



MINUTES
Board of County Commissioners Meeting
Monday, December 5, 2022 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT:

Fred McCoy
Jacqueline A. Newton
Jimmy T Tate
Jerry Groves
Wendy Hardee

MEMBERS ABSENT:

OTHERS PRESENT:

David Andrews, County Manager
Trey Thurman, County Attorney
Tera Cline, Clerk to the Board
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER

Chairman called the meeting to order at 4:00 PM

2 INVOCATION

Commissioner Brown

3 PLEDGE OF ALLEGIANCE

Commissioner Piepmeyer

4 ADOPTION OF AMENDED AGENDA

Amended Agenda voted on Friday 12-2-2022 at 4 PM Emergency Meeting of the Board of Commissioners adding item 6.3.

4.1 Amended agenda adopted

Moved by George Brown, seconded by David Piepmeyer

Motion approved

	For	Against	Abstained	Absent
George Brown	x			

Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
Jimmy T Tate				x
	4	0	0	1

CARRIED.

4.2 Motion to excuse Commissioner Tate running late

Moved by George Brown, seconded by Jacqueline A. Newton

Motion Approved

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

CARRIED.

5 OLD BUSINESS

5.1 BOCC Meeting Minutes November 21, 2022

Moved by George Brown, seconded by Jacqueline A. Newton

Motion Approved

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

CARRIED.

5.2 Public Service Recognition of outgoing Commissioner David Piepmeyer

5.3 Public Service Recognition of outgoing Commissioner George Brown

6 REORGANIZATION

- 6.1 Assign County Attorney Trey Thurman as Moderator
- 6.2 Oath of Office for Newly Elected Pender County Board of Commissioner Member Jerry Groves
- 6.3 Oath of Office for Newly Elected Pender County Commissioner Jimmy T Tate
- 6.4 Oath of Office for Newly Elected Pender County Board of Commissioner Member Wendy Fletcher-Hardee
- 6.5 Nomination and Selection of Chairman and Vice-Chairman

Commissioner Tate relinquished his role as vice-Chair

Moved by Jerry Groves, seconded by Wendy Hardee

Commissioner Groves nominated Commissioner Newton for Chairman.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

Moved by Jerry Groves, seconded by Jacqueline A. Newton

Motion to appoint Wendy Hardee for Vice-Chair

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

7 PUBLIC INFORMATION

8 PUBLIC COMMENT

9 CONSENT AGENDA

- 9.1 Approval of an On-Call Child Welfare and Adult Services Supervisor part-time position
- 9.2 Approval of a Budget Amendment to Increase the Department of Social Services Revenues and Expenditures for Fiscal Year 2022-2023 SNAP ARPA Funding: \$15,635.33
- 9.3 Approval of the 2023 BOCC Meeting Calendar
- 9.4 Approval of Pender County 2023 Holiday Calendar
- 9.5 Approval of Tax Releases and Refunds
- 9.6 Approval of Contract with Highfill Infrastructure Engineering for Batson Road Water Extension Design Services for \$45,900
- 9.7 Approval of a Purchase Order to Bobbitt Construction Inc for Site Design and Pre-Construction Services in the amount of \$38,146
- 9.8 Pender County Emergency Management Extendo Bed Sole SourceSupplier
- 9.9 Motion to approve consent agenda

Moved by Fred McCoy, seconded by Jimmy T Tate

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton			x	
Jimmy T Tate	x			
Jerry Groves		x		
Wendy Hardee	x			
	3	1	1	0

CARRIED.

10 APPROVALS AND RESOLUTIONS

- 10.1 Resolution approving map review officers for the Town of Burgaw

The Town of Burgaw Board of Commissioners is requesting that the Pender County Board of Commissioners approve the appointment of Gilbert Combs, Town of Burgaw Planning Director, and James Gantt,

Town Manager, as map review officers for the Town of Burgaw, in addition to Kimberly Rivenbark in accordance with NCGS 47-30.2.

Moved by Fred McCoy, seconded by Wendy Hardee

Motion approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves			x	
Wendy Hardee	x			
	4	0	1	0

CARRIED.

10.2 Approval of Offer & Authorize Closing Process for Sale of Surplus Property - Parcel 2373-58-7162-0000 2907 Englishtown Road, Willard

Parcel number 2373-58-7162-0000 at 2907 Englishtown Road, Willard. Note that because this property was authorized for public auction previously and auctioned on GovDeals, no upset bid period is required. It is recommended that the \$67,000 bid for this parcel from Linda Walker be accepted by the County and authorize County Manager's Office to begin closing process. The attached letter indicates the details of the bid for this property. The tax value for the land is listed at \$53,421. The building value previously listed at \$75,515 has been deemed of no value, per Tax Assessor's Office. This parcel was obtained by Pender County in 2016 through tax foreclosure.

Moved by Fred McCoy, seconded by Jerry Groves

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

10.3 Award and Approval of Contract to Complete Clearing and Snagging Work Under the StRAP Program

The North Carolina General Assembly allocated funding in the FY 21-22 budget aiming to reduce flooding across the state's waterways, creating the Streamflow Rehabilitation Assistance Program (StRAP). This program allocates money for projects that protect and restore the integrity of drainage infrastructure. The StRAP program is managed by the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation. At their August 15, 2022, meeting, the Board of Commissioners approved a grant agreement with the State that provided the County with \$357,888 to complete improvements to our drainage network. This work involves the removal of vegetative and woody debris that has accumulated in creeks and is obstructing the natural flow of water, thereby impairing the ability of the waterway to drain during flood events. On October 25, staff published a Request for Proposals (RFP) soliciting bids from qualified contractors to perform clearing and snagging work at three sites. The deadline for contractors to submit a proposal was November 15. Staff received five proposals, though one was disqualified for failing to submit all the required documents as directed in the RFP. Proposals were reviewed and scored by a selection committee based on the criteria outlined in the RFP, including lowest apparent bid, qualifications/experience, and additional factors. Additional factors included the completeness of the requested bid schedule, understanding of the project scope, and a timeline forecasting anticipated progress and completion of the proposed work. Based on the results of the selection committee's scoring, staff is recommending a contract and purchase order be issued to Zulu Marine Services, Inc. This project is fully funded through StRAP program. The budget account for this project is 60-404500-6471.

Moved by Fred McCoy, seconded by Wendy Hardee

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

10.4 Burgaw Fireworks Display

The Pender County Fire Marshal's Office has received a request from the Town of Burgaw to allow a fireworks display at Burgaw Middle School, Burgaw NC on December 31, 2022. The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all pyrotechnic displays under N.C.G.S. 14-413. This requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed. The State of North Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that modified the General Statutes to define the term fireworks "expert" as a state requirement to obtain a display operator's permit (N.C.G.S. 14-410) effective February 1, 2010. The Burgaw Fire Marshal will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display. The pyrotechnic display will be a public display in Burgaw NC. It will be conducted by an approved and licensed fireworks company, Pop Enterprise LLC Snow Hill NC. The display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. Cop Enterprise LLC meets all of the liability insurance requirements set by the State of North Carolina and the Fire Marshal Office recommends approval of their request.

Moved by Jerry Groves, seconded by Wendy Hardee

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

10.5 Resolution approving the interlocal agreement with New Hanover County related to the Scotts Hill Medical Center.

Staff requests approval of a Resolution approving an Interlocal Agreement with New Hanover County related to the Scotts Hill Medical Center, which is located on the County Line in this area. Novant Health is building a medical facility with the majority of the project being located

in the New Hanover County jurisdiction. The Interlocal Agreement authorizes New Hanover to perform all necessary zoning functions within the project site on behalf of Pender and consistent with the Pender County Unified Development Ordinance. This agreement is intended to simplify the development review and permitting of this site.

Moved by Jerry Groves, seconded by Fred McCoy

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

10.6 Consideration of a Contract to Replace the Cooling Tower and Public Restroom HVAC unit at the Pender County Courthouse

Pender County received a State Construction and Infrastructure Fund (SCIF) Grant from the General Assembly in the amount of \$250,000.00 for courthouse renovations and repairs. This was previously accepted, and the Budget Ordinance Amendment (BOA) approved by the BOCC to establish the project code for this work. A major project that this funding is being utilized for is to replace the Cooling Tower and HVAC public restroom unit. The first phase of this project included publishing a Request for Qualifications (RFQ) for engineering services. The firm selected was Cheatham & Associates. They created the technical specifications and plans to be utilized for the bidding process of soliciting contractors to complete the scope of work. A formal Invitation to Bid (ITB) was issued/advertised, and bids were accepted on Tuesday, November 22, 2022. However, much to our surprise, we only received one bid. We had no reason to think this would be the case since we had a good attendance for the pre-bid meeting as well as extensive advertising efforts (normal protocol plus direct email invitations to 25 preferred contractors from our engineering firm.) Since we only received one bid, we were unable to open – as our procurement policy requires a minimum of two bids in the formal range. Therefore, we didn't have bids to attach to this agenda item for the Board's consideration. As a result, we immediately re-advertised for bids to be accepted a second time for Monday, December 5, 2022, 11:00am. Since this is a grant funded project in which the grant expires on June 30, 2023 and in considering

supply chain issues, we feel that it is important to give the BOCC a chance to review and accept the bids in the December 5 meeting. Our engineering firm has determined that there is a 6-month lead time for this equipment. If we wait until a January BOCC meeting for approval, the lead time for the equipment may extend beyond the June 30th grant funding deadline. We believe there is a possibility of getting an extension for the grant in considering the supply chain challenges but are awaiting a determination from the state. In considering this information, we respectfully ask the Board to allow the bids to be reviewed and awarded in the December 5 BOCC meeting. Once the bids are received at 11:00am on December 5, we will immediately email the Board with results for consideration.

Assistant Manager Vann requested the Board accept the lowest responsible bidder of Newcombe and Company out of Wilmington in the amount of \$221,015.

Moved by Jerry Groves, seconded by Fred McCoy

Motion to approve the lowest responsible bid from Newcombe and Company in the amount of \$221,015.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

10.7 Process for selection of Consultant to assist with Healthcare Provider Negotiations

Pender County issued a Request for Statements of Qualifications related to professional consulting services to assist with the evaluation of its options regarding healthcare providers and negotiations of any legal agreements. Four responses were received by the closing date of November 18, 2022. The purpose of this agenda item is for the Board of County Commissioners to determine a structure for the evaluation of the four responses. The staff has identified the following options for Board consideration: Option A: Staff committee evaluates the proposals and makes a recommendation to the Board Option B: The Board of County Commissioners evaluates the proposals and selects the consultant(s)

Option C: A committee composed of a combination of staff and Commission Members evaluates the proposals and makes a recommendation to the Board

Moved by Jerry Groves, seconded by Fred McCoy

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

11 DISCUSSION

12 APPOINTMENTS

13 MAPLE HILL WATER AND SEWER DISTRICT

14 ROCKY POINT WATER AND SEWER DISTRICT

15 SCOTTS HILL WATER AND SEWER DISTRICT

16 MOORES CREEK WATER AND SEWER DISTRICT

17 CENTRAL PENDER WATER AND SEWER DISTRICT

18 PENDER COUNTY BOARD OF HEALTH

19 SOCIAL SERVICES BOARD

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

Trey Thurman, Attorney, Items for closed session are as follows: Item 3, item 4, and item 5. Item 3 attorney-client case number 22CV001029

21 CLOSED SESSION (IF APPLICABLE).

Motion to go into closed session 5:26 PM

Moved by Wendy Hardee, seconded by Fred McCoy

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

**22 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP
AMENDMENTS/ RESOLUTIONS**

- 22.1 REZONE 2022-38: Zoning Map Amendment of one Tract in the Rocky Point Township from RA, Rural Agricultural, and GI, General Industrial, to GB, General Business, and GI, General Industrial.

Ryan Krall, applicant on behalf of Rocky Point Interchange, LLC, owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 70.66 acres of land from RA, Rural Agricultural and GI, General Industrial zoning districts to the GI, General Industrial and GB, General Business zoning districts. More specifically, the applicant is requesting to rezone approximately 11 acres from the RA, Rural Agricultural zoning district to the GB, General Business zoning district and requesting approximately 13 acres be rezoned from the RA, Rural Agricultural zoning district to the GI, General Industrial zoning district. Approximately 46 acres would remain in the GI, General Industrial zoning district. The subject property is located in the Rocky Point Township between US Highway 117 and Interstate 40, approximately 1000 feet south of NC Highway 210

Moved by Fred McCoy, seconded by Wendy Hardee

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves		x		
Wendy Hardee	x			

	4	1	0	0
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CARRIED.

- 22.2 REZONE 2022-37: Zoning Map Amendment of Two Tracts in the Long Creek Township from GB, General Business, to RP, Residential Performance.

Tabled to next BOCC meeting

- 22.3 ZTA 2022-17 - Zoning Text Amendment to amend Section 5.2.3, Table of Permitted Uses, to modify approval requirements for 'Other Electric Power Generation'.

Pender County Planning & Community Development, applicant, is requesting the approval of Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Section 5.2.3, Table of Permitted Uses, to remove 'Other Electric Power Generation (2007 NAICS 221119)' as a use allowed via Special Use Permit in the RA, Rural Agricultural, RP, Residential Performance, and PD, Planned Development zoning districts. Additionally, the request includes modifying this section to require 'Other Electric Power Generation' to be approved via Special Use Permit in the IT, Industrial Transitional and GI, General Industrial zoning districts.

Moved by Jimmy T Tate, seconded by Fred McCoy

Motion Approved

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jimmy T Tate	x			
Jerry Groves	x			
Wendy Hardee	x			
	5	0	0	0

CARRIED.

23 ADJOURNMENT