

**BUDGET WORK SESSION**  
**MAY 18, 2009**

The Pender County Board of Commissioners held a budget work session on Monday, May 18, 2009 at the Topsail High School Media Center, 245 St. Johns Church Road, Hampstead, 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; Trey Thurman, County Attorney; David McCole, Finance Officer; Glenda Pridgen, Deputy Clerk to the Board; and other staff and members of the Press and public.

**CALL TO ORDER**

Chairman Tate convened the budget work session at 2:00 p.m.

Chairman Tate thanked and welcomed all to the work session.

Mr. Benton's Budget Work Session Agenda included: Capital Improvements Plan (CIP); Outside Agency Requests; Enterprise Funds; Fee Schedule; and Discussion by the Board.

With respect to the CIP, Mr. Benton said it is overall approximately 38% lower than last year.

Mr. Benton reminded the Board that the Topsail Shoreline Commission is requesting the County to go up to a penny on the tax rate to help with beach renourishment. Mr. Blanchard said that: we can convert this to a "¢" rate instead of a "%" rate; we could contribute 1/2¢ this year and then go to 1/10 of a cent as their tax base increases; this amount would be split between Topsail Beach and Surf City; and we get back roughly one quarter to every dollar we spend. Mr. Benton said adding 1/2¢ will give each town \$12,500 more each year. Mr. Blanchard said we need to get away from the towns having to fight for this every year; he said we should make it a yearly contribution and give each town an additional \$12,500. Mr. Tate, Mr. Rivenbark and Mr. Williams agreed. Mr. Williams asked what the difference is between a "¢" rate and "%" rate. Mr. Blanchard said the ¢ rate is split down the middle; one town may get a little more than the other. No formal action was taken.

Mr. Rivenbark asked about the Courthouse not getting any funding this year, compared to getting \$50,000 last year. He was also concerned about damage on the south wall of the Courthouse and said it can't wait until next year. Mr. Brown asked where we are now and what we are doing now with the Courthouse project and Mr. Benton said we are still in Phase I. Mr. Benton said historically, we budget \$50,000 per year for the Courthouse until we accumulate enough to do a phase.

With reference to parks, Mr. Benton said we are working on a plan right now and will bring it to the Board soon. Mr. Brown asked about the concessions stand. He said it was his understanding that Rotary was going to kick in some money and the Ball Club, and that people are under the impression that the County will kick in 1/3 of the cost. Mr. Benton said he will check and see if it is a three-way split. He said people are asking him too. Rotary members, Mr. Tate, Mr. Blanchard and Mr. Rivenbark said the Architect, Mark Walton, had come up with the figures. Mr. Brown noted it is not shown allocated here. Mr. Blanchard asked about Millers Pond Park and Mr. Benton said it will be in the CIP. Mr. Blanchard asked about the park property donated to the County by the Cameron family and asked if we can find a few dollars for surveys, etc. There was more discussion of Millers Pond and it was noted it only needs to be cleaned up.

Mr. Tate said he would like to see more support given to drainage. He said he was in Mr. Brown's area and was surprised to see that area is in the same condition as his. He said he wants the Board to move on that so we can seek more funding. Mr. Blanchard asked about the prison farm land that was previously donated to the County. Mr. Benton said he had talked to someone from the State and they think some of that property is leased to a farmer. He said John Barbour of the State Property Office said he would look into it and there should be no problem.

Mr. Benton said he hopes to have the Capital Facilities Master Plan back to the Board within thirty to sixty days. He said with respect to the new Hampstead Library, they would like to get an architect on Board just to do design work on the Library. Mr. Rivenbark said we should have the Library Committee on board to help with the design work and Mr. Benton and Mr. Williams said the Library Board has already been helping with the project. Mr. Tate said we should move forward on the Library project. Mr. Benton said we will share with the Library Board that we want to move forward and then come back to the Board of Commissioners. Mr. Tate asked how much was budgeted for the architect and Mr. Benton said \$250,000. Mr. Benton added we have to choose an architect based on their qualifications. Mr. Williams said with respect to parks, we are getting good returns on investment and hope we can pick momentum back up next budget year. He said we have made good progress with the Hampstead Kiwanis and Pender Memorial Parks. Mr. Williams said he can see good in the reorganization of parks and the other organizations involve.

With respect to Outside Agencies, Mr. Benton said there is approximately an eleven percent decrease over last year. There was discussion of Cape Fear Community College's request for additional funding. Mr. Benton said that with respect to the Early College and adding two mobile units, Dr. McKeithan said they may be able to move another unit there to save money. Mr. Tate was concerned about the Early College students having to eat in a garage. He said he had visited there, the students are doing very well, this is a good investment, and they are really compressed for space. Mr. Benton said with respect to the Surf City Campus, it is not really clear in the minutes whether or not \$100,000 was committed annually or if it was a one-time commitment. Mr. Williams said at that time, four of the Commissioners voted in favor the \$100,000 commitment. Mr. Brown noted he voted against the Budget, which included the \$100,000. He said he voted against the Budget because he felt not enough was being contributed to the Schools. The Board generally agreed that the Surf City Campus doesn't need the money right now, but they will stay committed. Mr. Tate said people from western Pender County are having to travel to Burgaw to the CFCC and asked if Dr. McKeithan might consider a part-time person to work at night. He said he there is a number of jobs closing in the area, and he would like to see a part-time counselor to work 20 to 25 hours a week to assist people with career development. Mr. Tate added that currently, there is no presence of counselors at the school at night. Mr. Tate said it would be most logical if we get modular units for the Burgaw Campus and move the \$100,000 to the Surf City Campus. Mr. Brown asked if we request more of the Burgaw Campus, will they expect more funding and Mr. Tate responded affirmatively.

Mr. Benton said with respect to the Highway 17 Association, they had originally requested \$7,500, he recommended \$5,000 and now Mark Finlayson of the Association is asking for \$6,000. Mr. Blanchard asked if the long-term objective of the Association is to get Hwy 17 to four lanes and the answer was affirmative. Mr. Blanchard asked what does the Highway 17 Association do and Mr. Benton said they lobby for funds to improve Highway 17.

Mr. Benton said there seems to be some confusion concerning the Pender County Museum and Penderlea Museum. He said the Board did contribute to the Penderlea Museum last year, but this year, the Pender County Museum is requesting funding. Mr. Tate said we need to show some support for the Historical Society (the Society owns and operates the Pender County Museum). Mr. Benton noted it was suggested giving the Historical Society \$5,000.

Mr. Williams asked where will we get all this money and Mr. Benton said from Fund Balance. Mr. Williams said agencies may not be requesting much, but it all adds up.

All agreed that they should support agencies that support themselves.

Mr. Blanchard asked what is the Lower Cape Fear River Program and Mr. Brown said they monitor all the rivers in Pender County.

Mr. Benton said that with respect to Southeastern Mental Health Center (SEMHC), he cut 13%. He said New Hanover County cut 10% and Director Foster Norman asked if Pender would cut 10% instead of 13%. He asked if that is okay and the Board agreed. Mr. Blanchard noted that some of SEMHC's shortfalls come from mismanagement. Mr. Rivenbark said he serves on that Board and said Mr. Norman is turning SEMHC's problems around.

Mr. Benton said with respect to Pender Adult Services, Director Wes Davis said he would be happy if he can maintain last year's funding and the Board didn't object.

Mr. Benton noted the \$1,000 request by Mr. Tate for Willard. Mr. Tate said it is to maintain the walking trail and for the school. He noted the school holds exercise classes. Mr. Brown asked if we utilize Safe Haven of Pender, Inc. Sheriff Carson Smith said yes, we utilize them for domestic violence, especially on nights and week-ends. He said Safe Haven is the only place for people in domestic situations to go sometimes, that they are always there and the Sheriff's Department works with them on a weekly basis. Mr. Brown said he hates to see them get cut that much and asked where they get other funding. Sheriff Smith said the Director of Safe Haven is a Master Grant Writer and they get funds from United Way and also may have other contributors. Mr. Blanchard suggested we split the difference and give them \$7,500. Mr. Brown said he agrees; he said they deserve all they get and said he appreciates the compromise.

Mr. Mack delivered a Power Point presentation on Enterprise Funds, which was basically the same as the one given at the Budget Work Session on May 4, 2009, except for a few minor changes. The highlights included the following changes in funds:

Fund 70 Rocky Point/Topsail Water & Sewer District (Sewer):	46% Increase
Fund 71 Maple Hill Water & Sewer District:	3% Decrease
Fund 72 Rocky Point/Topsail Water & Sewer District (Water):	2% Increase
Fund 75 Solid Waste:	4% Decrease

Mr. Tate asked if the increase in Fund 72 was because we are hiring a project engineer. Mr. Mack said \$53,426, or one-half of it is coming from this fund.

Mr. Blanchard asked if we are locked into the price with Wallace water and Mr. Mack responded "No, we do not have a locked in price, but we are locked into the amount of water we can receive from them." Mr. Blanchard asked if this is an issue we can negotiate with Wallace and Chinquapin on the contract price and Mr. Mack said they would probably not agree to a locked in price since they are going to have increased expenditures to maintain or add other supply sources, just as Pender County is. Mr. Blanchard asked about ONWASA's water line and asked if this is an option. Mr. Mack said their location is across the street on Highway 50 near Holly Ridge, but they are sort of in the same situation - they don't want to let water go. He said we are asking them for interconnections and they seem willing to give us interconnections for emergency purposes, but they are not letting their water go. Mr. Rivenbark asked about the original contract and had it increased. Mr. Mack responded "yes."

Mr. Tate said he doesn't want to hold up the water plant and he knows Mr. Mack is capable and has the skills to be Project Manager, but it is hard to justify hiring a project engineer when we are telling other departments no to hiring. He said he doesn't think it is feasible at this time. He asked if we are approving this position if we approve the budget. Mr. Williams said this is an Enterprise Funded position and Utilities has to generate their own revenues to pay for salaries and other expenditures. Mr. Brown said he thought there was a hiring freeze. Mr. Benton said there is, but we look at each position on a case by case basis. Mr. Tate said we just changed former Assistant County Manager Paul Parker's position and asked if he can do this job. Mr. Mack said we need a Certified Professional Engineer.

Mr. Brown said Steve Holland's new rock quarry and Titan Cement will be creating water and asked if we can look at these as source of water. Mr. Benton said we have looked into it.

Mr. Benton spoke on behalf of the need for a project engineer. He said Mr. Mack has the skills but he is only one person. He said we have \$40 million in projects out there that needs overseeing. Mr. Blanchard said we really need to take a good look at this before we just say "we don't need that position." He said we may be "losing dollars to save nickels."

Mr. Brown said he is concerned that if fees keep going up, we're going to have a system with no customers. He said folks can't pay for what they have now. Mr. Williams said the newer customers will have to pay more than the existing customers. He said all the time we spent trying to come up with a program to help people pay, hardly anyone signed up.

Mr. Blanchard asked Mr. Mack to bring to the next meeting the duties, etc. of the project engineer position. Mr. Mack said his desire is to have a Certified P.E. on staff; to bring an engineer in-house who can design and seal; and they won't have to outsource projects. He said the position will pay for itself and can be shared with other departments, but will be paid out of Enterprise Funds. Mr. Tate said he doesn't want to have a position that the duties will overlap with Mr.

Mack's. Mr. Mack said the person would be able to certify design drawings, which he cannot do. He said there would still be some need for outside engineers on major projects.

Mr. Mack explained the price change proposals from FY 08-09 to FY 09-10 within the Enterprise Fund. Mr. Brown said his argument is that all the people that want to hook up to water can't; he said he is hearing it more and more. Mr. Mack said we can't remain static and maintain the system. He said there are 500 customers right now that have water lines in front of their homes and he can't supply them water. Mr. Tate asked if Mr. Mack had looked at other counties and why their rates and fees aren't as high. Mr. Mack said Duplin County loses \$65,000 per year and they don't even have debt service. He said he is searching for grants and said Pender County didn't make the first round of the Stimulus package funding; he said there are now more people competing for Stimulus funding.

Mr. Mack said the Sewer Capacity Fees have not changed from \$20/gallon, but it is now based on meter size. He said they are trying to implement the Water Usage rate gradually. Mr. Blanchard asked if we can ask commercial customers to carry more of the burden and residential customers less. Mr. Mack said "yes", the Board sets the rates.

Mr. Mack said with respect to Solid Waste, Waster Industries is entitled to a 6.5% CPI increase, but they are only requesting 3.5% this year. He said Pender Solid Waste has re-evaluated the Capital Improvement Projects, including the Burgaw Convenience Site, and they are requesting a full-time Solid Waste Coordinator.

Mr. Benton asked the Board to keep giving feedback on the Enterprise Funds and others.

With respect to fees, Dr. Griffith explained his fee proposal changes and said most of theirs are controlled by the State. He said there will be a big fee in kennel licenses if approved; a licensing fee if approved; clinic fees are based on Medicaid and the State requires them to charge as much as they can; the dental fees are a sliding fees scale; and Environmental Health has more complicated septic systems going in so fees are changing. Mr. Blanchard asked what the status is of the bill in Legislature to do away with well fees and Dr. Griffith said there has been no movement on this as far as he knows. Mr. Williams asked about the system they were all involved in and Dr. Griffith said they are looking to address it.

Mr. Davenport gave a summary of his fee changes proposals which included: type of fee, existing fees, and recommended fees. He said it is significant that all zoning permits will be reduced to \$10, and they hope to phase out zoning permit fees eventually.

#### **ADJOURNMENT**

The Board recessed from the Work Session at 3:40 p.m.

Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Rick Benton, Clerk to the Board

**MONDAY, MAY 18, 2009**

The Pender County Board of Commissioners met in regular session on Monday, May 18, 2009 at the Topsail High School Media Center, 245 North St. Johns Church Road, Hampstead, 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; Trey Thurman, County Attorney; Glenda Pridgen, Deputy Clerk to the Board; other staff and members of the Press and public.

**CALL TO ORDER**

Chairman Tate called the meeting to order at 4:00 p.m., and thanked and welcomed all to the meeting.

**INVOCATION**

Commissioner Rivenbark offered the Invocation.

**PLEDGE OF ALLEGIANCE**

Commissioner Blanchard led the Pledge of Allegiance.

**PUBLIC INFORMATION**

**1. Recognition of Outstanding Student Athletes: Topsail High School Wrestling: 2009 1A Dual Team State Champions.**

Mr. Tate said he would defer this item to Commissioner Williams, since Mr. Williams was a graduate of Topsail High School. Mr. Williams said the Board of Commissioners has been recognizing outstanding student athletes for years. He had Head Coach Jake Pence introduce himself. Mr. Williams then read a plaque and presented it to the team and coaches; presented individual certificates to team members, coaches and team manger; and congratulated all. Mr. Tate congratulated all involved. The certificates presented were as follows:

- 103 weightclass Garret Edwards
- 112 weightclass Kirk Robertson
- 119 weightclass Ric McCutcheon
- 125 weightclass David Croft
- 130 weightclass Kyle Proulx
- 135 weightclass Brian Nadeau
- 140 weightclass Lance Edwards
- 145 weightclass Asher Kirkland
- 152 weightclass Pat Broadbridge
- 160 weightclass Bradley Lutterloah
- 171 weightclass Stuart Nadeau
- 189 weightclass Joseph Graves
- 215 weightclass Josh Schaefer

Heavyweight weightclass Mason Allen

Alternates: 103-John Howard, III, 103-Italo Medelius, 119-Ben Croft, 215-Kurt Lawrence

Head Coach: Jake Pence, Assistant Coaches: Kevin Martin, Buddy Batson

Team Manager: Tara Haig

**2. Update on Topsail Area CTP Project Proposals: Tyler Bray, NC DOT.**

Mr. Bray gave a report on the Comprehensive (CTP) Project Proposals, including demonstrations of draft maps on the Topsail Area North Carolina Comprehensive Transportation Plan, Highway Map of the Transportation Plan and Bicycle Map of the Plan. Mr. Bray's Supervisor, Mr. Scott Lawson was also present to assist with the demonstration. Mr. Bray's highlights include: the project includes four municipalities and Pender County; he is asking for consensus of the Board to take the plan to the public for comment and then bring back to the Board for consideration of adoption; US 17 is temporarily slated to be a 4 lane freeway from Surf City with an interchange proposal at NC 210; as part of the plan, there is no specific recommendation for the Surf City Bridge; the existing traffic signals in Surf City are proposed to be replaced; and discussed plans for US 17, US 17 Bypass, NC 172, NC 210, State Road 1547-Topsail Drive, NC 210-New River Drive, NC 50, and others. The complete proposal and maps are on file with the permanent records in the County Manager's Office. It was the consensus of the Board to give Mr. Bray permission to take the plan to the public. Mr. Tate thanked Mr. Bray for his presentation.

**3. Introduction of New Supervisor for the Pender County Community Corrections Office, Chief Probation/Parole Officer Carol Eakins, and Update on the Activities of the Pender County Probation Officers: Jean Walker, Judicial District Manager.**

Ms. Walker said Probation & Parole is fortunate to have the building they are in. She said it has adequate space and adequate parking, but did require some improvements. She thanked Facilities & Property Manager Paul Parker for meeting with her and her staff to discuss building improvements; said they are seeing improvements made to the building; and said she appreciates all the efforts made to improve the building. Ms. Walker introduced Ms. Eakins. Ms. Eakins gave a history of her work with Pender County Probation & Parole; gave statistics on the number of Probation Officers and other employees of the Office; gave statistics on offenders, including the different types of offenders; gave statistics on programs and the different agencies Probation & Parole works with; discussed Probation & Paroles' collaboration with other Law Enforcement Agencies; and gave statistics on the number of arrests made and Probation/Parole's work with the offenders. Ms. Eakins thanked Commissioner Brown and praised his work with the Criminal Justice Partnership Board. Ms. Eakins thanked the Board for their help and invited them to tour the Probation/Parole facility. Mr. Brown said he appreciates the kind words by Ms. Eakins and thanked her and Probation/Parole for all they do for Pender County.

**4. Updates on Planning Projects-Comprehensive Land Use Plan and Unified Development Ordinance (UD).**

Planning Director Patrick Davenport explained that: staff and Wooten consultants have been working with the Planning Board and the two citizen committees on the two subject projects; the two committees and the Planning Board have reviewed several items related to the projects and now, staff is presenting a progress update to the Board of Commissioners; the projects are still on schedule for the Comprehensive Land Use Plan to become effective by January 2010, and the Unified Development Ordinance is on schedule to become effective March/April 2010; proposed community meetings are scheduled for July 16 in Maple Hill, July 30 at Malpass Corner School, August 6 at Topsail High School, August 13 at a school in Rocky Point, and October 14 and 15 Open House Public Meeting Room in Burgaw (Mr. Davenport said he will inform the Board when the dates and places are finalized); with respect to the 2010 Comprehensive Land Use Plan, a CD is provided in the package and in addition to the Community Meetings schedule, paper copies of Small Area Land Use Plan maps are included; and with respect to the 2010 Unified Development Ordinance, electronic files are contained on the CD. Mr. Davenport asked if the Board would like to have any input on the Community Meetings Schedule. Mr. Williams asked if they would be holding the meetings in the evening and Mr. Davenport responded 6:00 or 7:00 p.m. Mr. Davenport demonstrated three Small Area Land Use Plans showing the Coastal Pender Study Area - Selected Themes & Zoning Classification with Flood Hazards; Rocky Point Study Area - Selected Themes & Zoning Classification with Flood Hazards; Hwy 421 South Study Area - Selected Themes & Classification with Flood Hazards; and Hwy 421 North Study Area - Selected Themes & Classification with Flood Hazards. Mr. Davenport said he wants the community to come to the public input meetings and give their feedback on how these areas are developed, encompassing all of Pender County.

**5. Discussion of Proposed Pilot Program for Abandoned Manufactured Homes.**

Mr. Davenport explained that: the State Legislature recently approved legislation regarding the management of abandoned manufactured homes requiring counties to either consider implementing a program for the management of abandoned manufactured homes or after consideration and subsequently declining, the county must reference the

declination in its Comprehensive Solid Waste Management Plan; and staff is requesting input and recommendations from the Commissioners in order to move forward in the planning process for this program. Mr. Davenport explained that the proposed Pilot Program for Management of Abandoned Manufactured Homes as follows:

#### I. Background

- State law becomes effective July 1, 2009 requiring Counties to adopt program or state in Solid Waste Management Plan that the issue will not be addressed.
- Funding resources available from Solid Waste tax and managed by DENR
  - Counties reimbursed up to \$1,000 per unit plus additional 50% of cost incurred over \$1,000
  - Proposed maximum of \$40,000 available each year to Counties

#### II. Program Summary:

- Funding sources:
  - Assume \$2,500 disposal cost per unit
    - \$1,000 reimbursement from State
    - \$750 additional reimbursement from State
    - \$550 from property owner
    - \$150 from revised permit fees for manufactured home permits
  - Enables removal of approximately 20 units each year
- Eligibility:
  - Owner's responsibility:
    - Execute legal contract with County
      - Provide access to property and to unit
      - Agree to pay difference between cost and reimbursed fees
      - Must be current on County property tax and utility accounts
  - County's responsibility:
    - Administer program
      - Advertise program including administrative services contracts
      - Partner with private sector contractors
      - Ensure bidding processes follow required procedures
      - Ensure all recyclable materials are recycled
  - Target twenty (20) units the first fiscal year
    - Four (4) units from each Commissioner's district initially eligible
    - If a district does not have four requests for disposal, units from other districts could be eligible by a cutoff date, on first-in basis.

#### Benefits of a program in Pender County:

- Support local economy by utilizing local contractors in demolition effort
- Increase visual enhancement
- Remove potential health and safety hazards
- Improve economic development potential
- Increase property values

Mr. Williams was concerned about the funding sources and funding reimbursement. He asked if we would just do a few mobile homes at first and see how it works out; he said we don't want to do the whole twenty and then not get reimbursed. Mr. Davenport said we could initially anticipate getting \$1,000 per unit from the State, and potentially another \$750 from the State, with the difference coming from the property owner. Mr. Williams said property owners will be nervous about paying \$550. He said if they don't want the mobile home there and if they could afford it, they would have it removed themselves. Mr. Blanchard said he agrees with Mr. Williams. He asked if the property owner could be guaranteed it won't cost any more than this. Mr. Davenport said the money is there for counties on a reimbursement basis. Mr. Davenport said we can save money by recycling these mobile homes, i.e., the steel chassis on them can be sold. Mr. Blanchard reiterated that he wants to give the property owners some kind of guarantee that

their cost won't go over a certain amount. Mr. Blanchard asked Mr. Davenport to bring back more concrete figures and Mr. Williams agreed. Mr. Brown said he is concerned about whether or not we are guaranteed to get the grant. Mr. Davenport said each county will get a certain amount of funding. Mr. Brown said he doesn't want us to end up having to pay tax dollars. It was the consensus of the Board to allow Mr. Davenport to move forward with the planning process for the program.

## CONSENT AGENDA

Mr. Tate presented the nine items on the Consent Agenda and asked for any questions or discussion. Mr. Benton noted that Item Number 14 on the Consent Agenda is the Resolution to authorize the Schools to receive the \$174,000 that had been frozen in the Schools' budget, to be used for the Topsail School Project US 17 Highway Access Improvements. Mr. Tate noted Superintendent of Schools Allison Sholar and School Board Chairman Tom Roper are present to answer any questions. He said the \$240,731.98 in Bond Funds that was designated for Penderlea School would remain with the Penderlea School Bond Project. Mr. Tate said he, Ms. Sholar and Mr. Roper will be meeting with NC DOT officials in Raleigh to present issues, including school highway access improvement funding. Mr. Rivenbark made a motion to approve the Consent Agenda as presented, Mr. Williams seconded the motion and the Board voted unanimously to approve the Consent Agenda as follows:

6. Approval of Minutes for the Regular Session Meeting and Budget Work Session of May 4, 2009.
7. Resolution for Purchase Order to Quality Turf, Inc., for Sprigging of the Athletic Fields at Pender Memorial Park: \$15,000.
8. Resolution for Purchase Order to Quality Turf, Inc., for Sprigging of the Athletic Fields at Hampstead Kiwanis Park: \$16,620.
9. Resolution for Purchase Order to Adapco, Inc., to Purchase Two Guardian ULV Mosquito Sprayers: \$15,080.
10. Resolution for Purchase Order to Adapco, Inc., to Purchase Four Drums of Aqua Resin: \$25,020.
11. Resolution Authorizing Purchase Orders to Various Vendors in the Collective Amount \$59,892.32 for Renovations to the New Topsail Middle School.
12. Resolution Authorizing Purchase Orders for Re-Carpeting the Media Center of the New Topsail Elementary School and for Interior and Exterior Painting: Carolina Commercial Floorcovering, Inc.-\$14,450; Tinney Painting, Inc.,-\$61,150.
13. Resolution Authorizing Purchase Order for Traffic Signal Installation for the New Topsail High School Driveway and Road Improvements-Terry Spell Mechanical Services, Inc. - \$89,180.
14. Request to Authorize FY 08/09 School System Funding for the Topsail School Project US17 Highway Access Improvements, Not-to-Exceed the Amount of \$174,000; with the \$240,731.98 in Bond Funds to Remain with the Penderlea School Bond Project.

## RESOLUTIONS

15. **Resolution Approving Budget Ordinance to Increase Health Department Revenues and Expenditures and to Approve Related Purchase Orders for Fiscal Year 2008-2009: Dental Clinic: \$75,000.**

Health Director Dr. Jack Griffith explained that the Health Department received a \$75,000 grant from the Cape Fear Memorial Foundation to renovate space in the Health Department Building for dental space. He said the intent is to move the dental clinic now housed in a modular building behind the Health Department into the renovated space by July 1, 2009. He explained that: with the expected renovation, the dental clinic patient facilities will expand to a surgery suite, counseling area, and will expand to four operatories from the present three; the Health Department prefers to sole source the contract with a contractor who has a history of successful support to the dental program by designing the present dental clinic, reconfiguring the old mobile clinic, and designing the new mobile dental clinic now providing dental care to Pender County Schools; the contractor supports the dental clinics with maintenance of the dental equipment; the contractor's proposal is within the funds available for the project, and meets with specifications set by the dentist; the dentist would like to have the renovation completed and equipment removed by July so they can be ready for the expected increase in patient usage by the fall season; and timing is also important since they hope to expend grant funds in a timely manner to meet funding guidelines, and since they need to move Environment Health to the modular dental building following the renovation of the dental space. Mr. Rivenbark made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

16. **Resolution for Purchase Order to Mazzarone Construction, Inc., for Construction of the Concession/Restroom Building at Pender Memorial Park: \$133,750.**

Facilities and Property Manager Paul Parker explained that: Walton Engineering adapted the design of the concession/restroom building at Hampstead Kiwanis Park for use at Pender Memorial Park; a pre-bid conference was held at the Hampstead Kiwanis Park on May 1, 2009 and contractors were told to construct Pender Memorial's the same as Hampstead Kiwanis Park; fifteen contractors attended; informal bids were obtained with three submitting bids; Walton Engineering completed due diligence on the apparent qualified low bidder and recommends award to Mazzarone Construction; and the bid tabulation sheet is attached to the resolution. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

**ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT**

17. **Resolution Approving Water Sales Agreement between Rocky Point/Topsail Water & Sewer District and the Scott's Hill Water & Sewer District.**

The Board convened as the Rocky Point-Topsail Water & Sewer District at 4:49 p.m. and exited at 4:51 p.m. Utilities Director Michael Mack explained that: the State Public Water Supply Section of NCDENR is requiring an Interlocal Agreement between the Rocky Point/Topsail Water & Sewer District (Rocky Top) and the Scott's Hill Water & Sewer District for the provision of water to Scott's Hill through the Rocky Top system, prior to approving the Water Main Extension Permit for the Scott's Hill distribution system; staff recommends the agreement attached to the resolution be approved for submission to NCDENR; and the Attorney for the Water Districts has advised that this must be approved by both Districts. Mr. Brown asked if the County Attorney had reviewed this and Mr. Thurman responded "yes." Mr. Thurman explained that: the Board will have to sit separately as the Scott's Hill Water & Sewer District; both Rocky Top and Scott's Hill's contracts are fair; the contract is the same, but one has to be executed for each district; and essentially, the Board is authorizing a contract with themselves. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

**SCOTTS HILL WATER & SEWER DISTRICT**

18. **Resolution Approving Water Sales Agreement between Rocky Point/Topsail Water & Sewer District and the Scott's Hill Water & Sewer District.**

The Board convened as the Scott's Hill Water & Sewer District at 4:52 p.m. and exited at 4:53 p.m. Mr. Mack explained that this resolution is a repeat of the one above. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

19. **ITEMS FROM THE COUNTY MANAGER**

There were no items from the County Manager.

**ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said he has an item for closed session.

**ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. Rivenbark said that with recent e-mails, Mr. Thurman chose to contact Mr. Williams. He said Mr. Williams is not the Chairman and wanted to know why Mr. Thurman contacted Mr. Williams instead of the Chairman. Mr. Thurman said Mr. Williams had contacted him by e-mail and he e-mailed Mr. Williams back to confirm what his e-mail meant. Mr. Blanchard said it appears to him that Mr. Thurman would have contacted the Chairman or him, since the e-mail pertained to him.

Mr. Blanchard asked Mr. Thurman if he serves in the capacity of Human Resources Officer and Mr. Thurman indicated that Mr. Benton, the County Manager, is charged with that responsibility. Mr. Blanchard then asked if a company or government agency has an obligation to maintain a work place free of "Hostility." (Mr. Williams said he was already implicated concerning the e-mails and asked to disassociate that issue from this issue). Mr. Thurman said the term "Hostile Workplace" is a legal term used in Human Resources that refers to overly offensive statements or actions aimed at protected classes, such as race, religion, handicapped, sex, and national origin. He clarified that a "Hostile Work environment" does not mean that an employer has an obligation to make every day "pleasant," or be obligated to say such things as "have a nice day." In response to a question from Mr. Blanchard, Mr. Thurman said no allegations of "Hostile Workplace" activity have been brought to his attention within the County. He said some things

could have been said that were resolved at the Department Head level, and was never brought forth. Mr. Blanchard said one Commissioner is inferring to another that he has done this, and said he wants to clear his name in public. He said his name has been "drug through the mud." Mr. Thurman said in his entire time with Pender County, no Commissioner has ever said anything to make him think of the County as a Hostile Workplace. He said some employees may have felt they were treated unfairly but he has never seen Hostile Workplace activities here.

Mr. Tate reminded everyone of the Official State of the County event to be held on Thursday, May 21, 2009 at 5:30 p.m., at the Pender County Courthouse.

### **PUBLIC COMMENT**

Hampstead resident Al Freimark said that: he appreciates what the Board is trying to do by bringing official County business Burgaw to Hampstead, but nothing was done here that wasn't done in Burgaw meetings; there are issues that should be addressed here; agendas should be printed ahead of time and put in the local papers the Wednesday before the meeting – there is no transparency; that the May 18<sup>th</sup> agenda wasn't sent out until late Friday afternoon; the public is sometimes ambushed by some items; an example is the Redistricting item that wasn't put on the agenda but was approved by a 3-2 vote; other counties print the agenda ahead of time and have it published; the Greater Hampstead Homeowners Association sent a memo on January 4, 2009 opposing the County supporting the Burgaw Sewer and they shouldn't have to pay for it; when the Board travels, they should address issues of substance to the area; and they have good tax base and property values in that area. Mr. Blanchard said Mr. Freimark refers to a tax base a lot. He said a man is voted in office, and not chosen by the amount of land he owns, but by the principle of "one man, one vote." He said just because folks don't generate enough tax base, we can't just write them off. Mr. Brown said that: a few months ago, the Board voted to not consider any item that is not put on the agenda ahead of time, unless it passed by a 5-0 vote to add it on; the Planning Department publishes their agendas a month ahead of time; and he would like to see the Board consider publishing what will be discussed at the meeting. Mr. Tate said he shares in the responsibility of the agenda not being published until late Friday; he had asked the Manager to wait until Friday afternoon because he had a School Board meeting and then had to talk to two Commissioners to try to resolve some issues.

Melissa James of Penderlea asked how long the Penderlea money is "safe" and how can they request the use of it. Mr. Tate responded the Board of Commissioners gave it to the School Board and they can't micromanage the decisions of the School Board. Mr. Thurman agreed with Mr. Tate and said the County can't tell the School Board how to spend bond money. Mr. Tate added those dollars will be spent at Penderlea. Ms. James asked if West Pender School's funds are "safe" and Mr. Benton responded the Board has not yet received a request to move those funds out of the West Pender project. Mr. Tate said bond funds were not obligated to spend on any one project. Ms. James again asked if Penderlea money is "safe" and Mr. Tate said it is the School Board's discretion to spend as they see fit. Mr. Brown thanked Mr. Tate for getting involved with the Penderlea funding and working with the School Board on a compromise.

Mr. Steve Donatone of Hampstead said that: there continues to be an East, West divide and the Board has to balance the entire county; the coastal community brings in 60% of ad valorem taxes and it doesn't all stay on the coast; the Board should follow through in publishing the agenda in the newspapers; the Board is representing all the people in the County and has to balance representing the entire county; while most of county funds come from one part of the county, there needs to be budget prioritization; there is contention between the Commissioners; and Commissioners need to sit down over coffee and work it out and not stew over it.

Mayor Howard Braxton of Topsail Beach said he appreciates the Board coming to this side of the County and hopes they can do it at least once a month.

### **CLOSED SESSION**

At 5:30 p.m., Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11: (4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the (public body); and (5) to establish or instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price or other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other

material terms of an employment contract or proposed employment contract. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session. The Board went into Closed Session at 5:39 p.m.

At 6:00 p.m., Mr. Rivenbark made a motion to come out of Closed Session, Mr. Blanchard seconded the motion and it was unanimously approved. There were no announcements made.

The Board recessed and took a dinner break at 6:00 p.m. and reconvened at 7:00 p.m.

**PUBLIC HEARINGS: ANIMAL CONTROL ORDINANCE/ ZONING MAP AMENDMENTS/  
SPECIAL USE PERMIT REQUESTS**

Mr. Thurman noted that sign-in sheets are on a table outside the Media Room and anyone wishing to speak at a public hearing needs to sign in. He said time is limited to twenty minutes total for each item and asked people to limit their time for speaking to three minutes each. He said a spokesperson for any item would be welcome to speak for the entire group interested in the item.

**Item Number 24 was moved to the beginning of the Planning public hearings.**

**24. Public Hearing & Special Use Permit: Stroud Engineering, P.A., Applicant: Request for the Construction of a Waste Water Treatment Facility, Located along the East Side of Shaw Highway, Approximately 1 Mile North of NC Hwy 210, Rocky Point, NC.**

Mr. Tate said the applicant for this public hearing wishes to continue it to the second meeting in June. Mr. Brown made a motion to continue Item Number 24 to the June 15, 2009 meeting, Mr. Williams seconded the motion and it was unanimously approved.

Mr. Thurman swore in the witnesses for all the public hearings.

**20. Public Hearing on Proposed Animal Control Ordinance.**

The Animal Control Ordinance Public Hearing opened at 7:05 p.m. and closed at 7:57 p.m. Dr. Griffith explained that the Board of Health has no intention of making this intrusive, they are just trying to eliminate puppy mills and stop folks from hoarding animals, which creates lots of problems; the purpose of this proposal is to help support Animal Control; presently, an Animal Control Officer has to see the animal off the property of its owner before they can enforce anything; if a license fee is charged it will help offset the cost of Animal Control and rabies vaccinations; the Ordinance tries to train people to take care of their own pets; this is a public health issue, not a dog containment issue; and we have rabies endemic in Pender County and the Board of Health is concerned about it. Mr. Brown said he is concerned about how this plan will help regarding folks who already don't vaccinate; he said this program requires animals to be registered and the same folks that don't vaccinate now probably won't register. Dr. Griffith said hunters need to vaccinate their dogs because they go into the wild and can be bitten by a rabid animal, which in turn will affect humans. Mr. Blanchard said they need to let the people know they can stop by Animal Control and have their dogs vaccinated for a small fee. Dr. Griffith said that he understands about fees, but he is asking the Board to vote on the Animal Control Amendment; he said the Board can vote on any part of the amendment – they don't have to vote on the entire amendment. Mr. Brown said registering animals will create a large data base that the taxpayers will have to keep up. Mr. Tate said that is his concern also. Dr. Griffith said the Animal Control Program is underfunded, they only have three Animal Control Officers, and when one of them is on vacation, sick, etc., it makes it very difficult.

There were over 100 hunters and others present that were opposed to the Animal Control Ordinance Amendments. Mr. Thurman said public comments would be limited to three minutes for each speaker. The following spoke in opposition to the Animal Control Ordinance Revisions:

L.C. Webb, Jr., 170 B Lea Crest Lane, Hampstead: Said Dr. Griffith spoke about dogs and cats with name tags, but when they get out they take up with his dogs; and feral cats and dogs come around and he has called Animal Control for traps many times, but he has to go and pick up the traps. In response, Dr. Griffith asked how many people here tonight are affected by the leash laws and no one raised their hands.

Jay Dixon, 1476 Tedder Rd., Ivanhoe: Said he is opposed to the tax – he pays enough taxes as it is and doesn't see where it goes; he doesn't see any benefit in this for him; "Joe Blow" down the road that won't pay animal taxes but would get the same benefit as him; Pender County is different from New Hanover and we shouldn't model an ordinance after theirs; who's going to enforce it; his dogs are kept outside and can be seen better than dogs kept inside; some Holly Shelter Gameland hunters are coming from outside of Pender County – will they be taxed; and stray dogs will be stray dogs.

Mark King, 1194 Hoover Rd., Hampstead: Said he agrees with Mr. Dixon and Mr. Shingleton; he is responsible for his dogs; and people that aren't responsible will get the same benefits as those that are responsible.

Forrest Casha, 11261 Hwy 117 S., Rocky Point: Said he is a certified instructor with Wildlife; most rabies cases are found in wild animals-mostly raccoons; the County should support hunters; and the County should give information to school children to take home to their parents to remind them to have their pets vaccinated.

Jeremy Johnson, Black River Hunting Club: Said his opinion had already been stated.

Nick Parker, 9577 Piney Woods Road, Watha: Said he agrees with the others and his main concern is enforcement.

Mr. Thurman reminded the Board they can approve a portion of the document or all of it. Mr. Williams said Section 3.27 (concerning pet licenses for cats and dogs) is "giving everybody heartburn." Mr. Tate said he is not comfortable with the tax. Mr. Blanchard made a motion to approve the Animal Control Ordinance with the new amendments, excluding Section 3.27. Mr. Williams said he approves the motion, with the clarification that Section 3.27 is excluded. Mr. Tate reminded the Board that Page 2 of the Ordinance does recommend redefining "kennel." Mr. Brown asked if the audience agrees with Dr. Griffith on any of the other changes in the Ordinance and Mr. Dixon responded he opposed to everything Dr. Griffith proposed. Mr. Williams asked what a puppy mill is and Dr. Griffith explained it is adult dogs and puppies in a kennel and not being taken care of, or hoarders with lots of cats or dogs in one house or other structure – basically it is a form of abuse. Mr. Webb noted Dr. Griffith is talking about one or two incidents that happened in the County, and it is not the hunters. Mr. Blanchard asked if there is a way we can protect the hunters and punish irresponsible owners at the same time; he asked if there is some compromise. Dr. Griffith said Animal Control picks up hunting dogs and if they don't have a collar, they may not make it back to their owner. Mr. Webb asked if Animal Control doesn't have time to catch wild animals, how they are going to come in folks' yard checking on animals. Mr. Tate and Mr. Brown agreed that if the audience has recommendations, they want to hear them. Mr. Dixon said that: they fight anti-hunters everyday – people who remove collars from their dogs – they report it to the Sheriff's Department and nothing gets done; his closing statement is for people to abide by North Carolina rules and get animals vaccinated; he doesn't want officials just coming on his property without him being there; and he recommends doing away with everything Dr. Griffith said. Mr. Timothy Watkins of 197 Sleepy Hollow Lane, Hampstead, said that: he raises puppies, he was behind on his rabies shots and Animal Control came to his house five times; they said they would come to his house and vaccinate his animals; nobody said anything about kennels at that time; and it is not fair to base anything on New Hanover County. Mr. Thurman said this public hearing is to address the ordinance that is here, not to address a particular case. Mr. Watkins said nothing should change. Mr. Jerry Simmons of 752 Old Blossom Rd., Rocky Point said that: he moved here from New Hanover County; New Hanover County's rules change after every new Clerk comes on board; New Hanover kept going up on their licenses every year; it is similar to what this Board is trying to propose now; and it should be taxation just like fire and rescue. Mr. Tate said he is not comfortable voting on this tonight after hearing all these people speak. Mr. Williams said instead of charging these fees, he would rather just see people that are not doing right "get hit in the pocket book." Mr. Blanchard moved to withdraw his original motion, including all the amendments. Mr. Williams seconded the motion and it was unanimously approved. Mr. Blanchard moved that the Board approve removing Section 3.27 and let Dr. Griffith refine the other amendments and bring back to the Board. There was no second. Dr. Griffith reminded the Board that: this is a Public Health issue; the Board of Health is concerned about Animal Control being called five or six times to the same place regarding someone running kennels; this is not a dog containment issue; they will try to protect against puppy mills; there is a rabies problem in Pender County; and he is asking for support of Animal Control. Mr. Brown said that: we have an issue to deal with; he doesn't believe Dr. Griffith is trying to cause anyone any heartburn; Dr. Griffith has to deal with the rabies problem in the county; Dr. Griffith does not have enough money and officers to enforce whatever we've got; this is a health issue; he doesn't see where the changes in the ordinance

will help where rabies is concerned; we need to fund Dr. Griffith with what he needs to deal with rabies from a health aspect; he needs more money and more officers; this will be costly one way or another; and the taxpayers of the County are going to have to pay for it. Mr. Brown made these statements as a motion. Mr. Blanchard seconded the motion and it was unanimously approved. Mr. Tate instructed Dr. Griffith to return to the Board with recommendations for increased funding for rabies control and Animal Control Officers.

**21. Public Hearing to Name and Address West Bay Road and Horace Lane.**

The public hearing opened at 8:00 p.m. and closed at 8:01 p.m. Addressing Coordinator Jan Dawson explained that: North Carolina General Statutes, Chapter 153A-239.1, state a county may by ordinance name a road and assign street numbers for use on such a road; the statute requires that a public hearing be held on the matter; according to Article III, Section 302 A, when a public or private road provides access to more than three residences, businesses, industries, or combinations thereof, regardless of the length of such road, a road name shall be assigned; the property owners shall provide Pender County a petition with the proposed road name; according to Article 1, Section 103 of the Pender County Property Addressing and Display Ordinance, as conditions merit, such official numbers may be changed upon proper official notice to the property owner and public agencies; there are five existing structures on these roadways and these structures will receive new addresses if the road naming request is approved; and the Legal Notices have been properly posted, the residents have been notified by mail and a petition is also on file. Mr. Blanchard made a motion to approve the naming and addressing of West Bay Road and Horace Lane, Mr. Williams seconded the motion and it was unanimously approved.

**22. Public Hearing & Zoning Map Amendment: Barbara Daniels, Applicant: Request to Rezone One Tract Totalling ±1 Acre from I-1, Industrial District (Light) to R-20C, Residential District (Conventional), Located at 209 Sloop Point Loop Road, Hampstead, NC.**

The public hearing opened at 8:02 p.m. and closed at 8:03 p.m. Planner Ashley Frank explained that: following: on October 23, 2003, the Pender County Board of Commissioners approved a county-wide rezoning, placing the subject property into an Industrial Zoning Classification; the area of Sloop Point Loop Road was changed from RT, Rural Transitional, to I-1, Industrial (Light) in order to accommodate Martin Packer/Liquid Dynamics, extending the district to this commercial property; and consequently, all new residential uses are not permitted in the I-1, Industrial District (Light), resulting in this rezoning request; the 2005 CAMA Land Use Plan classifies the property as Urban Growth Areas; the rezoning request is consistent with the 2005 CAMA Land Use Plan; the Planning Board unanimously approved the rezoning request; and staff recommends approval. Mr. Williams said it sounds like Ms. Daniels is an unintended recipient of the rezoning. Mr. Rivenbark made a motion to approve the Zoning Map Amendment Request, Mr. Williams seconded the motion and it was unanimously approved.

**23. Public Hearing & Zoning Map Amendment: Kevin O. Mills and J.F. Larsen Applicants: Request to Rezone Three Tracts Totalling 6.46 Acres from RT, Rural Transitional District, to B-2, Business District (Highway), Located along the West Side of US Highway 17 North, across from Royal Tern Drive (Pelican Reef Subdivision), Hampstead, NC.**

The public hearing opened at 8:04 p.m. and closed at 8:06 p.m. Ms. Frank explained that: this general rezoning request is being made in order to allow more commercial use in this area; currently Tract 1 has an existing boat repair business and tracts 2 and 3 are vacant with an abandoned commercial trailer on tract 2; all three tracts are designated Urban Growth Areas by the 2005 CAMA Land Use Plan; the request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance; the request was approved by a 4-1 vote by the Pender County Planning Board; and staff recommends approval. Mr. Blanchard made a motion to approve the Zoning Map Amendment, Mr. Williams seconded the motion and it was unanimously approved.

**25. Public Hearing & Special Use Permit: Martin Marietta Materials, Inc., Applicant: Request for Expansion of an Existing Mining Operation, Located East of I-40 and Rebecca Kennedy Road, South to the NE Cape Fear River in Rocky Point, NC.**

The public hearing opened at 8:06 p.m. and closed at 8:26 p.m. Ms. Frank explained that: Martin Marietta initiated mining activities on this site prior to 1984 and has continued to mine since that time; the active mining area has expanded several times, the most recent being on April 17, 2006, which extended the hours of operation and eliminated the timelines to file for future Special Use Permits; on November 17, 2008 379 acres were rezoned from RA, Rural Agricultural to I-2, Industrial District (Heavy), to allow for the mining operation to expand; this project will

consist of expanding the existing mining operation to an additional 774 acres, with approximately 628 acres of the site being actually mined; all activities on the site will be the same as previously permitted on the quarry site; the property does contain FEMA Special Flood Hazard Areas as shown on the effective Flood Insurance Rate Map (FIRM) dated February 16, 2007; advertisements and notifications have been made and property owners notified; the current CAMA Land Use Plan classifies the property as Rural Areas with limited Conservation I & II areas, and any development of the property will take these designated conservation areas into consideration; and the hours of operation will be 6:00 a.m. to 11:00 p.m., Monday through Saturday, unless exceptions are approved by the Pender County Manager for emergency conditions; and the hours for dragline operations only in the active mining area shall be limited to 6 a.m. to 2 a.m. Monday through Saturday. In response to question, Ms. Frank said the portions of the property in the Flood Hazard Area will have to meet FEMA standards. Mr. Rick Biberstein, Attorney for the applicant, said there are no basic changes from the original permit and said the project is expanding further south. Mr. Biberstein asked Patrick Badham, spokesman for Martin Marietta, if all the reports submitted are accurate and true to the best of his knowledge, and Mr. Badham responded affirmatively. Mr. Biberstein offered the reports to County Attorney Trey Thurman to enter into evidence. The reports included: a statement prepared by Steven S. Whitt, Director of Environmental Services, Martin Marietta Materials, Inc.; report on hydrogeology of expansion area prepared by William L. Lyke, PE, PG, Hydrogeologist/Civil Engineer with Groundwater Management Associates, Inc. (GMA); report on effect of values of surrounding properties by Rev. Philip Eakins, State Certified General Appraiser; and report on noise impact on nearby residences by Noral D. Stewart of Stewart Acoustical Consultants. The reports can be reviewed in their entirety on file with the permanent records in the County Manager's Office. Rev. Eakins noted there would be no impact on surrounding property values. Mr. John Babcock of South Technical said the surrounding wouldn't be affected by vibrations and the closest vibrations could be felt was 3,000 or 4,000 feet. Mr. Biberstein said the actual mining is getting further away from residents. A gentleman spoke from the audience and said he lives on Porters Lane and he can feel the vibrations of the current operations. Mr. Brown asked if the operations moved closer to the river and away from residents, and Mr. Biberstein responded affirmatively. Ms. Frank said there will be 800' of additional buffer along the river (NE Cape Fear) and 200' along the adjacent property, owned by Five Eagle Partners. A citizen, Mr. Moore, said if they are moving away from residents, vibrations shouldn't be a problem. Mr. Bernie Frazier of 196 Arlington Ave. asked what happens to the property after it is blasted. Mr. Badham said according to State recommendations and State Bonds, their intent is to reclaim the property for wildlife. He showed pictures of what was done with their Castle Hayne property after it had been blasted. Ms. Virginia Nixon of 1126 Mooretown Road (close to Rebecca Kennedy Road) said the vibrations won't be as bad this time, but suppose they still feel vibrations. Mr. Badham demonstrated on a map where they will be mining and said the vibrations dissipates with migration. Mr. Foster Henry of Porters Lane Road said he built his home in 1992 and the foundation and ceilings are cracked from blasting. He asked what Martin Marietta is going to do about it. Mr. Thurman said nothing can be done about what happened in the past; he said cracks can happen from other things and he will swear Mr. Henry in if he is certified to speak on this matter. Mr. Biberstein advised Mr. Henry to see Doug Pope of Martin Marietta if they have had these types of problems. Ms. Jessica Blake of the North Carolina Land Trust said they own property adjacent to the south of the subject property and said at this point, this proposal is not an issue, but asked what if there are hydrological changes in the future and what their recourse is. Mr. Williams said Martin Marietta's permit can be revoked. Mr. Badham said that issue will be addressed in the mining permit. There being no further discussion, Mr. Brown made a motion to approve the Special Use Permit Request, Mr. Williams seconded the motion and it was unanimously approved.

**26. Public Hearing & Special Use Permit: Robrita McKoy, Applicant: Request to Operate a Child Day Care Facility (6 or More Children), Located at 402 S. Alligator Lane, Willard, NC.**

The public hearing opened at 8:26 p.m. and closed at 8:29 p.m. Planner Ben Andrea explained that: the property is surrounded by single-family residences; the applicant/owner has been living at the residence since December 2008 and has been operating a permitted, licenses child day care facility for five children since March 13, 2008; the applicant is proposing to operate the business twenty-four hours per day Monday through Friday; aside from the applicant there will be one other employee that will substitute for the applicant as necessary; the property includes ample parking for customers to drop off and pick up their children, and the applicant has indicated that rarely will there be more than one customer dropping off or picking up at any one time and therefore increased traffic in the neighborhood will not occur as a result of the proposed project; the applicant has received satisfactory approval for the project from County Departments such as Environmental Health and the Fire Marshal, and The Department of Social Services has indicated that the applicant must conform to the regulations imposed by the State of North Carolina Department of Health and

Human Services Division of Child Development; and the property is zoned B-2, Business District (Highway), and Child Day Care Facilities (more than 6 children) are permitted in the B-2 zoning district by special use permit. Mr. Tate noted he knows the applicant and he knows she will "do things by the book." Mr. Brown made a motion to approve the Special Use Permit, Mr. Blanchard seconded the motion and it was unanimously approved.

**27. Public Hearing & Special Use Permit: Stroud Engineering, P.A., Applicant: Request to Construct & Operate a Commercial Trucking Facility, Located at 7965 US Highway 117, Rocky Point, NC.**

The public hearing opened at 8:29 p.m. and closed at 8:54 p.m. Mr. Andrea noted he was approached earlier by a neighbor of the property, Mr. Barnie Frazier, with respect to a boundary dispute concerning the property, but said it is an administrative procedure and he will meet with Mr. Frazier, the applicant and the owner of the property later to resolve this matter, pending approval of the special use permit request. Mr. Andrea explained that: the project will consist initially of a storage area of licensed, operable motor vehicles, with a future building on the site to house an office for the company, as well as space for inside storage and minor repair and routine maintenance of the company's trucks and trailers; parking and storage of licensed, operable motor vehicles is currently permitted within the B-2 zoning district by special use permit; the other proposed uses – office only, single unit, business, government services, professional activities, storage of merchandise, materials or equipment on site inside an enclosed building-excluding salvage, automobile, truck and small machinery repair – are permitted by right in the B-2 zoning district; the property is currently a 5.91 acre tract and pending approval of this SUP request, 2.50 acres of the western portion of the tract will be subdivided and sold to Jerry Gore Trucking for this project; the property currently hosts a vacant residential structure fronting US Highway 117; the portion to be subdivided and utilized for this project is currently undeveloped; the property to the north (across Porter's Lane Road) hosts the Rocky Point Volunteer Fire Department; adjoining property to the south and east consists of high volume retail services, and adjoining property to the west to the proposed project hosts the St. Matthews Missionary Baptist church; and there is significant existing mature vegetation along the boundary of the proposed project site and the church. Mr. Gore of 2318 Maystone Dr., Castle Hayne, spoke and answered questions by the Board of Commissioners. Mr. Gore said the Special Use Permit is proposing to operate seven days a week, but they probably won't operate seven days. Mr. Brown asked if the proposed site next to the Fire Department and Mr. Andrea demonstrated on a map where the site is in proportion to the Fire Department and the Church. Mr. Brown asked how many trucks will be involved and Mr. Gore responded "twelve." Mr. Blanchard asked if the trucking company is only going to use the back half of the property and Mr. Andrea responded "yes." Mr. Rivenbark clarified with Mr. Andrea that the boundary dispute doesn't have anything to do with what we are doing tonight. Mr. Luke Menius of Stroud Engineering spoke on behalf of Stroud and said the facility will be maintained on the west side. Mr. Brown said that initially, the site was proposed for parking and storing of licensed, operable motor vehicles. He said the trucks will leave in the morning and return in the evening; he asked if they will be in and out during the day. Mr. Gore said it is possible they may be in and out during the day. Mr. Tate asked if Mr. Gore had tried to meet with adjacent property owners and Mr. Gore said the young lady in the office said one person had come by and inquired about it. Mr. Brown said he is concerned about the lighting and having bright lights shining at night. Mr. Gore said they will be putting lighting up. Mr. Blanchard asked if they will have lighting on the ground and Mr. Gore responded negatively. Mr. Blanchard asked how close the nearest residence to the site and a gentleman responded his house is closest at 200' feet. Mr. Menius demonstrated on a map how far away the residences are. Mr. Gore said he will put opaque fencing around the site. Mr. Brown said he is concerned about noise from the operation; he noted the Church holds services during the week and the noise will be distracting. Mr. Gore said there will be some noise, but no more than from Food Lion. Mr. Gore said October is the peak month and they do a lot of hauling during that time. Mr. Tate said St. Matthews is a very active church, and he is concerned about the noise from project disturbing church services. Mr. Frazier asked if a Noise Ordinance can be included to say that they can't operate from 10:00 at night until 7:00 in the morning. Mr. Tate said we can possibly stipulate this as a condition of the SUP. Mr. Frazier asked Mr. Rivenbark not to put this off as he did with Food Lion. The following spoke in opposition to the SUP:

Rev. Clyde Hayes, Pastor of St. Matthews Baptist Church – Said he is mostly opposed because of the noise, which will distract and disrupt church services.

Rev. Henry Smith of 1349 Porters Lane – Said he is opposed because of the lighting and noise; 18 wheelers are noisy; there is already traffic congestion there; the highway will be destroyed; and he is totally against it.

Foster Henry of 1101 Porters Lane – Said he is a member of St. Matthews Baptist Church and he is opposed to the SUP because of the number of eighteen wheelers; there will be more congestion; there is no light at this intersection; there is already a turning lane for the Medical Center and Post Office; the Church is right there; and the speed limit in this area is 55 MPH, which is too high for this area.

Andre' Simpson of 200 Lucas Ave. – Said he is a member of St. Matthews Baptist Church; St. Matthews is a very active church and they have services all during the week, not just on Sunday's; this could be dangerous to children living and playing in the area; he drives eighteen wheelers and he knows what the weight will do to the road; there will be noise from not only the trucks, but maintenance of the trucks; there is an intersection right up the street that serves the Fire Department, the Church, Hardees, Food Lion, and the Medical Center.

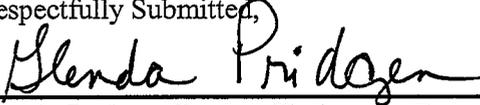
Mr. Brown said he appreciates anyone wanting to open a business in Rocky Point, but the people living there have to be considered, in addition to the Church and the children; he said they have their rights. In addition, he said the Fire Department has trucks coming out at anytime. Mr. Brown said if this SUP is approved, it would pose a safety issue and a nuisance. Citing Items B – 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; and C – the proposed use shall not constitute a nuisance or hazard, per Section 15.3 of the Procedures for Reviewing Applications of the Pender County Zoning Ordinance. Mr. Brown made a motion to deny the Special Use Permit Request, Mr. Williams seconded the motion and it was unanimously approved.

Mr. Tate invited Rev. Hayes and others in the audience to the "State of the County" event.

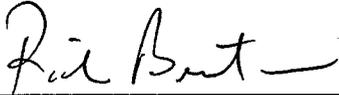
#### ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the May 19, 2009 meeting and the meeting adjourned at 8:55 p.m.

Respectfully Submitted,

  
\_\_\_\_\_  
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

  
\_\_\_\_\_  
Rick Benton, Clerk to the Board/Melinda Knoerzer, Deputy Clerk to the Board

Review of Planning Matters:

  
\_\_\_\_\_  
Planning Staff