

MONDAY, MARCH 19, 2012

The Pender County Board of Commissioners met in regular session on Monday, March 19, 2012 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; and Commissioners F.D. Rivenbark, Chester Ward, and David Williams.

MEMBERS ABSENT: Jimmy Tate.

OTHERS PRESENT: Dr. Mickey Duvall, 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 Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all.

INVOCATION

Commissioner Williams offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner Rivenbark led the Pledge of Allegiance.

EXCUSE COMMISSIONER

Mr. Brown announced that Mr. Tate would not be attending the meeting, due to a family emergency. Mr. Rivenbark made a motion to excuse Mr. Tate from the meeting, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

PUBLIC INFORMATION

1. Introduction of New Finance Officer Claiburn "Butch" Watson.

Dr. Duvall introduced Mr. Watson to the Board and audience. Mr. Watson thanked the Board for giving him the chance to work for Pender County and said he hopes to bring his experience in local and state government and other financial services to the County.

2. Recognition of Burgaw Fireman of the Year Ben Head.

Mr. Head and no one from the Burgaw Fire Department or the Town of Burgaw were present. Mr. Brown said we can put this item on the next agenda.

3. Introduction of 4-H FLEX International Exchange Student from L'viv, Ukraine: Anastasiya Pylypenko.

Cooperative Extension Agent Mark Seitz introduced Ms. Pylypenko and gave a history/background of the program that brought her to the United States. He said Ms. Pylypenko has been living with his family since August and as part of her exchange through the 4-H FLEX program, she must attend at least one County Commissioner meeting to see how local government works. Ms. Pylypenko thanked the Board and said it is very interesting and exciting to see how another culture lives.

4. Project Presentation by Moseley Architects/Financial Presentation by First Southwest Company: Law Enforcement Center/Jail.

Mr. Don Mace and Mr. Todd Davis of Moseley Architects delivered a Power Point presentation entitled Architectural Services – Law Enforcement Center, 911, Jail, and DSS Update. They explained and demonstrated each individual category. The presentation included: Law Enforcement Portion (including picture of floor plan); Option A-Jail (including picture of floor plan); Option A-Cost Estimate: LEC and Jail (does not include property acquisition); Option B-Jail (including picture of floor plan); Option B-Cost Estimate: LEC and Jail; Proposed Site Plan (Pender County Government Campus); Option A-DSS (including picture of floor plan); Option A-DSS Cost Estimate; and Option B-DSS Cost Estimate. The entire presentation is on file with the permanent records in the Clerk to the Board's office. Discussion by Board members and others included: Housing prisoners outside the County; timelines for design and building; size of cells; State requirements; responsibility of County in caring for prisoners; single vs. double occupancy; using Construction Management Company; classifications of prisoners and the risks of mixing them, such as felons with the general population; risks and liabilities of transporting prisoners to outside housing; extra personnel and operations; and State opposed to overcrowded Jail and prisoners sleeping on floors. Sheriff Smith said the State hasn't come down on Pender hard yet about the overcrowding and sleeping on floors, because they know we are making a serious effort to do something. Sheriff Smith emphasized the bottom line is we can't wait until two more years to start the process and then wait two more year to build the Jail. Mr. Mace, Mr. Davis and Sheriff Smith answered questions by Board members.

Ms. Janice Burke of First Southwest Company delivered a presentation on the financial aspects of a new Law Enforcement Center/Jail and DSS Building. Ms. Burke's presentation included: Market Update-Bond Buyer GO Index 20 Year History & Bond Buyer GO Index 1 Year History; Penny Analysis; Summary of Alternatives; Jail Debt Service-Option A vs. Option B; DSS Debt Service-Option A vs. Option B; Equivalent Tax Rate Impact; Aggregate General Fund Debt Service; and Calendar of Events. The entire presentation is on file with the permanent records in the Clerk to the Board's office. Mr. Williams pointed out that we still have to factor in what it costs to operate a Jail now versus a new one, including new furnishings and other operational expenses. Sheriff Smith said the Architectural projection does include furnishings. Mr. Brown added there would be increased costs for increased personnel.

PUBLIC COMMENT

Mr. Tommy Hale of Rocky Point spoke and said he is concerned about the lack of accountability for the Rocky Point Fire Department. He said the Fire Department spends frivolously on things they don't need such as big screen TV, recliners, giving the building a facelift, etc. Mr. Hale asked how much oversight the Board exercises over the Fire Departments' budgets and said he is concerned that he has to pay taxes if he wants to keep his property, and the taxes shouldn't be used on this type of spending. Mr. Hale asked why the fire taxes can't be county-wide instead of by district, and suggested it all be put into one bowl and let the Emergency Management Coordinator be in charge of it. Mr. Williams said we do audit each fire department every year, but they don't see every line item. Mr. Thurman said what the Board does is not really an audit, it is basically a reconciliation. Mr. Brown and Mr. Williams explained some of the fire departments' operations and answered questions for Mr. Hale. Mr. Hale said it has been pointed out that "if you do what is right for the citizens of Pender County, you won't have to do what you think it takes to get a vote." Mr. Williams said he would like to see each Commissioner meet individually with the fire department in his district, as he has suggested in the past. Mr. Hale commended the Solid Waste Department, and specifically the Rocky Point Convenience Center for making sure everyone has Pender County stickers.

CONSENT AGENDA

Mr. Brown presented the three items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Rivenbark made a motion to approve the consent agenda, Mr. Williams seconded the motion and the Consent Agenda was unanimously approved as follows by a 4-0 vote:

5. Approval of Minutes: Regular Session of February 21, 2012.
6. Resolution Approving Tax Releases and Refunds as Listed Herein.
7. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2011-2012: \$2,538.

RESOLUTIONS

8. **Resolution Selecting New County Commissioner Voting District Map and Requesting Introduction of Legislation Enacting the Districts.**

Mr. Brown explained over the past several months the Board has been considering options for new Commissioner voting districts to correct an imbalance in district populations that has occurred since the last redistricting in 1995. Mr. Williams said he likes Option 4 because it spreads things out and has nice even districts. Mr. Rivenbark's comments included: He feels he needs to speak up for the Burgaw area; he is in favor of Options 2, 3 and 5; those options keep a circle around the Burgaw area where the population is pretty much concentrated; Hampstead, Topsail, Surf City is the largest populated area and Rocky Point is the second most populated-that leaves Burgaw as the third most populated; if it is fair to keep Hampstead in one small area, then it is also fair to keep Burgaw in one small area; and that his position is not based upon personal considerations because he does not anticipate running in the new districts. Mr. Rivenbark asked what the urgency is for voting on this tonight and said the Board should wait for Mr. Tate before voting for a map. Mr. Thurman said the urgency is we want to get it to the Short Session in May. Mr. Brown said this is one of the items he specifically spoke to Mr. Tate about earlier, and Mr. Tate wanted the Board to go ahead and make a decision even though he wouldn't be here. Mr. Ward said we gave plenty of time for citizens to comment; he is ready to move on; and he thought the purpose of this was to equal out the numbers. Mr. Ward said he supports Option 4 and his perspective is we are still voted on county-wide. There was discussion of the online survey for the public and the results of the survey. The majority of those responding to the survey supported Option 4. Mr. Williams said it would have been nice to have heard from thousands of people instead of just a couple of hundred or two, and he doesn't know what else we could have done to get the word out, but we are at the point where we need to move on. Mr. Brown agreed with Mr. Williams and said the purpose of the online survey was to make the process transparent. Mr. Williams then made a motion to approve Option 4, Mr. Ward seconded the motion and it was approved by a 3-1 vote, with Mr. Rivenbark voting against it.

DISCUSSION

9. **Discussion Regarding Pender County's Noise Ordinance.**

Mr. Brown opened up the discussion. Dr. Duvall distributed a copy of New Hanover County's Noise Ordinance. Mr. Ward asked if there is a certain instrument that can be used to measure noise. Sheriff Carson Smith said trying to set up decibel levels in Pender County would be a nightmare. Sheriff Smith explained the Noise Ordinance and the amendments that had been made to it. He said the main component of the Ordinance is the "after 11:00" clause. Mr. James Smith of 64 N. Burning Tree Drive in Hampstead spoke and referenced a letter he had sent to the Commissioners asking them to amend the current County Noise Ordinance to include the noise created by barking dogs. Mr. Smith's remarks included: One neighbor allows his dogs to leave the house at any time and they sometimes go out during the night and bark for hours; another neighbor's dogs are left outside most of the day and bark almost constantly for the time they are outside; he and his wife are being deprived of their rights; and they don't

have a Homeowners Association, but there are some restrictive covenants for the development. Sheriff Smith noted barking dogs are specifically exempt from the current Noise Ordinance. Mr. Williams pointed out the Board cannot control restrictive covenants. There was discussion about Homeowners Associations, restrictive covenants, what developers may be able to do, and how difficult it would be to try to enforce an ordinance against barking dogs in some areas of the County, and not others. Mr. Williams said this is a rural area with lots of dogs, including hunting dogs, and enforcing a law against barking dogs would be very difficult. Mr. Ward said he personally does not want to get involved with barking dogs, but if the Board can come up with something they will let Mr. Smith know. Mr. Ward added this is a broad area with respect to dogs, and asked if anything can be done by civil action. Mr. Thurman responded "yes, there could be civil action-an individual could seek damages or seek an injunction." Mr. Thurman said a Homeowners Association can bring an action to enforce covenants, but the County cannot enforce covenants. Mr. Brown said he doesn't know what the Board can do to help, but they will take another look at the Ordinance. Mr. Thurman said he can sit down with the Sheriff and try to look at what can be done. No formal action was taken at this time. It was the consensus of the Board to members that unless someone brings it up again or brings up something specifically, they are going to move on, on this subject.

ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT

10. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Authorizing a FY 11-12 Budget Ordinance Amendment Approving the Transfer of Funds within the Rocky Point/Topsail Water & Sewer District Fund to Complete the Fiscal Year.

The Board convened as the Rocky Point/Topsail Water & Sewer Districts Board of Directors at 5:50 p.m. Utilities Director Michael Mack explained: On May 16, 2011, the Board of Directors of the Rocky Point/Topsail Water & Sewer District entered into a Water Sales Agreement with Jensen's Coastal Plantation for the District to become the water service provider for the community; the FY 11-12 Budget had already been presented to the Board and did not include sufficient funding necessary to cover the actual expenses required to extend water to the community and install new fire hydrants and water meters; since the installation is now complete and all the costs are known for the project, additional appropriated funds are required to sustain the District budget throughout the fiscal year; additional revenues above the budgeted revenues from the payment of fees to the District from Jensen's are available to cover the additional expenditures and balance the District's water fund budget; and there is no request for unappropriated funds. Mr. Williams said all the feedback he had received from this project is very encouraging. Mr. Mack said he has also received only positive feedback. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

11. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Accepting the Deed of Dedication and Affidavit from the Owners of Kings Heritage Farm for the Conveyance of Title to the Water Distribution System Properly Installed within the 30-Lot Tract in Exchange for the Provision of Water to the Subdivision.

Mr. Mack explained: Submission of a Deed of Dedication and Affidavit are required for acceptance of any new water and/or sewer extensions constructed to serve any structure within a subdivision prior to the commencement of water service by the District; with acceptance of these instruments the conveyance of title to the infrastructure will occur and the District will become responsible for the permanent maintenance of the improvements; staff is recommending acceptance of approximately 1,490 feet of 6-inch and 490 feet of 2-inch water main, valves, hydrants and other water appurtenances to serve Kings Heritage Farm Development with 30 residential lots; and all improvements have been inspected, engineer certified, and issued final approval by the NCDENR-Public Water Supply Section. After some

discussion, Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

The Board reconvened as the Pender County Board of Commissioners at 6:00 p.m.

APPOINTMENTS

12. **Resolution to Consider Approving Appointments to the Pender County Nursing/Adult Care Homes Advisory Committee Nursing Home.**

Mr. Brown asked if this appointment is by district and Ms. Pridgen responded “no, any citizen in the County can apply for it.” Ms. Pridgen explained applications for this committee are sent to the COG’s Ombudsman for review before they come to the Commissioners, to verify that there is no conflict of interest. Mr. Rivenbark said the people on this committee perform a very important job visiting nursing homes and making sure the patients are being treated right. Mr. Williams made a motion to approve Kristi Dale to the Nursing/Adult Care Homes Advisory Committee to serve a one-year term representing a public member position, with term to expire June 30, 2013. Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

13. **Resolution to Approve Appointment to the 2012 Pender County Board of Equalization and Review (BOER).**

Ms. Pridgen explained all the applicants were members of the 2011 Board of Equalization and Review and wishes to be appointed to the 2012 Board. Mr. Williams said the Board of E&R is still doing revaluations. Mr. Thurman explained the BOER is finished with the revals, but the citizens that missed the deadline for appeals can submit them now, until the Board of E&R is done for the year. Mr. Rivenbark then made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote that the following individuals are appointed to serve a one-year term on the 2012 Pender County Board of Equalization and Review, with term to expire March 18, 2013: Walter Baker, Leslie Green, Kenneth Just and Bryant Shephard. Mr. Shephard is appointed as Chairman of the Board of E&R for 2012.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said he has items for Closed Session.

ITEMS FROM THE COUNTY MANAGER

Dr. Duvall said he and the Finance Officer have been holding budget meetings with individual department heads.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark spoke about natural gas drilling called “fracking.” He said people are starting to look at producing natural gas in North Carolina, and the bottom line is drilling is bad for the environment.

Mr. Williams said he would like an update on budget workshops and other upcoming meetings.

Mr. Rivenbark spoke about a request he made for a Social Worker in DSS to go to Buenos Aires, Argentina for a month as a Rotary Group Study Exchange student. He said it will be an educational experience for the employee; other people in the department will do her work while she is away; and it was brought up before, but the Board turned it down. Mr. Thurman spoke about the possibility of creating overtime liability, by the employees that would be doing the other social worker’s work. Mr. Williams asked if we can afford to have an employee gone for a month. Human Resources Director

Amber Parker explained she spoke with Diane Juffras from the School of Government who said in her opinion, the bottom line is that if the County is asking the employee through a Commissioner or through the authority of the DSS Director to attend a program and her attendance will be of benefit to the County, she should be paid during the time she is participating in the program. Ms. Juffras said it sounds as though the Social Worker was encouraged or even requested to apply for this program, in which case, it is job-related and ought to be covered. Ms. Parker then read the letter from Dr. Shiver making the request. Mr. Williams said he is not being disrespectful to Mr. Rivenbark and Rotary is a great nationwide organization, but he does not know how we can send people abroad. Mr. Ward agreed with Mr. Williams about how we can afford to send people abroad. Mr. Brown said we can't do anything about this now but if anyone wants to put it on the agenda, we can do it at the next meeting. Mr. Rivenbark said he wants to see it on the next agenda.

Mr. Ward said he would like to see Internet Cafes/Sweepstakes Centers put on the next agenda for discussion. He said he doesn't want these organizations to start popping up everywhere in the County, and he wants to see a uniform policy concerning them. Planning Director Kyle Breuer read some information he had obtained concerning Internet Cafes/Sweepstakes Centers.

CLOSED SESSION

At 6:20 p.m., Mr. Rivenbark made a motion to enter into closed session, pursuant to NCGS 143-318.11: 2) to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award; 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; and 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. Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote. At 7:20 p.m. Mr. Rivenbark made a motion that the Board exit the Closed Session. Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote. There were no announcements made.

PUBLIC HEARINGS/RESOLUTIONS/SPECIAL USE PERMITS/ZONING AMENDMENTS

14. Public Hearing on the Intention of the County to Apply for FY 2011 CDBG Scattered Site Program funding under Title I of the Housing and Community Development Act.

The public hearing opened at 7:20 p.m. Housing Director Judy Herring introduced Ms. Jessie Miars of Holland Consulting Planners. Ms. Miars explained: The County is required to hold two public hearings to be eligible to apply for FY 2011 CDBG funding and this is the second public hearing; the purpose of the public hearings is to receive citizen comment related to the priorities for community development and housing needs of the County; the amount of the grant applied for is \$400,000; the application process was advertised in the *Pender Post* and *Topsail Voice* and posted on the County's website, with a February 24th deadline to apply; notices were mailed to 98 households; 61 applications were returned by the deadline to

apply; 14 were qualified as pre-eligible; 47 were ineligible; eight units actually met the program requirements; four were chosen as primary beneficiaries, and four chosen as alternates. She explained that alternates are selected in case some of the primary applicants have ownership or other problems with their property. Ms. Miars distributed the list and asked the Board for approval to include it in the application. Mr. Brown noted the Board Action Form states "no vote or further action is required." Ms. Miars said Board action is required to approve that the list be approved and the application be sent to the NC Division of Community Investment and Assistance. Mr. Brown said he would hate for citizens to read that no Board action is required, and then find out the Board actually voted on something. He said as a matter of housekeeping, the Board would have to vote to add the list to the agenda. The public hearing closed at 7:30 p.m. Mr. Williams made a motion to add the list of primary beneficiaries and four alternates for the CDBG Scattered Site Program to the agenda. Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Ward then made a motion to approve the list and to send the application to the state agency; Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

15. Public Hearing and Resolution to Amend the Pender County Park Ordinance: Sections 11-60 and 11-64.

The public hearing opened at 7:30 p.m. Planner Dee Turner explained staff is asking for approval to amend the Pender County Park Ordinance to read as follows: Sec. 11-60. Firearms and weapons. It shall be unlawful for any person, except those exempted under N.C.G.S. 14-269(b) and in accordance with N.C.G.S. 14-415.11(c) to carry, possess or discharge any type of firearm, explosive device, air guns of any description (BB guns, paintball guns, pellet guns etc.), or bowie knife, dirk, dagger, sling shot, leaded cane, switchblade knife, blackjack, metallic knuckles, razor, shurkin, stun gun, bow and arrow or other deadly weapon as defined in Article 35 of Chapter 14 of the North Carolina General Statutes within any park. However, in accordance with N.C.G.S. 14-415.23, it shall be unlawful to possess or carry a concealed handgun, with or without a permit, on or in any county athletic facility, athletic field, or playground provided that this prohibition shall be noticed by prominent posting of each such athletic facility, athletic field or playground. Nevertheless, the concealed handgun permittee may secure the handgun in a locked vehicle within the trunk, glove box, or other enclosed compartment or area within or on the motor vehicle. This prohibition shall not apply to an authorized event, such as an archery demonstration/program. Sec. 11-64. Pets/Horses/Animals. (a) It shall be unlawful to bring pets/horses/animals in the park except for service animals. Dogs shall be allowed at Millers Pond Park if restrained by a leash not exceeding six (6) feet in length. Dog owners must promptly remove and dispose of any fecal matter discharged by the dog within an appropriate manner. (b) It shall be unlawful to dispose of or release waterfowl, deer, rabbits, or other pets/animals in the park. After discussion by Board members, the public hearing closed at 7:33 p.m. Mr. Rivenbark made a motion to approve the resolution approving the amendment, Mr. Williams seconded the motion and it was unanimously approved.

Mr. Thurman swore in the witnesses for all Special Use Permits.

16. Public Hearing and Resolution Requesting Approval of a Major Revision to an Existing Special Use Permit Issued February 18, 2002, to Lengthen the Duration of the Original Special Use Permit, Located at 4324 Shaw Highway, Rocky Point, NC.

The public hearing opened at 7:34 p.m. Planner Ashley Frank explained Janet Whitehead, Applicant and Owner, is requesting approval to modify an existing SUP to allow for another twenty-year term; permit originally had a ten-year expiration date. Ms. Frank explained the Special Use Permit request and demonstrated the location and surrounding properties with maps. Ms. Frank explained: Land Use Proposed; Property Record Number and Location; Zoning District of Property; Project History; Project

Description; and Evaluation. With respect to the Project Description, Ms. Frank said the current SUP allows for the excavation of ±30 acres of a 103.77 acre tract for the mining of fill materials (dirt and sand). Ms. Frank distributed a letter to the Board from NCDENR to the applicant, which was received by staff after the agenda had been assembled, and included additional requirements. Ms. Frank explained the applicant had mined outside of the originally approved minable area. She noted no notice of violation was issued. Discussion by Board members included the shifting of the mining boundary and verification that the applicant did not mine outside the designated area. There was no one in opposition of the Special Use Permit Request. The public hearing closed at 7:45 p.m. Mr. Rivenbark made a motion to approve the resolution, including the list of NCDENR requirements, Items 2-8, which are attached and made a part of these minutes by reference herein. Mr. Williams seconded the motion and it was unanimously approved by a 4-0 vote.

17. Public Hearing and Resolution Requesting Approval to Rezone 10.64 Acres from PD, Planned Development District, to GB, General Business District, Located North of the Intersection of US Highway 17 and Edens Lane, Hampstead, NC.

The public hearing opened at 7:45 p.m. Planner Ben Andrea explained Roger Johnson, Applicant and Owner, is requesting approval of the rezoning. Mr. Andrea explained the rezoning request and demonstrated the location and surrounding properties with maps. Mr. Andrea explained: The request consists of rezoning 10.64 acres of three tracts; the properties have approximately 887 feet of road frontage on US Highway 17 and may be accessed via existing driveways to US Highway 17; existing land uses of the surrounding properties consist of a mixture of vacant/undeveloped, commercial, and single family residential uses and a mixture of zoning; public notice has been advertised and adjacent property owners given written notice of the request; it is in compliance with the CAMA Land Use Plan and the 2010 Comprehensive Land Use Plan; it was unanimously approved by the Planning Board; and staff respectfully recommends approval. There was no one in opposition of the Rezoning Request. The public hearing closed at 7:48 p.m. Mr. Williams made a motion to approve the resolution, Mr. Rivenbark seconded the motion and it was unanimously approved by a 4-0 vote.

18. Public Hearing and Resolution Requesting Approval of the Revocation of Two Special Use Permits for One Tract of Property, for the Authorization and Expansion of a Metal Fabrication and Tool Manufacturing Business, Located at 4235 US Highway 421, Currie, NC.

The public hearing opened at 7:49 p.m. Planner Ashley Moncado explained: The original SUP was approved on December 28, 1994 for the operation of a metal fabrication and tool manufacturing business; further expansion of the building located on the site was approved with an additional SUP on January 21, 2003; in November 2003, a County initiated zoning map amendment rendered the use nonconforming by rezoning the tract from I-2, Heavy Industrial, to RA, Rural Agricultural; on September 19, 2011, the Board approved a general use rezoning, reverting the property to GI, General Industrial, allowing the previously existing land use to be permitted; but however, due to the recent change in land use and zoning map amendment, the applicant is requesting to repeal the two existing SUP's associated with the tract. Board members asked for clarification that this revocation is requested by the applicant, and is not something the Board is doing. Ms. Moncado provided clarification, explaining the former Porta-Nails, Inc. is no longer in business; the company has been sold to another company; and the revocation of the previous permits is needed by the new company. Mr. Thurman noted the applicants wanted it clear that they wanted the permit revoked, and there was no hostility involved. The public hearing closed at 7:52 p.m. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

19. **Public Hearing and Resolution Requesting Approval of an Amendment to the Pender County Unified Development Ordinance. The Proposal Consists of Amending Sections 3.4.1, 3.4.6, 3.4.8, 5.2.3, 5.3.3.B, 5.3.3.C, 6.5.C, 10.5.1.C.1.2, 12.4.10.C.1 and Appendix D; Along with the Creation of an Additional Section 10.7.2, Section 12.4.6, and Section 12.4.10.C.2.a.**

The public hearing opened at 7:52 p.m. Planning Director Kyle Breuer explained the proposed amendment clarifies various issues that have arisen concerning reviewing and approving Conditional Rezoning, Cottage Occupation Permits, Home Occupation Permits, Preliminary Plats, and Final Plats; and reflects changes in the enforcement procedures for temporary signs. Mr. Breuer summarized each category and provided the evaluation. Mr. Breuer said the amendments were unanimously approved by the Planning Board, the proposed text amendment is consistent with the remainder of the Ordinance, and staff respectfully recommends that the amendments are approved as presented. Mr. Brown asked if someone is doing something for a hobby, such as cabinet making, would it be considered a Cottage Occupation. Mr. Breuer said not if it is for a hobby-it would if it was a business. Mr. Brown asked about the creation of noise and Mr. Breuer said the noise would be contained within the owner's building. The public hearing closed at 8:00 p.m. Mr. Williams made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

ADJOURNMENT

There being no further business, the meeting was adjourned vote at 8:00 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Dr. Mickey Duvall, Clerk to the Board/Amber Parker, Human Resources Director

Planning Items Reviewed By:



Planning Staff