



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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

OTHERS PRESENT:

David Andrews, County Manager
Trey Thurman, County Attorney
Patrick Buffkin, Staff Attorney
Lexi Stanfield, Clerk to the Board
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER

1.1 Chair Newton called the meeting to order at 4:00PM.

2 INVOCATION

2.1 Commissioner George gave the invocation.

3 PLEDGE OF ALLEGIANCE

3.1 Vice Chair Hardee led the Pledge of Allegiance.

4 ADOPTION OF AGENDA

Moved by Brad George, seconded by Wendy Fletcher-Hardee

Motion to Adopt the Agenda.

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

Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

5 ADOPTION OF MINUTES

6 ORGANIZATIONAL MEETING IN ACCORDANCE WITH RULE 4 OF THE RULES OF PROCEDURE

6.1 Appointment of the County Attorney to Serve as Moderator

County Attorney Trey Thurman was appointed to serve as moderator.

6.2 Nomination and Selection of the Board of Commissioners Chair

Commissioner Hardee nominated Commissioner Newton for Chair.

Commissioner McCoy nominated Commissioner George for Chair.
Commissioner Groves seconded the nominated.

Moved by Fred McCoy, seconded by Jerry Groves

Motion to Appoint Commissioner George as Chair.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton		x		
Jerry Groves	x			
Wendy Fletcher-Hardee		x		
Brad George	x			
	3	2	0	0

CARRIED.

6.3 Nomination and Selection of the Board of Commissioners Vice Chair

Chair George nominated Commissioner Newton for Vice Chair.

Motion to Appoint Commissioner Newton for Vice Chair.

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

CARRIED.

6.4 Appointment of the Clerk to the Board of Commissioners

Vice Chair Newton nominated County Manager David Andrews as the Clerk.

Motion to Appoint David Andrews as Clerk to the Board of Commissioners

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

CARRIED.

6.5 Appointment of County Attorney

Vice Chair Newton nominated Trey Thurman for County Attorney

Motion to Appoint Trey Thurman as County Attorney.

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

CARRIED.

7 PUBLIC HEARING

8 PUBLIC INFORMATION

8.1 Department of Labor Annual Safety Awards

Pam Brame, HR Director, introduced the Labor Commissioner Josh Dobson. Commissioner Dobson gave out the safety awards to departments. These are annual awards given to departments who have had no fatalities during the calendar year and maintained an incident rate at least 50 percent below the average for a particular group. Some of the departments that received awards included Tourism, Facility and Fleet, Utilities, Parks and Recreation, Veteran's Services, County Manger's Office, Library, etc.

8.2 NC Cooperative Extension - Pender County Expanded Foods and Nutrition Education Program Update

Mark Seitz, Cooperative Extension Director, introduced Cynthia Rivenbark. Rivenbark is an adult and youth educator. EFNEP is for low-income families. During Rivenbark's time with Expanded Foods and Nutrition Education Program (EFNEP), 650 youth have graduated. Rivenbark covered the different programs, events, and her involvement with the youth of EFNEP. Additionally, she went over the statistics of the adult programs.

8.3 Convenience Centers Update

Anthony Colon, Utilities Director, and Katie Leubner, Project Manager, gave the Board an update on the convenience centers. Some of the convenience centers are owned by Pender County whereas others are leased out by private owners. Currently, Pender County is leasing six (6) sites and some of the owners are willing to sell them. The owner of an Atkinson convenience center is willing to sell three (3) acres to Pender County. Additionally, two (2) county-owned centers need paving. Leubner presented a spreadsheet with a cost analysis breakdown of all the improvements. Colon and Leubner answered Board questions.

8.4 Update on 421 - Water System Expansion

Anthony Colon, Utilities Director, updated the Board on the 421 Water System Expansion. Colon stated there was not much to report. Utilites has been in contact with Harrells Water Corporation to set up a field meeting to identify where the end of the county water line is. They are currently reviewing the hydraulics.

8.5 Update on Merchant Services and Convenience Fee Analysis

Meg Blue, Finance Director, presented the Update on Merchant Services and Convenience Fee Analysis. Blue passed out a presentation to the Board members. Merchant fees are card processing fees. Blue covered the merchant services history for Pender County. Currently, Pender County uses Fiserv and has seventeen (17) active accounts. Pender County currently absorbs merchant fees with Utilities being the biggest cost. Finance has been made aware of a class action lawsuit beginning collections in December 2023 based on interchange fees from Visa and Mastercard payments from 2004-2019. Pender County has completed the paperwork to join the lawsuit. Blue asked the Board to think about whether they want to release an RFP for Merchant Services or use a pass-along structure, where consumers would pay the processing fee instead of the county. Blue answered questions from the Board.

9 PUBLIC COMMENT FOR AGENDA ITEMS

10 CONSENT AGENDA

- 10.1 Approval of a Purchase Order for Performance Auto to purchase a 2023 Ford F-150 Crew Cab truck in the amount of \$41,505.93.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to approve the consent agenda.

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

CARRIED.

- 10.2 2024 Holiday Calendar
- 10.3 Award Contract for Scanning Services for Pender County DSS to Scanning America
- 10.4 Approval of Purchase order for reel mower
- 10.5 Approval of a Budget Amendment to Increase Health Department

Revenues and Expenditures for Fiscal Year 2023-2024: \$207,202

- 10.6 Approval of a Purchase Order to McKesson Medical-Surgical Government Solutions in the amount of \$40,000
- 10.7 A Resolution of the Pender County Board of Commissioners Accepting High Bid for Property with Respect to the Disposition by Sale of Various Specified Parcels Listed
- 10.8 Refund/Release Requests for items meeting NC G.S 105-381
- 10.9 Motor Vehicle Releases and Refunds
- 10.10 November 6, 2023 BOCC Meeting Minutes
- 10.11 Approval to Increase Purchase Order for Bluewater Plumbing in the amount of \$30,000.

11 APPROVALS AND RESOLUTIONS

- 11.1 Request Approval to increase Membrane Plant budget by \$1,289,990.

Anthony Colon, Utilities Director, presented the item. Pender County Utilities (PCU) is closing on their new property on December 15th for the new Membrane Plant. PCU recently provided CDM Smith with a notice to proceed for the preliminary design on the membrane plant. CDM Smith is preparing for the design phase, including updating the contract scope and fee. Originally, this project was budgeted in 2020. Since then, inflation has increased the cost by 18.17%. Colon introduced Rick Martin from CDM Smith to give an update. Martin gave a brief overview of the project named the Eastern Pender Water System Improvements Program. The program has been divided into four construction projects: Scotts Hills Elevated Tank and three (3) well sites, Surface WTP High Service Pump Expansion, New 3-mgd Membrane WTP, and Transmission Piping and Booster Station Improvements. Two of these projects are in construction and the latter two are in design. Martin went over the amendment to design to due changes in project scope and covered project costs and funding. Martin and Colon answered questions from the Board.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to Approve the Membrane Plant Budget by \$1,289,990.00.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-	x			

Hardee				
Brad George	x			
	5	0	0	0

CARRIED.

11.2 Resolution Adopting the NC HWY 210 Resiliency Analysis

Daniel Adams, Planning Director, presented the item to the Board. Adams gave a brief backstory on the NC HWY 210 Resiliency Analysis. In 2022, Pender County was awarded a \$200,000 grant to conduct a resiliency analysis of the NC Highway 210 corridor. This grant is funded through the North Carolina Emergency Management's Transportation Infrastructure Resiliency Grant (TIRG) program. Staff worked with WSP and NCDOT to identify barriers to resiliency, analyze alternatives that can improve resiliency, and offer recommendations and cost estimates on the implementation of the resiliency measures. Staff from WSP addressed the Board to discuss the results of the analysis. WSP covered the structures impacted in different creeks, recommendations, and cost estimates. A preliminary cost estimate for this work is about \$13 million. WSP answered questions from the Board.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to Approve the Resolution Adopting the NC HWY 210 Resiliency Analysis.

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

CARRIED.

12 DISCUSSION

13 APPOINTMENTS

13.1 Reappointments to the Board of Adjustment

Lexi Stanfield, Clerk to the Board, presented two reappointments for the

Board of Adjustment. Andrew Olsen applied for the alternate position. His current term ends on January 31st, 2024. The Board voted to reappointment Mr. Olsen. His new term begins on February 1, 2024, and expires on January 31, 2027. The second applicant is Kyle Breuer for the district 2 position. Breuer's current term ends on January 31st, 2024. The Board voted to reappointment Mr. Olsen. His new term begins on February 1, 2024, and expires on January 31, 2027.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to reappoint both applicants to the Board of Adjustment.

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

CARRIED.

14 MAPLE HILL WATER AND SEWER DISTRICT

15 ROCKY POINT WATER AND SEWER DISTRICT

16 SCOTTS HILL WATER AND SEWER DISTRICT

17 MOORES CREEK WATER AND SEWER DISTRICT

18 CENTRAL PENDER WATER AND SEWER DISTRICT

19 PENDER COUNTY BOARD OF HEALTH

19.1 Approval to Write-Off Bad Debt for the Health Department for Calendar Year 2021: \$10,958.06

Carolyn Moser, Health and Human Services Director, presented the item. Moser is required to present this item. The health department is asking the Board to approve writing off \$10,958.06 of bad debt from 2021. This dollar amount can be broken down to \$7309.30 from the clinic, 42,758.86 from dental, and \$889.90 from mobile dental.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to approve write-off of bad debt for the calendar year 2021.

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

CARRIED.

20 SOCIAL SERVICES BOARD

21 PUBLIC COMMENT

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

- 22.1 Trey Thurman, County Attorney, requested the Board go into closed session in pursuant to item three (3) Attorney Client Privilege and item five (5) Acquisition of Real Property.
- 22.2 Vice Chair Newton congratulated Chair George and thanked staff.
- 22.3 Commissioner McCoy thanked Vice Chair Newton for her time as chair.
- 22.4 Commissioner Groves thanked Vice Chair Newton for her hard work and asked the Board to think about moving public comment to the beginning of the agenda.
- 22.5 Commissioner Hardee reminded the public that the Cape Fear Memorial Bridge would be having lane closures starting on January 4th and would reopen the week of the Azaela festival.
- 22.6 Chair George thanked Vice Chair Newton for her guidance and wished everyone a Merry Christmas.

23 CLOSED SESSION (IF APPLICABLE).

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to go into closed session pursuant to item three (3) Attorney Client Privilege and item five (5) Acquisition of Real Property.

	For	Against	Abstained	Absent
Fred McCoy	x			

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

CARRIED.

24 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

24.1 REZONE 2023-47 CZMA: Request to revise a Conditional Zoning Map Amendment for the Falls Mist Development

Daniel Adams, Planning Director, informed the Board that the applicants requested to have this continued until the January 16th, 2024 BOCC meeting.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to approve continuance.

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

CARRIED.

24.2 SUP 2023-44: Expansion of a Community Boating Facility in the Long Point Estates community in the Topsail Township

Justin Brantley, Senior Planner, presented this item. The applicant, Long Point Estates HOA Inc., is requesting the approval of a special use permit (SUP) to allow the expansion of a community boating facility, which includes the addition of a new dock with five boat slips bringing the total number of boat slips on site to ten. Brantley provided maps to show the board the proposed site plan. The Future Land Use Plan zones this area as Coastal Residential. The use falls in line with the plan. Jim Corhet from Long Point Estates HOA, Inc. presented his own

slideshow to further show the Board the site plan and uses. Corhet cover the CAMA permit, traffic impacts, comprehensive plan consistency, etc. Brantley and Corhet answered questions from the Board.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to Approve SUP 2023-44: Expansion of a Community Boating Facility in the Long Point Estates community in the Topsail Township

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

CARRIED.

- 24.3 REZONE 2023-54: Request to modify and expand an existing Conditional Zoning District (GB-CD1) across approximately 6.8 acres in the Topsail Township

Adam Moran, Planner, presented this item to the Board. The applicant, Lewis Landing LLC, is requesting a rezoning of adjacent parcels from Residential Performance to General Business Conditional District 1 to add onto the business by means of retail shop, office, restaurant, and additional dry stack boat storage facility. The subject properties are located about 0.5 miles from the intersection of Sloop Point Loop Road and Lewis Road in Topsail Township area. Moran covered the dimensional standards, landscaping and buffers, traffic impact, parking, etc. This rezone request is in line with the Pender 2.0 Comprehensive Land Use Plan and supported by staff. Chair George raised concerns with parking not being compatible with the amount slips available. Scott James from WMPO addressed the issues.

Allison Engebretson, Paramounte Engineer, spoke in favor of the rezoning. She gave a project overview and provided graphs to the Board.

Cole Porter, resident, spoke out against the rezoning. He raised concerns with traffic impacts and parking issues.

Beth Ogden, resident, spoke out against the rezoning. She appeared on behalf of sixty (60) other residents in the neighborhood who signed a petition against the rezone. She raised concerns with traffic, noise, parking, hurricane preparedness, protection plans, septic system issues, etc.

Danielle Cole, resident, spoke out against the rezone. She asked DOT and County staff to look at traffic on the weekend before allowing the expansion.

Mathew Payne, resident, spoke out against the rezone. He raised concerns of traffic impacts.

Allison Taylor, applicant, responded to concerns and questions.

Moved by Wendy Fletcher-Hardee, seconded by Jacqueline A. Newton

Motion to Deny REZONE 2023-54: Request to modify and expand an existing Conditional Zoning District (GB-CD1) across approximately 6.8 acres in the Topsail Township.

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

CARRIED.

25 ADJOURNMENT

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to adjourn the meeting at 8:48PM.

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

	5	0	0	0
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CARRIED.