



MINUTES
Board of County Commissioners Meeting
Monday, April 19, 2021 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: George Brown
Fred McCoy
Jacqueline A. Newton
David Piepmeyer

MEMBERS ABSENT: David Williams

OTHERS PRESENT: Chad McEwen, County Manager
Trey Thurman, County Attorney
Nancy Avery, Interim Clerk to the Board
Doug Shipley, Assistant County Manager
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

Page

1. CALL TO ORDER

Chairman Brown called the meeting to order at 4 pm.

2. INVOCATION

Commissioner Newton delivered the invocation.

3. PLEDGE OF ALLEGIANCE

Chairman Brown led in the Pledge of Allegiance.

- 3.1 Chairman Brown stated that Commissioner Williams was unable to attend the meeting and asked for a motion to excuse him.

Moved by Jacqueline A. Newton, seconded by David Piepmeyer

Motion to excuse Commissioner Williams from the meeting.

	For	Against	Abstained	Absent
Jacqueline A. Newton	x			
David Piepmeyer	x			

George Brown	x			
Fred McCoy	x			
David Williams				x
	4	0	0	1

CARRIED.

4. ADOPTION OF AGENDA

Moved by Jacqueline A. Newton, seconded by David Piepmeyer

Motion to adopt the agenda with no changes.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

5. PUBLIC COMMENT

Sheriff Cutler presented awards to two recently retired officers, as follows:

1. NC Old North State Award to Retired Detective John Leatherwood whose career included service in the US Coast Guard, as well as Dare, New Hanover and Pender County's Sheriff's office.

2. NC Order of the Long Leaf Pine Award to Retired Major Keith Hinckle whose career included service in the Towns of Burgaw (lieutenant and Chief) and Topsail Beach Police Departments, as well as the Pender County Sheriff's Department. Major Hinckle has 40 years of service and continues to serve as a part time deputy training others.

6. CONSENT AGENDA

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to adopt the consent agenda with the removal of item 6.4 Consideration of extension of GFL contract to later in the agenda under Managers Items.

	For	Against	Abstained	Absent
George Brown	x			

Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

- 6.1. Approval of Minutes: Special Meeting: March 26, 2021 and Regular Meeting: April 6, 2021.
- 6.2. Approval of a Budget Amendment to Increase the Department of Social Services Revenues and Expenditures for Fiscal Year 2020-2021: Low Income Energy Assistance: \$15,000. 11 - 13
[6.2 Budget amndment](#)
- 6.3. Approval of a Budget Amendment to decrease Health Department Revenues and Expenditures for Fiscal Year 2020-2021: \$4,783. 15 - 16
[6.3 Budget amendment](#)

7. APPROVALS AND RESOLUTIONS

- 7.1. Proclamation of April as Sexual Assault Awareness Month. 17 - 18

Moved by Jacqueline A. Newton, seconded by David Piepmeyer

Motion to adopt Proclamation of April as Sexual Assault Awareness Month as presented.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

[RCC SAAM Proclamation 04192021](#)

- 7.1 Consideration of sale of property

Manager McEwen relayed the offer on property located at 156 Sinai Drive in Currie, parcel ID 2293-40-3441-0000 in the amount of \$16,500. He said the offer is lower than appraised value of \$59,193 as there is a

dwelling. Person making the offer says the dwelling is dilapidated and needs to be torn down. Manager McEwen recommended not approving the offer.

After discussion, the Board reached consensus to table this topic.

- 7.3. Approval of Procurement Compliance Summary for the Proposed Factory Road Water Extension Design-Build Project.

19 - 22

Moved by David Piepmeyer, seconded by Fred McCoy

Motion to approve Procurement Compliance Summary for the Proposed Factory Road Water Extension Design-Build Project

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

[ProcurementComplianceSummaryForDesignBuildProject](#)

8. APPOINTMENTS

- 8.1. Board of Equalization and Review Appointment for Tax Year 2021.

Moved by David Piepmeyer, seconded by Fred McCoy

Moved to re-appoint Bryant Sheppard (Chairman); Robert (Bob) W. Dennis (Vice-Chairman); Leslie Green; and Walter L. Baker; to another one year term on the Board of Equalization and Review.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

- 8.2. Approval of an Appointment to the Pender County Advisory Board of Health.

Moved by Fred McCoy, seconded by David Piepmeyer

Moved to appoint applicant Frank Perez to the Pender County Advisory Board of Health.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

9. ROCKY POINT WATER AND SEWER DISTRICT

10. PENDER COUNTY BOARD OF HEALTH

- 10.1. Presentation of Child Fatality Team Report for 2020.

23 - 25

Chairman Brown opened the meeting as the Board of Health.

Health Director Carolyn Moser presented Child Fatality Team Report for 2020. A copy of said report is herein incorporated as part of these minutes.

Director Moser gave an update on the status of Covid cases in the county:

- *5,122 cases*
- *69 deaths*
- *1 hospitalization*
- *Averaging 8 cases a day*
- *Testing is ongoing though number of those requesting testing is dropping*
- *1/3 of eligible population have been vaccinated*
- *Large percentage of 65 and older have been vaccinated*

- *Having difficult time filling appointments for vaccines. Sometimes it takes days to fill 400 slots.*
- *May be that vaccine field is saturated*

County Manager McEwen brought up the subject of supplemental pay for the health staff working during the pandemic using Covid funds received from the federal government. The plan is to use \$72,500 out of \$800,000 received for this purpose.

[Child Fatality 2020 Team Report](#)

11. ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

11.1 County Attorney Thurman said there are three topics for closed session:

- Item 3 - attorney client
- Item 5 acquisition of property
- Item 6 personnel

County Manager McEwen introduced retired municipal clerk Nancy Avery who is serving as the interim clerk. He stated the process for a new clerk is well under way with advertising and reviewing applicants.

Manager McEwen gave a presentation on the county's convenience centers. Said presentation is herein incorporated as part of these minutes. Highlights of the presentation:

- A good number of sites are on leased land that has only gravel which causes a lot of dust in dry climate and muddy conditions when wet. Some of these have narrow ingress/egress and some are in high traffic areas
- County owned sites have concrete access

Manager McEwen gave the following options regarding convenience centers:

1. Leave all sites status quo
2. Upgrade leased sites with pavement/concrete which puts county in position of spending county money to improve private land
3. Relocate convenience sites from leased property to land county owns or seek out better leased sites
4. Buy land and move leased sites

All sites should not be in a wetland or floodplain and have road frontage available.

He stated he had a conversation with the vendor GFL. They would consider upgrading but want an extension of their contract and \$250,000 or to improve all leased lots, a 10 year contract extension and \$500,000. This would include fencing, perpetual maintenance, and paving.

Assistant County Manager Shipley informed the Board of the Parks & Recreation process to update its master plan. There will be public meetings and flyers and a press release to the public to encourage citizen input. An updated master plan is important when applying for future grants.

Commissioner items:

Commissioner Newton said all lights were on at the courthouse over the weekend. There needs to be a chain of command and someone locally who can take care of these things over the weekend.

Commissioner Piepmeyer said he would be happy to see landscaping at the courthouse cleaned up and to see work done on the weekends, since the project is over schedule.

Chairman Brown said he spoke with Assistant Manager Vann about the ceremony to open courthouse and the plaque. Discussion ensued with the consensus reached to push the dedication ceremony to August on a Friday. Assistant Manager Vann to come back with a date.

[Solid Waste Con Sites Presentation](#)

11.2 Approval of an Extension of the Solid Waste Contract with Green for Life (GFL) for a Period of One Year.

Manager McEwen said he needs to revisit contract discussion with GFL regarding convenience sites after tonight's discussion.

Consensus of the Board was to table this item.

12. CLOSED SESSION (IF APPLICABLE).

Moved by Fred McCoy, seconded by Jacqueline A. Newton

Moved to go into closed session at 6:03 pm as per N.C.G.S. 143-318.11(3) Attorney Client, (5) Acquisition of property and (6) Personnel matter.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			

Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

13. 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

- 13.1. Resolution requesting approval of a Special Use Permit for the construction and operation of a personal art studio, classified under 'Artisan Manufacturing' within the Pender County Unified Development Ordinance.

13.1 The Board returned to open session at 7:05 pm.

27 - 43

Chairman Brown opened the Public Hearing at 7:06 pm.
Attorney Thurman administered the oath to those wishing to testify.

Carleen Shaw, staff member, stated:

- Richard Conn, owner, requested a Special Use Permit (SUP) for construction and operation of a personal art studio, a permitted use in that district via SUP which is classified as rural/agriculture
- Property is located on western side of Highway 421 half way between Malpass Corner Road and NC Highway 210
- Parcel is completely wooded and undisturbed
- 1700 square foot structure is to be constructed with a driveway to be permitted by NC DOT
- All other land will remain untouched
- There will be no loud machinery or noise to neighbors
- Structure and land is for personal use only - not open to the public
- An onsite well and septic tank will be utilized
- Property is not located in a flood hazard area
- Rear of property may contain wetlands but construction will occur outside of that area
- A site plan as per UDO is to be presented for review by Tech review committee, subject to federal, state and local approvals
- Notice has been sent to property owners per UDO requirements

- Proposed use is compatible with zoning
- Proposed SUP is compatible with 2.0 Comprehensive Plan
- Properties to north are residential homes
- Properties east, south and west are undeveloped
- Staff does not provide recommendations on SUP
- Board may add conditions to approval

Property owner Richard Conn stated:

- He had property surveyed. There is a nearby barn but it does not come into contact with his property.
- He has an agreement in place with the neighbor that owns the barn
- Only noise would be contained inside the building
- The studio will be isolated within the wooded property

Neighboring property owner Floyd Morris said:

- He owns the farm across the street
- It is a 100 acre tract and his home is there
- He wants to be sure of what is going on at the property across from him such as will there be trucks coming and going?
- He understands the owner does statues. What kind?
- He asked if Mr. Conn could elaborate on the type of business

Mr. Conn replied:

- He has a website of his work (he showed it as he spoke)
- He is an instructor and chair of the arts program at Cape Fear Community College
- He creates abstract sculptures and paints - mostly landscapes
- He works in many different mediums
- Some sculptures are welded metal

Mr. Newton asked if there will be students on this property doing work?

Mr. Conn answered no, there will not be students on the property.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Moved to approve applicant Richard Conn's SUP for construction and operation of artisan and manufacturing studio.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.

[SUP 2021-18](#)

14. ADJOURNMENT

- 14.2 Motioned to adjourn at 7:35 pm by Commissioner Newton, seconded by Commissioner McCoy. Unanimously approved.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motioned to adjourn at 7:35 pm.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
	4	0	0	1

CARRIED.



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Wes Stewart
DATE: April 19, 2021
SUBJECT: Approval of a Budget Amendment to Increase the Department of Social Services Revenues and Expenditures for Fiscal Year 2020-2021: Low Income Energy Assistance: \$15,000.

SUMMARY:

A funding authorization allocating funds was received by the Department of Social Services. This funding is determined at the federal level and approved by the General Assembly. Low Income Energy Assistance Payments (LIEAP) funds are 100% Federal. Eligible households receive a one-time heating assistance payment made directly to their heating vendor.

ACTION REQUESTED:

To consider approving a budget amendment for increasing additional programmatic revenues and related expenditures for the Department of Social Services for Fiscal Year 2020-2021.

Wednesday, April 7, 2021



Pender County Budget Ordinance Amendment

Date

Wednesday, April 7, 2021

Board Meeting Date (If Applicable)

Monday, April 19, 2021

Fiscal Year

FY 2020-2021

Fund

12 - DSS

Department

100097 - LOW INCOME ENERGY ASST PROG

Purpose of Request

A funding authorization allocating funds was received by the Department of Social Services. This funding is determined at the federal level and approved by the General Assembly Low Income Energy Assistance Payments (LIEAP) funds are 100% Federal Eligible households receive a one-time heating assistance payment made directly to their heating vendor.

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	12-389500	LIEAP	15000
2			
3			
4			
5			

Proposed Amendment:

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	100097	462719	15000
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues 15000 Total Expenditures 15000

Budget Amendment Balances when Zero.

0

Prepared By:

Savannah Hubach

Email

shubach@pendercountync.gov



Pender County Budget Ordinance Amendment

Date Wednesday, April 7, 2021
Board Meeting Date (If Applicable) Monday, April 19, 2021
Fiscal Year FY 2020-2021
Fund 12 - DSS
Department 100097 - LOW INCOME ENERGY ASST PROG

Purpose of Request
A funding authorization allocating funds was received by the Department of Social Services. This funding is determined at the federal level and approved by the General Assembly. Low Income Energy Assistance Payments (LEAP) funds are 100% Federal. Eligible households receive a one-time heating assistance payment made directly to their heating vendor.

Proposed Amendment:
REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	12-389500	LEAP	15000
2			
3			
4			
5			

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	100097	462719	15000
2			
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues 15000
Total Expenditures 15000
Budget Amendment Balances when Zero. 0
Prepared By: Savannah Hubach
Email: shubach@pendercountync.gov



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Carolyn Moser
DATE: April 19, 2021
SUBJECT: Approval of a Budget Amendment to decrease Health Department Revenues and Expenditures for Fiscal Year 2020-2021: \$4,783.

SUMMARY:

The Food Protection and Facilities Branch of the Environmental Health Section reduced funds in the amount of \$4,783. The Food and Lodging Program implements state-mandated sanitation regulations.

ACTION REQUESTED:

To approve a budget amendment decreasing programmatic revenues and related expenses for the Health Department by \$4,783.

Thursday, April 1, 2021



Pender County Budget Ordinance Amendment

Date Thursday, April 1, 2021
Board Meeting Date (If Applicable) Monday, April 19, 2021
Fiscal Year FY 2020-2021
Fund 11 - HEALTH
Division, Program, Project, etc. Environmental Health / Food & Lodging
Department 900050 - ENVIRONMENTAL HEALTH

Purpose of Request
Funding reduced from state in the food & lodging program

REVENUES

	Account # (OR-SUBJECT)	Account Description	Amount
1	11-375026	Food & Lodging / DEHNR	4783.00
2			
3			
4			
5			

Proposed Amendment:
EXPENDITURES

	Account # (OR-SUBJECT)	Account Description	Amount
1	900050-407403	Capital Outlay - Vehicle	3688.00
2	900050-404500	Contracted Services	1095.00
3			
4			
5			
6			
7			
8			
9			
10			

Total Revenues 4783

Total Expenditures 4783

Budget Amendment Balances when Zero.

0

Prepared By:

Donna Ramos

Email

dramos@pendercountync.gov



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Aishel Garcia
DATE: April 19, 2021
SUBJECT: Proclamation of April as Sexual Assault Awareness Month.

SUMMARY:

Aishel Garcia of the Rape Crisis Center with Coastal Horizons has submitted the attached Proclamation for the Board's review and consideration.

ACTION REQUESTED:

To consider a Proclamation of April as Sexual Assault Awareness Month.

Sexual Assault Awareness Month

Proclamation

APRIL 2021

April is Sexual Assault Awareness Month – a time to draw attention to the prevalence of sexual assault and educate individuals and communities about how to prevent it. Sexual harassment, abuse, and assault are widespread problems. We know that, in the United States alone, nearly one in five women and one in 67 men have been raped at some time in their lives (Smith et al., 2017), and that one in six boys and one in four girls is sexually abused before the age of 18 (Dube et al., 2005).

Sexual harassment, assault, and abuse happen in all communities – and that includes online spaces. We are spending more and more of our lives online – whether that's for work, school, or entertainment. Unfortunately, with this increase in virtual connection comes an increase in online abuse and harassment. Consent and boundaries can be violated online in a number of ways, and the trauma of online abuse is all too real for many survivors.

But each of us has the power to change that. We can all make a difference to ensure that our online communities are safe and respectful for everyone.

2021 marks the twentieth anniversary of SAAM, and the theme of this year's campaign is "We Can Build Safe Online Spaces." The campaign calls on us to create online spaces that are built on the foundational values of practicing consent, keeping kids safe, and supporting survivors

I join advocates and communities across the country in preventing online abuse. Together, we can build safe online spaces now and into the future.

Name

Date

Dube, S. R., Anda, R. F., Whitfield, C. L., Brown, D. W., Felitti, V. J., Dong, M., & Giles, W. H. (2005). Long-term consequences of childhood sexual abuse by gender of victim. *American Journal of Preventive Medicine*, 28(5), 430–438. <https://doi.org/10.1016/j.amepre.2005.01.015>

Smith, S. G., Chen, J., Basile, K. C., Gilbert, L. K., Merrick, M. T., Patel, N., Walling, M., & Jain, A. (2017). *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010–2012 state report*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention. <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>



© 2021 National Sexual Violence Resource Center. All rights reserved.



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Kenneth Keel
DATE: April 19, 2021
SUBJECT: Approval of Procurement Compliance Summary for the Proposed
Factory Road Water Extension Design-Build Project.

SUMMARY:

Prior discussions between PCU and the Board has placed a priority on completion of the water main down Factory Road, which will provide a much needed loop of the water system to enhance fire flow and add more customers. To expedite construction of this pipeline extension, a design-build process is recommended. Per NC law, six criteria are to be approved by the unit of local government prior to proceeding with the design-build procurement method. The attached document offered for approval establishes this criteria for the project.

Upon approval of this document, PCU will distribute a Request for Qualifications (RFQ) to solicit statements of qualifications from design-build teams to complete the project.

ACTION REQUESTED:

To approve the Procurement Compliance Summary for Factory Road Water Extension project.

ATTACHMENTS:

Procurement Compliance Summary

Board of Commissioners
George R. Brown, Jr., Chairman
Archibald "Fred" McCoy, Vice Chairman
Jaqueline A. (Jackie) Newton
David A. Piepmeyer
J. David Williams, Jr.



County Manager
Chad McEwen
County Attorney
Carl W. "Trey" Thurman, III
Clerk to the Board
Melissa Long

County of Pender Procurement Compliance Summary

To enter into a Design-Build contract, units of local government must follow specific procurement procedures set forth in the North Carolina General Statutes. The County of Pender ("County") bidding policies are designed to conform to these statutes, thereby the Pender County Board of County Commissioners are authorized to use the Design-Build procurement method on an individual project basis.

G.S. 143-128.1A. requires governmental entities to establish in writing the criteria to be utilized to determine when the Design-Build procurement method is appropriate. The circumstances and criteria listed below were used to determine the Design-Build delivery method is appropriate for the following:

Factory Road Water Extension Project

(1) The extent to which the governmental entity can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications for a design-builder.

County professional engineering staff evaluated the existing water system in the Factory Road area and determined that the system would benefit from looping of the existing pipeline to provide better reliability to the growing area and enable additional customers to connect. A licensed professional engineer on the county staff will ensure that the project is thoroughly defined and prepare the RFQ.

(2) The time constraints for the delivery of the project.

Time constraints are paramount and the principal factor in the County's selection of the Design-Build procurement method for this project due to the need for construction to be as efficient and immediate as possible. Due to factors at the time of initial water line construction in the area, the water extension was stopped at Lea Drive. Now as more growth is occurring in the area, the looping of the water line is needed to improve fire flow and pressure. In general, and doubly so in a time of a public health pandemic, access to reliable and safe drinking water is critical for the County. The expeditious construction of this water extension is critical to the area of this project.





Board of Commissioners
George R. Brown, Jr., Chairman
Archibald "Fred" McCoy, Vice Chairman
Jaqueline A. (Jackie) Newton
David A. Piepmeyer
J. David Williams, Jr.

County Manager
Chad McEwen
County Attorney
Carl W. "Trey" Thurman, III
Clerk to the Board
Melissa Long

(3) The ability to ensure that a quality project can be delivered.

The County intends to contract with a design-builder that is selected on qualifications and reputation for successful delivery of similar water extension projects. The County will rely on the project definition, as provided by the experienced engineering and utilities staff of the County, including the Public Utilities Director and Assistant Utilities Director, who will be assigned in various roles to oversee the work of the design-builder to ensure the project is completed as intended.

(4) The capability of the governmental entity to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery.

Responses to the RFQ will confirm the market availability and interest of local area qualified contractors and engineering firms/teams prepared to engage in Design-Build efforts for this specific project. Central to these responses will be the demonstration of experienced success with Design-Build project delivery. Therefore, these responses will become a primary basis for the selection of a Design-Build firm/team.

(5) A good-faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The governmental entity shall not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work defined by the public notice issued under subsection (c) of this section (G.S. 143-128.1.A).

The County encourages the participation of small business entities on County funded projects. Respondents to the Design-Build RFQ will be required to comply with G.S. 143-128. The County will not limit or otherwise preclude any respondent from submitting a response so long as the respondent, itself or through its proposed team, is properly licensed and qualified to perform the work.

(6) The criteria utilized by the governmental entity, including a comparison of the advantages and disadvantages of using the design-build delivery method for a given project in lieu of the delivery methods identified in subdivisions (1), (2), and (4) of G.S. 143-128(a1).

The County finds the advantages of the Design-Build procurement method to be superior to any advantages of any other construction methods listed in subdivisions (1), (2), and (4) of



**Board of Commissioners**

*George R. Brown, Jr., Chairman
Archibald "Fred" McCoy, Vice Chairman
Jaqueline A. (Jackie) Newton
David A. Piepmeyer
J. David Williams, Jr.*

County Manager

Chad McEwen

County Attorney

Carl W. "Trey" Thurman, III

Clerk to the Board

Melissa Long

G.S. 143-128(a1) for this Factory Road Water Extension project. The County's key criteria considerations are cost savings, efficiency of design and construction, and timeliness of project delivery. While the other methods have potential to deliver goods and services for portions of the project with a lesser expense when compared to the Design-Build method, thereby creating a disadvantage, the County finds that not to be an absolute. The County contends that using the Design-Build approach will allow for the total project cost to be known prior to entering into the final Design-Build agreement. Also, there are potential cost savings using the Design-Build approach that will likely result from having the contractor and engineer working together early during the design process as they coordinate to provide input to each other on construction and scheduling logistics. In addition, with construction costs generally on the rise, speeding up the project and purchasing materials sooner could result in lower materials costs. Furthermore, with the project schedule being of utmost importance, the expeditious manner in which the project needs to occur favors the Design-Build approach because some portions of construction could begin prior to completion of the final design. For these reasons, the County finds that the advantages of the Design-Build procurement method to be superior to any advantages of any other construction methods listed in subdivisions (1), (2), and (4) of G.S. 143-128(a1) for this Factory Road Water Extension project.





Pender County Public Information

TO: Board of County Commissioners
FROM: Carolyn Moser
DATE: April 19, 2021
SUBJECT: Presentation of Child Fatality Team Report for 2020.

SUMMARY:

Staff will present the 2020 Child Fatality Team Report to the Board.

Pender County Health Department

...Building a healthier tomorrow...

Carolyn Moser, MPA
Health Director

March 24, 2021

Child Fatality Prevention Team (CFPT) Report for 2020 (Deaths in 2018 and 2019)

The CFPT's active representatives include:

- 2-Health Department
- 2-DSS
- 2-Trillium
- 1-Pender County Schools,
- 1-Pender EMS
- 1-Medical Examiner's office
- 1-Sherriff's Department,
- 1-New Hanover Regional Medical Center
- 1-Guardian Ad Litem
- 1-District Court Judge

The committee did not meet in person but held three virtual meetings in 2020 due to the COVID-19 pandemic. A total of six new cases from the state were reviewed.

There was one case for review from the 1st quarter of 2019, four cases for the 2nd quarter, and one case for the 3rd quarter. In addition, the team revisited and closed one case from 2018. Child fatality ages ranged from birth to 16 years of age.

Of the new cases reviewed, five were completed and closed. One case was reviewed but the team has requested additional information. This case was revisited at the 01/20/2021 Child Fatality Prevention Team Meeting and was closed.

The causes of death for the completed cases, were as follows:

- **Primary atelectasis of newborn, previable prematurity of newborn, rupture of membranes**
- **Intracerebral Hemorrhage, Intraventricular**
- **MVA-Non-collision Traffic accident -2 cases**
- **Chronic respiratory failure, chromosomal abnormalities**
- **Secondary malignant neoplasm of the brain and cerebral meninges**
- **Newborn affected by oligohydramnios, severe pulmonary hypoplasia**

P.O. Box 1209, 803 S. Walker St., Burgaw, NC 28425 (910) 259-1328 Fax (910) 259-1258

Environmental Health (910) 259-1233 WIC (910) 259-1290

Pender County Health Department

...Building a healthier tomorrow...

Carolyn Moser, MPA
Health Director

Page 2

Actions:

Webinars attended by the committee members:

- Integrating Gun Safety Awareness in your clinical and case management services- Brenda Allen 09/29/2020
- Child Pool Drowning and Hot Car Fatalities- Brenda Allen, Salina Dixon 09/11/2020
- Unexplained Pediatric Deaths Investigations, Certification, and Family Needs- Brenda Allen, Salina Dixon, 09//06/2020
- Mandatory Reporting of Child Abuse and Neglect 2020-2022- Brenda Allen, Salina Dixon, 09/04/2020
- Safe Sleep- Brenda Allen, Salina Dixon, 08/26/2020

Recommendations from the Committee:

- Continue to provide education on smoking cessation during pregnancy
- Encourage early prenatal care
- Provide Safe sleep education
- Provide education on car seat safety
- Provide Youth Mental Health First Aid training for administrators, teachers, bus drivers, cafeteria workers, and janitors in the schools as well as for the parents in the community.

Respectfully Submitted By:

Brenda Allen, RN, BSN
CFPT Chairperson

P.O. Box 1209, 803 S. Walker St., Burgaw, NC 28425 (910) 259-1328 Fax (910) 259-1258

Environmental Health (910) 259-1233 WIC (910) 259-1290

Page 3 of 3



Pender County Request for Board Action

TO: Board Of County Commissioners

FROM: Travis Henley

DATE: April 19, 2021

SUBJECT: Resolution requesting approval of a Special Use Permit for the construction and operation of a personal art studio, classified under 'Artisan Manufacturing' within the Pender County Unified Development Ordinance.

SUMMARY:

Richard Conn, applicant and owner, is requesting approval of a Special Use Permit for the construction and operation of a personal art studio, classified under 'Artisan Manufacturing' within the Pender County Unified Development Ordinance. There is one (1) ±2.2 acre tract associated with this request. The subject property is located on the western side of HWY 421, approximately 0.55 miles north of Fred White Road and may be further identified by Pender County PIN: 2286-56-9281-0000.

ACTION REQUESTED:

To hold a public hearing and consider the approval of a Special Use Permit.

ATTACHMENTS:

SUP 2021-18 Staff Report
SUP 2021-18 Application
SUP 2021-18 Narrative
SUP 2021-18 Site Plan
SUP 2021-18 Survey
SUP 2021-18 Attachment 1
SUP 2021-18 BAF

**PLANNING STAFF REPORT
SPECIAL USE PERMIT**

SUMMARY:

Hearing Date: April 19, 2021
Applicant: Richard Conn
Property Owner: Richard Conn
Case Number: SUP 2021-18

Land Use Proposed: Richard Conn, applicant and owner, is requesting approval of a Special Use Permit for the construction and operation of a personal art studio, classified under 'Artisan Manufacturing' within the Pender County Unified Development Ordinance.

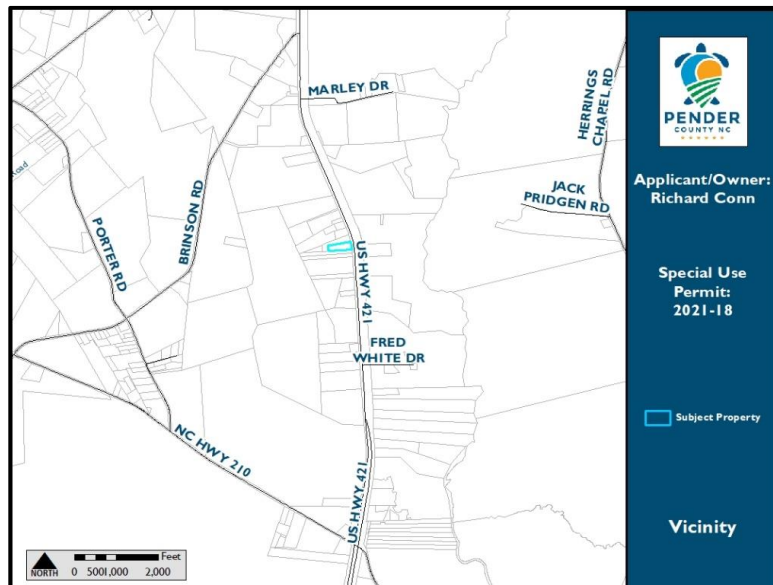
Property Record Number and Location: There is one (1) ±2.2 acre tract associated with this request. The subject property is located on the western side of HWY 421, approximately 0.55 miles north of Fred White Road and may be further identified by Pender County PIN: 2286-56-9281-0000.

Zoning District of Property: The subject property is zoned RA, Rural Agriculture zoning district and according to Section 5.2.3 'Table of Permitted Uses,' of the Pender County Unified Development Ordinance, Artisan Manufacturing is permitted in this zoning district via Special Use Permit.

PROJECT DESCRIPTION:

This proposed Special Use Permit will allow for a personal art studio on the subject property, classified as 'Artisan Manufacturing' in Section 5.2.3 'Table of Permitted Uses' of the Pender County Unified Development Ordinance. As proposed, the applicant will construct a 42' x 40' structure totaling 1,680 sq. ft. near the front of the subject property and use it as the personal art studio.

According to the applicant's submitted narrative, minimal changes to the property are required to accommodate the construction of the structure. The applicant intends to only remove the existing vegetation where the studio and driveway is to be constructed, as well as any areas necessary for the installation of required utilities. The proposed art studio will only be used for personal use with no employees so an increase in traffic to the area is not anticipated. All noise will be contained within the structure and is subject to the Pender County Noise Ordinance. The art studio is proposed to be



approximately 80 feet from the US HWY 421 right-of-way and the applicant is not proposing to install any signage because it is not open to the public.

Per the Pender County Unified Development Ordinance, Artisan Manufacturing is defined as:

On-site production of goods by hand manufacturing involving the use of hand tools and small-scale light mechanical equipment. Artisan Manufacturing businesses may not exceed 2,500 square feet. Typical uses include woodworking, cabinet shops, electronic goods, food and bakery products, printmaking, leather products, clothing and apparel, glass products, paper crafts, ceramic studios, jewelry manufacturing and similar types of arts and crafts or small-scale manufacturing uses that have limited, if any, negative external impacts on surrounding properties, water resource, air quality, and/or public health. Artisan manufacturing in the RP, Residential Performance zoning district may not include direct retail, loading areas or outdoor storage of products or materials.

The proposed use, specifically contained entirely within the proposed art studio, is consistent with the above definition. Although this property is not located in the RP, Residential Performance zoning district, pursuant to the above definition of 'Artisan Manufacturing,' the proposed use does not have a direct retail component.

Prior to issuance of final zoning approval, a site development plan must be submitted and approved in accordance with all applicable provisions of the Pender County Unified Development Ordinance. The site development plan shall be reviewed by members of the Pender County Technical Review Committee (TRC). Furthermore, the proposal is subject to all other applicable federal, state, and local permits and approvals.



Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		

Hours of Operation

According to the applicant, the studio will not have regular working hours because it will have no employees, is not open to the public, and does not contain a direct retail component. The applicant will not keep regular work hours and will be the only person on premises.

Driveway Access

The site is accessed by US HWY 421, an NCDOT-maintained Principal Arterial road based on the NCDOT Functional Classification Map. Based on the applicant's submitted site plan and narrative, the applicant intends to install a driveway to access the site. The construction of this driveway is subject to review and approval by NCDOT through a driveway permit which may be required at the site development plan submittal.

Parking

Designated parking spaces are not required because the proposed request is for personal use, is not open to the public, and does not have a retail component. However, if requested at a future date by the applicant, the parking standards will be re-evaluated at site development plan submittal.

Landscaping and Buffers

Per Section 8.2.7 of the Pender County Unified Development Ordinance, non-residential uses in residential districts are required to provide a type "A" buffer along all street boundaries, a type "C" buffer along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within 50' of the boundary of the development, and a type "B" buffer along all other non-street boundaries. However, the Board of Commissioners have the discretion to impose additional buffering standards upon the applicant via the Special Use Permit process. Specific landscaping and buffering standards will be evaluated at the time of site development plan submittal.

Signage

According to the applicant, the installation of a sign on the subject property is not proposed. However, unless prohibited as a condition of approval, any future signage will be reviewed and permitted in accordance with Article 9 of the Pender County Unified Development Ordinance.

Utilities

According to the submitted narrative and site plan, the subject property will utilize a rainwater collection system for water. However, if this Special Use Permit is approved, further review by Pender County Environmental Health and Building Inspections will be required to determine if this water collection system is permitted. The applicant has also indicated that an on-site private septic system will be installed. All proposed utility systems are subject to review and approval by Pender County Environmental Health.

Environmental Concerns

According to the North Carolina Division of Coastal Management (DCM), a small portion to the rear of the property contains wetlands. However, the location of any wetlands will be verified during the site development plan review process, and any development within these wetlands is subject to review and approval from the U.S. Army Corps of Engineers. Data from the Flood Risk Information System (FRIS), on both the currently adopted or preliminary flood maps, indicates that the property is not located within a designated Special Flood Hazard Area (SFHA).

EVALUATION:**Public Notification**

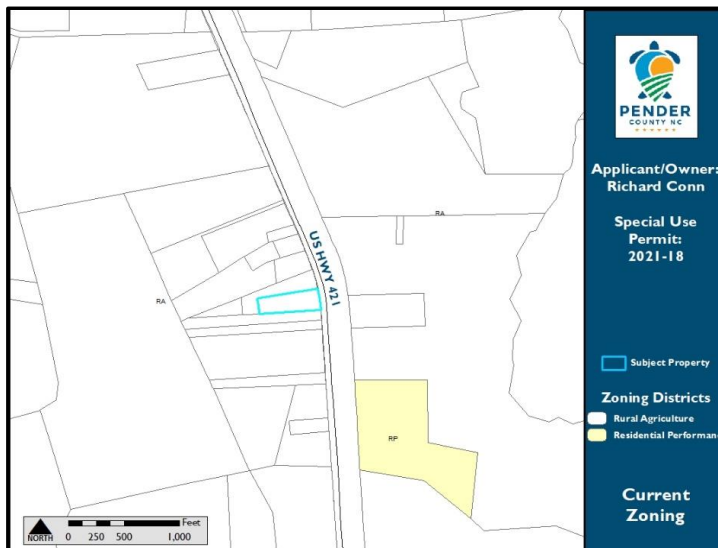
Advertisements for the proposal have been placed in the Pender-Topsail Post & Voice. Adjacent owners within five hundred feet (500') of the subject parcel were notified by first-class mail and a sign advertising the public hearing was placed on the subject property.

Basis for Granting SUP

Approval and revocation procedures for Special Use Permits are located in Sections 3.12.3 and 3.12.4 of the Pender County Unified Development Ordinance. These sections are provided as Attachment 1.

Existing Land Use in Area

The subject property is currently a vacant, wooded tract. The majority of the existing land uses in the area consist of low density residential uses and agricultural and vacant lands. The properties to the north consist of single-family homes, and properties to the south, east, and west are undeveloped. This vast majority of this area along US HWY 421 is zoned RA, Rural Agriculture zoning district.

**Unified Development Ordinance Compliance**

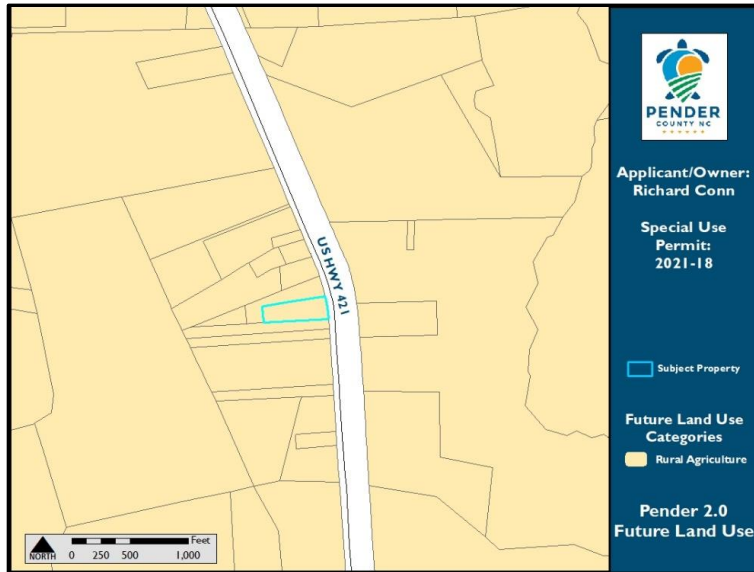
The property is currently zoned RA, Rural Agriculture zoning district and according to Section 5.2.3 of the Pender County Unified Development Ordinance, Artisan Manufacturing is permitted in this zoning district via a Special Use Permit.

Pender 2.0 Comprehensive Land Use Plan Compliance

The subject property is classified as Rural Agriculture in the Pender 2.0 Comprehensive Land Use Plan's Future Land Use Map. The Rural Agriculture future land use category supports and

protects Pender County's agricultural areas, an essential part of the County's economy and agricultural heritage. Agricultural uses are highly encouraged in these areas, as consideration should be given to the preservation of prime farmland soils for the prosperity of farming and forestry operations. In addition to agriculture, very-low density single family residential development (conventional-built and manufactured) are appropriate in these areas. Furthermore, commercial, civic, office, and institutional are considered appropriate uses when they are compatible with existing neighborhoods or can be an employment or resource for area residents.

The proposed use (Artisan Manufacturing) is consistent with the Rural Agriculture future land use category due to the compatibility of the use with the surrounding community by being contained entirely within the proposed art studio. Further, according to the applicant's submitted narrative, the applicant strives to continue his personal art curation and support the arts and cultural community of Pender County. Furthermore, the requirement of a Special Use Permit allows for additional evaluation to take place to ensure that compatibility with the surrounding community can be achieved to the greatest extent possible.



In addition to the proposal's consistency with the Future Land Use Map, the proposed Special Use Permit is also consistent with the following goals, objectives, and policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.FF: Rural Non-Residential Uses: The County shall continue to accommodate limited non-residential uses in rural areas.

The proposed Special Use Permit does not appear to be inconsistent with any goals, objectives, or policies within the Pender 2.0 Comprehensive Land Use Plan.

Site Access Conditions

Based on the applicant's submitted site plan and narrative, the applicant intends to utilize a proposed driveway on the subject property with improvements. The applicant will submit a site development plan application following approval of the proposed Special Use Permit, which will be forwarded to members of the Technical Review Committee (TRC) for comments, to include NCDOT. The applicant will be subject to any and all requirements imposed by NCDOT for the purposes of accessing the site.

Conditions to Consider in Issuing a Special Use Permit for this Project

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. The obligations imposed by this permit will be the responsibility of the property owner and shall continue in effect for the duration of this permit.
3. The applicant shall meet all other local, state, and federal regulations.
4. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
5. Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP-2021-18	Date	3/8/21
Application Fee	\$ 300	Invoice Number	00016505
Pre-Application Conference	12/30/2020	Hearing Date	4/19/21
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Richard Conn	Owner's Name:	Richard Conn
Applicant's Address:	218 Northern Blvd	Owner's Address:	218 Northern Blvd
City, State, & Zip	Wilmington, NC 28401	City, State, & Zip	Wilmington, NC 28401
Phone Number:	864-680-4786	Phone Number:	864-680-4786
Email Address:	rconn@cfcc.edu	Email Address:	rconn@cfcc.edu
Legal relationship of applicant to landowner: Same person			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	2286-56-8393-0000	Total property acreage:	2.2
Zoning Classification:	RA	Acreage to be disturbed:	.25
Water Provider:	Owner provided	Wastewater Provider:	Owner provided
Project Address:	No Current Address	NAICS Code:	31-33
Description of Project Location:	Project is on 2.2 acres of undeveloped land on the west side of Hwy 421 .55 miles north of Fred White Road		
Describe activities to be undertaken on project site:	Site will be utilized as a private art studio space for the creation of paintings and sculptures		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	2/22/2021
Applicant's Printed Name:	Richard Conn	Date:	02/22/2021
Owner's Signature		Date:	2/22/2021
Owner's Printed Name:	Richard Conn	Date:	02/22/2021
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Special Use Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing. 4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application 5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.			

Office Use Only							
☒ \$ 300 for the first 5 acres; \$10 per acre over 5 acres of the project area					Total Fee Calculation: \$ 300		
					Application#: SUP-2021-18		
					Date of Hearing: 4/19/21		
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	☐ Y ☒ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☒ Y ☐ N	
Payment Method:	Cash :		Credit Card:		Check:		
	☐ \$ _____		☐ Master Card ☐ Visa		☒ Check # 7035		
Application received by:		\$ 2024/21 Carline Shaw				Date: 2/24/21	
Application completeness approved by:		Carline Shaw				Date: 3/8/21	

Project Narrative for:

Property on Hwy 421
Currie, NC
PIN: 2286-56-9281-0000
Acreage 2.2
Zoning: Rural Agricultural
Applicant: Richard Conn

- The project is located on Hwy 421 between the intersection of Fred White Drive and Marley Drive. Access to the property will be from Hwy 421. DOT will determine the design and materials for access on NCDOT property. The drive on the property itself will be standard width crushed stone.
- The structure will be used as a personal art studio for the creation of paintings and sculptures. The applicant will have no employees and will not keep regular working hours, although all noise ordinances will be closely observed. No shop equipment will be operated later than permitted. The property will not be open to the public.
- A limited area of the site will be cleared for the driveway and the studio building. A concrete slab and pre-engineered building will be constructed. A rainwater collection system will be installed for water access. A septic tank and drainage field large enough for a single Bathroom and wash sink will be engineered and installed.
- Electrical Power is the only utility required for this project. The applicant will be seeking approval for a 200amp meter base.
- The applicant will need building permits for the studio structure and permits from the County Health Department for the septic system. The soil will need to be tested for drainage field compatibility. If the soil will not perk, an engineered system will need to be designed and approved.

Approval Standards:

1. The Special Use Permit is requested under the Miscellaneous Artisan Manufacturing Use Permit.
2. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property. This project will make minimal changes to the property clearing just enough land for the driveway and the studio building. There will be no signage and the studio will have an 80' set back making it invisible from the road.
3. The proposed use will not constitute a nuisance or hazard. The design of the project is meant to make minimal impact on the property. It will produce little to no waist and all noise will be contained within the structure.
4. The requested use will conform with the Pender County Land Use Plan for Miscellaneous Artisan Manufacturing Use Permit
5. Applicant will make provisions for access drive drainage, sanitation or other necessary facilities.
6. As the Applicant will be the only person regularly using the property traffic congestion will not be an issue.
7. Applicant will conform to the applicable regulations of the district in which the project is located.
8. The Art Studio structure will be located in such a way that there a 50' or larger wooded set backs so there will be no adverse effects to surrounding properties.

This Special Use Permit is for the construction of an artist's studio. I am art instructor at Cape Fear Community College and the Chair of the Visual Arts Program. The creation of artwork is not my primary source of income. However, as an art instructor, I am expected to continue in my artistic practice. This facility will allow to set up a professional quality studio space for that purpose. This practice will have very little impact on the property and in fact I intend to be a good steward of the land. This property was previously a tree farm that had been clear cut in 2012. Since then the forest has grown back. I plan to foster this growth as the forest moves from its early growth of pine trees to hardwoods. I plan to be a good neighbor to nearby residents and hope to involve myself in the arts and cultural community of Pender County. Examples of the type of artwork I create can be found on my website at: rickconn.net

I thank you for your consideration of this Special Use Permit and look forward to being a member of the Pender County Community.

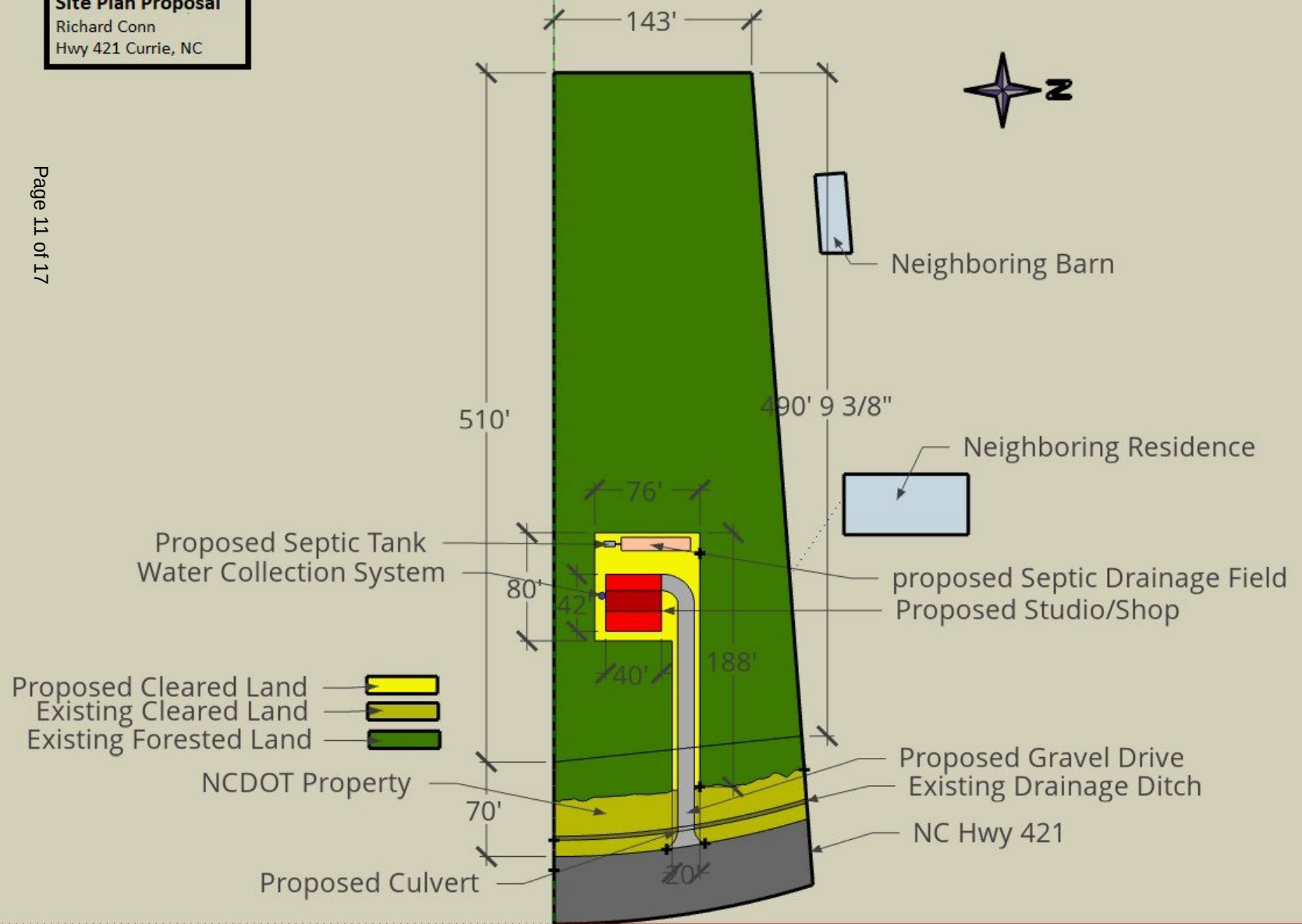
Respectfully Submitted

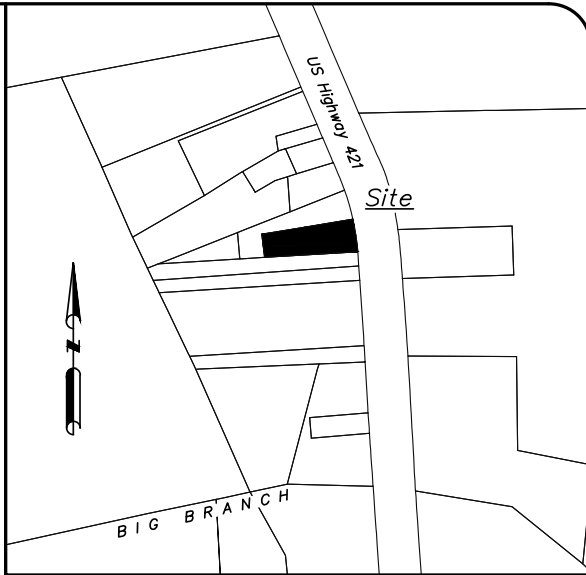
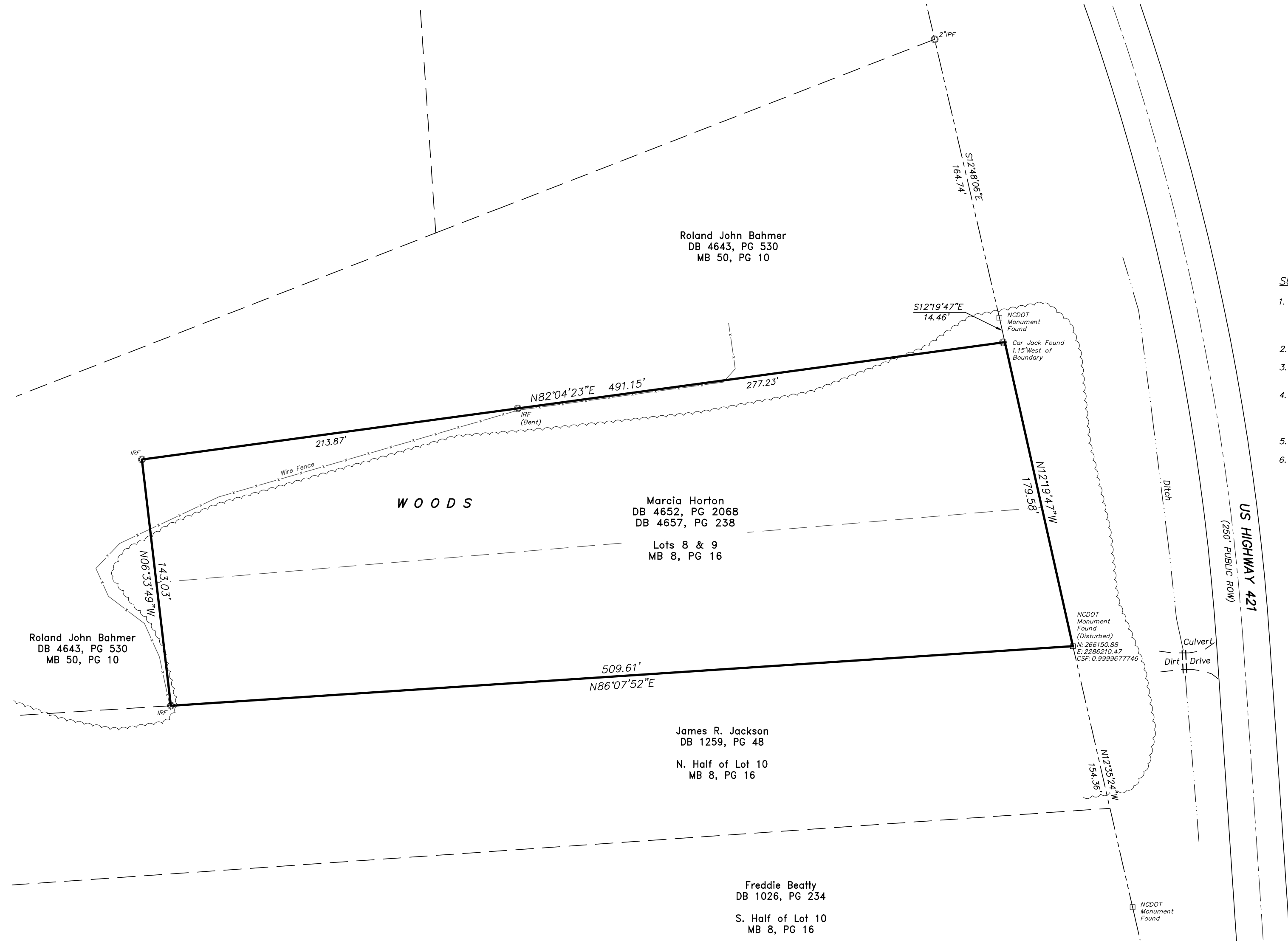
Richard Conn
Program Chair, Visual Arts
Cape Fear Community College
Wilmington NC

Site Plan Proposal

Richard Conn
Hwy 421 Currie, NC

Page 11 of 17





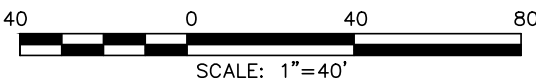
LOCATION MAP
SCALE: 1"=1000'

SURVEY NOTES:

1. Horizontal datum is based upon NAD83 (NSRS 2011) and Vertical (NAVD88). Datum was established utilizing a Topcon SR GPS receiver operating in VRS mode with repeat observations.
2. Areas calculated by coordinate method.
3. No NCGS moundment was found within 2,000 feet of the subject parcel
4. The Subject Parcel does not lie within a designated 100-year Flood Zone, per FEMA FIRM Map 3720228600J bearing an effective date of February 16, 2007.
5. All distances are horizontal field measurements.
6. Survey completed without benefit of an abstract of title. The properties shown hereon may be subject to easements or other encumbrances not shown, but recorded in the Pender County Register of Deeds Office.

LEGEND

- IRF Iron Rod Found
- IPF Iron Pipe Found
- NCDOT MON. Concrete Monument Found



PARCEL DATA

Deed Book 4652, Page 2068
Tax Parcel Nos. 2286-56-9281-0000
Area = 80,373± SF or 1.845± Ac
Survey Date: 01/15/21

REVIEW OFFICER CERTIFICATION

State of North Carolina
County of Pender

I, _____, Review Officer of Pender County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer _____ Date _____

PARCEL IDENTIFIER CERTIFICATE

Tax Supervisor: _____ Date: _____

CERTIFICATE FOR EXISTING PARCEL

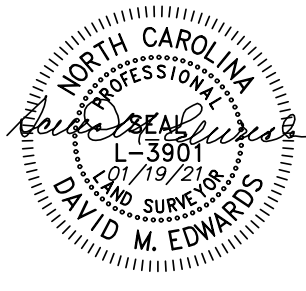
I, David M. Edwards, certify that the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street. For the purposes of this subsection, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.

David M. Edwards
David M. Edwards, PLS License No. L-3901
Date 01/19/21

CERTIFICATE OF ACCURACY AND MAPPING

I, David M. Edwards, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed descriptions recorded in the references noted on this drawing). that the boundaries not surveyed are shown as dashed lines as drawn from information noted; that the ratio of precision or positional accuracy as calculated is 1:15,000; and that this plat was prepared in accordance with G.S. 47-30 as amended, witness my original signature, License No. and seal this 19th day of January, A.D., 2021.

David M. Edwards
David M. Edwards, PLS License No. L-3901
Date 01/19/21



Date of Survey
01/18/21

PROPERTY SURVEY RICHARD CONN	
US HIGHWAY 421 LOTS 8 & 9 - G. K. HORTON SUBDIVISION GRADY TOWNSHIP PENDER COUNTY, NC	
PROJECT NO: 21002 SHEET NO: 1 of 1	
David M. Edwards, NC PLS L-3901 430 Riverland Drive S., Currie, NC 28435 Email: Dedwards.Landsurveying@gmail.com	

- 8) Existing and proposed structures and on-site improvements;
- 9) Existing and proposed fencing, vegetative screening and buffering;
- 10) Existing and proposed signs, lighting, landscaping, walks, parking and drives;
- 11) Detail any expected impact to the community, such as; traffic, noise, vibration, glare, odor, dust, etc. and the method being used to lessen these impacts.

3.12.3 Procedures for Reviewing Applications

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:
 - 1) The use requested is listed among the special uses in the district for which application is made, or is similar in character to those listed in that district;
 - 2) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
 - 3) The proposed use shall not constitute a nuisance or hazard;
 - 4) The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
 - 5) Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
 - 6) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads;
 - 7) That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
 - 8) The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

3.12.4 General Provisions Concerning Special Use Permits

- A. Compliance With Other Codes - Granting of a Special Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other Ordinances.

- B. Revocation - In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Administrator may initiate a notice of violation for the provisions of this Ordinance and the conditions of the Special Use Permit not in compliance or the Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified. After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:
- 1) That the approval was obtained by fraud.
 - 2) That the use for which such approval was granted is not being executed.
 - 3) That the use for which such approval was granted has ceased to exist or has been suspended for one year.
 - 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
 - 5) That the permit granted is in violation of an Ordinance or Statute.
 - 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- C. Expiration - Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant. The Administrator may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.
- D. Duration of Special Use - Any conditions imposed on a special use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the Special Use Permit or subsequently changed or amended by the Board of Commissioners after application to the Board of Commissioners and a public hearing.
- E. Conditions and Guarantees - Prior to the granting of any special use, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the special use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this Ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that conditions stipulated in connection therewith are being and will be complied with.
- 1) Such conditions may include a time limitation.
 - 2) Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated".
 - 3) Conditions of a continuing nature may be imposed. For example, "exterior loud speakers shall not be used between the hours of 10:00 p.m. and 9:00 a.m."

- F. Filing of Special Use - The Administrator shall file the approved or disapproved application forms with the decision of the Board of Commissioners.
- G. Appeals from the Board of Commissioners - Appeals to the Superior Court may be taken by any person, firm, or corporation aggrieved, or by any officer, department, board of the county affected by any decision of the Board of Commissioners, provided such appeals shall be taken within thirty (30) days after the decision of the Board of Commissioners is filed in the office of the Administrator, or after a written copy thereof is delivered to the applicant, whichever is later. The decision of the Board of Commissioners shall be delivered to the applicant by certified mail, return receipt requested.
- H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.

3.13 DETERMINATION OF VESTED RIGHT

3.13.1 Establishment

- A. With Site Specific Development Plan
 - 1) In order for a zoning vested right to be established upon approval of a development plan, the applicant must indicate at the time of application, on a form to be provided by the County, that a zoning vested right is being sought. Site specific development plan means a plan which has been submitted to the County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals: A planned development plan, a subdivision plat, a Master Development Plan or minor site plan, a conditional or special use permit, or any other land-use approval designation as may be utilized by a county. The plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.
 - 2) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan established a zoning vested right under N.C.G.S. Section 153A-344.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."



Pender County

Request For Board Action

DATE OF MEETING:

REQUESTED BY:

SHORT TITLE:

BACKGROUND:

SPECIFIC ACTION REQUESTED:

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

AMENDMENTS:

MOVED:

SECONDED:

☐

APPROVED

☐

DENIED

YEA VOTES: ☐ BROWN ☐ MCCOY ☐ NEWTON ☐ PIEPMAYER ☐ WILLIAMS

George R. Brown, Chairman Date

Clerk to the Board Date