

MONDAY, SEPTMEBER 19, 2016 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, September 19, 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 and David Piepmeyer.

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 McCoy offered the invocation.

PLEDGE

Chairman Brown led the Pledge of Allegiance.

EXCUSE COMMISSIONER

Ms. Keith made a motion to excuse Commissioner Williams. Mr. McCoy seconded the motion and it was unanimously approved.

ADOPTION OF AGENDA

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

PUBLIC INFORMATION

1. Update on School Bond Construction Projects.

Pender County Schools Superintendent, Dr. Terri Cobb began the presentation by introducing Alan Vann, Director of Auxiliary Services for Pender County Schools. Before turning the podium over, Dr. Cobb stated that the numbers in this presentation are still very fluid. Dr. Cobb also introduced the Board of Education Members in attendance at the request of the Board. Dr. Cobb also asked that the Board reconsider the resolution that was presented several months ago regarding Sales Tax as well as the contingency budget. Mr. Van then began the presentation by briefly updating the Board on the four smaller renovation projects. Mr. Vann explained that Cape Fear Elementary and Middle will be getting additional classroom space, adding onto the cafeteria, and constructing an additional roadway access to be used as an exit. At Burgaw Middle, a new classroom wing is being constructed to include two science labs as well as a band room. The same addition is being constructed at West Pender Middle School. At Pender High School, additional office space is being added, the entrance is being modified, and a new field house is being constructed. Mr. McCoy asked if the canopy at Pender High School was being eliminated and Mr. Vann said that it was a possibility. Mr. Vann then added that these four projects are anticipated to be completed within budget and with some surplus funds available for utilization on other projects. Mr. Vann then explained that for Penderlea School, the bids came in higher than anticipated and that based on current bids, the project is over budget. Mr. Vann further explained that bids cannot be considered final and are pending with Value Engineering and re-

bids. The project as bid includes classrooms for 550 students, a new gymnasium, new cafeteria, and a large fire protection water tank/pump and loop system which was not included in the original project plan. Value Engineering as well as discussion and negotiations with low bid subcontractors are ongoing to identify and capture cost reductions. Architects and the construction manager are confident that the project can be brought within budget if the redesign and re-bid achieve full value on value engineering items, and if necessary, apply cost savings from non-essential project adjustments to renovation and addition projects. Mr. Vann added that there are other ways to bring the project within budget such as by preserving the old gymnasium and deleting the new gym cost, by changing some of the design elements, to revise the site plan to utilize existing fields and playgrounds, to delete the new cafeteria and utilize the cafeteria built in 1986 by adding bathrooms and a covered walkway, changing the roof to a 40-year commercial shingle roof, and if the county covers the cost of the large fire protection water tank/pump and loop system. Mr. Piepmeyer asked if the proposed changes had been communicated to the community and parents and stressed that it needs to be done and suggested the Board of Education have a Public Meeting in the Penderlea community. Dr. Cobb stated that there have been no meetings but that Board of Education members have reached out to community leaders. Mr. Vann then reviewed the Surf City School. Mr. Vann explained that bids came in higher than anticipated on September 7 and September 8 and that a number of bid packages were not opened due to an insufficient number of bidders. Rebids on various packages were opened on September 15. Glazing and storefront, plumbing, turnkey HVAC, electrical, and turnkey electrical will be rebid on September 27. Bid numbers cannot be considered final as they are pending Value Engineering which is ongoing. Value Engineering and discussion negotiations are ongoing to identify and capture cost reductions. Mr. Vann added that this project is currently over budget and was bid for 1092 students with alternates for a 1213 student school. Mr. Vann then explained that for approximately an additional \$1.7 million, the school capacity would be 1213 students instead of 1092 students which is an 11% increase. Site conditions also significantly increased site development expenses to \$6.722 million compared to a budgeted \$3.7 million. The construction manager and Architect believe that the project can be brought within budget if savings and unused contingencies and allowances from other projects are re-allocated to Surf City which will require authorization from the Board of Commissioners, anticipated sales tax reimbursements on all projects are available for Surf City project which will require authorization from the Board of Commissioners, Value Engineering and re-bids are within range of the latest estimates, the school is sized at 1092 students as in the base bid unless additional funds are provided to expand the school to 1213 students if desired which will require additional funding from the Board of Commissioners. Mr. Brown asked if a capacity of 1092 students put the school at opening at capacity. Mr. Vann stated that it is and with the growth, a school for 1213 students is more desirable. Mr. McCoy asked how many bids were received. Mr. Vann stated that the requirement is to receive three. Those that did not receive three bids are being re-bid. Ms. Keith asked for details regarding the site conditions as to the reasoning for the cost increase. Construction Manager Justin Whitley approached the podium and explained that these site improvements included wetland mitigation with the Army Corps of Engineers, building the roads to the school, and bringing in utilities. Mr. Piepmeyer asked if it was typical that due diligence would not be done on a site before giving cost estimates. Mr. Whitley stated that this is not typical and that a site plan should be done before giving the first cost estimate. Mr. Charles Boney then approached the podium and explained the four sites and why the chosen site was the best pick. Mr. Whitley then gave an update on the smaller renovation projects adding that they are under budget and on time. These projects are currently at 15% build. Mr. Whitley explained that the project came under budget on bid day of \$109,595. Mr. Whitley further explained that the projected surplus of these projects is \$1,640,124 on all four projects. He then reviewed the Surf City Budget adding that bids were received on September 7th, 8th, and 15th. The bid packages that remain to be opened were discussed. The budget was discussed at length. Options for the school were discussed and the Board stated that

they did not want to build a school that would be over capacity on the first day. Mr. Thurman asked how over budget the project is. Mr. Whitley explained that the bids came in \$4.1 million over budget and that the project is currently \$4.3 million over budget which is the worst case scenario depending on the bids yet to come in. Tom Hughes and Mike Burris then approached the podium to discuss the Penderlea School. Value Engineering ideas and adjustments were discussed. The bid and re-bid process was discussed at length. The requirement of the fire tank was also discussed as well as cost of the system. The revised target dates were discussed as well as a recap of the site plan and budget. Mr. Piepmeyer stated his concerns regarding using the old cafeteria and suggested moving the new building closer to the existing cafeteria. After much discussion, Mr. Brown stated his frustration with the budgetary issues on these projects suggesting that the larger projects be done first. Mr. McCoy commented on long range planning and reasons why he opposed the bonds because it was spur of the moment. Mr. Vann defined Value Engineering as changes that can be made without sacrificing the end product. Mr. Brown asked Mr. Tommy Batson, Fire Marshal about the required water tank with regard to the price of the system. Mr. Batson stated that he had not looked much into the system, but will get the information to the Board on this system as soon as possible.

2. Quarterly Report on the Pender ABC System Involving Financial Information and Other Progress.

ABC Board Chairman Don Hall explained: This is an update on the activities of the ABC stores in Pender County. Mr. Hall gave the financial highlights, and other progress for the quarter of April through June of 2016. Mr. Hall stated that this report is also posted in all stores and stated that it was a good quarter. Compared to the same quarter last year, sales were up by \$85,000. Net income for the quarter was \$159,000 which is a \$30,000 increase in income from the same quarter from last year. The Surf City store expansion has been completed. Mr. McCoy asked about the status of the Rocky Point Store. Mr. Hall stated that the Rocky Point store is now in the black. Mr. Hall then reviewed the financials for the year. Sales for the Fiscal Year were \$6,094,608 which is an increase of about \$462,000 over the previous year. Net income was \$507,000. During the Fiscal Year, 513,871 bottles were sold in Pender County. Ms. Keith asked where the Alcohol Rehabilitation and Education money goes. Mr. Hall stated that those funds used to go to Coastal Care but now goes to Coastal Horizons to help fund the PATH program for High School. The Board thanked Mr. Hall for all he does.

PUBLIC COMMENT

There were sign-ups for Public Comment:

- Hiram Williams, Planning Board Chairman: Mr. Williams spoke to the Board of Commissioners on behalf of the Planning Board. He thanked the Board for letting him serve as chairman. Mr. Williams then thanked staff for all of their hard work and long hours dedicated to Pender County. Mr. Williams added that the Planning Board is a great Board. He then went on to discuss long range planning with regard to the Comprehensive Plan that was not approved in the last fiscal year. He further explained that he was glad to see it on the agenda for tonight but stressed that staff is overworked and asked that if the Planning Department requests funding in the future, that the Board consider it. Mr. Williams also explained that the Comprehensive Plan and the UDO are two of the most important documents and are becoming outdated.
- Don Hall, Former Trillium Health Representative: Mr. Hall spoke to the Board regarding Trillium Health Resources and his concerns with the merger adding that it did not go as planned. Mr. Hall encouraged the Board to look at other alternatives and offered to assist in any way the Board desires.

CONSENT AGENDA

Chairman Brown presented the items on the Consent Agenda and asked for any discussion or questions. There being no discussion, McCoy made a motion to approve the consent as written. Ms. Keith seconded the motion and the consent agenda was unanimously approved as follows:

3. Approval of Minutes: Regular Meeting: September 6.
4. Approval of a Budget Ordinance Amendment to Reduce a Previous Budget Ordinance Amendment for the carry forward of Special Adoption Funds from FY 2016 by \$39,602.
5. Approval of a BOA to Budget Anticipated Revenues and Expenditures in the amount of \$10,000 for Fund 41.

APPROVALS AND RESOLUTIONS

6. **Approval of Selection and Contract with the Cape Fear Council of Governments to Update the Comprehensive Plan for a Not to Exceed Amount of \$35,000.**

Planning and Community Development Director Kyle Breuer explained: Significant investment and development is being realized in Pender County, particularly in the coastal and southern areas. According to the North Carolina Office of State Budget and Management, the certified 2014 county population estimates show that Pender County has an estimated population of 56,250 which is a 7.7% increase from the 2010 Decennial Census figures. It is important to balance the need for planning in an urbanizing area in addition to providing traditional county planning services. A clear vision and objective is imperative to proactively guide and maintain this continual growth within the County, and will provide the necessary guidance for the decision making bodies of the County. The current Comprehensive Plan serves as an excellent baseline for guiding growth; however, as the County has seen significant change since 2010, the Comprehensive Plan must also evolve. A more focused approach in high growth areas is critical to assist in leveraging preferred growth patterns and private investment. As growth continues to extend along major corridors, parcel-level examination of land use classification should take place to assure that development is in compliance with growth management goals and policies and closely coordinated with transportation systems. Additionally, coordination with utility location and development will be essential to accommodate the growth and maintain a high quality of life standard for the residents and visitors of Pender County. This plan will also serve as the planning document for Coastal Area Management Act (CAMA) requirements for land use planning in coastal areas. In the prior fiscal year, staff presented a request to contract with a private consulting firm. This request was ultimately tabled and denied. Staff worked with the Board to develop the current fiscal year budget in which this project was a part of. Numerous meetings were held with representatives of the Cape Fear Council of Governments and a reduced scope of work was negotiated to be more in line with the adopted budget. \$25,000 was allocated towards this project and staff has secured a grant through the North Carolina Wildlife Resources Commission to develop conservation strategies within this plan which will be the responsibility of the consultant, therefore rendering the total contract amount to \$35,000. The Planning Board is recommending this approach and supports staff efforts moving forward with the Cape Fear Council of Governments. The Scope and Agreement were provided to the Board prior to the meeting. The cost for updating the Comprehensive Plan was budgeted for within the current fiscal year budget and the total cost of the project shall not exceed the budgeted limitation of \$35,000.00 noting the tight budgetary restraints. Mr. Piepmeyer noted that the reduction in the cost from \$100,000 to \$35,000 saves the tax payers. Mr. McCoy stated that his only concern was that the Council of Governments primarily works with towns. Mr. Breuer introduced Allen Serkin and Wes McLeod from the Council of Governments who will be working on this project alongside Jessica Fiester who is the Long Range Planner for Pender County. Upon approval, advertisement will go out for the steering committee. Mr. Piepmeyer stated that he would be glad to serve as the Commissioner liaison for this committee. Mr. Serkin briefly

gave an overview of the project. Ms. Keith asked about planning for the western side of Pender County. Mr. Breuer assured that there will be dedicated effort on the western side of the county adding that they have great partners in the Currie area. Mr. Serkin quickly introduced Mr. McLeod adding that he comes from Holland Consulting and has been with the Council of Governments for about a year. There being no further discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and the item was unanimously approved.

PENDER COUNTY BOARD OF HEALTH

The Board convened as the Board of Health at 5:32 p.m.

7. Adoption of a Rule for Rabies Post Exposure Management for Dogs and Cats.

Health and Human Services Director Carolyn Moser explained: On June 20, 2016 staff had reviewed with the Board of Health new recommendations from the National Association of Public Health Veterinarians (NAPHV). One of the roles and responsibilities of the Board of Health is the adoption of rules. This is to request the Pender County Board of Health adopt control measures for rabies post exposure management of Dogs and Cats, according to the 2016 recommendations of the NAPHV. Ms. Moser added that this will be a training experience for the Board for adopting rules such as this. Adoption of this rule implements and particularizes the authority given to the local health director in G.S. 130A-197 to effectively and efficiently protect the public's health by utilizing the most current science. Mr. Piepmeyer asked how this rule falls in line with other counties. Ms. Moser stated that several other counties across the have already adopted this rule. Ms. Moser added that the wording for this rule came directly from the state veterinarian's office citing specifically the National Association of Public Health Veterinarians in the 2016 edition of the *Compendium of Animal Rabies Prevention and Control (Part I.B.5: Post Exposure Management)*. This proposed rule was advertised and copies were made available in the Clerk's office for inspection and comment. No comments were received. Mr. McCoy stated that the Animal Shelter Committee recommends adoption of this rule. Mr. Piepmeyer asked how many cases of exposure Pender County has had in the past year. Ms. Moser stated that there have been 10-12 exposures. As far as cases of Rabies, there were several last year but no positive cases this year. There being no further discussion, Mr. McCoy made a motion to adopt the Rule for Rabies Post Exposure Management for Dogs and Cats. Ms. Keith seconded the motion and it was unanimously approved.

PENDER COUNTY SOCIAL SERVICES BOARD

The Board convened as the Social Services Board at 5:36 p.m.

8. Approval of a Budget Ordinance Amendment Approving Increase in Revenues and Expenditures for FY 2016-2017: Day Care \$38,906.

Health and Human Services Director Carolyn Moser explained: Funding Authorization allocating funds was received by DSS. Each county receives an annual allocation based on a formula that the General Assembly has approved. Counties are reimbursed for 100% of expenditures. Day Care is a blend of Federal & State Funds. Mr. Piepmeyer asked if both items 8-9 go together. Ms. Moser stated that this item is for additional funding coming from the state. Item 9 is for five new providers that Pender County did not have at the start of the fiscal year that are now taking in children. There being no further discussion, Mr. Piepmeyer made a motion to approve both items 8-9. Ms. Keith seconded the motion and it was unanimously approved.

9. Approval of Purchase Orders for Day Care Provider Payments: \$35,000.

This item was approved with item 8.

Ms. Moser updated the Board that Pender County is currently advertising for Child Protective Service workers. Ms. Moser stated that these staff members work really hard especially with some of the cases they handle at all hours of the day and night.

Mr. Brown announced that a candidate has been selected to serve as the Social Services Director. He added that Ms. Moser needs a nod from the Board on a salary offer. Ms. Moser is proposing a salary of \$85,000 for this individual. Brief discussion ensued as to the salary range for this position, whether it was included in the budget, and how this figure was selected. There being no further discussion, the Board gave a nod in approval for the offer with a salary of \$85,000.

The Board reconvened as the Board of Commissioners at 5:44.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman stated there would be items for closed session, items #3, 4, 5, and 6.

Mr. Thurman then explained to the Board that a Special Meeting may need to be called after the October 3 regular meeting in order to pursue the scheduled Bond Sale in October. Mr. Thurman laid out the following dates: October 10 – all information/bids are due to the Board of Education; October 13 – The Official Statement is due to the LGC; and October 14 – the LGC will post the schedule. With that being said, a Special Meeting may need to be called for either October 11 or 12. There will be a call with the LGC on September 28 regarding these bond sales. Mr. Thurman just wanted to make sure the Board was kept up to date and explained that he will keep the Board posted. Mr. Piepmeyer asked if the attorney for the WMPO had contacted Mr. Thurman. Mr. Thurman stated that they had and this is included in an item for closed session. Mr. Thurman also congratulated Mr. Woodruff and Ms. Brafford adding that the Bond Rating Agencies called and the calls seemed to have gone very well.

ITEMS FROM COUNTY MANAGER

Mr. Woodruff explained that the sale tax distribution numbers have come in and exceeded projections. Mr. Woodruff also commended Finance staff and explained that they have been working hard with the auditors to get together everything that has been requested to them. He also explained the audit timeline and stated that Pender County's audit should be submitted on time to the LGC.

ITEMS FROM COUNTY COMMISSIONERS

Mr. McCoy – Mr. McCoy stated that he was invited by the Daughters of the American Revolution to Moores Creek last week for the 229 Anniversary of the Constitution. He added that it is important that we all know our constitution. Mr. McCoy then briefly discussed a recent meeting he had attended with Mayor Eugene Mulligan of Burgaw, Representatives from the Historic Wilmington Foundation, and County Staff regarding Historical District Tax Credits. Mr. McCoy added that he believes Penderlea will fall into this as they are on the US Historic Registry.

Mr. Piepmeyer – Mr. Piepmeyer stated that he only had the WMPO update to discuss in Closed Session.

Mr. Brown – Mr. Brown expressed his frustration with cost overruns and the way things are brought to the Board by staff. He added that he is not beating up on staff but does not want to go through another meeting like the last one. He asked that staff do their homework before coming to the Board with an item and be prepared.

ITEMS FROM FINANCE DIRECTOR

Ms. Brafford stated that Finance staff has been spending a lot of time on year end items and getting items to the auditors as requested adding that with the audit firm being new, it is very time consuming since they do not have any documentation. Ms. Brafford also stated that the audit firm is very thorough. Ms. Brafford then stated that she is working with the LGC to get the official Statement updated for the upcoming Bond Sale.

CLOSED SESSION

At 5:58 p.m., Mr. Piepmeyer 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; 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 exited the Closed Session at approximately 6:54 p.m. There was no announcement made after exiting closed session.

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

10. Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Solar Farm.

Chairman Brown opened the Public Hearing at 7:01.

Planning and Community Development Director Kyle Breuer explained: Willard Solar, LLC, applicant, on behalf of Kennedy Brothers Property, LLC., owner, is requesting approval of a Special Use Permit for the construction and operation of a solar farm (NAICS 221119). The subject property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; other electric power generation (NAICS

221119) is permitted via Special Use Permit. The subject property is located along the east side of Church Street (SR 1312), approximately 2,500 feet south of the intersection of Church Street (SR 1312) and US HWY 117 in the Union Township. There is one (1) ±59.65 acre tract associated with this request and may be further identified by Pender County PIN: 3314-07-3758-0000. Mr. Breuer discussed the specifications of the request including the project description, hours of operation, landscape and buffers, driveway access, utilities, and solar farm considerations. The Board had no questions for staff. There were signups for Public Comment:

- Michael Fox of Tuggle Duggins P.A. Attorney at Law – on behalf of the applicant: Mr. Fox handed out some materials and discussed the contents including the Site Plan, Staff Report, SUP Application, Affidavit and Credentials of Chris Sandifer, P.E., and a study of impact for adjoining properties done by Richard C. Kirkland, Jr. of MAI (Kirkland Appraisals). These materials were submitted into evidence and the witnesses are present to answer any questions from the Board. Mr. Piepmeyer asked about other solar farms. Mr. Phillip Martin with Cypress Creek stated that there is a solar farm that has already been approved in Pender County, but not yet constructed as well as 42 other solar farms across the state. Mr. Thurman stated that there were no other signups other than those on the team. Ms. Keith asked about property values once the farm is constricted. Mr. Kirkland explained the study that he had conducted for this project showing that there seems to be no impact on property values with regard to neighboring solar farms. Mr. Brown suggested that in the future that this evidence be submitted prior to the meeting so that they have time to digest the information. He added that this is not just for Pender, but for all jurisdictions and that it is just a suggestion.

There being no further discussion, Mr. Brown closed the Public Hearing at 7:16 p.m. Ms. Keith made a motion to approve the Special Use Permit. Mr. McCoy seconded the motion and it was unanimously approved.

11. Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Vegetative Recycling Center.

Chairman Brown opened the Public Hearing at 7:17.

Planning and Community Development Director Kyle Breuer explained: Charles and Lynn Hillenbrand, applicants, on behalf of Running Deer, LLC, owner, are requesting approval of a Special Use Permit for the operation of a vegetative recycling center (NAICS 562219; Other Nonhazardous Waste Treatment and Disposal). The subject properties are zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Other Nonhazardous Waste Treatment and Disposal (NAICS 562219) is permitted via Special Use Permit in the RA, Rural Agricultural zoning district. The subject property is located ±800 feet north from the intersection of NC HWY 210 and Running Deer Trail (private). There are two (2) tracts associated with this request totaling ±4.13 acres and may be further identified by Pender County PINs: 3264-49-9888-0000 and 3264-59-2963-0000. Mr. Breuer discussed the specifications of the request including the project description, hours of operation, landscape and buffers, driveway access, utilities, and environmental. Ms. Keith asked about the complaint that was received. Mr. Breuer stated that the complaint was just regarding illegal operation but that he did not believe there was a complaint about there being a nuisance. Mr. Breuer also explained the operation. Ms. Keith asked how staff will ensure that the project does not become unsightly. Mr. Breuer stated that the site will be monitored until it comes into compliance, but at that time it will be monitored on a reactionary basis. Mr. Thurman swore in witnesses. The applicant was the only person signed up to speak:

- Lynn and Charles Hillenbrand, applicants: Ms. Hillenbrand stated that they do have Yard Waste Notification from NCDEQ and that they thought that was all that was needed until they

were notified of the complaint. Ms. Hillenbrand explained the operations of the business as well as inspections from the state.

There being no further discussion, Mr. Brown closed the Public Hearing at 7:30. Mr. Piepmeyer made a motion to approve the Special Use Permit. Ms. Keith seconded the motion and it was unanimously approved.

12. Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Canoe and Kayak Rental Facility with Guide Services.

Chairman Brown opened the Public Hearing at 7:31.

Planning and Community Development Director Kyle Breuer explained: Phil Andrews, applicant and owner, is requesting approval of a Special Use Permit for the operation of a canoe and kayak rental facility with guide services (NAICS 713990). The subject property is zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Recreational Canoeing (NAICS 713990) is permitted via Special Use Permit in the RP, Residential Performance zoning district. The subject property is located ±1,250 feet south of the intersection of Stag Park Road (SR 1411) and John Humphrey Road (SR 1672) in the Burgaw Township. There is one (1) tract associated with this request totaling ±12.32 acres and may be further identified by Pender County PIN: 3247-89-0337-0000. Mr. Breuer discussed the specifications of the request including the project history, project description, hours of operation, landscape and buffers, driveway access, utilities, and environmental. Mr. Thurman swore in witnesses. There were signups for Public Comment:

- Phil Andrews, applicant: Mr. Andrews clarified that there is a well and septic on the site plan and he plans to utilize the well unless PCU requires him to tap in.
- David Joslin of 250 Oxbow Landing: Mr. Joslin stated most of his questions had been answered but that he still has environmental concerns on how this business will impact the environment. Mr. Andrews stated that they have proposed electric and paddle adding that this will just virtually be another dock with a causeway going to it.

There being no further discussion, Mr. Brown closed the Public Hearing at 7:41 p.m. Mr. McCoy made a motion to approve the Special Use Permit. Ms. Keith seconded the motion and it was unanimously approved.

13. Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance: Article 7.5 Street Design Standards.

Chairman Brown opened the Public Hearing at 7:41.

Planning and Community Development Director Kyle Breuer explained: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Mr. Breuer invited Mr. Tommy Batson, Fire Marshal to the podium as he was present for the meeting. Mr. Breuer stated that this has been bounced around in TRC for a while. DOT minimum standards for a cul-de-sac are a radius of 35 feet and the Fire Marshal standards are a radius of 48 feet. The proposed change is to allow for a radius of 40 feet and also provides illustrated alternative options for developers that may not want to install cul-de-sacs, including a Y intersection, a hammerhead style intersection, and a T intersection. Mr. Breuer stated that this is unanimously recommended by the Planning Board. Mr. Batson briefly spoke and thanked the planning staff for working with him to come to this solution adding that it may work better for developers as it gives the options other than a cul-de-sac. Mr. Breuer also added that there is another addition to this text amendment that requires a new subdivision of more than 30 lot have a second ingress and egress. Mr. Breuer stated that they do not have to build another road, but to connect to an existing road. There being no further discussion, Mr. Brown closed the Public Hearing at 7:48. Mr. Piepmeyer made a

motion to approve the text amendment. Mr. McCoy seconded the motion and the text amendment was unanimously approved.

14. Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance: Section 7.5.1 Street Design.

Chairman Brown opened the Public Hearing at 7:49.

Planning and Community Development Director Kyle Breuer explained: Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The Zoning Text Amendment proposal is a direct result of the implementation of the Collector Street Plan. The Collector Street Plan was adopted in March of 2016; the policy recommendations included in the document must become Ordinance text in order to be enforceable. There have been several meetings with stakeholders regarding the proposed zoning text amendment. Specifically, the amendment proposed would allow for greater flexibility and administrative criteria for which Staff could work with applicants regarding the construction of collector streets within Pender County. Exceptions for spacing standards, wetlands, areas of environmental concern, slopes, existing structures, significant trees, and roadways. There were signups for Public Comment:

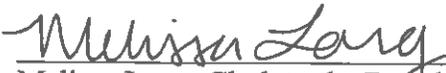
- Cameron Moore, Executive Officer of Wilmington Cape Fear Home Builders Association: Mr. Moore thanked the Board and stated that this is something that has been worked on for months. This text amendment is the product of a lot of collaboration. Mr. Moore asked for the Board's support on this adding that this is supported by the Planning Board, Planning Staff, and the Wilmington Cape Fear Home Builders Association. Mr. Moore thanked the Board for their time.

Mr. Breuer explained in more detail the 1B exception regarding off site impacts. Mr. Breuer explained that if the developer hires a wetland consultant who finds that the offsite property does have wetlands where the road cannot be avoided and more than one acre is impacted, that is where the exception will kick in. However, if that roadway traverses and continues throughout the county, it does not erase the entire corridor from the plan. The only part of the corridor that would be removed would be the segment of the adjacent property and the exemption would be granted. There being no further discussion, Mr. Piepmeyer made a motion to approve the text amendment. Mr. McCoy seconded the motion and it was unanimously approved.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:06 p.m.

Respectfully Submitted,



Melissa Long, Clerk to the Board

Reviewed By:



Ann Jones, Administrative Assistant II