

MONDAY, JUNE 22, 2009

The Pender County Board of Commissioners met in regular session on Monday, June 22, 2009 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: F.D. Rivenbark.

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 Brown offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Recognition of Outstanding Pender County Student Athletes for Team and Individual Performance in the Spring Sports Season.

Administrative Assistant Melinda Knoerzer presented this item and noted the Board normally recognizes athletes when they make it to State Competition. Mr. Williams and Mr. Brown read the names and read and presented certificates as follows:

County Athletic Director: Bobby Hudspeth

NCHSAA IA East Champions and State Runners Up: Topsail High School Baseball:

Athletic Director: Jonathan Davis

Matthew Collins	Jake Stone
Billy Christ	Tyler Redinger
Kyle Horton	Dan Redinger
Kyle Toukatly	James Brandt
Michael Wittorp	Keith Gray
Eric Francis	Cooper Smith
Ethan King	Kenny Ratliff
Hayne Bigelow	

Coaches: Bill White, Bub White, Gary Redinger, Sammy Disarno, David Hyatt

NCHSAA 1A State Champions: Topsail High School Golf Team

David Donovan	Jeremy Jones
David Kostyal	Patrick Morris
Josh Whitehead	Ryan Ortego

Coach: Ed Gibson

NCHSAA 1A Shot Put – 2nd instate: Trask High School Track and Field

Athletic Director: Ed Gilroy
Conner Hanson,
Coach: Bill Mercier

NCHSAA 1A Meter Hurdles – 2nd in State: Pender High School Track and Field

Athletic Director: Bevin Pugh
Saresa Hudson
Coach: Bevin Pugh

2. Presentation on Unfair Homeowner Insurance Rate Increases & Request for Pender County to Join in Support of Hiring Lobbyist to Fight for Rights Regarding these Unfair Rate Hikes: Kathleen Riely, Governmental Affairs Director, Wilmington Regional Association of REALTORS.

Ms. Riely delivered a Power Point presentation which included: North Carolina Residential Property- Adjusted Incurred Losses due to Wind and Hail - 1986-2005; North Carolina Homeowners Base Rates; North Carolina Homeowners Rate Revision Breakdown by Territory 2009; and North Carolina Rate Bureau Homeowners Territories-Effective May 1, 2009. Ms. Riely's highlights included: the problem with the increases in fire, theft, etc. has nothing to do with weather; since 1993, insurance rates in Pender County have increased by 163%; and the high insurance rates will affect realtors, affordable housing and all phases of housing development. Ms. Riely asked the Board for support to form a coalition with other counties to fight legislation to not support the insurance increases. The complete presentation is on file with the permanent records in the County Manager's Office.

Mr. Tate noted they didn't vote to excuse Mr. Rivenbark at the beginning of the meeting. Mr. Williams made the motion to excuse Mr. Rivenbark from the meeting, Mr. Brown seconded the motion and it was unanimously approved.

3. Discussion of State Budget News, its Effect on the School System and Impact on Teaching and Teacher Assistant Positions: Superintendent of Schools Allison Sholar.

Ms. Sholar gave an update which included: the State budget picture changes daily; the House budget restores 43 percent of the funding for teachers, which will allow the Schools to keep fifteen teaching positions that were going to be cut; the House budget restores the low wealth formula funding for Pender County, which equals nearly \$1 million; the Schools will have unfilled positions, but no current teachers will lose their jobs; their main concern is getting those teachers back because the smaller the class size the more the children will learn; they may have to do without some other things but they want to get their people back; twenty-five teaching assistants were being affected; they are facing a cut in transportation funding, which amounts to about 600 miles per day for buses, meaning a \$157,606 reduction in transportation funding, and if that happens they will have to lengthen the mileage between some stops; some staff has been cut from the central office; and right now they are not asking the Board of Commissioners for additional funding, but they don't know what the final outcome will be. Ms. Sholar thanked the Board for their support. Mr. Williams said he appreciates the way the School Board went about their approach with this budget; that he knows it was very challenging; and that hopefully the Schools won't have to come back this summer with bad news, but they know it could happen. Mr. Brown asked since Pender Success Academy is closing, where is the Resource Officer from there going and Ms. Sholar said he will be shared between Penderlea and West Pender. Mr. Tate said he shares Mr. Williams' thoughts about how the Schools are handling the situation and thanked them for keeping the Commissioners aware of what is going on. Ms. Sholar thanked her Board members and some of the teachers and other staff for coming to show their support.

4. Presentation on New Pender County Web Site: Pender County Web Advisory Committee.

ITS Director Erik Harvey said that: the County's new web site will "go live" on July 1; the new site will be more informative, more visually appealing and will better serve the public; the new site will save the County over \$100,000; and Web Administrator Earl Moore had put a lot of work in it. Mr. Harvey thanked the Web

Advisory Committee for their role in creating the new web site. Mr. Moore presented the new web site and Mr. Harvey explained some of the new features. Mr. Tate asked if the News and Notices section will be updated daily and Mr. Harvey responded affirmatively. Board members thanked Mr. Harvey and Mr. Moore for their work on this.

5. Update on Comprehensive Plans & Public Input Meetings this Summer: Patrick Davenport, Planning Director.

Mr. Davenport said they will hold public meetings to get the public's input as follows: July 16-Maple Hill Civic Club; July 30-Malpass Corner Elementary School Multipurpose Room; August 6-Topsail High School Cafeteria; and August 13-Heidi Trask High School Cafeteria. Mr. Davenport said the dates are fairly certain.

6. Presentation by Friends of the Pender Animal Shelter: Sue LoRusso.

Ms. LoRusso said a new, non-profit group was formed to help the Animal Shelter. She read and distributed a report which included: they are strictly volunteer; are helping by holding fundraisers and asking for donations; (she said they had already received lots of donations); their primary goals are to adopt animals out and to lower euthanasia rates; and they are currently obtaining their 501 (c) 3 non-profit certification from the Secretary of State. Ms. LoRusso said they are supplementing the County's funding of the Animal Shelter. Mr. Brown asked how they garner so many donations and Ms. LoRusso said they work with Darlene Clewis at the Animal Shelter who has lots of contacts. Mr. Brown said we appreciate the group's help. Mr. Tate thanked Ms. LoRusso and said she had done a lot in a short time. The complete report is on file with the permanent records in the County Manager's Office.

CONSENT AGENDA

Mr. Tate presented the eleven items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Williams made a motion to approve the Consent Agenda as presented, Mr. Brown seconded the motion and the Board voted 4-0 to approve the Consent Agenda as follows:

7. Approval of Minutes for the Regular and Closed Session Meeting of June 1, 2009.
8. Resolution Approving a Budget Ordinance Amendment Reducing Library Department Budget Reflecting Loss of State Revenue: \$2,837.
9. Resolution Authorizing a Purchase Order to DL Jordan Company, in the amount of \$9,820 for Application of Roof Coating at Penderlea School.
10. Resolution Authorizing a Purchase Order to Edwards Products, Inc. in the Amount of \$10,050 for Purchase and Installation of Ramps to a Mobile Classroom at Penderlea School.
11. Resolution Authorizing Purchase Orders to Garvey Flooring in the Amount of \$10,007.50 and to Interior Systems in the Amount of \$25,826.12 for Renovations to the New Topsail Middle School.
12. Resolution Authorizing a Scattered Site Application for CDBG-Recovery (CDBG-R) Funding from the Division of Community Assistance in the Amount of \$400,000.
13. Resolution Approving Reappointment of Tax Assessor.
14. Resolution Authorizing Increase in Existing Purchase Order to Waste Industries, Inc., for Sanitation Services through the End of this Fiscal Year: Not to Exceed \$100,000.
15. Resolution Authorizing Pender County Department of Planning and Community Development to Issue Building Permits and Perform Inspections within the Town of Atkinson for FY 2009-2010.
16. Resolution to Approve a Budget Ordinance Amendment to Transfer Funds to Cover Salaries and Benefits in the County Manager's Budget to the End of the Fiscal Year.
17. Resolution Authorizing Execution of Grant Agreement with NC DENR for Recycling Program in the Schools and Approving the \$2,400 Required Local Match: \$12,000 Grant.

RESOLUTIONS

18. Resolution Adopting the FY 09/10 Budget Ordinance for Fiscal Year Beginning July 1, 2009.

Mr. Benton presented the budget to the Board saying the good news is the tax rate will remain at \$.65 per \$100 valuation; the overall budget will be \$75,072,722; the General Fund budget will be \$49,135,764; it has been and will continue to be a difficult budget year due to the economic downturn, resulting in revenue reductions and

impacts from the State budget; and the proposed budget still funds the Board's priorities, including those related to economic opportunity, water and sewer infrastructure, growth management, quality of life and education.

Mr. Blanchard said when the Board previously met with the hunters, they sort of nodded their heads to increase Animal Control funding and he would like to hire two people so they will have someone to give rabies vaccinations and make rabies control more accessible. Mr. Brown asked what it would actually cost to fund at least two officers. Mr. Benton said Dr. Griffith had originally asked for an additional \$150,374 to fund items including two officers and a shelter attendant. He said he asked Dr. Griffith to prioritize which two items he needed most and Dr. Griffith said officers. Mr. Brown asked what it would actually cost to fund at least two officers. Mr. Benton said it would cost \$105,000 to fund two new officers but because it would take almost a month to hire, it would cost roughly \$100,000 for 11 months. Mr. Tate asked if that would include equipment for the officers and Mr. Benton responded affirmatively. Mr. Williams said adding two animal control officers is a good start and the Board can evaluate it at the end of the year. Mr. Brown said we may have to look at additional attendants because the County is growing. Mr. Blanchard made a motion to increase Animal Control funding by \$100,000 to \$105,000. Mr. Williams seconded the motion and it was unanimously approved. Mr. Brown said next fiscal year we should look at adding attendants. Mr. Williams suggested we have more training for Animal Control for improving communication with citizens.

Mr. Williams asked that an additional \$20,000 be added for the Hampstead Kiwanis Park to go towards putting lights on another baseball field and soccer field. He said he likes to try to help folks who help themselves and said the County will get a good return on investment if we provide these funds to the Park because the County would be spending \$20,000 to get \$70,000 worth of lighting. Mr. Williams made a motion to provide a one-time amount of \$20,000 to the Hampstead Kiwanis Park. Mr. Blanchard said he likes the rate of return and seconded the motion. It was unanimously approved by a 4-0 vote.

Mr. Blanchard said Mr. Rivenbark had an item he wanted to add but he is out of town. Mr. Benton said Mr. Rivenbark wanted to request funding for the Burgaw Depot. It was the consensus of the Board to wait until Mr. Rivenbark came back to take any action on this item.

Mr. Tate said there is a group that crusades for youth development that is holding the second Annual Parent and Youth Empowerment Conference and they sent him a letter asking for a \$1,000 donation from the Board. He said he recommends giving them \$500. Mr. Blanchard made a motion to donate \$500 towards the conference, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

Mr. Williams addressed Fund Balance and said that we need to be careful spending it because a hurricane could come along and wipe us out.

Mr. Brown asked about the \$75,000 for hurricane recovery and asked if we put it in each year. Mr. McCole said we use it for small items that are needed immediately, that we may not get reimbursed for. Mr. Brown said there is funding for "Pender County Schools" and "Public School" and Mr. McCole explained the difference in the two funds. Mr. Brown asked about the Automation Enhancement & Preservation Fund and Mr. McCole said it is for the Register of Deeds Office. Mr. Brown asked about the Domestic Violence Fund and Mr. McCole said it is "purely being funded by grant money."

19. Resolution Adopting a 2009 Parks and Recreation Capital Improvement Plan.

Mr. Davenport explained the resolution saying Pender County's most recent plan for parks and recreation facilities and improvements was approved in 1998; currently the County supports two parks – the Hampstead Kiwanis Park and Pender Memorial Park; and the Plan will be broadened and enhanced into a more comprehensive document as we move forward. Mr. Brown said he would like for the Parks and Recreation Advisory Board to look at this before we adopt it and move ahead. Mr. Williams said he likes how this is going but we don't want the Advisory Board to think we don't value their opinion. Mr. Tate said we have no intentions to offend them – we are just looking for ways to get funds. Mr. Williams stated this might be a good chance to explain the recent organizational changes impacting recreation. In response to Mr. Williams, Mr.

Benton explained that Parks and Recreation was a one person department so he combined resources by moving grounds keeping to the Maintenance Department and moving Parks and Recreation to Planning. This provided for enhancing resources for maintenance and technical planning, as well as for more time to be allocated to recreation planning. Mr. Davenport said this plan is just an outline. Mr. Benton said there is lots of money out there for parks but they want to know if you have a plan when you apply. Mr. Davenport said it will take about a year to get a full-fledged document. After more comments from the Board, Mr. Davenport presented the plan, of which a full copy is on file with the permanent records in the County Manager's Office. With respect to the Rock Fish Creek project, Mr. Blanchard said the Town of Wallace would be receptive to being a part of it. Mr. Davenport said staff had been in contact with someone from the Town of Wallace. The Board gave consensus for Mr. Davenport to present the plan to the Parks and Recreation Advisory Board and move forward.

20. Resolution Supporting Application for National Parks Service Rivers, Trails, and Conservation Assistance Program for Technical Planning Assistance for the West Pender Rail-Trail Project.

Planner Benjamin Andrea explained that: the West Pender Rail-Trail is a long-term project to create a multi-purpose recreational trail in the western portion of the County utilizing the abandoned Seaboard Coast Line rail corridor where feasible; the trail segment within Pender County would create approximately 22 miles of a potential 85-mile trail from Wilmington to Fayetteville; the trail would offer the citizens of the County a variety of social, health, economic, and environmental benefits, as well as a viable transportation alternative linking together present and future communities, attractions, schools, and neighborhoods; because property ownership of the rail corridor has reverted to adjacent landowners, under North Carolina General Statutes, the right to utilize the corridor must be negotiated with property owners before trail construction may commence; rail-trail projects identical to this one have been undertaken all over the country with many of them facing similar legitimate concerns but the concerns were addressed and overcome; the National Parks Service provides technical planning assistance to communities through their Rivers, Trails, and Conservation Assistance Program for locally-led outdoor recreational projects; and at this time, staff is asking the Board for authorization to move forward with pursuing technical planning assistance from the National Park Service Rivers, Trails, and Conservation Assistance Program. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

21. Resolution Requesting Expedited Funding for US 17 Hampstead By-Pass Project.

Mr. Benton explained that at the June 1, 2009 Board meeting, the Board requested a resolution be prepared addressing funding for the US 17 By-Pass project; the project is not funded for construction, but the EIS and environmental planning phases are on-going; right-of-way acquisition is scheduled to begin in 2013; N.C. DOT is initiating a feasibility study to examine needs and alternatives for widening the existing US 17 corridor; and the widening study is not intended to be in conflict with the by-pass project, but in addition to it. Mr. Williams added these are steps DOT has to take. Mr. Williams made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

22. Resolution to Authorize the Release of a Request for Qualifications to Architects to Design a New Topsail Regional Branch Library and to Redesign the Current Library Facility into a County Office Annex.

Library Director Mike Taylor explained the following: for the past year, planning and site selection has been underway for a new regional library facility to serve eastern Pender County; this is phase one of a master plan that was presented to the Board in 2007; the Board allocated \$250,000 to the Capital Improvement Plan for the planning of this project; a consultant was contracted in August 2008 to develop a program, which was presented to the Board on January 21, 2009; the plan allocates 21,000 square feet on school property adjacent to the current branch library, subject to confirmation of suitability and approvals; this site would provide access to the school system's wastewater treatment plant; the project would allow the current library facility to be renovated into a county office annex to serve eastern residents; this resolution is to request approval to release Request for Qualifications (RFQ) to architects soliciting responses by July 15 and approval of the architect selection process; and applications would be reviewed by the Building Committee comprised of the County Manager, the Facilities and Property Manager, the Library Director, the Hampstead Branch Manager, and a representative each from the

County Library Board and the Topsail Township Friends of the Library. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

23. Resolution by the Board of Commissioners Authorizing Execution of a Contract with Central Carolina Tire for the Management of the Scrap Tire Disposal Program in Pender County.

Ms. Knoerzer explained the following: for the past five years (and beyond that), the County has had a contract with Central Carolina Tire to haul tires from designated areas in the County to their disposal facility in Cameron, NC; the cost is \$61 per ton plus \$275 per haul; in addition, this year they wish to add a fuel surcharge based on the cost of diesel fuel on a weekly basis; if diesel fuel is established to be \$2.00 or more per gallon, the fuel surcharge runs on an incremental scale from \$.05 to \$.60 per mile; staff wishes to continue the same relationship with Central Carolina Tire, but would also like to have time to evaluate the possibility of using other vendors; our Solid Waste Management Plan may recommend a different course of action for the disposal of tires; staff attempted to negotiate with Central Carolina Tire to allow us to enter into this contract on a year-to-year basis, but they would agree only to a minimum three year contract; and staff will continue to apply for scrap tire grants that bring revenues to this program in addition to the tire fees collected from the sale of new tires. Mr. Blanchard asked how this equates to the amount we get for tires and Ms. Knoerzer said the fees for new tires are distributed on a per capita basis twice per year, and while they don't completely pay for scrap tire disposal in the County, they do cover a major portion of that cost. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

24. Resolution by the Board of Commissioners to Support a Partnership with Cape Fear Public Utility Authority to Provide Regional Wastewater Infrastructure to the US 421 Corridor in New Hanover and Pender County.

Utilities Director Michael Mack explained the following: the Cape Fear Public Utility Authority (CFPUA), recognizing the benefits of comprehensive master planning, and desiring to determine the best strategy to provide wastewater service to the US 421 Corridor and preserve the Authority's NPDES permit for discharge of 4 million gallons per day of treated wastewater effluent to the Cape Fear River; authorized McKim & Creed to prepare a US 421 Corridor Wastewater Master Plan; the recommended scope of the project was presented by McKim & Creed at the May 4, 2009 Board meeting; from the findings of the Master Plan, an opportunity for a regional approach in conjunction with Pender County's shared interest in developing a public wastewater system exists in this area and the next step is to get an Interlocal Agreement; this is the first step in the process; CFPUA will present a resolution to their board in July; and they will send the County a Letter of Intent. Mr. Williams made a motion to approve the resolution, Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

APPOINTMENTS

25. Resolution Approving Appointments to the Cape Fear Community College Board of Trustees; Pender County ABC Board; Pender County Fire Commission; and Pender County Parks & Recreation Advisory Board.

Mr. Tate introduced the resolution. With respect to Cape Fear Community College Board of Trustees, Mr. Brown said CFCC had indicated they would like for a Commissioner to sit on the Board. Mr. Blanchard said he proposes that Mr. Tate occupy this seat because he was the one who worked so hard to get a second Pender County citizen be appointed. Mr. Tate noted the current Pender County resident on CFCC's Board of Trustees, Mr. Griff Weld's term expires in two years. Mr. Blanchard made a motion to appoint Mr. Tate to serve on the Cape Fear Community College Board of Trustees, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

Mr. Williams made a motion to re-appoint Ms. Virginia Barnhill to the Pender County ABC Board to serve a three-year term representing District 5, with term to expire June 30, 2012. Mr. Blanchard seconded the motion and it was unanimously approved by a 4-0 vote.

Mr. Williams made a motion to appoint Mr. George Idiart to the Pender County Fire Commission to serve a three-year term representing an At-Large position, with term to expire June 30, 2012. Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

Mr. Williams made a motion to change Mr. David Piepmeyer's position on the Parks and Recreation Advisory Board from At-Large to District 1, (the District 1 vacancy was created due to a resignation). Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

26. ITEMS FROM THE COUNTY MANAGER

Tax Assessor Coby Heath introduced Tim Cain of Assessment Solutions, Inc., the company that is managing the Pender County 2011 Revaluation. Mr. Cain distributed a report on their progress through the month of May. He said it is a standard report and they are a month ahead of schedule. Mr. Benton said we will keep the Board updated as the Revaluation progresses.

Mr. Davenport gave an update on the proposed Abandoned Mobile Home Program. He said they sent proposals to five contractors and only one responded so they are waiting on some more responses to come in. Mr. Blanchard asked the status of the rule about bringing a mobile home from another county into Pender County and Mr. Davenport said the UDO will address that issue. Mr. Davenport and Mr. Thurman noted there are certain factors that need to be incorporated into such regulations.

Facilities and Property Manager Paul Parker and Architect Warren Wilson gave an update on Phase I Courthouse Improvements. It was noted that the Courthouse upgrades are three phases and in Phase I they are addressing security issues, accessibility/access to restrooms, technology upgrade, defendant holding room problems, egress problems, and lights replacement. Mr. Wilson showed a drawing of the proposed revisions.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman noted the applicant for Item Number 29 had requested that it be continued because of a drainage problem. Mr. Brown said he was told Mr. Fentress, the applicant, was going to be here to announce that they wanted it continued. He said lots of people are going to show up to speak on this item. Mr. Williams made a motion to continue the item and Mr. Brown seconded it. Mr. Brown said people are coming from out of town for this item and they are going to be aggravated that it's not going to be discussed, and this decision should have been made days ago. He added he is aggravated also, and he is angry and annoyed at how the applicant is handling it. There was more discussion on the item about how to let the people know it is to be continued. Mr. Brown said he really wants to have it continued in front of these folks, rather than putting a sign out saying it. Mr. Thurman said Mr. Brown can withdraw his second and at the 7:00 meeting, he will tell people it was his recommendation to continue it. Mr. Brown withdrew his second.

Mr. Thurman said he has an item for closed session, pursuant to NCGS 143-318.11(3) dealing with Attorney-Client Privilege.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Brown said he wants to put on the agenda for the next meeting a discussion of printing agendas in the papers before meetings.

Mr. Williams said with respect to the boat access property on Lewis Road, the lawsuit is still holding it up but we are looking at other property north of Lewis Road which is accessed off of Moore's Landing Road. He said we have asked the State Property Association to appraise it. Mr. Benton said the appraisal should be in within two weeks or so. Mr. Tate thanked Mr. Williams and Mr. Benton for all their work on this project.

Mr. Tate thanked Mr. Heath and Mr. Benton for attending the Farm Bureau meeting with him, thanked Mr. Benton for working on and attending another meeting with him and thanked Mr. Davenport for attending the Civil War sites with him.

Mr. Tate was excused from the 7:00 portion of the meeting.

PUBLIC COMMENT

Martin Beach, Interim Manager of the Town of Burgaw had several items: 1) commended the Board of Commissioners for their commitment to funding historic buildings in the County. He said the Burgaw Depot is part of the County's cultural heritage and asked that it be placed on the next agenda to discuss funding for it; 2) said since the Board is proposing to build a new library in Hampstead, they should look at the one in Burgaw because that building is older than the one in Hampstead; 3) said with respect to the Planning Director proposing to put a park at Heide Trask, the County had previously gotten a grant to put an industrial park at that site and that is what it was supposed to be. Mr. Brown said he was told that DOT didn't want it to be an industrial park; 4) said the Board should send a resolution to each municipality concerning the Highway 17 By-Pass; and 5) asked for support from the County for the Burgaw Depot saying the Town of Burgaw had invested \$600,000 in it.

Mayor Pete Cowan of the Town of Burgaw thanked the Board for their support in making the Courthouse Square look good for the Blueberry Festival. He said the turnout was greater than last year's, there were no problems with any of the people attending the Festival, they had good law enforcement, and the Festival was a great economic benefit to the local economy.

Mr. Al Freimark of Hampstead said the Mayors and Councils of Surf City and Topsail Beach have already sent resolutions supporting the Highway 17 By-Pass. He said it is going on sixteen years since the Highway 17 By-Pass was first proposed and there had been lots of other by-passes built in other places.

CLOSED SESSION

At 6:30 p.m., Mr. Blanchard made a motion to enter into closed session pursuant to NCGS 143-318.11: (3) to consult an attorney employed or retained by the public body in order to preserve the attorney-client privilege. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session. At 6:50 p.m., Mr. Blanchard made a motion to come out of Closed Session and it was unanimously approved.

PUBLIC HEARINGS: SPECIAL USE PERMIT REQUESTS

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

Mr. Thurman announced that the applicant for this item had requested that it be continued to the August 17, 2009 meeting, due to a drainage engineering study they are having done. He said that it has to be continued because this study will be part of the evidence. Mr. Brown said he knows a lot of folks came out to hear this tonight but the applicant had a drainage assessment issue. He apologized that folks came out and have to hear that it going to be at a later date, but as the County Attorney said, the drainage study will be part of the evidence. Mr. Joel Rouse said this was discussed in the first meeting ninety days ago and the applicant knew this then and the Commissioners knew it; he met with Mr. Brown and Mr. Tate at the Church and discussed this; they invited people to come out and see the site but nobody came; and the drainage issue is why it was voted down before. He asked if Pender County was going to do the evaluation. Mr. Thurman said the company had hired an engineer, but if the neighbors wish to contest it, they can have their own professional engineer conduct one. Mr. Rouse said the lady that traps beaver can testify to what she sees at the site every day. Mr. Brown and Mr. Thurman said they can have it arranged for Rachel Swartz to testify. Mr. Rouse asked that this go on record that Ms. Swartz will testify. Mr. Williams said he is perturbed also, but that the drainage issue is not the only reason the item was voted down before. Mr. Keith Lankford, representing Mr. McGee who lives across the road from the site, asked if the neighbors could get a copy of the report two weeks before the meeting. Mr. Thurman said the owner is not required to present the report before the meeting. Mr. Blanchard made a motion to approve the continuance, on the advice of the County Attorney, Mr. Williams seconded the motion and it was unanimously approved by a 3-0 vote.

27. **Public Hearing & Special Use Permit Request: Pender County, Applicant: Request for the Construction and Operation of a Wastewater Treatment Facility and Water Treatment Facility, Located West of U.S. Hwy 421, across from S.R. 1100 (Cowpen Landing Road), just North of the Pender/New Hanover County Line.**

Mr. Thurman swore in the witnesses. The public hearing opened at 7:15 p.m. and closed at 7:16 p.m. Mr. Andrea explained that: Pender County is requesting approval of a special use permit for the construction and operation of a wastewater treatment facility, and water treatment facility up to 12 million MGD within the Pender Commerce Park, a publicly-owned industrial park approved by special use permit on February 16, 2009; the park consists of 378 acres and 131 acres are reserved for the water and wastewater treatment facilities; the County is currently in the design and engineering stages for the water treatment facility, as well as the planning for a wastewater treatment facility in coordination with the Cape Fear Public Utility Authority; and both projects shall comply with all applicable local, state and federal regulations, including stormwater management and NPDES permits from the NC Division of Water Quality. Mr. Andrea stated that the SUP request was consistent with the Pender County Zoning Ordinance and current CAMA land use plan. Mr. Williams made a motion to approve the Special Use Permit Request, Mr. Blanchard seconded the motion and it was unanimously approved by a 3-0 vote.

28. **Public Hearing & Special Use Permit Request: Alton Pierce, Applicant: Request for Storage of Merchandise, Materials or Equipment on Site, Outside an Enclosed Building, Excluding Salvage, Located Along the East Side of Bell Williams Road, Approximately ½ Mile Northwest of the Intersection of NC Hwy 210 and Malpass Corner Road, Grady Township, NC.**

Mr. Thurman swore in the witnesses. The public hearing opened at 7:16 p.m. and closed at 7:21 p.m. Mr. Davenport explained that: the property is zoned RA, Rural Agricultural District; the County Code Enforcement Division issued a notice of violation on April 30, 2009 for the illegal storage of commercial equipment on property zoned RA without a Special Use Permit, and the placement to two commercial signs without obtaining permits; the applicant has since complied and this Special Use Permit clears up the zoning violations; and all surrounding property owners were notified and staff had received no negative comments. Ms. Loretta Pierce, wife of the applicant, spoke on behalf of the Special Use Permit request. She explained that they are selling their house and property in Brunswick County and relocating to Pender County. She said their business requires that they go to their customers' properties and haul dirt, rocks, etc. in clearing their properties, but they will leave their equipment on this property on Bell Williams Road. Mr. Blanchard made a motion to approve the Special Use permit Request, Mr. Williams seconded the motion and it was unanimously approved by a 3-0 vote.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn the June 22, 2009 meeting and the meeting adjourned at 7:20 p.m.

Respectfully Submitted,



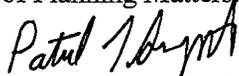
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Review of Planning Matters



Planning Staff