

## MONDAY, DECEMBER 9, 2013

The Pender County Board of Commissioners met in regular session on Monday, December 9, 2013 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman George Brown, presiding; Vice Chairman Fred McCoy; and Commissioner David Williams.

**MEMBERS ABSENT:** Commissioners Jimmy Tate and Chester Ward.

**OTHERS PRESENT:** Mickey Duvall, County Manager/Clerk to the Board; Trey Thurman, County Attorney; Butch Watson, Finance Officer/Assistant County Manager; 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 McCoy led the Pledge of Allegiance.

### ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

#### 1. Nomination and Selection of Chairman and Vice-Chairman.

Mr. Thurman opened the floor for nominations for Chairman. Mr. Brown nominated Mr. Williams for Chairman, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote. Mr. Brown nominated Mr. McCoy for Vice Chairman, Mr. Williams seconded the motion and it was unanimously approved by a 3-0 vote. Mr. Brown passed the gavel to Mr. Williams.

### EXCUSE COMMISSIONERS

It was announced that Mr. Tate would not be at the meeting and that Mr. Ward would be late. Mr. Brown made a motion to excuse Mr. Tate for the duration of tonight's meeting and to excuse Mr. Ward until he can get here. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

### PUBLIC INFORMATION

#### 2. Announcement of Draft Maple Hill Small Area Plan and Opening of Public Comment Period.

Planning and Community Development Director Kyle Breuer explained: Staff has been working with the Maple Hill Community, as well as the Pender County Planning Board to develop the Maple Hill Small Area Plan; following a public meeting held on November 13, 2013 to discuss the final topic area of the plan; Staff is prepared to open up a 30-day public comment period through January 10, 2014; Staff will also be holding another public open house on December 14<sup>th</sup> to solicit direct comment from the community; and it is anticipated that the Plan will be presented to the Planning Board in February for recommendation followed by possible adoption by the Board of Commissioners February 18, 2014. Mr. Breuer also spoke concerning the Healthy Eating program funds the County received and the Maple Hill Walking Trail Project which will promote healthier living in Maple Hill. Mr. Breuer recognized Planning Board member Mr. Hiram Williams in the audience.

**3. Recognition of Earl Moore: Graduation from the UNC CGCIO Certification Program.**

IT Director Erik Harvey explained: Earl Moore, Information Technology Operations Manager for Pender County, has successfully graduated from the 2013 Certified Government Chief Information Officers Program at the University of North Carolina at Chapel Hill's School of Government; the CGCIO program is the first local government specific program for CIOs in the nation and began in 2005; the program is designed for local government Information Technology Directors and Chief Information Officers whose responsibilities require a broad understanding of management, leadership, and enterprise topics; the course is approximately 240 hours in length; course instruction covers enterprise issues, strategic technology planning, communication, project management, emerging trends, risk assessment and management, acquisition management, change management, leadership, security, legal issues and financial trends; Mr. Moore is one of the 39 public sector employees who successfully completed the course this year; over the course of its nine-year existence, the CGCIO program has graduated over 400 public sector IT professionals; and Mr. Moore has been in the IT Department for ten years. Mr. Williams said this makes him feel good about Pender County employees, from the top, to the bottom.

**4. Recognition of Erik Harvey to Serve on the North Carolina Local Government Information Systems Association Board.**

Dr. Duvall explained: On November 13, 2013 during the North Carolina Local Government Information Systems Association (NCLGISA) Fall Training Symposium, the NCLGISA membership voted Pender County IT Director Erik Harvey in to serve a one-year term as the Secretary to the NCLGISA Board; NCLGISA's active membership is estimated at over 2,500 local, regional, state, federal, K-12, colleges, and university IT professionals across the state; NCLGISA is an association of North Carolina local government information technology professionals; its purpose is to assist its members by sharing experiences and ideas and in undertaking cooperative efforts intended to achieve the association's goal of improving the effectiveness of local government information systems; and the association is a state chapter of GMIS, an Association of Government IT Leaders. Mr. Harvey stated: "I consider it a great honor and a privilege that I can continue serving NCLGISA in my new role. I'm blessed and very fortunate to work alongside so many hardworking and creative IT professionals at all levels of government, including those IT folks right here in Pender County. I believe my involvement will be advantageous to Pender County, the IT Department, and to our citizens. My staff and I are all driven by the goals of Pender County and will continue our current efforts to make it one of the preeminent, if not the best, in the state for its' leadership and advancement in Information Technology. I look forward to fulfilling these duties and responsibilities". Mr. Brown said he is proud of Mr. Harvey and Mr. Moore.

**5. Affordable Care Act – Certified Application Counselors (CAC)**

Health and Human Services Director Carolyn Moser explained: As a result of the Affordable Care Act (ACA), the Health Department has been designated as a Certified Application Counselor organization; they have trained staff who will be assisting individuals to understand, apply, and enroll for healthcare coverage through the Marketplace and Medicaid's electronic portals; the Marketplace allows individuals to complete an application to determine their eligibility for enrollment in Qualified Health Plans; the centers for Medicare and Medicaid recognized that individuals would need assistance to navigate the Marketplaces and complete the application process; the Health Department is listed on the HealthCare.gov website as a resource in Pender County for people who want assistance with the Marketplace; and they will receive grant funds to get Staff trained. Mr. Brown said he appreciates the health Department for offering to help out because a lot of people are going to need help.

**PUBLIC COMMENT**

Ms. Carla Burbick of Pender Youth Football and Cheer Association spoke on behalf of the Cheerleader Team. The Cheerleaders won first place in the Universal Cheerleaders Association's Junior Recreation Division at the Carolina Classic Championship in Greensboro on November 23<sup>rd</sup> and 24<sup>th</sup>. This finish

earned them a bid to the Universal Cheerleaders Association Nationals Competition in Orlando, Florida. Ms. Burbick explained: The trip is very expensive and they are holding fundraisers to raise money; fifteen girls will be going; it will cost approximately \$700 per girl; the money raised will pay for expenses, including the hotel, food and entry fee; and they have to turn the money in by January 8<sup>th</sup>. Mr. Williams said we have helped various teams in the past and said we don't fund the whole thing. There ensued discussion of how much would be provided by the County. Dee Turner said she can provide \$500 from the Parks and Recreation budget. Following more discussion, Mr. Brown made a motion and Mr. McCoy seconded it to donate \$2,000 to the team, with \$500 coming out of the Parks and Recreation budget and the remainder coming out of General Fund Contingency.

Mrs. Ella West, a citizen, spoke concerning EMS taxes. She said an ambulance had picked her up twice and she had paid the bill but the charges are still showing up on her tax bill. She said she went to the Tax Office about it but they said they couldn't do anything about it. Mr. Williams explained the EMS tax is charged to make sure the workers are in place, but it doesn't cover the actual ride in the ambulance. It was noted that there is an Appeal Process but Mrs. West had probably waited too late for this year. It was agreed that Mrs. West would call the County Manager and see if something could be worked out.

Tyler Newman of BASE/The Wilmington Homebuilders Association spoke concerning Item #14. Mr. Newman said they had been working with the Fire Marshal and they will be meeting again in January. He asked if the Board would pull Appendix D and they will work something out at that meeting.

Hiram Williams, a citizen, also spoke concerning Item 14. Mr. Williams said there is a lot of growth in the County but the County is still fragile in the house building industry. He said the Board needs to look carefully at anything that will be an impediment to growth.

#### **CONSENT AGENDA**

Mr. Williams presented the six items on the Consent Agenda and asked for any discussion or questions. With respect to Item No. 8, Mr. Brown said the Manager has been appointed to the CoastalCare Board and asked if Dr. Duvall had looked at this item to see if it is ok. Dr. Duvall responded affirmatively. Mr. Brown made a motion to approve the Consent Agenda, Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows by a 3-0 vote:

6. Approval of Minutes: Regular Session: November 18, 2013.
7. Resolution Authorizing Approval of Tax Releases and Refunds.
8. Resolution Authorizing Approval of the CoastalCare Strategic Business Plan for 2013-2016.
- 9a. Resolution Authorizing Approval of Purchase Order to CDW-G: \$33,700.
- 9b. Resolution Authorizing Purchase Order for Medical Transportation Services: \$50,000.
- 9c. Resolution Authorizing Approval of Budget Ordinance Amendment for Day Care Funds: \$190,288.

#### **RESOLUTIONS**

10. **Resolution Authorizing Adoption of Required CDBG Policies, Programs and Procedures.** Skip Green, Grant Writer/Administrator explained the policies, programs and procedures are the ones normally adopted for CDBG programs, and the only difference this time is a CDBG Assessment Policy is included. Mr. Green said this is to pursue a formal application for a \$750,000 Community Development Block Grant to assist in the construction of the Wastewater Treatment Plant that will serve the Pender Commerce Park, including RC Creations. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

10a. **Resolution Authorizing the Submittal of an Economic Development Administration Public Works Grant Application to Assist in the Construction of a Wastewater Treatment Plant that will Service Pender Commerce Park and its First Tenant, RC Creations, LLC.**

Dr. Duvall introduced the resolution and asked if it could be added for Mr. Green. Mr. Brown made a motion, Mr. McCoy seconded and it was unanimously approved to add this item to the Agenda. Mr. Green explained this resolution is to authorize the submittal of an Economic Development Administration Public Works Grant Application to assist in the construction of a Wastewater Treatment Plant that will serve Pender Commerce Park and its first tenant, RC Creations, LLC. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

11. **Resolution in Support of the Town of Topsail Beach Submitting an Application for a North Carolina Parks and Recreation Trust Fund Grant to Develop a Town Center and Park at 624 South Anderson Drive, Topsail Beach, North Carolina.**

Mr. Williams noted the Mayor or no other official from the Town of Topsail Beach is present. He explained the Town is requesting support by the Board of Commissioners for Topsail Beach to submit an application for a North Carolina Parks and Recreation Trust Fund Grant to develop a town center and park. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 3-0 vote.

12. **Resolution Authorizing Approval of Purchase Order to NC Institute of Public Health (NCIPH): \$61,294.**

Ms. Moser explained: The Health Department has to do a Community Health Assessment every four years; the Assessment will fulfill local public health accreditation requirements; it is also a State requirement; the Health Department is requesting approval to contract with NCIPH for the 2014 Assessment; NCIPH has extensive experience among local public health agencies to conduct Community Health Assessments; this will be funded through Medicaid Maximization Revenues (Revenues that must be put back into the programs they were earned in); the Health Department received \$252,613 this year in Maximization Funds; and no County dollars are involved. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 3-0 vote.

13. **Resolution Authorizing Approval of the Job Description for the Health and Human Services Director.**

Ms. Moser explained it is a requirement of the accreditation process for the Board of Health to review and approve the job description; and the Advisory Board of Health reviewed and approved it on November 14, 2013. Following discussion, Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

14. **Resolution Approving Adoption of the Current North Carolina Fire Prevention Code (2009 IFC with North Carolina Amendments) to Include Appendixes B, C, D & F and Inspection Schedule Found in Section 106 of that Code.**

Fire Marshal Charles Newman explained: On September 14, 2010, the State of North Carolina adopted the International Code Council Codes; all counties in the State of North Carolina are required to adopt the code and the minimum inspection schedule set forth under Section 106; adoption of the appendixes is optional; he has met with other agencies and they all agreed to remove Appendix D for the time being; and he will be meeting with these agencies again and they will resolve this and other issues. Discussion ensued concerning the Appendixes. Following discussion, Mr. McCoy made a motion to approve the amended resolution, with the removal of Appendix D. Mr. Brown seconded the motion and it was unanimously approved by a 3-0 vote. Mr. Newman said he thanks Tyler Newman and Cameron Moore of BASE for working with him on these issues.

15. **Resolution Authorizing the Rocky Point Volunteer Fire Department to Sell One Fire Engine for \$170,000, and to Purchase One Rescue Fire Engine for \$200,000, to be Adequately Equipped for Fire and Rescue for the Rocky Point Fire District.**

Emergency Management Director Tom Collins said Fire Chief Josh Moss apologizes for not being able to attend the meeting. Mr. Collins explained: Rocky Point VFD currently has a 2005 E-One International 5 man cab engine, with a 1,250 gallon tank and a 1,500 gallon per minute pump; the new engine considered is a 2001 Pierce Dash Rescue Pumper with a 6 man cab, 1,500 gallon per minute pump, 1,000 gallon tank, on board foam system, low mileage and other extras not available on the present truck; by selling the engine the department currently has, the department will be able to purchase a better truck for fire suppression; purchasing the new engine will allow the same fire protection with better equipment, as well being able to assist in rescue operations; this would put the Rocky Point Volunteer Fire Department at 18.5% debt ratio per Chief Moss; and it will improve insurance ratings. Mr. Brown asked how it can improve insurance ratings with the Department already at the lowest rating it can have. Mr. Collins responded it is for the new substation. Discussion ensued concerning the debt ratio. Mr. Collins said at 18.5%, it didn't really require Board approval but Mr. Moss wanted to bring it to the Board out of respect. There then ensued discussion of the substation. The question was asked how it is coming along with permitting, etc. Mr. Breuer responded there are no problems as far as the County is concerned, and the Department is working with DOT on some issues. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

16. **Resolution Authorizing Approval to Contract for a Primary Care Physician.**

Ms. Moser said background information is included in the Boards' packets. She said the time is right for the Health Department to move in this direction, and it will pay for itself. Mr. Brown noted he has been critical in the past of having a Physician at the Health Department because it wasn't funding itself, but now this will be paid through collecting fees. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

## **DISCUSSION**

17. **Discussion Regarding Establishing a Historic Preservation Commission.**

Mr. Breuer delivered a PowerPoint presentation entitled "Historic Preservation in Pender County." The presentation included: Historical and Architectural Sites Survey – Inventory identified 266 sites of historic and architectural significance to Pender County. Local Site Conditions – Many local sites are in poor condition and have structurally deteriorated over time. Historic Preservation Benefits – Cultural and heritage benefits; add value to development; increase Tourism; increase property values; provide grant opportunities. Historic Preservation Commissions – The most comprehensive, legal way of protecting local historical resources from degradation and destruction; and to safeguard the County's heritage by preserving landmarks that embody important elements of its culture and history. Historic Preservation Commission Responsibilities – Designation of local landmarks or districts; adopting by-laws and design guidelines that govern appropriateness determinations; reviewing and acting upon proposals for exterior alterations or modifications, new construction, and demolition of designated properties. Two Designation Options – HPC's can recommend local landmarks and/or local districts for preservation; local designations are made through the establishment of a Historic Preservation Ordinance, which is adopted by the BOCC. Effect of Designation – Once a structure or an area is designated as historic, property owners are thereafter required to obtain a Certificate of Appropriateness from the HPC before making any significant changes. Potential Development Considerations – Designation can increase the time and cost of development, the HPC may deny a development application if it does not meet design standards; and the potential increase in property values may lead to a potential increase in property taxes. Funding – County preservation efforts would require funding for initial planning efforts and for ongoing planning efforts. Mr. Breuer explained each category in detail. The entire presentation is on file with the permanent records in the Clerk to the Board's Office. Board members expressed concern about if

someone already owns a building that qualified, could they be forced to designate it. Mr. Breuer said we can't make anyone designate something; it would be their choice whether they wanted to or not. Mr. Breuer said he is recommending subbing the plan out and asked if he needs to place a request for funding at budget time. He added "you don't necessarily have to have a plan to get started". Board members and Mr. Breuer also discussed membership of Historic Commissions. The Board gave a nod for staff to further explore establishing a Historic Commission. It was established that designation of any site would be strictly voluntary.

## **APPOINTMENTS**

### **18. Resolution Approving Appointment of Commissioner to the CoastalCare County Commissioner Advisory Board.**

Dr. Duvall explained CoastalCare Director Foster Norman is making this request because of a new statutory requirement at G.S. 122C-118.2. Board members were concerned because they had already appointed Dr. Duvall to the CoastalCare Board to represent them. Mr. Norman came forward and explained: The Area Board revised its by-laws so the Manager could serve; this is an advisory board and it is different than the Area Board; this Board requires one commissioner from each of the five counties in the catchment area; the other four counties have a commissioner on the Advisory Board; and since Pender County does not have a commissioner on the Area Board, one needs to be appointed to this Commissioner Advisory Board. There was discussion and question concerning the number of times this board meets, where they meet, etc. It was noted that they probably would meet four times a year, rather than once a month like the Area Board. Mr. Norman said it will be up to the Advisory Board to set their times, places of meetings, etc. Mr. Williams said he will serve on it if no one else will. It was noted Mr. Tate or Mr. Ward may want to serve on it. After more discussion, it was the consensus of the Board to table the item and make a decision at the next meeting. If no one else wants to serve on it, Mr. Williams will.

### **19. Boards/Committees/Commissions on which Commissioners Currently Serve: Annual Review/ Modify.**

All members present said they would like to remain on their current Boards. Mr. McCoy noted he also serves on the Animal Shelter Committee, which wasn't included on the list. Mr. Brown said he had gotten off of the RPO-RTAC Committee because of some issues, but he would now like to be re-appointed. Ms. Pridgen noted the list of Commissioners' Boards also incorrectly lists Mr. Ward as serving on the RPO-RTAC Committee, but he does not. Ms. Pridgen will make the corrections. Mr. Brown made a motion to approve the Boards/Committees/Commissions as amended, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote. It was noted that Mr. Tate and Mr. Ward may possibly want to make some changes in the Boards they serve on.

### **20. Resolution Authorizing Approval of Appointment to the Pender County Board of Adjustment.**

Ms. Pridgen explained Ed Pullen has served two three-year terms on the Board of Adjustment representing District 2; his term has expired and he wishes to be re-appointed. Ms. Pridgen explained: Horace Thompson has served three three-year terms on the Board of Adjustment representing District 4; per Board of Commissioners' policy, a person can consecutively serve no more than ten years on any Board/Commission/Committee; per the Unified Development Ordinance, the members shall be appointed by the Board of Commissioners for a regular term of office of three; and Mr. Thompson is eligible to serve one more year. Mr. Brown made a motion to approve the reappointment of Ed Pullen to serve a three-year term on the Pender County Board of Adjustment representing District 2, with term to expire January 4, 2017; and the reappointment of Horace Thompson to serve a one-year term on the Pender County Board of Adjustment representing District 4, with term to expire January 4, 2015. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

### **ITEMS FROM THE COUNTY ATTORNEY**

With reference to the suit filed against Pender County and the former Tax Attorney, Mr. Thurman said the Plaintiffs are dropping the County from the case. With reference to the Canady Case Appeal, Mr. Thurman said an Order from the Judge says falsifying time sheets is not grounds for dismissal. It was the consensus of the Board to let Mr. Thurman take the case to North Carolina Court of Appeals. With reference to a failing septic issue, Mr. Thurman said he thanks Ms. Moser and Environmental Health Supervisor Doug McVey for allowing him to move on it; they worked it out today; and they won't have to go to court. Mr. Thurman also had items for Closed Session.

### **ITEMS FROM THE COUNTY MANAGER**

Dr. Duvall presented the Board a Certificate of Appreciation from the Marine Corps League for its support of the Hampstead Detachment 1321 Annual Pig Picking Fundraiser. Dr. Duvall informed the Board that he has the new Jail property contract "signed, sealed and delivered." Mr. Thurman said he has to give Dr. Duvall credit for getting the documents signed.

### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. McCoy said he is very impressed with the Animal Shelter. He said there are not many dogs out there and Jewel Horton, the Animal Shelter Manager, is doing a good job getting animals adopted.

Mr. Brown said he appreciates the Marine Corps League recognizing the County. He also congratulated Mr. Williams on becoming Chairman of the Board.

Mr. Williams said he is getting feedback on the plans for a horse facility to be located at the Animal Shelter. Mr. Williams thanked Stephanie Bowen of the *Star News* for the article she did on Kiwanis Park expanding and getting a new field in the future.

Mr. Brown said there was an article in the Wilmington Business Journal about the good job Pender County's Planning Staff has done with the UDO. He said anytime New Hanover County say they will model something after Pender County, it is a good thing. Mr. Brown encouraged Planning staff to keep up the good work.

### **CLOSED SESSION**

At 5:45 p.m., Mr. Brown 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. McCoy seconded the motion and it was unanimously approved by a 3-0 vote. The Board recessed the closed session at 6:50 p.m. There were no announcements made upon exiting the Closed Session.

**PUBLIC HEARINGS: ZONING MAP AMENDMENT/SPECIAL USE PERMITS/ /UDO AMENDMENTS/RESOLUTIONS**

**21. Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a Conditional Rezoning from RP, Residential Performance, to RA-CD, Rural Agricultural – Conditional District, for the Use of a Nonmetallic Mineral Mining and Quarrying Operation, Specifically for a Sand Mine, Located along the North Side of NC Hwy 210, Rocky Point.**

The Public Hearing opened at p.m. 7:00 p.m. and closed at 7:10 p.m. Mr. Breuer explained the Background; Summary, including Rezoning Proposal; Property Record Numbers, Acreage, and Location; Planning Board and Staff Recommendations; Description; Evaluation, including Public Notifications, Existing Zoning in Area, Existing Land Use in Area, 2010 Comprehensive Land Use Plan Compliance, Unified Development Ordinance Compliance, Conditions to Approval of Petition; and Technical Review Committee Responses. Mr. McCoy made a motion to approve the Zoning Map Amendment Request, Mr. Brown seconded the motion and it was unanimously approved by a 3-0 vote.

**22. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of Real Estate and Rental and Leasing, and All Other Amusement and Recreation Industries, Located at 124 Pine Village Drive, Rocky Point.**

Mr. Thurman swore in the witnesses. Mr. Williams explained: This Board sits as a quasi judicial Board, almost like a jury; speakers need to stick to the subject; only the item at hand is being considered at this time; and the Board will approve the item or not, based on whether the applicant meets the conditions and requirements. The Public Hearing opened at 7:10 p.m. and closed at 7:40 p.m. Mr. Breuer explained the Background; Summary, including Land Use Proposed, Property Record Number and Location, Zoning District of Property; Project Description, including Environmental Concerns, Property Buffers, Adjacent Properties, Services; and Evaluation, including Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, Conditions to Consider in Issuing the Special Use Permit for this Project. Elloyd McIntire, Owner and Applicant, spoke on behalf of the project. His comments included: He is requesting the SUP to construct an open storage area with a tennis court attached to accommodate the homeowners of the Grand Oaks Community; the site will have a place to store boats, trailers or vehicles which are prohibited by the Homeowners Association (HOA) to be parked on lots; the tennis court will be an additional recreational activity at the Grand Oaks Driving Range; and people have been making requests for these facilities.

The following residents of Pine Village Drive spoke against the project:

Brent Burgard, President of Oak Ridge HOA- Oak Ridge residents oppose this; they don't want any more commercial on Pine Village Drive; residents have to deal with noise from Mr. McIntire's construction company; Grand Oaks owns the road; Mr. McIntire is president of Grand Oaks; there are safety and security concerns; school age children live there, causing added safety concerns; this would cause additional wear and tear on the road.

Nancy Kurul- Her property is designated a Wildlife Habitat; the boat and storage facility will be open to the public; they want to protect their property values; boats are not prohibited by the HOA; Mr. McIntire exempts himself and his family from rules he impose on others. Mr. Brown asked if they didn't know there was commercial out there when they moved there and Ms. Kurul responded "no."

Shane Coleman- Young kids play there; safety concerns for the kids; adding more public in the neighborhood; issues on upkeep of the road.

Erik Edwards-He has a boat; Grand Oaks denied him and he now keeps his boat in the water; concerns for child safety; lots of residents didn't speak because everything has been covered.

There was additional discussion and questions by Board members concerning upkeep of the road. It was stated that the residents are responsible for upkeep of the road. Mr. McIntire stated Pine Village Drive has not cost the residents anything. Mr. Thurman said the submitted material is entered into evidence. Following more discussion, Mr. Brown made a motion to deny the Special Use Permit Request, based on the Pender County Unified Development Ordinance Procedures for Reviewing Applications - 3.10.3 G 2, 3 & 6. Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

**23. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a Sewage Treatment Facility, Located Approximately 1.3 Miles West of US Highway 17 and Approximately 1.0 Miles Northeast of the New Hanover County Line, Hampstead.**

Mr. Thurman swore in the witnesses. The Public Hearing opened at 7:42 p.m. and closed at 8:15 p.m. Mr. Breuer explained the Background; Summary, including Land Use Proposed, Property Record Number and Location, Zoning District of Property; Project Description; and Evaluation, including Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, Conditions to Approval of Petition. Mr. Breuer distributed revised conditions. Engineer Mike Gallant spoke on behalf of the project. Mr. Gallant's remarks included: No surface water; effluent deposited on-site; under drain; can be reused; great demand for water for reuse; can be used for irrigation; and can be put on common areas. Applicant Maurice Gallarda of Pluris Hampstead, LLC spoke on behalf of the project. Mr. Gallarda's remarks included: They have this same facility in Onslow County; the only thing Pluris will do is what they said they will do; and Mr. Gallant designed the facility. Mr. Williams asked about getting some sewer to commercial businesses and Mr. Gallarda said the businesses would have to come to county staff. Mr. Brown asked if the Attorney has looked at this. Mr. Thurman responded affirmatively and said what was submitted by applicant is entered into evidence. Mr. Thurman said this has been presented to the Utilities Commission for review of conditions, but they never got a response. He said some people say if they get permission from Utilities, they don't need local approval. Mr. Brown made a motion to approve the Special Use Permit Request, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

**24. Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Telecommunication Tower, Located Approximately 600-feet South of the Intersection of NC HWY 53 and Old Ramsey Road, Burgaw.**

Mr. Thurman swore in the witnesses. The Public Hearing opened at 8:16 p.m. and closed at 8:25 p.m. Mr. Breuer explained the Background; Summary, including Land Use Proposed, Property Record Number and Location, Zoning District of Property; Project Description; and Evaluation, including Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Conditions to Consider in Issuing the Special Use Permit for this Project. Attorney David Robinson of Nexus Pruitt explained the project in further detail. Mr. Thurman said the submitted material is entered into evidence. Mr. McCoy made a motion to approve the Special Use Permit Request, Mr. Brown seconded the motion and it was unanimously approved by a 3-0 vote.

25. **Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Telecommunication Tower, Located on Slocum Trail and Atkinson Cemetery Road, Near the Intersection of Atkinson Cemetery Road and Highway 53, Atkinson.**

Mr. Thurman swore in the witnesses. The Public Hearing opened at 8:26 p.m. and closed at 8:27 p.m. Mr. Breuer explained the Background; Summary, including Land Use Proposed, Property Record Number and Location, Zoning District of Property; Project Description; and Evaluation, including Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, Conditions to Consider in Issuing the Special Use Permit for this Project. Mr. Thurman said the submitted material is entered into evidence. Mr. Brown was concerned that the tower is so close to the corner. Following discussion, Mr. Brown made a motion to approve the Special Use Permit Request, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

26. **Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Telecommunication Tower, Located along the West Side of US Highway 421 Approximately 1.6 miles South of Blueberry Road/US Highway 421 Intersection, between Fowler Lane and Sidney Lane, Currie.**

Mr. Thurman swore in the witnesses. The Public Hearing opened at 8:27 p.m. and closed at 8:30 p.m. Mr. Breuer explained the Background; Summary, including Land Use Proposed, Property Record Number and Location, Zoning District of Property; Project Description; and Evaluation, including Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, Conditions to Consider in Issuing the Special Use Permit for this Project. Following discussion and questions, Mr. McCoy made a motion to approve the Special Use Permit Request, Mr. Brown seconded the motion and it was unanimously approved by a 3-0 vote.

27. **Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Telecommunication Tower, Located at the Junction of US Highway 421 and US Highway 53 at Wards Corner, Bordered on the Southern End by Page Road, Burgaw (Wards Corner).**

Mr. Thurman swore in the witnesses. The Public Hearing opened at 8:27 p.m. and closed at 8:40 p.m. Mr. Breuer explained the Background; Summary, including Land Use Proposed, Property Record Number and Location, Zoning District of Property; Project Description; and Evaluation, including Public Notifications, Basis for Granting SUP, Unified Development Ordinance Compliance, 2010 Comprehensive Land Use Plan Compliance, Existing Land Use in Area, Site Access Conditions, Conditions to Consider in Issuing the Special Use Permit for this Project. Mr. Brown was concerned that the setback on the Hwy 421 side was exactly 300 feet. Mr. Robinson explained: There are one or two towers in the vicinity located in excess of 2,200 feet; these type towers don't fall; they have a break point at about half way down; there will be a landscaping buffer and a solid wood fence; and during Hurricane Sandy, not a single tower fell. Mr. Brown asked why put it exactly 300 feet. Mr. Robinson said one tower does not provide the coverage needed in the area. Mr. Breuer explained the 300 feet equals the tower height. Mr. Brown made a motion to approve the Special Use Permit Request, Mr. McCoy seconded the motion and it was unanimously approved 3-0 vote.

28. **Public Hearing and Resolution Requesting Approval to Amend the Pender County Unified Development Ordinance, Section 4.14; Appendix A; Remove Article 9 from County Unified Development Ordinance and Create an Independent Document.**

The Public Hearing opened at 8:40 p.m. and closed at 8:45 p.m. Mr. Breuer explained the Summary, including Text Amendment Proposal, Background, Administrator/Planning Board Recommendation,

Amendment Outline, Remove Article 9 Flood Damage Prevention from Pender County Unified Development Ordinance, Create Pender County Flood Damage Prevention Ordinance, Update Pender County Unified Development; and Evaluation, including Comprehensive Land Use Plan Compliance, Administrator Recommendation. Mr. Breuer explained: Removing Article 9 from the Pender County Unified Development Ordinance will create an independent document – the Pender County Flood Damage Prevention Ordinance; the Flood Plain Manager will be able to reference this document; it is based on the State model; and the State has reviewed the document and is ok with it. Mr. Breuer said this amendment will also allow manufactured homes in the floodway. Mr. McCoy made a motion to approve the Amendment to the Unified Development Ordinance, Mr. Brown seconded the motion and it was unanimously approved.

29. **Public Hearing and Resolution Requesting Approval to Amend the Pender County Unified Development Ordinance, Section 7.10.5; Section 8.1.2; and Section 4.14.**

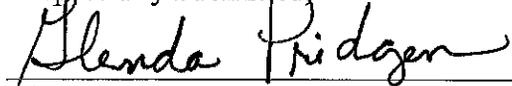
The Public Hearing opened at 8:45 p.m. and closed at 8:49 p.m. Mr. Breuer explained the Summary, including Text Amendment Proposal, Background, Administrator/Planning Board Recommendation, Amendment Outline; and Evaluation, including Comprehensive Land Use Plan Compliance, Historic and Cultural Resources Protection. Mr. Breuer said this item addresses some issues previously discussed. Mr. Brown said when we first brought the UDO in, we knew we would have to tweak it. He said what brought this particular item on for him, was the situation with the Penderlea Museum. Mr. Brown said he appreciates staff working on this. Mr. Breuer said he appreciates the Board working with them on the UDO. Mr. Brown made a motion to approve the Amendment to the Unified Development Ordinance, Mr. McCoy seconded the motion and it was unanimously approved.

Mr. Breuer demonstrated each project with various maps as he explained each one.

**ADJOURNMENT**

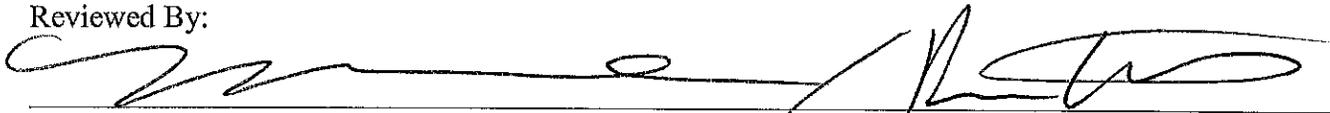
There being no further business, the meeting adjourned at 8:50 p.m.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



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