MINUTES
Board of County Commissioners Meeting
Monday, April 17, 2023 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: Fred McCoy
Jacqueline A. Newton
Jerry Groves
Wendy Fletcher-Hardee
Brad George

MEMBERS ABSENT:

OTHERS PRESENT: David Andrews, County Manager
Trey Thurman, County Attorney
April Radford, Interim Clerk to the Board
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER

1.1 Call to Order

Chair Newton called the meeting to order at 4 pm.

2 INVOCATION

2.1 Invocation

Commissioner Groves gave the Invocation.

3 PLEDGE OF ALLEGIANCE

3.1 Pledge of Allegiance

Vice-Chair Hardee led the Pledge of Allegiance.

3.2 Chair Newton recognized Veterans.

3.3 Excuse Commissioner George

Chair Newton asked if Commissioner McCoy had a motion.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Commissioner McCoy motioned to excuse Commissioner George to be late to the meeting due to travel, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

4 ADOPTION OF AGENDA

4.1 Adoption of agenda

Moved by Fred McCoy, seconded by Jerry Groves

Motion to approve agenda by Commissioner McCoy, seconded by Commissioner Groves.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

4.2 Removal of item 7.1

Chair Newton notated that item 7.1 in the consent agenda needs to be pulled from the agenda for review at the next meeting.

Moved by Wendy Fletcher-Hardee, seconded by Jerry Groves

Motion by Vice-Chair Hardee to approve consent agenda with the removal of item 7.1, seconded by Commissioner Groves.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

5 PUBLIC INFORMATION

5.1 Public Information

Presentation by Gage King - Airport Manager, Town of Wallace.

Mr. King presented economic impact report on Henderson Field Airport in Wallace. Automated Weather Operation Station and been completed. The Completion will increase flights in and out of the airport. The airport is in the process of expanding. The expansion is 100% funded. Expanding the runway to 5,500' to allow larger planes to land at the airport. Projected completion date is 2026. Total estimated cost of expansion is $18,425,000. The airport board recommends changing the airport name from Henderson Field Airport to Wallace - Pender Airport to make the airport more recognizable to the area.

No action required.

5.2 Proclamation - Resilient and Thriving Community Week

Ms. Read presented a request for a proclamation for Resilient and Thriving Community Week from the Pender County Resiliency Task Force. The task force provides education, awareness, training, and support about adverse childhood experiences and resiliency. The Task Force is requesting the Board proclaim April 29 - May 5 as Resilient and Thriving Community Week.

Chair Newton read the Proclamation for the record.

Moved by Wendy Fletcher-Hardee, seconded by Fred McCoy

Motion by Vice-Chair Hardee to Proclaim April 29 - May 5 Resilient and Thriving Community Week, seconded by Commissioner McCoy.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

5.3 Proclamation - Sexual Assault Awareness Month

Ms. Garcia with the Rape Crisis Center at Coastal Horizons gave statistics on sexual violence and how to present sexual abuse. Ms. Garcia requested the Board proclaim the month of April Sexual Assault Awareness Month in Pender County.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion by Commissioner McCoy to proclaim the month of April as Sexual Assault Awareness Month in Pender County.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

6 PUBLIC COMMENT FOR AGENDA ITEMS ONLY

6.1 Public Comment for Agenda items only

No one signed up for Public Comment of Agenda Items.

7 CONSENT AGENDA

7.1 Approval of March and April 3 Minutes

7.2 Approval of 3 year Renewal for Indirect Cost Allocation Plan

7.3 Approval of BOA for DSS Trust Account Deposits and Disbursements

7.4 Approval of BOA for Governor's Crime Commission rollover grant

7.5 Approval of a Purchase Order to SHI for Microsoft Enterprise Licensing Annual Renewal in the amount of $172,609.50.

7.6 Approval of a Purchase Order to SHI for Microsoft Enterprise Licensing Enrollment in the amount of $23,159.07.

7.7 Request Approval of a Budget Ordinance Amendment for Juvenile Crime Prevention Council Funds

7.8 Consent Agenda Approval

Chair Newton notated that item 7.1 from the Consent Agenda need to be removed for approval at a later meeting.

Moved by Wendy Fletcher-Hardee, seconded by Jerry Groves

Motion by Vice-Chair Hardee to approve the Consent Agenda with the removal of item 7.1, seconded by Commissioner Groves.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

8 APPROVALS AND RESOLUTIONS

8.1 Request for Approval to Receive Grant Funding for Travel to all-day Workshop for Library Staff

Mr. Phillips-Bell requested the Board approve accepting $4,000 in grant funding for training of library staff in Raleigh on May 2, 2023. There were no questions.

Moved by Jerry Groves, seconded by Fred McCoy

Motion by Commissioner Groves to approval to receive grant funds for travel to all-day workshop for Library staff, seconded by Commissioner McCoy.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

8.2 Farm Service Agency (USDA) Lease for Agriculture Building

Mr. Vann presented the Farm Service Agency (USDA) Lease for Agriculture Building. The USDA agreed to pay $40,000 more and to pay for improvements of the facility.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion by Commissioner McCoy to approve Farm Service Agency (USDA) lease for Agriculture building, seconded by Vice-Chair Hardee.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

8.3 Approval of Purchase Order to Replace Truck #4013 for PCU

Mr. Proctor requested to use $50,300 of budgeted money from capital expense to purchase a new F150 pickup truck to replace a 2013 truck with 190,000+ miles. State contracting pricing is not available to purchase truck. Will have to find a truck on a lot and negotiation with dealership with trucks on the ground. Mr. Devon also addressed the board to explain why state contracting is not available.

Moved by Wendy Fletcher-Hardee, seconded by Jerry Groves

Motion by Vice-Chair Hardee to approve request to use budgeted money to purchase replacement F150 pickup truck, seconded by Commissioner Groves.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

8.4 Approval of Budget Ordinance Amendment, Associated Purchase Order, and Resolution of Tentative Award to Military and Federal Construction Company for the Wastewater Plant Berm project for $574,602, Subject to EDA Approval

Mr. Keel presented to the board bids for the wastewater projects. Due to flooding from Hurricane Florence improvements are needed. Project to address flooding and power issues at the plant. The county received and economic development grant to pay 75% of the cost for the project. The project is about 19% over the estimated cost from two years prior. Mr. Keel requested $27,916 to begin the project.

Mr. Keel requested the board approve the resolution of tentative award to Military and Federal Construction Company the associated purchase order and budget ordinance amendment for $27,916 from the water enterprise fund balance.

Mr. Keel addressed questions.

Moved by Wendy Fletcher-Hardee, seconded by Jerry Groves

Motion by Vice-Chair Hardee to approve the 25% ($27,916) requested, seconded by Commissioner Groves.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			

Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

8.5 Approval of Renewal for NCACC Risk Pool Insurance Coverage for Property & Liability and Worker's Compensation

Ms. Blue requested approval of renewal for the NCACC Risk Pool Insurance Coverage for Liability and Property and Worker's Compensation. Ms. Blue stated she has RFP's ready to go if the board does not approve the renewal. Workers Comp lower by 7% and L&P up 28.5%. The insurance industry across the board has significant increases. Ms. Blue addressed questions.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion by Commissioner McCoy to approve renewal of NCACC policy, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

9 DISCUSSION

9.1 Discussion

There was no discussion.

10 APPOINTMENTS

10.1 Board liaison appointment

Ms. Radford informed the board that Commissioner McCoy's seat on the Cape Fear RPO has expired and requested the board reappoint Commissioner McCoy to the seat.

Moved by Jerry Groves, seconded by Wendy Fletcher-Hardee

Motion by Commissioner Groves to reappoint Commissioner McCoy to the Cape Fear RPO, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

11 MAPLE HILL WATER AND SEWER DISTRICT

11.1 Maple Hill Water and Sewer District

There was nothing from Maple Hill Water and Sewer District.

12 ROCKY POINT WATER AND SEWER DISTRICT

12.1 Approval of Utility Easement to Piedmont Natural Gas for Service to Hampstead Tank Well

Mr. Keel requested approval of an easement for Piedmont Natural Gas in association of the tank and well at the Hampstead site. In order for PNG to lay the lines for the natural gas emergency generator at the well they PNG needs access to the property through an easement.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion by Commissioner McCoy to approve item 12.1, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			

Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

13 SCOTTS HILL WATER AND SEWER DISTRICT

13.1 Scotts Hill Water and Sewer District

There was nothing from Scotts Hill Water and Sewer District.

14 MOORES CREEK WATER AND SEWER DISTRICT

14.1 Moores Creek Water and Sewer District

There was nothing from Moores Creek Water and Sewer District.

15 CENTRAL PENDER WATER AND SEWER DISTRICT

15.1 Central Pender Water and Sewer District

There was nothing from Central Pender Water and Sewer District.

16 PENDER COUNTY BOARD OF HEALTH

16.1 Pender County Board of Health

There was nothing from Pender County Board of Health.

17 SOCIAL SERVICES BOARD

17.1 Social Service Board

There was nothing from Social Service Board.

18 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

18.1 Items from the County Attorney, County Manager, Assistant County Manager, & County Commissioners

Mr. Andrews informed the board Pender County has hired a clerk to the board, Lex Stanfield will start May 1, 2023 and thanked Mr. Vann for all his hard work in securing the USDA lease.
Mr. Vann had no comments.

Commissioner McCoy informed the board he attended a dedication ceremony center for leadership development.

Vice-Chair Hardee had no comments.

Commissioner Groves mentioned he was following an article in the paper. After discussion with Chair Newton the discussion was tabled for possible future discussion.

Chair Newton Lower Cape Fear Water and Sewer Senate bill 673 proposing to increase the amount of surface water rivers that can be transferred from rivers basins to another without obtaining a transfer permit. It would increase from 2 million gallon per day to 5 million gallon per day without a permit, no regulation or oversight.

19 PUBLIC COMMENT

19.1 Public Comment

Mike Taylor form the Pender County Museum/historical society thanked the board for $5,000 appropriation this year. Mr. Taylor asked the board to consider an additional funds of $25,000 for repairs on the 1912 historic building in their upcoming budget. Repairs to include failing floor joist and gutters. Per Chair Newton's request Mr. Taylor gave a brief history on the historic home that houses the museum.

Kim Meyer from Scotts Hill invited the board of commissioners, planning board, and parks & recreation to the Scotts Hill mini town hall on April 24th or April 25th at 10:30 am for a tour of the land that is planned for development by Mongo Homes. There are 15-20 citizens. Mr. Thurman informed the board if 3 or more attended the meeting would make it a public meeting therefore it would require proper advertisement.

Jennifer Mackenzie from Scotts Hill Community Prevention Group, savescottshill.org. The group has started a series of news releases about their purpose to save the woodlands in Scotts Hill. They would appreciate input from the board. She asked if 2 commissioners could attend a mini-town hall to keep the meeting small, keep the exchange of information positive, and not have to advertise the meeting.

Carolyn Lewis, Executive Director of Popular Grove Planation gave a brief history on the Popular Grove Plantation and the area surrounding the planation. She informed the board that all parties involved in the Abby Nature Preserve was in the Coastal Land Trust due to is being petitioned and advertised to be apart of the land trust. She asked for the commissioners support in forming a "Historic Preservation of Scotts Hill" group.

Jerry Clewis from Rocky Point asked the board on guidance to handle nuisance renters in the county. He has called law enforcement, but nothing has been done. Issues included open drug use, dusting people and property with dirt bikes, and firing weapons.

20 CLOSED SESSION (IF APPLICABLE).

20.1 Closed Session

Mr. Thurman requested to go into closed session as per NCGS 143-318 (3) attorney client privilege including Coastal Pines vs. Pender County, (4) economic development, and (5) acquisition of real property.

Motion by Commissioner McCoy to go into closed session.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George				x
	4	0	0	1

CARRIED.

21 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

21.1 REZONE 2022-41: Zoning Map Amendment request for three tracts of land from RP, Residential Performance to RM, Residential Mixed within the Topsail Township

Mr. Brantley presented rezoning case 2022-41. Applicant, Wade J Pudwill with WithersRavenel on behalf of Hoover Road Investments, LLC (owner) is requesting the approval of a zoning map amendment to rezone three (3) tracts of land, totaling approximately 72.1 acres from Residential Performance zoning district to Residential Mixed zoning district. Properties are located on the east side of Hoover Road, across from Tim Moore Drive, in the Topsail Township, Pender County.

The board suggested the road study should not be used due to the fact it was done during COVID when most people were not traveling the roads during peak hours. They also suggested concern for safety and congestion due to excessive traffic.

Mr. Brantley addressed questions from the board.

Sam Franck, attorney representing the land owner and developer informed the board the owner was present if they wished to speak directly to him at any time during his presentation. Mr. Frank presented to the board and addressed the concern for the road study. The last NCDOT road study before COVID (2019) had 3,500 vehicles per-day, slightly less than 2020 and still well below 30% max capacity.

The owner and developer of the property is also the developer and Owner of Sparrows Bend. Property does not currently have a collector street.

Initial phase is planned to start sometime in 2026 with the second phase to be completed sometime in the second quarter in 2027. If all goes as planned the entire plan would be completed shortly after the bypass is completed. The Pender County Planning staff and Planning Board have properly vetted the plan and recommend the commissioners approve the change to the zoning map. The rezoning is consistent with the countys comprehensive plan.

There were no questions from the board.

Lori Jean Loukonen, resident of Sparrows Bend addressed safety concern due to increased traffic with feeder streets going through the neighborhood. Ms. Loukonen expressed concerned that Thrush Trail would become a feeder street. Ms. Loukonen reminded the commissioners they just approved the Resilient and Thriving Community Week Proclamation and of strengthening communities. Ms. Loukonen requested the commissioners not allow Thrust Trail in Sparrows Bend to become a feeder street. Ms. Loukonen suggested that the developers aren't being realistic when stating the time frame, she believed they would start sooner than 2026.

Mr. Franck addressed Ms. Lori Jean's comments. They hope to have two (2) or three (3) feeder streets, but Thrush Trail is not part of the plan. He clarified their hopes for the time frame for the project being that phase one completed sometime in 2026 and the second phase will be completed sometime in the second quarter of 2027.

There were no more questions or comments from the commissioners.

Moved by Jerry Groves, seconded by Wendy Fletcher-Hardee

Motion by Commission McCoy to approve the rezone 2022-41: Zoning Map Amendment request for three tracts of land from RP to RM within the Topsail Township, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George		x		
	4	1	0	0

CARRIED.

21.2 REZONE 2023-46: Zoning Map Amendment of one parcel in the Topsail Township from RP, Residential Performance to GB, General Business

Mr. Adams presented the REZONE 2023-46: Zoning Map Amendment of one parcel in the Topsail Township from RP, Residential Performance to GB, General Business.

Case 2023-46 is a general use rezoning case similar to the first case this evening, a zoning map amendment. The applicant and owner is Mr. Michael Nadeau. The property is 0.27 acers of land within a 2.27 acer tract. Mr. Nadeau is requesting a portion of the property be rezoned to make the entire track of property consistent.

Per the map presented you are able to see the majority of the property is zoned for GB, General Business, with a small portion of the property zoned as RP, Residential Performance. No site specific use development plan was submitted with the application. If the board approves this zoning map amendment request the property could be built "by-right", meaning it would not have to come back before this board for approval based on all the allowable uses within the GB district.

Mr. Adams presented the General Business Land Use Categories. The only residential use by right is an "Upper Story Residential" use. There are 83 uses by-right and 15 uses w/SUP for Commercial Uses. Setback for the property is; front = 25', side = 10', rear = 10', corner = 12', maximum height = 40', and structure separation = 20'. There is more volume than capacity on the stretch of road on US HWY 17, the volume exceeds the capacity on this portion of the road. The data provided is from NCDOT Average Annual Daily Traffic (AADT); WMPO Roadway Capacities from 2021.

Mr. Adams presented the Pender County Comprehensive Land Use Plan to show the property being requested to change falls within two future land use categories; Neighborhood Mixed Use and Medium Density Residential. The Neighborhood Mixed Use future land use category is designed to allow for the transition between higher density commercial uses or more intense commercial uses in neighborhood scale development. Based on this the staff found the proposal as well as surrounding uses in the rezoning to be consistent with the future LUP. The Planning Board unanimously recommended approving the rezoning at the March 7, 2023 meeting. The staff is recommending the approval of the rezoning request.

Mr. Nadeau presented to the board a one slide presentation to explain the purpose of his rezoning request.

Chair Newton asked Mr. Nadeau what he was going to do with the property. Mr. Nadeau plans to build two buildings. The larger building will be occupied by a Veteran owned company in Onslow County. The project is depending on the approval of the board.

Mr. Melvin London, Jr. addressed the board to let them know he is the future neighbor of the property. Mr. London has lived at that address for twenty-two years and supports of Mr. Nadeau's project.

There was no discussion.

Moved by Wendy Fletcher-Hardee, seconded by Fred McCoy

Motion by Vice-Chair Hardee to approve the REZONE 2023-46: Zoning Map Amendment of one parcel in the Topsail Township from RP, Residential Performance to GB, General Business, seconded by Commissioner McCoy.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

21.3 SUP 2023-42: Special Use Permit request for Real Estate and Rental and Leasing use in the Topsail Township

Mr. Trey Therman informed the board the next two items on the agenda are Special Use Permits and swore in all parties involved.

Mr. Feldman presented SUP 2023-42 (PIN: 4236-31-2974-0000) Special Use Permit request for Real Estate and Rental and Leasing use in the Topsail Township. Applicant and owner, Mr. Hugh A. Canady is requesting the approval of a Special Use Permit that would allow for the construction of two mini storage buildings under the NAICS Code 53, Real Estate and Rental Leasing. The use is proposed on approximately 2 acers within the RP, Residential Performance zoning district.

Mr. Feldman presented the zoning map with the area of the subject property outlined in blue. The majority of the surrounding property is zoned as RP, Residential Performance. Mr. Feldman gave a brief general description of the area to help familiarize the board of where the property is located. The property is located just over 1/2 mile south of the Onslow County line. Mr. Feldman presented an aerial map of the property to point out three existing structures on the property; one is a doublewide trailer, a single family residence closest to HWY 50, and one existing grandfathered nonconforming use, which is a mechanic. The applicant stated that all of the structures would be removed should the board approve the SUP for the mini storage units.

Mr. Feldman presented the site plan for the property to the board. Building A would be approximately 15,000 sq. ft., containing roughly 120 storage unites, Building B would be approximately 10,500 sq. ft., containing roughly 105 storage units. The applicate has stated they will be a mix of climate controlled and non-climate controlled units, roughly a 50/50 split. Hours of operation where not specified on the application. They did note within the narrative that the hours of operation would be during the day time.

Mr. Feldman presented the Future Land Use Plan. The subject property is designated as Medium Density Residential, which for this specific use is not supportive of, however, in this area immediately adjacent to the subject property within the Town of Surf City there are two commercial uses in operation. Mr. Feldman stated he believed the others were mechanic operations, some sort of commercial and industrial blend. Directly across the street from subject property there is a similar indoor storage facility in operation. The proposal was not found to be consistent with the Future LUP, but Mr. Feldman pointed out that there is a policy that supports the request, which would be Commercial Development, policy 5.1K where the county does support commercial development in areas that it would be compatible in. Chair Newton asked Mr. Feldman if he felt the use would be compatible and Mr. Feldman said he did, because when driving to the subject property it does feel commercial in nature, he also noted as part of the Public Notice process they received no phone calls in opposition of the request of those who were notified. Mr. Feldman stated that some of the adjacent commercial properties were in the Town of Surf City and immediately north to the subject property there was a similar use business. This concluded the staff presentation.

Vice-Chair Hardee asked about what appeared to be a house close to the property. Mr. Canady told the board that was a commercial business. There were no other questions of staff.
Mr. Canady addressed the board and told them he did not have a presentation for the board but wanted to make himself available to the board if they had any questions of him.

Moved by Brad George, seconded by Wendy Fletcher-Hardee

Motion by Commissioner George to approve the request for SUP 2023-42: Special Use Permit request for Real Estate and Rental and Leasing use in the Topsail Township, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

21.4 SUP 2023-43: Special Use Permit request for a Civic and Social Organization in the Topsail Township

Mr. Feldman presented SUP 2023-43 (PIN: 3282-69-0669-0000 and 3282-69-1881-0000) Special Use Permit request for a Civic and Social Organization in the Topsail Township. Applicant American Legion Post 167 on behalf owner of Advance Design Build, LLC, is requesting the approval of SUP for a Civic and Social Organization under the 813410

NAICS Code that would allow for the construction of a 5,000 sq. ft. building with associated parking. The use is proposed within the RP, Residential Performance zoning district.

Mr. Feldman presented a zoning map of the area with the subject property circled in blue. The subject property is between Peanut Road and HWY 210 and is zoned Residential Performance. Mr. Feldman presented an aerial map of the property and noted that the map is from 2020 and that the manufactured homes on the property have since been removed. There is one existing building on the property, which is an accessory building of sorts, and he is under the impression it will be removed should the SUP request be approved. Mr. Feldman presented the applicant's proposed site plan consisting of a 5,000 sq. ft. building with associated parking. Mr. Feldman noted that items such as parking and landscape will be evaluated by staff should the request be approved. Due to its size the plan will be required to go before the technical review committee from Pender County for approval.

Chair Newton asked what the code says about the SUP for Civic and Social Organization and why a SUP was needed. Mr. Feldman said there are a few uses within the ordinance that are required to have SUP in the residential districts, Civic Organizations is one of them. Mr. Feldman acknowledged the Future Land Use Plan specifically identifies Civic and Social Organizations as appropriate uses. The ordinance does require that both in the RA, Rural Agricultural and RP, Residential Performance zoning districts that Civic and Social Organizations shall obtain the SUP. There are a few zoning districts such as GB, General Business zoning where said uses are allowed as a right, meaning they would simply submit a site plan to the Planning Department and Technical Review Committee for review. In this situation the county's Future Land Use Plan specifically states in this Future Land Use District which is Medium Density Residential Neighborhood scale uses such as a civic or social organization are deemed appropriate. The Future Land Use Plan and Map support the request.
Chair Newton stated she could understand if it was a women's social circle or a sewing circle, but what about if they have "throw down" parties with bright flashing lights. Chair Newton asked if there were any conditions that could be put on the social or civic organization for less impact on the surrounding homeowners. Mr. Feldman stated other than those that are obligated for the project through the unified development ordinance such as lights, landscaping, that the board certainly has the authority to apply conditions on the property maybe in the form of limitations on hours of operations. Mr. Feldman noted that the applicant listed the proposed hours of operations, normal hours of operations, and general day-to-day activities that would take place at the property. They

also acknowledged that larger events consisting of upwards of 100 people would likely take place during the evening hours, nothing past 10 PM. The board does have authority to limit the hours of operation.

Civic and Social Organization are defined in the North American Industry Classification System, this use would not come in the form of a club or an adult entertainment facility, this is a different use.

Chair Newton stated she wanted to support everything that is to the benefit of our Veterans, but she wasn't sure how "social" their club would be.

Mr. Feldman stated Mr. Cordeiro, the representative of the applicant, was here and able to answer any specific questions as to what would take place in the building.
There were no further questions from staff from the board.

Mr. Philip Corderio, stated he was newly appointed to the Board of Education and retired US Marine. Mr. Corderio thanked the board for hearing their request to consider this application. Mr. Corderio described what the American Legion does. The American Legion is an organization for Veterans and the mission on the organization is to encourage responsible citizenship. The things the Legion does most often are providing funeral honors to deceased Veterans, often times Veterans who have served for a year or two have not earned the ability according to the Federal Government and the Department of Defense due to finances, the right to have a funeral detail that would have the flag, maybe a firing party at the funeral site. The American Legion get together with Veterans to provide that service to families that request it when the Federal Government is unable to do so. The funeral services are a large portion of what the Legion does. The Legion also has a baseball league in the community. They pride themselves in funding baseball opportunities for youth, because sports teach a variety of different things that are useful in life. The Legion funds the entire enterprise of the team; uniforms, travel, etc. if they make it to the state championship. They teach them along the way the comradship and civic values of teamwork. For Memorial Day and Veterans Day national holidays they place flags at gravesites and spend a lot of time advocating on behalf of Veterans. The American Legion National Organization advocates in the United States Congress for legislation that benefits Veterans in a variety of different ways. On a local level the Legion assist Veterans when they are getting out of service to help obtain jobs and help them interact with the VA to apply for Veteran's benefits. Mr. Corderio stated doing all these things requires financial resources, so what the Legion does is hold fundraising activities; include things like pancake breakfasts, they will also rent out the facility during the daytime hours for birthday parties, marriage ceremony, or something similar to these. The money raised from these activities is put back into the organization to pay for the mentioned commitments.

Chair Newton asked if the facility would be rented in the evening hours. Mr. Corderio stated they do not. They only rent the facility from 9:00 AM - 5:00 PM.

Chair Newton stated, so we do not have to worry about the weddings getting out of hand and the neighbors getting upset. She is concerned about the surrounding homeowners.
Mr. Corderio stated they are well aware of the nuisance ordinances that the county has in regard to amplified sound, lighting and things of that nature and assured the board they would be good neighbors when it comes to all those things. Their goal is to generate enough financial resources that are necessary to continue the civic work that they do and also be good neighbors at the same time. Mr. Corderio stated if the board needed any additional detail, he would be happy to provide it.

Mr. Therman asked if Mr. Corderio would be immutable to 9:00 AM - 5:00 PM conditions being imposed as a condition to approve the SUP.

Mr. Corderio asked for clarification of the question. Would this mean they would not be able to meet there in the evenings?

Mr. Therman stated they would not be able to rent it out, not limiting the use to Legion members at all. The concern is somebody is having a wedding reception or something and sometimes he's heard those can get rowdy.

Mr. Corderio stated they'd prefer it not be imposed for flexibility. To the extent that the board would not be comfortable approving the SUP unless that was a condition then of course he would say yes, because he doesn't have another option. All he can say is maybe Mr. Feldman can speak in greater detail if the Legion did have any complaints that would cause any issues, is there an avenue they might be able to deal with it with Pender County staff and to have some kind of process if there is a noise complaint or something like that then SUP is revoked.
Chair Newton stated they wanted to try and offset that from happening at the front end so they can ensure the houses on either side of the Legion. Chair Newton asked if the American Legion had dances. Mr. Corderio stated they do not. Mr. Corderio stated their concern is valid and he was trying to find a more palpable way to answer their concern. He clarified concerns with events such as wedding receptions, lighting,

amplified music, etc. Mr. Corderio stated they would be happy to restrict amplified music after the hours of 5:00 PM and lighting the same thing. Mr. Corderio stated to tell someone they could not have their wedding at the Legion because the county told them they couldn't have their wedding there after 5:00 PM to him is not right. Mr. Corderio stated he was sharing his honest opinion, but he could also say guests could not have amplified music after 5:00 PM makes him feel a lot better about the restrictions.
Mr. Therman stated it was because Mr. Corderio stated the hours were 9:00 AM – 5:00 PM. He thought that maybe he would need a little bit more time, like 7:00 or 8:00 PM or something like that.

Mr. Corderio stated whatever the board was comfortable with, but his point is some of these offensive activities like amplified music and such could be included in the permit and the hours, whatever the board feels appropriate.

Commissioner Groves asked to speak. Chair Newton gave him permission to speak. Commissioner Groves stated he would prefer to not impose any restrictions on the request and if something occurs law enforcement or the proper authority would take care of it. The Legion already has their values, and he has always known them to stand by the values.
Chair Newton stated her only concern was not with the American Legion, but with the parties to whom they would lease the facility to.

Commissioner Groves stated that he has attended some of the American Legion events and they control the building when they rent it out.

Mr. Corderio stated they require a member to be there when it is being rented. Chair Newton stated that was a different story and thanked Mr. Corderio for that clarification.

There was no other question from the board.

Chair Newton asked if there was a motion.

Moved by Brad George, seconded by Wendy Fletcher-Hardee

Motion by Commissioner George to approve request for SUP 2023-43: Special Use Permit request for a Civic and Social Organization in the Topsail Township, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**

Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

22 ADJOURNMENT

22.1 Adjournment

Meeting adjourned at 8:43 PM.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion by Commissioner McCoy to adjourn meeting, seconded by Vice-Chair Hardee.

	For	**Against**	**Abstained**	**Absent**
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.