



MINUTES
Board of County Commissioners Meeting
Monday, November 1, 2021 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: George Brown
Fred McCoy
Jacqueline A. Newton
David Piepmeyer

MEMBERS ABSENT: David Williams

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.

1 CALL TO ORDER

Chairman call the meeting to order at 4:00 PM

2 INVOCATION

Commissioner McCoy presented the invocation.

3 PLEDGE OF ALLEGIANCE

Commissioner Piepmeyer let the pledge of allegiance.

4 ADOPTION OF AGENDA

Moved by Fred McCoy, seconded by David Piepmeyer

Motion to adopt the agenda

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

David Williams				x
	4	0	0	1

CARRIED.

4.2 Motion to excuse Commissioner David Williams

5 PUBLIC HEARING

6 PUBLIC INFORMATION

7 PUBLIC COMMENT

- 7.1 James Meeks, 2387 Rooks Rd, expressed his concern to the board in regards to the amount of Pender County property taxes.
The board expressed their appreciation to Mr. Meeks for coming out and speaking and stated that the tax rate is very comparable to other rural counties.

Tommy Batson, EM Director, introduced the new Pender County Fire Marshal Mark Haraway to the board.

Kenny Keel, Utilities Director, introduced the new Pender County Utilities Project Manager Adam Snipes to the board.

8 CONSENT AGENDA

- 8.1 Approval of a Purchase Order for the Central Square (Zuercher) Annual Subscription and Annual Maintenance fee in the amount of \$91,179.49.
- 8.2 Approval of Tax Releases and Refunds
- 8.3 Approval of the Board of Commissioner Meeting Minutes October 18, 2021

Moved by Fred McCoy, seconded by David Piepmeyer

Motion to approve consent agenda

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

CARRIED.

9 APPROVALS AND RESOLUTIONS

9.1 Approval of a Budget Ordinance Amendment for the demolition of the BASF/Takeda Property in Pender Commerce Park

Chad McEwen, County Manager, stated to board that the decommissioning and demolition of the BASF/Takeda property has been approved by the board. Mr. McEwen requested a BOA to appropriate the funds to cover the project. Total amount for the BOA is \$187,350.00.

Moved by Fred McCoy, 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
	4	0	0	1

CARRIED.

9.2 Approval of Budget Ordinance Amendment for Jail/LEC Project #6093

Chad McEwen, County Manager, stated to the board this BOA is for the Jail/LEC project contract with Moseley Architects, P.C. The contract was approved by the board at the 10-18-2021 meeting. Mr. McEwen shared with the board the preliminary time line provided by Moseley Architects as well as funding plan for the project. Commissioner Piepmeyer made a motion contingent that Moseley provides a more detailed and sequential time line and requested Managers and Sherriff Cutler and county staff maintain active communications with the board in regards to construction. Sherriff Cutler was asked to think about what might be done with the old facility. Total amount of BOA 1,850,000.00

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
	4	0	0	1

CARRIED.

9.3 Approval of Sale of Right of Way and Granting of Temporary Construction Easement to NCDOT for Construction of Hampstead Bypass

Travis Henley, Planning Director, presented to the board the request from NCDOT has requested a temporary construction easement along the northern portion of St. Johns Church Road in the vicinity of Topsail High School, upon which point the roadway is located on County property. This temporary easement is necessary to adjust this portion of the roadway, and will include a slight modification to one of the driveways into Topsail High School to the southeast (see attached sketch plan). This construction easement will be dissolved upon completion of the Bypass project. NCDOT proposes compensation to Pender County in the amount of \$20,075, which includes \$1,675 for the 0.021 acres of right-of-way to be acquired and \$18,400 for the temporary construction easement along St. Johns Church Road.

Moved by David Piepmeyer, seconded by Fred McCoy

Motion to approve

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

CARRIED.

9.4 Consideration of Courthouse Files Relocation Expenses

Allen Vann, Assistant County Manager, introduced Charles Boney with LS3P and stated to the board that the Courthouse files have exceeded the capacity of the allocated storage areas. These files need to be

distributed throughout the building on both first and third floors. In doing so, there is a need to reinforce the first floor for additional weight load in the Criminal, Estates, and Special Proceedings divisions with high density shelving. Commissioner Newton requested to know if all the files that came out of the courthouse before the restoration went back into the courthouse after the restoration. Elizabeth Craver, Clerk of Court, stated to the board that not all the files that came out went back in due to purging but 3 years of new cases were added. Charles Boney, LS3P Architects, presented to the board a suggested plan to alleviate the files weight distribution issue. Presentation attached. Mr. Boney stated that his concern is with the amount of files that were placed back in the courthouse and the ADA hazards of the shelves as well. Allen Vann, Asst. County Manager gave an overview of the shelving units and installation and cost. Mr. Boney stated to the board that his determination was made based on the file storage he saw after the restoration. The board requested that alternate solutions be presented to the board and the board determines the solution. Ms. Craver, explained to the board some physical moves of personal and files to try and accommodate the space. The board confirmed with Ms. Craver and Mr. Boney that this is just a "Band-Aid" for the storage of files. Trey Thurman, County Attorney, confirmed with the board that the General State Law states files can be stored off site based on condition of the storage and permission from the Clerk of Court. Elizabeth Craver, Clerk of Court, stated she was told by a representative in Raleigh that the state had the possibility of donating money to Pender County for storage. Chairman Brown stated that he did not feel there was much support on this item at the moment and felt it needed to be discussed in closed session and stated item 9.4 would be tabled.

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

19.1 Trey Thurman, County Attorney, stated that closed session items were as follows:

- Item 3: Attorney Client
- Item 4: Economic Development
- Item 5: Acquisition of real property

Commissioner Piepmeyer stated he received a letter from Raleigh in regards to the financial audit. He stated he was concerned about the findings being the same every year and that the audit was late.

Commissioner Newton requested an updated list of active projects, issues, etc. be given to the board every meeting.

20 CLOSED SESSION (IF APPLICABLE).

20.1 Motion to go into closed session made at 5:32 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 The Board exited closed session at approximately 6:13 p.m.

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

22 ADJOURNMENT

Moved by David Piepmeyer, seconded by Jacqueline A. Newton

Motion to adjourn

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

CARRIED.