

MONDAY, AUGUST 15, 2016 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, August 15, 2016 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman George Brown, presiding; Vice-Chairman Fred McCoy; Commissioners Demetrice Keith, David Piepmeyer, and David Williams.

OTHERS PRESENT: Randell Woodruff, County Manager; Trey Thurman, County Attorney; Melissa Long, Clerk to the Board; Kathy Brafford, Finance Director; 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 to the meeting.

INVOCATION

Commissioner Piepmeyer offered the invocation.

PLEDGE

Commissioner Williams led the Pledge of Allegiance.

ADOPTION OF AGENDA

Mr. Piepmeyer made a motion to adopt the agenda as written. Mr. Williams seconded the motion and it was unanimously approved.

PUBLIC INFORMATION

1. Presentation of "Visit Pender County: Find Your Treasure."

Tourism Director Tammy Proctor explained: In March, Pender County Tourism attended the Wilmington Business Journal Expo. Staff entered their business card into a drawing and Pender Tourism was drawn for the grand prize offered by NCA Productions (www.ncapro.com). This Wilmington-based business specializes in raising brand awareness. They sat down with staff to learn more about Pender County. Staff also invited representatives from the NC Blueberry Festival to join the meeting. NCA Productions took our list of images staff felt were important to Pender County and potential visitors. Ms. Proctor presented the video that was filmed in HD. The narrator is the voice artist for NCA Productions. Ms. Proctor explained that if the County were to hire this project out to firms, the cost would be an estimated \$5,000 and that there was no cost to Pender County. The video is currently being played on the media loop at the NC Welcome Centers, will be posted on our local websites, the state's VisitNC tourism website, and social media. Ms. Proctor then presented the video to the Board.

PUBLIC COMMENT

No one wished to speak under Public Comment.

CONSENT AGENDA

Chairman Brown presented the items on the Consent Agenda and asked for any discussion or questions. Ms. Brafford presented the Board with an additional Budget Ordinance Amendment to go with Item 3 and explained this was to close out projects in Funds 30, 33, and 35 and move the

remaining money back into the general fund in the amount of \$31,056.29. Mr. Williams made a motion to approve the consent as written including the changes to Item 3. Mr. McCoy seconded the motion and the consent agenda was unanimously approved as follows:

2. Approval of Minutes: Regular Meeting: August 1.
3. Approval of Five (5) Budget Amendments to Clean up and/or Close Out Various Projects in Funds 30 (CDBG – Scattered Sites); 300 (HPRP Grant); 33 (CDBG – 1998 Housing); 34 (Seven Oaks); 35 (CDBG – 2002 Scattered Sites); and 37 (2005 CHAF #071-0-04).
4. Approval of a Budget Amendment to appropriate General Fund Fund Balance resulting from the receipt of Insurance proceeds from Sedgewick Insurance for the total loss of one of the vehicles in the Sheriff’s Department Fleet in May 2016.
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.
7. Approval to Provide a Temporary Easement to the NCDOT for the Construction of a Multi-Use Path in Conjunction with the Approved Safe Routes to School Project Along Sloop Point Loop Road (SR 1563).
8. Approval of a Budget Amendment to Approve an Increase in Health Department Revenues and Expenditures for Fiscal Year 2016-2017: Migrant Farm Workers’ 340B Program \$11,750.
9. Approval of Purchase Orders for Office Supplies for the Department of Social Services: \$20,000.
10. Approval of a Budget Ordinance Amendment Bringing Forward Special Adoption Funds awarded from the State: \$81,600.
11. Approval of a Budget Ordinance Amendment Bringing Forward Spay & Neuter Donation Funds: \$18,571.

APPROVALS AND RESOLUTIONS

12. Approval of a Budget Amendment for \$85,000 for the Hampstead Kiwanis Park.

Ms. Brafford explained: \$50,000 was approved in the FY 2015-2016 budget to be used towards the lighting of Smith Field in the Hampstead Kiwanis Park. These funds were not spent during FY 2016 and, therefore, would have closed into fund balance at the end of the fiscal year. An additional \$35,000 of funds were donated by Pluris during FY 2015-2016, and these funds were designated to be used towards the lighting of Smith Field. The donated funds from Pluris were receipted into a “donations” account within the Hampstead Kiwanis Park capital project; however they were never officially budgeted. This budget amendment serves to appropriate \$50,000 of fund balance from the General Fund and \$35,000 of donations within the capital project fund, for the lighting of Smith Field. Mr. Williams clarified that this item goes with the next. There being no further discussion, Mr. Williams made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved.

13. Approval of Contract to Install Sports Lighting for Smith Field at Hampstead Kiwanis Park to Walter Holmes Electric in the amount of \$181,805.00.

Parks & Recreation Supervisor Dee Turner explained: This item goes in conjunction with the previous. Smith Field opened in the Fall of 2015 to accommodate baseball for ages 13 and older. Since opening, the field has seen a total of thirteen teams during the Fall, Spring, and Summer baseball seasons. Topsail Ball Club has fielded five teams, four teams and three teams respectively over these past three seasons. Also, during the summer season, American Legion Post 167 fielded one team. With this volume of usage, it has been challenging to meet the needs of the Recreation

Partners. Teams are getting limited practice time on this field due to the number of teams that need to be accommodated for practices. Therefore, routinely they have to practice on a smaller field that does not have the proper base lengths or field dimensions for their age groups. The addition of sports lighting will increase field usage and reduce scheduling conflicts. Pender County received a \$35,000 donation from Pluris, Inc. specifically for sports lighting on Smith Field at Hampstead Kiwanis Park. Pender County solicited and received quotes from three (3) vendors. These quotes varied in cost, warranty, product and installation. Therefore, it was impossible to determine which vendor's quote to recommend to the Board of County Commissioners. To help alleviate this problem, bid specifications were developed utilizing the North Carolina High School Athletic Association's (NCHSAA) Lighting Standards for Sports Facilities. These bid specifications were sent to the three vendors who initially submitted quotes as well as advertised on the Pender County website. Bids were received from two (2) vendors. Walter Holmes Electric was the lowest responsible bidder. The bids received were as follows:

Walter Holmes Electric	\$ 181,805
Musco Sports Lighting, LLC	\$ 185,000

Funds available for this item are located in 60-407434-6085: Capital Outlay/C&D for \$173,513.28. The remaining balance of \$7,986.72 may be budgeted in one of two ways: Appropriation from 60-322000-6085: Parks and Recreation Donations which has \$87,500 of developers' fees received within Hampstead Kiwanis Park's service area. Currently, there is not another account for the developers' fees; and Appropriation from the Fund Balance. The additional cost concerns were discussed at length after Mr. Piepmeyer stated his concerns. Further items discussed were whether this bidder has worked at this park before, what the vendor did as a previous job for Pender County, safety concerns at Hampstead Kiwanis Park without the lights, issues at Pender Memorial Park, change order process for this job, funding options for the project, return on investment, and future maintenance. Mr. Brown stated that he shares Mr. Piepmeyer's concerns adding that he would rather use the developer's fees rather than taxpayer money for this project. Mr. Piepmeyer asked how long the bids would be valid. Ms. Turner explained that bids were submitted on July 19. After a bit more discussion about the developer fees and the specifics of the lights and warranty, the Board requested that this item be tabled until the September 6 meeting.

APPOINTMENTS

14. Approval of Appointment to the Pender Memorial Hospital Board.

Ms. Long explained: Louis "Sonny" Davis is applying to serve on the Pender County Memorial Hospital Board for the first time. Mr. Davis has been a resident of Pender County for 10 years and lives in Burgaw. Mr. Davis is requesting to fill the District 5 seat on the Pender Memorial Hospital Board. Mr. Davis's application was attached in the Board Meeting Packets for the Board to review prior to the meeting. The Board briefly discussed the applicant. There being no further discussion, Mr. McCoy made a motion to approve the appointment for a three year term to expire July 25, 2019. Mr. Williams seconded the motion and the appointment was unanimously approved.

DISCUSSION

15. Discussion of Proposed Delegation for County and Municipal Issues.

Ms. Piepmeyer explained: The Shoreline Protection Committee initiated this request and discussed the changes to their bylaws with regard to alternates. The Board discussed appointing Mr. Woodruff as the alternate for this committee. At Ms. Keith's request, Mr. Piepmeyer explained what the Shoreline Protection Committee does noting the Partnership between the Beach Towns and the County. Mr. Woodruff also noted the committee headed up by Tony McEwen with the City of Wilmington regarding common issues across the state. Mr. Piepmeyer stated that this committee is

consisted of mostly municipalities, but added that Mr. McEwen invited a representative of the County since there is no large municipality in Pender County. After brief discussion, Mr. Piepmeyer made a motion to add the appointment of the Shoreline Protection Committee Alternate to the agenda. Mr. McCoy seconded the motion and it was unanimously approved. There being no further discussion, Mr. Piepmeyer made a motion to appoint Mr. Woodruff to serve as the alternate on the Shoreline Protection Committee. Mr. Williams seconded the motion and it was unanimously approved. The Board asked that staff send a letter to the Topsail Island Shoreline Protection Commission to let them know the decision. The Board also asked that the committee regarding issues across the state be added to the next agenda for appointment/approval. Mr. Woodruff stated that there is good representation from across the state, but that the committee primarily consists of municipalities.

PENDER COUNTY BOARD OF HEALTH

Health and Human Services Director Carolyn Moser briefly spoke regarding the Health Department Reaccreditation noting the Health Department scored a 146 of 147 and added that on the point that was missed, 3 of the 4 criteria were met. Ms. Moser gave highlights of the process and thanked the Board, County Manager, and Ruth Glaser from Pender Memorial Hospital. Ms. Moser also added that the WIC staff received an award that only 83 counties in the nation received for their breastfeeding education efforts. Mr. McCoy also mentioned the recent Suicide Prevention meeting he attended at Pender High School.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman stated there would be items for closed session, items #3, 4, and 6.

ITEMS FROM COUNTY MANAGER

Mr. Woodruff began by notifying the Board that the Tax Collections Department is now accepting Credit Card payments by phone. Mr. Woodruff then noted that staff will begin working on new tax software options and will be bringing that information back to the Board soon. Mr. Woodruff also noted that the iCompass project has begun and a meeting is set up to bring the project in the coming weeks. Next, Mr. Woodruff commented on the NCACC conference last week that was attended by him, Mr. Brown, and Ms. Keith. He also briefly spoke about the student representative who attended the conference. Mr. Woodruff reminded the Board of the Burgaw Chamber Shrimparoo and Annual Meeting to be held Thursday, August 18 at the Train Depot. Lastly, Mr. Woodruff informed the Board that he will be starting Jury Duty beginning August 29 and will be out of the office until released.

ITEMS FROM COUNTY COMMISSIONERS

Ms. Keith – Ms. Keith discussed a DOT public meeting held a couple of weeks ago regarding the intersection at Highway 421 and Highway 210 adding that it was well attended by citizens of the community. Ms. Keith then stated that she presented the McDuffie's with the proclamation that was approved at the last meeting at their Community Dinner on August 6. Lastly, Ms. Keith stated that she attended the North Carolina Association of County Commissioners Annual Conference last week adding that it was very informative and well attended. Mr. Piepmeyer asked about the DOT meeting regarding the comments and the request for a light at the intersection. Safety concerns at this intersection were discussed and other possible options for making the intersection at Highway 210 and Highway 421 safer.

Mr. McCoy – Mr. McCoy began by mentioning the Rural Planning Organization meeting he recently attended and followed up on a comment he made at the last meeting by stating that the roundabout in

Burgaw will be constructed in 2018, not this fall. Mr. McCoy then briefly discussed construction on the new Surf City Bridge as well as the repaving project on Interstate 40. Lastly, Mr. McCoy commented on the Animal Shelter adding that so far, \$18,571 has been donated to the shelter for the Spay and Neuter Clinic at the Animal Shelter.

Mr. Piepmeyer – Mr. Piepmeyer commented on the “Coffee with the Congressman” meeting he attended on August 10. Mr. Piepmeyer discussed the meeting explaining Congressman Rouzer’s presentation which compares the Federal budget now to the Federal budget in 1965 citing military allocation specifically. Mr. Piepmeyer also discussed the Federal deficit.

Mr. Williams – Mr. Williams explained that he received a text from Carolyn Justice stating the Hospital has been awarded a \$475,000 grant from the GoldenLEAF Foundation for drainage repairs at Pender Memorial Hospital. Mr. Williams also briefly spoke about Sunday voting and explained why he believes it is a bad idea. Mr. Williams explained that there is a Board of Elections meeting tomorrow. Discussion ensued regarding how this decision will be made and the ramifications for Pender County if Sunday voting is approved. Mr. Williams added that he will send the information to the rest of the Board as to who this member is that is in favor of Sunday voting.

Mr. Brown – Mr. Brown began by discussing the North Carolina Association of County Commissioners Annual Conference. He added that he was elected to serve on the NCACC Board of Directors for District 4. Mr. Brown then mentioned that Planning Director Kyle Breuer was going to talk about the drainage issues on the east side of the county and how other counties handle these types of issues, but will discuss this at the next meeting. Mr. Brown added that he is looking forward to having Mr. Breuer share this information with the Board. Mr. Brown also gave his condolences to the Breuer family on their loss.

CLOSED SESSION

At 5:29 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 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. Ms. Keith seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:00 p.m. There was no announcement made after exiting closed session.

PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/RESOLUTIONS

17. Resolution Requesting Approval of a General Use Rezoning from RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district.

Chairman Brown opened the Public Hearing at 7:01.

Senior Planner Megan O'Hare explained: Coleman Parks, applicant on behalf of Beach Front Properties, owner, is requesting approval of a General Use Rezoning of one (1) tract totaling approximately 219.5 acres from RA, Rural Agricultural zoning district to the RP, Residential Performance zoning district. Ms. O'Hare discussed the specifications of the request. Ms. O'Hare explained that there were some inconsistencies with lot size in the request adding that staff recommended approval of this rezoning but the Planning Board did not. Mr. Piepmeyer asked for clarification if the Planning Board denial recommendation was because of the split condition relative to zoning. Ms. O'Hare confirmed that this was the case. Brief discussion ensued regarding the adjacent properties, staff recommendations, and environmental concerns. Mr. Thurman added that this rezoning just allows for greater density and said that the Board could use its best judgement for their decision. There were two people who was signed up to speak:

- Coleman Parks, applicant: Mr. Parks spoke briefly about the current zoning adding that he was not sure why the parcel was zoned the way it was. Mr. Parks added that there was a prior subdivision plan that was completed about fifteen years ago. Mr. Parks added that they will proceed once the parcel is rezoned.
- Parker Varin of 337 Knollwood Drive, Hampstead: Mr. Varin stated that he just misunderstood the process. Mr. Varin just asked for clarification. Mr. Thurman explained the process.

There being no further discussion, Mr. Brown closed the Public Hearing at 7:14 p.m. Mr. Piepmeyer made a motion to approve the rezoning. Mr. Williams seconded the motion and the rezoning was unanimously approved.

18. Resolution Requesting Approval of an amendment to the 2010 Pender County Comprehensive Land Use Plan Future Land Use Map from Rural Growth future land use designation to Mixed Use future land use designation.

Chairman Brown opened the Public Hearing at 7:15.

Senior Planner Megan O'Hare explained: Live Oak Development, on behalf of Kevin Mills et al, owner, is requesting approval of an amendment to the 2010 Pender County Comprehensive Land Use Plan Future Land Use Map for one (1) tract totaling approximately 5.53 acres from Rural Growth future land use designation to Mixed Use future land use designation. Ms. O'Hare discussed the specifications of the request. Ms. O'Hare added that this case is pivotal to the next. There being no discussion or public comment, Mr. Brown closed the Public Hearing at 7:20 p.m. Mr. Williams made a motion to approve the amendment to the 2010 Pender County Comprehensive Land Use Plan Future Land Use Map. Mr. Piepmeyer seconded the motion and the amendment to the 2010 Pender County Comprehensive Land Use Plan Future Land Use Map was unanimously approved.

19. Resolution Requesting Approval of a General Use Rezoning from RP, Residential Performance zoning district to the GB, General Business zoning district.

Chairman Brown opened the Public Hearing at 7:20.

Senior Planner Megan O'Hare explained: Live Oak Development, on behalf of Kevin Mills et al, owner, is requesting approval of a general use rezoning of one (1) tract totaling approximately 5.53 acres from RP, Residential Performance zoning district to GB, General Business zoning district.. Ms. O'Hare explained that this case has the same criteria from the last case and briefly summarized the request. Mr. Williams mentioned that even though there is not currently county water, someone could pay to run the line if they so choose to do so. There were two people who was signed up to speak:

- Andy Furr, applicant: The Board stated that they currently had no questions for the applicant.
- Terri Pierce of 539 Old Whitfield Road, Hampstead: Ms. Pierce asked about the previous motion and Ms. O'Hare explained. Ms. Pierce then discussed her concerns adding that there are thirteen homes that have to be passed to get to the property being discussed tonight. Ms. Pierce also discussed her concerns on the reputation of the business adding that she does not know anything about this business, but with the rezoning any business could come in the future. Lastly, Ms. Pierce stated her concerns on property value should this pass. Discussion ensued as to the location of this property including access.

Mr. Thurman reminded the Board that they are rezoning this property for anything that General Business permits. Mr. Furr explained the access to the property and plans for another access. Mr. Brown stated his concerns of going through a residential neighborhood to get to the business. Access to the property was further discussed. There being no further discussion, Mr. Brown closed the Public Hearing at 7:34 p.m. Mr. Williams made a motion to approve the rezoning. Mr. McCoy seconded the motion and the rezoning was approved 4-1 with Mr. Brown voting in opposition.

20. Resolution Requesting Approval of a General Use Rezoning from PD, Planned Development zoning district to the RP, Residential Performance zoning district.

Chairman Brown opened the Public Hearing at 7:34.

Senior Planner Megan O'Hare explained: Stroud Engineering, on behalf of Jack Stocks, owner, is requesting approval of a general use rezoning of one (1) tract totaling approximately 11.18 acres from PD, Planned Development zoning district to RP, Residential Performance zoning district. Ms. O'Hare discussed the specifications of the request. There being no discussion or public comment, Mr. Brown closed the Public Hearing at 7:38 p.m. Mr. McCoy made a motion to approve the rezoning. Mr. Williams seconded the motion and the rezoning was unanimously approved.

21. Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO) to amend Section 5.2.3 Table of Permitted Uses, in order to allow borrow pit sand mining (considered to be harvesting of mineral resources for wholesale distribution under NAICS Use #212321) to be considered an allowable use in the PD, Planned Development zoning district, when in conjunction with an approved Master Development Plan. (15 Min.)

Chairman Brown opened the Public Hearing at 7:39.

Senior Planner Megan O'Hare explained: Stroud Engineering, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance (UDO). Specifically, the request is to amend Section 5.2.3 Table of Permitted Uses, in order to allow borrow pit sand mining (considered to be harvesting of mineral resources for wholesale distribution under NAICS Use #212321) to be considered an allowable use in the PD, Planned Development zoning district, when in conjunction with an approved Master Development Plan. Ms. O'Hare discussed the specifications of the request. Discussion ensued regarding trucks going in, out of the property and

mining the dirt versus giving it away, and a sunset clause. Following much discussion regarding mining use in conjunction with a Master Development Plan, Mr. Brown closed the Public Hearing at 7:49 p.m. Mr. Williams made a motion to approve the Zoning Text Amendment with the amendment to require the mining use in conjunction with a Master Development Plan only valid for two consecutive years, the same as the Master Development Plan expiration. Mr. McCoy seconded the motion and it was unanimously approved with the amendment.

22. Resolution Requesting Approval of a Special Use Permit Revision (SUP) for the Operation of a Sand Barrow Pit Mine and Land Debris Site.

Chairman Brown opened the Public Hearing at 7:50.

Senior Planner Megan O'Hare explained: RSC Engineering, applicant, of behalf of Dallas L. Harris et al, owner, is requesting approval of a major revision to an existing Special Use Permit (SUP 10368R & SUP 04-12-20-20) for the construction and operation of a sand borrow pit mine conditioned with an additional minable area of \pm 11.3 acres and vegetative recycling. The subject property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance Section 5.2.3, Nonmetallic Mineral Mining & Quarrying (NAICS 2123) and Other Nonhazardous Waste Treatment and Disposal (NAICS 562219) are permitted via Special Use Permit. There is one tract associated with this request totaling \pm 78.16 acres. The subject property is located along the west side of Shaw Highway (SR 1520) in the Holly Township and may be identified by Pender County PIN: 3258-51-1378-0000. Ms. O'Hare discussed the specifications of the request explaining that this is for an additional 11.3 acres to the mine for a total 39.38 acres on the parcel of 78.16 acres. Mr. Piepmeyer asked if this resets the timeline. Ms. O'Hare explained that it does modify the Special Use Permit. The timeframe of the project was discussed. There was one person signed up to speak:

- Sonya Edens of RSC Engineering: Ms. Edens briefly spoke regarding the current Special Use Permit adding that it was extended in 2015. Ms. Edens explained the project briefly adding the she believes this will be the last request.

There being no further discussion, Mr. Brown closed the Public Hearing at 7:57 p.m. Mr. McCoy made a motion to approve the Special Use Permit Revision. Mr. Williams seconded the motion and the Special Use Permit Revision was unanimously approved.

23. Resolution Requesting Revocation of an Existing Special Use Permit (SUP) for the Operation of a Vegetative Recycling Facility.

Chairman Brown opened the Public Hearing at 7:58. Mr. Thurman swore in witnesses.

Senior Planner Megan O'Hare explained: Four Points Recycling, LLC., applicant, on behalf of Stacy Hollis Family LTD. Partnership, owner, is hereby notified of a public hearing regarding the revocation of a Special Use Permit for the operation of a vegetative recycling center (NAICS 562219; Other Nonhazardous Waste Treatment and Disposal) according to Section 3.12.4.B of the Pender County Unified Development Ordinance. A Special Use Permit was issued for this property on November 23, 2015 by the Pender County Board of County Commissioners. The property is zoned GB, General Business zoning district and according to the Pender County Unified Development Ordinance Section 5.2.3 Table of Permitted Uses; NAICS 562219, Other Nonhazardous Waste Treatment and Disposal is permitted via Special Use Permit in the GB, General Business zoning district. The subject property is located at 25558 US HWY 17 and may be further identified by Pender County PIN: 4226-97-4215-0000. Ms. O'Hare gave a brief project timeline starting with the initial complaint of zoning violation on September 23, 2014. Ms. O'Hare ended the timeline stating that a Special Use Permit was approved on November 23, 2015 and remains not in compliance with the specifications of the Special Use Permit. Mr. Williams confirmed with staff that from November

2015 until March 2016 there was no contact with the applicant. Ms. O'Hare noted that Mr. Charlie Ring, Pender County Code Inspector is available to answer any questions. Mr. Ring approached the podium and stated that his last visit to the site was on July 6, 2016. Mr. Ring passed around photos that he had taken when he visited the site on July 6, 2016 and these photos were entered into evidence. Mr. Brown asked Ms. O'Hare when the applicant was notified of the possible revocation hearing. Ms. O'Hare explained that she has not been the staff member directly working on the case, but the notice goes out two weeks prior to the Public Hearing. Ms. O'Hare added that staff reached out to the applicant in May regarding the Driveway Permit and no action had been taken at that point. Discussion ensued regarding how often notifications are sent. Mr. Thurman did ask Mr. Ring about his visits to the site as well as the activity he has seen on the site including changes to the site. Mr. Ring explained that this property was wooded in the beginning. Mr. Ring stated that he has been visiting the site since the initial complaint on September 23, 2014 and he has seen more and more machinery and debris. Ms. O'Hare also added that she had two written complaints from adjacent property owners. There being no more questions for Mr. Ring or Ms. O'Hare, Mr. Brown asked if there were any sign ups – there was one:

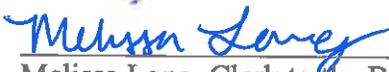
- Carroll Raynor, representative for the applicant: Ms. Raynor handed the attorney a map to include the progress and plans for the property. Upon Mr. Thurman's approval, the map was entered into evidence and distributed to the Board. Ms. Raynor confirmed that the maps were put together by their engineer and the writing on the map was done by her. Ms. Raynor then explained that there had been some miscommunication through this process because the correspondence goes to the property owner. Ms. Raynor explained the process that has been made thus far regarding the driveway permit, landscaping, and correspondence. Ms. Raynor explained that the colors on the map were in regard to landscaping. Mr. Thurman asked about operations. Ms. Raynor stated that they have operated since November, but not on a daily basis. Mr. Thurman then asked about permits that were supposed to be obtained, but hadn't. Ms. Raynor discussed the Land Disturbance Permit.

There being no further discussion or questions, Mr. Brown closed the Public Hearing at 8:20. Mr. Williams made a motion to revoke the Special Use Permit citing the evidence given by staff. Ms. Keith seconded the motion and the Special Use Permit was revoked by a unanimous vote.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:21 p.m.

Respectfully Submitted,



Melissa Long, Clerk to the Board

Reviewed By:



Ann Jones, Administrative Assistant II



REQUEST FOR BOARD ACTION

ITEM NO. 5

DATE OF MEETING: September 6, 2016

REQUESTED BY: Justian Pound, Tax Assessor, Tax Assessor's Office

SHORT TITLE: Approval of Tax Releases and Refunds.

BACKGROUND: Releases and refunds result from listing and assessing due to incorrect and incomplete information. Taxpayers will or have overpaid taxes. Board action rectifies the mistake. The refunds and releases are recommended as follows:

RELEASES OVER \$100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
2016	HOFFMAN, BARBARA MITCHELL	956290	269.82	LISTING CORRECT
2014	TAYLOR, OTIS W JR	933723	379.52	LISTING CORRECT
2015	TAYLOR, OTIS W JR	933723	406.97	LISTING CORRECT
TOTAL OF RELEASES OVER \$100			1,056.31	

REFUNDS OVER \$100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
2015	CLECKLER, AMANDA HUNT	102704420	150.22	SITUS
2015	DELISE, DOUGLAS ANTHONY	78209613	164.16	SOLD
2016	DUPREY, JAMES CHESTER	102996276	106.95	SITUS
2015	DUTKIEWICZ, RAYMOND J	78989535	204.05	SOLD
2015	GJ ADAMS TRUCKING INC	77246841	191.87	SOLD
2015	JONES, GREGORY LONDON	77016081	240.98	MILITARY EXEMPT
2011	MCLAMB, MICHAEL W	869088	379.40	LISTING CORRECT
2012	MCLAMB, MICHAEL W	869088	393.38	LISTING CORRECT
2013	MCLAMB, MICHAEL W	869088	397.94	LISTING CORRECT
2014	MCLAMB, MICHAEL W	869088	397.94	LISTING CORRECT
2015	MCLAMB, MICHAEL W	869088	509.20	LISTING CORRECT
2015	MOORE, WILLIAM EARL	77016648	105.66	ADJUSTED VALUE
2015	PRESTON, WILLIAM JOSEPH JR	78316350	140.02	DESTROYED
2015	PRICE, CHERYL TYSINGER	77027847	100.72	DESTROYED

2016	RAYNOR, JERRY DEAN	77361705	100.47	ADJUSTED VALUE
2016	ROBERTS, GEORGE ARNOLD JR	105466744	138.60	SITUS
2015	SPAVEN, MICHAEL ANTHONY	102851580	113.12	ADJUSTED VALUE
2015	UNDERWOOD, WILLIAM HARVEY	77246244	909.51	DOUBLELIST
2015	WALSH, ROBERT THOMAS	77016444	113.76	SOLD

TOTAL OF REFUNDS OVER \$100 4,857.95

RELEASES UNDER \$100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
2015	CURTIS, LARRY WARNER	875563	45.34	SOLD
2014	HENRY, JANET PYLANT	840314	2.16	DESTROYED
2015	HENRY, JANET PYLANT	840314	2.78	DESTROYED

TOTAL OF RELEASES UNDER \$100 \$50.28

REFUNDS UNDER \$100

YEAR	NAME	ACCOUNT	AMOUNT	REASON
2015	ALFANDRE, MARY TENNILLE	77826570	12.78	SOLD
2015	BENTON, AMANDA BARNHILL	77465391	35.17	SOLD
2015	BEST, BERTHADALE RUTH	77027787	10.65	SOLD
2016	BLACK, MITCHELL ROBERT	105465648	66.15	SITUS
2015	BLACKSHEAR, EDITH CARROL	77361576	46.67	SOLD
2015	BLALOCK, VERNE WAYNE III	77138172	8.28	SOLD
2015	BLICK, EDWARD RAY	78209637	18.81	SOLD
2014	BRYANT, ROBERT GEORGE	76664706	16.18	SOLD
2015	BULLARD, CONNIE DANFORD	78316128	26.87	ADJUSTED VALUE
2014	DENNIS, JOHN MARCUS	77927250	11.05	SOLD
2015	DENNIS, JOHN MARCUS	77927244	26.26	DESTROYED
2016	DUPREY, JAMES CHESTER	102996276	79.27	SITUS
2015	ECKROATE, MARY ELLEN	77362467	82.60	OUT OF STATE
2015	FISCHER, ROBERT JAMES	103769620	5.89	LISTING CORRECT
2015	FOSTER, MARVIN EDWARD	78679998	61.79	SOLD
2014	FRAZIER, JOSEPH HAROLD	104674876	24.60	SITUS
2011	GUINE, JOYCE DAVIS	29224	40.39	LISTING CORRECT
2012	GUINE, JOYCE DAVIS	29224	40.39	LISTING CORRECT
2013	GUINE, JOYCE DAVIS	29224	40.92	LISTING CORRECT
2014	GUINE, JOYCE DAVIS	29224	40.92	LISTING CORRECT
2015	HARRAN, MARGARET REBECCA	78506244	10.33	OUT OF STATE
2015	HAUDENSCHIL, D. MARK HAROLD	78175071	31.40	SOLD
2015	HEWITTE, MARK STEVEN	103769120	5.19	SITUS
2015	HEWITTE, MARK STEVEN	103769144	1.46	SITUS
2014	HICKS, DONNA JEAN	76664991	10.28	SOLD
2014	IVY, RONALD CHARLES	77361780	18.29	SOLD
2015	KING, KEITH JACKSON	77466474	8.02	SOLD
2015	KING, KEITH JACKSON	77016615	36.23	SOLD
2015	LANIER, JASON SCOTT	78316029	45.68	SOLD
2014	LANIER, KENNETH PAUL	78175488	25.69	SOLD
2015	LEVINSON, ALVIN MAX	78506097	9.44	SOLD
2015	LIGHT, BUFORD HAROLD	78680181	56.39	SOLD

2015	LOPEZ, ANA	78175827	62.81	SOLD
2016	MALPASS, RUSSELL ALAN	77826720	89.97	ADJUSTED VALUE
2015	MANLEY, SHERRY LEE	77827377	53.23	SOLD
2015	MCINTOSH, CLAUDE STEVEN	78679524	42.47	SOLD
2015	MEDCALF, CHRISTOPHER	77016552	9.56	SOLD
2015	MILLER, KATELAND DENECE	78680193	49.02	SOLD
2015	NAPPI, LOUIS RAY	103150008	10.84	SITUS
2015	NARRON, MARK STUART	78316005	60.06	ADJUSTED VALUE
2015	OLIVER, WANDA PHILLIPS	79099683	67.07	SOLD
2015	PANKEY, DANIEL JAMES	77465400	99.64	SOLD
2015	PHILLIPS, NANCY BURROUGHS	78748734	33.46	SOLD
2015	PROCELLI, DANNY DENNIS	77927934	21.55	SOLD
2015	ROHRBACH, KELLY ANNE	77826363	30.19	ADJUSTED VALUE
2015	SCHEMBRI, DENIS ANTHONY	77465838	23.93	ADJUSTED VALUE
2015	SPANN, RACHEL OUTLAW	102995272	53.05	SITUS
2014	SPELL, ROBERT EARL	77362428	32.24	SOLD
2015	STORMS, DOUGLAS WAYNE	78866148	9.15	SOLD
2014	SUGGS, ASHLEY RAE	76664997	7.63	SOLD
2014	TAYLOR, GARRETT ROBERT	79100193	4.05	SOLD
2015	TAYLOR, GARRETT ROBERT	79100199	54.18	SOLD
2015	WELBORN, TINA MARIE	78679485	32.05	SOLD
2014	WORSHAM, STEPHEN FORD II	78748008	35.80	DESTROYED

TOTAL OF REFUNDS UNDER \$100			1,835.99	
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TOTAL OF ALL RELEASES			\$1,106.59	
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TOTAL OF ALL REFUNDS			\$6,693.94	
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