MINUTES
Board of County Commissioners Meeting
Monday, August 16, 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
Nancy Avery, Interim 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 Brown called the meeting to order at 4:01 p.m. and thanked and welcomed all to the meeting.

2 INVOCATION

Commissioner McCoy offered the invocation.

3 ADOPTION OF AGENDA

Moved by David Williams, seconded by David Piepmeyer.

3.1 Oath of Office for the newly hired Clerk to the Board of County Commissioners, Tera Cline

4 PUBLIC INFORMATION

4.1 Presentation of FY2020 Audit Report

Meg Blue, Director of Finance for Pender County introduced Robert Bittner, PBMares. Mr. Bittner gave an brief overview of what PBMares company does and what changes were made from the previous company, RSM Morehead City and New Bern. He stated what is included in the packet. He stated at the end of June 2020 Pender County had approximately 30 different funds to include the General Fund, individual Capital Projects, and Special Revenue Funds, Enterprise, Internal Service Funds and Agency Funds, etc. Mr. Bittner presented the financial results for the year ended June 30, 2020 to include General fund revenue overview, tax rate comparison. He reviewed the expenditure report included in the presentation as well. While presenting the General Fund Balance sheet Mr. Bittner explained the largest amounts include the unassigned amount and the Stabilization by State Statute. Commissioner Piepmeyer stated that he believed the stabilization was to make sure we are not using the fund balance for daily operations and asked if that was not the purpose of the stabilization amount. Mr. Bittner responded to Commissioner Piepmeyer stating that it is not entirely the premise behind the state statue. He stated it was a simple calculation that you can not appropriate more expenditures than you have cash and liquid assets on hand. Commissioner Williams followed up with his statement that the county has always gone above and beyond the minimum due to being in hurricane territory. Chad McEwen, Manager, stated that the General Fund Net percentage of Expenditures does not reflect the 8 million dollars received from FEMA. Mr. Bittner explained to the board what Unmodified Opinion and Qualified Opinion is as stated in his presentation. He in regards to the compliance section they determined all unmodified opinion on all major federal and state programs other than Medicaid Cluster. There was a qualified opinion on the Medicaid Cluster stating the county did not comply with eligibility requirements, which are, in our opinion, considered necessary to comply with the requirements applicable to that program. Commissioner Piepmeyer stated the county has had this issue before and he wanted clarification in the eligibility process. Commissioner Piepmeyer stated the county keeps getting hit on this problem and would like a suggestion as to how to fix it. Robert Bittman explained that this qualified opinion finding is considered a lag finding and explained why. Financial statement findings were 2020-001 Material noncompliance and material weakness in internal control-Budget Violation and 2020-002 Material weakness in internal control-Year end Closeout. Commissioner Newton asked what funds the noncompliance were from. Mr. Bittman explain it is located on page 46 of the financial statements. Federal Award Findings were as follows, 2020-003 Noncompliance and material weakness in internal control over compliance-Medical Cluster. The State Award findings were as follows 2020-004 Noncompliance and material weakness in internal control over compliance -Medical Cluster. Mr. Bittman closed with some information on upcoming changes and expectations from ONB and LGC.

5 PUBLIC COMMENT

There were no sign ups for public comment.

6 PLEDGE OF ALLEGIANCE

Commissioner Newton led the Pledge of Allegiance.

7 CONSENT AGENDA

7.1 Approval to carry over Purchase Order for Atlantic Emergency Solutions in the amount of $3,559.84

7.2 Approval of a Purchase Order for Dental Services in the amount of $195,000

7.3 Approval of a Budget Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2021-2022: $115,000

7.4 Approval of a Budget Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2021-2022: $91,003

7.5 Approval of Increase of Purchase Order to Ingram Library Services: $63,300

7.6 Approval of Budget Amendment and Purchase Order for pass-through One NC Fund Grant to Polyhose for $75,000

7.7 Approval of minutes

7.8 Commissioner Newton requested removal of item 7.2.

Moved by David Williams, seconded by David Piepmeyer

Commissioner Williams made a motion approving the consent agenda as amended removing item 7.2, seconded by David Piepmeyer.

	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.

7.9 Motion to approve consent agenda as presented.

Commissioner Newton requested a discussion on item 7.2. Commissioner Newton asked Mrs. Moser, Director of Health Department, In terms of the health department professionals, do we contract for doctors and other professional personal? Mrs. Moser explained that yes the county has several contracts and the dentist on the mobile dental unit has been a contract person. Commissioner Newton asked Mrs. Moser what the liability issues are with having a professional health care provider contract employee becoming a Pender County employee. Mrs. Moser stated we already cover their liability insurance and at no extra cost to the county. It covers all employees under malpractice insurance. 40% to 45% increase in cost for benefits etc. if the health care professional is added to Pender County payroll. Clarification was made.

Moved by David Williams, seconded by David Piepmeyer

Motion to approve consent agenda item 7.2

	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.

8 APPROVALS AND RESOLUTIONS

8.1 Approval of a Purchase Order to Piedmont Truck Center of Greensboro for $80,305.90 for the purchase of a Ford F-350 truck equipped with crane.

This vehicle is to replace the current 2011 Crane truck which has a lot of miles on it and parts are no longer available for the crane on the truck. Piedmont Truck had the best quote out of the 5 quotes received. Mr. Colon confirmed that the county will be added to a list to trucks being manufactured. Mr. Colon also recommended that the current truck be reassigned to the water and treatment plant.

Moved by David Piepmeyer, seconded by David Williams

Motion 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.

8.2 Approval of Purchase Order South Data Mailing Print Vendor

Mr. Pound, Director of Tax, requested approval of PO for mailing vendor.

Moved by David Piepmeyer, seconded by David Williams

Motion 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.

8.3 Approval of a Purchase Order to Fairway Ford for the Purchase of Four Vehicles in the amount of $98,972

Wes Stewart, Director of DSS, requesting purchase order to purchase 4 new vehicles to replace 4 existing vehicles. Commissioner Newton asked if the purchase price was inclusive to trade in's and what are we doing with the old vehicles? Mr. Stewart stated he does not do trade ins or can be offered to other departments but states several of these vehicles are mechanically unsound to refurbish to another department. Chad McEwen, County Manager, stated that the need for reliable vehicles are a need for DSS due to being on the road after hours etc. If the vehicles are mechanically sound and there is a need in another department for them they will go there if not they will be auctioned off. Chairman asked if we are getting any type help/reimbursement from the federal government on these vehicles. Mr. Stewart stated approximately 50% of the cost will be given back to the county. Mr. Stewart explained the reimbursement process.

Moved by David Piepmeyer, seconded by Jacqueline A. Newton

Motion 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.

8.4 Offer on surplus property 4204-73-3307-0000

This offer is located off of Sloop Point Road. The bid submitted is $15, 500.00. The upset bid process will take place upon approval of the bid. Commissioner Mckoy asked if there were any wetlands on the property and it was confirmed some according to GIS. The board confirmed with Travis Henley, Director of Planning that it is zoned residential.

Moved by David Williams, seconded by David Piepmeyer

Motion 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.

8.5 Offer on surplus property parcel ID 3331-96-5031-0000

This offer was tabled until information could be received from staff. Justian Pound, Tax office and Daniel Adams, Flood Plain Administrator were asked to follow up on the value of the house and property. The board requested Mr. Pound to follow up on a true assessment amount and confirm if it was flooded or not. There was discussion on the property being land locked as well. Chairman asked if we could get some clarification on the property before any bid is accepted. Value of the house and condition of the house. If it has been flooded and see a current flood map and confirm the other structure on the property as well.

9 DISCUSSION

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

The Board convened as the Pender County Board of Health at 4:54 P.M. Chairman asked Mr. Moser to join the Commissioners in the first part of closed session as well.

16.1 Presentation of 2020 Health Department Annual Report

Carolyn Moser presented the annual report to include Environmental Health and Animal Control with COVID impact. As far as the Covid report Mrs. Moser shared our numbers compared to surrounding counties. Averaging around 40 new cases a day. Vaccinations have increased as well. Commissioner Williams asked what brand does the booster apply too and is the recovery time and death rate more or less than it was in January. Mrs. Moser confirmed that Moderna and Pfizer have the booster not J and J. She stated that the vaccinated cases are having high risk health conditions that are causing cause hospital stays to increase and 90% of these patients are non vaccinated. Is there a initial time frame for effectiveness of initial vaccine, she confirmed after 6 months Moderna vaccine of about 76 % effective rate and Pfizer is 43%.

Commissioner Newton requested to know what time period does the presented number cover and if we are tracking deaths to determine if they are vaccinated or unvaccinated. Ms. Moser stated since the beginning. are we tracking the deaths if the person was vaccinated or non vaccinated. Everything is Delta right now in the county and it effects the younger crowd more than the other variant. But most kids still have very mild symptoms and or are asymptomatic.

Mrs. Moser touched on agenda item 7.3 and the shortage of nurses.

She closed by reminding the board that out of the 74 deaths in Pender County that 17 of those were in the prison. Commissioner Williams confirmed with Mrs. Moser that the local prison has there own medical staff. The Board and Mrs. Moser also has another small discussion on possible contract nursing if needed.

17 SOCIAL SERVICES BOARD

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

18.1 Items. from the County Attorney and County Manager and Assistant County Managers and Commissioners.

- Mr. Thurman stated that there were items for closed session, items 3, 5 and 6.

- Chad McEwen, County Manager, gave a big Thank You to Nancy Avery, Interim Clerk for all her hard work and smooth transition.

- Doug Shipley, Assistant County Manager, stated we received approval from the Department of the Interior by way of the National Park Service on a request for waiver for retro activity on the Morton Property. This allows us to apply the funds we used to acquire the property as part of the Pender County match for future land and water conservation flood grant applications until Septembers 30 of 2022.

- Commissioner Newton stated how nice and proud she was of New Hanover County for hosting the NC Association of County Commissioners. She announced that Brunswick County Commissioner Frank Williams was elected as the new President of the NC Association. Commissioner Newton will also be traveling to Raleigh regarding resiliency funding and getting some funds funneled back to Pender County.

- The Commissioners discussed the tier system and what they hope to improved with that. Also commented on how well the Courthouse dedication ceremony was.

19 CLOSED SESSION (IF APPLICABLE).

19.1 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 after the settlement is concluded; 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 contract; and 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. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. The Board exited closed session at approximately 7:00 p.m. No announcement was made upon exiting closed session.

Moved by David Williams, seconded by Fred McCoy

Motion 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.

20 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

20.1 Chairman Brown opened the public hearing at 7:07 p.m.

Resolution Requesting Approval of a Zoning Map Amendment from RA, Rural Agricultural to RP, Residential Performance.

Travis Henley, Director of Planning introduced Gideon Smith, Senior Planner to present on behalf of the applicants. Mr. Smith gave a brief overview of location and zoning information. He also gave clarification as to the size of the parcel and explained that the front parcel is not associated with this request. Mr. Smith did confirm with the board that legal access would need to be established, zoning etc would need to be established for permitting of a home. RP all uses would be allowed on site. It would be a whole new plan if property did decide on commercial plan. Would need an Special Use Permit if anything else besides residential is built. It is consistent with the plan and planning board unanimously voted and there is no wetlands on it.

Sonia Edens-Deferred to speak
Randell Edens-Deferred to speak

Kevin Pitts, representing my parents, expressing concerns with the easement and application was not clear on what is being done with the property. His family is requesting for some transparency from the applicant and the board. Easements are very important to Mr. Pitts due to his aunts issue with the front parcel. He stated that as a community we need some clarity on the property.
Trey Thurman, attorney, stated what a general use rezoning is stating that the rezoning can not be used to make a decision on a rezoning based on what they have providing.

Moved by David Williams, seconded by David Piepmeyer

Chairman closed the public hearing at 7:24P.M.
Motion to approve Zoning Map Amendment.

	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.

20.2 Commissioner Piepmeyer made a motion that coming out of closed session that we add an item that was recommended out of discussion with the health department staff to the agenda.

Moved by David Piepmeyer, seconded by David Williams

Motion 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.

20.3 Chad McEwen, Manager, after discussions and consulting with the health director in light of recent increase in Covid cases and hospitalizations we are requesting the board consider a mask mandate for all unvaccinated employees as well as the public entering our buildings. Employees being those that are employed by the county during work hours or in fulfillment of their work obligations. Part of it would be the requirement to provide proof of vaccination in order to not be required to wear a mask. Commissioner Piepmeyer stated, we are going require/mandate mask except for the exemption where you are vaccinated and provide proof of that vaccination. Commissioner Williams stated that the Health Department does have a national database with names of all vaccinated employees. He also addressed that any unvaccinated employee that is interacting with the public in their obligation of work off of county property must also wear a mask. Commissioner Newton stated that we also as a governmental body have the duty to our citizens to provide continuity and service. She noted that in surrounding counties there has been a mandate that all employees wear mask. So if you have chosen to be vaccinated and protect yourself and others the we are not going to require you to wear a mask and if there is a question an employee could be asked to provide proof of their vaccination. Chairman Brown stated whether your staff or people coming into the county offices your mandated to wear a mask if you chose not to wear a mask the only exemption would be to show proof that you have been vaccinated.

Moved by David Williams, seconded by David Piepmeyer

Motion 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.

21 ADJOURNMENT

21.1 Motion to adjourn at 7:30 PM

Moved by David Williams, seconded by Fred McCoy

Motion 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.