



MINUTES
Board of County Commissioners Meeting
Monday, May 15, 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
Lexi Stanfield, Clerk to the Board
April Radford, Interim 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 Vice Chair Hardee gave the invocation.

3 PLEDGE OF ALLEGIANCE

3.1 Commissioner Groves led the Pledge of Allegiance.

4 ADOPTION OF AGENDA

Moved by Brad George, seconded by Fred McCoy

Motion to adopt the agenda as presented.

	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 INFORMATION

5.1 Pender EMS & Fire Win the 2023 Paramedic Competition

Pender EMS & Fire Director Everett Baysden introduced McKenzie Shipp and Owen Feest to the Board as the 31st Annual Paramedic Competition winners for 2023. Baysden informed the Board that McKenzie and Owen competed against six (6) other teams from different counties, including the 2022 Winner, Mecklenburg County. Baysden noted that McKenzie is the second woman to win the competition. Owen Feest spoke after Baysden. Feest said he was grateful for the county and the agency. He said it was an honor to compete for both. McKenzie Shipp spoke next. Shipp went into detail about the competition. Shipp stated the competition starts in a room without any communication to the outside world. Competitors draw numbers to see what order they compete in. Competitors are called to a bar for a fake medical incident and have to attend to the situation. Everett Baysden spoke once more, honorably mentioning Mr. Brown as Shipp and Feest's trainer.

6 PUBLIC COMMENT FOR AGENDA ITEMS

6.1 Public Comment for Agenda Items.

No one signed up to comment on Agenda Items.

7 CONSENT AGENDA

- 7.1 Approval of PO to Sole Source vendor of Central Square Technologies, LLC for \$ 9,823.78.
- 7.2 Approval of a Purchase Order to Internetwork Engineering for Annual Firewall Support & Maintenance Renewal in the amount of \$35,897.31.
- 7.3 Approval of a Purchase Order to Davenport Group for Dell Infrastructure Support & Maintenance Renewal of in the amount of \$148,709.00.
- 7.4 Approval of Increase of PO# 184 to Core & Main for Water Meter Purchases

7.5 Consent Agenda Approval

Moved by Fred McCoy, seconded by Brad George

Motion to approve consent agenda as presented.

	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 APPROVALS AND RESOLUTIONS

8.1 Consideration of Purchase Order and contract amendment to Land Mechanic Designs, Inc. to complete repairs to Northeast Cape Fear River bank off Shaw Highway

Planning Director Daniel Adams presented the consideration of Purchase Order and contract amendment to Land Mechanic Designs Inc., and a PO increase of \$15,300 for Ardurra to complete repairs to Northeast Cape Fear Riverbank off Shaw Highway. Adams informed the Board the project is funded through the Emergency Watershed Protection Program Grant, a USDA funded grant related to Hurricane Florence recovery efforts. The Board originally approved this contract on May 16, 2022 to repair damaged on this portion of the riverbank. In June and July of 2022, Land Mechanic Designs, Inc and technical consultant Ardurra repaired the riverbank. Adams stated an amendment of their contract with Pender County was needed to correct erosion along the same repair sites.

Discussion:

Commissioner McCoy asked if this would also cover damage in the downstream area of the riverbank. Adams stated that was not within the scope of this contract however, staff are continuing to seek funding for other areas such as that one.

Chair Newton asked for clarification on why the previous work done was not sufficient in fixing the riverbank. Adams stated that the original design drawn up for the Northeast Cape Fear River did not take erosion

into account. This led to the undoing of previous work. Adams stated the original contract was fulfilled.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to approve Purchase Order and contract amendment to Land Mechanic Designs, Inc. and a Purchase Order Increase of \$15,300 to Ardurra to complete repairs to Northeast Cape Fear River bank off Shaw Highway.

	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 Approval of Offer & Start of Upset Bid Process for Sale of Surplus Property - Parcel 4214-12-5195-0000 on Doral Drive, Hampstead

Finance Director Meg Blue requested the Board approve the offer and upset bid process for the sale of a surplus property - Parcel 4214-12-5195-0000 on Doral Drive in Hampstead. Blue stated the county bought the .25 acre lot in 2017 through tax foreclosure. The tax value for this lot is listed at \$9,998. Nash Burke has put in an offer for \$10,000, \$2 above the tax value.

Moved by Brad George, seconded by Wendy Fletcher-Hardee

Motion to approve Offer & Start of Upset Bid Process for Sale of Surplus Property - Parcel 4214-12-5195-0000 on Doral Drive, Hampstead as presented.

	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.

8.3 Consideration of a Resolution to Declare Corporate Drive and Acme Way Public Roads (Both Being Located Within the Pender Commerce Park)

Project Manager Buddy Avery requested the Board approve the resolution to declare Corporate Drive and Acme Way Public Roads. Avery informed the Board this is one step towards granting DOT ownership over the roads so they can properly maintain them. The roads are currently listed as private. Avery did discuss alternative actions to declare the roads public such as hiring a surveyor to redraw the roads or rehiring the original surveyor to change the roads from private to public. Avery highlighted key issues with these other alternatives. Avery stating it would be excessive to redraw all the roads as they haven't changed and rehiring the original surveyor would cost \$4,500.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to approve the resolution to declare Corporate Drive and Acme Way public roads as presented.

	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.

8.4 Consideration of NCDOT Resolution for Roadway Improvements at NC-210/Island Creek Road/ Dallie Futch Road

Katie Hite presented the consideration of NCDOT Resolution for Roadway Improvements at NC-210/Island Creek Road/ Dallie Futch Road. Hite informed the Board that among NC 210, Island Creek Rd, and Dallie Futch Rd there have been thirty-nine (39) wrecks in the last five years due to increased traffic volumes and population growth. This

project currently aims to insert a roundabout at the intersection of Dallie Futch Rd and Island Creek Rd however, Hite noted there is room for change. Hite stated there is no current long-term funding for this project, however staff are actively seeking it. Hite presented a short-term solution of installing a traffic signal prior to the Hampstead Bypass opening.

Discussion:

Commissioner George raised concerns of tractor trailers not fitting on the roundabout. Hites referred back to a previous slide that showcased a roundabout. Hite noted the roundabout forms a donut and the outer circle is called a truck apron. A truck apron is specifically designed for trucks and trailers to drag across it.

Chair Newton stated the Dallie Futch Rd and Island Creek Rd is a prime site for a roundabout.

Commissioner McCoy stated his support in the roundabout as I-40 will also increase the traffic in that area.

Commissioner Groves asked Hite the likelihood of temporarily cutting off the NC 210 and Island Creek Rd intersection. Hite responded stating that is a long-term goal staff are working towards in efforts to make that area safer for drivers. Commissioner Groves also agreed with Commissioner George's concerns of the roundabout being too tight for trailer trucks.

Chair Newton asked Hite what the necessary funding process involves. Hite responded stating it depends on where they are able to get the funding from. Hite stated having support from the Board is their first step in this process.

Moved by Jerry Groves, seconded by Brad George

*Motion for Consideration of NCDOT Resolution for Roadway
Improvements at NC-210/Island Creek Road/ Dallie Futch Road*

	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 DISCUSSION

9.1 Discussion Regarding a Draft Ordinance Amendment to Prohibit Smoking, Vaping, Tobacco Use in Pender County Parks.

Patrick Buffkin, Staff Attorney, presented the Discussion Regarding a Draft Ordinance Amendment to Prohibit Smoking, Vaping, Tobacco Use in Pender County Parks. Buffkin stated this discussion was requested by Commissioner Groves. Buffkin stated in preparation for the BOCC meeting, staff conducted background research, had internal meetings with park staff and the public health director, as well as presented this issue with the county parks board for their consideration of recommendations. The county has legal authority to regulate vaping and other tobacco use. The ordinance contains a provision that allows criminal punishment for those who violate it. Due to the criminal penalty, the Board will need to have a second discussion before they can approve the new ordinance. Buffkin asked the Board for direction and feedback on where they would like to go with this issue.

Discussion:

Chair Newton asked for clarification on why the term "electronic cigarettes" was not being used within the language. Buffkin clarified the most up-to-date ordinance does include this terminology however, the agenda the Board is in possession of does not. Chair Newton voiced concerns with having a public policy without having firm guidance on penalties or enforcement.

McCoy stated his support of a designated smoking area.

Commissioner George voiced concerns about park staff's lack of authority to enforce the ordinance. Commissioner George noted there are other ordinances in place that prohibit things like golfcarts and dogs, but the park staff are not able to enforce this like law enforcement could.

Commissioner Groves stated his experience with secondhand smoke at the parks.

Buffkin thanked the Board for their feedback and stated he would return after there was more research done.

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 2022 Community Health Assessment

Carolyn Moser, Health Director, presented the 2022 Health Assessment. She passed out hard copies of the assessment to each Board member. Moser stated every four years the Health Department is required to do this health assessment, and every year they submit a county health report. The Health Department contracted with UNC School of Health to conduct this assessment. The Health Assessment is a long process that initially results in a list of 14 health priorities. After more research is done, the list is shortened to three main health priorities that Pender County Health Department will focus on for the next four years. This year the three priorities are Heart Health, Substance Abuse, and Access to Care. Chair Newton asked for clarification on access to care. Moser clarified that this means there is a shortage of care providers in the area in comparison to the state. Chair Newton asked for updates on diseases, illness, and specifically covid within Pender County. Moser stated Pender County has a low report of covid cases and hasn't had a covid-related death in a few months. North Carolina is in the process of approving newer version of the Moderna vaccine that will include different strains of Covid-19.

17 SOCIAL SERVICES BOARD

18 PUBLIC COMMENT

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

20 CLOSED SESSION (IF APPLICABLE).

Moved by Wendy Fletcher-Hardee, seconded by Fred McCoy

Motion to go into Closed Session at 5:15 pm as per NCGS 143-318.11 (3) attorney client and (4) Economic Development.

	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.

21 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

21.1 REZONE 2023-45: Request to rezone three tracts totaling approximately 4.9 acres from the Planned Development zoning district to the General Business zoning district in the Topsail Township

Daniel Adams, Planning Director, presented the Request to rezone three tracts totaling approximately 4.9 acres from the Planned Development zoning district to the General Business zoning district in the Topsail Township. The applicant for the case on behalf of Renovation Church is Lenny Moore. Mr. Moore could not be present for the meeting. Mr. Shell and Mr. Thompson were in attendance on behalf of Mr. Moore and Renovation Church. The three subject properties are mostly wooden tracts. Adams stated the Board would need to consider all permit uses for this property because they are within the general business zoning district. The areas looked at on a map were between long Leaf Dr and Sloop Point Loop Rd. Adams noted that US Hwy 17 is at compacity. The volume is currently 36,000, the planning capacity is 37,232, and the volume to capacity ratio is .97. The properties have different future land use classifications. The property at the corner of Sloop Point Loop Rd and Hwy 17 is classified as Regional Mixed Use and the two parcels south and east are classified as Low Density Residential. Adams presented reasons staff recommend the approval of this proposal. Chair Newton asked if the land was acquired or donated, and for clarification on the odd shape of the land. Mr. Thompson from Cape Fear Commerical answered stating that the land was acquired, and the engineer informed them that that is just the way the land runs. Mr. Thompson informed the Board that the church may utilize the land for a coffee shop or some other commercial use.

Moved by Brad George, seconded by Wendy Fletcher-Hardee

Motion to approve the Request to rezone three tracts totaling approximately 4.9 acres from the Planned Development zoning district to the General Business zoning district 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.

21.2 General Land Use Procedures Presentation from the Cape Fear Council of Governments

Sam Shore from Cape Fear Council of Governments presented the General Land Use Procedures. Sam received a warm welcome from the Board. Shore began stating Pender County is experiencing a lot of population growth and its budget needs to reflect that. Shore went over the 2018 Land Use Procedure adopted in 2018. Broad Construction (legal context 153A-4), Responsibilities (UDO 2.2.2), Zoning Basics (160D-701), Grants of Power (160D-702), Limitations, Special Considerations, Zoning Map Amendment Comparision (Genral Use VS Conditional Zoning, Quasi-Judicial Procedures (160D-406), Quorum, Voting, and Hearings were all covered in Shore's presentation to the Board. Chair Newton asked Shore about subpoenaing witnesses. Sam stated he has never seen a government use the subpoena right. Former staff would be an example of when someone might use this right. Shore also covered Competent evidence (160D-1402J (3)), Q-J Conflict of Interest (160D-109D), Public Bodies and Open Meetings (143-318) (143-318.10). Afterwards, Shore answered questions from the Board. The Board thanked Shore for his time and efforts today.

22 ADJOURNMENT

Moved by Wendy Fletcher-Hardee, seconded by Brad George

Motion to adjourn was made at 8:05pm.

	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.