



MINUTES
Board of County Commissioners Meeting
Monday, August 7, 2023 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: Jacqueline A. Newton
Fred McCoy
Jerry Groves
George Brad

MEMBERS ABSENT: Wendy Fletcher-Hardee

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 4:00 PM.

2 INVOCATION

2.1 Commissioner McCoy gave the invocation.

3 PLEDGE OF ALLEGIANCE

3.1 Commissioner Groves lead the Pledge of Allegiance.

4 ADOPTION OF AGENDA

4.1 Before adopting the agenda, Commissioner McCoy corrected the minutes on item 9.1.B from the June 19th meeting and item 9.7 from the July 10th BOCC meeting. Commissioner McCoy then made a motion to adopt the agenda with the changes.

Moved by Fred McCoy, seconded by Jerry Groves

Commissioner McCoy made a motion to adopt the agenda with the changes. Commissioner Groves seconded the motion. Motion carried.

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

CARRIED.

5 PUBLIC HEARING

6 PUBLIC INFORMATION

7 PUBLIC COMMENT FOR AGENDA ITEMS

8 CONSENT AGENDA

- 8.1 Approval of a Purchase Order to T&H Construction of NC for Water & Sewer Emergency Repairs for FY24: \$85,000
- 8.2 Approval of Purchase Order to Evoqua for Odor Control in FY24
- 8.3 Approval of Purchase Order to Clayton Homes for Maple Hill Wastewater Treatment Plant Office
- 8.4 Approval of Purchase Order to Professional Mail Services for Printing, Mailing, and Postage Services of PCU Monthly Water & Sewer Bills for FY24
- 8.5 Approval of Budget Ordinance Amendment to Adjust Revenues for the Water Plant Generator Project Fund 83 and Wastewater Plant Berm Project Fund 88
- 8.6 Approve a Purchase Order/Sole Source for Mitchell 1 for FY24
- 8.7 Approval to carryover PO # 305 to W.E. Newton, Jr. for 100 tons ABC DOT for County Asset Containment Lot in the amount of \$4,910.00
- 8.8 Approval to carryover PO # 509 to Southern Touch Painting & Maintenance Inc to Paint in AG Building in the amount of \$13,000.00
- 8.9 Approval to carryover PO # 517 to Watkins' Floor Covering, Inc. for flooring in the AG Building in the amount of \$26,670.89

- 8.10 Approval to carryover PO # 560 to Bryan's Heating & Air for HVAC at Howard Holly Building in the amount of \$19,941.52.
- 8.11 Approve a Purchase Order/Sole Source for Zesus Plus Data Plan
- 8.12 Approve a Purchase Order/Sole Source for Consolidated Laundry
- 8.13 Approval of Purchase Order for GFL for Pender County facilities Solid Waste Disposal & Hauling Services for FY 24
- 8.14 Approval of Sole Source vendor VFIS of North Carolina.
- 8.15 Approval of Sole Source vendor of the Knox Company.
- 8.16 Approval of Purchase Order and Renewal of Avineon 3-year Contract for GIS and Annual Maintenance in the amount of \$12,150.00 per year.
- 8.17 Approval of a Purchase Order to SHI for Computer Replacement in the amount of \$235,196.60.
- 8.18 Approval to carryover Purchase Order (PO #550) from FY23 to Custom Controls Unlimited for \$10800.00.
- 8.19 Requesting approval of Donation (of 36' Silver Ships Boat) from Surplus Military Property Program at no Cost to the County
- 8.20 Approval of a Purchase Orders to NC Department of Corrections for \$75,000 and US Food Services for \$75,000.
- 8.21 Approval to accept North Carolina Governor's Highway Safety Program Traffic Safety grant award in the amount of \$33,783.00.
- 8.22 Approval of Purchase Order/Sole Source to Correctional Behavioral Health for the Jail Inmate Mental Health Services in the amount of \$21,000.00
- 8.23 Approval of Purchase Order for Motorola Solutions for the yearly service agreement on the 911 center radio console system in the amount of \$64,327.10.
- 8.24 Approval of Purchase Order Seegar's Fence
- 8.25 Approval of Purchase Order for mowers
- 8.26 Carryover Purchase Orders for Parks and Recreation
- 8.27 Motor Vehicle Release and Refunds
- 8.28 June 16, 2023, BOCC Special Meeting Minutes
- 8.29 June 19, 2023, BOCC Meeting Minutes
- 8.30 July 10, 2023, BOCC Meeting Minutes

Moved by Brad George, seconded by Fred McCoy

*Commissioner George made a motion to approve the consent agenda.
Commissioner Groves seconded the motion. Motion carried.*

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

CARRIED.

9 APPROVALS AND RESOLUTIONS

9.1 Resolution and Letter of Support for the Wilmington Urban Area Metropolitan Planning Organization's grant application for a Resilience Improvement Plan

Daniel Adams, Planning Director, introduced Abby Lorenzo with WMPO to present this item. The WMPO is seeking a resolution and letter of support for their grant application for a Resilience Improvement Plan to be submitted to the United States Department of Transportation's Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (also known as PROTECT). The goal is to develop a resilience improvement plan for the WMPO area. Vanessa Lacer, Greer Shivers from the WMPO were present at the meeting and available for questions from the Board. Ms. Shivers informed the Board there are currently no projects identified that would be affected. Ms. Shivers also clarified for the Board that the 1.4 billion dollars would be the total amount for the entire protect discretionary program, WMPO would be requesting \$1 million to develop this plan.

Moved by Brad George, seconded by Fred McCoy

*Commissioner George made a motion to approve the item.
Commissioner McCoy seconded the motion.*

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

Brad George	x			
	4	0	0	1

CARRIED.

- 9.2 Resolution Authorizing Approval of Burgaw Pyrotechnic Display on December 31, 2023, in Accordance with North Carolina General Statute 14-413.

Tommy Batson, EM Director, presented the item. The Town of Burgaw is requesting the Board allow a firework display on December 31, 2023, at Burgaw Middle School. The Board did not have any questions.

Moved by Fred McCoy, seconded by Jerry Groves

Commissioner McCoy made a motion to approve the item.

Commissioner Groves seconded the motion.

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

CARRIED.

- 9.3 Resolution of support for the NCDOT Rail Division's Corridor Identification and Development Program application for the Wilmington to Raleigh corridor

Daniel Adams, Planning Director, presented the item. NCDOT is serving as the applicant for 12 corridors within the state that will be submitted to the Federal Railroad Administration for their Corridor Identification and Development Program. This particular corridor would run from Wilmington to Raleigh, cutting through Pender County. Adams informed the Board WMPO is in support of this program and their board has adopted a resolution supporting the efforts. Commissioner McCoy stated his support. Adams answered any questions the Board had.

Moved by Fred McCoy, seconded by Jerry Groves

Commissioner McCoy made a motion to approve the Resolution of support for the NCDOT Rail Division's Corridor Identification and Development Program application for the Wilmington to Raleigh corridor. Commissioner Groves seconded the motion.

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

CARRIED.

9.4 Proposed Gifts and Donations Policy

Patrick Buffkin, Staff Attorney, presented the Proposed Gifts and Donations Policy. This is a follow up item from the November 21, 2022, meeting. The policy proposes donors *or* staff fill out a form for the gift or donation and staff will look over it to decide if it is appropriate for the County to accept. If staff approve it, it will be presented to the Board of County Commissioners, and they will give the final decision on approving or denying the gift/donation. There are many categories that outline gifts and donations the County would not accept. The policy does not apply to gifts/donations under \$100. Buffkin went through the entire policy thoroughly and answered any questions from the Board.

Moved by Brad George, seconded by Fred McCoy

Commissioner George made a motion to approve the policy. Commissioner McCoy seconded the motion.

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

CARRIED.

9.5 Refund/Release Requests

Melissa Radke, Tax Administrator, presented to the Board the refund and release requests. This is statutorily required for amounts over \$100. Chair Newton requested Radke not state the taxpayers' names for the sake of privacy. There are three valid reasons for a refund/release request: clerical error, illegal tax, and tax levied for illegal purpose. According to the court of appeals, to qualify as a clerical error under G.S. 105 -381 the tax office's error "must ordinarily be apparent on the face of the instrument," "must be capable of being corrected by reference to the record only" and must produce an unintended result. Radke present five requests to the Board:

Request One:

Citizen turned in 2023 tax appeal form requesting a refund of tax years 2019-2022 "for being overtaxed due to error in reporting of data made by the company who conducted the 2019 assessment." The property, at the 2019 reappraisal, was listed as having a finished room over the garage. After reviewing her 2023 property tax appeal, she does not have a finished room over her garage which caused the heated square footage difference she initially appealed for. The property record has been corrected for the 2023 tax year going forward. The Tax Office recommended deny the request since it did not meet any requirements.

Commissioner George made a motion to approve the Tax Office's recommendation and deny the request. Commissioner McCoy seconded the motion. Commissioner Groves was against the motion. Motion carried.

Request Two:

Citizen contacted Tax Office about a boat that was no longer owned by the citizen. Tax records indicate the citizen has delinquent taxes remaining due on this boat for tax years 2017 through 2021. Since the boat was not removed from the possession of the citizen or from the location in Pender County until after January 1st, 2018, the citizen has acknowledged she will remain liable for these delinquent taxes. The citizen is requesting a release of the tax bill liability for tax years 2019, 2020 and 2021. Tax Office recommended to approve the release from the tax years 2019, 2020, 2021 and 2022.

Commissioner George made a motion to approve the Tax Office's recommendation and approve the request. Commissioner McCoy seconded the motion. Motion carried.

Request Three

Citizen sent in an appeal for the 2023 tax year stating her home was not a 2-story home. After physical inspection and review it was determined the home is in fact only a 1 story home. The square footage was

corrected at the appeal for the 2023 tax year going forward. The citizen is requesting a refund for tax years 2019 through 2022 for the "overpayment" due to the "overstatement" of square footage. It is the recommendation of the Tax Office to deny the request for refund since the reason for request does not meet any of the three statutory reasons for a valid release or refund.

Commissioner George made a motion to approve the Tax Office's recommendation and deny the request. Commissioner McCoy seconded the motion. Commissioner Groves was against the motion. Motion carried.

Request Four:

Citizen sent in an appeal for the 2023 tax year stating we had too much square footage on her home. After physical inspection and review it was determined that the measurements of the home did not take into account her cathedral ceilings in turn showing 555 square foot excess. The square footage has been adjusted and corrected for the 2023 tax year going forward. The citizen is requesting a refund from tax years 2019 through 2022 due to this "overstatement" of square footage resulting in an "overcharge on her taxes". It is the recommendation of the Tax Office to deny the request for refund since the reason for request does not meet any of the three statutory reasons for a valid release or refund.

Commissioner George made a motion to approve the Tax Office's recommendation and deny the request. Commissioner McCoy seconded the motion. Commissioner Groves was against the motion. Motion carried.

Request Five:

Citizen brought to our attention in June after the listing period had ended that she has had her 2016 Nautic Global 2000 Boat listed in New Hanover County since 2017. It has been listed in Pender County since 2017 as well. She was able to provide proof of the New Hanover listing as well as providing proof that they have been paid in New Hanover County. We also have been provided documentation showing it is the same boat listed here that was listed in N.H County. The 2017, 2018 and 2020 taxes here in Pender have been paid in full. 2019 and 2021 taxes remain unpaid. The citizen is requesting a refund for tax years 2017, 2018 and 2020 while requesting a release for

tax years 2019 and 2020 for the unpaid taxes. It is the recommendation of the Tax Office to approve the release of tax years 2019 and 2021 as well as approve the refund for tax years 2017, 2018 and 2020 since this boat was not sitused in Pender County and was taxed and paid in New Hanover County for all of these years which still all qualify under the statutes guidelines for the number of years allowable to be refunded.

Commissioner George made a motion to approve the Tax Office's recommendation and approve the request. Commissioner McCoy seconded the motion. Motion 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**

21 CLOSED SESSION (IF APPLICABLE).

Moved by Fred McCoy, seconded by Jerry Groves

Motion to go into Closed Session at 5:26pm as per NCGS 143-318.11(3) attorney client, (4) Economic Development, (5) land acquisition, (6) personnel.

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

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

CARRIED.

22 ADJOURNMENT

Moved by Brad George, seconded by Fred McCoy

Commissioner George made a motion to adjourn the meeting. Commissioner McCoy seconded the motion. The meeting was adjourned at 7:10PM.

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

CARRIED.