

REQUEST FOR BOARD ACTION

ITEM NO. 4.

DATE OF REQUEST: February 10, 2009

REQUESTED BY: Melinda Knoerzer, Administrative Assistant

SHORT TITLE: Approval of Minutes for the Regular Meeting of February 16, 2009.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

FEBRUARY 16, 2009

The Board of Commissioners met in a regular session on Monday, February 16, 2009 at 4:00 p.m. in the Pender County Commissioners meeting room, 805 S. Walker Street, Burgaw, NC 28425.

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

STAFF PRESENT: Rick Benton, County Manager, Paul Parker, Assistant County Manager, Trey Thurman, County Attorney, Melinda Knoerzer, Deputy Clerk to the Board, other staff and members of the public.

Chairman Tate called meeting to order at 4:05 p.m.

Commissioner Brown gave the invocation.

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Update on Topsail Area Comprehensive Transportation Plan

Tyler Bray of the North Carolina Department of Transportation presented information regarding Holly Ridge US Highway 17 Freeway Improvement, located predominately north of Pender County in Onslow County. He said he is working with all governmental entities to review the freeway alternatives being proposed and is meeting with Onslow County later tonight. He explained that their alternatives were limited by the Holly Shelter game lands and the military owned lands, and only 1,000 feet of the project area lies within Pender County. Mr. Bray outlined the procedure for adopting this in May or June of 2009 after meetings with Planning Boards, military, and local governments involved. He said from those meetings a "draft" plan would be developed and they intend to hold three (3) public drop-in sessions for citizens to provide comment, before asking each local governing board to approve a final alignment. Mr. Williams said he would be inclined to support the recommendations of Onslow County and Holly Ridge.

The Chairman recognized Al Freimark of the Greater Hampstead Homeowners Association and the Hampstead Highway 17 Bypass project. Mr. Freimark stated that he and many others have been working on the Hampstead Bypass for over 15 years. He asked if there would be any way to tie these two projects together. Mr. Bray indicated that this project is not slated for development until 2025 to 2030, whereas the Hampstead Bypass is a "Road Improvement" project slated to be developed much sooner than that. He said that someone "higher up" would make the determination on the Hampstead Bypass, but it is definitely on schedule to be built before this one.

Mr. Rivenbark said he would support a resolution to request that both projects be addressed at one time. Mr. Williams expressed concern for slowing down the work that has been done. He agreed that strategically what Mr. Freimark said made sense, however mixing the two projects could confuse and delay the Hampstead Bypass. Mr. Bray reiterated that the Hampstead Bypass is much closer than a recommendation out of this plan would be.

Mr. Bray said this project would tie into Pender County at Shephards Road. Mr. Williams noted the northernmost starting point of the Hampstead Bypass would be Sloop Point Road. Mr.

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Rivenbark said he did not believe it would hurt the cause if we send a resolution letting them know that this is the way we feel. Mr. Tate said we must support this effort to get this taken care of. No formal action was required.

2. Airport Update & Request by Town of Wallace to Consent to Land Acquisition for Wallace Airport (Henderson Field): Ken Cornatzer, Wallace Town Manager

Mr. Cornatzer thanked Mr. Benton and the County Commissioners for allowing him this time to speak and for the assistance over the years with the airport. He introduced Eric Coleman, Assistant Town Manager. Mr. Coleman said the Wallace Airport has been in existence in this location in Pender County since the late 1960's and both Pender and Wallace have partnered together since that time. He said this airport generates ad valorem and sales tax revenues for Pender County through the sale of general aviation fuel and the lease of hanger space.

Mr. Coleman reviewed the Master Improvement Plan for the airport. He explained that they recently extended the runway leaving an area in the glide slope where trees need to be removed for safety purposes. He said they recently resurfaced the runway and analyzed the glide slope areas and in order to accommodate new navigational and landing equipment, some trees must be removed. He said they have attempted to work this out with the landowner who will not agree to remove the trees. He explained that the next step is condemnation to remove the trees from a roughly 36 acre area in the glide slope of runway #9. He said that the NC DOT can withhold future grants if these trees are not removed. Mr. Williams said he recalled (from his years serving on the airport board) that Pender County receives over \$100,000 in net tax income because there is over \$4 million in aircraft stored there that is taxed in Pender County. Mr. Blanchard clarified that the Town of Wallace is undertaking this condemnation and not Pender County, and that the Town is merely seeking permission from the County. Mr. Brown inquired about the negotiations to purchase the timber and asked, "What is the problem"? Mr. Coleman responded that they could never agree on a price of the value of the trees and said the property owner (a NC Limited Liability Company) has forced the Town to take this action. Upon inquiry, Mr. Cornatzer stated that when lands are taken via condemnation there is more time allowed for designating replacement investment(s) which could perhaps work to the benefit of the LLC. Mr. Tate asked and Mr. Cornatzer confirmed that the LLC involved is aware of the impending condemnation and the tax treatment. Mr. Blanchard made a motion to authorize the Town of Wallace to proceed, which was seconded by Mr. Rivenbark. Mr. Brown indicated that he was not ready to vote yet. He said he has a very hard time taking folks' land like this and asked Mr. Coleman if he believed he has exhausted all efforts to negotiate. Mr. Coleman responded that they had. Mr. Benton noted that the item on this agenda today is a "discussion" item and he had planned to put it on the March 2nd agenda for action. Mr. Brown said he would object to voting on this today and it was agreed this would be presented for action on the March 2nd agenda.

3. 2010 U.S. Census Bureau Update: Constance Hymans was not present.

4. Presentation by Granicus, Inc.: Board Meetings Online via the Pender County Website, Hilda Stevens

IT Director, Erik Harvey said that IT has been looking at other avenues of publishing the Commissioner meetings via the Internet with streaming media. He introduced Ms. Hilda Stevens who said that since 1999 Granicus has been working with local governments to provide public information via the Internet. She said they have a solution that integrates minutes, agendas, resolutions and media. She said they currently work with 500 local governmental entities across the

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nation, the smallest of which has a population of 260 and the largest being Los Angeles, CA. In North Carolina they work with 20 public agencies. She mentioned Iredell and Onslow County and the City of Wilmington as the most local Granicus clients. She said their solution does not impact our day to day website operations because they completely manage and host it, while matching the look and feel of our own website. She demonstrated the storage and retrieval features of the Granicus program and noted that this solution caters to citizens who don't have the time to attend the meetings, but who want to have the information. She said that all former meetings could be archived.

Chairman Tate asked about the cable TV delay under the present scenario and Mr. Harvey explained that we have the tape copied and delivered to both Charter and Time Warner where they are rebroadcast later. Mr. Harvey said the County currently pays an outside vendor \$10 for duplication services.

When asked about the costs, Ms. Stevens said the basic proposal including one time upfront costs for hardware, software and professional training is \$21,000. She said the "Managed Services" component (web hosting) is another \$1,100 per month, including unlimited bandwidth and storage of media along with round the clock technical support, indexing of meetings and public service announcements.

Mr. Tate asked if staff had researched other vendors as well and Mr. Harvey said there are other individual products on the market but none that provide a single solution like Granicus does at this time. He said they were highly recommended by the School of Government. The Board asked Mr. Harvey to continue looking into this product.

5. Presentation by GovDeals to Assist with the Disposal of County Surplus Property and the New Financial Settlement

Mr. Harvey said this is a follow up and refresher on GovDeals – which has been approved for use by Pender County to sell surplus property. He introduced company representative, Scott Starcher, who explained that they began online auctions in 2001, as an "EBay for Government". He said only government entities may sell on this site but anyone meeting their "qualified bidder" criteria may purchase on this site. He said they collect fees from the winning bidder who pays a 5% premium over the cost of the purchased item. Once purchased, GovDeals notifies the County that the asset is ready, the County releases the bill of sale provided by GovDeals, Gov Deals pays the County and the purchaser is responsible for picking up the purchased item. He said this program allows you to sell things "as is" "where is", immediately upon declaring them surplus. He said they charge the County 7.5% of the selling price at the time of sale, and there is no up front cost to the County. When asked about these fees, Mr. Harvey responded that this removes the burden from IT and the County Finance Office, with GovDeals handling the entire transaction, and merely sending Pender the check. When asked if the 7.5% fee is negotiable Mr. Starcher said, "No, all 2,196 clients are charged the same amount." Mr. Harvey said the County is beginning to utilize this service as it was approved in January of 2008 and we have actually posted some vehicles for sale. He said the financial segment is the last step. Mr. Harvey said this program is open ended and can be used exclusively or not at all. Once items have been sold, Mr. Starcher said GovDeals asks the purchaser to remove them within 5 to 10 business days; however, the County could set their own policy. Mr. Harvey said that we are scheduled to go live on the first week in March with this program. Chairman Tate said this appears to reduce the liability to the County.

CONSENT AGENDA

Chairman Tate presented the Consent Agenda and asked if there were any items to be discussed. Mr. Rivenbark made a motion to approve the Consent Agenda as presented and Mr. Williams seconded this motion. The Consent Agenda was unanimously approved as follows:

6. Approval of Minutes for the Board Retreat of January 21, 22 & 23, 2009, Regular Meeting of February 2, 2009, and Continued Regular Meeting of January 21, 2009.
7. Resolution Accepting Petition to Add a Part of Azalea Drive in Hampstead, to the State Maintained System and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
8. Resolution to Approve Bank of America Contract Extension.
9. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures and to Approve Related Purchase Orders for Fiscal Year 208-2009: \$99,000.
10. Order for the Collector to Advertise 2008 Taxes which are a Lien on Real Estate.

RESOLUTIONS

11. Resolution Authorizing Purchase Order for Engineering Services Related to the new Topsail High School Driveway and Road Improvements – Norris, Kuske & Tunstall: \$6,798.67

Mr. David Smith, Director of Auxiliary Services for Pender County Schools, said this is in line with their existing agreement with Norris, Kuske & Tunstall, and is not a change order. Mr. Williams made a motion to approve this resolution and Mr. Rivenbark seconded the motion. The Board unanimously approved this resolution.

12. Resolution Authorizing Purchase Order for Renovation of former Topsail High School to become the New Topsail Middle School – Paragon Building Corporation: \$2,088,646.

Mr. Smith said this resolution is for the new addition and renovations at the former THS campus to convert it into the new Topsail Middle School campus. He said they received nine (9) bids and six (6) of them were within \$600,000. He said they have worked with Paragon before and this is their choice for this project. Mr. Williams made a motion to approve as presented, Mr. Rivenbark seconded this motion and it was unanimously approved.

Mr. Brown inquired about the temporary units on site and Mr. Smith responded that most of them have been auctioned by silent bid. He also stated that they held a few out for Pender County, Pender EMS and Sloop Point Fire Department. He said they have auctioned eight (8) and there are six (6) remaining.

With regard to the middle school, Mr. Smith said they anticipate completion by August 15, 2009 to include:

- A thirteen (13) classroom addition
- Renovated and expanded Cafeteria
- Replacement of glass front entryway.
- Paint and refresh the gymnasium

13. Resolution to Adopt Pender County Park Ordinance (First Reading):

Dee Turner presented this draft Park Ordinance and said she solicited input from other counties, and reviewed it with her Advisory Board, Sheriff Smith, the County Attorney and the County Manager. She said that "Enforcement and Penalties" in this ordinance parallels the Planning and Zoning

ordinance. Mr. Thurman stated that he has concerns that some of the violations should be subject to a greater penalty than others. He said \$100 is the default amount for a fine but the County could go up to \$500 if expressly set forth in the ordinance.

Mr. Rivenbark said this ordinance should have "teeth" when it comes to violations of drug use or excessive noise and Mr. Thurman said these are already established criminal offenses covered under the law. He said that if someone is told to leave the park and they do not leave, they are committing a trespass, which is enforceable by law. He recommended that the reference to "service dogs" be changed to the wider spectrum of "service animals". Mr. Thurman stated that this document can be changed. Mr. Benton said that ordinances require two (2) readings, the second of which would be set for March 2, 2009.

14. Resolution Requesting Consent on Funding Request for Southeastern Mental Health Center

Mr. Foster Norman, newly appointed Area Director for the Southeastern Center for Mental Health (SEC), said this is a request for funding support of New Hanover County Commissioners. He said they want New Hanover County to return \$2 million of the \$5 million being held in escrow by the County, for the benefit of SEC, so that they can continue to operate and provide services. He said SEC gave New Hanover County \$5 million along with land and the County was going to construct a building for SEC. He said that since that time, they have taken a \$2 million cut in services from the state and for the last two (2) years have not had sufficient funds to provide services in their three (3) county service area. \$2.3 million came out of fund balance to assist with payment of services in the last fiscal year. He said that since the original funding agreement came from all three (3) counties, they wanted the consensus of all counties to have these funds returned. Mr. Rivenbark made a motion to approve this resolution which was seconded by Mr. Williams and carried by unanimous vote of the Board.

15. Resolution Approving Preliminary Engineering Report for Pender County Drainage Program

Mr. Benton said that Paul Parker and Greg Thompson have worked together to develop this drainage report which when finalized, will be taken to Raleigh as a tool to request drainage funding. He said ultimately, a more long range plan would be developed, but this is a short term plan to accompany a timely request to the legislature. Mr. Williams noted that this plan came together much faster than he believed possible and congratulated all who contributed. Mr. Benton said there would be a drainage plan with the proposed Drainage Ordinance. Chairman Tate said he has reviewed this plan, he believes it came as a result of good staff commitment, and is a good plan to give to the legislature. He said this establishes the groundwork to address the real drainage needs in Pender County. Mr. Williams made a motion to approve this item as presented, Mr. Brown provided the second and the Board unanimously approved this item.

16. Resolution Supporting Expedited Funding of the US Highway 17 Hampstead Bypass

Mr. Benton said that since this project is not set for construction funding in the next Transportation Improvement Program (TIP), the new stimulus funding might be tapped for this project. Mr. Williams thanked his fellow commissioners for their support of this project over the years. Mr. Benton said that Mark Finlayson of the US 17 Highway Association is in agreement with this approach, and staff will send this off tomorrow if approved. Upon the motion of Mr. Blanchard and second by Mr. Williams, the Board unanimously voted to approve this resolution as presented.

17. Resolution by the Board of Directors of the Rocky Point-Topsail Water & Sewer District to Approve Pender County Applying for State Loan and/or Grant Assistance for the 6 MGD Surface Water Treatment Plant Project

Mr. Mack said that this is more economic stimulus money and Utilities is getting in every line possible for funding. He said this application requires a formal resolution and is due February 27, 2009. Upon the motion of Mr. Rivenbark and second by Mr. Blanchard, the Board unanimously approved this resolution.

APPOINTMENTS: 5 Min.

18. Resolution Approving Appointment of a 2009 Pender County Board of Equalization and Review

Mr. Coby Heath said that each year the County is required by statute to appoint a Board of Equalization & Review. He said the changes are that Mr. Casey wants to move to "alternate" and Mr. Mossman will take his place. He also said that Ken Just is recommended to be the Vice Chair. Mr. Blanchard made a motion to approve this item which was seconded by Mr. Rivenbark and carried by unanimous vote of the Board.

19. ITEMS FROM THE COUNTY MANAGER, COUNTY ATTORNEY, COUNTY COMMISSIONERS

Mr. Benton pointed out the budget development schedule noting that the first work session is scheduled for May 4th after the regular meeting. Mr. Benton also informed the Board that there is a small issue with the Hampstead public boat access project concerning an easement that the Pecan Grove Homeowners Association has on that site that the State needs removed. Mr. Benton noted the State is working with the Homeowners Association to resolve the matter.

Mr. Thurman said that in one of Mr. Sullivan's appeals on a tax matter, he contends that because he obtained property by bill of sale and not by deed, he was not required to pay taxes. He said the Court of Appeals has rejected his appeal.

Mr. Thurman said he recently attended the annual County Attorney winter conference in Chapel Hill and learned of some recently introduced bills that might be of particular interest to the Board. He said one prohibits the enacting of a moratorium while another dramatically limits governmental immunity and is thereby expected to increase County legal fees. He said the Academy of Trial Lawyers will be taking an opinion on this and the NCACC is working on this as well. He said if approved, this bill would allow counties to be named as a party in construction defect cases where they previously had immunity. He said under this scenario, inspections may slow to a crawl, out of fear of being sued. He said this is an item of substantial concern but was not listed as a legislative priority.

Mr. Rivenbark said that on February 19, 2009, the NCACC is hosting a public hearing on health reform in the US. He said that last Friday he spent the day with Hospital Board consultants learning how the economic downturn will affect the industry. He said he spent last Saturday at UNCW selecting Teaching Fellows, which is a program in its 26th year, and he is proud to have served his 10th year sitting on the selection committee.

Mr. Williams said he believes Teaching Fellows is an excellent program and he hopes it continues to be funded.

Neither Mr. Brown nor Mr. Blanchard had any items to discuss.

Mr. Tate asked about the design schedule for the water treatment plant project with Camp, Dresser & McKee (CDM). Michael Mack came forward and said we are roughly 2 months behind schedule with the recent discussions of sizing: 2 MGD versus 6 MGD. Mr. Mack said that he would ask CDM to attend the next meeting and make a presentation. He said meanwhile CDM and staff continue to work "full steam ahead" on the Inter Basin Transfer (IBT) permit, funding issues, and the DOT driveway issues which DOT has determined can be handled locally. He said the entire project is moving ahead and that's why we had to decide on sizing at the Retreat, in order not to delay the schedule. He said that on the former schedule the 2 MGD should have been in final design by December. He said much preliminary work has been done but with the 6 MGD, we must renew the Environmental Assessment and obtain another Finding of No Significant Impact (FONSI). Mr. Tate said he was concerned with speed and efficiency and while he struggles with building 2 MGD, he is concerned that upsizing at this time might substantially delay the project. Mr. Mack said that if a full IBT study is required it would add 18 to 24 months to the permit process. Mr. Williams explained that the IBT study is the concept of pulling water from one rivers' basin with the ultimate discharge of that water going to another rivers' basin and a review of the environmental issues this could present. In this case water would come from the Cape Fear River basin and discharge into the Northeast Cape Fear River basin. Mr. Mack said the construction of a regional sewer project would bring the discharge back to the Cape Fear River. Mr. Mack will ask CDM to present an update at the next meeting.

Mr. Tate completed his comments by saying that he had attended the Blueberry Festival Pancake Breakfast last Saturday, and it was very enjoyable. He said he plans to attend the annual Chamber banquet on Thursday, tour Pender Adult Services, and attend the Pender County Museum Board meeting on Saturday at 10 a.m. He invited all other Commissioners to attend if possible.

PUBLIC COMMENT

Karen Gonzales, formerly of the Pender County Planning Board, asked to speak about appointments to this Board. She said these board members are appointed by the Commissioners and that the board presently consists of six (6) white men and one (1) white woman (herself). She said there should be more diversity and leadership on every board for all people in this county. She said that she was pleased to learn that Mr. Charles R. Stephens (an African American) has applied for her position and she is withdrawing her name so that Mr. Stephens might be considered for appointment. Mr. Williams noted that since Mrs. Gonzales' prior resignation, the County had received many applications for appointment to her vacancy. Mr. Tate thanked Mrs. Gonzales for bringing the issue of diversity before the Board. There was discussion regarding the fact that these are not purely district based appointments, but that they also fill categories such as "Professional", "Technical", "Agricultural". The Board had planned to take no action on appointment today and requested that staff research the current Planning Board requisites for appointment. Mrs. Gonzales said, "Patrick Davenport is the best they have had as a Planning Director and the current Planning Board is very knowledgeable."

Dr. Rachel Stephens, President of Pender County NAACP, said she is, "Deeply concerned and personally saddened over how many minorities are in leadership positions in the County." She said we should be embracing diversity and reaching out to meet the needs of all people. She asked that they honor campaign promises and said that her husband Mr. Charles R. Stephens is qualified, educated and would do a good job as a Planning Board member. Mr. Tate thanked her for

addressing this issue. Mr. Williams said that many times citizens do not apply for these positions, despite being advertised. He said this position is very popular at this time, but generally it is the same group of citizens at each meeting and the same applicants time and time again.

Mr. Charles Stephens said he supports making the case for diversity and provided a handout containing his curriculum vitae. He said, "Quality of decision making is impacted by diversity". He said he is qualified and there would be others who would apply.

Mrs. Ella West, resident of New Road, Burgaw, said that there are vicious dogs being bred in the area near the Alexander Williams subdivision, and asked that the County Commissioners consider making laws prohibiting this. She said on December 21, 2008 her pet dog was tied out under her garage and two (2) large dogs came from the outlying area and destroyed her dog. She said this is very dangerous because there are day care centers nearby and open areas where people walk and bicycle on that road. She asked if there could be more restrictions on those dogs in that area. She had a petition signed by the residents of her neighborhood in support of stronger laws. Mr. Williams asked the Manager to handle this matter. Mr. Thurman said there is a procedure to have an animal declared dangerous, requiring that they be contained and muzzled. Mr. Tate said he had previously spoken with Mrs. West regarding this matter and that both the Sheriff and Animal Control had responded, but asked if the County could review the underlying policies to see how they could be strengthened. Mr. Benton said the current policy is complaint driven and citizens cannot allow dogs to run, therefore; if it is reported, it is dealt with. Mrs. West added that in this situation, there is still one loose dog and there are puppies involved too. Mr. Thurman said that if the remaining dog is dangerous he can be declared so as well, but reminded everyone that the dog owner has rights too. There was a discussion of breed type and Mr. Thurman again cautioned that it is difficult at times to define a dog's breed as they are generally not AKC registered. Mr. Brown said he believed there are counties in which Pit Bull Terriers are considered vicious dogs that must be contained at all times. The Board asked Mr. Thurman to bring the current ordinance before them for discussion on the next agenda.

Mr. Thomas McLeod of 6368 Highway 117, Rocky Point asked if there could be signs posted indicating the fines for "Littering". He said there is a growing problem with litter along this highway and asked if the County could request the State to post signs on the roadway as a possible deterrent.

Commissioner Brown thanked Dr. Stephens and said he appreciated her passion and he heard what she said. He said that when they review board appointments they have no way of knowing whether they are white, black, male, or female. He said it is unfortunate that there have been so few opportunities to put minority folks on the board, but only folks who apply can be appointed. Mr. Stephens suggested the use of a separate form on ethnicity that would be supplemental application information and would be strictly voluntary. Chairman Tate said that Dr. Stephens makes a very good point to make sure everyone in Pender County is represented on each Board.

There being no further public comment, the Board recessed at 6:20 p.m.

The Board reconvened at 7:00 p.m.

PUBLIC RECOGNITION

20. Recognition and Congratulations to Cordelia R. Lewis, Lieutenant in the Pender County Sheriff's Office, for her Dedicated Service to the Citizens of Pender County

The Board presented Lt. Lewis with a plaque commemorating her service to Pender County. Sheriff Smith presented Lt. Lewis with an award, noting the four Sheriffs she has served under. He recalled that it was Lt. Lewis who first hired him, while he was in high school to work in Dispatch. He said she would be remembered best in this county for her work with sexual assault cases which are extremely emotional cases. He said it is difficult for people to sit and listen to these stories but she has done this for over 20 years. He said this is a high burn-out position, but Lt. Lewis has done a superb job handling these highly sensitive cases for the people of Pender County. He thanked her for her service to the County. Lt. Lewis thanked the Sheriff and the Board and said she has enjoyed serving the citizens of Pender and that her kids are now the focus of her life.

21. Resolution to Declare One Glock Model 23 Handgun Surplus and Award to Lieutenant Cordelia R. Lewis in Recognition of her Service to the Citizens of Pender County in the Pender County Sheriff's Office

Mr. Rivenbark made a motion to approve this resolution, Mr. Brown seconded the motion and it carried by unanimous vote of the Board. Sheriff Smith then presented Lt. Lewis with her handgun permit and her service handgun as a token of the County's appreciation.

PUBLIC HEARINGS/SPECIAL USE PERMIT REQUESTS

22. Public Hearing & Special Use Permit: Stroud Engineering, P.A., Applicant: Request to Construct a Wastewater Treatment Facility, Located South of Ashton Road and West of Ford Lane, Rocky Point, NC

Patrick Davenport, Director of Planning and Community Development, presented this item which had been continued from the previous hearing. He said this is an application for a 500,000 gallon per day wastewater treatment plant located in the Rocky Point area, south of Ashton Road and west of Fords Lane on property currently zoned RA (Rural Agricultural). He reminded the Board that they have already heard a detailed staff report at the previous hearing and that during that hearing a concern was raised regarding railway vibrations if the railroad line were to be reinstated. He said the applicant's professional engineer has provided supplemental information on railway generated vibrations and this is included in the packet. He said the engineer has cited successful examples in Wilmington, NC, Belmont, NC, and Shrewsville, PA with similar plants situated near railways. He said the applicant is creating the sewer availability in order to explore development opportunities and that is why they are not certain of their specific development plans. Engineer, Jimmy Fentress came forward. Mr. Thurman reminded him that he remains under oath and verified that the documents he submitted in support of this application are true and correct and that he properly affixed his seal. Mr. Tate opened the public hearing at 7:16 p.m. Mr. Fentress said he continues to represent the applicant, Prometheus Properties, and said he researched the information regarding railway vibrations. He said once they know if they can build a treatment plant, they will then address their zoning issues. He said the applicant owns 3,700 acres around this property, and initial plans are for significant mixed use development. Mr. Brown said he had requested this information and he appreciated them taking the time to address these concerns. There being no further comments, the Chairman closed the public hearing at 7:18 p.m. Upon the motion of Mr. Brown and second by Mr. Williams, the Board voted unanimously to approve this resolution.

23. Public Hearing & Special Use Permit: Pender County, Applicant: Request to Develop a Public Industrial Park, Located West of U.S. Highway 421 across from Cowpen Landing Road just North of the New Hanover/Pender County Line

The County Attorney administered oaths to witnesses wishing to speak on this matter. Benjamin Andrea, Planner, presented this item and explained that Pender County is the applicant on this Special Use request for an industrial park. He said the property consists of 378 acres and is zoned I-2 "Heavy Industry". He said the land is classified as "Rural Area and Conservation Area II" in the CAMA Land Use Plan and the proposed development is consistent with this plan. Existing wells presently serving BASF are reserved by easement to BASF and will have no impact on development. There is no development planned in the FEMA 100 year flood plain. The property is bounded by Corbett Industries on the northwest, Wiltak, Inc., on the southwest and BASF Corporation on the southeast. He said the draft master plan calls for 12 lots (11 to 20 acres each) on 280 acres and will be accessed by a new driveway aligned with the existing Cowpen Landing Road. He said the applicant plans to have this park operational by 2011 and that the proposed water treatment plant and wastewater treatment plans will each require separate Special Use Permits. He said the proposed industrial park will have a favorable effect on the local economy through the creation of jobs, etc. He said they recommend approving this subject to the preservation of the existing rail corridor for potential use as a "rails to trails" parkway or railway redevelopment.

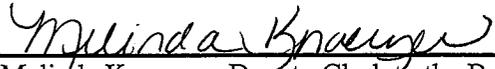
Chairman Tate opened the public hearing at 7:25 and County Manager, Rick Benton came forward. He said the County purchased this property for the purposes of developing water and wastewater treatment, and to create jobs by developing this industrial park. He said all studies have been completed, such as geotechnical, wetland delineation, etc, and there have been no issues to preclude the park from being developed. He said the park is ready for certification through the NC Department of Commerce once the public water and sewer is in place. He said this is particularly important at this time as the County's unemployment rate has jumped from 4% to 9% and the poverty rate is 16%. He said the County expects that this park will be the catalyst for significant impact with potential to increase the tax base by \$350 million, and the Board should be commended for having the foresight to purchase and develop this land.

Scott Satterfield of Wilmington Industrial Development said Mr. Rick von Biberstein of The Committee of 100 has a letter from Four County Electric Cooperative in support of developing this industrial park. He said this is a very important step in securing Pender's economic future and it will be a valuable component to our economic development and recovery.

Richard von Biberstein said that when this park is complete it will be a great addition to the County and will be attractive to industry because it is already qualified for development, thereby eliminating the uncertainty that relocating a business can create. Chairman Tate thanked all who worked on this project and said the park would be a great asset to the County. Mr. Williams said that he and Mr. Rivenbark were on the board at the time this land was purchased and the three new Commissioners and Mr. Benton have been very supportive. He said this is one issue on which this Board is united. There being no other comments, the Chairman closed the public hearing at 7:31 p.m. Upon the motion of Mr. Rivenbark and second by Mr. Williams, the Board voted unanimously to approve this resolution for a special use permit as submitted.

The meeting was adjourned at 7:31 p.m.

Respectfully Submitted,



Melinda Knoerzer, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Review of Planning Matters:



Patrick T. Davy
Planning Staff