



MINUTES
Board of County Commissioners Meeting
Monday, October 16, 2023 4:00 PM
Hampstead Annex Auditorium

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

2 INVOCATION

3 PLEDGE OF ALLEGIANCE

4 ADOPTION OF AGENDA

Moved by Wendy Fletcher-Hardee, seconded by Jerry Groves

A motion was made to remove item 6.1 Dept of Labor Safety Awards and add a water update to 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 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 Dept of Labor Safety Awards

This item was tabled for another meeting.

6.2 Water Update

Anthony Colon, Public Utilities Director, gave an update Pender County water. There were two meetings held earlier this month to regards county water. In some areas, high levels of iron and sulfur have been found in residents' private wells. Colon reported 78 people have signed a petition to receive county water. There are few options Pender County can explore to remedy this. These options were not discussed. Chair Newton spoke on one of the aforementioned meetings held to discuss the water at the Shiloh Volunteer Fire Department. Colon will later be showing the Board a spreadsheet comprised of the names and addresses collected at the meeting.

6.3 NC DOT updates on current projects in Pender County

NCDOT had several members present to give updates on a variety of projects going on in Pender County. Katie Hite, Project Development Engineer, began by introducing all the NCDOT staff. Hite went over the seven (7) stages of the project process, as well as who is involved throughout the different phases. Daniel Waugh, Resident Engineer, gave an update on the Hampstead Bypass. The bypass goes from Highway 17 to NC 210. Currently, NCDOT is working on the intersection of NC 210 and Hoover Rd. Next year NCDOT will be doing utility construction. Overall, the bypass is 30% complete. Waugh updated the Board on the other sections of the bypass and their timelines. Waugh and Hite answered questions from the Board. Stoney Mathis, Traffic Engineer for District Three (3), presented the Pender County Intersection Improvements. Stoney updated the Board on NC 210 at US 421 first. Currently, a field investigation is estimated to be completed on 10.24.2023. The study is intended to provide intersection improvement recommendations. Stoney went over the many updates on US 421 at Malpass Corner Rd, NC 210 at Island Creek Rd./Dallie Futch Rd., US 117 at Ashton Rd./ Old River Rd., and US 117 at SR 1412 (new road). Katie Hite went over the NC 210 Feasibility study update. The final cost

estimates are anticipated within the month. This project was split into six (6) different mini projects in effort to ease funding. Hite answered questions from the Board.

7 PUBLIC COMMENT FOR AGENDA ITEMS

8 CONSENT AGENDA

- 8.1 Approval of Purchase Order to Motorola Solutions, Inc. in the Amount of \$105,778.20 for the Lease Purchase of Portable and Mobile Radios.

Item 8.5 Contract Amendment for New Law Enforcement Center and item 8.6 Application for Gift- Eagle Scout Project were moved from the consent agenda to Approvals and Resolutions as items 9.3 and 9.4, respectively.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to adopt the consent agenda with the changes stated.

	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.

- 8.2 September 18, 2023, BOCC Meeting Minutes
- 8.3 Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 3332-88-7049-0000 Located in Burgaw, NC
- 8.4 Approval of Purchase Order for the purchase of a 2023 Dodge Ram 1500 truck in the amount of \$39,718.35.

9 APPROVALS AND RESOLUTIONS

- 9.1 Resolution supporting NC DOT's grant application for a traffic signal at the intersection of Sloop Point Road and US Highway 17, to include a cash contribution of up to \$66,250 if the project is awarded

Jesse Leonard, NCDOT's Assistant Division Maintenance Engineer,

presented this item. Leonard explained how NCDOT utilizes citizen's requests, collected data, etc. to figure out where road and traffic light/signal improvements can be made. Once an area has been identified as beneficial from a light/sign NCDOT seeks out funding. A dependable way to fund new installations is through Direct Attributal funds. These are federal funds that proposed projects can be submitted to local MPOs to compete for selection. These do require support from the local governing body and a twenty-five percent (25%) match. The local match is required to be approve when the application is submitted. NCDOT is asking the Board match with \$66,250.00. The Board asked questions regarding the possibility of using the matching funds to go towards a different area. Leonard explained that it would not be possible. The Board expressed their concerns and asked questions.

Moved by Brad George, seconded by Fred McCoy

Motion to approve the Resolution supporting NC DOT's grant application for a traffic signal at the intersection of Sloop Point Road and US Highway 17, to include a cash contribution of up to \$66,250 if the project is awarded.

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

DEFEATED.

9.2 Approval of Budget Amendment for State Budget Allocation to Pender EMS & Fire for EMS Station 9

Meg Blue, Finance Director, presented the item. This item is a budget amendment to accept funds from the State Budget Allocation and disperse them among Pender EMS and Fire's station 9. These funds will replace expired funds from a USDA loan. Blue answered questions from the Board. Chair Newton expressed her appreciation of these funds.

Moved by Wendy Fletcher-Hardee, seconded by Jerry Groves

Motion to Approve the Budget Amendment for State Budget Allocation to Pender County EMS and Fire for EMS Station 9.

	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.

9.3 Contract Amendment for New Law Enforcement Center

Allen Vann, Assistant County Manager, presented this item. Vann explained there was a need for a scope gap amendment. The amendment has five changes: Offsite utilities, secondary roadway, additional onsite services, Radio Tower Design and Planning, and an Extension of Architectural Services Time frame. The contract amendment would require the Board to also approve a budget amendment in the amount of \$526,891.20. Assistant Manager Vann explained to the Board the new law enforcement center is not able to tap into the Town of Burgaw sewer line like originally planned. The Board questioned why the County would not want to put this out to bid for different vendors instead using Moseley Architects. Assistant Manager Vann stated putting these changes out to bid is an option the County could take, but it would be time consuming and could extend the time frame in which the law enforcement center would be complete. Chad Simmons, Withers Ravenel Engineer working with Moseley Architects, assisted in answering the Board's questions. The Board showed concerns with how much money was being requested in the budget amendment. Brian Payne, Moseley Architects Project Manager, helped address the Board's questions.

Moved by Brad George, seconded by Fred McCoy

Motion to approve the contract amendment for New Law Enforcement center.

	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.

9.4 Application for Gift - Eagle Scout Project

Zach White, Parks and Recreation Director, presented the item. Skyler Sholtis submitted an application to donate a bocce ball court at the Hampstead Kiwanis Park as a part of his eagle scout project. The project would be funded and constructed by the Eagle Scouts. The bocce ball court would be ten feet (10) by sixty feet (60) with a crushed stone surface, weather treated wood board, and stainless-steel bolts and screws. White answered questions from the board. The Board requested the item be tabled until more information could be provided.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to table item.

	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 DISCUSSION

11 APPOINTMENTS

12 MAPLE HILL WATER AND SEWER DISTRICT

13 ROCKY POINT WATER AND SEWER DISTRICT

14 SCOTTS HILL WATER AND SEWER DISTRICT

15 MOORES CREEK WATER AND SEWER DISTRICT

16 CENTRAL PENDER WATER AND SEWER DISTRICT

17 PENDER COUNTY BOARD OF HEALTH

18 SOCIAL SERVICES BOARD

19 PUBLIC COMMENT

**20 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER,
ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS**

- 20.1 County Attorney Trey Thurman informed the Board he would be working closely with Pender County's Staff Attorney Patrick Buffkin in response to the expansion of State's Legislative Oversight Committee. Thurman requested the Board go into closed session pursuant to item (3) Attorney Client Privilege including Coastal Pines Solar VS Pender County 22 CVS 1029 and Pender County VS Shiloh Volunteer Fire Department 22 CVS 1025.
- 20.2 Commissioner Groves stated his appreciation of having a meeting in Hampstead.
- 20.3 Chair Newton spoke about the community information meetings previously held and their success.

21 CLOSED SESSION (IF APPLICABLE).

**22 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP
AMENDMENTS/ RESOLUTIONS**

22.1 Pender County Bicycle and Pedestrian Plan

Fred Frank from WSP, a contracted Consultant of WMPO, presented the item to the Board. The plan study area is of southern Pender County. Frank went over the objectives of the Bicycle and Pedestrian Plan. Frank went over current population trends and hypothetical trends for the year 2045 should the Pedestrian Plan pass. Part of the plan study included a survey. Pender County residents participated in this survey by providing their current means of transportation versus how they would prefer to travel. The proposed network includes a greenway facility, side-paths, sidewalk facility, on road facility, and crossing treatments. Frank also discussed policy recommendations like adopting an outdoor light standard.

Eileen McConville signed up to speak in support of this plan. Ms. McConville is the president of the Terry Benjey Bicycle Foundation. Ms. McConville expressed her appreciation of this plan and the need for safe riding ways.

Moved by Wendy Fletcher-Hardee, seconded by Fred McCoy

Motion to approve the Pender County Bicycle and Pedestrian Plan.

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

CARRIED.

22.2 REZONE 2023-47-R CZMA: Request to revise a Conditional Zoning Map Amendment for the Falls Mist Development in the Rocky Point Township

Applicant asked for this request to be continued at another meeting.

Moved by Brad George, seconded by Fred McCoy

Motion to approve continuation.

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

CARRIED.

22.3 REZONE 2023-51: Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 in the Topsail Township

Daniel Adams, Planning Director, presented this item. The applicant for this request is D.R. Horton. The owner of the properties is Mary Beth Morgan Carlson. Applicant is requesting to rezone about twenty (19.51) acres across two parcels of land. The request is to rezone from Residential Performance to Conditional Zoning District 3 for seventy (70) townhomes and 15,000sqft of commercial office space. Adams covered

the master plan of the property, including access points to HWY 17. The surrounding properties are zoned rural agricultural, general business, and planned development. The Planning Board voted to approve this request. Adams answered questions from the Board.

Tara Murphy, Land Planner with McKim and Creed, spoke in favor of the request. Ms. Murphy went over the master plan as well with illustrations of the property.

Moved by Wendy Fletcher-Hardee, seconded by Fred McCoy

Motion to approve Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 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.

- 22.4 REZONE 2023-52: Request to rezone one parcel totaling approximately 2 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district in the Topsail Township

Justin Brantley, Senior Planner, presented this item. The Applicant is Brian Nadeau on behalf of Roland Dixon. This is a request to rezone a two acres parcel from residential performance to general business zoning district. The surrounding parcels are zoned industrial transitional, residential performance, general business, and rural agricultural. This is a landlocked property. Board members raised concerns with traffic associated with general business zoned areas in the residential performance zoned area, as well as the access to the property. The area is designated neighborhood mix use which would support both residential and commercial. The Planning Board voted unanimously to approve the rezoning of the property.

Brian Nadeau spoke on behalf of Roland Dixon. Mr. Nadeau addressed the access concerns the Board vocalized. Old New Bern Rd. is an access pointed to the property since the property was sold in 1927. Mr.

Nadeau spoke about the surrounding area zoned commercial. He also went over the master plan.

Moved by Wendy Fletcher-Hardee, seconded by Fred McCoy

Motion to approve Request to rezone two parcels totaling approximately 20 acres from the RP, Residential Performance zoning district to the CZ-3, Conditional Zoning District 3 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.

22.5 ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO

Adam Moran, planner, presented this item. Pender County is the applicant for this request and is asking the Board to approve a text amendment to the Unified Development Ordinance (UDO). This request of made in effort to comply with the state law, amending section 11.12.2(B) "Penalties;" and Section 13.4.10(D)(1) "Remedies and Penalties, Criminal Penalty." The state law that prohibits this type of penalty was passed in 2021. The Planning Board voted to approve the text amendment and strike the language.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to approve ZTA 2023-19: Text Amendment removing language that provides the County with criminal enforcement penalties for violations of the UDO.

	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.

23 ADJOURNMENT

23.1 The meeting adjourned at 8:12PM.

The Board members voted unanimously to adjourn the meeting.

Moved by Jerry Groves, seconded by Wendy Fletcher-Hardee

Motion to adjourn the meeting.

	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.