MINUTES
Board of County Commissioners Meeting
Tuesday, February 16, 2021 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: George Brown
Fred McCoy
David Piepmeyer
David Williams

MEMBERS ABSENT: Jacqueline A. Newton

OTHERS PRESENT: Chad McEwen, County Manager
Trey Thurman, County Attorney
Melissa Long, 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 p.m. and thanked and welcomed all to the meeting.

2 INVOCATION

Commissioner McCoy offered the invocation.

3 PLEDGE OF ALLEGIANCE

Chairman Brown led the Pledge of Allegiance.

Chairman Brown recognized veterans and first responders who were in attendance and thanked them for their service.

EXCUSE COMMISSIONER

Moved by David Williams, seconded by Fred McCoy

Motion to excuse Commissioner Newton.

	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 ADOPTION OF AGENDA

Moved by David Williams, seconded by David Piepmeyer

Motion to 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			
	4	0	0	1

CARRIED.

5 PUBLIC COMMENT

There were signups for public comment:

- Leslie Woehr of 119 N. Railroad Street, Atkinson spoke to the Board regarding 100 E. Church Street which is owned by both Pender County and the Town of Atkinson. Ms. Woehr stated that she and her husband would like to acquire the property and improve it but were not willing to pay the current tax value for it. She also explained the situation with the septic tank. Discussion ensued regarding the foreclosure amount as well as the value of the building. Staff will work on getting this information and the Board will look into this.

6 CONSENT AGENDA

Moved by David Williams, seconded by Fred McCoy

Motion to approve 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			
	4	0	0	1

CARRIED.

6.1 Approval of Minutes: February 1, 2021.

6.2 Approval of a Purchase Order to The Law Office of Zachary S. Rivenbark for Attorney Services Related to Zoning Code Enforcement.

7 APPROVALS AND RESOLUTIONS

7.1 Consideration of a Contract with Summit Design Related for the Due Diligence Assessment for the Morton Property.

Mr. McEwen explained that Pender County solicited bids for environmental and wetlands assessments and survey services for the Robert Morton property on US 117 North near New Savannah Road. As part of this process Pender County waived the requirements of the Mini Brooks Act and required all submittals to include a fee for the scope of services requested. Seven firms submitted proposals but only 6 submittals were deemed responsive in regard to scope of services required. Based on the weighted scoring matrix below it was determined that Summit Design was the lowest responsive, responsible bidder. The fee provided by Summit Design was $10,295. Mr. McEwen reviewed the evaluation process as well as the other firms who submitted bids.

Moved by Fred McCoy, seconded by David Williams

Motion to approve contract with Summit Design Related for the Due Diligence Assessment for the Morton Property as described herein.

	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.

7.2 Approval of a Purchase Order to SHI for Microsoft Enterprise Licensing Enrollment in the amount of $21,459.04.

Sheriff Cutler was not present. Mr. McEwen explained that Pender County Government utilizes Microsoft products to provide the majority of services to staff and to the public. The County's core software infrastructure is based on Microsoft desktop, server, collaboration, and development products. The Microsoft Enterprise Agreement (EA) positions the County to benefit from the next generation of Microsoft platform products seamlessly through ownership of Software Assurance. Specifically, this enrollment will add the Sheriff's Office to the County's existing Microsoft Enterprise Agreement. This will ensure that the Sheriff's Office has access to the latest version of software and licenses utilized by the County today. This reduces the required level of staff to support the Microsoft platform and also enables software upgrade decisions to be made based on technical considerations, deployment plans, and staffing availability, rather than primarily cost considerations. The term of this agreement is three years, after Year 1 the price of these licenses remains constant throughout the term of the agreement which assists in financial planning for future years. The Information Technology Services Department will work with the Sheriff's Office to purchase the Microsoft Enterprise Agreement (EA) services directly through SHI. Microsoft confirmed that the renewal must be through SHI because they are the authorized reseller for the State of North Carolina. This new Microsoft Enterprise Agreement is for a three year period, with year one being paid already, years two and three annual payments will be determined by the # of licenses in use at the time of the renewal. Funding in future years will be available in the Sheriff's Office FY 2021 and 2022 Budgets and cost allocation plan. The second year payment is in the amount of $21,459.04. These funds will come from account 510-404500.

Moved by Fred McCoy, seconded by David Williams

Motion to approve the Purchase Order to SHI for Microsoft Enterprise Licensing Enrollment in the amount of $21,459.04. This expenditure has been budgeted in the FY 20-21 Budget Ordinance and will be taken from line item 510-404500.

	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.

7.3 Approve Purchase Order for Replacement 3/4-ton Work Body Truck to Fairway Ford for $39,058.

Utilities Director Kenny Keel explained that this request is to purchase a replacement 3/4-ton work body truck for PCU. The vehicle to be replaced is vehicle #4011, which is a 2012 F-250 truck with over 200,000 miles. The vehicle was evaluated by Fleet Services during the FY21 budget process, and recommended for replacement. The truck to be replaced is also a 3/4-ton truck, which is the minimum duty level needed for PCU field operations in order to haul tools and supplies, and to tow equipment safely. The current vehicle is used to pull a trailer with digging equipment necessary for service installation and system repairs. Staff received 3 quotes for this replacement vehicle, all with the same options and equipment needed for PCU's work. Quotes were received from Fairway Ford pricing for an F-250, State Contract (Piedmont Truck Center) pricing for an F-250, and Bill Carone pricing for an F-250. Westgate Chrysler (Burgaw) and Piedmont Dodge (Clinton) were also contacted, but they did not provide pricing for comparable vehicles. Also, while Bill Carone also sells Chevrolet and GMC trucks, they only provided pricing for a Ford. Funds were approved in the FY21 budget, and will come from RPTWSD-Water budget accounts 072-407403 (Capital Outlay-Vehicle), 072-407400 (Capital Outlay, for equipment items added over $5k each), and 072-403300 (Supplies & Materials, for equipment items added under $1k each). Brief discussion ensued regarding the vehicle that is being replaced and whether it could be used by the county in a different capacity. Mr. McEwen explained that there is not a vehicle needed at this time. Mr. Keel explained that this vehicle will be surplused.

Moved by Fred McCoy, seconded by David Williams

Motion to approve the Purchase Order for Replacement 3/4-ton Work Body Truck to Fairway Ford for $39,058.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton				x
David Piepmeyer		x		
David Williams	x			
	3	1	0	1

CARRIED.

7.4 Approve Purchase Order for Replacement 1-ton Work Body & Crane

Truck to Piedmont Truck Center for $76,436.

Utilities Director Kenny Keel explained that this request is to purchase a replacement 1-ton work body & crane truck for PCU. The vehicle to be replaced is vehicle #4008, which is a 2011 F-350 truck with over 250,000 miles. The vehicle was evaluated by Fleet Services during the FY21 budget process, and recommended for replacement. The truck to be replaced is also a 1-ton truck, which is the minimum duty level needed for PCU field operations for the particular purposes of this vehicle. The current vehicle is used to remove and reinstall equipment from sewage pump stations and water booster station, and occasional use for lifting equipment at the water and wastewater plant. It also is able to pull a large trailer with digging equipment necessary for service installation and system repairs. We received quotes from 3 vendors for this replacement vehicle, all with a work body and crane, but with some variations to the options and equipment due to recommendations from each vendor. Staff received quotes from Piedmont Truck Center (State Contract) pricing for an F-350, Fairway Ford pricing for an F-350 and an F-450 each with 2 variations, and Bill Carone pricing for an F-450. Westgate Chrysler (Burgaw) and Piedmont Dodge (Clinton) were also contacted, but they did not provide pricing for comparable vehicles. Also, while Bill Carone also sells Chevrolet and GMC trucks, they only provided pricing for a Ford. Funds were approved in the FY21 budget, and will come from RPTWSD-Water budget accounts 072-407403 (Capital Outlay-Vehicle), 072-407400 (Capital Outlay, for equipment items added over $5k), and 072-403300 (Supplies & Materials, for equipment items added under $1k). All of the quotes exceed the budgeted price of this vehicle; however, PCU has sufficient funds within the overall 072 budget to allow for this purchase through expected cost savings on other budgeted equipment purchases (3/4-ton truck, work lights and bypass pump), and there are additional funds available within the reserve line-item. The lowest overall quote, which is from Fairway Ford (Unit #1), only provides a 3,600 pound capacity crane and a maxed-out capacity work body. This is nearly identical to the existing truck that is being replaced, and PCU has experienced numerous problems with that configuration over its lifetime. PCU is recommending purchase of an F-350 truck with an upgraded Atkins heavy duty crane body and 4000 pound capacity crane. The lowest bid price for PCU's recommended configuration is from Piedmont Truck Center for $76,436. Fairway Ford provided a price for this configuration (Unit #2) that is $1,392 higher. Discussion briefly ensued regarding employees taking home vehicles. Mr. Keel stated that only the employee that is on call takes home a vehicle. Commissioner Piepmeyer explained why he is voting against this item as well as the previous item. He explained that he has been real supportive of this department but he is disappointed in that smaller projects that have been identified by the Board have not yet been completed. He added that he would like to see the Utilities Department complete some of these smaller projects and he will continue this same course of action until it is done. Discussion ensued regarding the quotes. Although staff is recommending the purchase from Piedmont Truck Center because the quote from Fairway Ford was $1,392 higher, if the Board chooses to purchase from Fairway Ford they could vote to do so in order to complete this purchase locally. Discussion ensued regarding delivery costs from Piedmont Truck Center and whether staff would have to pick the truck up or whether it is delivered to Burgaw. Discussion was also had regarding warranty issues and how those would be handled through both businesses.

Moved by David Williams, seconded by Fred McCoy

Motion to approve the Purchase Order for Replacement 1-ton Work Body & Crane Truck based on the discussion and comparisons on the quotes from Piedmont Truck Center and Fairway Ford, but not to exceed $77,828.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton				x
David Piepmeyer		x		
David Williams	x			
	3	1	0	1

CARRIED.

8 ROCKY POINT WATER AND SEWER DISTRICT

The Board convened as the Rocky Point/Topsail Water and Sewer District at 4:26 p.m.

8.1 Approval of Emergency Water Sales Agreement between Town of Surf City and Rocky Point/Topsail Water & Sewer District.

Utilities Director Kenny Keel explained that PCU and Surf City staff have worked together to write this new version of a water purchase agreement, and we are seeking the RPTWSD Board approval of the document. The agreement is needed for any future emergency water sales from Surf City to RPTWSD. RPTWSD and Surf City previously had a water sales agreement that was approved in 2010, but its term expired in 2015. Both sides have been honoring the original agreement since that time, but a new agreement was needed to legally establish procedures for the sale of water. The new document presented is similar to the previous agreement, but has a few revisions. Those revisions are that the agreement is now an Emergency Water Sales Agreement with no anticipated ongoing water transfers or allocation, includes an initial 5 year term which is renewable three times for for up to a 20 year term total, has a rate that is established as Surf City's current bulk rate at the time of water sales, the monthly availability fee has been eliminated, and this new agreement also eliminated additional language that was not longer applicable. This agreement was approved by the Surf City Town Board on January 15, 2021. Mr. Thurman suggested that the last seven words of 6B be removed which state "upon conditions reasonable and acceptable to Town."

Moved by David Williams, seconded by Fred McCoy

Motion to approve the Emergency Water Sales Agreement between Town of Surf City and Rocky Point/Topsail Water & Sewer District with Mr. Thurman's suggested changes.

	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 PENDER COUNTY BOARD OF HEALTH

The Board convened as the Pender County Board of Health at 4:30 p.m.

Health and Human Services Director Carolyn Moser gave an update on the COVID-19 metrics for Pender County. Ms. Moser stated that as of today, there have been 4,436 cases in Pender County. Of those cases, 98.5% have recovered. There have been two cases of the B117 variant reported in Pender County but both cases had been recovered before the variant was discovered. There have been 5,000 first doses in Pender County to date. Of those, 4,200 come through the Health Department. Pender County currently ranks 96th for vaccine allocation. In Pender County, 10.7% of residents have received their first dose of the vaccine. Discussion ensued regarding vaccinating school personnel. Ms. Moser explained that based on a survey that went out to all school staff, less than half wanted to receive the vaccine. Based on the survey, the Health Department may be able to vaccinate all willing school staff next week when it becomes available to them while leaving doses set aside for groups 1 and 2. Discussion ensued regarding the vaccine process and the positive surveys that have been received. The Board thanked Ms. Moser and her staff.

10 SOCIAL SERVICES BOARD

The Board convened as the Social Services Board at 4:46 p.m.

DSS Director Wes Stewart updated the Board on child welfare training. Mr. Stewart explained that thanks to generous funding from *The Duke Endowment*, the Pender County Department of Social Services has applied for consideration of participation with Together Facing the Challenge (TFTC). TFTC is a comprehensive training and coaching program for foster care staff and the families they support. It was developed by the faculty of Duke University and has been proven to improve outcomes for youth in therapeutic foster care. After nine years of clinical studies, TFTC was honored to be one of only a few foster care training programs in the nation to achieve evidence-based status from the California Evidence-Based Clearinghouse of Child Welfare. Pender County is in the running to be accepted into this training. If Pender County is accepted, this would be at no cost to the county and would last approximately 18 months. The Board thanked Mr. Stewart.

11 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGER, & COUNTY COMMISSIONERS

The Board reconvened as the Pender County Board of Commissioners at 4:48 p.m.

11.1 Items from the County Attorney.

- Mr. Thurman stated that there were items for closed session, items 3 to include Besnon v Pender County Sheriff 7-21-cv-0016 EDNC and Sullivan v Pender County 20-cvs-752, and items 4, 5, and 6.

11.2 Items from the County Commissioners.

Commissioner McCoy:

- Commissioner McCoy stated that he attended the RPO Meeting on Friday and updated the Board on the following schedule of projects:
  - Widening of NC Highway 53 from US 117 to Stag Park Rd - May 2, 2025
  - Intersection improvements at NC Highway 53 and US 117 Bypass - June 3, 2027

Commissioner Piepmeyer:

- Commissioner Piepmeyer thanked Mr. McEwen for his help with the convenience site issue that had recently come up.

Commissioner Williams:

- Commissioner Williams commented on the Carolina Water System issues. He stated that he would like to escalate this issue to our state representatives as he nor the residents of Belvedere are satisfied with the response from Carolina Water. He asked that staff work on a letter.

12 CLOSED SESSION (IF APPLICABLE).

Moved by David Williams, seconded by David Piepmeyer

4:56 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.

	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.

13 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

13.1 Resolution Requesting Approval of a Conditional Zoning Map Amendment.

Chairman Brown opened the public hearing at 7:00 p.m.
Long Range Planner Sam Shore explained that Archie McGirt, applicant, on behalf of AJ McGirt Land Management, LLC, owner, is requesting the approval of a Conditional Zoning Map Amendment for one tract totaling approximately ±9.39 acres to amend a previously-approved conditional rezoning for detached storage buildings, boat and RV storage, and a two-story office building to further allow for a caretaker apartment on the second story of the office building. The subject property is zoned GB-CD2, General Business conditional zoning district 2 and the request would amend the allowable uses in that district. The subject property is located along the west side of US HWY 17 approximately ± 2,500 feet to the north of the intersection of US HWY 17 and Sloop Point Loop Road (SR 1563) in the Topsail Township and may be further identified by Pender County PIN: 4204- 76-9748-0000. At their January 20, 2021 meeting, the Pender County Planning Board unanimously recommended conditional approval of this application based on its consistency with the Pender County Unified Development Ordinance and lack of conflict with the Pender 2.0 Comprehensive Land Use Plan. Staff are also recommending approval of the request with the continuation of previously-imposed conditions. The Pender County Board of County Commissioners approved the creation of the GB-CD2, General Business Conditional zoning district 2, on June 19th, 2017 to

allow for the development of ten detached storage buildings totaling 185,325 square feet of storage space with an additional office space with a footprint of 1,200 square feet. The approval also encompassed storage of boats and recreational vehicles on the site. Subsequent to the approved conditional rezoning, staff approved a Major Site Development Plan for the first phase of 7 detached storage buildings, office, and associated improvements on August 15, 2018. A second Major Site Development Plan for the remaining structures and associated improvements was approved on February 20, 2019. The current application is to amend the allowable uses within the district to permit an upstairs apartment within the office building for an onsite caretaker. The caretaker apartment is the only additional proposed use in comparison to the previously approved conditional zoning district. The currently approved uses within the GB-CD2, General Business Conditional zoning district 2 are multi-unit, self storage units (NAICS 531130). NAICS Sector 531130 industry comprises of establishments primarily engaged in renting or leasing space for self-storage in addition to RV and boat storage. The previous application was filed soon after boat storage had been broken out as its own use in the Table of Permitted Uses but was not illustrated as such in the corresponding staff report. For the purposes of clarity, the previously proposed and approved boat storage is illustrated as it appears in the current Table of Permitted Uses in the Pender County Unified Development Ordinance. All other uses or expansions will be prohibited unless an alteration is made to the approval. Any changes to the requested petition shall be processed in accordance with amendments to the zoning map and in accordance with the Pender County Unified Development Ordinance. All other aspects of the of the request remain consistent with the previous submittal. The public meeting was held on November 12, 2020, at Hampstead Kiwanis Park at 5:30 P.M. One member of the public attended to obtain additional information about the project, but did not express any specific concerns. Mr. Shore reviewed the conditions for approval. Archie McGirt was present and stated that he agreed to the conditions for approval. There being no discussion, Chairman Brown closed the public hearing at 7:02 p.m.

Planning Director Travis Henley introduced Carlene Shaw who has joined the Planning Team as a Current Planner. Ms. Shaw is from the suburbs of Portland, Maine. She has experience in GIS and received her Masters in Urban Planning from Georgetown University in the spring. The Board welcomed Ms. Shaw.

Moved by David Williams, seconded by Fred McCoy

Motion to approve the a Conditional Zoning Map Amendment as described herein.

	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.

14 ADJOURNMENT

There being no further business, the meeting adjourned at 7:05 p.m.