

MONDAY, MARCH 16, 2009

MEETING WITH THE PENDER COUNTY SCHOOL BOARD

The Pender County Board of Commissioners met with the Pender County School Board Education on Monday, March 16, 2009, at Heide Trask High School Media Center, 14328 NC Highway 210, Rocky Point, North Carolina.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Rick Benton, County Manager and Clerk to the Board; Paul Parker, Assistant County Manager; Trey Thurman, County Attorney (Mr. Thurman attended the regular meeting); Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

SCHOOL BOARD MEMBERS PRESENT: Chairman Tom Roper; Vice Chairman Katherine Herring; and members Karen Gonzales, Kenneth Lanier; and Karen Rouse.

Also present was Schools Superintendent Allison Sholar and other Schools staff.

CALL TO ORDER

Chairman Tate called the meeting to order at 2:00 p.m. and thanked and welcomed all to the meeting.

INVOCATION

Commissioner Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

Ms. Sholar presented a report on 2008-2009 Pender County Schools Accomplishments which included: Maintenance/Construction, including completion of a 5/10 year construction plan and the completion of construction of the new Topsail High School; Instructional/Student Support, including 2008-09 district-wide student planning, School Resource Officers in Middle/High Schools, all schools equipped with the newest instructional technology, increase in Huskins courses, and decrease in dropout rate; and Athletics.

Mr. Tate asked, with respect to teachers participating in World View staff development, which countries have teachers visited. Ms. Sholar said none yet because this is their first year in this program.

Human Resource Director Alfredia Moore presented a report on Tuition Reimbursement Requests for the fall of 2008, in which the Board of Commissioners had designated \$10,000 for the Masters Degree Program. She said so far this year they had reimbursed \$4,547.03, leaving a balance of \$5,452.97. Mr. Tate asked if all the programs listed are Masters and Ms. Moore said most of them are. She said some of them are National Board Certifications, but they still concentrate on Masters. Mr. Rivenbark thanked Ms. Moore for all she does.

Ms. Sholar then presented a report on 2009-2010 Pender County Schools Budget Request which included: Current Expense Request; Adjustments to Costs Excluding Bond Projects; Current Expense – Bond Projects – Operational; Capital Outlay Request; Budget Request Summary; and Impact of Possible State Budget Reductions at 3%, 5%, and 7%. All the reports in their entirety are on file with the permanent records in the County Manager's Office.

Mr. Williams mentioned the 3.5¢ tax increase that was supposed to be implemented this fiscal year and the fact that the Board had discussed the option of not implementing it, and replacing the amount from Fund Balance. Mr. Rivenbark and Mr. Blanchard said they thought the 3.5¢ was for Debt Service. Mr. Roper said the 3.5¢ was designated to go to operational expenses, and it was all part of the original bond. He said it was not designated to go to bond debt.

Mr. Roper explained that if the Schools get any stimulus money, it would have to be spent for: 1) Title 1 Schools; 2) Exceptional Children; and 3) \$1.7 Million for Capital Projects.

Mr. Blanchard asked if the County historically funded Schools at around 50% of our property tax revenue, and Mr. Benton responded affirmatively. He said this year's request for recurring is approximately \$800,000 more than last year's, but the Capital Outlay request is actually less.

Mr. Blanchard said there is a group of counties we compare to see where Pender stands with respect to per pupil spending and Ms. Sholar said she will get that data. Mr. Roper said they will provide data on where we stand among all counties. He said if you take out bonds and capital projects, we are typically in the middle.

Mr. Tate thanked the School Board for their presentation and thanked them for being "good stewards" of County dollars.

Mr. Blanchard said with respect to the County reimbursing folks for the Masters Degree Program, can we ethically ask them to remain in the County for a certain length of time. Mr. Roper said they are looking into incentives to keep people in the County; he said they will continue to work towards it and bring a report back to the Board.

Mr. Tate said that throughout the County, he has heard good things about the School Board making efforts to recruit minorities.

The meeting with the School board ended at 2:50 p.m.

REGULAR BOARD MEETING

The Board's regular meeting convened at 4:00 p.m. Mr. Tate explained to the audience that the Board is taking meetings into different districts throughout the year. He thanked the people in the Rocky Point area for attending this meeting.

PUBLIC INFORMATION

1. Marty Feurer, Director of Government and Public Affairs, Time Warner Cable: Cable Services in the Currently Unserved Areas of Pender County.

Mr. Feurer said the area of Pender County served by Time Warner is basically south of I-40 – down Hwy. 117 in Rocky Point, up through Burgaw, and into the Watha and Willard areas. He said when new developments are planned, Time Warner surveys them and talks to them to see how many houses they are building, but right now growth is slow. Mr. Blanchard asked what they are doing east of I-40. Mr. Feurer said east of I-40 is a challenge but they continue to evaluate, and recently they have been evaluating the Riverbend area. Mr. Blanchard asked "but you have nothing concrete right now" and Mr. Feurer confirmed that. Mr. Williams asked about minimum density and Mr. Feurer said the franchise requires 30 homes per mile, but they are actually using 21 homes per mile. He said if the Board gets together a list of developments they want looked at, they will go back and recount the homes. Mr. Tate said he's hearing a lot from western Pender County citizens about wanting high speed internet and cable. He asked if Time Warner can look at the numbers again in this area. Mr. Benton asked Mr. Feurer to explain the change in the cable franchise and Mr. Feurer said that in June or July of 2009, the franchise will be conducted through the State and Time Warner can't renew their franchise with the County. He said they will still serve Pender County but the agreement will actually be with the State. Mr. Tate asked if the new franchise will take rural areas into

account and Mr. Feurer said he's not sure. Mr. Tate said we need to advise our State Legislators. Mr. Blanchard said President Obama has said he wants 90% of the Country to have high speed internet within two or three years.

2. Kathy Lewis, Executive Director, Topsail Humane Society: Animal Cruelty Investigations.

Ms. Lewis said Pender County currently has no Animal Control Investigator. She said there are growing equine problems and Pender Animal Control cannot handle them. Ms. Lewis said she and Kathy Williams have become certified as Animal Cruelty Investigators and they would do it free for the County because Investigators cannot be paid. She said they would have to be appointed by the Board and they would work with Animal Control and the Sheriff Department. Mr. Blanchard asked Mr. Thurman's opinion and Mr. Thurman said he would have to look at the statutes. Mr. Tate said we need more time to study this. It was noted that this item was set for discussion and not for action and it will be brought up on a future agenda.

CONSENT AGENDA

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

3. Approval of Minutes for the Regular Board Meeting of March 2, 2009.
4. Resolution Approving Tax Releases and Refunds.
5. Resolution Authorizing a Contract with and Purchase Order to Norris, Kuske & Tunstall, Consulting Engineers, Inc., for Civil Engineering Services to Design a Sewer Pump Station and Force Main for the New Topsail Middle School: \$12,000.
6. Resolution Authorizing a Contract with Thompson, Price, Scott, Adams & Co. P.A. for Audit Services for FY 08/09 in the Amount of \$35,500.
7. Resolution for State Assistance from the NC Department of Environment and Natural Resources, Division of Water Resources for Drainage Management Projects .
8. Resolution Authorizing Purchase Order to Fairway Ford, Inc. in the Amount of \$21,850 to Purchase 2009 Ford Ranger Supercab Truck.
9. Resolution Awarding Professional Design Services for Pender Commerce Park Infrastructure to the Firm McKim & Creed.

RESOLUTIONS

10. **Presentation of Annual Report of Criminal Justice Partnership Program; Approval of Slate of Officers; and Resolution Approving Execution of Criminal Justice Partnership Program Continuation Grant for Fiscal Year 2009-2010: \$77,608, and Authorizing Purchase Orders for Delivery of Mandated Counseling Services.**

Administrative Assistant Melinda Knoerzer said the CJPP Board met last week and unanimously approved the submission of the grant application and the budget. Ms. Knoerzer then introduced Neal Batten, TASC Care Manager. Mr. Batten gave a history of how the Criminal Justice Partnership Program got started in Pender County and said Charlie Harris of CDTEG started out helping people on probation. He said that CJPP is one of the programs in the Governor's budget; that CJPP as a whole takes citizens who have made mistakes and tries to turn them around; that they assess a person's needs and then refer them to the appropriate agency; that their goal is to help people better their lives and become productive citizens; that CJPP is one of the best programs to work with defendants to try to keep them out of jail/prison; and that their board has a variety of members, including a Judge, District Attorney and Commissioner George Brown.

Mr. Harris gave a report which included some statistics on success rate, attendance rates, costs of treatment, number of offenders, jail costs versus treatment costs, and how many people they currently treat. He said they try to help offenders find employment because if they can find employment, they stand a better chance of not going back to drugs; that they also have sexual assault treatment; and that they hope to have domestic violence treatment in the near future. Mr. Blanchard asked about the jail cost versus treatment cost. Mr. Harris said it costs \$27,300 to keep an inmate in jail for a year, compared to the CJPP program/treatment

costs for all 52 offenders going through the Substance Abuse program for the same time period was \$24,240, resulting in an approximate savings to the taxpayers of \$167,222.40. Mr. Brown commended the CJPP members for the work they do. Mr. Tate agreed with Mr. Brown. Mr. Brown made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

11. **Resolution by the Pender County Board of Commissioners Seeking Amendments to the NC General Statutes Concerning Property Tax Exemptions for Certain Homeowner Associations' Property.**

Chris May, Executive Director of Cape Fear Council of Governments (COG) presented the resolution. Mr. May said one of the first things that the COG likes to do for counties is show them ways to save money when they can or ways to make money. He said that approval of this resolution will authorize the COG to request the legislative delegation to introduce legislation to correct the inequity and unfairness in the current property tax system. Mr. May explained that certain property could be located in Pender County but owned by nonprofit homeowners' associations outside the jurisdiction of Pender County and escape taxation by the County due to the application of NCGS 105-277.8. He gave as an example if a condo association in Raleigh owns a beach house in Surf City, neither Surf City or Pender County can tax it. Mr. May said that regardless of ownership, a county or municipality should have authority to tax real property in their jurisdiction. Mr. Williams said he totally agrees with Mr. May. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

12. **Resolution by the Pender County Board of Commissioners to Petition the North Carolina Department of Environment and Natural Resources to Petition the United States Environmental Protection Agency (EPA) to Support the Designation of the Coastal Waters in Pender County as a No Discharge Zone.**

Mr. May explained the following: commercial and recreational boating play an important role in the coastal economy and quality of life of its residents and visitors, the discharge of sewage from these boats can contribute to the degradation of the coastal marine environment; the health and cleanliness of the waterways have a direct link to the health of the marine fishing and boating industry; water quality within the coastal water has been declining in recent years resulting in recreation uses advisories and shellfish harvesting closures; the Clean Water Act (CWA) was passed in 1972 to restore and maintain the chemical, physical and biological integrity of the Nation's waters; Section 312 of the CWA gives the EPA and states the authority to designate "No Discharge" zones prohibiting the discharge of sewage from all vessels while in the "No Discharge" zone; in order for the EPA to become involved, a state has to formally request that a specific portion of a water body, or all of its water bodies, be designated a "No Discharge" zone; and this resolution supports the designation of a "No Discharge" zone within the coastal waters in Pender County, which includes the Atlantic Intracoastal Waterway, the Cape Fear River, the Northeast Cape Fear River and all tidal creeks that drain into it, and the designated United States Territorial Waters extending to a point three miles off the shoreline at all inlets off Pender County. Mr. Blanchard asked if other counties are adopting the resolution and Mr. May responded affirmatively. Mr. Tate said we do pride ourselves on clean water in Pender County. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

13. **Resolution to Adopt the Performance Management and Evaluation System Manual and Policy Prepared for Pender County by Springsted, Inc. Dated December 2008.**

Mr. Parker explained the following: in November the Board approved developing a performance management and evaluation system to compliment the new pay and classification study that was developed in October; Springsted, Inc. was employed to develop the manual and policy, and completed the draft in December; evaluation forms have been completed for each County job description covered by the plan; training for supervisors and employees was completed February 10 and 11, 2009; the Performance Management and Evaluation System Manual and Policy will be implemented with the FY09-10 fiscal year if adopted; the policy provides for annual evaluation of employees covered under the plan, and encourages and provides for feedback and input between employees and their supervisors; and the policy provides for salary adjustments depending on levels of performance, provided funding is available. Mr. Blanchard asked if the

recommendation to adopt the policy is coming from staff and Mr. Parker responded "yes." Mr. Brown asked who developed the plan and Mr. Parker responded "Springsted, Inc." Mr. Brown asked if staff had any input and Mr. Benton said he and Mr. Parker had considerable input. Mr. Brown asked if Department Heads had any input and Mr. Parker said yes. Mr. Brown asked if the policy is for all employees, including Department Heads and Mr. Benton said it is designed for all employees except state employees, who have their own policies. He explained that Department Heads and Supervisors would evaluate employees and he would evaluate Department Heads. Mr. Rivenbark made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

14. Resolution Authorizing the Transfer of .71 Acre Site on Chubb Road to the Town of Burgaw.

Mr. Benton explained that the Board previously discussed the sale of this site at the interchange of US 117 and Chubb Road to the Town for the location of a wastewater lift station; that the station will be a part of the US 117 sewer extension project from Burgaw to Wallace; that the property was originally valued at \$7,500, but since that time a County easement and NC DOT right-of-way was placed on the property and only .18 acres of the site is now usable; and that the Town has offered to acquire the site for \$2,500. Mr. Rivenbark made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved.

15. Resolution Approving Contract between Pender County and New Hanover County for Fire Protection for the Scott's Hill Area.

Emergency Management Director Eddie King explained Pender County had contracted with Ogden Fire Department to provide fire protection services to Scotts Hill area citizens since 1999; this contract is necessary because the travel distance to the Hampstead Fire Department exceeds the 6-mile maximum to provide the citizens with recognized fire protection under their insurance policies; Ogden Fire Department is merging with New Hanover County Fire and Rescue; in order to provide the citizens with continued fire protection, Pender County must contract with New Hanover County; the contract was developed by Pender County and approved by the County Attorneys for both counties; and New Hanover County Board of Commissioners had approved the contract at their meeting this morning. Mr. Williams asked if half of the fire tax distribution in the Scott's Hill Fire District goes to Hampstead and half to Ogden, and Mr. King responded affirmatively. Mr. Williams noted the Hampstead Fire Department had met with these citizens to see if they wanted a sub-station or coverage from Ogden, and they did not show any interest in a sub-station. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded it and it was unanimously approved.

APPOINTMENTS

16. Resolution Approving Re-Appointment to the Pender County Social Services Board and Appointment to the Pender County Planning Board.

Mr. Tate asked if Rev. Hudson's application was the only one received for the Social Services Board and Ms. Pridgen responded that Rev. Hudson's is a re-appointment. Mr. Tate also noted that she is the chairperson of the DSS Board. Mr. Rivenbark made a motion to re-appoint Rev. Hudson, Mr. Brown seconded the motion and Rev. Elberta Pugh-Hudson was re-appointed to serve on the Pender County Social Services Board, with term to expire June 30, 2011.

Mr. Tate said we have some very qualified applicants for the Planning Board, which had a vacancy in the "Professional" category, and asked Ms. Pridgen to read the applicants' names. The applicants were: Frank Braxton, Sonya Edens, Donald Ellson, Sue LoRusso, Charles Stephens, and Jeremy Strong. Mr. Blanchard asked if "professional" means a teacher or some similar field. Mr. Thurman said that was not the original intent, but former member Karen Gonzales was a teacher when the Planning Board needed someone and no one else applied. When Ms. Gonzales applied under these circumstances, the category of "professional" was expanded to include "teacher." Mr. Tate asked if they are looking for someone from a particular district and Planning Director Patrick Davenport responded "no." Mr. Davenport said they need someone as soon as possible. Mr. Brown asked if they are looking for someone professional and Mr. Davenport said the category may mean to have someone that has or had a professional type career relative to the planning

industry in the past, but there are no clear guidelines established on how to define these criteria. Mr. Tate said he can't make a motion or second but he would love to because there are so many qualified applicants. Mr. Williams said it is an unusual situation to have six people apply for this seat on the Planning Board because normally the Board struggles to fill positions. Mr. Williams made a motion to appoint Mr. Braxton but it died for lack of a second. Mr. Brown asked if someone is appointed in the "Alternate" category, can they attend all Planning Board meetings. Mr. Thurman said they can attend any of the meetings but they can only vote if they are attending in place of one of the regular members. Mr. Tate asked about expanding the Planning Board and there ensued a discussion concerning the number of current members. Mr. Thurman noted there are seven current members because Charles Newman, the Fire Advisor to the Board, is not a voting member. The Commissioners agreed they had never received so many applicants for a Planning Board position. Mr. Blanchard said he is in anguish about what to do and suggested making an amendment to Mr. Williams' motion, and add Mr. Stevens as an alternate. Mr. Brown asked if there could be only one alternate or if there could be two and Mr. Davenport said "either." There was extended discussion of the alternate position, wherein it was noted that Mr. Brown is currently an alternate on the Planning Board and could be replaced with a citizen. Mr. Thurman said the Board can't make any changes to the Planning Board's structure tonight. Mr. Tate asked Mr. Stevens if he would be interested in serving as an alternate and Mr. Stevens said "no." Mr. Stevens said we need diversity on the Planning Board and he doesn't understand why the Board would exclude a qualified applicant. He said the African American population in Pender County should have somebody who represents them. Mr. Williams said Mr. Stevens is charging the Board with racism. Mr. Stevens said he is not charging the Board with racism, he is talking about inclusion. Mr. Blanchard made a motion to delay the appointment pending further research. Mr. Williams seconded the motion and it was unanimously approved. Mr. Brown said he doesn't want to delay the appointment but if other Board members need additional time, he will go along. Mr. Tate said he agrees with Mr. Brown and Mr. Blanchard and said we don't need to make a decision based on emotions. There was more discussion about expanding the Planning Board; it was the consensus not to expand it.

17. ITEMS FROM THE COUNTY MANAGER

Mr. Benton discussed surplus county property and said when the economic time is right, we may want to sell some property. He said he has a list and maps of all county properties that the Commissioners can come by his office and review. Mr. Blanchard asked if you can build anything on FEMA properties and Mr. Thurman said no, we can't do anything with FEMA properties except maybe some limited recreational activities. There was more discussion of the FEMA properties and it was noted they are a burden to the County. Mr. Williams said he doesn't think the old Hampstead Annex property is large enough, but instructed staff to continue looking into moving the Hampstead Convenience Center there.

Utilities Director Michael Mack gave an update entitled "Water Treatment Plant Alternatives Evaluation." The update included: Brief History, Water Demand Projections, Cost Estimates (Worse Case Scenario), Financing Options, Debt Service Matrix, Rocky Point-Topsail Water Sewer District Customer Summary, Alternatives, Average Monthly Customer Charge, Assumptions and Conclusion about constructing a 2, 4 or 6 MGD water treatment plant. The entire report is on file with the permanent records in the County Manager's Office. Mr. Blanchard asked if it seems feasible we can get \$36 million to build a 6 MGD plant; Mr. Mack responded yes and said we have \$17.5 now. Mr. Thurman asked why in the Phased approach to building a 6 MGD plant (2 MGD per Phase) the \$12.5 million construction cost was so much and Mr. Mack said \$12.5 million is the project cost, not just construction. He said it would include design, permitting, and the actual construction. Mr. Thurman asked if we build the 2 MGD, will it be built for expansion and Mr. Mack responded affirmatively. Mr. Thurman asked if we build the 2MGD and expand, will we have to start from scratch every time and Mr. Mack responded negatively. He said certain features for a 6 MGD plant can be included in the initial phase, but each 2 MGD phase would still require engineering design and permitting. Mr. Blanchard said going back every time would call for more red tape and permits would be harder to get every time. Mr. Tate asked where are Mr. Mack's figures included in his formula for the line going from Rocky Point to Hampstead and said they need to see all the figures in order to see the total. Mr. Mack responded that the Transmission Main upgrade to Hampstead recommended in the Master Plan is not included in this scope of work. He said it will occur at some point in the future, but is not required for this

plant project. Mr. Tate asked how long do we have on the Rural Water Bonds and the response was seven years. Mr. Tate said if the population was predicted to be 75 to 81,000 in 2030, how did Mr. Mack come up with 104,000? He said that when a decision is made, it must be based on good numbers. Mr. Mack said the population projections were taken straight out of the Water Master Plan and that he needs to be able to tell CDM size plant to design. Mr. Williams said Mr. Mack needs to find out about the Interbasin Transfers before we decide whether to go with the 6 MGD. He said we can give a tentative "thumbs up" after Mr. Mack gets the answer. There was no formal decision made.

Cameron Moore of Business Alliance for a Sound Economy said he thinks it is safe to say that the citizens of Pender County are grateful for the Board's efforts thus far by agreeing to support the lawsuit on the insurance increases; that local legislators introduced and supported SB 428 and HB 426; that these bills will place a temporary stay on all of the deductible, surcharge increases as well as the overall rate increases approved by the previous Commissioner of Insurance; that the Coastal Caucus, which is all of the House and Senate representatives from all of the 20 Coastal Counties, has been formed and they are actively engaged as the driving force behind this legislation; that we need to let Raleigh know that all of the Coastal Counties are united on this issue and speak with one voice; that NC-20, which is a partnership among the people, local governments, and businesses of the 20 Coastal Counties of North Carolina, has been working hard on this issue; and that today he is asking that the Pender County Commissioners agree to write a letter of support to the local legislative delegation supporting the efforts of the NC-20 coalition in getting the two bills passed. Mr. Tate asked if any Commissioner has any opposition and there was none. Staff was instructed to send the letter to the local legislative delegation.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman commended Planner Ashley Frank for finding the correct information pertaining to Hampstead Pines. He said there will be documentation on this that the Board needs to sign.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown commended Planner Kyle Breuer and DSS employee Jackie Williams for winning awards at the COG Annual Banquet. Mr. Brown also congratulated Mr. Thurman for winning the Redistricting court case in Washington, DC.

Mr. Williams said he congratulates Mr. Thurman also. Mr. Williams said there is an open letter from a citizen to the Board of Commissioners in a newspaper saying that while the Board is working on a new dog ordinance, they should add a provision that when the Sheriff, EMS, fire department or animal control is called to the scene, the pet owner is charged for the cost to the County for the response. Mr. Williams said he agrees that people should be held financially accountable when they are not responsible for their pets.

Mr. Tate said he will be attending a Transportation Needs meeting in Wilmington on Friday; deliver the welcome speech at the Small Farms Week Kick-Off at Poplar Grove Plantation in Hampstead on the 23rd; and attend a Clean Water meeting at Landfall on the 24th. Mr. Tate also asked staff to put a dog ordinance update on the next agenda.

PUBLIC COMMENT

Ms. Catherine Hicks of 13810 NC Hwy 210 said the Food Lion property next to her needs to be cleared of litter and the shrubbery on it needs to be cut down because it attracts animals and vagrants. In addition, she said there are large holes in the road made when the new school was built and she has been after DOT for four years to fix the holes but they won't. Mr. Davenport said he had Mr. Kays look at this area but there is no ordinance that covers litter. He said they talked to the Food Lion Manager about cleaning up the lot. Mr. Thurman said unless there was something on the conditions of the Special Use Permit, there is nothing to regulate cutting trees. He said normally, we require people to plant trees and shrubs to create a buffer. Mr. Williams asked Mr. Benton to check with DOT concerning the holes. Mr. Tate asked Mr. Davenport and Mr. Brown to meet with Ms. Hicks concerning Food Lion.

Ms. Sue LoRusso petitioned the Board to form an Animal Control Advisory Committee. She read a prepared statement highlighting the purpose and objectives of what an Animal Control Advisory Committee's purpose would be. Mr. Tate said an Animal Control Advisory Committee would be proactive. Mr. Williams suggested this be directed to the Board of Health.

Mr. Richard Catley said that with respect to the Animal Control Investigator, he thinks this would be a conflict of interest because of Ms. Lewis' ties with the Topsail Humane Society. Mr. Catley said an Animal Cruelty Investigator shouldn't be tied to another organization.

Ms. Knoerzer informed the Board and the public that there will be an Electronics Recycling Day on March 28th at the Old Topsail School. Mr. Blanchard asked if there is going to be one on this side of the County and Ms. Knoerzer said in the future.

The Board took a dinner break at 6:35 p.m.

PUBLIC HEARINGS: RESOLUTIONS/SPECIAL USE PERMIT REQUESTS

18. Public Hearing & Resolution Approving CDBG Grant Project Amendment for the Incubator Kitchen Project.

The public hearing opened at 7:00 p.m. Mr. Benton said this past January, the Board approved having James Sprunt Community College in Kenansville take over the Kitchen Incubator, so therefore, an amendment is needed. Ms. Jesse Miars of Holland Consulting Planners, Inc. reiterated what Mr. Benton said. She said anytime there is a change in a CDBG Project, a program amendment has to be done. The public hearing closed at 7:02 p.m. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

19. Public Hearing & Special Use Permit: Enoch Johnson, Applicant: Requesting approval of a Special Use Permit for the Operation of an Automotive, Truck and Small Machinery Repair Facility, Located at 2742 Clarks Landing Road.

Planner Ben Andrea explained that Code Enforcement Officer Ralph Kays received a complaint regarding multiple golf carts on Mr. Johnson's property, and that a cart sales and service business was operating on the property; that Mr. Kays investigated whether a Special Use Permit existed for the alleged business on the property and the investigation revealed no permit was active; that when Mr. Kays visited the site he noted a number of salvage golf carts were stored on the property outside of an existing fence; that Mr. Kays found a listing in the Yellow Pages for Eastwood Golf Carts, 2742 Clarks Landing Road, Rocky Point, NC 28457; that Mr. Kays then sent the first Notice of Violation for operating a commercial business and creating a salvage yard in a residential area without first obtaining a Special Use Permit; that Mr. Johnson visited Mr. Kay's office to inquire about the violation letter and said that he does not feel that he is in violation even though he admitted that the golf carts in view are salvage; that Mr. Johnson denied having a business located at his home; that Mr. Johnson later filed an application for a Special Use Permit; and that when staff visited the site again, all the golf carts had been removed. The public hearing opened at 7:05 p.m. Mr. Thurman swore in the witnesses. Mr. Thurman asked if the site is currently under violation and Mr. Andrea responded that he could not confirm if Mr. Johnson was running a business on the property, and that the salvage carts had been removed and therefore Mr. Johnson was no longer in violation for the storage of salvage on the property. Mr. Blanchard said he is concerned that Mr. Johnson told staff he wasn't in business when he was. Mr. Brown said the business was advertised at the same address as Mr. Johnson's. Mr. Johnson said he has been in business for nineteen years; that his business was located on Eastwood Road in Wilmington and then in Castle Hayne; that 80% of his work is done on the road; and that he is 68 and trying to retire. Mr. Brown said he agrees with Mr. Blanchard that Mr. Johnson wasn't forthright when asked if he was doing business, and said a person should be truthful when being considered for a Special Use Permit.

Ms. Amanda Woodell said she is opposed to the Special Use Permit because the area floods easily and oil and battery acid can go into groundwater; there are golf carts everywhere and it is an eyesore; there are batteries just sitting there; and the increased traffic can be dangerous to the children in the neighborhood. Mr.

Williams noted Ms. Woodell said the site is an eyesore and asked about condition #7, with reference to the fence. Mr. Andrea said there is a fence on back of the property and you can't see what's inside of it. Mr. Brown also asked about the fence and Mr. Andrea said the neighbors can see the fence but they can't see what Mr. Johnson is doing inside it. Mr. Andrea then distributed pictures of the fence and showed the site on a map.

Ms. Brenda Ables said she lives directly behind Mr. Johnson. She said her concerns are the business will be outside the fence; the mosquito population; that he uses the dirt road right beside her house to come in; and increased traffic. She conceded that Mr. Johnson has built a nice fence and has cleaned up, but said if he gets the permit the site might go back to what it was.

Mr. Brown asked if Mr. Johnson can access his property from Clarks Landing Road and Mr. Johnson responded affirmatively. Mr. Brown asked if Mr. Johnson can keep everything within the fence and Mr. Johnson responded affirmatively.

Mr. Blanchard asked if he gets the Special Use Permit will Mr. Johnson not use Old Bridge Road and Mr. Johnson responded affirmatively.

Mr. Brown asked Ms. Ables if Mr. Johnson complies with all issues, does she have other concerns and Ms. Ables said their property values will decrease. Mr. Brown asked if she can live with it if it the way it is now and she said "yes, if you can't see the carts." She said when they walk onto their porch now they see a big, nice fence and no golf carts. Mr. Matthew Ward spoke and said when the gate in the fence opens, it opens onto their driveway, which is Ms. Woodell's mother's property. Mr. Williams asked if this property is deeded and not an easement and Mr. Ward said it is deeded. There was more discussion of the gate. Mr. Brown asked Mr. Ward would he have any problem as long as Mr. Johnson keeps the gate closed and Mr. Ward said "no."

The public hearing closed at 7:45 p.m. Mr. Brown made a motion to approve the Special Use Permit, with additional conditions, Mr. Blanchard seconded the motion and it was approved by a 4-0 vote, with Mr. Williams opposing it. The conditions are: access property by Clarks Landing Road only; make sure no battery acid gets in the ground; and repair golf carts only.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn and the meeting adjourned at 7:50 p.m.

Respectfully Submitted,



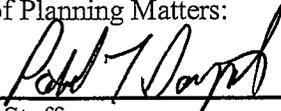
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Review of Planning Matters:



Paul T. Dwyer
Planning Staff