

MONDAY, AUGUST 18, 2014

The Pender County Board of Commissioners met in regular session on Monday, August 18, 2014 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

MEMBERS ABSENT: None.

OTHERS PRESENT: Bob Murphy, Interim County Manager/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 Williams called the meeting to order at 4:00 p.m. and thanked and welcomed all.

INVOCATION

Commissioner Tate offered the Invocation.

PLEDGE OF ALLEGIANCE

Commissioner McCoy led the Pledge of Allegiance

PUBLIC INFORMATION

Mr. Williams introduced the first two Public Information items. Mr. Brown commented he wants to make sure it is clear to everyone that both teams made it to the World Series, and both teams won. Mr. McCoy stated he is really proud of the girls and their coaches, and this is quite an achievement.

1. **Recognition of Burgaw Dixie Youth Belles State Champion All-Star Team.**

The team came forward. Mr. McCoy and Mr. Brown read each name and presented certificates to the following: Players Desire Brown, Kristina Collier, Brittany Foy, Kyra Holmes, Arianna Johnson, Breanna Posey, Carlie Savage, Nicole Schilling, Haley Smith, Tanesha Williams, Ashton Yarborough; Manager Greg Foy; and Coaches Cliff Smith and Eddie Yarborough.

2. **Recognition of Burgaw Dixie Youth Angels All-Star Team State and World Series Champion.**

The team came forward; Mr. McCoy and Mr. Brown read each name and presented certificates to the following: Players Diamond Armstrong, Kaitlyn Beaver, Toni Bland, Justice Gardner, Tyanna Holmes, Jayleigh Leonard, Chandler Mobley, Te'lisha Moore, Haley Schaeffer, Rylan Smith, Madalyn White, Tyesha Williams; Manager Freddy White; and Coaches Jeremy Mobley and John Smith.

A manager or coach accepted certificates for the ones not present. The audience applauded each player and manager/coach.

Mr. Ward made comments commending the young ladies and their coaches/managers. Mr. Ward thanked the coaches and managers for their leadership and for their time with the young ladies.

Mr. Tate made comments, saying the girls are wonderful, thanks to all of them, and thanks to them for representing Pender County.

Mr. Brown asked if the girls hadn't been to the World Series before and someone answered affirmatively.

Mr. Williams said thanks and congratulations to all.

3. ABC Board Chairman Don Hall: Quarterly Report on the Pender ABC System Involving Financial Information and Other Activities.

Mr. Hall distributed the ABC Financial Distribution Report and said it is posted in every ABC store in the County. Mr. Hall explained: This update is for two quarters: January-March, 2014 and April-June, 2014; there was a decline in sales earlier in the year due to the snow and ice storms; all major projects have been completed; the parking lot at the Burgaw store has been repaved; and there will be a small project doing outside trim work at the Burgaw store. The report included: January-March, 2014 -- Sales of \$1,003,584, \$82,000 over same quarter last year; net income of \$37,793, \$21,871.59 over same quarter last year; April-June, 2014 -- Sales of \$1,414,292, \$87,000 over same quarter last year; net income of \$123,950, \$34,000 over same quarter last year; sales of \$5,170,516 7/13 to 7/14; and net income of \$390,257 7/13 to 7/14. Mr. Hall introduced Diane Chadwick, General Manager for Pender County ABC Stores. Mr. Brown said Mr. Hall also represents Pender County on the CoastalCare Area Board. He said Mr. Hall does a lot for Pender County. Mr. Williams said he appreciates how they put on the distribution list who's getting what and how much. Other Board members agreed that Mr. Hall does a lot for the County. Mr. McCoy spoke of his tour of the ABC warehouse with Mr. Hall.

PUBLIC COMMENT

No one wished to speak under Public Comment.

CONSENT AGENDA

Mr. Williams presented the eight 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. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows:

4. Approval of Minutes: Regular & Closed Session: August 4, 2014.
5. Resolution Authorizing Approval of Annual Settlement of the Pender County Tax Collector.
6. Resolution Authorizing, Empowering and Commanding the Tax Collector of Pender County to Collect Taxes.
- 7a. Resolution Authorizing Issuance of Purchase Order to ESRI for GIS Maintenance and Support: \$16,300.
- 7b. Resolution Authorizing Issuance of Purchase Order to Motorola Solutions for the Service Agreement on the 911 Center Radio System: \$20,338.20.
- 8a. Resolution Authorizing Approval of Purchase Order for Dental Service Contract to Rebecca Coleman for Fiscal Year 2014-2015: \$33,280.
- 8b. Resolution Authorizing Approval of Line Item Technical Correction for Purchase Order to the Mason Company for Fiscal Year 2014-2015: \$34,000.
9. Resolution Authorizing Purchase Order to Adapco, Inc., to Purchase Six Drums of Aqua Pursuit for Mosquito Spraying: \$31,500.

RESOLUTIONS

10. **Resolution Requesting Approval of a New Position for a Building Inspector I.**

Mr. Murphy noted staff had requested deferment of this item. The Board gave a nod to deferring the item to September 2, 2014.

11. **Resolution Authorizing Approval of Additional Audit Fees and Amended FY 2012-2013 County Audit Contract.**

Mr. Williams introduced the resolution. He said we went over this in pretty nauseating detail at the last meeting, but felt like we needed to add it to this agenda. Mr. Williams asked for the vote. Mr. McCoy commented: It pains him to do this; he thought Mr. Thompson would be here tonight; he thought we would ask Mr. Thompson to "knock off a little bit of this." It was noted that Mr. Thompson would not be here tonight.

Other comments included:

Mr. Tate-There should be some accountability to the audit problems. There should be some accountability of the person responsible for executing this document. The Board should have been notified of the problems.

Mr. Brown-This is not over with by any stretch. This cannot happen again. Accountability should be shared somewhere. We need to make sure the Chairman gets the same information the Manager does.

Discussion ensued of the letter from the State Treasurer's Office listing the problems. Mr. Murphy said another letter had come last week and we immediately scanned and sent it to the Board. He recommended this be done in the future, after he and Mr. Apple are gone.

Mr. Tate-The Accountant should have notified the Board of Commissioners. General Statute 159-26 calls for accountability from the Auditor and from staff. For the Auditor to send an additional bill afterwards leaves a bad taste. He is pleased that he did read another letter from the State Treasurer's Office which stated they are working with the County to make the revisions that are needed.

Mr. Brown-He agrees with Mr. Tate; there are some folks we should be holding responsible. We need to sit down and talk about this later, after all the audits are done.

Mr. Williams-We will recommend an audit team for the future. The amount they are charging is less than the amount they incurred. The communication was done with the County Manager's Office, and it didn't go past there. This is something nobody wanted to go through.

Following more discussion, Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was approved by a 4-1 vote, with Mr. Tate voting in opposition.

12. **Resolution Authorizing Approval of USDA-RD Funding Application.**

Mr. Thurman explained: The County agreed, as a part of its Incentive Performance Agreement with RC Creations, LLC, to help facilitate a loan for the purchase of certain equipment in the Company's Pender plant; you can only receive this type of USDA grant through an EMC; the County has been working with Four County EMC to secure a REDLEG loan through USDA-RD; the County would then loan the funds to the Company with 0% interest; Four County doesn't think the Company's equipment will cover the loan and wants the County to put up collateral; the County can't put up the collateral; if the Company puts up collateral to please Four County, the County will facilitate this as a pass-through agency; the County will not guarantee a loan for the Company; the County can send a

Letter of Credit or something equivalent. All Board members agreed the County will not put up collateral for the Company. Mr. Williams commented: We have done pass-through grants before for various agencies; we are not at any kind of financial risk; there will be some staff time involved. Mr. Murphy said there is a timing issue, Four County's next meeting is the 26th, and they want resolution from the Board. Mr. Thurman said he had spoken with the Company's Attorney and they both assure the board that the County will not be at any risk to County assets if the application goes in. It was noted the title is very vague. Mr. Murphy said if the Board is comfortable, we can entertain the following resolution: "Resolution Authorizing Staff to Initiate an Application for USDA-RD Funding through a Four County EMC Loan, with the Provision that the Company, RC Creations, LLC, Offers Full Collateral." Following more discussion, Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved.

APPOINTMENTS

13. Resolution Authorizing Approval of Appointment to the Pender County Parks and Recreation Advisory Board.

Mr. Williams asked for any discussion or questions concerning this appointment. There being none, Mr. Tate made a motion to approve the appointment of Willie Jones to serve a three-year term on the Parks and Recreation Advisory Board representing District 5, with term to expire June 30, 2017. Mr. Brown seconded the motion and it was unanimously approved. Mr. Williams said he didn't see any other applications for any board. Mr. Tate verified with Ms. Pridgen that no application had come in for the Pender Memorial Hospital Board.

Mr. Brown said at the last meeting, the Board discussed getting information on County Boards, such as clarity on what roles volunteers play; their actual responsibilities; what kind of orientation, if any; any type of training; functions of boards. Mr. Brown said some members of DSS and Health Board members have come back and said they don't know what their roles are. He said not only that, there were changes made in DSS and Health, board members only act in an advisory role, and they don't have any real authority. Mr. Williams said maybe we can consult with the Attorney and Ms. Pridgen. Mr. Brown said we could create a brief description of each board and discuss with the Attorney.

ITEMS FROM THE COUNTY MANAGER

Mr. Murphy deferred to Human Resources Office Denise Mulhollen. Ms. Mulhollen gave a briefing on customer service training for employees. Ms. Mulhollen's highlights included: A press release was sent out concerning the training; employees are being trained in customer service for both internal and external customers; it started out as School of Government training for Department Heads; we are partnering with Cape Fear Community College for this training; Barbara Russo is the instructor for Cape Fear; we have had nine sessions to date; Ms. Russo shares review sheets with her at the end of each session; there is customer service collaboration; employees have reported positive results; it depends on the department whether they get two hours or four hours training; employees earn Continuing Education units with this training. Mr. Brown asked if the instructor comes here and Ms. Mulhollen responded affirmatively. Mr. Tate asked if it is mandatory that all employees get the training. Ms. Mulhollen said not at this point. She said the Sheriff's Office is the only one not getting training right now.

Mr. Murphy apprised the Board of issues at the Courthouse Annex. Mr. Murphy stated: A significant part of the ceiling has collapsed; it is probably something that has developed over time; a significant portion of the ceiling has dropped, and it may spread over the whole ceiling in time; on top of the problem itself, this results in courtroom space problems; the Annex is a principal courtroom and is needed; the Clerk of Court is searching for alternative space; the Clerk is delaying some things and having to juggle documents; we have to do something quickly; it is very important to keep the court

system going; the Board meeting room can possibly be used for child custody and other non-criminal cases; he is asking the Board to give staff the authority to move forward with this project, recognizing an emergency exists; he is asking authority to allow staff to choose vendors who have been competitive in past bids, to choose them based on qualifications and their availability, and to forego the normal competitive bid process; he is asking for authority to get the project started; he hopes our insurance will cover some of the damage, or all of it; depending on what is in the existing budget, we may or may not have to come back before the Board; the damage is a lot worse than staff originally thought. Board members agreed the work has to be done. Mr. Ward asked if the Board would be informed of additional costs and Mr. Murphy said staff will keep the Board informed of costs. Mr. Murphy said this is an emergency and it is within state statute to put it in the form of a resolution. He said what we are really asking for today is authority to recognize an emergency exists, to allow staff to move forth with this project on an emergency basis, and to forego competitive bids. Mr. Murphy noted Utilities Director Michael Mack and Administrative Officer Pat Simmons are present to answer any questions. Mr. Brown made a motion to add this item to the agenda, Mr. Ward seconded the motion and it was unanimously approved. Mr. Ward made a motion to approve the item, Mr. Brown seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate thanked Mr. McCoy for attending the Penderlea Festival on Saturday. He also thanked Health & Human Services Director Carolyn Moser for having her team there, and the resources they provided. Mr. Tate said Penderlea is a great community.

Mr. McCoy said it was a good day at Penderlea on Saturday; he appreciates the opportunity to go; the Health Department distributed good information; the Penderlea Community is really involved in their activities.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman said we will have items for Closed Session.

CLOSED SESSION

At 5:04 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; 5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; and 6) To consider the qualifications,

competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. Mr. McCoy seconded the motion and it was unanimously approved; the Board entered into Closed Session at 5:15 p.m. Upon motion by Mr. Tate, second by Mr. Brown and unanimously approved, the Board exited the Closed Session at 6:35 p.m. There were no announcements made upon exiting the Closed Session.

PUBLIC HEARINGS: PENDER COUNTY SCHOOL BONDS/ZONING MAP AMENDMENT/SPECIAL USE PERMIT REQUESTS/RESOLUTIONS

14. Public Hearing on Bond Order Authorizing the Issuance of General Obligation School Bonds in the Maximum Amount of \$75,000,000; Consideration of a Resolution Approving the Bond Order; and Consideration of a Resolution Authorizing Approval of the Referendum Date and Ballot Question.

Mr. Williams introduced the resolution and explained this is another step in the Bond Process. Mr. Brown asked if he would receive the information he requested from the School Board at the next Board meeting and Mr. Williams responded "yes." Mr. Thurman noted that with respect to the Notice of Bond Referendum ad included in the package, the date listed is October 17, it should be October 10, and staff will fix this typo before the ad is posted. Mr. Williams said this is the first time we have had a public hearing and basically, this is the final thing the Board does before sending it to the voters. Mr. Williams said we have seen and heard from the School Board, how they came to the amount they are asking for, and that is not what they are here to talk about tonight. Mr. Williams opened the public hearing at 7:02 p.m. There were no sign-ups. Mr. Tate was concerned with assuring the people in the Penderlea area they would get their fair share of the bond. His comments included: In a study he read, it stated schools that have better esthetics, many times perform better than schools that do not. If the bond is put on the ballot, the School Board should keep its obligation to Penderlea School. Penderlea School is a 1938 school, and they need a new school badly. Having seen the numbers decline at Penderlea, what does it mean? How can he assure the voters Penderlea will get a new school? Mr. Jessup explained: The question put to the voters will be "should the County be authorized to issue up to \$75 million in school bonds?" If the voters approve the bond, then it is a matter of consultation and negotiation between the School Board and the Board of Commissioners as to how the money gets borrowed and what projects each group of money is used for. The Board of Commissioners has a plan from the School Board that backs up what the \$75,000,000 will be used for. The Board of Commissioners took that plan as the basis for moving forward on the bond and what the money will be used for over time, but the School Board's initial plan does not bind either Board. The Board of Commissioners' ability to assure anyone is to make sure when the School Board says they are doing a project, the BOCC can say they are not going to approve the project unless they like it. Mr. Tate asked Mr. Jessup to repeat the last sentence and Mr. Jessup did. Mr. Jessup said the other way it can be monitored is the Local Government Commission won't approve a project unless you have construction bids on hand, so the BOCC will know about a project long before someone shows up asking for money. That is how the BOCC monitors what gets done and when.

Other comments and questions included:

Mr. Tate-Has Superintendent Cobb and her team started to put a priority list together? Where would Penderlea fit on the priority list? If they were to put a list together tomorrow, where would Penderlea fit?

Dr. Cobb-The Board of Education has worked very hard putting a list together. Penderlea has needs for a modular school, and land needs to be purchased for the Topsail area. They want to make sure the projects are done in the best interest of all concerned. The Board of Education is going to look at everything. Some projects will be staged together.

Mr. Tate-He and citizens don't want to champion the bond and Penderlea gets left out, as they were before. They increased the bond and added several million dollars, specifically for Penderlea. Is Dr. Cobb going to make Penderlea a priority? Penderlea is the only school with a 1938 building. Penderlea's numbers have declined. Have they had any transfers? Have they denied any transfers? He will be voting on this in good faith tonight. He wants Penderlea to be an equal priority. This Board does not micromanage the School Board; all he is asking for is Penderlea's fair share. He wants Penderlea to get what was put in the original proposal presented to the Board of Commissioners. If they were to make a priority list tomorrow, as Superintendent, would Penderlea be Dr. Cobb's first priorities?

Dr. Cobb-It will be the Board of Education's decision on the priority list. Penderlea's numbers have declined. They had a few transfers. They have not denied any transfers. They will need to stage some of the projects together. Every project is priority, but it will ultimately be the Board of Education's decision.

Mr. McCoy-He has nieces attending Burgaw Elementary School and will soon have grandchildren attending. Burgaw Elementary is the "forgotten" School. He wants Burgaw Elementary considered in the future. Dr. Cobb said this one bond is not going to address all the needs of the County.

Mr. Brown asked Mr. Thurman if there wasn't a resolution passed by the Board of Education acknowledging its support of Penderlea, which passed by a 3-2 vote. Mr. Thurman responded affirmatively.

Mr. Brown-He had a long talk with School Board member Tom Roper and Mr. Roper assured him they would work with the Board of Commissioners on this. He has a lot of respect for Mr. Roper and his honesty. He can't say that about some.

Mr. McCoy-He supports Pender County Schools, but this is too quick. He feels right now is the wrong time and he cannot vote for the Bond issue in November. He would like to see the FY 13-14 Audit in October before this is passed. There are lots of elderly people in his district who can't afford more property taxes. This happened too quickly.

Mr. Brown-He has some agreement with Mr. McCoy. There are trust issues. It did happen too quickly. He has concerns. Looking at the School Board and Dr. Cobb, he expects them to be fair to all. He urges the School Board to honor the plan submitted to the Commissioners in July.

Mr. Williams-He has children in school. He would prefer to have another year to define the school projects, but the alternative frightens him. We are dealing with growth and it is better to deal with growth than to lose people. The Board of Commissioners has some tough decisions to make. He supports the bond.

Mr. Tate-Trust has been an issue all along. He would like for Penderlea to be at the top of the priority list. He has never gotten a straightforward answer to the questions he has been asking. He would like straightforward answers. All we can do now is a move of faith. Concerning the School Board's resolution listing the priorities, can this Board vote on it to make sure the School Board keep its obligation? This Board honors the resolution and he urges the School Board to honor it. The Board of Commissioners will act on a good faith measure.

With respect to Mr. Tate's question concerning voting on the School Board's resolution, Mr. Jessup said we can't vote on the School Board's resolution after the vote. Mr. Williams said we can't legally do that. There was some discussion concerning putting a similar resolution on the September 2nd agenda.

Mr. McCoy-He is concerned about the County's ability to pay off debt. There should have been long-range planning for this. How much will taxes go up? Some people can't pay their taxes now. We need something to show how much taxes will be.

Mr. Williams-It will be done. When people ask how much their taxes are, we will be able to say to them "if your property is worth a certain amount, you will pay this amount."

The Public Hearing closed at 7:20 p.m.

Mr. Ward made a motion to approve the resolution, with the correction of the date noted by the County Attorney. Mr. Tate seconded the motion and it was approved by a 4-1 vote, with Mr. McCoy voting in opposition.

Mr. Tate said now that the vote has been taken, we need to support the bond and champion it.

Mr. Jessup said he won't be seeing us anymore before November. He said he has been Pender County's Bond Attorney for over twenty years and he thanks and appreciates the Board of Commissioners.

Mr. Brown commented he has wrestled with this bond issue, but the way it is crafted has helped him to make his decision.

15. **Public Hearing and Resolution Requesting Approval of a Zoning Map Amendment for a General Use Rezoning of Two Tracts Totaling 2.19 Acres from RA, Rural Agricultural, to the GB, General Business District, Located on the Northwest Corner of the Intersection of Camp Kirkwood Road (SR 1318) and US HWY 117, Watha, NC.**

The Public Hearing opened at 7:40 p.m. Planning & Community Development Director Kyle Breuer explained: These tracts of land were rezoned from RA, Rural Agricultural, to B-2, Business District (Highway) in 1999 by the Pender County Board of Commissioners. The two properties were inadvertently affected by a zoning change in 2009 in which the tracts were reverted to the RA, Rural Agricultural District because of technical error. At their July 1, 2014 meeting, the Pender County Planning Board voted 3 in favor and 3 against passing a motion to recommend approving a Zoning Map Amendment of two adjacent properties owned by Miranda Rodriguez and tabling the aforementioned rezoning request for the tracts owned by Melanie Herring and Keith Tatro. The Board elected to modify the initial proposal by tabling the rezoning request on the tracts owned by Ms. Herring and Mr. Tatro to ensure the property owners are aware of the change. All property owners attended the July 7, 2014 Board of Commissioners meeting and the August 5, 2014 Planning Board meeting and voiced their support for the general use rezoning. At their July 7, 2014 meeting, the

Board of Commissioners voted unanimously to approve the zoning map amendment for the rezoning request of the two adjacent tracts owned by Ms. Rodriguez. At their August 5, 2014 meeting, the Planning Board voted unanimously to recommend approving the Zoning Map Amendment of the aforementioned rezoning request for the tracts owned by Ms. Herring and Mr. Tatro. This report contains the same information the Board heard last month. The Public Hearing closed at 7:41 p.m. Mr. McCoy made a motion to approve the Zoning Map Amendment, Mr. Brown seconded the motion and it was unanimously approved.

16. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of Infiltration Basins and Groundwater Management Systems, Including a Pump Station to Disperse Treated Effluent being Produced by an Off-Site Wastewater Treatment Facility, Located Approximately 1,600 Feet Southeast of US HWY 17, along the Southwest Side of Sloop Point Loop Road, Hampstead, NC.

Mr. Thurman swore in the witnesses. The Public Hearing opened at 7:56 p.m. Mr. Breuer explained the Background; Land Use Proposed; Property Record Number and Location; Zoning District of Property; Project Description; 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, and Conditions to Approve Petition. Mr. Breuer demonstrated the location of the infiltration basins, which will be primarily situated around the identified 404 wetlands which are present on-site. In response to question by a Board member, Mr. Breuer said altogether, there is less than an acre of land for an infiltration basin. Mr. Williams asked if this treated effluent was the same as sprayed on the golf course and ball fields and Engineer Jimmy Fentress said this will have to be treated even more. Danny Lassiter of Carolina Water Services comments' included: It was a wet winter and they had to resort to trucking treated effluent; they have 20 day storage facilities and a wastewater treatment plant; this project is another stage in their operations; there will be no standing water; this is not wastewater, it is treated wastewater; this system will specifically remove more nitrogen and phosphorus out; they met with folks at the Kiwanis Park and explained what they were proposing; the current plant is permitted for 300,000 gallons; their daily flow is 120,000.

The following residents and others spoke and asked questions:

Joyce Owens, President of Belvedere Property Owners Association-She is asking the Board to approve this; when the golf course can't handle the wastewater, the company uses huge trucks to haul it out; that is detrimental; she is pleased that someone found a viable solution.

Joe Solomon-Whose wastewater are they treating? Are they only treating Belvedere's? Mr. Fentress responded Belvedere, Bent Tree, Woodbury, and bathrooms at the park. Mr. Fentress said when the golf course can't handle the wastewater during wet periods, they haul it out. Mr. Solomon was concerned about long range planning by the company, what other options they might have, and safety for children.

Kelly Dove deferred to Mary Northrop. Ms. Northrop-Their property fronts Highway 17 but their address is on Sloop Pt. side; no one talked to her; she never would have agreed; there are wetlands; they shouldn't be forcing this off on some other part of the community.

Irene Anders-Lives on Nixon Creek; water quality has declined; water is polluted; potential for additional contamination; what is taken out of effluent and what is left in; can they prove there will be no additional contamination; runoff from heavy rains and storms; contamination at the Park; any studies on mosquitoes and other pests; is this the best treatment option; concerns about traffic flow.

Mark Anders-Lives on Nixon Creek; a big pipe at the top of the Creek pouring water into the creek; this affects fishing; why can he no longer get oysters from the creek; talked to a shellfish expert who said they got railroaded in too fast; this is taking rich people's effluent and putting it on other people's property.

Dave Gibboney-His comments already covered.

Chris Gibson-Effluent being placed on property of thousands of homes; operating at 1/3 capacity; concerned that it will infiltrate Mallard Bay dredging project and Middle Creek; 3000, gallons per day; three washouts on Country Club a week and a half ago; water table management; drying out wetlands.

Carole Hearn-Already covered.

Yuli Starodubtsev-Resident since 1999; looks like the water plant is overloaded; contains sediment; water quality report says on edge of being unsafe; they could take water from pipe without influencing wetlands.

Rosa Starodubtsev-Pass.

Mr. Fentress-All facilities are located outside of wetlands except the driveway and trench areas; less than 1/3 acres; wetlands will not be drained; NCDENR will require that they don't; Middle Point & Mallard Bay areas are both on septic tank systems and these typically impact the water; the runoff to fields at Kiwanis Park is treated wastewater; untreated is at the Plant to put on the golf course; this will have to be treated to a higher quality; people already in contact; making improvements at plant; they never fielded any insects at the golf course; as for traffic concerns, they are adding an additional driveway and there will be one employee making one or two trips a day on the driveway; the pipe that was spoken of leads overflow from the golf course; they were not aware of the pipe causing oyster closing; a hydro geological study was done by Ed Andrews; it is not rich people's wastewater.

Mr. Lassiter said he wants to make sure their application is entered into evidence. He demonstrated the franchise area and explained the drain ditches. Mr. Lassiter commented: They are not taking the wastewater outside; they looked at other options; they are collecting ground water; the further away from the Intracoastal Waterway, the better; the State has looked at the project; they feel this is the best location and the best practice; no issues with insects; no standing water; water quality is equal to drinking water; they will entertain option to partner with Pender County.

Mr. Williams-The original houses on the golf course on the east side of Country Club have septic systems. A gentleman said Belvedere has had a moratorium on sewer for four years.

Mr. Ward-Was Carolina Water Services originally designed for Belvedere? Mr. Lassiter responded it was designed for the Belvedere area. He said the State Utilities calls it the Belvedere area. Their company and the State think this is the best viable option.

Mr. Ward asked questions concerning the Zoning District and Mr. Breuer explained.

Mr. Tate noted the homeowners are in favor of this and asked if this is the area he had heard complaints about the trucks. Ms. Owens responded affirmatively. Mr. Tate asked what would have happened with the elderly if Carolina Water hadn't taken on Woodbury. Mr. Lassiter said Woodbury couldn't build a septic system, and Woodbury was on Carolina Water's original design.

Mr. Ward asked if there is anything else like this in the County and Mr. Breuer responded not to his knowledge.

Mr. Thurman noted Chris Gibson is a civil engineer and his earlier comments were based on his expertise and certification.

The Public Hearing closed at 8:54 p.m.

Following more discussion, Mr. Ward made a motion to deny the Special Use Permit, citing Items 2 and 5 of Section G of the Special Use Permit Review Criteria. The Motion died for lack of a second. Mr. McCoy made a motion to approve the Special Use Permit request, Mr. Tate seconded the motion and it was approved by a 4-1 vote, with Mr. Ward voting in opposition.

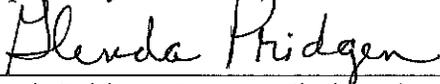
17. Public Hearing and Resolution Requesting Approval of a Special Use Permit for the Construction and Operation of a 250-foot Self-Supported Telecommunication Tower, Located along the West Side of US Highway 17 Approximately 1,856 Feet North of the New Hanover/Pender County Line, Wilmington (Scotts Hill), NC.

Mr. Thurman swore in the witnesses. The Public Hearing opened at 9:01 p.m. Planner Ed McCarthy explained: Applicant Optima Towers IV, LLC, on behalf of owner(s) Blakes of Scotts Hill, LLC, is requesting approval of a Special Use Permit for the construction and operation of a 250-foot self-supported telecommunication tower. The subject property is located along the west side of US Highway 17 approximately 1,856 feet north of the New Hanover/Pender County line, Scotts Hill, NC and may be identified by Pender County PIN 3271-04-4167-0000. The property is zoned PD, Planned Development, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; telecommunication towers are permitted via Special Use Permit in the PD zoning district. The Public Hearing closed at 9:04 p.m. Following general comments by Board members, Mr. Ward made a motion to approve the Special Use Permit request, Mr. Tate seconded the motion and it was unanimously approved.

ADJOURNMENT

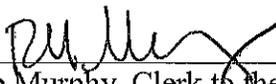
There being no further business, the meeting recessed at 9:05 p.m. until 1:00 p.m. Friday, August 22, 2014.

Respectfully Submitted,



Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:



Bob Murphy, Clerk to the Board/Ann Coombs, Administrative Assistant

Planning Reviewed By:



Planning Staff