



MINUTES
Board of County Commissioners Meeting
Monday, May 17, 2021 4:00 PM
Pender County Hampstead Annex

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
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 4:00 pm.

2 INVOCATION

Commissioner Williams delivered the invocation.

3 PLEDGE OF ALLEGIANCE

Commissioner Piepmeyer led the Pledge of Allegiance.

4 ADOPTION OF AGENDA

Moved by David Williams, seconded by Fred McCoy

Adopt the agenda as presented

	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 CONSENT AGENDA

- 5.1 Union Rescue July 3rd Firework 2021
- 5.2 Town of Surf City Fireworks 2021
- 5.3 Approve Contract for Transfer Station Assessment with Draper Aden Associates for \$4,300
- 5.4 Approve Mini-Brooks Act Exemption for the Transfer Station Assessment, Pursuant to NCGS 143-64.32
- 5.5 Design Compliance Build BASF Water and Sewer
- 5.6 Offer to Acquire Real Property - Hurricane Florence Disaster Recovery
- 5.7 Consideration of Approval of Purchase Order Increase for Hurricane Matthew Disaster Recovery Act Elevation and Repair Project

Moved by Fred McCoy, seconded by David Williams

Adopt the consent agenda as presented

	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.

6 APPROVALS AND RESOLUTIONS

- 6.1 Approval of Pender County Juvenile Crime Prevention Council's Annual Plan and Funding Recommendations for FY 2021-2022

Department Representative Dee Turner stated:

- The Juvenile Crime Prevention Council (JCPC) is a state mandated county board

- Tasked with administering the distribution of state funds for programs serving youth who are currently in the juvenile justice system or are at-risk of entering it
- Must complete an Annual Plan, which a major component is doing an assessment summary of the risks, needs and available resources for the youth of Pender County
- Results of the assessment showed the following needs prioritized: 1) Psychological Assessments, 2) Counseling, 3) Substance Abuse Prevention and Education, 4) Sexual Offender Evaluation and Treatment, 5) Parent and Family Skill Building, 6) Interpersonal Skill Building, 7) Vocational Skill Building, 8) Community Service and Restitution, and 9) Teen Court.
- A request for proposals was advertised for programs that could meet these identified needs
- JCPC recommends following programs receive funding:
 1. Psychological Services \$58,000, 2. Customized Youth Development Training \$35,000, 3. Teen Court and Community Services/Restitution \$39,259, 4. Systematic Training for Effective Parenting (STEP) \$15,000 and 5. JCPC Administration \$6,700 for a total of \$153,959
- Requesting approval of Juvenile Crime Prevention Council's Annual Plan and Funding Recommendations for FY 2021-2022

Moved by Fred McCoy, seconded by David Williams

Approve Juvenile Crime Prevention Council's Annual Plan and Funding Recommendations as presented

	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.

- 6.2 Resolution Approving adoption and use of the NCEM Debris Monitoring Contracts Debris Tech (Primary), CDR McGuire (Secondary) and Thompson Consulting Service (Tertiary Contractor).

Emergency Manager Batson stated:

- A Request for Proposals (RFP) for new debris contract was put out for bid August 2020 by North Carolina Emergency Management (NCEM)
- County staff also completed a RFP in early 2021 which resulted in lack of adequate response
- Because of this, it is recommended the County use the state NCEM award contract for debris monitoring
- This allows the County to put a contract in place without another RFP process

He is requesting approval of resolution approving use of the NCEM Debris Monitoring Contract with Debris Tech (primary), CDR McGuire (secondary) and Thompson Consulting Service (third).

Board comments:

- Make sure the attorney approves the contract language
- Do not want to be in position with a contractor saying for months that debris removal is 90% complete

Moved by David Williams, seconded by David Piepmeyer

Approve contract with NCEM for Debris monitoring as presented.

	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.

- 6.3 Approval of a Purchase Order to Calgon Carbon for the replacement of Granular Activated Carbon (GAC) in Contactor #4 at the Pender County Water Treatment Plant for FY21: \$60,778.

Department representative Anthony Colon said:

- Water Treatment Plan on Highway 421 equipped with four Granular Activated Carbon (GAC) contactors to enhance quality
- GACs have been through regeneration process many times and it is now time to replace them
- Lowest bid was from Calgon Carbon Corporation \$60,778

He requests approval of purchase order of \$60,778 to this vendor.

Moved by David Piepmeyer, seconded by David Williams

Approve purchase order \$60,778 for replacement of GACs by Calgon Carbon Corporation

	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.

- 6.4 Approve Purchase Order to American Greenz for \$26,000 for Electronics Recycling/Disposal for the Remainder of FY21

Utilities Department Head Keel stated:

- We have recycled more electronics that we thought this budget
- Last year cost was \$200,000
- On target to spend \$101,000 this year, but need another purchase order of \$26,000.00

He requests approval of a purchase order for \$26,000.00 to finish out this fiscal year

Moved by Fred McCoy, seconded by David Piepmeyer

Approve Purchase Order to American Greenz for \$26,000 for Electronics Recycling/Disposal for remainder of FY21

	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.

- 6.5 Approval of Purchase Order for Community in Schools of Cape Fear for the Juvenile Crime Prevention Council Program; Teen Court and Community Service/Restitution

Department representative Dee Turner reported:

- JCPC program, Teen Court and Community Service/Restitution applied for \$35,000 grant to purchase used van to help with transportation for participants in program
- Transportation is a big barrier
- Grant was approved
- Money comes to the County and the County acts as pass through
- No match required from the County

Moved by David Williams, seconded by Fred McCoy

Approve pass through of grant funds for purchase of used passenger van.

	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.

6.6 Approval of sale of real property PIN 2295-60-8304-0000

County Manager McEwen explained:

- This item of surplus property was tabled by the Board for concerns about access
- Property is on Larkins Drive in Rocky Point, parcel ID 2295-60-8304-000
- An offer was received of \$5,300 for the 5 acres
- County had valued at \$5,500
- According to tax office, even with no deeded access, value should be \$5,000 per acre for total of \$25,000

Attorney Thurman said there is no deeded access and it might be hard to get a bank to give a mortgage without deeded access. There is only a farm road.

Consensus of the Board – Manager to go back to the bidder to change bid to minimum value of \$25,000

6.7 Award of bid for FY2020-2021 Audit to recommended firm - Martin Starnes & Associates, CPA, P.A.

Finance Officer Blue said:

- RFP was done in 2020-21 for the fiscal year 2021-22 audit
- Forced to do RFP because current audit contract vendor was sold to different auditing firm
- Believe this is part of reason we don't have the fiscal year 20 audit yet
- Received three responses; lowest \$59,000 from Thompson, Price, Scott and Adams
- There are concerns over quality with this vendor
- Recommends next lowest quote from Martin Starnes and Associates

Board discussion points:

- Need to fix root problem where we keep giving contracts to reputable auditors but not getting audit on time
- What can be done about getting the current vendor to deliver the audit?

Moved by Fred McCoy, seconded by David Williams

Approve Finance Officer recommendation of award of audit contract to Martin Starnes & Associates, CPA, PA

	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 DISCUSSION

8 APPOINTMENTS

9 MAPLE HILL WATER AND SEWER DISTRICT

10 ROCKY POINT WATER AND SEWER DISTRICT

10.1 Approval of sale of real property (PIN 3228-84-6662-0000)

Manager McEwen said:

- County approached about selling piece of land in St Helena
- 16 acres in Rocky Point where County has treatment plant
- Person wants to purchase wooded area
- Board declared property surplus and advertised for sealed bids
- County valued at \$6,200 per acre
- Received one bid at \$6,850 per acre for total of \$106,000
- Board tabled before because of concerns about future use of this property for school
- He spoke with the school board and they have no need of the property

Requests Board approve sale of property

Moved by David Williams, seconded by Fred McCoy

*Approve sale of real property in Rocky Point (PIN 3228-84-6662-0000)
at \$6,850 per acre for 16 acres.*

	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.

11 SCOTTS HILL WATER AND SEWER DISTRICT

12 MOORES CREEK WATER AND SEWER DISTRICT

13 CENTRAL PENDER WATER AND SEWER DISTRICT

14 PENDER COUNTY BOARD OF HEALTH

15 SOCIAL SERVICES BOARD

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

Attorney Thurman said the Board needs to go into closed session as per N.C.G.S. 143-318.11 for the purpose of discussion related to the following subsections of the statute:

- (3) Consult with attorney
- (4) Economic development
- (5) Acquisition of property

17 CLOSED SESSION (IF APPLICABLE).

Moved by David Piepmeyer, seconded by David Williams

Go into closed at 4:44 pm as per N.C.G.S. 143-318.11 for the purpose of discussion related to the following subsections of the statute:

- (3) Consult with attorney*
- (4) Economic development*
- (5) Acquisition of property*

	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.

18 Return to open session and follow up items

The Board returned to open session at 7 pm.

Moved by David Williams, seconded by David Piepmeyer

Add two items from closed session to the agenda:

Sale of Property

Lease renewal

	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.

19 Sale of property

Moved by David Williams, seconded by David Piepmeyer

Approve sale of property in Commerce Park known as lots 15, 18 and a portion of lot 19 as referenced at cost of \$55,000 per acre.

	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 Lease agreement USDA for economic office in Burgaw

Moved by David Williams, seconded by David Piepmeyer

Approve lease with USDA for economic office in Burgaw as presented.

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

21.1 Resolution Requesting Approval of a Conditional Zoning Map Amendment from PD, Planned Development to CZ-4, Conditional Zoning District 4.

Department Head Travis Henley introduced attorney Michael Lee who stated:

- He is the attorney for the applicant who is requesting a continuance on the basis of not receiving a traffic analysis

- Applicant thought it would be ready for the hearing, but it is not

Board comments:

Commissioner Piepmeyer asked Planning Department Head Henley if a traffic analysis is required to move forward. Mr. Henley replied it is not required for the public hearing but is required for construction

Commissioner Williams said it is not fair to continue when they scheduled in Hampstead so folks could come and folks are here to make comment.

Commissioner Piepmeyer said public comment is an important part and he would like to hear what folks have to say.

Commissioner Newton stated she think lots of people are here with concerns about how development will impact traffic. Think we should wait until we have traffic information so folks can adequately address concerns.

Commissioner McCoy said that people are here and we should go ahead with it. When he comes here on a Friday afternoon, traffic is horrendous and he avoids the area. We need growth but don't have to have it in a way that has a bad impact.

Chairman Brown stated he doesn't think traffic study is the only concern. We should proceed with the hearing.

Attorney Lee stated that because they do not have traffic study, which is one of the conditions required to approve, he respectfully withdraws the application.

Chairman Brown explained that since the application was withdrawn there is no public hearing on this tonight.

After comments from the public, the Board agreed to allow people to speak with a three minute limit.

1. Audience member

- You underestimate people that live here and our concerns and dismiss them so easily
- We have concerns other than traffic such as water supply, drainage, and we don't see plans happening
- We would like to see other things get attended to

- We appreciate having a public forum, but it is discouraging to dismiss it and do what you want.

2. Lynda Muller on Washington acres Road stated:

- Growth is fine but not in area they are proposing
- Traffic is horrible and bottlenecked
- Last week and a half, there was an accident every morning
- Don't need building there until traffic is taken care of.
- We don't need more senior living, there is already one across the street.
- Lot of us moved here because of the atmosphere

3. Donna Britain from Old Point:

- Storm water runoff is going to be a problem
- Loss of land for wildlife
- The amount of development is appalling
- They have taken out acres of long leaf pine where the woodpeckers live
- Think everything being approved requires clear cutting
- You can't replace all the mature trees
- So many issues and no one is bringing up balance for keeping the beauty and natural habitat in place which is why a lot of us moved here
- Please give thought into permitting process to not allow clear cutting and major de-forestation

4. Audience member:

- Stated about 12 of river sources in the county have high acidity
- Monitoring water quality has impact on ecotourism
- Tourism industry loses \$12 million annually because of polluted waters
- Storm water runoff is putting pollution into water ways
- Asking if and when that development comes to make them do better
- Storm water ponds are still ponds

Moved by David Piepmeyer, seconded by David Williams

Deny request for extension on Public Hearing

	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.

21.2 Resolution Requesting Approval of a Conditional Zoning Map Amendment from RA, Rural Agricultural to CZ-2, Conditional Zoning District 2.

Department Head Henley explained:

- The applicant, Riley Alber, on behalf of Piney Run Farms, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one (1) tract totaling approximately ± 72.2 acres from RA, Rural Agricultural to CZ-2, Conditional Zoning district 2
- This request is to allow for a compost facility, with requested uses including Compost Manufacturing (NAICS 325314), Other Non-Hazardous Waste Treatment and Disposal (NAICS 562219), Farm Supplies Merchant (NAICS 424910), General Combination Crop Farming (NAICS 111998), and Soil Testing Services (NAICS 541380)
- The proposed development is located on an easement approximately ± 380 feet east of NC Hwy 210, ± 0.32 miles south of the intersection of NC Hwy 210 and Sheep Ford Rd (Private) in the Topsail Township and may be further identified by Pender County PIN 3265-61-7071-0000.

Board questions/comments:

Commissioner Newton asked about air quality or smells and if the property is near residential community.

Mr. Henley replied: Not the project itself. The site itself has had air quality problems in the past with previous business but he is not aware of any coming from proposed composting business.

Chairman Brown asked what are the consequences if applicant goes outside conditional use.

Mr. Henley answered that code enforcement action is first and he and the Board have ability to take zoning approval back.

Commissioner Williams said there is a need for this type of business. The other existing site has not been run well.

Commissioner Piepmeyer asked Mr. Henley what conditions are placed on this.

Answer: No additional conditions identified other than what enforced via the Unified Development Ordinance (UDO)

Mr. Alber, applicant, addressed the Board stating:

- We believe in clean water and air
- With proper composting and land management they can be conserved for future generations
- In September 2020, he took over managing Running Deer landfill which served as vegetative drop location
- He has worked to remediate site and bring in to compliance and helped Pender Fire and EMS headaches they have had to deal with on the site
- Current municipal waste problem County is facing
- Transporting material to landfill site 80+ miles outside of county
- This contributes to costs
- With approval of this facility, we hope to and have potential to divert up to 40% of what would go to landfill. A lot of restaurant packaging products can be broken down and returned to the soil. We work with schools in cafeteria programs and to determine how waste can be recycled to return to gardens to grow local food.
- There is no smell to process
- He is working with state Department of Environmental Quality (DEQ) to serve as disaster relief sight
- One major difference is we don't act as landfill, but as a recycling facility to convert compost tp wood chips.
- We monitor air circulation and will work with forestry service to mitigate fires on site

Commissioner Piepmeyer asked if there will be fire lane around property?

Applicant responded, yes, there is access road around property and a there is berm around forested areas.

Emergency Manager Batson said:

- There have been five significant fires in last few years at Running Deer site. Since applicant has taken over, there has been reduction in fires
- They haul material out daily and have water and ponds on site
- My staff visits the site on a weekly basis
- DEQ says they are on track with requirements

Commissioner Newton asked if he will retail composted material?

Mr. Alber replied yes, to homeowners and commercial landscapers.

Commissioner Piepmeyer asked if it meets organic standards.
Yes, we do strive to create organic materials.

Public comments:

Jan Farmer, 405 Master Court, Hampstead said:

- Before Covid, only thirteen local restaurants used compostable materials
- Restaurants have expressed interest in composting food waste
- We hope board approves

Lloyd Singleton, NC Director of New Hanover County (NHC) Chapter of Wilmington Compost Company said:

- He gives his support
- The applicant is very professional and easy to work with
- He has used landscaping material from this company

Mathew Coligan, 180 Arlington Drive, Wilmington stated:

- He works for cooperative extension service and does soil tests
- Compost will be created and it is duck tape for landscaping because it reduces runoff and increases water quality.
- It is essential infrastructure
- The New Hanover County facility can't keep compost products in stock because the community likes it

Planning Department Head Henley said staff and Planning Board recommends approval.

Chairman Brown closed the Public Hearing at 8:07 pm.

Moved by David Piepmeyer, seconded by Fred McCoy

Approv conditional zoning map amendment from RA (Rural Agriculture) to CZ-2 (Conditional zoning district 2) as applied for by Riley Alber, owner of Piney Run Farms.

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

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CARRIED.

21.3 Resolution Requesting Approval of a Zoning Text Amendment.

Planning Department Head Henley stated that it is necessary to amend the Pender County Unified Development Ordinance to bring it into compliance with recently changed state statutes. Specifically, the request is to amend sections throughout the ordinance to conform to updated North Carolina General Statutes associated with the adoption of Chapter 160D. A detailed description of the proposed changes is available in the Pender County Planning and Community Development Department Offices. He requests the Board adopt the zoning text amendment as presented.

Moved by Fred McCoy, seconded by Jacqueline A. Newton

Approve zoning text amendment to bring County's UDO in compliance with state Statute 160D, as presented.

	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

Moved by Fred McCoy, seconded by Jacqueline A. Newton

Adjourn at 8:11 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.