



MINUTES
Board of County Commissioners Meeting
Tuesday, February 22, 2022 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT:

Fred McCoy
Jacqueline A. Newton
David Piepmeyer
David Williams

MEMBERS ABSENT:

George Brown

OTHERS PRESENT:

Chad McEwen, County Manager
Trey Thurman, County Attorney
Tera Cline, Clerk to the Board
Doug Shipley, Assistant County Manager
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER

Meeting called to order at 4:00 PM

2 INVOCATION

Chairman Piepmeyer

3 PLEDGE OF ALLEGIANCE

Vice Chairman David Williams

4 ADOPTION OF AGENDA

- 4.1 Motion to approve agenda with the following updates:
Item 8.6 removed from consent agenda and placed under approvals and resolutions as item 9.13.
Removal of item number 9.3 and 9.10 from the agenda.

Moved by David Williams, seconded by Jacqueline A. Newton

Agenda Approved

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

CARRIED.

5 PUBLIC INFORMATION

5.1 Presentation of 2021 Pender County Sheriff's Office annual report.

Sheriff Alan Cutler presented Jenny Coleman the award for sheriff department employee of the year as well as acknowledged William Smith as deputy of the year. The 911 communication center, inside our calls for service. Sheriff's office calls was 28,000 1,946 and police department calls was 11, 295, the EMS calls was 13,721, fire calls were 17,27, in words of management was 289 called. This all came to a total cost for service of 71,458 total of hot help phone call cancer. For 911 was 33,846 the administrative calls with 80,448 as a total of a 114,294 telephone calls him. Moving on to your jail division, total admissions in our jail for last year. With 1515, our daily occupancy was in-house was high. The high was 87 and the average was 63 out of county daily occupancy. With the high was 22 in the average was nine, The meals in the jail. The tunnel was 68,823 that was a daily average of 189 in our records division. We had handgun purchased permits was 1,073 in our concealed carry permit was 2,414.

Regular division was very busy. Feeling these these requests for permits Our traffic citations, we did work some traffic. Now we did have our two traffic units up and running for the governor's highway safety program for the full year of 2021. We I just broke down into the three major categories with speeding was 1,169.

Citations issued was 93 in DWIRS. Was 23, narcotics enforcement. So we immediately enhance the narcotics division from two detectives to seven detectives. As a result of this drug charges went up into year, 2019, which was the next year 300% and have maintained somewhat consistent. Since then in 2021 our marijuana, we seize 9,428, grams. Mayor 1,1104 grams. These cocaine and 318 gram seed. 81 gram seed here, 513 dosage. You will see compare when powder, 66 grams of. And in appealed category, 10,000 fentanyl pills received 1,127 assorted pills and 955 presses Xanax fuel and for some reason 2021 was popular

and mushrooms and we seized 296 grams. So our Narcotic division has been very busy. Detective division cases assigned was 1,274. That was a total of an average of 212 cases per detective. In the evidence we've taken in 1,800 in one items of evidence. Our court security division. They provided security for 96, the district criminal court sessions, 37, family, juvenile VSS sessions 12, criminal Superior Court sessions. To include grand jury, 49 small, planes stations, 50 domestic violence, sessions, 32, felony sessions, 16 traffic court sessions, 12 child, support sessions, and four civil superior court sessions. Our school resource officers in 2021 dependent County Sheriff's Office answered 359. Total calls for service at our school location. These calls included traffic offenses serving simple papers in various other law enforcement values. Interact, our office received notification from the see something. Say something at which is used in all schools to notify any potential, life, safety, or school threats and violence. In 2021, we received 60 notifications. Some of these were due to the notifications but the app is being So that's a very good thing During 2021 our office. Served juvenile applications on three students related to threats of mass violence. You may remember hearing about those on the news. These investigations took place with charges being made less than 24 hours after notification to all well to allow schools to continue operating on a normal schedule. They get a threat notification in the evening and it would be of all night working at bread, have charges made before the doors open. The next morning in school was not delayed at all. So we're proud of the important air dedication to that. We want to civil division. Civil papers was 3,621. Child support 952 or 50 B, which is domestic violence predictive orders of the 393 in the summer. Had foreclosures of 212, rid of executions 139, rid of real property, 61 rid of personal property 9, that was a total civil. Total number of civil processes was 5,387. Training highlights, We provided trouble draw, the awareness and recognition seminars, and our schools where we were able to do is get our school to work with us, and we actually got a drug recognition expert to go in and teach some of the faculty, some some size to look for, for early drug use. We had our had our first women on target class through the NRA. They came up and put only women on target. That was very well received to that went very well. It teaches good, safety practices and actually gets them out on the range and mix them be able to shoot shotguns and pistols. We had several of them ready to come through it again. We want to try to get kick another one off here. Here this spring, They were and last but not least, we were able to conduct a our shop with a sheriff at the end for Christmas, where we take children out of our schools and actually take them down. We feed them a little bit and we taking shopping for their family. They allowing the bike Christmas presents while their family and we take donations for that. And that that that's the highlight of my year.

5.2 Update on Parks and Recreation Master Plan and Opening of 30-Day Public Comment Period

Travis Henley, Planning Department, presented to the board that the last time, the county adopted a Parks and Rec master plan was 2010. So that's more than 10 years old. Those of the update are to one maintain a current plan and to incorporate a lot of the recommendations from the Pender 2.0, comprehensive plan 2018, but also to God, the county parks and Rec areas, facilities, amenities programs, everything that Justice Parks and Rec going forward into the next 10 years. Our timeline. We originally kicked this off back in September 2021 with a quite aggressive timeline. And I am happy to report that we are still on that timeline. We are shooting for a final adoption in April of 2022 of we are announcing today that we're opening a 30-day public, comment period. The draft plan will be published once we're through here tonight and we'll be out for public comment for the next 30 days. We're got a whole bunch of different ways in which folks can provide comments in person, certainly Parks and Rec end planning staff. More than happy to meet with anybody who would like to meet person online. The plan will be published at www.FinderCounty.Nc.gov for working with Tammy already on a press release, social media post and will be more than just one post. It'll be continually posted and certainly we can accept comments through email, either to myself, or Vanessa Lasser planning office, or by calling the planning up a number as well. 910-259-1202.

6 PUBLIC COMMENT

- 6.1 Tommy Batson, Director of Emergency Management, introduced Amy Burton as the new Deputy Fire Marshall.

7 CONSENT AGENDA

Approval of the Board of Commissioner Meeting Minutes February 7, 2022

- 7.1 Approve Budget Ordinance Amendment for Electronics Recycling and Authorize Expanding PO# 67 with American Greenz
- 7.2 Approval of Annual Lab Equipment Service Agreement with Hach for Water & Wastewater Plants and associated Purchase Order
- 7.3 Approval of Tax Releases and Refunds

- 7.4 Approval of a Budget Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2021-2022: \$157,356
- 7.5 Approval of a Agricultural Lease Agreement (Prison Property)
- 7.6 Consent agenda approved with exception of 8.6 being removed and moved to item number 9.13

Moved by David Williams, seconded by Fred McCoy

Approved

	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 APPROVALS AND RESOLUTIONS

- 8.1 Approval of Purchase Order to Fairway Ford for the purchase of three (3) 2022 Ford Police Interceptor Utility Explorer for in the amount of \$153,499.00.

Moved by David Williams, seconded by Jacqueline A. Newton

Approved

	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 Traffic Impact Analysis - New Law Enforcement Center

Allen Vann, Assistant County Manager, presented the following information to the board. In terms of the new law enforcement center and jail, We are required by NCDOT to have a traffic impact analysis or TIA performed by civil engineering firm. We have received quotes for that for this project, and it is recommended to go with Ronnie, Kemp Associates in 14,000. And I'm just asking the board for approval to move forward with that, as well as the purchase order, which will be paid out of the project code for, for that particular project.

Moved by Fred McCoy, seconded by David Williams

Approved

	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.

- 8.3 Approval of a Budget Amendment to Decrease Health Department Revenues and Expenditures for Fiscal Year 2021-2022: \$39,900

Pulled from the agenda

- 8.4 Approval of Petition for a Road Addition

NCDOT submitted a petition on behalf of the the property owners and/or developers of Union Bethel II subdivision to add Cirrus Court addition to the Division of Highways. Length of the road is 0.10 miles. Number of occupied homes having street frontage is 5, it is located 0.88 miles southeast of the intersection of Route US 17 and SR 1562.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion Approved

	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.

8.5 Approval of Petition for a Road Addition

NCDOT submitted a petition on behalf of the the property owners and/or developers of The Reserve on Island Creek, Sections I, II & III to add an addition to Mississippi Drive to the Division of Highways. Length of the road is 0.23 miles. Number of occupied homes having street frontage is 10, it is located 2.5 miles west of the intersection of Route #1002 and Hwy #210.

Moved by David Williams, seconded by Jacqueline A. Newton

Approved

	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.

8.6 Approval of Petition for a Road Addition

NCDOT submitted a petition on behalf of Mary Catherine Santos to add an extension to Shoal Avenue in the Salters Haven Subdivision, Hampstead to the Division of Highways. Length of the road is 0.42 miles. Number of occupied homes having street frontage is 20, it is located 0.9 miles east of the intersection of Route 1570 and Hwy 17.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion Approved

	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.

8.7 Approval of Engineering Contract with McKim & Creed for the WTP Generator and WWTP Berm Project, Budget Ordinance Amendment, and Associated Purchase Order

Kenny Keel, Director of Utilities, announced to the board that James Proctor has been promoted to Deputy Director for PCU and Glen Garvin was promoted to Water and Sewer Superintendent. This item is for the water plant generator and wastewater plant berm project which we've been talking about. For some time it was initially approved for 2020 and we were seeking a grant from the EDA economic development Administration at that time And it's all related to the hurricane Florence and issues. That were we the initial grant that we were seeking from EDA. They ran out of money before they were able to fund ours. And so we were able to keep with it and get to a different program with them and eventually got the approval for 75% of the project being paid for by grant. So we were, we were able to adjust that out of the contingency and a budget, budget ordinance Amendment covers that. So it didn't cost us much as you thought it was going to get a little more than okay. And in the last thing part of this is the the PO that's required in order to put our finance department to approve, the contract, and payment of invoice, and supportive.

Moved by Fred McCoy, seconded by David Williams

Motion Approved

	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.

- 8.8 Approval of Purchase Order to Fairway Ford for the Purchase of a 2022 Ford F-150 for Building Inspections in the Amount of \$30,530.00

Travis Henley, Director of Planning, This is a budgeted item. It is a 2022 Ford F-150, to replace a 2013 F-150. That'll be repurposed within the department. three quotes were received, one from Fairway. Here in Burgaw, Bill Caron Ford Wallace and Jones Ford, Shallotte. The 2013 truck will be repurposed for used by our watershed and drainage technician.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion Approved

	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.

- 8.9 Recommendation to award the Internet Services contract to Spectrum Enterprise for 36-Month Term and award the Wide Area Network and 911 Backup contract to AT&T for 36-Month Term.

Pulled from agenda

- 8.10 Lightning Alerting & Weather Stations for Parks

Zach White, Parks and Recreation, presented to the board a proposal for weather stations at Pender Memorial Park and Hampstead Kiwanis Park. We have a lightning and policy where they're lightning strikes within 10 miles of the car. We have to cease activity for 30 minutes. We currently have we rely on our recreation partners, the coaches, the officials to make that determination. These stations will be a cut and dried solution for us. When the alarm goes off and the light turns red, you'll know that lightning has been participated within, They also have weather stations with them. So we'll be able to sit here in Virgo and

make a determination on, you know, amount of rainfall and Kiwanis Park. Here at Pender Memorial Park will go tell the wind speed in a number of other things as well as they have cameras built in. So we'll be able to see the weather situation in the car. So we're asking to the motion to approve the purchase order and the contract of Perry weather for the lightning alerting stations and the weather detection stations and I'll take any questions. The first year is the most expensive services subscription program. So what we're looking at is 8,998 and then every year after that it's 6,998 that runs both stations and so what it does. So solar they're cellular. So there's no wires no internet. And so when lightning or weather events are detected in the park, we're going to text and email everybody on our email chain.

Moved by Fred McCoy, seconded by David Williams

Approved

	For	Against	Abstained	Absent
George Brown				x
Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer	x			
David Williams	x			
	3	1	0	1

CARRIED.

8.11 Approval of a long-term easement through Pender Memorial Park

Cody Suggs, Town of Burgaw, explained to the board that the Town of Burgaw is currently seeking funding from the North Carolina Parks and Recreation Trust Fund for the Phase Two (2) West Side Expansion of the Osgood Canal Greenway and Urban Trail. The town is currently proposing that the Phase two (2) expansion travel through Pender Memorial Park to create further connectivity for our residents and visitors. The town has formally proposed this project to the Pender County Parks and Recreation Department and is still currently working with staff to finalize an appropriate route. The Town of Burgaw has also been working with contractors to receive proposals on cost to be included in the grant application. If approved, the Town would require contractors to submit insurance naming "Pender County Government" as coinsured on the policy as well as proof of bonding for the project. If supported by the Pender County Board of Commissioners, the Town of

Burgaw is request in g a long-term easement of the proposed t rail route through Pender Memorial Park for future maintenance of the project.

Moved by Jacqueline A. Newton, seconded by David Williams

Approved

	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.

8.12 Approval of a Agricultural Lease Agreement (Prison Property)

Chad McEwen, County Manager, presented to the board the lease agreement for parcel number 3219-87-6937-0000.

Moved by Jacqueline A. Newton, seconded by David Williams

Approved

	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 DISCUSSION

9.1 BOCC Agenda Items

10 APPOINTMENTS

11 MAPLE HILL WATER AND SEWER DISTRICT

12 ROCKY POINT WATER AND SEWER DISTRICT

13 SCOTTS HILL WATER AND SEWER DISTRICT

14 MOORES CREEK WATER AND SEWER DISTRICT

15 CENTRAL PENDER WATER AND SEWER DISTRICT

16 PENDER COUNTY BOARD OF HEALTH

16.1 Presentation of the 2021 Annual Communicable Disease Report

Carolyn Moser, Director of Health, presented the 2021 Annual Communicable Disease Report and a brief covid update. GenX update as follows, Ms. Moser stated that Pender County had no drinking water wells within half a mile of the river. Commissioner Newton stated New Hanover board of commissioners, had prepared, a very strong letter, requesting that, that that effort be expanded in accordance with what we had been led to believe that would would be because what they're proposing at this point is it's not enough Ms. Moser stated at the last meeting, it was going to be up to the homeowner to contact Moore's instead of the other way around. But we are fortunate that we don't have individuals that close to the river.

17 SOCIAL SERVICES BOARD

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

18.1 Trey Thurman, County Attorney

- Noted the 20-21 terms for the Board of Equalization and Review are up therefore, we need to appoint new members.
- Closed session items :
- Three attorney client
- Four economic development
- Five acquisition of real property

Doug Shipley, Assistant County Manager, stated managers and staff have had several committee meetings, to include retention and recruitment, IT Governors, and Safety committee. Several community planning committees meeting as well.

Allen Vann, Assistant County Manager, introduced Sally Lawson as the new Director of Veterans Affairs. He announced that the state has granted the county \$250,000 dollars towards the courthouse

renovation/repairs. Mr. Vann also informed the board that the RFQ for the Howard Holly Building has not gotten many responses so it will be republished.

Chad McEwen, County Manager, reminded the board about the retreat. Where we go over a capital project forecasting. For the next year we'll have presentations by our financial advisors with Davenport. We'll go over several existing projects future projects that we um projected out some that we discussed tonight. We hope to have not a very long day on that Friday. Not to keep you there too late. So we've got a very tight timeline and we'll try to keep everything on schedule. I knew that's a difficult couple days for everybody so that will be enhanced. Got the agenda that's gone out will be sending out supporting documentation in the by the end of the week. He also gave an update on the BASF demo project. Mr. McEwen noted the Golden Leaf meeting he attended as well.

Commissioner Newton, expressed her appreciation to Four County electric for their exceptional customer service. She mentioned that she met with Mayor Newkirk and the new district manager for Duke Energy and want to make sure the public is aware. If you have a, a business that's trying to get off the ground, I have been told that if you call customer service, they will send someone out before you wire to assist you in deciding, and may have options available to you to offset the cost of the electric power that you need. Their existing distribution system does not meet the needs. Before you do any improvements, you need to call , and they'll come out and do an assessment and determine if they can in-house run it without cost to the consumer. Or if there will be additional cost related to running that distribution, whether it be from the flat extensions, or upgrades from single to three phase. That's a lot of the a lot of rural areas there's not available three phase kind of what we run into with commercial going in those areas so it's always better to make that phone call first.

Commissioner McCoy, stated he enjoyed seeing the support for William Wells family over the weekend.

Chairman Piepmeyer, stated that he also attended the Golden Leaf meeting and it was extremely informative. He also was able to attend the Emergency Management conference and noted it was a great success.

19 CLOSED SESSION (IF APPLICABLE).

Motion to move to closed session at 5:33 PM made by Vice Chairman Williams Second by Commissioner McCoy. Motion to enter into closed

session pursuant to G.S. 143-318.11: 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time; 4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development.5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment.

**20 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP
AMENDMENTS/ RESOLUTIONS**

Trey Thurman swore in all participants of the Special use Permit cases.

20.1 SUP 2021-21R

Travis Henley, Planning Director, presented on behalf of the applicant. Michael Fields, applicant, and owner is requesting approval of a Cottage Occupation/Artisan Manufacturing Special Use Permit to manufacture alcoholic beverages, specifically mead, within a 384 square foot accessory structure in the RP, Residential Performance zoning district on approximately 1.28 acres of land located at 580 Meadow Lane. The subject property is in the Rocky Point Township and may be further identified by Pender County PIN 3236-18-6886-0000. The Special Use Permit described in this report was previously approved by the Pender County Board of Commissioners at the October 18th, 2021 meeting. During that meeting, a condition of approval was added that required submittal of all state and federal permits related to alcohol production to Pender County Planning and Community Development prior to the issuance of zoning approval. As the project has moved through the

process, it has been discovered that one of the items required to be submitted prior to an ABC permit being issued is zoning approval and subsequent inspections from the applicable local jurisdiction. As such, the applicant respectfully requests that that condition be removed from the Special Use Permit, as currently the project is unable to move forward.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion Approved

	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.

20.2 SUP 2021-22

Travis Henley, Planning Director, presented on behalf of the applicant. Marie Peedin, applicant, on behalf of Barnes Boykin, owner, is requesting approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store within the RA, Rural Agricultural zoning district on approximately 2.07 acres of land located on the northeastern corner of the intersection of US HWY 421 and Montague Road. The subject property is in the Grady Township and may be further identified by Pender County PIN 2285-63-0939-0000. The applicant is seeking to obtain a Special Use Permit in order to construct a 10,500 square foot Family Dollar retail store. According to the applicant's submitted narrative, the proposed store will serve as a commercial retail store with needed parking and signage. This application was tabled at the November 15, 2021 Board of County Commissioners meeting to give the applicant an opportunity to provide the board further clarity on the proposed wastewater system associated with this request. At the January 18, 2022 Board of Commissioners meeting, a motion to deny the Special Use Permit request outlined in this report failed by a 2-2 vote, and a motion to table the item did not receive a second from a member of the Board. Due to these votes, the application is still considered pending and is presented for Board of Commissioners disposition unchanged from how it was previously

presented. The rest of this report is identical to the report provided for the January 18, 2022 meeting.

Jennifer Witkowski, 165 Orr Farm Rd, spoke to the board against the proposal. She provided information on the actual median income for Family Dollar locations as well as information on infestation in one of their holding facilities.

Lindsay Maynard, 594 Montague Rd, addressed the board about the impact the increased traffic will have on Montague road.

Vice Chairman David Williams, expressed his concerns with traffic on Montague road after traveling it himself.

Marie Peedin, applicant, stated it does seem as if DOT needs to come in and do some work. So they would be the ones to come in and do that sort of improvements. However, what I wanted to let you know is the stores that we have done studies on the traffic based on the the entry data that is provided to us. We're usually having around 16 to 20 cars per day. Now I know people are going to debate me on that. I can only tell you at the stores that we have checked and what the data has showed. I understand, 400 cars per day. Seems like a lot that a lot is all relative to where you are. I'm sure 421. It carries 10 times that much, maybe even a thousand times that much. That's based on your trip calculations for a store of that nature. Now we didn't have to do a study for this site due to the fact that Pender County has a requirements that board and your your master planning of the county didn't require us to do that. Because there's not enough traffic in that area to deem this site necessary and I believe planning had stated that to us in the beginning.

Commissioner McCoy stated he understood the traffic issue but felt like the store would benefit the community.

Commissioner Newton expressed to the board and others present that many other businesses will be coming to this area. We can expect a great deal of growth down the 421 corridor which will inure to our tax base. She stated that the county is going to grow and in a rural area , a commercial entity, like this will come with some inconveniences. Ms. Newton said she met with the owner of the property and discovered it was a blind sale and the owner was not aware of the plans. She then made a motion for denial. There was no second.

Moved by Fred McCoy, seconded by David Williams

Motion approved with the request of Vice Chairman Williams for a letter to be drafted to the DOT to take a look at Montague road and make repairs and improvements.

	For	Against	Abstained	Absent
George Brown				x
Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer	x			
David Williams	x			
	3	1	0	1

CARRIED.

20.3 REZONE 2021-24B

Travis Henley, Planning Director, presented on behalf of the applicant. Sonya and Randall Edens, applicant and owner, are requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.23 acres of land located in the 20600 block of US HWY 17 across from Union Bethel Road from GB, General Business zoning district to RP, Residential Performance zoning district. The subject property is located in the Topsail Township and may be further identified by Pender County PIN 4214-09-8902-0000. At the August 16, 2021 Board of County Commissioners meeting, the 0.97 acre property adjacent to the west (Pender County PIN 4215-00-6231-0000) was rezoned from the RA, Rural Agriculture zoning district to RP, Residential Performance zoning district. The applicant has since obtained the 0.23-acre subject property along US HWY 17 (previously Pender County PIN: 4214- 09-8902-0000) and has recombined the two properties, now identified as Pender County PIN: 4215-00-6242-0000. The applicant is proposing to rezone approximately 0.23 acres from GB, General Business zoning district to RP, Residential Performance zoning district. The applicant has indicated that the subject property will be developed as residential with an affordable housing product. However, because this is a general use rezoning, a conceptual plan is not included within the application. In addition, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the RP, Residential Performance zoning district. If approved, the development of the site must comply with the standards of the RP, Residential Performance zoning district. Due to the size of the property and housing type options, any residential development would be required to apply for

applicable building permits. At that time, County zoning standards would be reviewed for compliance with the Pender County Unified Development Ordinance (UDO).

Moved by David Williams, seconded by Fred McCoy

Motion to approve

	For	Against	Abstained	Absent
George Brown				x
Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer	x			
David Williams	x			
	3	1	0	1

CARRIED.

20.4 REZONE 2021-26

Greg Feldman, Planner I, presented on behalf of the applicant. Sonya and Randall Edens, applicant and owner, are requesting approval of a Conditional Zoning Map Amendment to rezone approximately 3.64 acres of land located on the northern corner of the intersection of NC HWY 210 and Whispering Pines Court from RP, Residential Performance zoning district to GB-CZ4, General Business Conditional Zoning District 4 in order to develop a Recreational Vehicle (RV), Boat, and Trailer Storage Lot. The subject property is located in the Topsail Township and may be further identified by Pender County PIN 3283-10-9257-0000. The Planning Board considered this application at the November 2, 2021 meeting. At the meeting, the Planning Board tabled the request (5-1) for the applicant to provide additional information and detail regarding the landscaping, buffering, and fencing around the perimeter of the proposed RV, Boat, and Trailer Storage lot. In addition, the Board requested the applicant improve the current condition of Whispering Pines Court. As a result of the discussion at this hearing, the applicant has obtained the requested information to present to the Board and has agreed to 8 conditions of approval as outlined below. Planning staff have identified the following conditions of approval to consider when making a motion for this request. The applicant has agreed to the following conditions for the proposed GB-CZ4 district: 1. The property owner shall construct a 10-foot-tall fence and install fencing slats along all property lines. 2. The property owner shall construct a 4- to 6-foot-tall berm in addition to the required buffer along the property line adjacent to

NC HWY 210. 3. The property owner shall maintain, and keep in good condition, the fencing and landscaping along all sides of the RV, Boat, and Trailer Storage Lot. 4. All light fixtures located on site shall only cast light onto areas designated for storage and shall not cast light onto any neighboring properties. All light fixtures shall be shown on Major Site Development Plan application and shall be reviewed for conformance with the Unified Development Ordinance and this condition at the point of final zoning review prior to the opening of the site to the public. 5. No occupancy of vehicles, RVs, trailers, boats, or trucks shall be permitted on the site. CONDITIONS OF APPROVAL 3.3.9.B.3 Review Approval Criteria for Conditional Rezoning i. The Approval Criteria for a Rezoning (Section 3.3.5). ii. That the application meets the intent of a conditional rezoning, per this subsection. iii. That the contents of the application are complete, sufficient, and recorded appropriately either as conditions of approval or on the associated site plan or preliminary plat, and that the appropriate procedures have been followed. iv. The potential impacts and/or benefits on the surrounding area and adjoining properties. v. The report of results from the public input meeting. vi. That sufficient guarantee is in place or can be made that any off-site impacts generated by the proposed project shall be mitigated appropriately at the time the need for the mitigating action is generated. Prior final zoning approval, the applicant shall improve the portion of Whispering Pines Court adjacent to the site and have a 3rd party engineer certify the road was built to a higher level of standard than its current state. 7. Vehicles taller than 12 feet in height shall be stored within the inner two storage areas of the site. No vehicles greater than 12 feet in height shall be parked in the exterior storage areas along the perimeter of the site. Measurement shall be taken from the established grade to the highest point of the boat or vehicle, excluding any antennas. 8. The two gates providing access into the site shall be remote activated.

Moved by David Williams, seconded by Fred McCoy

Motion Approved

	For	Against	Abstained	Absent
George Brown				x
Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer	x			
David Williams	x			
	3	1	0	1

CARRIED.

- 21 NEXT MEETING DATE**
Thursday March 03, 2022
Board Retreat/Hampstead Annex Training Room

- 22 ADJOURNMENT**