encourages a collector street plan and he will work with the County to develop one. City of Wilmington Senior Transportation Planner Mike Kozlosky, who also works with the Metropolitan Planning Organization, said a collector plan had been adopted in May which recommends creating connectivity between developments, which would help disburse traffic. He said that including transportation issues in land-use plans is important to the future of the region. Mr. Williams said he agrees that we need to integrate transportation with land-use plans and said we have to get some kind of control. Mr. Brown said he agrees that transportation needs to be included in planning and he thanked Ms. Justice, Mr. Wilson and Mr. Kozlosky for coming. Mr. Rivenbark requested that a representative from N.C. DOT attend the next meeting to address the Board regarding any issues with Pender County's relationship with N.C. DOT.

**2. Discussion by Board Regarding Growth Control Measures in Hampstead and Resolution in Support of US DOT Highway 17 Corridor Study.**

Ms. Brill said Commissioner Williams suggested this item be put on the agenda and for staff to come up with some suggestions. Mr. Raczkowski said he came up with some long and short term solutions. The long term solutions include a Comprehensive Plan, a Unified Development Ordinance and Adequate Public Facilities Ordinances. The short term solutions include Highway 17 Corridor Overlay, which includes many sub solutions. The complete list is on file with the permanent records in the County Manager's Office. Mr. Raczkowski said they had sent out Request for Proposals for a Unified Development Plan and had received two as of now. Mr. Williams made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

**3. Highway 17 Status Report: Marc Finlayson, Director, Highway 17 Association.**

Mr. Finlayson said the Highway 17 Association is supported by nine counties, eight municipalities and three economic development groups. He said the mission of the Highway 17 Association is to assure that the inclusion and funding of all unfunded portions of the US Highway 17 corridor shall be part of the NC Department of Transportation's 2009 Transportation Improvement Plan (TIP); that they will help DOT solve problems in planning, design, and construction in order to advance Highway 17 projects; and that they will partner with federal, state, regional and local stakeholders who share an interest in the completion of a full access, four-lane Highway 17 from Virginia to South Carolina. He said their next annual meeting will be January 29, 2008 and that they can be Pender's eyes and ears with DOT and state legislation. Mr. Tate thanked Mr. Finlayson, Ms. Justice and Mr. Wilson.

**Mr. Blanchard requested that his Item Number 4 be moved to 7a.**

**5. Congratulations to Ms. Jean Beasley, Named "Hero of the Year" by Animal Planet TV Channel.**

Mr. Rivenbark said Ms. Beasley has been doing a wonderful thing on Topsail Island, thanked her for all her help and said that it is incredible and an honor to be recognized nationally. Mr. Rivenbark presented Ms. Beasley with a Certificate of Appreciation and a Pender County pin.

**6. Student Government – Pender Early College: Observation of Meeting & Invitation to Luncheon on December 7, 2007: Colleen Pate.**

Pender Early College students and Ms. Pate, Global Career Development Facilitator, were in attendance and presented information to the Board and an invitation to the luncheon. Mr. Rivenbark congratulated the students and wished them well.

**7. Request for Endorsement of and Funding for the 10-Year Plan to End Chronic Homelessness: Spiro Macris, Co-Chairman of the Committee to End Homelessness, Pam Wyatt, President of the Cape Fear Area United Way & Lillie R. Gray, Community Development Manager, City of Wilmington.**

Mr. Macris gave a brief presentation on the Plan requested that funding come from Pender County and the Town of Burgaw in the amount of \$40,000 for the period January 1, 2008 through June 30, 2010, with \$10,000 being sufficient until July 1 2008. Ms. Brill cautioned the Board that this is an unbudgeted expense. Mr. Macris requested the Board to approve endorsing the Plan at this time and withhold funding. He said they will only be approving the concept. It was the consensus of the Board to look at this during budget preparation next year.

**4. (7a) Old Business.**

Mr. Blanchard said he asked to have this item put on the agenda because of a statement Mr. Brown made in the *Topsail Voice* newspaper. Mr. Blanchard gave Mr. Brown a copy of the article and asked him to either explain it or retract it. Mr. Brown said he didn't see the need to retract it because of the way Mr. Blanchard acted in front of employees at the November 5<sup>th</sup> meeting. There was discussion of the anonymous letter Mr.

Brown presented at that meeting and Mr. Brown said Mr. Blanchard intimidated employees who were ready to speak about the letter. Mr. Blanchard said the statement was made to the paper embarrass him and Mr. Brown denied he was trying to embarrass anyone. Mr. Blanchard called for a vote to censure Mr. Brown and Mr. Rivenbark made a second. Mr. Williams said the Chairman can't move or make a second. Mr. Rivenbark said that according to Robert's Rules of Orders, the Chairman is allowed to make a second. Mr. Blanchard and Mr. Rivenbark voted to censure Mr. Brown; Mr. Brown, Mr. Tate and Mr. Williams voted in opposition. Mr. Brown said Mr. Rivenbark is condemning him on Mr. Blanchard's opinion because he was not even at the meeting. Mr. Rivenbark said it was wrong for the Board to hold that closed session while he was out of town. Mr. Williams said that in light of all this, he wants to call for a vote to replace the existing Chairman and Vice Chairman; Mr. Rivenbark said this can't be done. Mr. Blanchard said he would voluntarily step down as Vice Chairman. Mr. Brown made a motion to appoint Mr. Tate as Vice Chairman, Mr. Williams seconded the motion and it was approved by a 4-to-1 vote, with Mr. Blanchard voting in opposition.

### **CONSENT AGENDA**

Mr. Rivenbark presented the four items on the Consent Agenda and asked for any questions or discussion. Ms. Brill requested that Items Number 9 and 11 be removed from the agenda until she has more time to evaluate them. Mr. Williams made a motion to approve the Consent Agenda with the exception of Items Number 9 and 11, Mr. Tate seconded the motion and the Board voted unanimously to approve the remaining items on the Consent Agenda.

8. Approval of Minutes for the Regular & Closed Session Meeting of November 5, 2007.
9. Resolution Authorizing a Purchase Order for Nash Equipment Company for a Commercial Zero Turn Mower: \$9,800.
10. Resolution Authorizing a Purchase Order to Southern Asphalt, Inc. for the Paving of the Second Parking Lot at Hampstead Kiwanis Park: \$62,950.
11. Replace Carpet at the Pender County Sheriff Department: \$18,175.92.

### **RESOLUTIONS**

**12. Resolution to Enter into a Contract with Robert S. Segal to Examine and Analyze Expenses/ Revenues for Possible Savings in expenditures or to Increases in Revenues.**

Finance Officer David McCole explained that this firm examines county expenditures for the purchase of good and services item by item to find potential cost savings. He said there would be no cost to the County – the County would only pay Segal on each recommendation implemented at a fee of 50 cents of every dollar saved, credited refunded or additional revenues during the 24 month period. Mr. Thurman said the agreement seemed a little vague to him. He said he sees potential for a dispute because Segal can come in and say he wants to do something to save the county money after a department head already had saved. Ms. Brill and Mr. Thurman were instructed to review the agreement and make any amendments that need to be made. Mr. Blanchard made a motion to approve the agreement, subject to Ms. Brill and Mr. Thurman's recommendations, Mr. Tate seconded the motion and it was unanimously approved.

**13. Resolution to Renew Business Personal Property Audit Contingent Fee Agreement with Turner Business Appraisers, Inc.**

Tax Assessor Coby Heat explained that Turner Business Appraiser had been with the County since October 5, 2005 and that they only get paid if the county gets paid. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded it and the motion was unanimously approved.

**14. Resolution Requesting Approval to Fund \$200,000 Needed for Child Day Care.**

Social Services Director Reta Shiver explained that in February 2007 the State asked counties to transfer some direct services funding to hire an additional staff or pay existing staff overtime to remove all children from the "day care waiting list." She said Pender County removed 85 children from the waiting list and as a result, monthly spending increased from \$145,000 to \$164,000. She said that additionally, counties received a Market Rate change in October which further increased monthly spending. She explained that at the

present time, parents enrolled in school need to get registered for the upcoming semester and DSS needs to tell them before they register whether or not the County can pay for child care arrangements for the entire semester. She said if we won't be able to pay for child care, it would be better for parents not to register because they would lose tuition fees if we told them halfway into the semester that we can no longer pay for child care, but DSS won't know until January 2008 if the State will allocate the funds to counties. She said if people stay out of college a semester, they won't go back. Dr. Shiver said if the State allocates the \$200,000 needed, Pender County will have to provide a \$30,000 match but if the State does not grant the fund, the County will have to provide the funds. Ms. Brill said the \$200,000 will have to come out of the General Fund because it is not a budgeted expenditure and said the State didn't fund this last year. Mr. Tate asked if we are receiving the \$269,000 back from the Schools. Ms. Brill said the Board had instructed the School Board to come back to us with a budget and they haven't done that so we have reclaimed the funds. Ms. Brill said we will use some of the \$269,000 for the Planning Unified Development Ordinance. Mr. Tate asked if we can use some of the \$269,000 for the child care and Ms. Brill said she recommends taking it from the General Fund. Mr. Williams said we need to stay on top of things and try to address this. Mr. Blanchard asked if the amount could be cut down and Dr. Shiver said she will try her best to get it cut down. Mr. Tate asked if \$100,000 will suffice. He said he would hate to see those college students drop out but they need to be notified not to register if they might have to drop out. Mr. Brown asked if asking for the money back from the Schools is inappropriate. Mr. Williams said it is not inappropriate. He said money went to the Schools that they didn't need and Dr. Shiver has needs for it now. Mr. Williams made a motion to use the money given to the Schools for Child Day Care, Mr. Tate seconded the motion and it was unanimously approved.

Mr. Williams commended Mr. Paul Parker for a job well done for Pender County, congratulated him on his new position and stated the Board hates to see him leave. The audience applauded Mr. Parker.

#### **MAPLE HILL WATER & SEWER DISTRICT**

The Board convened as the Maple Hill Water & Sewer District Board from 6:31 p.m. to 6:34 p.m.

**15. Resolution of the Maple Hill Water & Sewer District Awarding Contract for Soil and Geologic Investigation for Maple Hill Sewer Project to Land Management Group, Inc., and Authorize a Purchase Order in an Amount Not to Exceed \$93,500 for The Maple Hill Sewer Project.**

Assistant County Manager Paul Parker explained that Pender County is the recipient of Rural Center funding to construct a sanitary sewer system in Maple Hill and this resolution is to award a contract for soil and geologic investigation. He said they asked prospective bidders to submit a separate proposal for soil and geologic investigation from the proposal for design. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

#### **DISCUSSION**

**16. Presentation on Development Agreements.**

Upon motion by Mr. Blanchard, second by Mr. Tate and unanimous approval, this item was tabled to the December 3, 2007 meeting.

**17. ITEMS FROM THE COUNTY MANAGER**

Deferred in the interest of time.

#### **ITEMS FROM THE COUNTY COMMISSIONERS**

There were no items from the Commissioners.

#### **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said Mary Beth Morgan had dismissed her lawsuit, ending the challenge and that there are a number of items coming up in court with respect to Mr. Donald Sullivan.

## **PUBLIC COMMENT**

Mr. Tony Musolino of Hampstead said he supports Representative Justice's plan for collector streets but they don't need help on that issue. He said he was upset by the Board's lack of support to Mr. Macris' earlier appeal to the Board to support the 10-Year Plan to End Chronic Homelessness. He said he is especially concerned for all the veterans that are homeless and said he was insulted that no one seconded Mr. Tate's motion to support the veterans. He said the lack of support by the Board was a "spit in the face" to homeless people.

Mr. Hiram Williams of Hampstead said he appreciates all the Board does and knows it is a hard job. Mr. Williams said he agrees with Ms. Justice's remarks concerning the growth the County has seen in the last ten years but that it shouldn't stop development. He said the County doesn't have industrial or commercial growth so all the bills are being paid by residential. He said that even with all the new subdivisions coming out, they won't be built overnight. Mr. Williams asked the Board to not stop residential growth and said "you will hurt yourself if you do."

Commissioner Williams noted that there was not a resolution for veterans – it was for the homeless.

A break was taken from 6:45 to 7:04 p.m.

## **PUBLIC HEARINGS: ORDINANCES/RESOLUTIONS/SPECIAL USE PERMITS/SUBDIVISION APPEAL**

### **18. Public Hearing and Ordinance to Rename and Readdress Bond Road, Holly Shelter Harbor Drive, and Shelter Creek Drive in Burgaw.**

The public hearing opened at 7:04 p.m. Mr. Brown said he owns a lot on this road and asked if it is inappropriate for him to vote. Mr. Thurman said it is up to Mr. Brown if he wants to abstain from voting. Mr. Williams made a motion to excuse Mr. Brown from this item, Mr. Tate seconded the motion and it was unanimously approved. Addressing Coordinator Jan Dawson explained that according to the Road Naming Ordinance, roads with continuous alignments should have only one name. She said uniform number ranges and street segments are a valuable and necessary part of the E-911 System and critical for emergency responders and that Bond Road, Holly Shelter Harbor Drive, and Shelter Creek Drive are in continuous alignment and should be named as such. Mr. Williams noted he had gone through a change of address on his street and explained to the audience that this is being done because of safety issues. Mr. Rivenbark said he had a road like this on his farm and the Board at the time listened to the people and made a compromise. Ms. Joyce Causey gave a history of the naming of the road and said they are trying to get an easy name for 911 purposes. She said no Bonds live on the road now and said the residents chose Moonlight Cove. Ms. Patricia Geddes said she is the daughter of Norman Bond and Bond Road was named for the Bonds. She read a history of the road name and said the Bond family owns a lot of property on the road. She said the property owners wanted to name the whole road Bond Road. Addressing Coordinator Jan Dawson said that after talking to the two sides, they compromised on the name Shelter Creek Drive and that is what staff recommended. The public hearing closed at 7:21 p.m. Mr. Williams made a motion to go with staff recommendation, Mr. Blanchard seconded the motion and it was unanimously approved.

### **19. Public Hearing and Ordinance to Rename and Readdress the North End of St. Johns Church Road in Hampstead.**

The public hearing opened at 7:21 p.m. Ms. Dawson explained that Jenkins Road is the stub street that connects the two segments of St. Johns Church Road and that this is a T intersection and should have been addressed as such. Ms. Dawson said the current numbers decrease in range instead of increasing as you are traveling north on St. Johns Church Road. She said that with the construction of the new Topsail High School, it is her opinion that in order to have consistent numbering, it is necessary to readdress the northernmost segment beginning at the T intersection and ending at the new school. She said it is also necessary to place a directional on the two segments of St. Johns Church Road. Mr. Ivory Sidbury and Mr. Joseph Nixon, Jr. of St. Johns Church Road spoke. Mr. Sidbury said that half of the residents that live there

(including himself) didn't even know that the road was being renamed and said they want it to be left as St. Johns Church Road. Mr. Nixon expressed concern about the number ranges. He said he lives at 482 and is concerned about mail changes, etc. Ms. Dawson said the name won't change from St. Johns Church Road – it will just have North in front of it. She said the whole road will be renumbered and that the Post Office will forward mail for one year. The public hearing closed at 7:30 p.m. Mr. Williams made a motion to approve the Ordinance, Mr. Brown seconded the motion and it was approved by a 4-1 vote, with Mr. Tate abstaining from voting.

**20. Public Hearing & Request to Approve a Special Use Permit for a Boat Access Facility on Mallard Bay Road in Hampstead: BDG LLC, Applicant.**

Mr. Jeff Beaudoin, Applicant and Owner, requested to withdraw this special use permit request due to the fact that he wants to change it and said they will bring it back before the Board in January.

**21. Public Hearing & Request to Revisit a Previously Approved Special Use Permit to Allow for the Sale of Motorcycles at 21758 US Highway 17, Hampstead: Jonathan Arnn, Applicant.**

The public hearing opened at 7:32 p.m. Mr. Thurman swore in the witnesses. Planner Jeff Jowett explained that the request is to approve a revision to a previously approved Special Use Permit to allow sales of motorcycles. He said that the property is located at 21758 US Hwy 17 in the Topsail Landing Shopping Center in Hampstead; that the current shopping center consists of Renegade Tobacco, NAPA Autoparts and Underground Motorcycles; that the motorcycle shop currently consists of mechanical and cosmetic service and repair and NC Certified Motorcycle Inspections; and that all parts, equipment, motorcycles, motorcycle repairs and/or displays will be inside the existing building. Attorney Kevin Heckart said he was here to speak in favor of the applicant at the original special use permit request and said he still supports him. He said there would be no outside sales. Mr. Brown asked about Condition #6 – “No outside storage of materials, merchandise, or unlicensed or salvage equipment will be permitted on the site” – and asked if there would be no outside display. Mr. Ken Just said a condition should be made that nothing is stored outside except customers' cars. The public hearing closed at 7:40 p.m. Mr. Williams made a motion to approve the special use permit request, with the condition added that there would be no outside display of merchandise. Mr. Blanchard seconded the motion and it was unanimously approved.

**22. Public Hearing & Request for Approval of a Special Use Permit for a Privately Owned Park on Brinson Road, Currie: Union Chapel Missionary Baptist Church, Applicant.**

The public hearing opened at 7:40 p.m. Mr. Thurman swore in the witnesses. Planner Kyle Breuer explained that the park will be built in phases starting with two picnic shelters for gatherings and functions; that the shelters will have faucet and bathroom facilities; that Union Chapel Missionary Baptist Church will assume all responsibilities in relation to the park; that the park will be provided with adequate lighting and parking facilities; that the upkeep of the property and facilities will be the responsibility of the church; and that when the facilities are not in use, all bathrooms and picnic areas will be kept locked. Mr. Arlester Fullwood spoke on behalf of the project and said the park will be used for the community and basically for the young and elderly. Mr. Brown said he applauds the church for their efforts. Mr. Thurman questioned if Mr. Fullwood's statements were true to the best of his knowledge and Mr. Fullwood's response was affirmative. The public hearing closed at 7:45 p.m. Mr. Tate made a motion to approve the special use permit request, Mr. Brown seconded the motion and it was unanimously approved.

**23. Public Hearing & Request for Approval of a Special Use Permit for Well Site Improvements on Belvedere Drive, Hampstead: Stroud Engineering, PA, Applicant.**

The public hearing opened at 7:45 p.m. Mr. Thurman swore in the witnesses. Mr. Thurman explained that Pender County Superior Court had upheld an appeal of this case because of technical problems with the County's video tape. Mr. Williams asked what is legally required and Mr. Thurman responded the minutes should be sufficient and tapes are not required. Planning Director Joey Raczkowski explained that the project site is located at 203 South Belvedere Drive, near the intersection of Fairway Drive in Hampstead; that the improvements include the replacement of existing storage components within the well site; that the

applicant proposes the installation of an additional 32' diameter ground level storage tank, located in the approximate center of the subject property; that all work related to the installation of the improvements will be limited to the well site property; that the special use permit request was denied at the January 16, 2007 Board of Commissioners meeting; and that an appeal was filed with Pender County Superior Court where the case was remanded back to the local jurisdiction for a re-hearing.

Mr. James Fentress of Stroud Engineering spoke on behalf of the special use permit request and distributed exhibits, which are on file with the permanent records in the County Manager's Office. Attorney Chris Ayers, representing the applicant, asked Mr. Fentress several questions in support of the request. Attorney Dave Morrison, representing the Belvedere Homeowners' Association, cross-examined Mr. Fentress. Mr. Ayers then questioned Danny Lassiter of Carolina Water Service, the Owner, and Mr. Morrison cross-examined him. Steve McGowan of Carolina Water Service was questioned in support of the request and he provided an additional exhibit (#7). There was no cross-examination of Mr. McGowan. Peter Jones, a Real Estate Appraiser, spoke on behalf of the permit request and answered questions from the Board. Jack Stocks, a Surveyor, spoke on behalf of the applicant and in response to question by Commissioner Williams, said he was the original surveyor of the site. Mr. Morrison cross-examined Mr. McGowan and Mr. Stocks.

A break was taken from 9:25 to 9:39 p.m.

Mr. Bob Hurry and Mr. George Mara, residents of the area, spoke against the special use permit and Mr. Ayers cross-examined them. Their concerns included the unsightliness of the tank, putting a 32' tank between two houses is an "audacious" insult to residents; that Carolina Water's intentions are to get customers outside Belvedere, that there is currently no commercial activity in Belvedere; the odors and noises created; and that Sloop Point Fire Department doesn't rely on Carolina Water, as was suggested. Chief Scott Sills spoke and in answer to question by Mr. Morrison, said he couldn't see any benefit to Sloop Point Fire Department if Carolina Water increases their capacity.

Mr. Keith Avant, Owner of Woodbury Wellness Center in Hampstead, spoke on behalf of the Owner. He said he has to look out for his residents and his facility needs water.

Mr. Ayers' summary was that there is no evidence of negative impact for this project according to Section 15.3 of the Zoning Ordinance. He urged the Board to grant the application.

Mr. Morrison's summary included that he doesn't think you can keep two application packages separately; that Belvedere is a planned community; that the two plants were built at the same time; that there is a conflict because Carolina Water can choose their service area and this covers a considerable larger area; and does the Board want Carolina Water to be a regional water system for the entire Topsail area or just to serve Belvedere.

The public hearing closed at 10:20 p.m. Citing 15.3 (B) Procedures for Reviewing Applications – "The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property" – Mr. Williams made a motion to deny the special use permit, Mr. Brown seconded the motion and it was unanimously approved.

Due to the time and length of the previous public hearing and the one following it, Mr. Williams made a motion to "bump up" Item Number 26. Mr. Tate seconded the motion and it was unanimously approved.

- 26. Public Hearing & Request for Approval of a Special Use Permit for a Wastewater Treatment Plant at Ravenswood Drive and US Highway 17, Hampstead: The John R. McAdams Company, Inc., Applicant.**

The public hearing opened at 10:20 p.m. Mr. Thurman swore in the witnesses. Mr. Raczkowski explained that the applicant wants to construct and operate a wastewater treatment plant on property located at the northeast corner of US Highway 17 and Ravenswood Drive and that it will consist of a treatment plant and surface drip system for 14,700 gallons per day (gpd). Tim Same, the Applicant, said the treatment facility is being constructed in conjunction with the previously approved Hampstead Town Center and that there is no adjacent sewer. It was noted that all the others that had signed up to speak had already left. The public hearing closed at 10:23 p.m. Mr. Williams made a motion to approve the special use permit, Mr. Brown seconded the motion and it was unanimously approved.

Mr. Williams made a motion to move up Item Number 25, Mr. Tate seconded the motion and it was unanimously approved.

**25. Public Hearing & Request for Approval of a Special Use Permit to Allow for the Sale of Motorcycles at 16647 US Highway 17, Hampstead: Dennis Shaw, Applicant.**

The public hearing opened at 10:23 p.m. Mr. Jowett explained that the applicant is requesting a special use permit to sell motorcycles at Shaw Motor Sports at 16647 US Hwy 17 in Hampstead. He said a license from the DMV is required for the sale of motorcycles and no federal permits are required in conjunction with this special use permit. Mr. Jowett noted that with respect to Condition Number 6 – “No junk, debris, trash, recycled or salvaged materials, or inoperable vehicles shall be stored on the site outside a completely enclosed building” – does not include display of. Mr. Richard Hazel said he owns the property and said Mr. Shaw and his business is an asset to the Hampstead Community. Mr. Shaw clarified for Mr. Williams that he will sell street bikes and not mini bikes – that’s why he needs a DMV license. He said the bikes need to be displayed outside because of visual effects; they can’t be seen in a showroom riding by at 55 MPH. Mr. Ken Just, Board of Adjustment member, asked if the request is to sell street bikes or to sell motorcycles. He said the Board of Commissioners needs to maintain its consistency – that all merchandise must be displayed inside a showroom; that there’s nothing on here that discusses display; and that this can be dangerous because it can distract young drivers passing by. There was some discussion regarding Mr. Shaw being able to display the motorcycles outside and the difference in Item Number 21 where the applicant can’t display outside. Mr. Raczkowski said that applicant set that stipulation himself. Mr. Chuck Wilson said the Greater Hampstead Homeowners’ Association has concerns with visual pollution. He requested that the Board not grant this special use permit unless they include in the conditions “no outside visuals.” Mr. Williams asked what does the applicant suggest and Mr. Shaw said he would only put out a certain amount at one time – if twenty is too many, then he will put out 15. Mr. Williams clarified that it would be 15 total, not 15 of each. Mr. Just said the Board changing their vote from Item Number 21 is “just not right.” He said they should make it so nothing’s displayed outside. Mr. Tate asked how many are currently displayed outside and the answer was thirty-eight. Mr. Williams said he could still put thirty-eight dirt bikes out there without a special use permit and Mr. Thurman confirmed this. It was suggested that Condition Number 10 be added to state that no more than 15 motorized bikes for sale be displayed outside at one time. The public hearing closed at 10:56 p.m. Mr. Williams made a motion to approve the special use permit, with the condition added of no more than 15 motorized vehicles for sale of any sort at any given time. Mr. Blanchard seconded the motion. The special use permit was approved with Mr. Williams, Mr. Blanchard and Mr. Rivenbark voting in favor of it, Mr. Brown opposed it and Mr. Tate abstained from voting.

**24. Public Hearing & Request for Approval of a Special Use Permit for Wastewater Treatment Plant Improvements on Fairway Drive, Hampstead: Stroud Engineering, PA, Applicant.**

The public hearing opened at 11:00 p.m. It was noted that as this item is directly related to Item Number 23, the people who were sworn in for Item Number 23 are still sworn in. Mr. Raczkowski explained that the applicant proposes the installation of a 22’ diameter clarifier between the existing bridge filter and the 75’ diameter waste treatment plant in order to increase the plant’s capacity. He said the project site is located at 128 Fairway Drive in Hampstead, that the increase in capacity is proposed in order to satisfy the utility’s obligation within its established service district and that the special use permit request was denied at the January 16, 2007 Board of Commissioners meeting. Mr. Fentress again spoke on behalf of the special use

permit request and distributed exhibits, which are on file with the permanent records in the County Manager's Office. Mr. Ayers asked Mr. Fentress several questions in support of the request. Mr. Morrison representing again cross-examined Mr. Fentress. Mr. Fentress said the project would only be for the Belvedere service area, that they currently have 806 customers, that the plant would be no taller than the existing plant and not taller than the tree line and that the expansion is only to serve the homes already there. Mr. Lassiter spoke on behalf of the permit saying they have the customers' best interest at heart and want to be good neighbors with them. Mr. Lassiter demonstrated the service area outlined on a map. Mr. Morrison cross-examined Mr. Lassiter.

There were comments and questions concerning a lined pond at the site; it was never determined who had put the pond in. In response to questions by Mr. Ayers and cross-examination by Mr. Morrison, Mr. McGowan said there would be no type of wastewater other than from Belvedere; that they have a DWQ Permit; that the NC Utilities Commission determines who the company can serve; that effluent is applied to the golf course between 8:00 p.m. and 2:00 a.m.; and that the effluent is untreated. Mr. McGowan introduced the Non-Discharge Spray Application as Exhibit 7, the Irrigation Inspection Report as Exhibit 8, the Test Results as Exhibit 9, the Rain Censor Gauge as Exhibit 10, records showing sludge haul as Exhibit 11, and pictures showing sludge haul as Exhibit 12. Mr. McGowan also said he wasn't aware of any non-compliance by Carolina Water, that he doesn't know who dug the pond; that he hadn't authorized any digging or the liner; and that he never smelled anything from the existing plant.

A break was taken from 12:30 a.m. to 12:40 a.m.

Mr. Peter Jones again spoke on behalf of the permit request. He said one of the most important things is the scope of work, that this only a replacement of a tank, that he stood on top of the existing tank and noticed little odor, and he didn't notice any odor on the ground. Mr. Morrison cross-examined Mr. Jones. He noted that earlier Mr. Jones indicated he didn't have "any dog in this fight" and asked if got paid to come here tonight. Mr. Jones said he was paid \$200 an hour but he would get paid no matter what his opinion.

Mr. Morrison asked "Qualifying Questions" of Mr. Jeremy Strong, a Licensed Certified Real Property Appraiser. He asked what was Mr. Strong's opinion and Mr. Strong said he was not asked to make a report and he would have had to compare other lots to lots next to the plant. Mr. Morrison asked is there a reduction in value for a lot next to a waste treatment plant and Mr. Strong responded a 20% reduction. Mr. Strong also said he's smelled the plant before. Mr. Ayers cross-examined Mr. Strong. Mr. Ayers asked if Mr. Strong was paid to come here tonight. Mr. Strong responded he was paid a total of \$300 and he would have been paid that amount no matter what he said.

Ms. Monica Coleman of Fairway Drive said she's a Licensed Real Estate Realtor who lives in Section 1. She said all of Section 1 would be affected by the plant, that it's not a good thing, that home values will decrease, that it's not a good thing for sales, and that it will be worse if expansion occurs. Mr. Ayers cross-examined Mr. Coleman. He asked if Ms. Coleman had ever reported the smell to the Utilities Commission and did she testify the first time. Ms. Coleman's response was no to both questions.

Other residents spoke against the special use permit and expressed concerns including health, safety and welfare issues; nitrates being released during the spraying; sludge trucks running up and down the street; the condition of the golf course; the sprinkling system being affected; construction of the pond; the fact that Mr. McGowan didn't notice anybody building the pond only 300 feet from his office; the fact that the DWQ application was signed by Mr. Fentress; the plant will create a regional hazard; the plant will impair the integrity of the neighborhood; and property values will diminish. The residents also showed pictures of the tank and the newly constructed pond.

The public hearing closed at 2:20 a.m. Again citing 15.3 (B) Procedures for Reviewing Applications, Mr. Williams made a motion to deny the special use permit, Mr. Brown seconded the motion and it was unanimously approved.

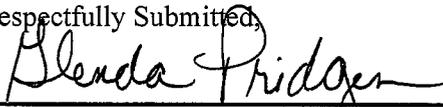
**PUBLIC COMMENT**

Mr. Charlie Boney spoke concerning his 2002 FEMA Grant. He said there is a five year lien which should have been satisfied in October 2007 but he is now being told that there is another year on it due to the Contractor finding extra damage and extending the work. He said now the County won't release the lien and asked if they never signed the note, how did they get the loan approved. Mr. Boney made reference to Mr. Blanchard and Mr. Rivenbark earlier saying they wouldn't accept an unsigned letter and said this wasn't signed and he shouldn't have to accept it. He asked why they had extended this. Mr. Thurman explained that every time you make repairs, additional money is added to the note and that extends it. He said Mr. Boney needs to execute the note that was done in 2003 and said the State requires compliance with all terms and conditions. Mr. Boney said he feels like the original note was changed to 2003 to cover somebody's mistake. Mr. Thurman said we don't control who handles the closing. It was the consensus of the Board that Mr. Boney to come back to the Manager's Office and meet with staff to try to resolve this.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 2:34 a.m.

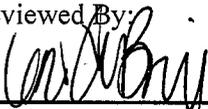
Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

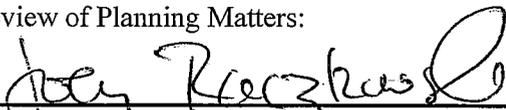
Reviewed By:



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Lori Brill, Clerk to the Board

Review of Planning Matters:



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Joey Raczkowski, Planning Director