

MONDAY, DECEMBER 1, 2008

The Pender County Board of Commissioners met in regular session on Monday, December 1, 2008 at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

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

MEMBERS ABSENT: None.

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

CALL TO ORDER

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

INVOCATION

Chairman Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Blanchard led the Pledge of Allegiance.

SWEARING IN OF BOARD OF COMMISSIONER MEMBERS

Ms. Rebecca Carroll, Interim Clerk of Court, issued the Oath of Office to re-elected District 4 Commissioner F.D. Rivenbark, and District 5 Commissioner Jimmy T. Tate. The Commissioners had family and friends in attendance.

Chairman Williams asked to change the order of some of the items so he could preside over them before the chairmanship changed.

6. Recognition of Outstanding Pender County Student Athletes.

Chairman Williams called the Athletes, their Coaches and Principals forward. The Board recognized and commended outstanding Pender County Student Athletes. Chairman Williams, Mr. Rivenbark and coaches presented certificates and county pins as follows:

Topsail High School Soccer Team – NCHSAA, 1A State Champions

Michael Hall	Mario Yanez
Brady Greathouse	Nick Colangelo
Jordan Klimczak	Michael Wittorp
Candon Rusin	Justin Surrat
David Croft	Adam Markley
Tanner Polera	Jeff Harris
Tim Schwan	Nathan Leemhuis
Brandon Batson	Logan McGlynn
Kenny Chavarria	Pat Broadbridge
Lucas Freitas	Jonathan Morris
Shaun Leemhuis	Matt Thomas
Head Coach: Gordan Stanisic	Assistant Coach: Henry Contreras
Manager/Scorekeeper: Zack King	

Topsail High School NCHSAA, 1A - Women's Individual Tennis Champion

Danielle McGee

Head Coach: Mike Stair

Assistant Coaches: Troy McGee & John Dalrymple

Pender High School Volleyball, NCHSAA, 1A East Regional Champions and State Runners Up

Jenna Baranowski

Meg Knoerzer

Brittany Barnes

Haley Lanier

Jessica Costin

Leah Mackley

Nichole Dias

Katie Padgett

Aariene Hansley

Jessica Sanabria

Sarah Horne

Jackie Wells

Cassie Janicki

Head Coach: Ray Horton

Assistant Coach: Matt Davis

Managers: Hannah Platt & Kelsey Mishler

7. Proclamation by the Pender County Board of Commissioners Commending Cody James Polera for Achieving the Eagle Scout Award.

Chairman Williams called Mr. Polera forward and read and presented him with the Proclamation and presented him with a county pin. Mr. Polera earned his Eagle Scout and was honored on October 18, 2008. Mr. Polera thanked the Board.

8. Recognition of Mr. Coby Heath and Staff of the Pender County Tax Assessor's Office.

Mr. Benton said the Tax Assessor's Office was recently awarded the 2008 Joseph E. Hunt Distinguished Jurisdiction Award presented by the NC Association of Assessing Officers. Mr. Benton read the award. He noted that collaboration with IT, Tax Collections and Planning Departments contributed to the success of the Assessor's Office – which resulted in this statewide recognition, and said the Assessor's Office couldn't have done it without these other departments. Mr. Benton said he is proud of all of these departments. Mr. Heath was in attendance along with two of his staff – Nellie Watkins and Janice Rentz. Board members congratulated Mr. Heath and his staff.

COMMENTS BY OUTGOING CHAIRMAN

Mr. Williams said this Board has a lot of ongoing projects and said there are things Board members don't always agree on, but this Board has gotten a lot done. He named some of the projects the Board had accomplished and some that are ongoing, which include: the Planning Department's Comprehensive Plan and UDO projects, US Hwy 17 Bypass, the US Highway 421 Water Plant, Phase V of Rocky Point/Topsail Water & Sewer District, the Maple Hill Sewer Project and a host of other utility projects. He said staff and Department Heads are the best team now than the County has ever had, that he's very proud of them and that there are a lot of good years ahead. Mr. Williams said the County also accomplished a lot of capital projects, including the new Hampstead Annex, Kiwanis and Pender Parks, and Scattered Site and CDBG Block Grants. Mr. Williams said he would like to especially thank the Board on behalf of Eastern Pender County. He said one of the Board's biggest accomplishments is that negotiations are being made to acquire property for public access to put boats in salt water, that David Greer is selling the County 6.9 acres for \$3.8 million, funding for which will be a grant, that Mr. Greer has signed a "Gentlemen's Agreement", and the facility will be run by the Wildlife Resources Commission and not the County.

Mr. Tate thanked his family, friends, community and other communities for their support of his being re-elected as Commissioner.

ORGANIZATIONAL MEETING

Mr. Williams passed the gavel to Mr. Thurman at 4:20 p.m.

1. Nomination and Selection of Chairman and Vice Chairman.

Mr. Thurman presided over the nomination for Chairman; he opened the floor to accept nominations for Chairman. Mr. Williams nominated Mr. Tate, Mr. Brown seconded the motion and the Board voted unanimously to appoint Mr. Tate to serve as Chairman of the Board for a year.

Mr. Thurman deferred and passed the gavel to newly elected Chairman Tate.

Mr. Tate opened the floor to accept nominations for Vice Chairman. Mr. Blanchard nominated Mr. Rivenbark to serve as Vice Chairman for a year. Mr. Williams nominated Mr. Brown. Voting in favor of Mr. Rivenbark were Mr. Blanchard and Mr. Rivenbark. Voting in favor of Mr. Brown were Mr. Williams, Mr. Tate and Mr. Brown. Mr. Brown will serve as Vice Chairman of the Board for a year.

Mr. Tate thanked and commended Mr. Williams for a job well done serving as Chairman of the Board for the past year.

2. Resolution to Approve the 2009 Schedule of Holidays for Pender County

Mr. Benton said the Holiday Schedule is basically the same as the year before. Mr. Rivenbark made a motion to approve the 2009 Schedule of Holidays, Mr. Brown seconded the motion and it was unanimously approved.

3. Resolution to Approve the 2009 Calendar of Regular Meetings of the Pender County Board Commissioners.

Mr. Rivenbark said he would make a motion to approve the 2009 Calendar of Regular Meetings if it doesn't conflict with State and National meetings, the dates of which are not known at this time. Mr. Williams noted that meetings had been changed before because sometimes it's hard to meet the schedule. Mr. Tate asked Ms. Pridgen if the schedule conflicts with any State or National meetings and Ms. Pridgen said she doesn't think so. Mr. Rivenbark made a motion to approve the 2009 Calendar of Regular Meetings, Mr. Williams seconded the motion and it was unanimously approved.

4. Boards/Committees/Commissions on which Commissioners Currently Serve: Review/Modify.

The Board did their annual review of Boards/Committees/Commissions. Mr. Brown said he's having a hard time attending JCPC and Partnership for Children meetings because they are held during the day and conflict with his job, but no one else would agree to take them so he will do the best he can. All Board members agreed to stay on the board/committees they are on right now. Mr. Williams suggested looking at this again in January. After more discussion, it was the consensus of the Board to have this item brought back to the next meeting. Ms. Pridgen was instructed to include this item on the next agenda.

PUBLIC INFORMATION

5. Alan Thompson, Thompson, Price, Scott & Adams: Introduction of Pender County Audit for the Fiscal Year Ending June 30, 2008/Resolution to Accept the Audit.

Mr. Thompson gave a condensed version of the audit results which included: Pender County Financial Information for 5 Years; Analysis of Fund Balance; Analysis of Fund Balance Available; Analysis of Unreserved and Undesignated Fund Balance as a % of General Fund Expenditures; Analysis of Revenues Over (Under) Expenditures before Transfers; Cash vs. Accumulated Depreciation (Funded Depreciation) – Water and Sewer Funds; Analysis of Cash and Fund Balances at June 30, 2008; Property Tax Rates; Collection Percentages; Property Valuation and Levy Amount; and Break Down of General Fund Revenue FYE June 30, 2008. Mr. Rivenbark requested that if Thompson, Price does the audit next year, they prepare a PowerPoint presentation for the folks in the audience to follow along. Mr. Williams asked if this will be put on the Internet and the answer was affirmative. Mr. Blanchard asked if we can print the chart pages and put in Libraries, etc. Mr. Tate said Thompson, Price did a good job. Mr. Benton recognized Finance Officer David McCole. He said Mr. McCole was responsible for overseeing the audit and said he should be commended. The audience applauded Mr. McCole. The entire Presentation of Audit Results and the entire Financial Statements can be viewed with the permanent records in the County Manager's Office and also on the Internet.

CONSENT AGENDA:

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

9. Resolution Approving Releases and Refunds to the Individuals Listed Herein.
10. Resolution Approving a Change Order to Southeast Lasergrading for Additional Work Associated with Fine Grading Athletic Fields at Pender Memorial Park; \$8,700.
11. Resolution Approving the Payment of Membership Dues & Fees: Cape Fear Council of Governments - \$16,203, and Rural Transportation Planning Organization (Through the Council of Governments) - \$5,000.
- 12a. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: Immunization Program: \$3,000.
- 12b. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: Breast Cancer and Cervical Cancer Programs: \$5,865.
- 12c. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: \$23,168.00.
- 12d. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: Diabetes Umbrella Project: \$48,000.
- 12e. Budget Ordinance to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: Community Health Grant: \$75,000.
- 12f. Budget Ordinance to Approve Decrease in Health Department Revenues and Expenditures for Fiscal Year 2008-2009: North Carolina Farmworker Health Program: \$100,000. McCole
13. Budget Ordinance Amendment Approving Additional Crisis Intervention and Day Care Funds: \$265,860.00.
14. Resolution Authorizing a Contract with and a Purchase Order to Cape Fear Paving, Inc., in the Amount of \$410,000 and Approving a Budget Ordinance Amendment Transferring Funds from the Burgaw Middle School Project to the New Topsail High School Project for Roadway Improvements and Paving.
15. Resolution Approving Increase in Funding and Expenditure for the Juvenile Crime Prevention Council: \$3,714, and Authorizing Expenditure for Psychological Services: \$60,729.

RESOLUTIONS

16. **Resolution to Support State legislation to Add Pender County to the List of Localities Authorized to Enact Land use Development Incentives in Exchange for Reduction in Energy Consumption.**

Planning Director Patrick Davenport said that at the November 5, 2008 Planning Board meeting, the Planning Board forwarded a majority recommendation for approval to the County Commissioners expressing their support to add Pender County to the list of localities enabled to enact regulations which provide incentives for development practices promoting or resulting in a reduction of energy consumption. Mr. Davenport said he doesn't know what incentives are involved yet, but certain things can be added, such as additional residential density, and said staff would like to obtain this legislative authority in the 2009 session so that these development incentives can be included in the Comprehensive Plan and UDO projects. Mr. Williams asked if Performance Zoning would be included and Mr. Davenport said it is a little early for that but the Planning Board will be pursuing it. Mr. Rivenbark said he is concerned that this may not be well enough known by people in the County and asked will there be chances for citizens' input. Mr. Thurman said he is the one that suggested this be done; that other counties are doing it; that this is not an endorsement of actually doing anything – it is just the first step in the process; and that it does not commit us to anything. Mr. Rivenbark asked what steps the Board could take before committing to anything and Mr. Thurman said they could hold public hearings and solicit public input. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

17. Resolution Defining Maple Hill/Pin Hook Fire District Lines.

Emergency Management Director Eddie King explained that during a recent audit of Fire Insurance Districts for the entire state, it was found that the Maple Hill Fire Insurance District overlaps the Pin Hook Fire Insurance District (Duplin County); that this overlap covers approximately one mile of property located along NC Hwy 50 near the Duplin County Line; that the change in the Pin Hook Fire Insurance District that created a Pender County area for that fire department occurred on May 19, 1993, when that department expanded to a five-mile insurance district; that the Office of State Fire Marshal has requested that Pender County assign this overlapped area to one Fire Insurance District; that a solution is to move the Maple Hill line all the way to the County line; that at this time a decision either way will not alter the insurance rates of the citizens in the questioned area; that all fire tax revenues in that area are currently being paid to Maple Hill Fire Department; and that the Board is requested to affirm the decision that was made by the Board of Commissioners on May 6, 2002, allowing the area to be assigned to the Maple Hill Fire District, and to approve the map and description for that area adopted on that date to supersede any other Fire Insurance Districts for the area in question. Mr. Blanchard made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved.

18. Resolution Granting Approval to Burroughs & Chapin Realty, Inc. of Surf City to Renovate Property Owned by Pender County on Williams Street in Burgaw.

Social Services Director Dr. Reta Shiver explained that this house was once used when children were taken into custody in the middle of the night, and also for distributing USDA Commodities; however, it has fallen into disrepair and is no longer habitable. She said there will be no funding on the County's part and no liabilities to the County, that the Contractor will obtain all permits, and that the Contractor wants to begin renovations early in 2009. Mr. Williams said we should hurry and let the Contractor proceed before they change their mind. Mr. Blanchard made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

DISCUSSIONS

19. Pender County Utilities Project Update.

Utilities Director Michael Mack gave a Utilities Project Update which included: Water & Sewer Projects – Water Treatment Plant, Maple Hill Sewer, US Highway 421 Corridor Sewer Efforts, Columbia-Union WSD-Options, and Scott's Hill WSD-Options; Other Issues – Hydrant Fire Flow Testing Policy and Low-Income Residential Water Connection-Payment Plan Options. A complete copy of the update is attached to these minutes and incorporated herein by reference. With respect to the Columbia-Union WSD, Mr. Tate asked Mr. Mack which of the three options listed he would recommend. Mr. Thurman said they had discussed this and it was decided Mr. Mack would do more research on populated areas and bring it back at a later date. Mr. Blanchard mentioned the water line already in place from Wallace and asked if it is feasible to look into using it, and Mr. Mack responded affirmatively but that it would not be sufficient to supply the entire Columbia-Union District. Mr. Blanchard asked if the Town of Wallace has a line running down the railroad and Mr. Tate said it runs down Church St. There was discussion of county fire hydrants and it was noted that pressures would not sustain the suction of a pumper truck and that fire departments can't hook up a fire hose to one, except to fill a tank. Mr. Williams said people ask him why the County built a water system that you can't use the hydrants and he tells them we did what we could with the design specifications required by the USDA-RD funding sources). There was discussion of the water tap and Capacity (Impact) fee payment plan. Mr. Tate asked of the entities surveyed, what are their rates. Mr. Mack said he doesn't have those figures at hand, but he would get them to Mr. Tate. Mr. Tate asked of the two entities Mr. Mack mentioned, are their rates more or less than ours. Mr. Mack said overall, he believed Pender has the second lowest rates on the schedule. Several options were discussed concerning a payment plan which included: following Federal Poverty Guidelines; paying 12 months in advance or less; letting people pay as they go, but paying the tap fee in full up-front and getting installation after paying the tap fee; and letting people have credit and putting a lien on their property. Mr. Tate said he wants to see a plan in place using average incomes for average families in Pender County. He said some people don't meet the Federal Poverty Guidelines; that we need to look at what people can afford; and instructed staff to look at the census data and come back with some more options. Mr. Brown said he agrees with Mr. Tate. Mr. Blanchard said he doesn't disagree but it's a matter of fairness – some people sacrificed to get the water, we have to make sure the system is treated fairly and this is a "slippery" issue. Mr. Williams said we have to look at all issues, we can't just grant stuff, they have to at least pay the tap fees, and we can't waive the fees. Mr.

Tate said he's not asking that the fees be waived; he's just looking for something people can afford. Mr. Rivenbark said folks have been contacting him and we should have a plan, let them pay the tap fee and get started, but also put a lien on their property. Mr. Tate instructed staff to get more options and bring back to the next meeting.

20. Discussion Regarding Board Agenda Policy.

It was noted that at the last meeting, the Board made the decision to let the public speak on this item first; the following citizens spoke:

Dr. Shiver said she is speaking as proxy for her Aunt, Jerelane Simpson. She said Ms. Simpson favors items that are going to be voted on should be placed on the agenda ahead of time and not voted on unless they are listed on the agenda.

Mr. T.K. Kea said he is speaking on behalf of the Roseville Community. He said there are a lot of elderly folks that can't get out to meetings and items should be placed on the agenda and publicized. He said if items are publicized, someone can come out and represent the community for items that interest them. Mr. Kea also said he is concerned with water and failing wells in his community. Mr. Williams said the Health Department will go out and test wells.

Mr. Al Freimark said this is history being repeated; that a year ago redistricting was a hot item which went down by a three-to-two vote and public hearings were held afterwards; that if a vote doesn't go through, there should be more public hearings before approving; and things that are important should be put on the agenda ahead of time.

Ms. Joyce Harrell said she reiterates what Mr. Freimark said; and that business should be put on the agenda.

Ms. Margaret Brown said that in 1990 the County had a Board that didn't want to listen to the people; that hiding things doesn't cover it; that items should be put on the agenda and if not, we can get rid of this Board the same way we did back then.

Mr. Tate said it appears to him this Board tries to keep everyone informed and he hasn't seen any hiding of anything.

Mr. Brown said this is more for the future, and he's not concerned about the past right now. He said this policy will keep the Board honest and make the public aware.

Mr. Blanchard asked had anything come up in the past six months to a year that wasn't on the agenda and Mr. Benton responded the Southeastern Mental Health resolution presented on November 3, 2008.

There was further discussion and questionings. Mr. Thurman clarified that this action will require that no item can be added to the agenda unless it receives a unanimous affirmative vote-to be placed on the agenda. He clarified that it would have to receive a unanimous vote, not 5-0, in case a member of the Board was absent. Mr. Brown made a motion to approve this item, Mr. Williams seconded the motion and it was unanimously approved.

21. Discussion Regarding Board Censure.

Mr. Brown said considering the warm atmosphere of the last few minutes, he hates to bring this up but it's been up for discussion during the last few meetings and he wants closure. He said unless something can be said at this time to persuade him otherwise, he is making a motion to censure Mr. Blanchard. Mr. Williams seconded the motion. Discussion ensued regarding the issue. Mr. Blanchard said he should have the privilege to ask Paul Parker if he threatened, embarrassed, humiliated or intimidated him, since this action would impugn his character. Mr. Williams said we don't need to turn this into a "dog and pony show." Mr. Tate said today is the last time this item will be discussed. Mr. Brown said his action is not based on a complaint made by Mr. Parker; it is based on admission by Mr. Blanchard at a previous meeting. Mr. Thurman said part of this is crossing into

personnel issues and said Mr. Blanchard is entitled to ask questions; it is up to Mr. Parker whether or not he wants to answer. Mr. Williams asked if Mr. Parker can decline to answer and Mr. Thurman said "yes." Mr. Blanchard asked Mr. Parker if he had approached him and Mr. Parker responded "no." Mr. Williams explained the reason for the censure is because of a statement Mr. Blanchard prepared for Mr. Parker to read and intimidated the new County Manager into giving the statement to Mr. Parker to read. Mr. Brown said if Mr. Parker and Mr. Benton choose to ignore what happened and choose to let it slide by, he won't take any action. He said based on the conversation in this room, there was intimidation. Mr. Blanchard said he wants to apologize to Mr. Parker and said he and Mr. Parker are the victims of attacks on their character. Mr. Brown said Mr. Blanchard had brought this on himself by his own actions and got everything he deserved. Mr. Tate said every time they discuss this it changes. Mr. Blanchard again asked Mr. Parker if he had intimidated him in any way and Mr. Parker said "no." Mr. Tate asked why this is up for discussion and said having Mr. Parker say he didn't feel intimidated would impact his vote. Mr. Williams said it was not just about Mr. Parker but about Mr. Benton and how Mr. Blanchard admitted to making up the apology letter and intimidating Mr. Benton to deliver the letter to Mr. Parker and have him read it. Mr. Brown said he realizes what is happening and he can read the situation. Mr. Williams said he felt something was not right, he said he was born at night but he sure wasn't born last night. Mr. Brown said he still feels intimidation took place and that there should be a censure, but if the folks it happened to say it didn't, he will rescind his motion. Mr. Blanchard then made a motion that the censure be denied, but it died for lack of a second.

APPOINTMENTS

22. Resolution Approving Appointment of Chairman to the Pender County Tourism Development Authority.

Mr. Tate said he had become acquainted with TDA members over the last couple of weeks, since he had joined the TDA Board. Mr. Williams made a motion to appoint Kathy Cherry as Chairman of the TDA for FY 08/09, Mr. Rivenbark seconded the motion and it was unanimously approved.

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

Mr. Benton reminded the Board of the Employee Christmas Luncheon to be held December 5th from 11:30 a.m. to 2:00 p.m., with County offices being closed as usual during those hours. He also reminded the Board that they need to be there at 10:30 a.m. for judging the Christmas tree contest.

Mr. Thurman said he has items for closed session. Mr. Tate said we need to make sure items are eligible for discussion in closed session.

Mr. Rivenbark said he had no opposition during the Election but there were 14,600+ votes cast for him, and he wants to tell people he's proud of those votes.

Mr. Williams said the Board has lots of more good things to work on; that the Board is in good hands with the new Chairman; and that we should move on.

Mr. Tate said on behalf of the Board of Commissioners, he wants to thank Mr. Williams for doing a good job the past year as Chairman of the Board; that Mr. Williams kept the Board well informed and he plans to do the same; and that he plans to sit down with each Commissioner to see how they can better work together.

PUBLIC COMMENT

Mr. Bill Morrison of Topsail Beach said he is meeting tomorrow night with the Beach Inlet Management Plan (BIP), CAMA, Department of Water Resources, and Department of Environment & Natural Resources to discuss strategies being developed for beach renourishment statewide and he will bring a report back to the Board at the next meeting.

CLOSED SESSION

At 6:10 p.m. Mr. Rivenbark 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;

(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the (public body); and (6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The Closed Session will not include discussion of the appointment of a member of the public body, or a vacancy on the public body, and any final action on appointment, discharge or removal by the public body will be made in open session. Mr. Williams seconded the motion and the Board unanimously approved going into Closed Session during dinner. Accompanying the Board and staff were Scott Satterfield of Wilmington Industrial Development, Jimmy Smith of Four County EMC and Attorney R.V. Biberstein. The Board came out of closed session at 7:07 p.m.; there were no announcements made upon exiting the closed session.

Mr. Tate said there should be an unwritten policy that citizens who speak at the meetings should have no more than five minutes.

PUBLIC HEARINGS: RESOLUTIONS/ZONING AMENDMENT/TEXT AMENDMENT/SPECIAL USE PERMIT REQUESTS/SPECIAL USE PERMIT AMENDMENT

24. Public Hearing & Special Use Permit Amendment: John E. Bradshaw, Applicant: Request to Amend a Current Special Use Permit (03-11-17-28) for the Operation of Boat Sales & Repair, Located at 19240 US Hwy 17 South and East of the Intersection of Sloop Point Loop Road and US Hwy 17, Hampstead.

Mr. Thurman swore in the witnesses. Mr. Breuer explained that this item was tabled at the last meeting and Mr. Thurman added that it was tabled because the applicant wasn't here last time. The public hearing opened at 7:07 p.m. Mr. Bradshaw explained that he wants to clean this site up; that he wants to amend the existing special use permit to operate boat sales and repair lot; and that he's proposing no significant changes to the property. Mr. Burt Millette of Hampstead spoke in opposition to the Amendment. He said the applicant had been cited before for non-compliance of a SUP; that the owner knows the property is in bad condition; that in September the owner was out of compliance again; and that the operation they have next to Ace Hardware was never authorized. Mr. Williams asked Mr. Bradshaw about leasing the property and asked if he had anything to do with the other half of the property and Mr. Bradshaw said yes, but it was tied up in court and he could never finish his application. He said when he left the lot was clean and he had nothing to do with the campers but unfortunately, his signs were left there. The public hearing closed at 7:16 p.m. Mr. Blanchard made a motion to approve the Special Use Permit Amendment, Mr. Williams seconded the motion and it was unanimously approved.

25. Public Hearing: Revisions to Zoning Ordinance: Enable Conditional Zoning Districts.

The public hearing opened at 7:25 p.m. Mr. Davenport explained that at the November 5, 2008 Planning Board meeting, the Planning Board forwarded a unanimous recommendation for approval to revise the Zoning Ordinance enabling conditional zoning districts to be established. He said conditional zoning is a voluntary action and is intended to be used for a known project; that it will enable an applicant to specify a certain use or uses to be constructed or guarantee that certain uses not compatible with the immediate area will not be permitted; a public input meeting held by the developer is required prior to application and reasonable, mutually agreed upon conditions of approval are possible; that the following zoning district categories are approved to be assigned conditional zoning districts: B-1, B-2, B3, I-1, I-2, PD and RT; that the Planning Board will make recommendations; and that the County Commissioners shall have the authority to accept any or all of the conditions forwarded from the review process. Mr. Williams said that with respect to Section 8-7(1), three years seems like a long time. Mr. Davenport said the three year timeframe came from another county. Mr. Rivenbark asked who decides if it is a major versus minor revision and Mr. Davenport said the Zoning Administrator decides and if it is a major revision, it will be brought back to the Board. Mr. Williams asked Planning Board member Burt Millette what he thought of the three-year timeframe and Mr. Millette said they didn't really look at it. Planning Board member Hiram Williams said the three-year period is feasible because it takes a long time to get permits. The public hearing closed at 7:28 p.m. Mr. Blanchard made a motion to approve the Conditional Zoning Districts, Mr. Williams seconded the motion and it was unanimously approved.

26. **Public Hearing: Revisions to Zoning Ordinance Regarding Off Premises Outdoor Advertising Signs.**

Mr. Davenport explained that during the November 5, 2008 Planning Board meeting, the Planning Board forwarded a majority recommendation for approval to revise the Zoning Ordinance section affecting Off Premises Outdoor Advertising Signs (OPOAS); that if approved, the regulation would not allow any new OPOAS along any right of way except along the I-40 corridor; that new billboards would still be allowed along I-40 so long as they meet the Zoning Ordinance requirements; that existing OPOAS along corridors other than I-40 would be allowed to remain and be considered "legal non-conforming"; and that this action would constitute no changes in Section 16.12 of the Sign Ordinance, but would delete Section 16.13 in its entirety. Mr. Williams said he is 100% for this and asked if I-40 is covered anyway. Mr. Davenport said in municipalities, I-40 is under their jurisdiction. Mr. Thurman said DOT recommended that it needs to be shown; that it needs to be included in whatever the Board passes. Mr. Gary Poirier of Hampstead said this is like going back to the moratorium where there was a ban on business and said business owners need billboards. Mr. Brown said there wasn't a ban on businesses, there was a ban on SUP's when they were trying to help a person that was trying to get one. Mr. Williams added that they didn't vote on it. Mr. Pat Brennan said he thought there was a termination on this but was told otherwise when he got to the meeting. He reiterated what Mr. Poirier said, adding that billboards are a huge investment. Mr. Brown asked if this is off premise and Mr. Davenport replied "yes." Mr. Brown clarified that this doesn't affect signs on peoples' property and Mr. Davenport said "no." Mr. Millette said there is overwhelming support from the Highway 17 Overlay Committee and the Planning Board to go ahead with this ban. He said it is for off-premise signs and won't affect signs on peoples' property, and urged the Board to vote affirmatively on this. Mr. Tate asked what the Planning Board's vote on this was and the answer was 4-1. Mr. Davenport said federal regulations say that we have to pay for it if the County wants the OPOAS to be taken down while they are still in existence and considered legally non-conforming. Mr. Blanchard said he's not against this but he can't grasp the whole issue. The public hearing closed at 7:41 p.m. Mr. Williams made a motion to approve the Revisions to the Zoning Ordinance, Mr. Brown seconded the motion and it was approved by a 4-1 vote, with Mr. Blanchard casting the dissenting vote.

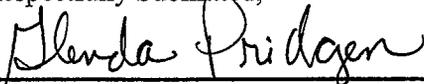
Mr. Thurman said it is customary for the Vice Chairman to sit next to the Chairman so Mr. Brown and Mr. Blanchard traded seats.

Mr. Tate instructed Mr. Thurman to get with someone at the Board of Education and look into Pender County having a member on the Cape Fear Community College Board of Trustees, and to bring information back at the next meeting.

ADJOURNMENT

There being no further business, Mr. Blanchard made a motion to adjourn and the meeting adjourned at 7:45 p.m.

Respectfully Submitted,



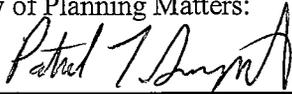
Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

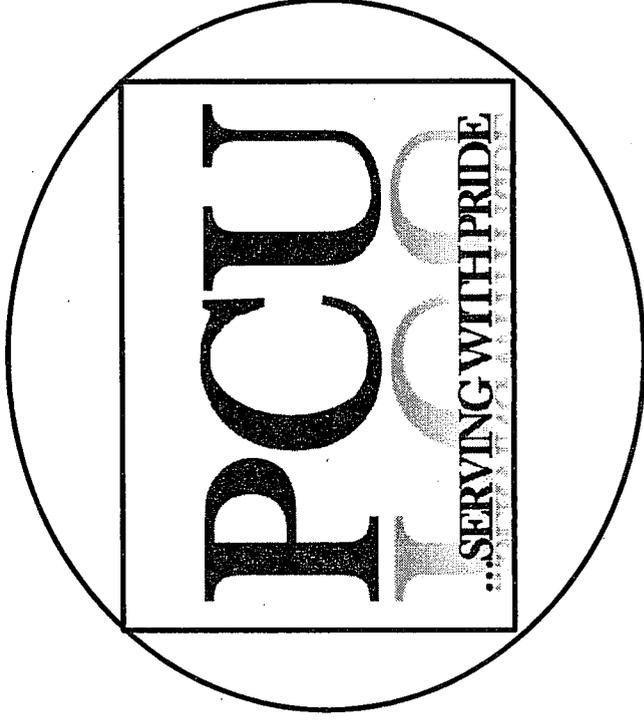


Rick Benton, Clerk to the Board

Review of Planning Matters:



Planning Staff



Project Update

Water & Sewer Projects

Water Treatment Plant

PCU staff has been meeting with local raw and finished water purveyors to discuss options for bulk water sales and interconnections in hopes of moving forward with the design and construction of the WTP at a 4 mgd capacity



Water & Sewer Projects

Maple Hill Sewer

- Engineer has located a piece of land that appears to be viable for land application. Meeting with Army Corps of Engineers to determine if dewatering ditches on the property can be filled to determine the actual infiltration rates that could be expected on the land
- Both tracts have been appraised in order to execute sale agreement
- Estimated construction cost is \$5.6 million to serve all 228 sign ups
- \$2.7 million grant from the Rural Center. Met with representatives on November 21 to discuss details of forthcoming agreement
- \$1.4 million grant application has been approved by CWMTF
- Project has been phased to meet minimum Rural Center requirement of serving at least 75% of homes (171 homes)



Water & Sewer Projects

US Highway 421 Corridor Sewer Efforts

- Coordinating with Cape Fear Public Utility Authority to retain and benefit from 4 mgd discharge permit held by New Hanover County
- PCU has been asked to be on the CFPUA committee involved with selecting a Consulting Engineering firm to petition DWQ for speculative discharge limits, investigation of possible customer base and conjunctive reuse with existing wastewater treatment facilities, and design a treatment facility with state of the art high-quality effluent
- PCU will participate in proportional costs as the project advances
- Pender County staff also investigating interim use of other wastewater treatment alternatives such as a package plant, LPP system, or on-site septic for marketing Industrial Park property until such time as a Regional Plant comes on-line



Water & Sewer Projects

Columbia-Union WSD - Options

- Water service in the District is important to PCU for several reasons
 1. Need for safe, sustainable public drinking water
 2. Need for economic growth of the District
 2. If sewer is to become available, water service is necessary to support the sewer system and accommodate the billing of sewer
- PCU has begun investigating the areas where the bond referendum was approved or areas of density looking for citizens who desire services



Water & Sewer Projects

Columbia-Union WSD - Options

- Options ~
 1. Do another Bond Referendum after more extensive public education:
 - a. May 2010 Primary
 - b. Special Election
 2. Abolish the Columbia-Union W/S District area as it current exists:
 - a. Create new districts based on need (failing wells and/or population density necessary to support the debt)
 - b. Abolish the Columbia-Union W/S District and annex areas of need into already existing Water & Sewer Districts
 - c. Combination of both – Will require additional G.O. Bond issuance for the “enhanced” District
 3. Revenue Bond

Water & Sewer Projects

Scott's Hill WSD -- Water Distribution

- Need additional water supply – Initial discussions with CFPUA are positive
- Insufficient sign ups at this time for the full scope of construction
- Project has been designed and is ready for permitting
- Staff investigating a reduced scope of work to get initial system installed
- Update letter has been prepared and will be sent to all residents within the District in hopes of additional sign ups



Other Issues

Hydrant Fire Flow Testing Policy

- Will work with Volunteer Fire Departments to develop a policy/procedure for Fire Flow testing of PCU hydrants
- PCU water system is not designed or constructed to meet fire protection standards
- Flow testing can be disruptive to our water system and customers if not properly executed and coordinated with PCU staff
- Water and Sewer Ordinance already prohibits fire flow testing during high-demand periods



Other Issues

Low-income Residential Water Connection – Payment Plan Options

- PCU conducted a survey of 12 other local Water Purveyors
- Of the 12, only 2 offer any type of payment flexibility and only 1 offers “credit” toward the connection fees. All others require all fees to be paid in full prior to receiving service.
- Some can provide financing, but only in the event the service area has a Mandatory Connection Policy and the connection is in an Assessment District. Expenses are collateralized by placing a lien on the real property.



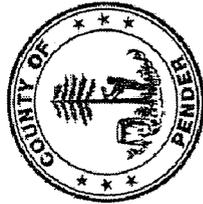
Low-income Residential Water Connection – Payment Plan Options

- General Reasons:
 1. Utility incurs a real expense in order to make tap
 2. No mechanism to collateralize the tap in the event of payment default
 3. All Rate payers required to subsidize default expenses incurred
 4. Requires additional staffing to collect delinquent or defaulted payments
 5. Creates difficult budgeting and billing operations for staff



Low-income Residential Water Connection – Payment Plan Options

- Possible Options ~
 1. No payment plan. All fees to be paid in full prior to receiving tap.
 2. Offer 12 months, interest free payments on entire connection fee sum.
No tap will be made until paid in full.
 3. Provide an extended “credit payment plan” secured by a lien on property in the event of default.



Low-income Residential Water Connection – Payment Plan Options

4. a. Individual must submit a documented hardship letter verifying low income based on Federal Poverty Guidelines from the Department of Social Services.
- b. PCU can offer a 12-month payment plan for the Tap Fee (\$850) and Inspection Fee (\$25) ~ \$72.92/month. Once these fees are paid in full, tap will be made, meter installed, and monthly billing will begin.
- c. PCU will then provide a 36-month payment plan for the Capacity Fee portion of the Connection Fees (\$1,440) ~ \$40.00/month. This can be done with or without a lien requirement based on the direction of the Board. Please note that this fee will be in addition to the amount of each monthly water bill (average \$30-35/month)

