



MINUTES
Board of County Commissioners Meeting
Monday, November 15, 2021 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT:

George Brown
Fred McCoy
Jacqueline A. Newton
David Piepmeyer
David Williams

MEMBERS ABSENT:

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.

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1 CALL TO ORDER

Chairman called the meeting order at 4:00 P.M.

2 INVOCATION

Commissioner McCoy presented the invocation

3 PLEDGE OF ALLEGIANCE

Pledge of Allegiance lead by Commissioner Newton

4 ADOPTION OF AGENDA

Moved by David Williams, seconded by Fred McCoy

Motion to adopt agenda

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			

Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

5 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 Presentation of the preliminary demographic study for Pender County Schools

Dr. McKibben and Mr. Matthew Cropper presented to the board the Pender County Schools Demographic Study report and Pender County Schools Options Statistics report.

The board asked Dr. Hill, Superintendent, if people outside of district are still being allowed to transfer. Dr. Hill stated if the school was at capacity no transfer were allowed. Virtual classrooms were discussed as well. District options were discussed as well.

6.2 Presentation of the 2020 -2021 Department of Social Services Annual Report

Wes Stewart, Director of Social Services, gave a brief overview of the annual report. Mr. Stewart also acknowledged his staff for all their hard work and the board followed that with their acknowledgement as well.

7 PUBLIC COMMENT

8 CONSENT AGENDA

8.1 Approval of a Purchase Order to LabCorp of America Holdings in the amount of \$150,000

8.2 Approval to increase Purchase Order for North Carolina Department of Public Safety in the amount of \$45,000.00.

8.3 Approval of Agreement with Skip Green & Associates for EDA Grant Administration and associated Purchase Order

8.4 Approval of the Board of Commissioner Meeting Minutes November 1, 2021

Moved by Jacqueline A. Newton, seconded by David Williams

Consent Agenda Approved

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9 APPROVALS AND RESOLUTIONS

9.1 Pender County Digital Inclusion Plan

Chris Ward, Director of Business Development ATMC, gave a brief presentation explaining the Pender County Digital Inclusion plan and where to find the information. He explained that any county that is using ARC funds to help with broadband infrastructure will get increased help from the federal government grants. Mr. Ward, explained the struggles with NC DOT and Commissioner Piepmeyer stated he would help with that if given the information. The cost of of internet was discussed as well.

Moved by David Piepmeyer, seconded by David Williams

Motion to adopt the Digital Inclusion Plan

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

- 9.2 Approval of a Purchase Order to Capital Ford of Wilmington for \$87,262.62 for the purchase of one 2022 Ford F150 truck with extended cab, one 2022 Ford Explorer, and one 2022 Ford Escape.

15 - 16

Kenny Keel, Director of Utilities, explained one vehicle will be purchased from Capital Ford in Wilmington, and the other is from Bill Carone and would like separate PO's for each.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion to approve purchase order to Capital Ford in the amount of \$24,773.60 and another purchase order to Bill Carone for the amount of \$60,817.00.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

[Keel attachment](#)

- 9.3 Approval of a Purchase Order to Fairway Ford of Burgaw for \$33,629.15 for the purchase of one 2022 Ford F150 Crew Cab truck.

Moved by Fred McCoy, seconded by David Williams

Motion to approve purchase order to Fairway Ford in the amount of \$32,530.00

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

- 9.4 Approve Purchase Order for Resurfacing of Water Plant Clear wells

Moved by David Piepmeyer, seconded by David Williams

Motion to approve Purchase Order to Carolina Management Team in the amount of \$ 89,734.00

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.5 Approval of Contract Change Order for Construction of Factory Road Water Main Extension Design-Build Project, Budget Ordinance Amendment, and Associated Purchase Order

Kenny Keel, Utilities Director, \$504,250.00 change order for the project completion. There was discussion of lead times etc. Trey Thurman, Attorney, noted that ordinarily a change order would not be approved for this amount but this was design build the board authorized the change order. Justin Wagner, State Utilities contractor, who is teamed up with McKim and Creed stated the biggest drive on this project will be supplies.

Moved by David Piepmeyer, seconded by David Williams

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.6 Approval of the 2021 EOP (Emergency Operation Plan)

Tommy Batson, Emergency Management Director, presented the EOP for the county. Updates were made and it has been approved by staff and the state as well.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

- 9.7 Approval of Purchase Order to Fairway Ford for the purchase of 2022 Ford F150 truck for Animal Control Division in the amount of \$30,960.00.

Replacement vehicle for Animal Control Division.

Moved by David Piepmeyer, seconded by Jacqueline A. Newton

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

10 DISCUSSION

11 APPOINTMENTS

- 11.1 Approval of Reappointment to the Pender County Jury Commission

Chad McEwen, County Manager, explained the purpose of the Jury Commission. Mr. Bill James requested to be reappointed. The board requested to advertise the vacancy on the county website until next meeting.

12 MAPLE HILL WATER AND SEWER DISTRICT

13 ROCKY POINT WATER AND SEWER DISTRICT

13.1 Resolution Accepting the Deed of Dedication of water distribution system for Carolina Creek Phase 3

5:42 PM board convened as the Rocky Point Water and Sewer board.
Motion to approve resolution.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

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

5:44 PM opened as the Pender County Health board. Carolyn Moser, Health Department Director, gave a brief update on COVID-19.

18 SOCIAL SERVICES BOARD

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

Trey Thurman, County Attorney, Closed session items include

- Item 3 Attorney/client
- Item 4 Economic Development
- Item 5 Acquisition of real property
- Item 6 Personal

Chad McEwen, County Manager, updated the board on the following projects:

- Golden Leaf grant request for help with the cost of demolition of the BASF property

- RFP for the BASF property being completed by Wood Engineering
- Pender Commerce Park update
- Water main break in Brunswick county
- Mosely Architectural design team will meet with staff first week in December for a staff kick off meeting for the new law enforcement center and jail.
- Pender water main break

Doug Shipley, Assistant County Manager, gave a brief update on the following:

- Supervisor on-board training
- Update on new employee hires
- New phone system testing and purchase
- Five year plan review of IT projects

Allen Vann, Assistant County Manager, briefed the board on the following:

- Gave acknowledgement to the utilities department for great job on water main break
- Long Creek school burn

Commissioner McCoy, noted how well the Veterans celebration was in downtown Burgaw.

Commissioner Piepmeyer, gave a brief update on himself and Commissioner Newton meeting Chief Justice Paul Newby and that he was very impressed with the courthouse improvements etc.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion to convene to closed session at 6:04 PM

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

20 CLOSED SESSION (IF APPLICABLE).

Motion to go into closed session made at 6:04 P.M. 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 expenditures, shall be taken in an open session; 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. 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. The Board exited closed session at approximately 7:10 p.m.

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

21.1 Resolution Requesting Approval of Conditional Zoning Map Amendment for three (3) tracts totaling approximately ±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1.

Travis Henley, Director of Planning and Community Development, presented on behalf of the applicant. He explained that this project, largely consisting of single-family lots on a private sewer system, along with 65 acres of dedicated common space and a farmers' market, was submitted under the name "Falls Mist Gardens". The applicant is proposing to construct the project in three phases working southward from NC Hwy 210: The first phase would consist of 300 residential lots, the wastewater treatment plant, and the farmers' market. The second phase would consist of an additional 300 residential lots, and the third phase would consist of the final 150 residential lots. The applicant has also agreed to place a siren-activated gate for emergency access to A.R. Black Ave. until such time as that roadway be redeveloped to the street standards of the Pender County Unified Development Ordinance. The Traffic Impact Analysis will be required to be complete prior to administrative approval of the project. Mr. Henley clarified that Fall Brooke Lane is currently not up to DOT standards. He also gave a brief overview of the conditions of approval, to include the change with condition number 10. The board and Mr. Henley discussed the access roads and the standards of these roads.

Sam Potter, attorney for the applicant, gave a brief presentation on behalf of the applicant. He stated this project is better than the project if done by-right. He presented traffic calming, and traffic summery and storm water proposal. Mr. Potter, also explained condition number 10.

Don Bennett, Traffic Engineer, reviewed the new proposed traffic impact analysis with the board. He explained the changes that will be made to the roads to accommodate traffic. Mr. Bennett also addressed all concerns expressed from the January meeting. Chairman Brown, expressed concerns about accidents on and near the bridge. Chairman Brown, stated his concerns about Fall Brook Lane being a through threw road.

Jimmy Fentress, Engineer, Chairman Brown asks Mr. Fentress to explain the storm water improvement proposed versus by-right and the sewer plant plans. Attorney Trey Thurman, asked if the 600 plus homes would be done based on the land. Mr. Fentress stated that without further studies and research he could not answer that truthfully.

Sam Potter, Attorney for the applicant, stated to the board that after speaking with his client that before the 700th home is completed that another traffic impact analysis would be completed. Commissioner Newton asked if there was any effort to find another easement, or

access to this development. He stated the Mr. Bennett could speak to that.

Teresa James, 94 Fallbrook Lane, addressed the board with her concerns about traffic, and access to her drive way. She is concerned about traffic noise as well. She wanted some clarification in going from 40 acres to 300 acres. She stated she is not against the development just wants different access.

Stuart Peterson, 203 Fallbrook Lane, expressed to the board his concerns about traffic and speed limit. Showed some pictures of the members of the community. Mr. Peterson explained his concern with not being told how many pump stations will be placed.

Aubrey Harvey, 30 Oak Creek Court, expressed to the board her concerns of access to the neighborhood and the size of the road. Explained to the board her septic issues and the safety of the children are her big concerns as well. Ms. Harvey, stated the school can not support this many homes as well.

Johnathan Vaughan, 160 Fallbrook Lane, stated to the board that access to driveways is a huge concerns. He stated that Fallbrook lane is not up to NC DOT standards. Mr. Vaughan, shared with the board that he showed the applicant some land next to Fallbrook that is available for access.

Bob Dummermuth, 237 Tumbling Water Rd., stated his biggest concern is the round about being placed at his driveway.

James Hall, 313 West Strawberry Lane, expressed his concern about having traffic pushed to West Strawberry Lane. He stated they should have traffic lights at each entrance due to the amount of traffic coming in and out.

Chairman Brown, stated the developer has the right to develop and that is not the issue. The biggest issue is increased density and traffic impact. He stated he would not be able to vote in favor of this.

Commissioners had a brief discussion on sewer system and roads. Also, explained he could not make a motion or second it due to Board of Commissioners rules of procedures.

Motion to deny made by David Williams, and Seconded by Fred McCoy, all in favor to deny except Commissioner Newton. Johnathan

Vaughn then spoke up and stated that the representative that owns the land closer to the bridge would be willing to negotiate something with the applicant. The applicant agreed to discuss looking at an entrance at this property if case is tabled. At that time David Williams made a motion and Jackie Newton seconded to resend the denial vote and all were in favor.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion to table

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

21.2 Resolution Requesting Approval of a Special Use Permit

Greg Feldman, Planner I, 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. The applicant has indicated that Pender County Utilities (PCU) will be contacted to extend water service to the site and Four County will provide electrical service to the site. The applicant is currently coordinating with a private sewer design engineer and the North Carolina Department of Environmental Quality to design and permit an on-site wastewater system to accommodate the proposed use. He reviewed that conditions to consider upon approval.

Marie Peedin, Engineer and applicant with Barnes Boykin, showed a picture of what the outside of the store would look like. The board requested explanation in regards to storm water runoff. Ms. Peedin explained the runoff plan and sewer options in accordance with state compliance. She stated she did not bring the septic engineer to explain the sewer system due to it being permitted through the state. Less than 30 gallons of wastewater a day is what they have calculated thus far. Soil Scientist is working with them as well.

Barnes Boykin and Charles Thomas, developers, just stated they were there to answer any questions if needed.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion to table until septic issue questions can be addressed by applicant.

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

CARRIED.

21.3 Resolution Requesting Approval of a Special Use Permit for Duke Energy Telecommunication Facility

Trey Thurman, County Attorney, swore in all applicants and staff presenting on this case. Gideon Smith, Senior Planner, presented on behalf of Duke Energy. He gave a very brief presentation on the set up and site plan of the tower. County attorney, requested that Hal Kitchin and Robert Jackson agreed with presentation and welcomed a vote.

Moved by Jacqueline A. Newton, seconded by David Piepmeyer

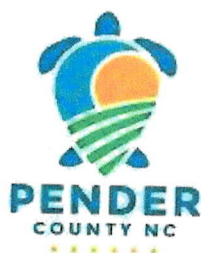
Motion to approve

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

- 22 ADJOURNMENT**
Motion to adjourn at 9:08 P.M.

9.2



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Anthony Colon
DATE: November 15, 2021
SUBJECT: Approval of a Purchase Order to Capital Ford of Wilmington for \$87,262.62 for the purchase of one 2022 Ford F150 truck with extended cab, one 2022 Ford Explorer, and one 2022 Ford Escape.

SUMMARY:

\$24,773.60 for Escape - Capital Ford of Wilm; \$60,817 for F150 & Explorer - Bill Carone
We are requesting the approval of a requisition for \$87,262.62 to Capital Ford of Wilmington. The requested funds will be used for the purchase of one 2022 Ford F150 truck with extended cab for the new Solid Waste position added to the budget, one 2022 Ford Explorer for the new Utilities Inspector, and one 2022 Ford Escape for the new project manager. These vehicles are to be put on order as soon as a Purchase Order Number is obtained from the Finance Department, and are expected to be received by no later than May 2022.

Overall Total
is \$85,590.60

We contacted four vendors of which only three of the vendors responded with the requested quotes. One vendor chose not to participate at this time (please see attached information). Quotes were received from Fairway Ford of Burgaw, Capital Ford of Wilmington, and Bill Carone Ford of Wallace. The best pricing was provided by Capital Ford of Wilmington, so we are requesting a Purchase Order with them to finalized the order. The FY22 budget includes sufficient funds earmarked for the purchase of these vehicles. \$31,434.64 on account #75-407403 and \$55,827.98 on account #072-407403, which will cover the amount requested.

before tax/
title/tags

ACTION REQUESTED:

Approval of a Purchase Order to Capital Ford of Wilmington for \$87,262.62 for the purchase of one 2022 Ford F150 truck with extended cab, one 2022 Ford Explorer, and one 2022 Ford Escape.

ATTACHMENTS:

Quotes from three vendors for the purchase of vehicles.

Westgate Dodge Burgaw

Chose not to participate

Chose not to participate

Chose not to participate

Capital Ford Wilmington

\$ 31,434.64

\$ 24,773.60

\$ 31,054.38

Fairway Ford

\$ 31,764.85
(1044.85 tax)

\$ 27,683.30
(898.30 tax)

\$ 32,009.30
(1024.30 tax)

Bill Carone Ford GMC

\$ 31,882.00
(1263 tax)

\$ 27,634.00
(947 tax)

\$ 31,325.00
(1127 tax)

F150 EXTENDED CAB 4X4

Ford Escape awd

Ford Explorer awd

31,434.64

24,773.60

31,054.38

30,720

26,785.

~~30,009.30~~
30,985.

30,619

26,687

30,198

F150

Escape

Explorer

\$60,817.
F150 & Explorer
Bill Carone Ford GMC

\$24,773.60
Escape
Capital Ford of Wilm