

MONDAY, NOVEMBER 21, 2016 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, November 21, 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.

1. CALL TO ORDER

Chairman Brown called the meeting to order at 4:00 p.m. and thanked and welcomed all to the meeting.

2. INVOCATION

Commissioner McCoy offered the invocation.

3. PLEDGE

Commissioner Keith led the Pledge of Allegiance.

4. ADOPTION OF AGENDA

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

5. PUBLIC INFORMATION

5.1 Presentation of the NCACC Risk Pool Perennial Plaque.

Charlie Eaton, Deputy Director of the NCACC (North Carolina Association of County Commissioners) explained: The risk pool would not exist without the counties of North Carolina. Pender County has now been a member of both NCACC governmental risk pools (the Liability & Property and Workers Comp pools) for five consecutive years. To commemorate that Super Member milestone, NCACC Risk Management would like to present a perennial plaque to Pender County. Mr. Eaton presented the plaque to Chairman Brown. Chairman Brown thanked Mr. Eaton.

5.2 Presentation of the Tier Ranking System used in North Carolina.

Jeff DeBellis, Economic Development and Labor Analysis Division Director of the North Carolina Department of Commerce approached the podium to explain how the Tier system works in North Carolina. Mr. DeBellis explained that the Economic Tier System was first adopted in 1985 and then revised in 1996 to implement tax credits for counties. When the system was first adopted it was a five Tier system but is currently a three Tier system. The three Tiers are broken down by statute. Tier 1 counties are the most distressed counties. There are forty Tier one counties in North Carolina. There are forty counties in North Carolina that fall into Tier two. Tier three counties are considered the most prosperous. There are twenty Tier three counties. The methodology for Tier calculation is defined in state statute and the ranks are adjusted by population size and poverty. There are four metrics for assigning Tiers: Average unemployment rate for the most recent 12 months; Median household income for the most recent 12 months; Population growth rate for the most recent 36 months; and

Adjusted assessed property value per capita in the most recent year available. Mr. DeBellis then showed a map of North Carolina Counties with designated Tiers for 2016 which shows Pender County as a tier three county. Mr. Piepmeyer questioned Pender County's Tier designation citing that Pender County is 47th in population, there are no major cities within the county's boundaries, the county is mostly rural, and one third of the county is owned by the state. Mr. DeBellis agreed with Mr. Piepmeyer that the current system does not work. He added that he has had some conversations with law makers regarding these issues. With the four metrics taken into account, Pender County would be a Tier two county but it is the adjustments for small counties that pushes Pender County into a Tier three designation. Mr. Williams noted that Pender County could easily be split into two Tiers. Mr. McCoy stated that he believes part of this is that Pender County gets tied into the Wilmington Metro area. Mr. DeBellis stated that because Pender County is a growing county, the growth has worked against the county in these rankings along with median household income and adjusted assessed property value. Mr. Brown asked how the property value works against the county with regard to tier rankings. Mr. DeBellis explained that the expensive homes on the coast bump up the average price of a home county wide. Mr. DeBellis explained that the Tier system matters because it sets a common definition of economic health for all North Carolina Counties and it also allows programs, policies, and funding to be applied to areas of greatest need. The primary purpose of this system has changed over the years. In the beginning the system was created to administer business recruitment and expansion incentives through tax credits. Today the system is used for commerce through making infrastructure investment decisions and for non-economic development purposes by many other public and private agencies. Mr. DeBellis explained that Commerce's role with the Tier system: to calculate the Tiers annually; field questions from public and community leaders; administer programs through tier requirements; reevaluate the Tiers at the request of legislators in 2016; and produce recommendations for a Tier alternative which has not yet been adopted. Mr. DeBellis then explained Commerce's proposal for the Tier system. The proposal includes: Eliminating the standard "Tier" clustering system completely; Replace the current system with a scoring system that appreciates difference among counties; Utilizing new metrics that consider cause of distress; Index county performance to the state; and allow flexibility in how index is applied. Mr. Piepmeyer asked how the reaction of the legislature was to this proposal. Mr. DeBellis explained that there were two committees within the legislature during the last session who reviewed this. One committee approved of the changes while the other wanted further review. Mr. DeBellis added that there were a number of legislators that favored the proposal on both sides of the isle. Mr. DeBellis explained the proposed new metrics to reflect causes of distress. Low household wealth, limited opportunities for good jobs, joblessness, and limits to economic mobility are some of the causes of economic distress that the state can influence. The best data that is available to measure this is household median income, average annual wage, unemployment rate, and the population without a high school degree. Mr. Piepmeyer asked why only high school diplomas are taken into consideration with regard to distress and no other levels of education. Mr. DeBellis explained that the minimum education is a High School Diploma and without that someone is really disadvantaged. The proposed new scoring calculation to index counties to the state average was then discussed. County performance is compared to the state average in this case. Each metric is equally weighed and county ratios are averaged and compared to the state. Mr. DeBellis used Pender County as an example to explain how Pender County would rank with this proposed system using figures straight from NC Commerce. He added that without the new system, Pender County will be the 78th most distressed county whereas with the proposed system Pender County would be the 69th most distressed county. The proposed new application of tiers to maximize benefits and available funds for infrastructure would expand eligibility and ease match requirements for Community Development Block Grants for

Economic Development (CDBG-ED) and the Industrial Development Fund (IDF) Utility Account. It would limit eligibility for the Economic Infrastructure Program. The proposed new application of tiers to maximize benefits and available funds for infrastructure would also increase eligibility to allow 93 counties to qualify for the Building Reuse Program. Mr. DeBellis explained the impact on Pender County as minimal if the Commerce changes were to be adopted. Pender County would still qualify for CDBG-ED but no local funding match would be required. Pender County would also qualify for IDF but would require a local match. There would be no change for the Economic Infrastructure Program eligibility for Pender County. The whole county would qualify for the Building Reuse where now all except North Topsail and Surf City do. Mr. DeBellis ended by explaining the next steps for this new proposed system. He explained that the UNC Kenan Center is currently working on a recommendation since there was no consensus between Legislature Committees last session. For any changes, the legislature will have to decide on the methodology and metrics, application of tiers to commerce programs, application of tiers to other state programs, and statewide strategy addressing distress. Discussion ensued as to lobbying with representatives, adjustments, and split tiers. Mr. DeBellis provided his contact information to the Board. The Board thanked Mr. DeBellis for the information and his time.

5.3 Update on all Public Utility, Solid Waste, and Public Works Capital Improvement Projects.

Utilities Director Michael Mack explained the following projects:

- **Commerce Park Waste Water Treatment Plant:** Mr. Mack gave a brief overview of the project and added that construction is scheduled for final completion by March 1, 2017. This project is approximately 120 days behind schedule which includes rain days. There have been no change orders to date. Quality of work and communications have been good. Pump and haul for Acme Smoked fish is continuing until completion. Mr. Mack reviewed the cost of the project for a total net cost of \$16,010,805. Mr. Mack showed photos of the plant and explained how the plant will work. Emory College and Fuhrman University also have this kind of plant to use for educational purposes. Mr. Mack added that this is be one of the very first Treatment Plants of its kind that is publically owned.
- **Moore's Creek Water Distribution:** Mr. Mack reviewed the specifics of the project. There have been approximately 600 signups for water service. Construction is approximately 35% complete and on schedule for final completion by July 1, 2017.
- **Central Pender Water Distribution:** Mr. Mack explained that this is the larger of the two water distribution projects and reviewed the specifics of the project. There have been approximately 800 signups for water service. Construction is approximately 40% complete and on schedule for final completion by July 1, 2017.
- **Malpass Corner Elevated Water Tank:** Mr. Mack showed the Board photos that show the progress of the water tank to date and explained the steps of putting this tank in the air. Mr. Williams asked what will be on the Water Tank. Mr. Mack stated that the tank will read "Malpass Corner."
- **Hampstead Solid Waste Site and Truck Scale Relocation to a site off of Transfer Station Road:** Mr. Mack showed some photos of this project and explained the status of this project. He added that construction started on September 1, 2016 and is scheduled to be completed by March 1, 2017. Mr. Piepmeyer asked if this project is on schedule. Mr. Mack stated that it was.
- **Transfer Station Wastewater Treatment Plant Upgrade:** Mr. Mack reviewed the specifics of the project. Construction on this project began on June 1, 2016. It has reached substantial

completion and it is scheduled for final completion by December 30, 2016. Mr. Mack showed photos of this project from the beginning of the project to date.

- County Administrative Complex HVAC Renovation Project: Mr. Mack reviewed the history and specifics of the project. Construction of this project began October 31, 2016 and is scheduled for Substantial Completion by December 20, 2016 and Final Completion by January 29, 2017. Mr. Mack added that there is a very good tax credit currently being offered to upgrade the lighting to LED which will also take place during this project.

Mr. Piepmeyer asked to confirm that all projects are on schedule with the exception of the first one. Mr. Mack stated that all except the first project are on schedule and all projects are currently at or under budget.

6. PUBLIC COMMENT

There were signups for Public Comment:

- Donna Mintz, Title 1 Lead Teacher of 21 years at Penderlea and Lisa Burdette, School Counselor since 1995 at Penderlea School were present to speak on behalf of the Penderlea project. Ms. Burdette spoke in favor of Option #3 for Penderlea School. Ms. Burdette explained that the reason that she and Ms. Mintz are in favor of Option #3 is because of the lost instructional time that they've had transitioning to and from buildings for various classes. The current cafeteria is full to capacity during the lunch time. Safety is a huge concern. Penderlea is the most open of all the campuses in Pender County.

7. CONSENT AGENDA

Chairman Brown presented the items on the Consent Agenda and asked for any discussion or questions. Mr. Williams made a motion to approve the consent agenda as written. Mr. McCoy seconded the motion and the consent agenda was unanimously approved as follows:

- 7.1 Approval of Minutes: Regular Meeting: November 7.
- 7.2 Resolution Accepting Petition to add Bay Blossom Court in the Mill Creek at Deerfield Subdivision, Hampstead, to the State Maintained System, and Authorizing the Clerk to Submit the Petition to N.C. Department of Transportation.
- 7.3 Approval of a Purchase Order to Courthouse Computer Systems for Recording Software FY 16/17: \$40,000.00.
- 7.4 Resolution Authorizing FY 16-17 Budget Amendment to Accept Emergency Management Performance Grant Funds: \$20,625.00.
- 7.5 Approval of a FY 2016-2017 Budget Ordinance to budget an additional \$20,000 of revenues and expenditures for the required local match of a Home and Community Care Block Grant (HCCBG) for Pender Adult Services, Inc. (PAS).
- 7.6 Approval of a FY 2016-2017 Budget Ordinance to budget \$10,000 that the County has been selected to receive in Partners for Green Growth funding from the North Carolina Wildlife Resources Commission to be used towards the incorporation of conservation methods into the update of the Pender County Comprehensive Land Use Plan - and to additionally transfer \$25,000 from the Planning Department's FY 2016-2017 budget to Fund 60, where the project is being established for the Comprehensive Land Use Plan update.

8. APPROVALS AND RESOLUTIONS

8.1 Resolution Approving a Notice to Proceed for the Surf City/Penderlea School Bond Projects.

Allen Vann, Director of Auxiliary Services for Pender County Schools explained: The Board of Education has worked hard to provide all of the needed information regarding these projects. Following discussion of the presentation on November 7, 2016, the Board of Education is requesting approval of additional funding from the advance of sales tax refunds for school bond projects and from funds available from favorable interest rates on bond sales or otherwise in a total amount of \$3,945,364, together with funds remaining from the bond total of \$75 million, and release of funds and Notice to Proceed on Penderlea K-8 Option #3 as presented at the November 7, 2016 meeting which is a new school including a new gymnasium and a new cafeteria; and Surf City K-8 project at a 1213-student capacity, pending consideration in January 2017 of increasing this project to a 1568-student capacity. Mr. Williams asked for clarity on the Surf City Project with regard to the 1568-student capacity portion clarifying that the Boards may or may not proceed with the 1568-student capacity portion contingent on the findings from Mr. Boney's report due in December. Mr. Brown asked Mr. Vann to clarify the request. Mr. Brown noted that the Surf City School was originally supposed to be for 1092-student capacity and the Board has already increased capacity. Mr. Thurman asked for clarity on the additional funding needed. Mr. Vann stated that the additional funds needed including the sales tax are \$3,945,364 as stated in the resolution. Mr. Williams clarified that the Surf City decision on the 1568 - capacity school will be made after that information is available. Mr. McCoy stated that it is important to protect the fund balance. Mr. Woodruff added that the audit will be back before the information on Surf City so the Board will know how the fund balance looks before making a decision on increasing the capacity of Surf City further. Mr. Thurman explained to the Board that with these projects, the Board of Education will be requesting some assistance regarding the road improvements out at Penderlea. Mr. Thurman wanted to clarify that the Board of Commissioners are in support of the Board of Education requesting this assistance from DOT. Mr. Williams asked what would happen to the existing cafeteria if Option #3 is approved. Discussion ensued as to community input and having a community meeting to discuss the future of the existing building including what it will take to keep up with the building. Mr. Vann explained that there have been no public meetings with any of the other construction areas. There being no further discussion, Mr. Piepmeyer made a motion to approve the resolution for a 1213 - capacity school for Surf City and Option 3 for Penderlea with the request that the Board of Education hold a public meeting with the community to determine the plan for the existing cafeteria. Ms. Keith seconded the motion and it was unanimously approved. Mr. Williams noted that it was important that the Board stay out of the conversation on what happens to the old buildings. Mr. Vann thanked the Board.

9. PENDER COUNTY HOUSING BOARD

The Board convened as the Pender County Housing Board at 5:24 p.m.

9.1 Request for Approval of a minor revision HUD Administrative Plan for the Pender County Housing Authority's Section 8 Housing Choice Voucher Program.

Housing Director Judy Herring explained: The U S Department of Housing and Urban Development requires that each Housing Authority have a current Administrative Plan for the operation of its Housing Choice Voucher Program. The Housing Department is requesting a minor revision to Chapter 2 of the Administrative Plan approved by the Board in April 2016. The revision will add a preference for disaster-affected families who are displaced due to a federally declared disaster. Specifically, the revision will add a preference for displaced, low-income Pender County families that allows them priority for assistance when a disaster is federally declared. It also adds a preference for

HCV and Public housing participants from other jurisdictions when they are disaster-affected by a federally declared disaster in their area, pursuant to HUD's recommendation. Approval from the Board of County Commissioners, acting as the Board for the Housing Authority, is required to implement the revision to the Plan. There being no discussion, Mr. McCoy made a motion to approve the item. Mr. Williams seconded the motion and it was unanimously approved.

The Board reconvened as the Board of Commissioners at 5:26.

Mr. Brown stated that with the Environmental Health Engineering Permit Applications the County has no responsibility or say on these permits. This falls to the state. To date, Pender County has received 27 applications.

10.1 ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman stated there were items for Closed Session, item #'s 3, 4, 5, and 6.

Mr. Thurman explained that Four Points Recycling has appealed the Special Use Permit revocation and that he and Mr. Breuer had pulled together all of the evidence from the hearing. Mr. Piepmeyer asked when the case would be heard. Mr. Thurman stated that the case will be heard in the spring by a Superior Court Judge. Mr. Brown asked if the track record from other cities can be used. Mr. Thurman explained that only existing testimony can be used. Mr. Piepmeyer asked if the trial will be by judge or jury. Mr. Thurman explained the outcome will be decided by the judge.

Mr. Thurman also noted that Donald Sullivan is back.

10.2 ITEMS FROM COUNTY MANAGER

Mr. Woodruff reminded the Board of some upcoming events:

- January 11 – General Assembly Convenes.
- January 12-13 – NCACC Legislative Goals Conference (Wake County)
- January 27 – Pender County Municipal Association Dinner & Annual Meeting (Surf City)

10.3 ITEMS FROM COUNTY COMMISSIONERS

Ms. Keith – Ms. Keith stated that she was invited to a scholarship fundraiser in memory of Veshawn Fuller who was killed the night before graduation in 1979. The fundraiser is at 7:00 tonight at Pender High School. Mr. Williams made a motion to excuse Ms. Keith from the 7:00 portion of the meeting. Mr. Piepmeyer seconded the motion and it was unanimously approved.

Mr. McCoy – Mr. McCoy wished everyone a Happy Thanksgiving.

Mr. Piepmeyer – Mr. Piepmeyer asked if Mr. Woodruff had met with the United Way. Mr. Woodruff stated that he has exchanged emails with a representative adding that they had come to Burgaw for a meeting at Bandanas. Mr. Woodruff stated that Tom Collins and Judy Herring had attended. Mr. Piepmeyer stated that they had contacted him to see what they could do for Pender County. Mr. Woodruff added that the deadline to register for assistance through FEMA was extended until January 9, 2017. Mr. Piepmeyer then commented on the Deerfield Meeting with the developers. The meeting has been scheduled for Tuesday, November 29, 2016 at 6:30 p.m. at the Hampstead Annex. Mr. Piepmeyer added that all comments for the developer should be in writing. He further added that the main concerns for this development are related to traffic, schools, and higher density housing. Mr.

Piepmeyer commended the Planning Department for working with the community and educating them on the process. Mr. Williams stated that the County still has to improve getting the message out. Lastly, Mr. Piepmeyer stated that he read the County Quarterly which is put out by the NCACC. Pender County is 47th in population today. In 1975 Pender County was 75th in population. Pender County is projected to be 37th in population by 2035. Mr. Piepmeyer added that the graduation rate in Pender County is 90.2% compared to the graduation rate in New Hanover County at 81.6%. Mr. Piepmeyer stated that it is important that the county is investing in the right things. Mr. Woodruff also commented on the article regarding the haunted jail that was in this issue of the County Quarterly.

Mr. Williams – Mr. Williams wished everyone a Happy Thanksgiving.

Mr. Brown – Mr. Brown stated that he had a few things to bring up. Mr. Brown thanked Mr. Wes Stewart and acknowledged him. Mr. Brown referenced the bi-weekly update. He asked why the tax collector is looking up credit information on tax payers. Mr. Woodruff stated that he will ask Ms. Murray. Mr. Brown briefly mentioned the re-opening of Millers Pond Park. Mr. Breuer stated that staff is ready to have the grand re-opening of Millers Pond Park, all they need are some availability dates from the Board. Mr. Brown then mentioned the shooting range. Mr. Breuer stated that over 500 people have come through. The amount collected has been \$3,218 since the range opened November 4, 2016 and the daily fee is \$5. Mr. Brown then mention the NCACC Legislative Goals Conference in January being held in Wake County. He stated that he would be attending. Next, Mr. Brown stated that he has a meeting on December 14, 2016 for the NCACC Board of Directors. He asked that the car be ready for him to use. Mr. Brown then mentioned the RFP for the custodial contract.

10.4 ITEMS FROM THE FINANCE DIRECTOR

Ms. Brafford stated that the audit report is due in two days adding that the audit firm states the Audit is scheduled to be submitted on time.

11. CLOSED SESSION

At 5:59 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; ; 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. Piepmeyer seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:03 p.m. There was no announcement made after exiting closed session.

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

Mr. Brown noted that Ms. Keith was excused from the 7:00 portion of the meeting during the 4:00 portion to attend a fundraiser event.

12.1 Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Cottage Occupation for the use of Motor Vehicle Repair.

Chairman Brown opened the Public Hearing at 7:08 p.m. Mr. Thurman swore in witnesses. Planning and Community Development Director Kyle Breuer explained: Franklin Smith, applicant, on behalf of Newton C. Smith Heirs et al, owner, is requesting approval of a Special Use Permit for the operation of a cottage occupation to allow for the purpose of motor vehicle repair. 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; cottage occupations are permitted via Special Use Permit in the RP, Residential Performance zoning district. The subject property is located along the west side of Broadview Lane in Hampstead, NC. There is one tract associated with this request and is located at 109 Broadview Lane. The subject property may be further identified by Pender County PIN: 3292-63-0191-0000. Mr. Breuer discussed the specifications of the request including the project description, hours of operation, landscape and buffers, driveway access, utilities, and environmental. Mr. Breuer stated that a notice of violation was issued in June 2016 regarding the number of recreational golf carts on the property. Application for Special Use Permit was received on October 5, 2016. Mr. Piepmeyer stated that there was a mistake in the staff report regarding utilities adding that there is no county water. Mr. Smith spoke regarding the fencing noting that it had been fixed and the property has been cleaned up. He also mentioned the notices stating that he thought the notices were a mistake citing his County Tax Bill. Mr. Breuer added that Mr. Smith's business is registered with the state. Mr. Thurman stated that the County Tax Bill was just for property taxes. Mr. Smith stated that the property was conforming today. Mr. Breuer reviewed the conditions. Mr. Breuer stated that the zoning permit has to be obtained after the approval of the Special Use Permit tonight. Mr. Breuer stated that Mr. Smith could come into the office tomorrow to get that item done. Mr. Smith stated that the property is currently for sale. There being no further discussion, Mr. Brown closed the Public Hearing at 7:26 p.m. Mr. Piepmeyer made a motion to approve the Special Use Permit. Mr. Williams seconded the motion and the Special Use Permit was unanimously approved.

12.2 Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of an Event Center.

Chairman Brown opened the Public Hearing at 7:27 p.m. Mr. Thurman swore in witnesses.

Planning and Community Development Director Kyle Breuer explained: Long Creek Properties, applicant and owner, is requesting approval of a Special Use Permit for the operation of an event venue (NAICS 531120 'Lessors of Nonresidential Buildings'). 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; Real Estate Rental and Leasing is permitted via Special Use Permit in the RA, Rural Agricultural zoning district. The subject property is located along the south side of NC HWY 210 in the Long Creek Township, NC. There is one tract associated with this request totaling ±269.7 acres and is located at 22549 NC HWY 210, Rocky Point, NC. The subject property may be further identified by Pender County PIN: 2294-48-0610-0000. Mr. Breuer discussed the specifications of the request including the project description, hours of operation, landscape and buffers, driveway access, parking, utilities, and environmental. Mr. Brown asked about wetlands and future building expansion. Mr. Breuer stated that if there are more than 50% in substantial changes to the building, the applicant would have to comply with current standards. Frank Braxton who was present to represent the applicant gave a brief presentation regarding the venue including pictures to better describe the property, improvements that have been made, and plans for the venue. There being no further discussion, Mr. Brown closed the Public Hearing at 7:46 p.m. Mr. McCoy made a motion to approve the Special Use Permit. Mr. Williams seconded the motion and the Special Use Permit was unanimously approved.

12.3 Resolution Requesting Approval of a Conditional Zoning Map Amendment from RP, Residential Performance zoning district to the RM-CD2, Residential Mixed Conditional Zoning District 2.

Chairman Brown opened the Public Hearing at 7:46 p.m.

Planning and Community Development Director Kyle Breuer explained: DRC Hampstead, LLC, applicant, on behalf of Jesse F. Lea SR et al, owner, is requesting approval of a Conditional Zoning Map Amendment of three tracts totaling approximately 78.39 acres from RP, Residential Performance zoning district to RM-CD2, Residential Mixed Conditional zoning district 2. Mr. Breuer explained the history of the project, description of the project, proposed units, proposed lot sizes, density, open space, buffers, recreational units, roadways, traffic, environmental concerns, the public input meeting, as well as the tactical review committee meeting. Discussion ensued regarding the collector street plan and where roads connect through the proposed development. Mr. Breuer did point out one condition in particular regarding this rezoning. This condition has to do with density and that there should be no more than 7.1 units per acre. Mr. Williams stated that he has been very involved in this case since it was tabled by the Planning Board noting that he does not have any questions. Mr. Williams added that he is glad to see that staff addressed the comments from the public meeting regarding this project. Allison Engebretson, Landscape Engineer with Paramount Engineering spoke on behalf of the applicant. Ms. Engebretson stated that Tim Clinkscales with Paramount Engineering was also present for any questions. Ms. Engebretson gave a brief overview of the projects. She noted that they are going for a density bonus on 7.1 units to an acre and in order to do that they have put together a superior plan addressing items such as stormwater. Ms. Engebretson added that there are live oaks on the property along a ridge that they want to save which will also serve as a buffer between the single family and multi-family homes. There being no further discussion, Mr. Brown closed the public hearing at 8:19 p.m. Mr. Piepmeyer made a motion to approve the conditional zoning map amendment. Mr. Williams seconded the motion and it was unanimously approved.

12.4 Resolution Requesting Approval of a Conditional Zoning Map Amendment from PD, Planned Development zoning district to the IT-CD1, Industrial Transitional Conditional zoning district 1.

Chairman Brown opened the Public Hearing at 8:19 p.m.

Planning and Community Development Director Kyle Breuer explained: Rocky Point Holdings, LLC, applicant, on behalf of Jack Stocks, and Rocky Point Holdings, LLC owners, are requesting approval of a Conditional Zoning Map Amendment for the portion of one tract and the entirety of another tract totally approximately 18.11 acres from PD, Planned Development zoning district to IT-CD1, Industrial Transitional Conditional zoning district 1. Mr. Breuer explained rezoning proposal, Planning Board recommendation, project history, project description including proposed uses and proposed height, setbacks, services, safety features, coverage calculations and stormwater, parking, buffers, roadways, traffic, environmental concerns, public input meeting, and the tactical review committee meeting. Mr. Williams stated that he does not believe there have been any issues in the past. Mr. Breuer stated that there have not been any issues. Josh Milhley spoke on behalf of the applicant. He explained the plan for the facility. Mr. Brown thanked Mr. Milhley for holding a public meeting. There being no further discussion, Mr. Brown closed the public hearing at 8:33 p.m. Mr. McCoy made a motion to approve the conditional zoning map amendment. Mr. Williams seconded the motion and it was unanimously approved.

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

Chairman Brown opened the Public Hearing at 8:33.

Planning and Community Development Director Kyle Breuer explained: Bill Clark Homes, applicant, on behalf of LaBrenda Hurst Haynes et al, owner, is requesting approval of a general use rezoning of 4.083 acres of one tract totaling approximately 7.36 acres from GB, General Business zoning district to RP, Residential Performance zoning district. Mr. Breuer discussed the specifications of the request including the project description, access, utilities, and environmental concerns. There being no discussion, Mr. Brown closed the Public Hearing at 8:38 p.m. Mr. Piepmeyer made a motion to approve the rezoning. Mr. Williams seconded the motion and the rezoning was unanimously approved.

12.6 Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 5.2.3 Table of Permitted Uses, to allow Artisan Manufacturing as a permitted use in the RA, Rural Agricultural, GB, General Business, IT, Industrial Transitional, and GI, General Industrial zoning districts and via Special Use Permit in the RP, Residential Performance zoning district.

Chairman Brown opened the Public Hearing at 8:38.

Planning and Community Development Director Kyle Breuer explained: Laura Rivenbark applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 5.2.3 Table of Permitted Uses to allow Artisan Manufacturing as a permitted use in the RA, Rural Agricultural, GB, General Business, IT, Industrial Transitional, and GI, General Industrial zoning districts and via Special Use Permit in the RP, Residential Performance zoning district. The request is also to add a definition of Artisan Manufacturing to Appendix A, Definitions. Mr. Breuer discussed the amendment proposal and staff recommendations. There being no discussion, Mr. Brown closed the Public Hearing at 8:45 p.m. Mr. Williams made a motion to approve the zoning text amendment. Mr. McCoy seconded the motion and the zoning text amendment was unanimously approved.

12.7 Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 5.2.3 Table of Permitted Uses, to allow Outpatient Mental Health and Substance Abuse Centers (NAICS 621420) in the GB, General Business zoning district as a permitted use.

Chairman Brown opened the Public Hearing at 8:45.

Planning and Community Development Director Kyle Breuer explained: Coastal Horizons applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 5.2.3 Table of Permitted Uses to allow Outpatient Mental Health and Substance Abuse Centers (NAICS 621420) in the GB, General Business zoning district as a permitted use. Mr. Breuer discussed the amendment proposal, amendment description, evaluation, and Planning Board recommendations. Discussion ensued as to which districts allow this use, inpatient versus outpatient treatment facilities. Mr. Breuer stated that this is only an outpatient facility. Mr. Williams stated that he received some calls on this and he feels that for anything more than an outpatient facility, the Board of Commissioner should make that decision. Mr. Breuer stated that if the Board wanted to allow this by Special Use Permit instead of a Permitted Use they could make that amendment. Ryan Estes, Treatment Operations Director for Coastal Horizons explained the reasons for the request to the Board. He explained that on the east side of the county, drug addiction is being managed in a pain management way adding that 95% of all overdoses are from pain management not drug treatment. He further explained the need for this facility on the eastern side of the county. Mr. Estes stated that Coastal Horizons has partnered with the Health Department and Sheriff's Department to get out Naloxone kits for drug overdose reversals. He finished by stating that the goal is to help by providing counseling and group counseling to try to hit this epidemic before it gets out of control. Mr. Brown stated that he is not saying this cannot happen, adding that this should come before the Board by Special Use Permit. There being no further discussion, Mr. Brown closed the Public Hearing at 8:45 p.m. Mr. Williams made a motion to amend the zoning text amendment to allow the use via Special Use Permit in the GB Zoning District. Mr. McCoy seconded the motion and the amended zoning text amendment was unanimously approved.

12.8 Resolution Requesting Approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance to amend Section 7: Design Standards and Appendix A: Definitions.

Chairman Brown opened the Public Hearing at 8:59.

Planning and Community Development Director Kyle Breuer explained: Pender County, applicant, is requesting a Zoning Text Amendment to the Pender County Unified Development Ordinance Section 7: Design Standards and Appendix A: Definitions. Specifically, the amendment proposed is to amend the access standards related to subdivisions on collector streets, add alternative design street standards and associated definitions. Items discussed include the Planning Board recommendation, history of the proposal, meetings held, the amendment description, standards of collector streets, and alternative design streets including alley ways. Mr. Breuer noted that this item only includes area within the WMPO Boundaries. Discussion ensued as to the collector street classifications as it relates to growth. Mr. Breuer pointed out that staff has put together a user guide for collector street plans. This will especially help those who are looking to plan a project. Opposition from the development community was also discussed. There being no further discussion, Mr. Brown closed the Public Hearing at 9:16 p.m. Mr. McCoy made a motion to approve the zoning text amendment. Mr. Williams seconded the motion and the zoning text amendment was unanimously approved.

12.9 Resolution Requesting Approval of an Amendment to the Pender County Collector Street Plan to add a Hierarchy Map.

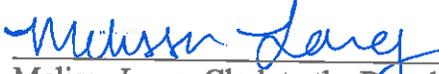
Chairman Brown opened the Public Hearing at 9:16.

Planning and Community Development Director Kyle Breuer explained: Pender County, applicant, is requesting an Amendment to the Pender County Collector Street Plan to add a Hierarchy Map. Specifically, the amendment proposed is to add a hierarchy classification map which is applied to all collector streets recommended in the Pender County Collector Street Plan. Mr. Breuer explained that this item modifies the map to reflect the changes approved in the previous item. There being no discussion, Mr. Brown closed the Public Hearing at 9:17 p.m. Mr. Williams made a motion to approve the amendment to the Pender County Collector Street Plan. Mr. McCoy seconded the motion and the zoning text amendment was unanimously approved.

13. ADJOURNMENT

There being no further business, the meeting adjourned at 9:18 p.m.

Respectfully Submitted,



Melissa Long, Clerk to the Board

Reviewed By:



Ann Jones, Administrative Assistant II