



REQUEST FOR BOARD ACTION

ITEM NO. 5

DATE OF MEETING: November 1, 2010

REQUESTED BY: Melinda Knoerzer, Administrative Assistant

SHORT TITLE: Approval of the Regular and Closed Session Meeting of October 18, 2010

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, OCTOBER 18, 2010

The Pender County Board of Commissioners met in regular session on Monday, October 4, 2010 at the Commissioner's meeting room, 805 S. Walker St., Burgaw, NC 28425.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Rick Benton, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Melinda Knoerzer, 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

Commissioner Blanchard led the Pledge of Allegiance.

Mr. Tate announced that Mr. Rivenbark's sister had recently passed away and extended sympathies on behalf of the Board of Commissioners and the County.

PUBLIC INFORMATION

1. Dr. Lawrence Rouse & Ms. Lynn Davis: Update on the Eastern Carolina Food Ventures Incubator Kitchen.

Dr. Rouse thanked the Board for their support of this project and said that Pender County was very gracious to allow James Sprunt Community College to use funds for this regional kitchen. He introduced Ms. Lynn Davis, Small Business Center Director and Incubator Kitchen Director. Ms. Davis provided handouts and highlighted major achievements of this project. She said that Blue Ridge Food Ventures in Ashville, NC was the standard that they followed initially and they made two visits to that project to gather information and ideas. She reviewed the project funding and timeline of events. She said that James Sprunt provides funding for a Kitchen Technician, who began working on May 1st. She said they are working on developing marketing materials and the website: www.easterncarolinafoodventures.com Eastern Carolina Food Ventures, signifies the "regional" approach they intended for this project, and they are attempting to "brand" this name. She said the Golden Leaf foundation has visited the site and they may assist with some additional equipment. She explained that UNCW professor, Dr. Leslie Hossfeld has a program for sustainable food programs that matches farmers/growers to institutions and schools to utilize crops grown closer to home in their cafeterias and they are looking at a USDA certification for this program.

Ms. Davis said that they opened this facility on August 11, 2010 and on August 12th they had their first client, Cottle Farms of Faison, NC who uses Muscadine grapes to make a smoothie concentrate.

She said they are also planning to allow entrepreneurs to create meat products, which requires another layer of certification. She invited the Commissioners and all interested to the Duplin County Agribusiness tour & dinner on November 16 at the facility. Mr. Brown said this appears to be a good opportunity for supply businesses to crop up in support of the facility. Ms. Davis said they are trying to bring in local farmers whenever possible to provide products needed and said that there is an organic farmer in Duplin County that ships 95% of their product out of the area. With this facility available, it is hoped that more of that can be utilized locally. Ms. Davis said it is her personal goal to get national recognition for this facility as it is the only one tied to a community college. Mr. Tate noted that Pender Economic Development Alliance member, Jimmy Smith should be commended along with Lynn Davis and Dr. Rouse for getting this program off the ground. Dr. Rouse thanked the Commissioners for their support of this project, as well as County Manager Rick Benton and Holland Consulting Planners. He said this is a regional project and they are talking with the military about providing meals for them. He recognized Mr. Robert Turner, Vice President of foundation and fund raising for college advancement.

2. Presentation of Multi-Year Capital Facilities Financing Model:

Mr. Benton said this was an action item from a Board planning session and staff has identified capital projects that need to be addressed over the next 20 years, including schools, at a total cost of \$220 million. He said the objective was to build a model where the Board could prioritize and identify funding. He introduced Ms. Janice Burke (Senior VP) and Ms. Jamie Vitner (VP) of First Southwest Company and said they have worked with County staff to analyze financing and to develop a model that can aid in this process.

Ms. Burke said that the County currently has \$65.3 million in long term debt, 99% of which is for schools. She said 60% of this debt will be repaid in 10 years and this is better than 50%, which is the standard. She noted that principal and interest payments for each debt have an effect on the general fund, and said that \$5.5 million was just refunded with 10% in savings. She noted that the County bond rating from Moody's is Aa2, and from S&P, the rating is A+ which is in the upper medium range. She said that higher bond ratings equate to lower interest rates when the County goes to borrow financing. Ms. Burke said the county has a healthy fund balance, which 38% available for appropriation. She said the average nationwide is 22%. She said that Pender County's debt burden is 1.46% compared to the State, which is 2.9%.

Ms. Burke said the County also plans to take a look at the Enterprise Funds and particularly the water/sewer projects and their associated funding mechanisms to determine a multi-year rate structure for the Board to consider. Mr. Blanchard commended the Chairman and the County Manager for bringing this level of strategic planning to the Board. Mr. Benton thanked Finance Officer, David McCole for his assistance with this model.

3. Presentation of Water & Sewer District Population Distribution Analysis.

Planning and Community Development Coordinator, Kyle Breuer said one objective from the Board planning summit was to evaluate un-served and underserved areas of the county for water and sewer service. He said they specifically looked at Columbia-Union, Moore's Creek and Central Pender Water Districts. Mr. Breuer then showed a population distribution map and highlighted the area of Highway 421 at Piney Woods Rd, which he said contains the potential for 266 connections. He said they looked at areas where these districts adjoin to find common pockets of density and showed areas where development might be feasible. He said that along Highway 117 along the existing water lines, and north of Watha on Highway 117 is densely populated. He said the next step is to develop a

water expansion feasibility model based on these areas of density. Mr. Tate said he was thrilled to see this and thanked Mr. Breuer and his staff for their work on the project. Mr. Blanchard said the area on Highway 117, near I-40 exit 390 should experience growth once the sewer is constructed. He said this should bring considerable residential growth as well.

PUBLIC COMMENT

All who had signed up desired to speak to an issue later in the agenda.

CONSENT AGENDA

Chairman Tate presented the nine (9) items on the Consent Agenda and asked for any questions or discussion. Upon the motion of Mr. Rivenbark and second by Mr. Williams, the Board unanimously approved the consent agenda as follows:

- 4.. Approval of Minutes of the Joint Meeting with the Health Board on September 9, 2010; & Regular & Closed Session Meeting of October 4, 2010.
5. Resolution Approving FY 10-11 Appropriation to 1) Riley's Creek Baptist Church Youth Group: \$550; and 2) Friends of the Pender County Animal Shelter: \$500.
6. Resolution Approving Purchase Order to Security Plus Electrical, Inc. for Security Access Controls for the Courthouse Renovation Project: \$7,495.
7. Resolution Authorizing Purchase Order to Tim's Heating & Air Conditioning, Inc. for Replacement of One 4-Ton Split HVAC Unit at the Pender County Library (Burgaw): \$7,744.
8. Resolution Approving Emergency Notification System Contract Award: \$8,300.
9. Resolution Approving: 1) Award a Purchase Order to Turner Business Appraisers, Inc. in the Amount of \$100,104.96; 2) Appropriate Fund Balance Account 10-399000 to Contracted Services, Account 450-404500 in the Amount of \$100,104.96.
- 10a. Resolution Authorizing Issuance of Purchase Order to Sungard Public Sector for Software Maintenance Services: \$6,400.00.
- 10b. Resolution Authorizing Issuance of Purchase Order to VisionAir for Mobile Workstation Software Licenses: \$7,604.75.
- 10c. Resolution Authorizing Issuance of Purchase Order to Mobility IT for Mobile Workstation Mobility XE Licenses: \$13,359.73.

Mr. Tate introduced both Mr. Wayne Raynor, the new Interim Health Director, and Ms. Amber Parker, the new Human Resources Director.

RESOLUTIONS:

11. Resolution Approving Pender County Wellness Program Policy and Procedures.

Melinda Knoerzer, Chairperson of the Employee Wellness Committee presented this item and said that this process began at the Board's initiative when they requested a wellness program for County Employees. She said they began the program in 2009 and approximately 1/3rd of the employees participated. This year, she said the next step is to involve as many employees as possible by offering a "financial incentive" to participate. She said the County currently pays \$6600 per employee per year for health insurance and the proposed incentive to participate is to save employees \$300 (\$12.50 per pay period) in out of pocket expense in 2011. This amount represents 5% of the \$6600 annual premium, which will NOT be deducted from pay IF an employee completes an on-site, confidential bio-metric screening and health risk assessment. She said that as of today, over 200 of the 300 plus employees of the County have signed up for an assessment. She said the committee is excited to

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welcome Ms. Amber Parker and they look forward to her sharing her expertise in this area, and to her input on this committee. Upon the motion of Mr. Rivenbark and second by Mr. Williams, the Board unanimously approved this resolution. Mr. Rivenbark noted that he has been advocating for this for over 6 years and thanked Mr. Benton for getting this done. Mr. Brown said he hopes employees will see this as a positive and explained that the hope is that it will reduce insurance costs in the long run.

12. Resolution Approving an Access Agreement to the Lower Cape Fear Water & Sewer Authority for Access to the Raw Water Supply Main from the Authority's Point of Delivery to the Pender County Surface Water Treatment Plant.

Michael Mack, Director of Utilities, presented this item and apologized for this coming to this Board subsequent to the Lower Cape Fear W&SA Authority approval. He said he sent this to them for their legal review and next he knew it was on the September 13th agenda. He said that Mr. Tate and Mr. Blanchard saw this already at that meeting. He explained that when the Authority authorizes a supply line, they "own" it, but due to the USDA involvement in financing, Pender County must retain ownership and this is the mechanism by which this can be accomplished. He said the County would install the 2,000 foot line and maintain it, but cannot dedicate it to the Authority, thus we need to grant them access. Mr. Rivenbark asked Mr. Thurman if he finds this agreement acceptable and Mr. Thurman concurred. Upon the motion of Mr. Williams and second by Mr. Rivenbark, the Board unanimously approved this resolution.

Chairman Tate convened a meeting of the Rocky Point/Topsail Water & Sewer District at 5:15 p.m.

ROCKY POINT/TOPSAIL WATER AND SEWER DISTRICT:

13. Resolution Approving Amendment # 6 to the Existing Professional Services Agreement and Authorizing a Change Order to McKim & Creed for the Rocky Point/Topsail Water & Sewer District Phase 5A Project to Include the EA and PER Amendments for the Wallace Booster Pump Station Improvements.

Mr. Mack said that on June 21, 2010, the Board authorized the prioritization list for a potential Phase 5A expansion of water service. He said they asked McKim & Creed Engineering, who has designed all the distribution system for this project to date, to do the Engineering Assessment (EA) and Preliminary Engineering Report (PER) and this resolution will authorize the additional cost for those projects. He said that USDA will not approve funding of this project until Phase 5 is complete, but that is progressing. He said the amount of this scope of work is \$278,580 and Tony Boahn is present if Board members have any questions. Mr. Williams said he is glad to see this project moving forward. Mr. Blanchard made a motion to approve this resolution and Mr. Rivenbark provided the second. The Board unanimously approved this item.

Mr. Mack then invited Board members to attend the pre-construction conference with the Water Treatment Plant Operator this coming Thursday.

14. Resolution Authorizing Execution of Agreements with Integra Water for the Provision of Construction, Ownership and Operation of Wastewater Facilities to be Located in the Rocky Point/Topsail Water and Sewer District.

Mr. Benton presented this item and said this project was initiated in December of 2008 and is a project to provide wastewater service in the Topsail Township. He said there are growth opportunities that have been limited due to lack of wastewater availability. He thanked the Board for their patience while staff had an opportunity to discuss and negotiate the proposed agreement with the principals of Integra Water, LLC. Mr. Benton introduced Mr. John McDonald, President of Integra.

Mr. McDonald introduced Mr. Rick Biberstein, attorney for Integra, and Mr. Paul Clark of the Clark Group, design firm working with Jim Holland Engineering, for Integra. Mr. McDonald also thanked the Board for their patience and commended the County staff for doing a very good job of negotiating and said this staff "ran their knickers" more thoroughly than any other entities with whom they have negotiated. He said this project would allow for the construction and operation of a wastewater treatment plant without any up-front county dollars. He said the tap fees and user rates would be comparable to others in the surrounding area and they are very excited to be working with Pender County on this venture. Mr. Benton referred the Board to the summary of the two (2) agreements up for approval: the Facilities Construction and Contribution Agreement, and the Master Services Agreement. He said the District employed the services of Municipal and Financial Services Group to review the terms and conditions of the agreements and to conduct a due diligence review of the financial condition and resources of Integra Water LLC, and the review of the financial model. He said their recommendations have been incorporated into these agreements. He said the Facilities Construction and Contribution Agreement will provide for the construction of 18 miles of wastewater transmission line and 250,000 gallons per day of wastewater treatment capacity along the highway 17 corridor and out to Avendale on Highway 210, and conveyance to the District at no cost, and free and clear of liens. He said Integra will design and operate the plant and half of the funding would be in place before we begin, with a performance agreement in place for the balance. He said this agreement also provides for default remedies, for the system to be purchased by the District within 30 years, and for monthly service fees to be paid to Integra. Mr. Thurman said that if the agreement is terminated before the expiration of 30 years, and if they don't earn their capital back, they simply walk away. Mr. Benton said the Master Services Agreement provides that all fees paid by the District to Integra are paid exclusively by revenues resulting from this agreement. He said the District will have some administrative costs and a fee will be set to recoup that amount, and all rates will be set by the District. He said Integra desires five (5) acres on Transfer Station Rd for a wastewater treatment facility and said the County could convey this land to the District and book it as a future loan to be repaid. Mr. Benton said that Municipal and Financial services determined, upon their review of Integra's finances, that the construction and operation under this model is a financial and administratively reasonable option for providing wastewater service to the area.

Mr. Blanchard expressed concern that the monthly rate stay below \$50 and that Integra agree to reimburse the county \$25,000 paid to Municipal and Financial Services for their review of this project. Mr. Benton said the tap fee is \$4,000 and they have had discussions about the monthly fee being high. Mr. Tate said he agrees with Mr. Blanchard that the user fees and tap fee should remain reasonable. Mr. Tate also thanked Mr. Benton and Mr. Thurman for all their time and efforts to get this agreement to this point. Mr. Williams said he agrees that the \$25,000 should be reimbursed, but expressed his concern that land developers are all wanting to know when this is coming – never asking about the cost, only about "when". He said this company can build the project much quicker than government can and this would be a good project to position the County to be prepared when the economy turns. Mr. Williams said that Carolina Water has capacity issues and now some folks who paid a lot of money for land cannot develop, but this may have the potential to relieve some of that. When asked if connection would be mandatory, Mr. Benton reminded the Board that they adopted a mandatory connection policy requiring new construction to connect if the service is available. Mr. Williams noted that the cost to install a household septic system can be very high. Mr. Mack said this mandatory connection is primarily geared for developers and said that single family homes might not be able to afford to install a \$30,000 lift station to hook to a distribution line. The key being that this is a distribution line. Mr. Mack said that there are exemptions in the policy so the County cannot force someone to install costly equipment in order to connect to us. Mr. McDonald agreed that this is

an 18 mile transmission line, geared for developments to connect to a trunk line system and is suitable for higher density development. He said the tap fee gets rolled into the cost of a \$200,000 home and the owner finances that amount along with the home mortgage.

Mr. Tate asked about comparable monthly fees and Mr. McDonald said they can certainly try to keep it under \$50 but it is expensive to treat effluent on the coast of NC. Mr. Mack said that ONWASA customers pay \$6,000 tap fee and \$53 per month user fee, while Cape Fear Public Utility Authority is at \$48 per month. Mr. Williams stated that the people who live at Castle Bay would like to see that number. Mr. Blanchard asked if this could be kept around \$48 after the County adds in \$5 per month for administrative costs. Mr. McDonald said he personally feels it will end up at about \$49; with their part as \$44 and ours as \$5. He said that Integra is already sharing the pain and have cut already cut their rates down to \$44 and does not believe they could go any lower. Mr. Blanchard reiterated that we need to hold that rate at \$49 and asked Mr. McDonald to make that commitment. Mr. McDonald said they would agree to reimburse for the financial consultant once there is a signed agreement in place. Mr. Thurman clarified that the financial consultant recommended the County administrative fee be set at \$10 and not \$5 and indicated that the amount we pay Integra increases annually. Mr. McDonald said he disagrees with the consultant and believes that \$5 should be more than adequate for administrative costs. Mr. Thurman said he disagrees with John McDonald on the matter of user fees. Mr. Blanchard said this means the fees would be more like \$55/month and that is too much. Mr. Williams said that the primary goal of this agreement is to promote economic development. Mr. Thurman said that these will be customers of the Rocky Point/Topsail Water and Sewer District and they will look to us to solve their problems, not Integra. Mr. Williams said there is a big difference in knowing what you are buying up front and if you know that over time the costs will increase, you are better prepared to budget for that. He said once this is constructed, the incremental increases can be calculated and disclosed up front to potential buyers. Mr. Tate asked Mr. McDonald about the rate recalculation and he responded that they certainly want to work with County staff, that this is a complicated model and he cannot say "yes or no" without more research. Mr. McDonald committed that he would look at the rate and see if he can come back with some kind of resolution. Mr. Tate stated that all the parties have worked on this a long time and he encouraged the Board not to direct the use of too much staff time on an issue that might not gain any ground. He asked if the Board would consider approving this in some fashion today to allow this project to move forward. He noted that Mr. Williams is saying that the people he is getting pressure from can afford the costs if we allow them to proceed. Mr. Benton noted that the resolution before the Board asks for agreement subject to final approval of the County Manager and County Attorney. He said this could include the user rate negotiation and the reimbursement of the \$25,000 consultant fee. Mr. Williams made the motion subject to these terms and Mr. Blanchard seconded the motion. Mr. Williams asked, with regard to the conveyance of the land to the District, should this be a loan or a grant. Mr. Thurman said that it is appropriate for the General Fund to eventually be reimbursed for the cost. Mr. Williams then revised his motion to provide that the land is included and general fund will be reimbursed at an appropriate time in the future, along with the consultant fee and the agreement to keep working on the user rate to keep it under \$50/month. Mr. Blanchard seconded the revised motion and it carried by unanimous vote of the Board.

Chairman Tate reconvened the Board as the Pender County Board of Commissioners at 6:11 p.m.

APPOINTMENTS:

15. Resolution to Consider Appointment to the Pender County Tourism Development Authority Advisory Board.

Melinda Knoerzer said that the membership of the TDA floats between the Hampstead/Topsail Island and Burgaw Chambers of Commerce annually and it is now time for the Hampstead Chamber to participate. She said their nominee is Martha Sue Roles. Mr. Blanchard made a motion to approve this appointment, Mr. Rivenbark seconded the motion and it carried by unanimous vote.

ITEMS FROM THE COUNTY MANAGER, COUNTY ATTORNEY, & COUNTY COMMISSIONERS:

Mr. Benton said that staff proposes to hold the groundbreaking for the Water Treatment Plant on Friday, November 5, 2010 late in the afternoon. Mr. Mack said staff considered the elections and most of the folks involved in that will be busy, thus it seemed best to hold this event post elections. The Board agreed saying that Fridays are easier – especially for Mr. Tate.

Mr. Thurman said there are items for closed session at the dinner break under the statute, items 4,5, and 6.

Mr. Williams said he had forwarded a letter from a Mr. Baker in Hampstead with suggestions and asked that these be sent to Mr. Pope, Mr. Kozlosky, and Mr. Alford. He thanked his fellow commissioners for their decision with regard to Integra and said he really does have many folks asking him about it. Mr. Tate said he had been approached by a Wake County Commissioner regarding Integra and said he believed they would be looking at Pender as a model for this arrangement.

Mr. Tate thanked Mr. Benton and Emergency Management Director, Tom Collins and County staff (including Department of Social Services, Health Department, and Information Technology) for their dedicated work during the recent flood disaster. He said he visited the Emergency Operations Center one evening and saw it all working very well. He also thanked Mr. Benton, Mr. Thurman and Mr. Blanchard for advancing the Highway 421 land acquisition; he also thanked Mr. Thurman for taking the lead on the presentation of this acquisition to the New Hanover County Board of Commissioners. He thanked Mr. Brown for allowing him to serve as the grand marshal for the Rocky Point Harvest Festival Parade and said he also attended the Maple Hill Festival last week.

Mr. Benton reviewed the schedule for the upcoming Focus Group meetings throughout the County and thanked the press for covering these events. He said this Board is seeking to develop a strategic plan and these meetings are meant to elicit information to help build this model. He said the meetings would culminate in a Commissioner's session at 3:00 pm on Friday.

CLOSED SESSION

At 6:15 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, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session, (5) To establish, or to 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 and 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, 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. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. The motion was seconded by Mr. Williams and carried by unanimous vote of the Board.

PUBLIC COMMENT

Mr. Clement Lewis expressed concern that the DOT is paving a section of Old Thomas Road in Watha, and he is curious as to why they are paving a portion of a dead end of the road and not the whole road. He said they paved part of it in 1994 and they will not clean out the ditches, but now are paving this other segment of the road. Kyle Breuer agreed to follow up with Mr. Lewis to resolve his concerns on this road.

RESOLUTION

16. Resolution Consenting to the Relocation of the Scales and Associated Scale House for the County's Transfer Station in Coordination with the Hawksbill Cove Development Proposal.

Mr. Williams explained he had requested at the September 20, 2010 meeting, that this item be tabled to a night meeting to allow the public a chance to speak on it. Planning and Community Development Director Kyle Breuer summarized the item as follows: the developers of Hawksbill Cove, formerly known as St. George's Reach, are proposing to extend Transfer Station Road from US Hwy 17 southeast to Country Club Drive; the extension is part of a revised Master Plan submission to the Pender County Planning Board which provides an extra ingress/egress point to the development which had to be moved from the previously proposed location; and with this extension of the existing right-of-way, the County's transfer station scales and scale house will require relocation further southeast than the current location.

Some of the speakers and questions asked include the following:

Mr. Williams asked why the road had to be moved and if the road will affect the Integra WWTP. Mr. Mack said he believes the WWTP and the scale house relocation could coincide together; however, it is not verified.

Mr. Ken Shanklin presented the case on behalf of the developer, referring to a handout which was presented.

Mr. Ryan David presented the details of the relocation to the Board.

Mr. Williams asked about the TIA; the traffic engineer was available and answered questions regarding the TIA. Mr. Williams discussed a "promise and handshake" regarding the Bouton

property and asked why that property was not obtained. Ms. Susan Gross explained that the previous developers negotiated the previous contract, which the price was too expensive, and the financiers did not agree to it. She stated this is Plan B for the project. Ms. Gross said in May 2009, they received general consensus on needing a connection to Hwy 17. Ms. Gross explained the process of how the property arrived at the proposed revision.

Mr. Jason Hamilton presented the results of the TIA to the Board.

Mr. Brown asked if there was effort to outreach to the neighbors and Mr. Shanklin stated they would schedule two public meetings in November and then return the item to the Board in November.

Mr. Williams stated why a continuance was not granted, people are here to speak tonight and they should be heard. Mr. Williams asked about a light at the Topsail School road and Hwy 17 and said a light is warranted at full build out. He said it is a DOT concern and signals and other improvements are typically paid for by the developer. Mr. Williams suggested they contact Citizens for Safe 17 to meet with. Mr. Hamilton said the October 14th letter he wrote was a general discussion, then described the TIA process. He said physical counts were taken for, TIA which was done in May.

Mr. Brown asked how far is the light is from the High School; the answer was 8,000 feet.

Mr. Williams asked if staff could consider relocating the Convenience Center to Transfer Station Road, based on wetlands delineation.

Jim Cornette spoke in support of the relocation, stating it is the least environmentally impactful alternative. He said it is also safer as it is further from the villages of Belvedere. Mr. Cornette was concerned also about the lack of controlled access at 17/Topsail School Road.

Jeff Beaudoin, owner of Dolphin Aquatic Center, spoke in support of relocation due to traffic from sledge trucks. He said adjacent property owners were in favor of delaying the decision, but he is in favor of approving it tonight.

Mr. Williams asked for community outreach and Mr. Shanklin agreed to meet with the community.

Mr. Brown asked if anyone approves the relocation; there was no reply from other Board members.

Mr. Williams said he wants confirmation if the Integra WWTP and Convenience Center will be relocated all in the same place. Mr Brown asked how long it takes until a light is warranted. Mr. Hamilton verified they need to show warrants and volumes of traffic.

It was the consensus of the Board to give the developers the opportunity to hold two community meetings the first two weeks in November and bring the item back at the November 15th meeting.

PUBLIC HEARINGS/RESOLUTIONS/AMENDMENTS

17. Public Hearing and Resolution Adopting an Ordinance Assigning Road Names and Reassigning Street Numbers for Fourteen Mobile Home Parks.

Mr. Tate opened the public hearing. Addressing Coordinator Jan Dawson stated that twenty years ago when Pender County adopted E-911, the mobile home parks were given one common address. The resolution presented tonight is the first of three that will be submitted for road naming and readdressing of all mobile home parks within the county. Several parks have more than one entrance

which makes it difficult to track emergency calls. By naming the roads it will assist fire and rescue. The fact that there are a large number of residents that no longer have phone lines but use cell phones instead, makes it almost impossible to pinpoint the location from which a call originated. Giving a separate address for each structure will be helpful for emergency responders and the 911 Center. There was a request to change the road names within Hines Acres. The stub street was requested to change 0 to Titan Way and the two main roads were requested to change to N Hines Acres Ct. and S Hines Acres Ct. Mr. Brown questioned if the tenants had been notified and Ms. Dawson responded that the landowners of the parks had received letters and were instructed to notify their tenants. Chairman Tate thanked Ms. Dawson for being proactive. Attorney Thurman stated that there were no sign-ups to speak. Mr. Blanchard made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved.

18. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a Convenience/Gas Station, Located at the Southeast Corner of NC Highway 53 East and Shaw Highway, Burgaw, NC.

Mr. Tate opened the public hearing. Planner Ashley Frank explained the land use proposed; property record number and location; zoning district of property-the property is currently zoned RA, Rural Agricultural District; project history-the Special Use Permit request was tabled at the September 20, 2010 Board of Commissioners meeting; project description; Technical Review Committee (TRC) comments/concerns; and evaluation and conditions to consider in issuing a revision of the Special Use Permit.

The speakers and questions asked include the following:

Mr. Brown asked about underground storage tanks and Ms. Frank said compliance was met through NFIP, through Permitting Tech Jaki Pace and John T. Gerber, PE, Senior Engineer, State NFIP Coordinator.

Brad Sedgwick of JBS Consulting, representing the owner, said they were looking at the highest and best use of the property, and they decided a convenience store/gas station would be best.

Attorney Robert Kenan (acting in a citizen capacity) was in opposition to the SUP. He asked how did the consultants/owners determine the highest/best use for the property, and implied they did it through conversation only. He asked if Mr. Sedgwick is a planning engineer and Mr. Sedgwick responded that he is an engineer. Mr. Kenan asked if they had located other facilities of this type in strictly residential neighborhoods and Mr. Sedgwick responded "a couple of them."

Mr. Williams was concerned if a traffic study is required.

Ms. Frank said the UDO requires a public hearing and it has to be advertised in the mail and newspaper.

Mr. Kenan asked if extra public hearing notice had been followed.

Mr. Williams asked about the SUP requirements and Mr. Thurman confirmed the findings by the Board.

Mr. Tate asked if attempts were made by the applicant to outreach to the neighbors and said he is concerned about public outreach.

Mr. James Haines of 601 Hughes Road in Hampstead said he was requested to speak with Mr. Robert Kenan; Mr. Kenan denied any communication from Mr. Haines.

Mr. Doug Kenan said the developer has not tried to contact any neighboring property owners; introduced GIS maps/slideshow showing properties for sale, etc., 60' and 30' easements and real estate signs; said he is concerned with the location being adjacent to residents, wetlands and creek, conservation easements, etc., traffic; showed gas station slide with speed limits, turn lanes, etc.; showed slide of fatal wreck at Hwy 53/Shaw Hwy; and asked about truck parking and hours of operation.

Mr. Mark Grover of 175 Blakes Bridge Rd. was concerned about his safety to walk to fishing, E-911 response time and the noise of hunters.

Mr Kenan said he is concerned about speed, if NC DOT will put in a turn lane and NC DENR issues.

Mr. Sedgwick said he feels like they have met the SUP requirements, and referred to 3.10.3.G of the procedures for reviewing special use permits.

After more discussion and questions, Mr. Blanchard made a motion to deny the special use permit, citing Items 2 and 8 under 3.10.3.G – procedures for reviewing applications. Mr. Williams seconded the motion and it was unanimously approved to deny the special use permit.

19. Public Hearing and Resolution Requesting Approval of a Request to zone properties affected by the Town of Burgaw's ETJ reduction to RA, Rural Agricultural District and RP, Residential Performance District. The area in consideration for zoning contains 19 parcels and is approximately 540 acres located north of the Town of Burgaw. Property identification numbers and exact locations can be found on the accompanying map.

Mr. Tate opened the public hearing. Mr. Breuer introduced the rezoning request. Mr. Breuer explained that on May 11, 2010, the Town of Burgaw Board of Commissioners voted to adopt a new Extraterritorial Planning Jurisdiction (ETJ) which became effective July 13, 2010. As a result of this change, properties that had previously fallen under the Town of Burgaw's planning and zoning jurisdiction have been relinquished and will be entirely zoned under the planning and zoning jurisdiction of Pender County. Due to this change, the affected 19 parcels will require Pender County zoning district classifications. The proposal consists of zoning 19 tracts totaling ±554 acres. The request complies with the criteria set forth in Article 3.3.8 of the Unified Development Ordinance. The request is also consistent with the 2005 CAMA Land Use Plan and Comprehensive Land Use Plan. The Pender County Planning Board at the September 7, 2010 meeting recommended approval of this request. Mr. Breuer and planning staff also recommend that the request be approved. There were no speakers or public comment on this item. There were no questions or discussion from the Board. Mr. Williams made a motion to approve the rezoning request as presented by staff. Mr. Blanchard seconded the motion and it was unanimously approved.

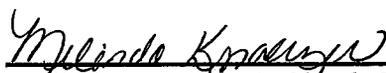
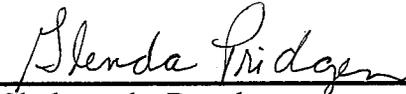
20. **Public Hearing and Resolution Requesting Approval of a Zoning Text Amendment, consisting of amending the Pender County Unified Development Ordinance (UDO), Articles 3,4,5,6, and Appendix A-Definitions**

Mr. Tate opened the public hearing. Mr. Breuer introduced the Zoning Text Amendments. Mr. Breuer gave a brief history of the text amendments. All amendments before the board were first introduced to the Pender County Planning Board at the August 3, 2010 meeting as discussion items. The Pender County Planning Board directed staff to submit the various Text Amendments at the September 7, 2010 Meeting. The Pender County Planning Board at the September 7, 2010 meeting recommended approval of this request. Mr. Breuer and planning staff also recommend that the request be approved. There were no speakers or public comment on this item. There were no questions or discussion from the Board. Mr. Williams made a motion to approve Zoning Text Amendment request as presented by staff. Mr. Blanchard seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting recessed at 9:28 p.m., to be resumed on Friday, October 22, 2010, at 3:00 p.m.

Respectfully Submitted,

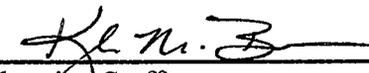
Melinda Knoerzer & Glenda Pridgen, Deputy Clerks to the Board

Reviewed By:



Rick Benton, Clerk to the Board

Planning Items Reviewed By:



Planning Staff