

JANUARY 18, 2005

The Pender County Board of Commissioners met in a regular session on Tuesday, January 18, 2005, at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina

MEMBERS PRESENT: Vice Chairman Stephen Holland, and Commissioners Bill Moore, F.D. Rivenbark and David Williams. Chairman Eugene Meadows arrived at 3:48 p.m., having returned from "New County Board Chair" orientation in New Bern.

OTHERS PRESENT: Andy Hedrick, County Manager and Clerk to the Board, Paul Parker, Assistant County Manager, Trey Thurman, County Attorney, Melinda Knoerzer, Deputy Clerk to the Board.

CALL TO ORDER

Vice Chairman Holland called the meeting to order at 3:17 p.m.

INVOCATION

Mr. Rivenbark offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Williams led the Pledge of Allegiance

JOINT MEETING

PENDER COUNTY BOARD OF EDUCATION

1. Oral Presentation of School Capital Needs

Pender County School Superintendent, Dr. Theodore Kaniuka, thanked the Board of Commissioners for the opportunity to present their needs. He gave a Power Point Presentation outlining the "Facility Improvement Plan" for the Schools. In General, he said population growth continues to create overcrowding problems in the Topsail, Burgaw and Rocky Point areas of the County. He said that since the Governor has decreased class size, this effectively reduces the available number of classrooms and reduces capacity. He said the schools have experienced a steady 4% growth, which exceeds state expectation. He said that Topsail High School (THS) and North Topsail Elementary (NTES) are the schools experiencing the greatest growth at this time.

Dr. Kaniuka said they propose to construct a new 1500 student capacity high school adjacent to the existing THS, to utilize the existing athletic facilities. He outlined the plan to move the middle school students to the existing THS campus, and made the existing Topsail Middle School (TMS) into an elementary school, thereby creating a unified K-12 educational campus. He said the estimated cost of this new construction is \$29,980,000. He said they plan to use the Heide Trask High School plan and noted that construction costs at the time that was built totaled only \$14 million. He said at the time Heide Trask was built, constructions costs were \$105 per square foot, but that cost is currently at \$120 per square foot.

With regard to Burgaw Elementary School, Dr. Kaniuka said they would like to expand the existing site and facilities with additional land acquisition and build a K-2 facility. He said they

would need to construct a new cafeteria and multi-purpose room, but the existing library can handle the expansion, at a total estimated cost of \$5.4 million.

Dr. Kaniuka said the Pender High School (PHS) renovations are projected to cost \$2,800,000 and consist of improvements to the HVAC, electrical and intercom systems, updated safety and lab equipment, replacement of ceiling tiles, updated track lighting and security system, carpet removal, sheetrock work, painting and repairing of classrooms and hallways and improved handicapped accessibility.

In Hampstead, Dr. Kaniuka said the plan is to renovate TMS back to an elementary school, renovate the bathrooms, and remove carpeting at a cost of \$722,000. He said this would be called "Central Topsail Area Elementary School", and would have a capacity of 550 students. He said the existing THS would be renovated and expanded to become the home of TMS, accommodating 1000 students and costing \$4,595,000.

Dr. Kaniuka outlined the following costs associated with renovation and expansion costs:

Penderlea School	\$2,342,000
Rocky Point Primary School	1,957,000
Burgaw Middle School	1,929,000
West Pender Middle	963,000

Dr. Kaniuka explained that conditions in the Central Office were so bad during the recent cold weather that they had to shut off water to the 10 mobile trailers so that the pipes wouldn't freeze. He said they could construct 10,000 square feet of office space at a cost of \$750,000.

Dr. Kaniuka then addressed the issue of the Performing Arts Center proposals. He said that the more students are involved in this type of activity, the better their chances for increasing their grade point average. He said it has been proven that these types of activities keep kids in school. He said they propose to build a 500 seat performing arts center at Heide Trask High School and a 600 seat facility at THS, both of which would be available to the community, at a cost of \$4,400,000. He said that students deserve these facilities so that those who do not participate in sports can take advantage of opportunities in the performing arts.

Dr. Kaniuka then addressed the timing and cost of these projects broken down as follows:

Phase 1	\$43,534,000.00
Phase 2	\$ 7,941,000.00
Phase 3	\$ 4,400,000.00

Dr. Kaniuka said the County must look at schools not only for education, but as an economic development tool as well. He said corporations look at schools as a valuable resource and if the schools are world class, it is much easier to recruit business and people.

Mr. Williams said this plan has been in the works for two years and he is pleased that it is finally being presented for action. Mr. Rivenbark asked how quickly the schools would begin construction and Dr. Kaniuka responded that after the bond referendum is approved, they would immediately (June of 2005) begin work on Burgaw Elementary School and Pender High School. He said that the new Topsail High School project would be started in early fall and would take

two years to build. He said once that is underway (within one year), they could begin work on the existing THS conversion to TMS, then the Central Topsail Elementary School. He said they would move operations as projects are complete. Mr. Rivenbark asked, and Dr. Kaniuka confirmed, that the timeline for completion would be: BES and PHS in the fall of 2006, and THS in 2008. Mr. Holland asked what the tax impact would be. Mr. Hedrick responded that it depends upon the timing and amount of debt issued. He said, based on the proposed plan, that the first year's projects would require \$29 million, which takes 7 cents per \$100 of assessed valuation, and would be levied in 2006-2007. He said the second year's projects would require 3.5 cents, followed by an additional 2 cents in the third and fourth years. Summarizing, he said it takes 12.5 cents to pay for the construction, 3.5 cents to pay for current expense and 1.7 cents to pay for construction on the performing arts centers, leaving a total of 17.6 cents per \$100 of assessed valuation. He suggested the possibility that the performing arts centers could be paid for out of the half-cent sales tax that is levied, rather than $\frac{3}{4}$ of once cent per \$100 of assessed valuation to pay for them out of the bond issue. He also suggested that the BMS and Central Office projects could be paid for out of the half cent sales tax monies, thereby removing \$2.7 million out of bond issue.

Mr. Williams asked Mr. Thurman to explain what the next step is to get this process started. Mr. Thurman said that today is the first step toward a bond referendum. He said that if the Board approves today, they would authorize staff to proceed with the application to the Local Government Commission (LGC), who must first approve this debt. He said the Board must publish a "Notice of Intent" to seek the LGC's approval. He said the LGC evaluates the finances of the County, based on the current financial status and if given a favorable review, can proceed to hold a public hearing and referendum on this matter. He said the County has been made aware of a potential problem with our election in light of the uncertainty of the outcome of the Secretary of Agriculture race. He said the State Board of Elections has advised us to proceed with our bond matter because they have no idea when or if there would be an election. Mr. Williams asked about the cost to hold this election and Mrs. Pinion confirmed that the cost would be \$13,000 to \$17,000. Mr. Rivenbark asked what the status of the existing bonds is. Mr. Hedrick credited Finance Officer Cindy Jones for preparing this information in anticipation of that question. He said Pender County has current school debt service (the School Capital Fund) in three series of bonds that were issued in 1996, 1997 and 2001 for what was done under the "Goals 2002" criteria. He said we are presently carrying \$2 million per year, which will be reduced to \$1 million in 2015 – 2016, and down to \$500,000 in 2017, and will not expire completely until 2021. He said the County also pays school debt out of the General Fund which is \$620,000 currently and will drop to \$600,000 in the year 2010 and 2011. He said in 2011 and 2012 that amount drops to \$80,000 or \$90,000, which will expire in 2015. He said the years of significant drop are 2011-2012 and 2016-2017

Mr. Rivenbark said that the New Hanover County Commissioners were recently handed a request from their Board of Education for a \$210 million bond referendum. He said it is important to note that while ONE cent of additional tax (Per \$100 of assessed valuation) brings in \$330,000 in Pender County, that same ONE cent in New Hanover generates \$1.3. Mr. Holland asked if the \$29 million cost (of the new Topsail High School) also includes desks. Dr. Kaniuka responded that furniture and facilities would be moved to the new high school from the old high school, and the middle school would bring their desks with them to their new (Old THS) school, and that current expense to purchase new desks for the elementary school are budgeted.

Mr. Meadows arrived at 3:48 p.m., and Vice Chairman Holland immediately turned the meeting back to him.

2. Presentation of Resolution Requesting Pender County to Provide Additional School Facilities in Pender County

Pender County School Board President, Kenneth Lanier read and presented two resolutions: one asking for a bond referendum in the amount of \$51,475,000 for school construction and renovation, and one for \$4,400,000 for the construction of two performing arts centers. He said both were adopted unanimously by the Board of Education and they view both matters to be equally important.

Mr. Meadows confirmed that the combined amount requested is \$56,175,000, which would amount to 17.73 cents per \$100 of assessed valuation on the tax once all debt has been issued. He asked about the costs to delay this action. Dr. Kaniuka said that if these projects were to be delayed, the building costs would increase. For Mr. Meadows benefit, Mr. Thurman reviewed the steps involved in moving forward with this potential bond referendum and said that if the Local Government Commission (LGC) does not approve this debt, the County could not have a bond referendum. He suggested the Board look at the proposed resolutions provided.

3. Resolution to Authorize an Application to Issue General Obligation Bonds to be Utilized for the Construction and Refurbishment of Schools in Pender County, NC

Mr. Hedrick provided handouts consisting of two separate resolutions of intent to proceed with two separate bond issues, paralleling the requests from the Board of Education. He said the resolutions indicate, "this consideration has included long-term and extensive discussions with the Pender County Board of Education. He said now that the County has received a request from the Board of Education, the County Commissioners need to determine if they wish to proceed to have this bond referendum on May 3, 2005, and determine the maximum amount they would ask for in the bond referendum, for the consideration of the County's voters. He said the total amount does not have to be set in stone today, and could be lowered (but not raised) here after. He suggested that if they know now that they want to remove any of the projects (fund through alternate methods) to go ahead and take them out now, to reduce the full project amount. He said the amount set here is the amount that would be advertised.

Mr. Williams said he would like to see the central office project and the BMS project paid out of the half-cent sales tax and asked Mr. Hedrick to further explain this possibility. Mr. Hedrick said that from what the County has seen in the revenue stream, the net proceeds of the half cent sales tax, in consideration of the Public School Capital Fund makes certain assumptions. He said our sales tax receipts should continue to grow at a relatively small 2 to 2.5 percent from one year to the next. He said each year the State will continue to fund the local ADM funding, as long as this continues as it has, by FY 2006-2007, could anticipate \$775,000 to \$780,000 in the Public School Capital Fund. He said at that point, they could fund the Central Office proposal at \$750,000 in that fiscal year and the money would be there on a "pay as you go" premise. Once that is used, he said the amount starts building again. By the first year the proposal for the BMS improvements would be done (in 2008-2009) it is anticipated that there would be \$1 million in that fund, which could be allocated to the BMS project in that year, and in 2009, could fund the

balance because the sales tax growth would allow for that. Mr. Williams asked if we would have to loan that fund money in the short term. Mr. Hedrick said, "It is possible that a \$100,000 to \$150,000 loan would be necessary to be able to accomplish this, but in terms of an overall fund that is likely to generate \$4 million to \$5 million, don't let that small amount of money stand in the way of adopting a construction schedule. Mr. Williams said that since both of these projects are scheduled for Phase 2, this would not affect the timeframe. Mr. Hedrick said that removing those two projects from consideration for the bond would drop the bond amount to \$48,796,000. Mr. Williams asked what that does to the tax. Mr. Hedrick said when \$2,679,000 comes out of the bond issue, assuming a 6% rate in that year, drops the debt service by \$233,567 - in a year when we considered one cent of tax to be worth \$350,000, this would reduce the tax by \$0.06. Mr. Williams asked the savings on a \$200,000 house per year, and Mr. Hedrick said \$12 in tax.

Mr. Holland asked what the cost of 17 cents would be on a \$200,000 house and Mr. Hedrick responded that it would cost \$340 more per year in taxes. Mr. Williams said that is how the public would view this. Mr. Hedrick said the Priority One Committee looked at all possible sources of revenue to reduce the bond package. Mr. Meadows asked where the half cent sales tax goes now? Mr. Hedrick said we have only had it for 1.5 years, the proceeds of which helped repay the Board of Education for mold remediation costs. Mr. Meadows said once this money is dedicated to this use, it cannot be used for other expenses. Mr. Hedrick said it commits it for roughly the next 5 years of this money and it is already dedicated to the Public School Capital Fund. Mr. Meadows asked if this is the only alternative we can have. Mr. Hedrick asked if the members of the Priority One Committee would like to speak to this issue as this was their recommendation. Mr. Williams said the biggest chunk of the project is the Topsail High Project but it makes good use of the current buildings that we have. He said they determined it is best to plan for the larger numbers now (1500 versus 1200 students) due to the growth potential in that area. Mr. Holland asked if the 1500 students projection is only good for 9 to 10 years. Dr. Kaniuka said that is a projection for discussion, and it depends on the rate of growth. He said if school population continues to increase in a linear fashion, these numbers might hold 10 to 11 years, but the growth is not consistent, it is "rapid". Dr. Kaniuka said this is a better school system than the surrounding options and people want to live here and educate their children here. He said the burden of that success is to provide for all children each year. Mr. Holland said he is concerned that in 7 to 9 years that bond will still be being paid and it is possible we would need another bond referendum. Dr. Kaniuka said we cannot predict growth out that far out, but the reality of this situation is that this needs to be done because the growth will occur. He noted that the infrastructure septic at Topsail was designed for capacities well below what they are handling and they are getting close to failures on both the TMS and THS systems. He said he might be back here in 6 months reporting a septic failure. He said that over 25 students enrolled in THS over the Christmas Holidays. Mr. Holland suggested that they should not commit the half cent sales tax for the Central Office and BMS projects, because these types of situations will continue to occur and there must be a revenue stream to address those problems at that time. Mr. Meadows asked if this is a resolution to proceed with a referendum and make no other commitment. Mr. Thurman concurred, explaining that this is the first step in getting the referendum on the ballot and setting a public hearing. He said this would then allow the voters to voice their opinion. Mr. Williams asked if the Board could just proceed with the figures as presented by the Board of Education, and reduce the amount later if that is determined to be the best process. Mr. Thurman confirmed that the amount could be lowered, but not increased.

Mr. Holland asked the Board of Education to consider adding wording in support of impact and transfer fees to help with school construction costs, and see how the people of Pender County feel about this. Ken Lanier, speaking as a taxpayer and Board of Education member, said they understand how this Board's hands are tied when the revenue streams are limited. He said as a citizen, he feels the County should have alternative revenue stream options. He said he supports other means, such as the additional one cent sales tax. He said if it is fair for one county it should be fair for all counties, and he did not think the Board of Education would try to hinder this Board from pursuing any of those options. Mr. Lanier said it is important to consider that all understand what impact/transfer/sales taxes are. Mr. Holland said he is concerned that if we raised our sales tax by 1 percent, people would go elsewhere to shop. Mr. Lanier said he believed that if Pender raised the tax, other counties would be quick to do the same. He asked Cindy Jones what these options might generate. Mrs. Jones said the last half cent sales tax (Article 44) brings in \$1,300,000. Mr. Lanier said that one full cent could then be expected to generate \$2,600,000 versus \$350,000 to the penny for property tax. He said the Board of Education would certainly support the County Commissioners in any search for additional revenue streams. Mr. Williams asked Mr. Holland if he is proposing a questionnaire on the bond referendum. Mr. Hedrick said we would have to look at how that can be done. Mr. Holland said he thinks this resolution should address the entire amount of debt the school has requested, of \$51,475,000. Mr. Hedrick read the proposed resolution entitled "*Resolution Stating Intent to Proceed with a Referendum for General Obligation School Bonds*". Mr. Hedrick asked that paragraph #5, regarding the retaining of bond counsel, be approved subject to the County Attorney's review and approval. Upon a motion made by Mr. Williams and seconded by Mr. Rivenbark, the Board unanimously approved item number 3 as follows:

***BE IT THEREFORE RESOLVED* by the Board of Commissioners of Pender County, North Carolina, as follows:**

1. The Board makes an initial determination to proceed with a referendum on May 3, 2005, for County general obligation school bonds in the maximum amount of \$51,475,000.00
2. The Board makes the following findings of fact in support of its determination:
 - a) The Board of Education has approved and recommended to the County a program for capital improvements for public schools from which the bond amount stated above is derived. The recommended program includes a description of capital improvements that the Board of Education believes are necessary and expedient for the County. The amount of bonds proposed is adequate and not excessive for the purpose of carrying out the Board of Education's recommended plan.

The County Board in this instance is deferring to the request of the Board of Education, as another elected body with particular responsibility for evaluating school capital needs, in making an initial determination as to necessary improvements and the amount of bonds to be submitted to the voters.

The Board concludes that a general obligation bond issue is the appropriate vehicle for funding a major program of school capital improvements. The County has no practical ability to generate sufficient funds for a major capital improvement program from current taxes. The

Board believes that a major capital improvement program such as recommended by the Board of Education should not be funded primarily with debt that does not call for the approval of the County's voters at a referendum.

b) The County's debt management and budgetary and fiscal management policies have been carried out consistently in accordance with the law.

c) The Board expects a maximum potential tax impact to the County of 12.46 cents per \$100 of assessed valuation to provide for principal of and interest on the bonds, and of 3.5 cents per \$100 of assessed valuation to provide for the ongoing expenses, including teacher and other personnel expenses of operating and maintaining the contemplated school facilities. These increases will be not excessive under all the circumstances if necessary to support such debt service and on-going expenses if (and only if) in fact it is the will of the voters that the bonds be authorized.

The County Board, as the entity responsible for balancing the County's various funding needs and revenue sources, will in all events work to manage the processes of issuing bonds and carrying out projects to keep the impact on the County's tax rate as low as reasonably possible. The Board also notes that the school projects eventually funded with any bond proceeds will depend on final project costs and the County's evolving needs.

3. The County Manager and the Finance Officer are authorized and directed to proceed with the proper steps toward the authorization of the referendum, including proceeding with an application to the North Carolina Local Government Commission (the "LGC") for its approval of such bonds. The Board appoints the Finance Officer as the County's authorized representative with respect to the LGC application process.

4. The Clerk to this Board is authorized and directed to publish a notice of the Board's intent to apply to the LGC for approval of the bonds. This notice must be in the form prescribed by statute and consistent with this resolution.

5. Subject to review and approval of the County Attorney, the Board appoints Sanford Holshouser LLP, as the County's bond counsel with respect to the proposed referendum and school bonds, and approves the proposal for such Firm's fee arrangements as described to this meeting.

6. All County officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified, approved and confirmed. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

3a. Resolution Stating Intent to Proceed with a Referendum for General Obligation School Bonds – Performing Arts Centers

Mr. Hedrick advised the Board that the tax impact of this referendum would be 1.7 cents per \$100 of assessed valuation to provide for principal and interest, and one tenth of one percent to provide for the ongoing operating expenses associated, on a total amount requested of \$4,400,000. Mr. Williams then made a motion to approve item 3a, pursuant to the same required

review and approval by the County Attorney of item number 5. Mr. Moore seconded this motion, and it carried by a vote of 4 to1, with Chairman Meadows voting in opposition. Item 3a was approved as follows:

***BE IT THEREFORE RESOLVED* by the Board of Commissioners of Pender County, North Carolina, as follows:**

1. The Board makes an initial determination to proceed with a referendum on May 3, 2005, for County general obligation school bonds in the maximum amount of \$4,400,000.00. Proceeds of the bonds, if approved, will be used to pay capital costs of performing arts centers at County high schools.

2. The Board makes the following findings of fact in support of its determination:

a) The Board of Education has approved and recommended to the County a program for capital improvements for public schools that includes a recommendation for the construction and funding of two performing arts centers at County high schools. The amount of bonds proposed is adequate and not excessive for carrying out the Board of Education's recommended plan.

The County Board in this instance is deferring to the request of the Board of Education, as another elected body with particular responsibility for evaluating school capital needs, in making an initial determination as to necessary improvements and the amount of bonds to be submitted to the voters.

The Board concludes that a general obligation bond issue is an appropriate vehicle for funding the construction of these performing arts centers. The Board believes that given the nature of the projects and the other capital needs of the County schools, the County's voters should be given an opportunity to consider funding for these particular projects at a referendum.

b) The County's debt management and budgetary and fiscal management policies have been carried out consistently in accordance with the law.

c) The Board expects a maximum potential tax impact to the County of 1.7 cents per \$100 of assessed valuation to provide for principal of and interest on the bonds, and of one tenth of one cent per \$100 of assessed valuation to provide for the ongoing expenses of operating and maintaining the contemplated school facilities. These increases will be not excessive under all the circumstances if necessary to support such debt service and on-going expenses if (and only if) in fact it is the will of the voters that the bonds be authorized.

The County Board, as the entity responsible for balancing the County's various funding needs and revenue sources, will in all events work to manage the processes of issuing bonds and carrying out projects to keep the impact on the County's tax rate as low as reasonably possible. The Board also notes that the school projects eventually funded with any bond proceeds will depend on final project costs and the County's evolving needs, although proceeds of these bonds will be limited to use for capital costs of performing arts centers.

3. The County Manager and the Finance Officer are authorized and directed to proceed with the proper steps toward the authorization of the referendum, including proceeding with an application to the North Carolina Local Government Commission (the "LGC") for its approval of such bonds. The Board appoints the Finance Officer as the County's authorized representative with respect to the LGC application process.

4. The Clerk to this Board is authorized and directed to publish a notice of the Board's intent to apply to the LGC for approval of the bonds. This notice must be in the form prescribed by statute and consistent with this resolution.

5. Subject to review and approval of the County Attorney, the Board appoints Sanford Holshouser LLP, as the County's bond counsel with respect to the proposed referendum and school bonds, and approves the proposal for such Firm's fee arrangements as described to this meeting.

6. All County officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified, approved and confirmed. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

The Board then took a brief break.

PUBLIC INFORMATION

1. Recognition of Don Rawls, Pender County Soil and Water Conservation District Supervisor

Commissioner Rivenbark made this presentation and stated he recently attended a State Commissioners' Association meeting at which Mr. Rawls was recognized at the State level, and was appointed as First Vice President of the North Carolina Soil & Water Conservation Committee. He said Mr. Rawls will be President of that organization next year, and he believed this was worthy of local recognition. Mr. Rawls came forward to thank Mr. Rivenbark, and said he has been traveling a great deal in this capacity.

BOARD RECOGNITIONS

On Behalf of the Board of Commissioners, Chairman Meadows presented Mr. Harold Triplett with a plaque of recognition for 9 years of dedicated service to Pender County on the event of his impending retirement on January 31, 2005. He thanked Mr. Triplett for his tireless service to Pender County.

Chairman Meadows then presented Mr. Hedrick with a plaque of recognition for 5 years of dedicated service to Pender County on the event of his resignation, effective February 1, 2005. He thanked Mr. Hedrick for his hard work and dedication to Pender County.

CONSENT AGENDA

Chairman Meadows then presented the nine items on the Consent Agenda and asked for any discussion. Upon a motion made by Mr. Rivenbark and seconded by Mr. Williams, the Board voted unanimously to approve the Consent Agenda as presented, as follows:

4. Approval of Regular Meeting Minutes: January 3, 2005
5. Resolution Approving Tax Releases and Refunds as Presented
6. Resolution Approving Re-appointment of James Faison to the Pender County Library Board
7. Resolution Approving Re-appointment of Kevin Reynolds to the Pender County Planning Board
8. Budget Ordinance Amendment to Increase Salary Monies: \$3,000
9. Budget Ordinance Amendment Increasing Revenues/Expenditures for 2004-2005: \$9,779.00
10. Budget Ordinance Amendment Increasing Revenues/Expenditures for 2004-2005: \$17,155.00
11. Budget Ordinance Amendment Increasing Revenues/Expenditures for 2004-2005: \$67,620.00
12. Budget Ordinance Amendment to Increase Programmatic Revenues and Related Expenditures: \$17,263.00

ROCKY POINT TOPSAIL WATER AND SEWER DISTRICT

13. Resolution Approving a Contract to National Waterworks to Provide Water Meters for Phase III Water Capital Project and Authorizing Purchase Order: \$83,553.00

Utilities Director, Cindy Pipkin said construction has now reached a point where it is necessary to award bids for the meters to be installed at individual homes in the Phase III project area. She reminded the Board that they authorized staff, in December of 2004, to solicit bids for the meters. She stated that National Water works was the lowest of two responding bidders and asked for approval of a purchase order to them. Mr. Hedrick said the price quoted by this vendor was so good (\$40,000 under budget), that he recommends approval to purchase up to 500 additional meters at the quoted price. Mr. Williams asked if there is a safe storage area for these meters. Mrs. Pipkin responded that they will be shipped as needed, thus no "storage" issues are involved. Mr. Holland then made a motion to approve this resolution, including authority to purchase up to 500 addition meters at the same price. Mr. Williams seconded this motion and it carried by unanimous vote of the Board. Item number 13 was approved as follows: that a contract in the amount of \$83,553.00 is approved to National Waterworks to provide electronic water meters and a purchase order is authorized. The County Manager is authorized to execute any and all documents necessary to implement the resolution. Staff is authorized to purchase up to 500 additional meters for customers under this contract.

14. Resolution to Approve Renewal of Bond Anticipation Notes for Phase III Construction Project: \$5,723,000

Cindy Jones said this action authorizes the refinancing of the previously issued bonds. She said that nine months ago, the Water District issued \$4,823,000 and shortly thereafter, issued \$8,900,000 in Bond Anticipation Notes (BANS). She said this renewal would extend the life of the BANS to November 15, 2005, which parallels the construction schedule. Upon a motion made by Mr. Holland and seconded by Mr. Rivenbark, the Board unanimously approved item number 14 as follows: That the Renewal of the Bond Anticipation Notes for Phase III of the water project is authorized and the attached resolution is approved.

Chairman Meadow reconvened the regular meeting of the Board of Commissioners

RESOLUTIONS

15. Resolution to Create a Career Ladder for the Finance Office

Mrs. Jones said this Board has previously approved career ladders for other departments and this appears to be a favorable system to promote the retention of good personnel. She said the goal is for all employees of the Finance Office to be cross trained to increase office efficiency. She said funds for this action were included in budget. Upon a motion made by Mr. Rivenbark and seconded by Mr. Holland, the Board unanimously approved item number 15 as follows: that the attached (see below) career ladder proposal for the Finance Office is approved. The Chairman/County Manager is authorized to execute any/all agreements necessary to implement this resolution.

Career Ladder for Finance Office

Current Classifications Approved

Account Clerk I/ Payroll Clerk	Pay Grade 62
Account Clerk II	Pay Grade 66
Account Clerk III	Pay Grade 68
Deputy Finance Officer	Pay Grade 72

Currently one Deputy and three clerk positions are funded.

Proposed Career Ladder

<i>JOB TITLE</i>	<i>PAY GRADE</i>	<i>QUALIFICATIONS</i>
Account Clerk I/Payroll Clerk	62	Entry Level
Account Clerk II	66	Competent in accounts receivable, accounts payable, fixed assets functions, Works independent of supervision, 2 years experience at Account Clerk I level
Account Clerk III	68	Competent in all office functions including payroll, Special Projects, Serve an absence of Deputy Finance Officer, 2 years experience at Account Clerk II level
Any Finance Office Staff	\$1000 Bonus	Obtain Certification as North Carolina Finance Officer

16. Resolution Authorizing County Staff to Submit a Grant Application for Supplemental State Assistance for Mallard Bay Dredging Project: \$40,913.56

Mr. Hedrick acknowledged the people present in the meeting room from Mallard Bay. Karen Barnhill, Community Services Director, said this is a request for supplemental funding for this project. She said bids received to complete this project were substantially over the project budget. She said they were recently able to renegotiate with the Dredging Company hired to do

the work and the revised estimate is now \$40,334.80. She said the State has already indicated they will consider this request as soon as possible in order to complete the project before April 1, 2005. Mr. Rivenbark made a motion to approve the motion as presented, which was later amended to revise the amount requested to \$40,334.80. Mr. Meadows asked if this entire amount is grant money. Mrs. Barnhill explained that Mallard Bay Dredging has raised the 20% match on their own, requiring no County money. Mr. Williams noted that the Tax Assessor would tell them these lots are worth much more with on the waterfront. Mr. Holland then seconded the amended motion, and it carried by unanimous vote of the Board. Item number 16 was approved as follows: that Staff is authorized to submit a request for supplemental funding to the State of North Carolina on behalf of Mallard Bay Dredging Project, Inc., in the amount of \$40,334.80. The Chairman/County Manager is authorized to execute any and all documents necessary to implement this resolution.

17. Resolution Approving the Offer of Stephen H and Wife Doris Carlton to Purchase Lot 439, Sect., V-B of Belvedere Plantation, Parcel # 4203-37-3704-0000 for the Amount of \$2,000.00, Subject to the Upset Bid Procedures of Pender County

Mr. Hedrick invited Tax Assessor, Harold Triplett, forward and said the history on this property is that this Board rejected offers in 1999 and again three months ago. He recalled that upon last consideration, one Board member asked Mr. Triplett if the amount being offered was, "market value", and Mr. Triplett's response was, "probably not". He recommended that if the Board is inclined in any way to reject this offer, based upon what Mr. Triplett might have to say, that they also set a minimum bid amount. Mr. Triplett said that for a long time there was no activity on this parcel. He said it is located 1,000 feet from an apartment complex recently built on Highway 17. He said that roads are plotted but not constructed, and presently one would need a four wheel drive to access this lot. He said, however, in the last few months, a developer has begun to purchase similar lots in and around the apartment complex for approximately \$5,000, however, in his opinion, it would be a while before they get to this parcel. He said this property does not perk and could not be used unless water and sewer is extended. Mr. Triplett said he feels that anything between \$3000 and \$4000 is fair. Mr. Williams said he goes by that area every day and feels the value is worth more than what is being offered here. Mr. Triplett said that as time goes on, this land will be worth more, making it an attractive investment option today. Mr. Holland suggested that the amount be set at \$4,000. Mr. Thurman clarified that such a motion would not accept any bid today, but would set the minimum bid amount that would begin the upset bid process. He confirmed that the Board would not be voting today to sell to this person for this amount of money today, and that the Board would need to approve any subsequent offer in a public forum. Mr. Holland made a motion to reject the bid on this lot, and not accept any bid lower than \$4,000. Mr. Williams seconded this motion, which carried by unanimous vote.

18. Budget Ordinance Amendment Increasing Revenues and Related Expenditures for Pender County Inspections Department: \$23,412 for the Purpose of Adding an Additional Inspector

Mr. Sutton said that if approved, this resolution would increase the Inspections staff by one person, issue a vehicle, and increase the size of the County fleet for this purpose. He said the estimated cost is \$23,000, which includes salary, benefits and fuel and maintenance costs for six months. He said building activity has increased tremendously during the past nine months and has gradually been increasing over past 3 years. He said the type of activity has changed and is

more complex, with increased values of permits issued. He said the number of inspections has increased from 356 to 420 per week this past year, however, there was no commensurate increase in Inspections Office personnel to meet that increased volume. He said that before implementing the Career Ladder this department experienced tremendous turnover, but has not become stabilized. He said they are still only left with one person who has more than 2 years experience.

Mr. Sutton said that comparisons show Pender Inspectors are handling 17 inspections per day, compared with 10.3 and 10.4 inspections per day in neighboring counties. He said Pender's growth is scattered across Highway 17 and 210 as well as the northern tier, making this spread out over a huge area. He said they now have major subdivisions backed up in the planning department, which once released, will create waves of construction permits being issued. He said that conventional home construction has increased and each substantial home would require at least ten inspections to complete. He said that increased revenue would cover the cost of this request, but it would not cut down on the workload. He said the proposal is to pull the current Code Enforcement Officer, who has been working in the capacity of Inspector, and has earned various required certifications into the Inspector position. He said they need to hire a new Code Enforcement Officer, as things are getting out of hand and people are getting discouraged with the process. He said that if we are not going to provide enforcement, we don't need a Zoning Ordinance.

Mr. Williams said the revenues are there to support this position and he hopes Mr. Sutton would ask for additional personnel at budget time. He said there no "conspiracy" to stop the growth in Pender County through the permitting and Inspections Departments. Mr. Hedrick said the decision to move the CEO into the Inspections Department was made by him and Mr. Sutton, to give temporary relief to the Inspections Department. Mr. Holland made a motion to approve this resolution as proposed, which was seconded by Mr. Rivenbark and approved by unanimous vote of the Board.

19. Resolution Authorizing Application for a Parks and Recreation Trust Fund Grant for the Hampstead Kiwanis Park – Phase II: \$800,000

Andy Hedrick and Dee Turner presented this item. Mr. Hedrick explained that this phase of the project involves a \$400,000 trust fund grant, which would be matched with \$368,450 in donated property and \$31,550 in donated cash from the Hampstead Kiwanis Club. He said this would require no expenditure of County funds. Commissioner Williams said, "There will be no finer park than this one". He said this would help with property values in the area, and commended the success of this unique partnership. Mr. Hedrick said the County initially invested \$150,000 in this project and it has grown tremendously as a "good return on investment". He said the County would have future opportunities to provide funding for this park, but for now, the Kiwanis Club is handling the match. Upon a motion made by Mr. Holland and seconded by Mr. Williams, the Board voted unanimously to approve item number 19 as follows: that authorization is approved to submit a grant application for Parks and Recreation Trust Fund grant for Hampstead Kiwanis Park-Phase II; a \$800,000 acquisition and development project. The Chairman and/or County Manager are authorized to execute any and all documentation necessary to implement this resolution.

DISCUSSION

20. Pender Memorial Park Expansion

Dee Turner, Parks and Recreation Director, gave a brief history of the development of the Pender Central Park project. She said property was purchased adjacent to the existing Pender Memorial Park, which was later determined to contain wetlands. She said those wetlands have been delineated and we have before us a proposed revised plan, which, if approved, would allow the County to proceed with permits from Army Corps of Engineers. Mr. Hedrick said this shows a solid plan to proceed with a park in the Central Pender area, and they might seek the involvement of partners, such as was able to be done with the Hampstead Kiwanis Park. Upon a motion made by Mr. Williams and seconded by Mr. Rivenbark, the Board voted unanimously to proceed with the plan as presented.

21. Retiree Health Insurance

Mr. Hedrick said that Pender County would not be "breaking new ground" to consider offering retirees health insurance under certain circumstances. He presented information from across the state showing which jurisdictions presently offer this type of benefit to retirees. He said this proposal is to offer the opportunity to purchase group insurance at group rates to those with a minimum of five years employment with Pender County. He said this might entice professionals with ten to fifteen working years remaining to come to work in Pender County. Mr. Williams made a motion to "put this into action". Mr. Hedrick suggested the motion be for approval of the resolution put before the Board on January 3, 2005. Mr. Meadows stated the coverage time would be for five years only, and Mr. Rivenbark noted this would limit the exposure time. Mr. Hedrick said the hope is that the County would have as many healthy 60-65 year olds as there are younger employees with health problems. Mr. Williams, stating this would be a good recruitment tool, made a motion to approve the resolution as presented. Mr. Hedrick noted this would not extend to spouses. Mr. Holland seconded this motion, which carried by unanimous vote of the Board. Item number 21 was approved as follows: that Article VII, Section 13, Health Insurance, is amended to include the attached (see below) amendment for the purpose of allowing qualified retirees of Pender County to pay to remain on the County's group insurance plan. The Chairman/County Manager is authorized to execute any and all documents necessary to implement the resolution.

Amendment to Article VII, Section 13, Health Insurance

Add as paragraph 5

The county may offer to "qualified" retirees the option of maintaining individual employee coverage (not employee/child, employee/spouse, or family) with the County's group health insurance plan for the cost of an individual employee coverage amount from the County's health insurance provider. In order to be designated as a "qualified retiree", one must meet all of the following criteria:

- 1) Be a minimum of 60 years of age on the date of retirement
- 2) Have worked and been covered by the county's group health insurance coverage for a minimum of five years on the date of retirement
- 3) Have at least 20 years of creditable service with the North Carolina Local Government Employee's Retirement System on the date of retirement

The premium must be paid monthly, in advance. Any missed payments shall result in cancellation of coverage. This option must be elected without a break in coverage on the

County's group health insurance plan. If option is not elected upon the date of retirement, the option will not be available in the future.

The Board of Commissioners may cancel this benefit at any time. Applicable state and federal laws will apply.

ITEMS FROM THE COUNTY MANAGER

Mr. Hedrick presented the following items of interest:

1. Pender County Cooperative Extension Monthly Report: December 2004
2. New Hanover Correctional Center Community Work Program Quarterly Report
3. Letter of Resignation from Hampstead Volunteer Fire Department Board of Directors: Nick Ferrante
4. Memo regarding staff conversation with Pender Memorial Hospital Administration regarding letter/resolution of support for Surgery Center

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman reported that Durham County lost at the trial court level on the issue of assessing impact fees. He said he does not yet know if that County would have to pay back fees already collected. He said there is no written opinion yet and he presumed their attorneys would be reviewing their options for appeal of this decision. He said he has items to discuss with the Board in closed session

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Williams said he received a letter from a person who has had a bad experience with Charter Communications, noting that the frequency of complaints to him regarding this utility have increased recently. He asked if Time Warner is eligible to enter into the Charter Communications territory. Mr. Thurman explained that Charter has a franchise, but it is non-exclusive and any other company can come in. Mr. Thurman noted that there was a time when Falcon's franchise was in jeopardy and the County considered revoking that. He said customer service is an element of the franchise agreement.

Mr. Williams said efforts are well under way to raise money to put the Topsail Pirate logo on the water tower in Hampstead. He asked this Board to confirm if there is a problem putting this logo on the tower. In order to properly take action on this matter, Chairman Meadows convened a meeting of the Directors of the Rocky Point Topsail Water and Sewer District

ROCKY POINT/TOPSAIL WATER AND SEWER DISTRICT

Mr. Williams made a motion to allow the Topsail Pirate to be placed on the water tower in Hampstead, at no additional cost to the County, which was seconded by Mr. Holland, and carried by unanimous vote of the Board of Directors.

Chairman Meadows then reconvened the regular meeting of the Board of County Commissioners.

Mr. Hedrick asked for leave to revisit an item from the County Manager. He said that there is a class at Topsail High School who takes old computers and refurbishes them to give to less fortunate folks in the community who need them. He said given the security problems with disposing of County Computers, and the small price they bring at auction, he feels that donating

them to the schools makes more sense. He asked for authorization to declare these old computers as "surplus" and to give them to the schools for this type of refurbishment. Mr. Rivenbark noted that if there are similar classes in other schools, they be shared throughout the County. Mr. Rivenbark made a motion to authorize these computers to be declared surplus for the purpose of distributing them equally around the County, to school programs that can refurbish them, only after all sensitive information has been removed. This motion was seconded by Mr. Moore, and carried by unanimous vote of the Board.

Mr. Williams asked if the County had ever nominated Mrs. Inez Bradt for the YWCA Annual "Woman of the Year" award for all of her work with Pender Pride and NC Big Sweep. Mr. Rivenbark made a motion to nominate Mrs. Bradt, which was seconded by Mr. Williams, and carried by unanimous vote of the Board.

19a. Resolution Authorizing Change to Credit Card Authorized Users

Cindy Jones presented this resolution and said this would authorize a credit card to be issued in the name of Paul Parker for County business use. Upon a motion made by Mr. Holland and seconded by Mr. Rivenbark, the Board unanimously approved item number 19a as follows: that Paul Parker is authorized on the County's credit card account to be used in the course of official county business. Andy Hedrick's name will be removed from the account. The Chairman is authorized to execute any/all documents necessary to implement this resolution.

CLOSED SESSION

At 6 p.m., Mr. Rivenbark made a motion to go into closed session pursuant to N.C.G.S. 143-318.11 (3) to preserve the attorney client privilege in a discussion including Union Rescue versus Pender County, (5) to discuss a potential real property acquisition and (6) to discuss a personnel matter. This motion was seconded by Mr. Williams, and carried by unanimous vote of the Board.

OPEN SESSION

At 7:10 p.m., Mr. Rivenbark made a motion to come out of closed session, which was seconded by Mr. Williams and carried by unanimous vote of the Board.

PUBLIC HEARINGS

23. Ordinance Adopting Road Names and Number Ranges

Pender County Addressing Coordinator, Jan Dawson, presented this item and stated there is no known opposition to the naming and numbering of these 17 roads. Mr. Thurman called one person who had signed up to speak. Harold Bielawa of 804 Bushes Avenue said that one road on the list (Turtle Hill) runs parallel to their property. He said this land is in a flood zone and he wonders what is going on in that area. Mrs. Dawson responded that this action would not affect him in any way as this is being done for a division of property intended for use as a home site for a veterinarian. She further stated that this is a recorded right of way. Mr. Williams informed Mr. Bielawa that if there is a future development, that action would come from the Planning Department. Upon a motion made by Mr. Holland and seconded by Mr. Williams, the Board unanimously approved item number 23 as follows: pursuant to General Statute 153A-239.1, hereby adopts the attached (see below) list of road names and number ranges. The Chairman and/or County Manager is authorized to execute any/all agreements necessary to implement the resolution.

<u>Road Name</u>	<u>Subdivision</u>	<u># Range</u>	<u>SR#</u>	<u>Community</u>
1. Boyce Rd	Family Division	1-299		Rocky Point
2. Caison Dr		1-279		Hampstead
3. Date Palm Ct	Island Palms	100-10 5		Hampstead
4. Fielding Terrace Ct	Island Palms	100-107		Hampstead
5. Fisher Place	Island Palms	100-106		Hampstead
6. Isle of Palms Way	Island Palms	100-104		Hampstead
7. Palms Cottage Dr	Island Palms	100-207		Hampstead
8. Duck Ct	Pelican Reef	100-106		Hampstead
9. Dunlin Ct	Pelican Reef	100-108		Hampstead
10. E Loon Ct	Pelican Reef	200-207		Hampstead
11. W Loon Ct	Pelican Reef	100-104		Hampstead
12. Whimbrel Way	Pelican Reef	100-120		Hampstead
13. Sea Turtle Ln	Olde Point	100-109		Hampstead
14. E Marney Dr	Mallard Roost	1-329		Burgaw
15. W Marney Dr	Mallard Roost	1-79		Burgaw
16. Tracy Dr	Mallard Roost	1-369		Burgaw
17. Turtle Hill Tr	Turtle Hill	1-559		Burgaw

24. Zoning Map Amendment for Michael Saylor (5.89 acres, US Hwy 117)

Planner, Stephen Carpenter, said this property is located on the east side of US Highway 117 approximately two miles south of the US Hwy 117 and NC Hwy 210 intersection, and is a request to rezone approximately 5.89 acres from R-20 (Residential) to RA (Rural Agricultural). He said staff recommends denial of this request because it is not consistent with the requisite plans. He said the surrounding properties are agricultural and no commercial use exists within a half mile. He said that a light industrial wood turning business has been in operation for many years and is nearby. He said the Planning Board recommends denial and that five members of the public spoke against this at that hearing. He said they were mainly concerned with the detriment of the residential flavor of the area.

The County Attorney called the first person signed up to speak. Mr. Thurman Casey of 9518 US 117 South said he owns land adjacent to south side of Mr. Saylor's parcel. He said that he does not object to Mr. Saylor's specific intended use, but objects to the overall array of other usages that would be eligible should this rezoning be approved. He said there are many undesirable uses that could be made available in this rezoning. He asked the Board to keep this area residential.

Wright Batson, of 9571 Hwy 117 south, said he lives four doors down from this property and was raised across the street from this property. He said the only existing business there is H&P Wood Turnings, built by his grandfather. Mr. Batson said he built his home there himself 18 years ago and his son intends to build his home there. He said they hope to enjoy peace and quiet, which is difficult to get on Highway 117 as it is. He asked the Board to deny this request and allow them to "keep the peace."

Bobby Hardy declined to speak, and Mary Tompkins said she concurred with Mr. Batson.

Mike Saylor, owner and applicant said he purchased this property in 1998 when it was zoned RA. He said he went to the Zoning Department at that time and got a determination of uses

available in the RA zone. He said he purchased his land based on that information. He said that many uses in RA zone have been removed, with most eligible uses being "mild commercial," and said that most require a Special Use Permit. He said he understands that he would still have to get a Special Use Permit if rezoning is approved. He said the land is surrounded by farmland and three houses, with one commercial tract across the street. He said he does not fault Mr. Casey for wanting to preserve this for peace and quiet and farming. He said he has the interest of the community at heart and has no plans to disturb the community. He said he tried to buy the farm to the north of him but that is very wet. He said the only place in his six acres that would perk is 90 feet from the road and unless sewer is put down, that land would have to remain as farmland. He said there has been no development on nearby land since he purchased this land. He said the Department of Transportation expects a considerable increase when commercial establishments are built at the 210 cross roads. He said that 8/10th of a mile south of him is an industrial park and north of him is a commercial horse farm and H&P Wood Turnings. He said that within another half mile is TankFab, but otherwise, Highway 117 is not devoid of commercial uses. He said that he believes tightly controlled uses along heavily traveled roads are not likely to hurt and would instead benefit the tax base and create jobs. Mr. Moore asked what he plans to do with the land. Mr. Thurman cautioned that under a request for Rezoning, the proposed use cannot be taken into account in making the decision because all uses under the new zoning category are allowable. He said this Board must consider if all possible uses are appropriate.

Howard Capps, Land Planner from Wilmington, said he has been good friends with the applicant since the third grade. Mr. Capps said he has conducted extensive work in the area in the City of Wilmington and New Hanover County. He said he did work on the Land Use Plan in 1991 which is currently being updated. He said he understood the process was to get the rezoning first and then apply for a Special Use Permit. He said that staff indicates a number of uses permitted in RA are not appropriate with residential uses, but one thing not mentioned in the staff report was the "Limited Transition" on page 65 of the Land Use Plan. He said approximately 2.25 acres along the front of this property is categorized as "limited transition", with the rear 6.4 acres being a rural classification, appropriate for residential use. He asked if it would be feasible to change the request to rezone only that 2.25 acre front parcel. Mr. Thurman said the Board can consider what it wants, but possibly consider the comments of the Planning staff and neighbors. He said that this would be a new consideration and Mr. Sutton confirmed that the 2.25 acre property line is not clearly delineated on any map. Mr. Thurman suggested allowing the Planning Board to consider that first. Mr. Capps said page 66 of the Land Use Plan identifies 400 feet back from the road right of way as being "limited transition". He suggested approval subject to a date limitation on application for the Special Use Permit.

Mr. Sutton said the two step process (Rezoning and Special Use Permit) is not unusual for many zoning jurisdictions. He said if the applicant requested a zoning designation that would allow their use, it would have been a one step process. He said there are alternatives such as a map amendment or a zoning text amendment, and stated the problem is being created by the applicant. Mr. Meadows asked if the whole lot is residential, (R20)? Mr. Sutton said that the Land Use Plan typically is not a zoning map. He said a zoning map is very specific in boundaries. He said Limited Transition does not deal so much with the type of use as with the intensity of the use. He said this area is likely to transition to a more urban or suburban area, but

they cannot draw a line where that would occur. He said it is hard to disagree that the entire corridor along I-40 and Highway 117 is not going to eventually have suburban or urban characteristics, and that some areas along these thoroughfares will develop commercially. He said that for the purposes of the Commercial uses in the Zoning Ordinance, there needs to be a "staple" to draw customers to that area, and this is one reason why staff and the Planning Board recommend denial. He said the rezoning of lands across the road was to accommodate the existing industry in case they needed to expand. He said he does not disagree that commercial uses creates jobs, but residential construction also creates jobs. He said the transition is from rural to residential, not rural to commercial. There being no further discussion, Chairman Meadows closed the public hearing at 7:44 p.m.

Mr. Williams made a motion to deny the request based on the recommendations of the Planning Board and staff. This motion died for lack of a second. Mr. Moore then made a motion to approve the rezoning request. This motion also died for lack of a second. Mr. Thurman said the Board could table the matter, but unless the Ordinance is amended, the present zoning classification remains as is. There was no motion to table the matter. Mr. Thurman said that pursuant to Board custom, the Chairman of the Board could neither make nor second a motion.

25. Special Use Permit for Borrow Pit Mining – Carlene Padgett, Janet Whitehead Owner/Applicant

Mr. Thurman swore the witnesses and Planner, Kelly Wyatt, presented this item. She said this is an application for a borrow pit mine located on the west side of Shaw Highway, approximately 0.5 miles north of Carl Meeks Road in Rock Point. She said the stated reclamation is for a pond for the owner's use. She said staff has reviewed this proposal and found that it is not inconsistent with the Land Use Plan or the 20/20 Growth Management Policies. She said borrow pit mining is allowed by special use in an RA zone. She said this applicant has another similar operation in process now, and the surrounding use is vacant land. She said the road has access to Shaw Highway, which is a state highway. She said the conditions proposed are identical to their existing permit and consistent with those proposed in other similar borrow pits. Mr. Williams asked if the applicant is in compliance on their existing permit and Ms. Wyatt answered in the affirmative.

Janet Whitehead came forward and verified for Mr. Thurman, that everything submitted in the application packet is true and correct to the best of her ability. Mr. Meadows asked Ms. Wyatt if the access road is on the applicant's property. Ms. Wyatt responded that this is a gravel private haul road located on the applicant's property. There being no further discussion, Chairman Meadows closed the public hearing at 7:53 p.m. Upon a motion made by Mr. Williams and seconded by Mr. Rivenbark, the Board unanimously approved item number 25.

The Board then took a five minute break

26. Zoning Map Amendment, Colorado Coastal Development (57.23 acres, Country Club Road).

Kelly Wyatt said this property is located on the east side of Country Club Road, approximately 0.2 miles from Mallard Bay Road in Hampstead, and is a request to rezone 57.23 acres from R-20C to PD (Planned Development). She said this is an extension of an exiting PD's, and this request is not inconsistent with the Land Use Plan or the 20/20 Growth Management Plan. She

said the Planning Board recommends approval of this request. There was no one signed up to speak. Upon a motion made by Mr. Williams and seconded by Mr. Rivenbark, the Board voted unanimously to approve this rezoning.

27. Special Use Permit for Landscaping and Other Contractors, Sweetgum Landscaping, Inc., George Smith- Applicant/Owner

Mr. Thurman directed that Ms. Wyatt remained under oath and there were no other people signed up to speak. Ms. Wyatt said that if the Board should be inclined to approve this permit, they request that the words "and Maintenance Facility" be struck from the "Action Requested". She said this project is located at 387 Sloop Point Loop Road, on the north side, and is approximately 0.4 miles east of US Highway 17. She said they plan to utilize an existing building for landscape contracting. She said this is zoned RT (Rural Transition) and this is a Special Use in that classification. She said that staff reviewed this proposal and finds no inconsistencies with the relevant plans and policies. She said the surrounding land use in is commercial on the west and residential across Sloop Point Loop Road to the south, and is located near the Hampstead Kiwanis Park. She said the proposed conditions are standard conditions for this type of use and deal primarily with driveway permits, drainage, and landscape buffers. She said that staff recommends approval. Mr. Williams made a motion to approve item number 27 with the conditions as presented, and striking the words "and Maintenance Facility" from "Action Requested" on page one of the permit. This motion was seconded by Mr. Holland and carried by unanimous vote of the Board. Board wishes to continue this meeting until Jan. 25 at 7pm.

PUBLIC COMMENT

No one came forward for public comment.

At 8:15 p.m., Chairman Meadows recessed this meeting until 7:00 p.m. on Monday, January 24, 2005. Mr. Thurman announced that the Board intends to enter into closed session at that meeting, and there may or may not be an announcement made after that closed session.

Respectfully Submitted,

Melinda Knoerzer
Deputy Clerk to the Board