

## MONDAY AUGUST 19, 2013

The Pender County Board of Commissioners met in regular session on Monday, August 19, 2013 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman George Brown, presiding; Vice Chairman Fred McCoy; and Commissioners Jimmy Tate, Chester Ward and David Williams.

**MEMBERS ABSENT:** None.

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

### INVOCATION

Commissioner McCoy offered the Invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

### PUBLIC INFORMATION

#### 1. **Recognition of Tax Assessor's Office Employee Ms. Nellie Watkins for Forty Years of Service to Pender County.**

Dr. Duvall said that after the Managers' meeting on last Thursday, a reception was held for Ms. Watkins with cake and punch, employees signed a giant congratulatory card, and employees told anecdotes about Ms. Watkins. He said Neil Emory of the NCACC attended the reception and Mr. Emory said he had seen very few county employees work at the same county for forty years. Mr. Brown read and presented Ms. Watkins with a Certificate of Appreciation. Ms. Watkins thanked everyone and said she loves and appreciates all employees, Commissioners, former Commissioners and others in the County. Ms. Watkins said she wants to recognize former Commissioner Cecil Eakins, who served twenty years as Commissioner, and was very special. She said she has worked with twelve Tax Assessors. Ms. Watkins received a standing ovation from all present.

#### 2. **Recognition of the Burgaw Dixie Youth Angels All-Star Team: State Champions.**

Mr. Brown explained it is a tradition for outstanding student athletes to be recognized by the Board of Commissioners. He explained the Burgaw Dixie Youth Angels All-Star team won the State Tournament and advanced to the World Series, in which they came in third place. This team is made up of girls, ages 9-10, from the Burgaw, Penderlea, Atkinson and Rocky Point areas. Mr. Brown read certificates and Mr. McCoy presented them for the following: Players Diamond Armstrong, Kaitlyn Beaver, Lauren Gammons, Tyanna Holmes, Aneshia Jordan, Kyla Reed, Haley Schaeffer, Haylee Smith, Rylan Smith, Madalyn White, Tyasha Williams, and Mayce Wood; Manager Freddie White; and Coaches Bryan Smith and John Smith. Coach Bryan Smith accepted certificates for the ones that were not present. Bryan Smith presented a signed baseball and a picture of the team to the Board. He said baseball has a strong tradition in Pender County, these girls really stepped it up, he is really proud of them, and

thanked the Board for supporting the team. Mr. Tate said Haley Schaeffer stopped him early one morning in Walmart and thanked him for the Board's for support. He said this shows this team really has the spirit.

3. **Recognition of Town of Surf City Firefighters Mark Weber, Jonathan Burton, Tim Hobbs, and Noah Hoffer, who Performed Heroic Efforts by Saving a Vacationer from Drowning in Surf City on June 23, 2013.**

Mr. Brown read a letter of gratitude from Mr. Bill Philips of Salem, Virginia, the gentleman that nearly drowned. Fire & EMS Director Woody Sullivan noted Pender EMS Water Team and Topsail Beach Fire Department members also assisted in the efforts to save Mr. Philips. Surf City Fire Chief Joey Rivenbark presented Certificates of Appreciation from the Board of Commissioners to Mr. Weber, Mr. Burton, Mr. Hobbs and Mr. Hoffer. Mr. Brown thanked the gentlemen on behalf of the Board and the citizens of Pender County. The gentlemen received a standing ovation from all present.

4. **Wildlife Specialist, Rachael Schwartz: USDA Wildlife Services: Update on Beaver Management Program (BMAP).**

Ms. Schwartz gave an overview of the Beaver Management Program which included: This update covers the twelve-month period October 1, 2012 through September 30, 2013; Pender County received approximately one-third of a work year through the BMAP \$4,000 participation fee and two-thirds of a work-year under a separate Cooperative Service Agreement in the amount of \$56,000; BMAP activities in Pender County prevented the loss of or damage to \$231,333.21 in resources (\$87,081.6 in timber, \$28,055.24 in crops/pasture, \$39,000 in roads/bridges, \$52,500 in dams/ditches, and \$24,696.37 in other resources such as landscape plantings, golf courses, and residential buildings); for every \$1.00 spent, over \$3.85 in resources was saved; the intent of the program is not to eradicate beaver in Pender County but to lessen the damage they cause; the BMAP was created by state legislative action in November 1992 with the express purpose of helping manage ever-increasing damage problems caused by beaver on private and public lands; the BMAP is overseen by an Advisory Board made up of representatives from the NC Wildlife Resources Commission, NC Department of Transportation, NC Department of Agriculture, NC Division of Forest Resources, NC Soil and Water Conservation Division, NC Cooperative Extension Service, NC Farm Bureau Federation, NC Forestry Association, and USDA Wildlife Services; an important aspect of the BMAP is the education of landholders about both the positive and negative consequences of living with beaver on their property; they also educate the general public through presentations on beaver habits, ecology, and damage management; in April of each year, the NCWRC sends a letter to each county advising it of program eligibility; the \$4,000 a county contributes is a participation fee which allows private landholders the opportunity to participate in the cost share BMAP; services provided will be on both public (DOT) and private lands in the county; Pender County first joined BMAP in October 1994; in March 1999, responding to public complaints and requests for additional services to meet the growing demand for services, Pender County requested additional beaver damage management assistance above and beyond what the BMAP provided; and the additional service continues to be provided and the agreement renewed each year as the demand for BMAP services remains high. Mr. Williams commented he has heard a lot of good comments about what Ms. Schwartz does. He said some private properties are limited and she can only do so much. Mr. McCoy said he has known Rachael a long time, she does a good job, and he thanks her for everything she does. Mr. McCoy asked about Burgaw Creek and Ms. Schwartz said she recently looked at that site and it looks good. Mr. Brown said he echoes everything that was said and said Ms. Schwartz does a good job for us.

**5. Captain Todd Radabaugh/Sergeant David Jordan: North Carolina Wildlife Resources Commission: Report on No Wake Zones.**

Mr. Brown said he requested this report because of an incident that happened on the Northeast Cape Fear River in July, and he hears lots of complaints from that area. Mr. Radabaugh and Sergeant Jordan explained: There is a curve in that area of the river; there is no more activity in that area than anywhere else on the river; and this is the first incident in that area that Wildlife has investigated. Mr. Brown asked if they feel like a No Wake Zone is warranted and the response was: At this time they would not recommend a No Wake Zone; there are other issues going on; and an investigation into the July incident is ongoing. Mr. Brown said he gets lots of calls about that area and asked if Wildlife could increase patrol out there. The response was wildlife is not getting any complaints about the area. Mr. Williams said years ago, there was a guy with a wake board that was really stirring the water up and that is what got talk started about No Wake Zones. He said that stretch is no more dangerous than others. Mr. Brown said he was looking at it from a safety point of view. Mr. McCoy said he was putting in a boat in another area and observed lots of debris in the water. He added folks should use common sense and slow down.

**6. Natiera Lofton, Chairperson, Maple Hill Steering Committee: Discussion of Maple Hill Small Area Plan.**

Ms. Lofton said the Committee is the link between the Maple Hill Community and the Planning Department. Ms. Lofton began speaking on not being able to get on the agenda. Mr. Brown stated people were here at the last meeting complaining about not being on the agenda, which is history and is behind us, and he is trying to figure out what specifically Ms. Lofton is here to speak about today. Ms. Lofton asked if the Committee is legitimate. She said there is a Commissioner on the Committee and he is not providing any input, so she is wondering if the Committee is legitimate. Mr. Brown stated if there is a particular Commissioner Ms. Lofton is referring to, she needs to address him directly. Other Board members spoke of the time and effort Commissioners put into various projects, meetings, etc. Mr. Ward said Ms. Lofton can address him directly and he is going to clear this up today. Ms. Lofton said Mr. Ward never came to meetings, didn't respond to e-mails or phone calls, the people in the community are wondering why he never gives any input, and the Community is saying the Committee is just a "dummy board." Mr. Ward stated Ms. Lofton said he never attended a meeting, when in fact he did attend a meeting after staff informed him he was on the Committee. Mr. Ward commented: He was disappointed that the people of Maple Hill say they are neglected and no one ever considers them; Maple Hill is the only community with its own water treatment plant and when the people came to the Board and asked them to make sure their fire taxes are lowered, the Board did that; he is disappointed again because he is still hearing this and he thought they were coming to give a report; he apologized to them twice for missing the meetings; he is disappointed the way they treated Malcolm Boney at the Planning Board meeting; we are not getting anywhere like this; he even had staff to come in and see what they could do to help Maple Hill; and he recommends that the Board disband the Committee, start all over and let Mr. Boney pick the members. Ms. Cindy Moore came forward and said this is embarrassing what happened today. She said asking the Board to disband the committee is above and beyond anything she has ever seen and is not acceptable. Ms. Moore made other negative comments and said she is sorry they will no longer be able to work with staff, the Commissioners and delegates. Mr. Ward said Ms. Moore is not going to change his mind, and said he looks forward to working with Mr. James and Mr. Shephard. Ms. Moore then stated they were not throwing darts at Mr. Ward, they were just looking for his input and expertise. Planning Director Kyle Breuer came forth and said staff is dedicated to finishing this plan to come up with a professional document. Mr. Ward said he agrees that staff is dedicated. Mr. Brown asked how the committee was formed and if they are volunteers. Mr. Breuer responded "yes they are volunteers, staff gave out applications at the kick-off meeting, and the

Board of Commissioners appointed the applicants. Mr. Breuer gave an update of what they had accomplished so far and how the committee works. Mr. Brown said Mr. Ward wants to disband the Committee. Mr. Ward said he will not attend another meeting unless there is a new committee. Mr. Breuer said he would talk to the Planning Board and come back to the Commissioners with some kind of idea. Mr. Breuer thanked the committee members.

#### **PUBLIC COMMENT**

No one wished to speak under Public Comment.

#### **CONSENT AGENDA**

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

7. Approval of Minutes: Regular and Closed Session: August 5, 2013.
8. Resolution Authorizing a Budget Amendment to Approve Increase in Health Department Revenues and Expenditures for Fiscal Year 2013-2014: \$42,500.
9. Resolution Approving Annual Settlement of the Pender County Tax Collector.
10. Resolution Authorizing, Empowering and Commanding the Tax Collector of Pender County to Collect Taxes.

#### **ROCKY POINT/TOPSAIL WATER & SEWER DISTRICT CONSENT AGENDA**

The Board convened as the Rocky Point/Topsail Water & Sewer District Board at 5:05 p.m. and reconvened as the Board of Commissioners at 5:06 p.m. Mr. Brown presented the three items on the Rocky Point/Topsail Water & Sewer District Consent Agenda. There being no discussion or questions, Mr. Tate made a motion to approve the Rocky Point/Topsail Water & Sewer District Consent Agenda, Mr. Williams seconded the motion and the Consent Agenda was unanimously approved as follows:

11. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Accepting the Deed of Dedication from the Owners of the Farms at Sloop Point for the Conveyance of Title to the Water Distribution System Properly Installed within the Subdivision in Exchange for the Provision of Water to the Property.
12. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Accepting the Deed of Dedication from the Owners of Majestic Oaks – Section 4 for the Conveyance of Title to the Water Distribution System Properly Installed within the Subdivision in Exchange for the Provision of Water to the Property.
13. Resolution by the Board of Directors of the Rocky Point/Topsail Water & Sewer District Accepting the Deed of Dedication from the Owners of the Island Creek Subdivision for the Conveyance of Title to the Water Distribution System Properly Installed within the Subdivision in Exchange for the Provision of Water to the Property.

#### **RESOLUTIONS**

##### **14. Resolution Authorizing Approval of the 2014 Schedule of Holidays for Pender County.**

Mr. Brown explained the Holiday Schedule contains the three extra days the Board has granted for the past two years; he supports these extra days because the Board hasn't been able to give employees raises. All Board members supported the three extra days. Mr. Ward mentioned that he shouldn't vote on this item because he is an employee. Mr. Williams made a motion to recuse Mr. Ward, Mr. Tate seconded the motion and it was unanimously approved. Mr. Williams made a motion to approve the 2014 Schedule of Holidays, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

**15. Resolution Authorizing Amendment to the Existing Relief Fund Accounts for Hampstead Volunteer Fire & Rescue, Inc., Long Creek-Grady Volunteer Fire & Rescue, Inc., and Sloop Point Fire Department, Inc.**

Mr. Sullivan said this is a "housekeeping" item. Mr. Sullivan explained: On June 26, 2013, a merger agreement was approved between Pender EMS & Rescue, Hampstead Volunteer Fire & Rescue, Inc., Long Creek-Grady Volunteer Fire & Rescue, Inc., and Sloop Point Fire Department, Inc.; with this change it is necessary to combine all relief fund accounts into one account; the Firefighters' Relief Fund is one half of one percent of fire and lightning insurance premiums collected within each rated fire district; these programs are designed to financially assist firefighter and rescue personnel in the event of In-Line of Duty injury or death, supplemental retirements, educational benefits and to purchase other insurance/pension plans; and in order to continue to receive this money, it is necessary for the Board of Commissioners to approve merging Hampstead Volunteer Fire & Rescue, Inc., Long Creek-Grady Volunteer Fire & Rescue, Inc., and Sloop Point Fire Department, Inc. Relief Fund Accounts into one account to reflect this name change associated with this merger. Mr. Sullivan said his Board will appoint two members to the Fireman's Relief Fund Board, the Board of Commissioners will appoint two members, and the Department of Insurance will appoint one member. Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

**16. Resolution Authorizing Staff to Enter into an Installment Financing Agreement to Purchase the Tyler Technologies, Inc., EnerGov Permits Suite and Offset Cost by Using Health Department Funds in the Amount of \$70,000.**

IT Director Erik Harvey explained: This Permits Suite will enable the County to improve the permitting process, response time, address work flow issues between departments, streamline internal processes, save citizens time and money by providing online services such as citizen self-service, which will allow Pender County to meet customers' needs by providing the right tools to citizens and development community to conduct business over the Internet more effectively and efficiently; the Permits Suite will be an add-on module to the County's existing Tyler Technologies, Inc. ERP system; the Health Department will offset cost by contributing \$70,000 upfront and the Utilities Department will cover the upfront 1<sup>st</sup> year annual support cost in the amount of \$18,095; the expected annual installment payments will not exceed \$41,483.09 for a four-year term; the annual installment payments will be covered by both the Planning and Utilities Department; the ITS Department will cover all future remaining annual support costs under its' Contracted Services Account; this was explained during the budget process; and they have been working on it for four years and did their homework on it. Mr. Harvey said an example of how this will help citizens is it will save them having to go from the Permitting Department to Environmental Health in, and then having to come back to the Permitting Department. Mr. Williams said he likes everything Mr. Harvey said but he especially likes the customer service part. All Board members agreed this is a good thing for the County. Mr. Williams made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

**17. Resolution Authorizing Approval of Maple Hill Volunteer Fire Department to Receive a Loan from First Citizens Bank for \$200,000.**

Emergency Management Director Tom Collins explained: When the Board approved the Rocky Point Substation, they were told Rocky Point would have to sell the tanker. Chief Harold Motley explained the financial aspect: They currently have a 2008 KME International 1250 gallon tank Fire Truck that is financed through USDA at 4.5%; the unpaid principal is \$138,176.95, with a payment of \$12,301 a year; the loan will mature in 2028; the Department is in the process of purchasing a 2007 Rosenbauer 1800 gallon Tanker from Rocky Point VFD for \$140,000; they have already paid Rocky Point \$80,000 towards the cost of the truck, leaving a balance of \$60,000; they have asked First Citizens Bank about

combining the KME fire truck with the remaining cost of the Rosenbauer Tanker from Rocky Point; First Citizens Bank has approved a loan for \$200,000 at 2.55% for 10 years, with a payment of \$1,900 a month; and the Department will reduce the original loan by 2% and take 15 years off the maturity of the loan for the KME fire truck. Mr. Brown asked how this will affect the 25% threshold and Mr. Motley responded it will put it right at 23%. Mr. Watson said Maple Hill VFD is a little different than other fire departments because the fire taxes don't fully support them and the County has to supplement them. He said the Department will save over \$40,000 on refinancing the original loan alone. Mr. Ward made a motion to approve the resolution, Mr. Williams seconded the motion and it was unanimously approved.

#### **PENDER COUNTY HOUSING AUTHORITY BOARD**

**18. Resolution Requesting the Pender County Board of County Commissioners, Acting as the Pender County Housing Authority Board, Approve Execution of a Sub-Contract Arrangement with NC Quadel to Perform Inspections for the NC Supportive Housing Program.**

The Board convened as the Pender County Housing Authority Board at 5:20 p.m. and reconvened as the Board of Commissioners at 5:21 p.m. Housing Director Judy Herring explained: North Carolina Quadel Consulting Corporation (NC Quadel), a subsidiary of Quadel Consulting Corporation, is a corporation specializing in the management of affordable housing programs; NC Quadel is the contractor for North Carolina Department of Health and Human Services to administer the NC Supportive Housing Program; the NC Supportive Housing Program has adopted HUD's Housing Quality Standards, guidelines and forms as its inspection standard; NC Quadel requires inspection services to be performed by certified HQS inspectors in order to properly administer the NC Supportive Housing Program; NC Quadel proposes to enter into a contract with the Pender County Housing Authority (PCHA) to provide inspection services in the Pender County area on a fee-for-service basis; PCHA has two certified HQS Inspectors on staff; invoices for work performed would be submitted monthly in accordance with the contract; the contract would provide a small amount of additional income to PCHA in addition to the Federal funding it currently receives; and the contract is for one year and may be renewed. Mr. McCoy made a motion to approve the resolution, Mr. Tate seconded the motion and it was unanimously approved.

#### **APPOINTMENTS**

**19. Resolution Authorizing Reappointment of Five Existing Community Members of the Pender EMS & Rescue Board of Directors and Adding County Finance Director to the Pender EMS & Fire, Inc. Board of Directors.**

Mr. Sullivan said this is another "housekeeping" item. Mr. Sullivan explained: On June 26, 2013, a merger agreement was approved between Pender EMS & Rescue Inc, Hampstead Volunteer Fire & Rescue Inc., Long Creek-Grady Volunteer Fire & Rescue Inc., and the Sloop Point Fire Department Inc.; on June 27, 2013 the North Carolina Secretary of State officially changed the new department name from Pender EMS & Rescue Inc. to Pender EMS & Fire Inc.; with this merger and corporate name change, it is necessary for the Board of Commissioners to officially reappoint the current board members; and in addition, to add the County Finance Director to the Pender EMS & Fire Inc. Board of Directors as an Ex Officio member to the Board. Mr. Brown said he would really like to have two Commissioners on the Board of Directors, but one of the community members would have to be removed. Discussion ensued concerning having two Commissioners on the Board of Directors. Mr. Sullivan said if they changed the membership, they would have to change the by-laws. Mr. Williams said he would like that consideration also, but it doesn't have to be done today. Mr. Ward asked if these are reappointments and Mr. Sullivan responded the Board of Commissioners is only reaffirming folks they have already approved. He said his Board discussed keeping the current members for one year and

then re-evaluate it. Mr. Thurman said the contract states the members are split evenly. Mr. Sullivan said he still has his five members, and these are the Board of Commissioners' five. Mr. Thurman said pursuant to the contract, the Board can appoint two Commissioners now if they wish to, and there could be a breach of contract. There was more discussion of the appointments and having two Commissioners serve. Mr. Brown reiterated that in the near future, he would like to have two Commissioners on the Board of Directors. Mr. Williams made a motion to approve the appointments, Mr. Tate seconded the motion and it was unanimously approved.

**20. Resolution Approving Appointment to the Pender County Jury Commission, Pender County Parks and Recreation Advisory Board and Pender Memorial Hospital Board.**

Mr. Williams said he knows all of these applicants and would recommend all of them. Mr. McCoy remarked no one works harder than Don Hall with the ABC Board. Mr. Williams made a motion to approve the appointments, Mr. Ward seconded the motion and it was unanimously approved as follows: Donald Hall was appointed to the Pender County Jury Commission to serve a two-year term, with term to expire June 30, 2015; Jay Kapiko was re-appointed to the Pender County Parks and Recreation Advisory Board to serve a three-year term representing an At-Large position, with term to expire June 30, 2016; and Robert Kilroy was appointed to the Pender Memorial Hospital Board to serve the remainder of a three-year term representing District 1, with term to expire July 25, 2015.

**ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said there are items for closed session. Mr. Thurman explained to the Board animal cruelty court cases in which the animals have to be kept at the Animal Shelter, the County has to feed them, and it causes overcrowding. He said that on behalf of Ms. Moser, he wants to file a petition that people who want to keep their animals that are being held at the Animal Shelter would have to pay for them being kept there. The County would either get the money or get ownership of the animal. Ms. Moser said the County also has to pay their medical expenses. Mr. Thurman said in conjunction with the County Attorney or County Manager, Ms. Moser would be able to handle cases like this without bringing them to the Board each time. Mr. Williams made a motion to add approval of filing a petition to collect fees from owners of animals being kept at the Animal Shelter pending court cases to the agenda, Mr. Tate seconded the motion and it was unanimously approved. Mr. Williams then made a motion to approve the petition, Mr. McCoy seconded the motion and it was unanimously approved.

**ITEMS FROM THE COUNTY MANAGER;**

Dr. Duvall said the matter of the American Legion item will be discussed in closed session.

**ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. McCoy said he is impressed with the New Animal Shelter Director, there was a good report on TV 14 concerning the Animal Shelter, and he is impressed with the improvements at the shelter.

Mr. Williams spoke concerning a citizen who had contacted him in reference to travel changes with the Pender Adult Services/DSS van.

Mr. Brown said he attended an event on Saturday that was wonderful. The event was a birthday celebration for Ms. Beulah Armstrong who turned 100 on August 16<sup>th</sup>. Mr. Brown said Ms. Armstrong looks like she is 60 instead of 100. He thanked Mr. Tate for inviting him. Mr. Tate said it was a good event and thanked Mr. Brown for attending. He said Ms. Armstrong is the Great-Granddaughter of Miles Armstrong, the first black Commissioner in Pender County.

## **CLOSED SESSION**

At 5:45 p.m., Mr. Williams made a motion to enter into closed session, pursuant to NCGS 143-318.11: 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; 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; 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. Tate seconded the motion and it was unanimously approved. The Board exited the closed session at 7:15 p.m. The Board re-entered closed session at 8:10 p.m. and exited at 8:45 p.m. There were no announcements made.

## **PUBLIC HEARINGS: SPECIAL USE PERMIT/UNIFIED DEVELOPMENT ORDINANCE AMENDMENT/ RESOLUTIONS**

### **21. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Use of a Private Recreation Club, Including a Pheasant Tower, Located on the Western Side of Old Maple Hill Road North of the Intersection of Shaw Highway and Old Maple Hill Road, in Maple Hill.**

The Public Hearing opened at 7:16 p.m. and closed at 8:00 p.m. Mr. Thurman swore in the witnesses. Planner Ed McCarthy explained: The Land Use Proposed; Property Record Number and Location; Zoning District of Property; Project Description; and Evaluation. With respect to the Project Description, Mr. McCarthy said the pheasant tower is approximately 60' tall and there is a 35' limitation. Also, the site will be used as a private club operation with available activities to include dove, deer, duck and turkey hunting, a pheasant shooting tower and two skeet shooting ranges. The pheasant shooting tower is the only activity on site allowed for non-member use. With respect to the Evaluation, Mr. McCarthy said approval for the use and location of the pheasant tower is contingent upon an approved height variance for the tower. Mr. Williams asked if the tower will be something like Allen Brothers and John Burney, applicant and property owner, responded "no." Mr. McCoy asked if there is any other club like this in Pender County and Mr. Burney responded "none that he is aware of."

Robert Kenan said he is not here to oppose the club, but he would like the Board to put a limit on the skeet shooting and gun noise on Sunday. Mr. Williams asked how you would enforce it. Mr. Burney said he wants to be a good neighbor. He said he can go along with no Sundays but what if Holly Shelter allowed people to go out and shoot on Sundays; they have acreage all around the area. Robert Kenan said if the Board doesn't approve limiting all day Sundays, they could limit the morning hours, maybe operations from 1:00 to 5:00 p.m.

Doug Kenan demonstrated how close the tower is to his residence. His comments included: Repetitive gunfire is the nature of pheasant shooting; people want to sleep on Sunday; there should be some time constraints; you get used to the duck and dove hunting, but you don't get used to pheasant shooting (skeet shooting); and there is a church in the area.

Dwight Teachey requested the Board to postpone making a decision because there wasn't much notice given. He said the only notice he knew about was a sign being placed near his property that someone told him about. In response to a question, Mr. McCarthy said legal notices were sent to all adjacent property owners, and stated that it was advertised in the newspaper.

Mr. Williams said he would be inclined to support this, but restrict Sundays from 1:00-6:00 p.m. Mr. McCoy said he agrees with Mr. Williams. Mr. Tate was concerned about what time church services were held and how the shooting would affect services. Doug Kenan commented: He doesn't want Sundays at all; other days should be restricted to 5:00 or 6:00; members of the club come and go as they please; Mr. Burney's property shouldn't take precedence over his; Mr. Burney can't control his members; and the noise would go on and on and on. Mr. Brown said owners do have property rights and the right to put what they want on their property. He said he lives right next to horse stables and has to deal with the smell. Mr. Ward asked if Mr. Burney lives out there and Mr. Burney responded he lives in Wilmington. Doug Kenan said it is very important for the Board to make a decision on time limits. He said from 9:00 to 4:00 is a reasonable time for clay pigeon shooting Monday through Saturday, and no clay pigeon shooting at all on Sunday. Mr. Ward said he would not restrict time on Monday-Saturday, but at least give residents one day that they don't have to hear anything – Sundays. Mr. Tate asked wasn't that Robert's original request. Robert Kenan responded "yes, but also limit the time during the week." Mr. Tate asked if they can work with the restriction on Sunday only and Mr. Teachey responded "no." Mr. Ward asked if it is a public or private club and Mr. Burney responded "private." Following more discussion, Mr. Ward made a motion to approve the Special Use Permit, contingent upon the following stipulations concerning skeet shooting: No operating hours on Sunday; no set time for mornings Monday through Saturday; and 7:00 p.m. cut-off time Monday through Saturday. Mr. Tate seconded the motion and it was unanimously approved.

**22. Public Hearing and Resolution Requesting Approval of an Amendment to the Pender County Unified Development Ordinance to Amend Section 5.3.3., Table of Permitted Uses; and Section 5.3.6, Adding Use Standards to Sewer Treatment Facilities to be Located within the RM and PD Zoning Districts.**

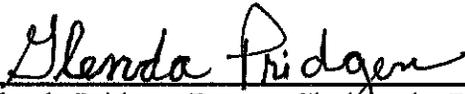
The Public Hearing opened at 8:00 p.m. and closed at 8:10 p.m. Planner Ashley Frank explained: Staff has been approached as to the use of sewage treatment facilities within the RM, Residential Mixed Zoning District; sewage treatment facilities are defined as any device or system used in the storage, treatment, disposal or reclamation of sewage and industrial wastes generated by more than two uses or dwellings; currently, this use is not permitted within the RM District; the RM District is outlined in the Pender County UDO as a district designed to allow for a variety of conventional built and multifamily housing types which can be accommodated dependent on necessary infrastructure; a variety of housing types shall be allowable, however, only one housing type is required for development; the type of development should be compatible with surrounding land uses and consistent with the goals and policies of the Comprehensive Land Use Plan; the density development standards shall be calculated similar to the Planned Development (PD) District; the PD District currently allows the use of a sewage treatment facility with the approval of a Master Development Plan (MDP); as Pender County has no other form of wastewater treatment, the use of a sewage treatment facility would be required to achieve densities

described in the RM District; in order to protect adjacent land uses, design standards have been applied to both the RM and PD Districts; the standards will allow the sewer treatment facility to be approved with the MDP for both the RM and PD Districts, however, will require a Special Use Permit for sewer treatment facilities not located within the boundary of the MDP; the Planning Board unanimously approved the text amendment; and Planning staff is recommending approval. Mr. Brown asked when wastewater treatment facilities stopped requiring a Special Use Permit and Ms. Frank said wastewater treatment facilities are currently allowed in the PD without a Special Use Permit, plants could be approved in conjunction with a Master Development Plan. Mr. Breuer explained with the development of the Unified Development Ordinance in July 2010, wastewater treatment systems no longer require a Special Use Permit, but are approved by the Planning Board with a MDP. After more discussion, Mr. Williams made a motion to approve the UDO Amendment, Mr. Ward seconded the motion and it was unanimously approved.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:45 p.m.

Respectfully Submitted,



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Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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Mickey Duvall, Clerk to the Board/Ann Coombs, Administrative Assistant