

NOVEMBER 21, 2005

The Pender County Board of Commissioners met in a regular session on Monday, November 21, 2005, at the Pender County Public Assembly Room, 805 South Walker Street, Burgaw, North Carolina.

MEMBERS PRESENT: Chairman Eugene Meadows, Vice Chairman Stephen Holland, and Commissioners Bill Moore, F.D. Rivenbark and David Williams.

OTHERS PRESENT: John Bauer, County Manager, Trey Thurman, County Attorney, Melinda Knoerzer, Deputy Clerk to the Board, members of the Press and public.

CALL TO ORDER

Chairman Meadows called the meeting to order at 4:00 p.m.

INVOCATION

Mr. Meadows offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Rivenbark led the Pledge of Allegiance.

PUBLIC INFORMATION

1. Resolution Recognizing the Dr. Elisha Porter Homesite on the 130th Anniversary of the Founding of Pender County: Mr. Charles Wilson, Pender County Historical Society

Chairman Meadows read the proclamation and presented it to Mr. Wilson on behalf of the Pender County Historical Society. Mr. Wilson, who lives in Hampstead, thanked the Board for their support for this resolution. He said the Pender County Historical Society has a great interest in this site because it is a physical tie-in to the founding of Pender County, and is an area that has been left "in tact". He introduced Mrs. Everett Davis, the current owner of the property and recognized her for maintaining the property in such good condition. He introduced other Historical Society members: President June Swinson of Currie, Vice President Carey Boney of Wallace, and Mike Taylor of Burgaw. In addition, he introduced Elizabeth MacChainnigh, Graduate Student at the Savannah School of Art and Design, who conducted detailed research into the history of this site and its' residents. Mr. David McCall, a Wilmington Architect who was not present was credited with work on this project, including the rendering of the site plan/layout of the plantation home as it existed in the 1820 -1860 time frame. Ms. MacChainnigh read a brief historical account of the Porter family.

CONSENT AGENDA

Mr. Meadows presented the four (4) items on the Consent Agenda and asked for any questions or discussion. There being none, Mr. Rivenbark made a motion to approve the items as presented. Mr. Williams provided the second on the motion and the Board voted unanimously to approve the Consent Agenda as follows:

2. Resolution Approving Minutes of Regular Meeting: November 7, 2005
3. Resolution Approving Tax Refunds and Releases as Presented

4. Resolution Approving Floor Cleaning Contract and P.O. Execution: Carolina's Total Carpet & Floor Care: \$7,150
5. Budget Ordinance Amendment: General Fund: Health Department: \$27560 Increase

RESOLUTIONS

6. Resolution Approving Contract and Purchase Order: Walton Engineering: \$7,000

Mr. Bauer asked the Board to approve this resolution in order to upgrade services at the Hampstead and Rocky Point Convenience Centers. He said that Hampstead must be reconfigured into a more functional layout and Rocky Point must be redesigned to handle C&D waste. He said this work was not put out on a "bid" basis, rather staff asked a couple of firms for estimates. He said that Walton Engineering is qualified and proposed to complete this work for a reasonable fee. Upon the motion of Mr. Rivenbark and a second by Mr. Williams, the Board voted unanimously to approve item number 6 as presented.

7. Resolution Approving Purchase Order to Carolina Recording Systems, Inc. for a New Recording System for the Pender County 911 Center: \$28,635

Mr. Bauer said that the Sheriff's office requests approval of this item in order to replace the recording system at the 911 Center. He said the existing vendor was the low bidder; however the Sheriff does NOT wish to continue doing business with them because they have not provided adequate support for the current system which is breaking down. He said that Carolina Recording Systems comes highly recommended. Mr. Bauer stated that this is an eligible expense of "911 Wire and Wireless" funds. Upon the motion of Mr. Williams, second provided by Mr. Holland, and unanimous vote, the Board approved item number 7 as presented.

8. Resolution Authorizing the Creation of a NC Cash Management Account for the Purpose of Investing Bond Proceeds.

Mr. Bauer said this action would permit the opening of an account for the purposes of investing the \$35 million dollars from the bond sale (school construction) in an interest bearing account during construction. He said the County would have to "pay" the construction bills as they come in. He said this money could only be invested according to "Federal Arbitrage Rules" or else risk having to pay the IRS for "excess interest". Mr. Holland made a motion to approve this item, Mr. Williams provided a second for the motion, and the Board voted unanimously to approve item 8 as presented.

9. Resolution Establishing Tap Fees: St. Helena Wastewater Project: \$1,000

Mr. Bauer said the grant amount of \$2.8 million would not be enough to build the St. Helena project, now estimated at \$3.4 million. He said at a recent meeting at the NC Rural Center, it was noted that tap fees should be established to partially cover the cost of the installation of the facilities. He said at \$1,000 per household, for 193 households, the total revenue would be \$193,000, thus reducing the amount of money necessary to be borrowed. He said the actual cost to install the "sewer facilities" from the sewer main to the house would be in excess of \$5500. He said this is not the tap fee to be established for each project going forward. Mr. Parker attended a meeting of the St. Helena Town Board to explain this last Thursday. Upon the motion of Mr. Rivenbark, second by Mr. Moore and unanimous vote, the Board approved item number 9 as presented.

10. Budget Ordinance Amendment: St. Helena Sewer Project Budget Ordinance: \$3.4 million

Mr. Bauer outlined the three (3) sources of funding for this project as follows: NC Rural Center Grant (\$2,774,614.00), Connection Fees (\$193,000), and USDA loans (\$432,386.00) for a total of \$3.4 million. He said that costs have escalated beyond the original estimates from 2001. He stressed that these are “budget” figures and are subject to change. He said, if the project is bid and the construction amounts are much larger, a determination would have to be made at that point to proceed or not. He said this budget ordinance amendment would allow staff to set up the accounts so that the project can proceed. Upon the motion of Mr. Holland, second by Mr. Williams and unanimous vote of the Board, item number 10 was approved as presented.

11. Resolution Approving a Contract and Purchase Order; McKim & Creed Engineering Services: St. Helena Wastewater Project: \$182,000

Mr. Bauer presented this item and recommended approval of a contract with and purchase order to McKim & Creed Engineering for the design work associated with this project. Engineer, Tony Boahn was present and confirmed his firms’ understanding that they only get paid for the work they do if the funding is approved for the entire project by the NC Rural Center. Mr. Rivenbark made a motion to approve this resolution as presented. Mr. Williams provided the second on the motion, and it carried by unanimous vote of the Board.

12. Resolution approving “Local Share” Temporary Grant Match: St. Helena Wastewater Project: \$625,386

Mr. Bauer said, based on information exchanged in a meeting with the NC Rural Center, they want some assurance that this project will have funding to move forward should the costs outweigh the estimates. He said this “loan” would provide that assurance in a show of “good faith”. He said it is hoped this money would never need to be used, and there is no accompanying Budget Ordinance Amendment to move the money. He said that if it becomes necessary to use this loan money, the Board would be asked to approve that “loan” at that time. Mr. Williams made a motion to approve item number 12 as presented and Mr. Moore provided the second. The Board voted unanimously to approve item number 12 as presented.

13. Resolution to Approve 2006 Calendar of Regular Meetings of the Pender County Board of Commissioners.

Mr. Bauer presented this item and said he is proposing only one meeting in the months of July and December, both of which would be 4 p.m. and 7 p.m. meetings. Mr. Rivenbark mentioned that he understands some Counties do not schedule meetings when they know Commissioners will be out of town. He will miss one March meeting due to the NACo Legislative Conference. Upon the motion of Mr. Williams, second by Mr. Moore, and four (4) to one (1) vote (Mr. Meadows voting in opposition) the Board adopted the 2006 Schedule of meetings as proposed.

APPOINTMENTS

14. Resolution Approving Appointment of Citizens to Boards, Commissions, etc. After a brief discussion, Mr. Rivenbark made a motion to approve this resolution as presented. Mr. Williams provided a second for the motion, which carried by unanimous vote. The following appointments are made:

Board/Committee	Applicant/Current Member	Term Expiration	Replaces
ABC Board	George Mara (Current Member)*	11/0705 – 06/30/08	(To change district)
Health Board	Judy Blanchard (Current Member)	11/21/05 -01/31/09	Re-appointment
Southeastern Economic Development Commission	John (Bill) Moore (Current Member)	12/01/05 – 12/01/08	Re-appointment

15. Pender County Commissioners Boards/Committees/Commissions: Extra Curricular Service

Mr. Bauer presented the list of the various board and committees the Commissioners presently serve on and asked them to review for action on the next agenda. Mr. Williams asked to have the “Hampstead Kiwanis Park” Board added to his list of committees. He noted that since changing the meeting dates for the Pender County Partnership for Children to Tuesdays at mid-day, he has been unable to attend the meetings. on Tuesdays at mid day. He asked another Commissioner to consider swapping. Mr. Rivenbark noted that he occasionally has difficulty attending Regional Aging Advisory Committee meetings; however he does attend the Cape Fear Council of Governments meetings. The Board indicated general agreement to move forward.

DISCUSSION/WORK SESSION

16. Pender County Membership in Chambers of Commerce

Mr. Bauer stated that the County has been approached by one Chamber of Commerce soliciting a membership; however, there are three (3) County-wide. He said these are private sector organizations and asked if the Board wished to join each of the three (3). He said that presently only the Register of Deeds, Joyce Swicegood is a member of the Burgaw Chamber. Mr. Bauer said membership in these organizations would help the Board to stay in touch with the local business communities. It was agreed that staff would determine the total cost and report back to the Board.

17. Sales Assessment Ratios

Mr. Bauer said that Pender County properties are assessed on average for 75% of the actual selling price, per the “Sale Assessment Ratio Study” published by the NC Department of Revenue, Property Tax Division. He said Pender is a “fast growth” county and appreciation has far outstripped the revaluation of 2003. He said he would monitor this ratio and cautioned the Board to be “aware” of the market conditions since the last Revaluation. The Board asked for a comparison of how often surrounding Counties undertake Revaluation. Mr. Thurman noted that the lottery proceeds will be distributed based on some comparative level of tax effort.

ITEMS FROM THE COUNTY MANAGER

Mr. Bauer presented the following items of interest:

1. Pender County Financial Performance Summary – October 31, 2005
2. NCACC District Director Board Action Report
3. Rep. Justice memo regarding status of Pender County Voting Equipment
4. NCACC memo re Mental Health Reform Update with letter to DHHS Secretary Odom
5. Dr. Griffith letter to Southeastern Mental Health re: Public Restrooms

6. 11/01/05 letter from Health Board Chair, Roberta Bost, R.N.
7. 11/03/05 letter from Pender County School Superintendent
8. Letter of appreciation from Ms. Inez Bradt

In addition, Mr. Bauer noted that Senate Bill 223 provides funding for each County to pay for voting equipment to assist in meeting requirements of the Voting Rights Act.

Mr. Bauer asked the Board if they wished to purchase a “nice” artificial Christmas tree to display in the rotunda of the Courthouse during the holidays. He provided comparative pricing indicating that a twelve (12) foot high tree could be acquired in the range of \$800 to \$2000 and could be used for many years. The Board consensus was to look at exterior lighting if anything, but they had no desire to purchase an interior tree at this time.

ITEMS FROM THE COUNTY ATTORNEY

Mr. Thurman requested that the Board convene as the Directors of the Rocky Point/Topsail Water and Sewer District to discuss an agreement to obtain 0.5 acres of land for an elevated storage tank. He said the County has requested the owner to set a closing date, yet no response has been received. He said he would ask the Board to authorize exercise of the power of eminent domain because that would take less time than attempting to enforce an oral contract.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Rivenbark provided articles on employee fitness and Mental Health. He said that New Hanover Regional Medical Center is building a new mental health facility. He said with all the divestiture problems, Department of Health and Human Services Secretary Carmen Hooker Odum is attempting to make changes to the funding. He asked that Pender County send a letter in opposition to these changes.

PUBLIC COMMENT

Ron Slinkoski, a new resident of Pender County, addressed drainage problems at Morgan Cove Subdivision causing problem for residents of Old River Acres. He said he has already met with Stephen Carpenter of the Planning Department, but is being told that nothing can be done about the problem. He asked the Board to confirm for him that nothing can be done.

Dorothy Eward said she lives at Old River Acres and every time it rains hard, the runoff (from Morgan Cove) runs across her property and washes out down to the river. She said this problem began once Morgan Cove Plantation became built-out.

Bill Baker, also a resident of Old River Acres said he too has problems with drainage because there are 53 homes in Morgan Cove, and much of the water drains toward his property. It was decided that Mr. Thurman would meet with Mr. Carpenter and report back to the Board on the next evening agenda, under “Items from the County Attorney”.

Al Freimark attended a meeting of the Wilmington Metropolitan Planning Organization (MPO) last week and reported that Pender County has been officially accepted for membership. He said he had been requested by the Chairman and DOT Representative, Mr. Lanny Wilson to serve as the Pender County Representative. He said that a by-law change may be necessary to accomplish this since he is not an “elected” official of Pender County, but Mr. Wilson believed

this would not be a problem. Mr. Freimark said that if the MPO did not agree to alter their by-laws to accommodate his appointment, Commissioner Williams would be the next logical appointee.

Mr. Freimark showed maps including the proposed route of the Hampstead Bypass. He expressed concern for getting this information out to all developers. Mr. Bauer will be meeting with Mr. Kosloski (Director of the MPO) soon. Mr. Williams made a motion to send a letter to the MPO requesting that they accept our appointment of Al Freimark as the Pender County representative. Mr. Moore provided the second on the motion, and the Board unanimously approved the motion.

ROCKY POINT/TOPSAIL WATER AND SEWER DISTRICT

Chairman Meadows convened a meeting of the Board of Directors of the Rocky Point/Topsail Water and Sewer District.

Mr. Thurman asked the Board to authorize him to take the first step toward acquiring 0.5 acres of land plus access to build the elevated storage tank, by "Condemnation". Mr. Williams said that since the land is across from Lowes, the owner has been made an "offer of a lifetime". He said the County had a "gentleman's agreement" with Mr. Register. Mr. Bauer said the County has sent several letters to the property owner asking for his cooperation. He said there may be other suitable sites, however, in the interest of time, it is necessary to move ahead with this action at this time. He said they could continue to pursue the alternatives, but failure to build this tank at this time will substantially delay the entire project. Mr. Williams asked if the land owner had made a "commitment" to sell this property and Mr. Bauer responded in the affirmative. Mr. Holland made a motion to proceed with the condemnation, Mr. Williams provided the second, and the Board voted unanimously to approve the motion to condemn.

Mr. Meadows then reconvened the regular meeting of the Pender County Board of Commissioners.

CLOSED SESSION

At 5:27 Mr. Rivenbark made a motion to enter into closed session pursuant to NCGS 143-318.11 (3) to preserve the attorney client privilege. Mr. Williams provided the second and the Board unanimously approved.

OPEN SESSION

At 5:43 p.m., upon the motion of Mr. Rivenbark, second by Mr. Williams and unanimous vote, the Board came out of closed session.

7:00 PM

PUBLIC HEARINGS/SPECIAL USE PERMITS

19. Ordinance Adopting Road Names and Number Ranges

Jan Dawson, Addressing Coordinator presented this item and explained the renumbering being proposed for four (4) roads in Belvedere, all of which have been reviewed and approved by the Road Naming Committee.

Demaris Sayce of 315 Weathersbee Drive provided a handout depicting an alternate plan. She said she is an artist who has lived at this residence for 23 years and she does not wish to change her address at this time. Ms. Dawson explained that her job is to make the numbering scheme as consistent as possible across all subdivisions. Mr. Williams noted that this change is extremely important now due to enhancements in the E-911 Center. Ms. Dawson said Highway 17 is the closest entranceway to the development and is considered the “major thoroughfare”. She said all numbers must begin from Highway 17. She said the problem with Ms. Sayce’s proposal is that it does not accommodate street segments and intersections. She said it is imperative to create accurate street segments in order for the 911 mapping system to work properly. She said lot sizes have nothing to do with the numbers; rather they are measured from intersection to intersection.

Mr. Donald Sayce questioned the proximity of Gold Leaf Drive to Highway 17 versus Country Club Drive. Ms. Dawson said Gold Leaf is closer than Country Club and Highway 17 is considered the “major thoroughfare”. She said three (3) houses in total are affected on Weathersbee.

With regard to Dolphin Circle, Ms. Dawson handed out a proposal from Bob Hurry of the Belvedere Homeowners Association, requesting that the odd and even numbers be reversed (across the street) so that the 100 series of numbers could be retained. Ms. Dawson said she has no problem with this proposal. Mr. Williams made a motion to approve this item as presented, with the retention of the 100 series of numbers on Dolphin Circle. Mr. Holland provided a second on this motion and it carried by unanimous vote of the Board.

20. Special Use Permit for Auto Body Paint and Repair

Chairman Meadows opened the public hearing and Mr. Thurman swore the witnesses. Mr. Stephen Carpenter said this is a request to operate an auto body repair and paint shop on a site located behind 8584 Slocum Trail Road, at the intersection of Feltmore Road (not Carl Meeks Road as was indicated in the proposed permit). He said the applicant wants this for personal use, not commercial. It was noted that the project narrative was not included in the agenda packet. Mr. Holland questioned the necessity for a Special Use Permit if this is not for commercial use. Mr. Carpenter responded that this use is not permitted in his zoning classification and it is not considered a “home occupation”. He said this is located on a parcel adjoining the applicant’s residence. The property has been investigated for improper storage of vehicles but at present is in compliance. He said there are 8 to 12 cars back on the lot and one condition of this approval is that he must remove those vehicles. Mr. Carpenter reviewed the conditions as presented, including 1(d) which requires him to identify all adjacent existing and proposed wells. He said condition number 4 requires this be for personal use only, which is difficult to enforce; however, condition 7 requires that he may have no more than four (4) licensed vehicles on site at any one time, and storage of inoperable vehicles is prohibited in the “Rural Transition Zone”.

Karen Johnson said she owns land behind Mr. Corbett and is concerned about the hazardous materials that may be involved because she plans to put a mobile home in next to his shop. Mr. Carpenter said the minimum setback on wells is 100 ft. She has already obtained a Septic Perk permit from Environmental Health, and they are aware of her well location to Mr. Corbett’s existing three bay garage operation. The only addition to his operation is a paint shop. There being no further comments, Chairman Meadows closed the public hearing at 7:19 p.m. Mr.

Moore made a motion to approve item number 20 as presented. Mr. Rivenbark seconded this motion, and the Board unanimously approved.

21. Special Use Permit for Borrow Pit Mining.

Mr. Carpenter said this project is located on the east side of Old River Road, approximately 1.5 miles east of US Highway 117 S., Burgaw. He said the project consists of excavation of 8 acres of a 133.83-acre tract for the mining of sand. He said digging will be performed solely by excavators, and not by blasting. Proposed excavation depth is no lower than 1.1 feet below mean sea level. Overflow from settling pond will discharge through an existing 12 “drainpipe that leads to Pike Creek and ultimately to the Northeast Cape Fear River. He said the applicant plans to have three (3) employees and operate from 7:00 a.m. to 6:00 p.m. Monday through Friday. The stated reclamation purpose is a pond for personal use. Mr. Carpenter said the site has access along a 20 foot wide “haul” road from Old River Road. He said this is in compliance with the 2005 Land Use Plan and not inconsistent with the existing land use, which is primarily agriculture and forestry. He said the only unusual condition proposed (#5) requires that two (2) standard highway warning signs be placed on Old River Road for the duration of the project, indicating “Trucks Entering Highway”. In addition, he said condition #8 requires that no “disturbing” activities may take place within 100 feet of a cemetery (located on site).

Chairman Meadows opened the public hearing and Mr. Thurman swore the witnesses. Applicant, Mark Walton came forward to answer any questions for the Board. He noted that the mine pit is over 2,000 feet from the nearest residence, in the middle fields growing cotton, corn, and sea oats. Mr. Thurman confirmed with Mr. Walton that all submissions in support of his application are true and accurate. Dean Lanier, who was signed up did not wish to speak. Mr. Holland made a motion to approve item 21 as presented. Mr. Williams seconded the motion and the Board voted unanimously to approve.

22. Special Use Permit for Borrow Pit Mining

Chairman Meadows opened the public hearing. Mr. Carpenter said this project is located on the west side of Shaw Highway at the corner of Carl Meeks Road in Rocky Point. He said the project consists of the excavation of 10 acres of a 120 acre tract for the mining of sand. Digging will be performed solely by excavators and excavation is proposed to extend to a depth of no lower than approximately 18 feet below the highest adjacent grade. The access is via a 75 ft. wide “haul” road running from Shaw Highway. He said the property is classified as Rural Area, Conservation I & II and this use is not inconsistent with the 2005 Land Use Plan as long as wetlands areas are properly designated, avoided, permitted and/or mitigated. He said they have had a preliminary wetland evaluation conducted. He said the maximum mining depth shall be no more than 20 ft. since they don’t really know the elevation on the site now. All conditions to approval are standard and this applicant has other mining permits for which no violations have been presented. Although the length of time requested in the permit application was initially only seven (7) years, the Board asked applicant, Janet Whitehead if that was enough. She agreed that it was, but ten (10) years would be better. Chairman Meadows closed the public hearing at 7:30 p.m. Mr. Rivenbark motioned to approve this permit application for ten (10) years duration (condition #20). Mr. Holland provided the second on this motion and it carried by unanimous vote.

23. Special Use Permit for Sewer Treatment, Storage and Processing Facility

Mr. Carpenter clarified that this is an application for a “Sewer Treatment Storage and Processing facility” and although the initial legal notice included “water treatment” the second notice was corrected to reflect only “sewer”. He said the water source for this project is the Rocky Point/Topsail Water and Sewer District. He said this project consists of an on-site sewage facility to serve on-site homes and may have the potential to serve adjacent residential and commercial properties. He said no specific construction plans have been submitted yet therefore this is a “conceptual” approval that would permit the applicant to proceed to have more detailed plans submitted for further review. He said the project is in the general vicinity of 404 Wetlands and the Mill Creek Drainage Basin. The facility will be served by a licensed public utility operating 24 hours per day, 7 days per week. The zoning classification is R20C. He said there is no completed site plan which is generally a condition of approval; however, this is a multi-million dollar project for which they are asking for conceptual approval at this time. He said the Pender County Land Use Plan explicitly states: “Centralized sewer services shall generally avoid Areas of Environmental Concern (AEC’s) except to address existing water quality issues and based on preliminary wetland evaluations and lack of detailed site plans, the project may **not** be consistent with the 2005 Land Use Plan. He said that once the wetlands are delineated and addressed this project could be in compliance.

Mr. Carpenter stated this is the first time this Board has addressed package treatment plants and there will have more coming over the next few years. He asked that Condition #6 be changed to read as follows: “Any expansion of the treatment facility, construction or replacement of equipment and/or buildings, and any expansion of total stated capacity *for the use of Majestic Oaks Subdivision only* shall be reviewed and approved by the Planning Directors. He said the conditions imposed here are quite stringent because this is the first. Mr. Carpenter reviewed the proposed conditions. He stressed the importance of this project being “financially solvent” because the County may have to take it over in the future. In anticipation of that, he said condition number 17 requires that the system be capable of hooking to a public sewer system.

Chairman Meadows opened the public hearing and Mr. Thurman swore the witnesses. Rick von Biberstein, attorney for the applicant introduced several witnesses in support of this application; Linwood Jones, Joseph S. Hill, Jr., P.E., Edwin Andrews, Consulting Hydrogeologist and Soil Scientist, and Michael Nado, Real Estate representative. Mr. Biberstein said the Wetlands Delineation has already been done and the actual location of the plant facility will not be within 100 ft. of any wetlands. He said this project has proceeded much further than the application shows and various reports would be submitted in support of this work. He said there would be an opportunity, if the County so desires, to become involved in the ownership and operation of this facility, and noted that Brunswick County assumes the operation of the various package plants at their subdivisions. He said this is an “Urban Growth area”, and all traffic to this project would go down Factory Road, entering on Majestic Oaks Drive. He said water from this facility would be treated and reclaimed to a level fit for human “contact” such as in golf course spray applications and the retention pond for storage of this type of water is by no means a “lagoon” or “settlement pond”. He said the water generated could be used for watering lawns and green space. He said the State supervises and controls plant complaints.

Mr. Biberstein said this plant minimizes the necessity to clear lots for construction and their plan is to retain most of the normal growth on the land. He said the zoning is R20C, meaning lots

would be no less than 20,000 square feet in size. He said there is another facility is next door, serving the Hampstead Shopping Center, and engineers have determined there would be no adverse impact by either plant on the other. He said this is planned to be an upscale subdivision with a treatment facility rather than individual septic sites on site.

Mr. Andrews, the Hydrogeologist said this is not simply a wastewater disposal project, rather it is a water management project permitting water reuse. He estimated this reuse could save the County twenty percent (20%) of the water used. He said this project is very expensive and complicated and it is this is the next generation in wastewater treatment. He provided a handout entitled "Soils and Hydrogeologic Site Analysis of Water Reuse of Reclaimed Water" prepared for the Division of Water Quality (DWQ). He said this project creates a "commodity" and said the City of Cary sells "reuse" water at \$2.75 per thousand gallons, while they sell drinking water at \$3.75 per thousand gallons. He said the storage pond would be approximately 2 acres in size and would hold 1,600,000 gallons of reuse water. Mr. Andrews said this process would take 2 to 3 months to go through the approval process with DWQ. He said this project is designed to handle the water flow for the 8th and 10th wettest years and an overflow of the pond would not cause fish kills because there is no nitrogen remaining in the water stored in the pond. He addressed plant redundancies that assure proper functionality. He said the facility is designed to handle 60,000 gallons per day of capacity and 57,000 would be required for the fully built-out development.

Mr. Joey Hill said his report is included in Mr. Andrews, and explained how the plant would work. He said this project includes: collection sewers, wastewater treatment plant and spray irrigation. He said the collection sewers would consist of 8 inch PVC pipes, duplicate pumps and standby generators at each lift station and at the treatment plant, all of which are required by the Department of Environment and Natural Resources (DENR). He said there is a telephone auto-dialer at each pump station that dials a preset number to report trouble. He said the treatment plant itself would be built in a ventilated building to reduce noise concerns and would be fenced in, per DENR and County requirements. He said all components are installed in duplicate and the flow can be split into two (2) areas for short periods of time if necessary. He said they will have facilities on site to deal with odors, however since the materials would continually move through the pump station and not be allow it to stagnate, odors should not be a problem. He said this facility would be owned and operated by Carolina Water Service, unless the County wants to take it over. He said they would require 57,000 gallons per the permit; however, there is room for expansion and it would take up less than ¼ acre. He said 135 homes are planned and this subdivision has preliminary plan approval from the Planning Board.

Mr. Holland said there is potential for upwards of 250 new children to reside in this development and asked if they would help address the increased costs of educating these children. (This point was addressed later in the presentation).

Mr. Hill stated that the effluent could be used for fire fighting and they would work with the local fire department to establish a dry connection. In addition, they would have access to the pond, located near the treatment facility. Mr. Thurman verified with Mr. Hill that the sewage treatment plant drawing submitted in agenda packet is not to scale. Mr. Biberstein stated that they have all reviewed the conditions proposed by the Planning Department and they have no problem with any of them.

Linwood Jones of Southwinds Surveying and Mapping said he did the surveying and land planning and since early in the project, they have been concerned with access. He said Dan Owen Drive, which would be an alternate access way is a private easement of only 30 feet in width. He said the DOT requires 45 feet for normal right of way, and they were not able to negotiate any type of sale necessary to obtain this access. He said they have met with the Deerfield Homeowners Association and there will be a 20 foot natural buffer between the two developments. He said they would, during construction, barricade the entrance of Majestic Oaks at Overlook and Great Oaks Drives to prevent trucks from entering any way other than through Factory Road. He provided copies of the restrictive covenants and artist renderings of the entranceway designs. He said during construction they would do minimal clearing to maintain the natural woods. He said that for the entranceway and access issues to Highway 17, they are at the mercy of NC DOT, and nothing would be built until they approve. He said his goal is to build his own home there and he wants to “do this right”.

Mr. Biberstein offered the following documents as evidence:

- Report from Mr. Andrews “Soils and Hydrogeological Site Analysis”
- Narrative description from Mr. Hill
- Printout and Blowup of entryway plan
- Map of the subdivision showing lots prepared by Southwind,
- Buffer and barricade maps,
- Restrictive covenants,
- Letter addressed to Mr. Don Miller, Developer from Carl Daniel of Carolina Water Service Inc., agreeing to take over the system (Mr. Thurman disallowed this since testimony was previously offered on this matter).

Mr. Biberstein reviewed Section 15.3 of the Zoning Ordinance to highlight the criteria for approval and indicating that this use is not at odds with any requirements. He then addressed Mr. Holland’s concern about schools indicated that the developers have volunteered to donate \$1,000 per lot sold to help defray the initial cost of these children in the school system. He said they are aware that this is a problem that needs to be addressed and believe this is a beginning solution. The Board then took a five (5) minute break.

Dr. Kevin Reese said that septic systems work well in this area. He said he owns land by the waterway and is concerned with health and safety. He said New Hanover County has promoted similar development and as a result, has polluted waters that cannot harvest oysters. He made reference to recent sewage spills into Whiskey Creek in New Hanover County and said similar spills from the proposed site would flow into our wetlands. He was concerned that he did not hear concrete terminology from the builders and developers about the construction of this facility. He said the number of homes should be decreased and the lot sizes should be increased. He said there should be no big sewer plant on the coast, near wetlands, and he does not want this in his backyard.

Donald Robinson, President of Deerfield said they are concerned about traffic density and the increase through Deerfield on Overlook Drive, which connects with Headwaters Drive, a connector with Highway 17. He guessed that 50% of the new residents would use Factory Road and the remaining 50% would use Headwaters Drive to access Highway 17. He said that

Overlook and Headwaters connect in a non-conventional intersection, and he understands that NCDOT will make sure the appropriate access is required.

Michael Hewitt, resident of Deerfield said he is concerned that this facility may create a nuisance or hazard. He said this pond would store water that is not fit to drink and he is concerned that runoff would go directly into Mill Creek Pond. He asked what happens to water that runs off the pavement. He asked who would be responsible if there were a disastrous event resulting in fish kills. He asked if they could be required to post a bond to compensate owners who may be damaged by runoff. He said that access via Dan Owens Drive should be pursued. Mr. Thurman advised that this Board could not require one property owner to acquire another person's land, and therefore set a condition that is impossible for them to meet.

Sylvia Hewitt said there are two (2) traffic lights presently, at Dan Owens and Headwaters, but it is unlikely that DOT would permit a third light at Factory Road. Mr. Williams said the County subdivision rules require that the roads be built to NC DOT standards and Dan Owens Road is already too narrow. Ms. Hewitt said this would create a dangerous traffic situation particularly with school children entering and exiting the areas.

Don Ellson of Pender Watch and Conservancy said he has met with Mr. Jones and is impressed with their environmental safeguards in the design. He said; however, some of the land is classified as Conservation and the Planning Department review indicates this may **not** be consistent. He said he hopes this can be resolved prior to this Board approving this facility. He said a full development of this subdivision would create runoff problems from 146 (original estimate of number of home) roofs, driveways, patios, etc. He said that polluted runoff would go to Mill Creek, which is "Outstanding Resource Waters" (ORW) and into the waterway, adversely impacting birds, fish, shellfish, etc. He asked the Board to reject this due to storm water runoff problems, but if approved, limit the use of the facility only to the "Majestic Oaks" subdivision. Mr. Williams clarified that Mr. Biberstein addressed the issues not in conformity, and the project does not impinge upon wetlands. Mr. Carpenter further clarified, the Land Use Plan states "Centralized sewer service shall avoid AEC's", but the problem is; there is no "AEC" map. He said that would need to be delineated and confirmed by the Army Corps of Engineers.

Jim Milne, resident of Washington Acres said he is the owner of the land on Dan Owen Drive. He said that nearby Hampstead Pines has experienced storms and has had no problems. He said the access issue via Dan Owen Drive can be solved between himself and another neighbor, allowing an additional 15 feet, as well as the cooperation of a third owner. Mr. Williams said that ingress and egress is his concern and suggested giving them time to work out this matter. Mr. Thurman advised that if property is being made available, the County could require a "paved access area", but cannot force them to buy someone else's land. Mr. Biberstein clarified that the Planning Board has already approved this subdivision as having adequate ingress and egress, and the access under debate here today is merely for the package plant. Mr. Thurman said the Planning Board **must** approve a subdivision if it meets specific criteria, but the Special Use Permit is in no way limited to meeting the "bare minimum". Mr. Carpenter said that there are no traffic study requirements in the County Subdivision Ordinance, and since this is on a public road that would be determined by the DOT.

Mike Nadeau of Creative Properties, representing the Wier property provided a map and gave a history of property. He said this project complies with all elements as required in the Zoning Ordinance and requested approval.

Mr. Biberstein said access via Dan Owens Drive would be the main preference of Mr. Jones, and they will try to make that happen, however that has no bearing on the access to the Sewage Treatment Plan. Mr. Thurman cautioned that the plant is not a “stand-alone” entity and he believes the Board has the right to consider all facets of this project.

Dr. Reese said that development of even a “small sliver” of property would have a profound impact on those who live there and asked for a full site plan to be reviewed.

Mr. Hewitt said it is not just the sewage facility, but the entire development. He said the issue of runoff has not been clarified. He said Deerfield consists of 210 homes, most of which are on one (1) or two (2) acres.

Mr. Andrews responded that there would be no runoff from the pond. He said one problem with development is the clear-cutting of the trees and they propose to would leave the trees. He said they can still develop at R20 on this site without removing the majority of trees. With regard to the pond, he said that a 15-inch rain event would raise the water table over 6 feet. He said traditional septic systems water levels are also raised between 4 and 6 feet following the same event. He said they have planned for capacity in the pond for 2 feet above a major rain event. He said this equates to 2 or 3 rain events per year of 10 inches or more. Mr. Meadows noted that the sewage lines that burst in New Hanover County were old and the technology is much improved.

Dr. Reese said the system they are proposing is maxed out if they need 57,000 of 60,000 gallons per day of availability. He said this will not promote a safe environment for kids to swim in. Mr. Hewitt said the water in the pond is not safe until it is sprayed on the ground, but the runoff contains viruses and diseases. There being no further comments, Chairman Meadows closed the public hearing at 9:32 pm. It was noted that Division of Water Quality would have the final approval of this facility. Mr. Moore made a motion to approve as presented. Mr. Rivenbark provided the second on the motion, and the Board voted 4 to 1 to approve. Mr. Williams voted in opposition, stating this was only due to the access matter.

DISCUSSION/WORK SESSION

24. Village Overlay Districts and Corridor Plans

Planning Director, Frank Palmer proposed a study and plan formulation to determine the feasibility of creating one or more separate “Village Overlay Districts” to encourage “community development” in within similar areas. He said Overlay Districts are a good way to begin looking at neighborhoods as a whole, not just one subdivision at a time. He said the Village Overlay District would give us a plan to go by in development from the New Hanover to the Onslow County line, along Highway 17. In addition, he said Highway Corridor Plans would target the future growth areas. One example of a benefit to having these districts and plans is how the NC DOT looks at development. He said they would be more apt to conduct traffic studies if the County could present them with multiple subdivisions in the same area, rather than one at a time. He said the Overlay District requires another layer of zoning requirements, particular to that

“community”. Mr. Bauer said he requested that Mr. Palmer undertake this effort and Board agreement at this point would merely authorize the staff time expenditure. Mr. Palmer said he is planning to utilize interns from UNCW and expects this may take about one (1) year. The Board consensus was to approve moving forward with developing these plans.

Since there was no further business to come before the Board, Chairman Meadows adjourned the meeting at 9:48 p.m.

Respectfully Submitted,

Melinda Knoerzer
Deputy Clerk to the Board

Reviewed By:

John Bauer
Clerk to the Board

Planning Matters:

Frank Palmer
Planning Director