



Pender County

Agenda

Board of County Commissioners Meeting
Monday, November 21, 2022 @ 4:00 PM
Pender County Public Assembly Room
805 S. Walker Street, Burgaw, NC

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1.	CALL TO ORDER		
2.	INVOCATION Commissioner Tate		
3.	PLEDGE OF ALLEGIANCE Commissioner Newton		
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5.	PUBLIC HEARING		
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8.2.	Approval of a Purchase Order to McGill for sludge removal at the PCP WWTP Sludge Removal - Pdf	Tom Hedrick	15 - 18
8.3.	Approval of Change Order #1 for the Scotts Hill Elevated Tank and Wells Project for a Decrease in Cost of \$293,736.65 ChangeOrder1 ElevatedTank Wells Project - Pdf	Kenny Keel	19 - 25
8.4.	Conservation Treatment of Vital Records Conservation Treatment - Pdf	Sharon Willoughby	27 - 32
8.5.	Approval of Sheriff Office Restructuring plan Restructuring - Pdf	Sheriff Cutler	33 - 34
8.6.	Administration restructuring and reclassification Restructing - Pdf	David Andrews	35 - 36
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9.2.	Space Needs Study SNS - Pdf	Elizabeth Craver/Judge Corpening	69
9.3.	Award and Approval of Contract to WSP to Complete the NC HWY 210 Resiliency Analysis Award and Approval of Contract to WSP to Complete the NC HWY 210 Resiliency Analysis - Pdf	Daniel Adams	71 - 84
9.4.	Approval of Budget Amendment and Purchase Order & Authorize Closing Process for Purchase of Office Building for Public Defender's Office - 301 S. McNeil Street, Burgaw 301 S McNeil St - Pdf	David Andrews	85 - 102
9.5.	Approval of a Purchase Order for Capital Chevrolet of Wake Forest to purchase 5 (five) Chevrolet Tahoe's in the amount of \$263,342.92. Approval for purchase order for Capital Chevrolet of Wake Forest 5 Tahoe's - Pdf	Sheriff Cutler	103 - 105
9.6.	Approval for gift/donation policy Policy - Pdf	Jeremy Drummond	107 - 111
10.	DISCUSSION		
11.	APPOINTMENTS		
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14.	SCOTTS HILL WATER AND SEWER DISTRICT		
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16.	CENTRAL PENDER WATER AND SEWER DISTRICT		
17.	PENDER COUNTY BOARD OF HEALTH		
17.1.	Approval of the Job Description for the Health and Human Services Director HHS Job Description - Pdf	Moser	117 - 123
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18.	SOCIAL SERVICES BOARD	
19.	ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS	
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21.4.	REZONE 2022-36: Zoning Map Amendment of Three Tracts in the Topsail Township from PD, Planned Development and RP, Residential Performance to GB, General Business REZONE 2022-36: Zoning Map Amendment of Three Tracts in the Topsail Township from PD, Planned Development and RP, Residential Performance to GB, General Business - Pdf	187 - 212
22.	ADJOURNMENT	



Pender County
Pender County Public Defender Office

TO: Pender County Board of Commissioners
FROM: Jennifer Harjo
DATE: November 21, 2022
SUBJECT: Public Defenders Office

SUMMARY:

Representatives from the NHC public defenders office will answer any questions or concerns from the board and offer a brief overview of their plans for Pender County.



Pender County Update on Surplus Generator

TO: Board of County Commissioner
FROM: Tommy Batson
DATE: November 21, 2022
SUBJECT: Update on Surplus Generators

SUMMARY:

Update on the four Surplus Generators to the board



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Wes Stewart
DATE: November 21, 2022
SUBJECT: Approval of the Pender County Energy Outreach Plan.

SUMMARY:

The Low-Income Home Energy Assistance Program (LIHEAP) is a federally funded block grant program that is comprised of three different programs - Crisis Intervention Program (CIP), Low Income Energy Assistance Program (LIEAP) and Weatherization. There are also non-Federal Crisis Intervention Programs - Energy Neighbor, Share the Warmth, Wake Electric Round Up, and Helping Each Member Cope. To maximize the success of this program, outreach to county residents through key community partner stakeholders, each county department of social services is required to develop and implement an Energy Program Outreach Plan (EPOP). This plan is a framework to assure that eligible households are made aware of the assistance available through these programs.

ACTION REQUESTED:

To approve and sign the Pender County Energy Outreach Plan

ENERGY PROGRAMS OUTREACH PLAN

The Low Income Home Energy Assistance Program (LIHEAP) is a federally funded block grant program that is comprised of three different programs - Crisis Intervention Program (CIP), Low Income Energy Assistance Program (LIEAP) and Weatherization. There are also non-Federal Crisis Intervention Programs - Energy Neighbor, Share the Warmth, Wake Electric Round Up, and Helping Each Member Cope.

To maximize the success of this program, outreach to county residents through key community partner stakeholders, each county department of social services is required to develop and implement an Energy Program Outreach Plan (EPOP). This plan is a framework to assure that eligible households are made aware of the assistance available through these programs.

The county director and/or his/her designee is required to develop the EPOP, which addresses outreach and application activities related to the Energy Programs. The Outreach Plan is due to the North Carolina Department of Health and Human Services (NCDHHS) annually.

Each county must form an outreach planning committee that creates the opportunity for county-level collaboration to discuss and plan how to effectively reach county residents to inform them of the services provided by the energy programs. The committee should meet at least twice yearly; September for outreach planning related to LIEAP and April to review the outcomes related to LIEAP and to plan for outreach activities for summer weather.

Energy Assistance Outreach Plan

Answer all questions below. Address CIP, non-Federal CIP, and LIEAP where appropriate:

COMMITTEE MEMBERSHIP

The Director of Social Services should engage a number of various community partners such as Vendors, Housing Authority, Public Libraries, Public School System/Local Colleges/Head Start, Legal Services, Meals on Wheels, Media, Public Health/Health Centers, Churches, Food Banks, Councils on Aging/Senior Centers, Community based Indian organizations, Volunteer Programs, Vocational Rehabilitation Offices, and Transportation, services, etc.

1. Provide a list of committee members and their agencies.

DeAnna Everhart (Pender County DSS)(910)259-0300

Nicole Maund (Pender County DSS)(910)259-1335

Sandy Harris (Pender County Christian Services)(910)259-1840

Felicia Greene (Safe Haven of Pender)(910)663-9186

Acquenetta Renee Lee (Pender County Housing Department (910)259-1537

Connie Costin Clark (Smart Start)(910)259-9978

Jim Longenbach (Pender Adult Services Transportation) (484)553-3995

Stephanie Summerlin (Pender County Child Support Enforcement)(910)259-0293

2. Provide potential meeting dates, times, locations, as well as agenda topics.
Pender County Inter-Agency Committee meeting will take place every other month.

Define how DSS/DHS will work with the committee as well as any other agencies to collaborate regarding the Energy Program and how outreach will be provided to the citizens in your area.

DSS will meet the Community Agencies in a group session and follow up by sending DSS Staff to the respective Agencies as requested. The Agency will continue to utilize the local media, church bulletins, community services announcements and monthly meetings to give scheduled dates and times pertaining to outreach with CIP and LIEAP programs.

1. What is the process for referring customers? What marketing tools or items will be used (please provide a copy of your previous marketing materials & how you plan to enhance those in the future)?

Referrals are provided through Community Partners and organizations, whereas the client is instructed to contact the Agency for the needed assistance. In addition, flyers and brochures are provided to community partners and faith organizations. This process will be expanded to incorporate other entities such as physician offices, child care facilities and postal services.

2. What strategy does the county have, to continue collaborative efforts with community partners to complete outreach activities to target potential eligible households including individuals and families?

Community Centers/Agencies will provide announcements and contact information to ensure that targeted, potentially eligible households are informed and adequately served. The Energy Assistance leaflet that specifies changes in CIP and LIEAP will be placed in the waiting area for all coming into DSS. Flyers and brochures will also be given to local churches and community centers.

3. What additional activities will be conducted to target households with members with children under 5, age 60 and over and disabled?

DSS will provide information to Work First Family Services, Child Care, Children Services and the Health Department to target households with children under the age of 5. The Agency will also collaborate with Pender Adult Services to present information to explain changes and provide a listing of schedules and sites in the community for individuals over 60 and disabled to get assistance.

Media involvement is vital to the success of outreach activities. How will your county utilize media such as newspapers, social media, radio and television stations to publicize the Energy Programs?

The media outlets will be provided with information on the requirements/eligibility criteria for each respective program, the time frame in which each program is administered, application site locations and their hours of operation.

1. Provide a list of media outlets that will be used as well as timeframes in which they will be contacted (provide examples of how the county can enhance these efforts):

DSS-8119ia (06/19)
Economic and Family Services

Page 2 of 4

Please indicate which program:

☒ LIEAP

☒ CIP

Name: Amanda Howard IM Program Manager

Address: 810 S Walker St. PO BOX 1207 Burgaw, NC 28425

Telephone: (910)259-1380

Email: ahoward@pendercountync.gov

Please indicate which program:

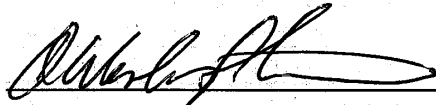
☒ LIEAP

☒ CIP

This plan must be approved by the local Board of Social Services/Human Services Board or local agency governing body prior to submission. Refer to the latest Dear County Director Letter for instructions on how to submit this document to the North Carolina State office.

Board of Social Services/Human Services or governing body Signature

Date



Director Signature

10/17/22

Date

Websites, Newspapers, Radio and Television Stations: These entities will be contacted to request that they publicize the Energy Programs: Pender County Website, Spectrum News 14, Pender Post/Voice, WWAY-TV3, WECT-TV6, WKXB 99.9, WNNX 97.3 and WGNI 102.7. These entities will be notified during the month of June for CIP and November/December for LIEAP.

ORGANIZATIONAL STRUCTURE:

Counties are required to provide application processes for CIP, non-Federal CIP programs, and/or LIEAP. This information must be reported to the NCDHHS annually.

1. Provide hours of operation, location and whether the programs are in house or contracted out. If your agency contracts out to other agencies attach the contract(s).

Applications will be taken Monday through Friday at the local DSS for CIP (Hampstead Annex each Wednesday). Applications for LIEAP will be taken at the DSS Monday through Friday during the months of December through March, or until funds are depleted. Hampstead Annex every Wednesday, and various community centers/agencies throughout Pender County.

BEST PRACTICES:

Best practices are a method or technique that has been generally accepted as superior to any alternatives because it produces results. Best practices are essential to the program.

1. If your county has gone above and beyond what is listed on this form please provide this information below:

We will accept applications at a number of churches and other community facilities in the county. We will coordinate a schedule with church secretaries, community facilities, will publicize dates and locations to bring awareness to potential applicants.

2. Any additional comments or activities for CIP, non-Federal CIP, and/or LIEAP:

This Outreach Plan applies to LIEAP and CIP only. Energy Neighbor, Share the Warmth, Wake Electric Round Up and Helping Each Member Cope funds are not governed by this Plan. Please refer to the appropriate Energy Manual section for eligibility criteria regarding those funds.

CONTACT INFORMATION:

Your contact information is essential to the success of the Energy Programs. Please complete the following information.

Name: DeAnna Everhart, Senior IM Supervisor

Address: 810 S Walker St. PO BOX 1207 Burgaw, NC 28425

Telephone: (910)259-0300

Email: deverhart@pendercountync.gov

DSS-8119ia (06/19)
Economic and Family Services

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Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Tom Hedrick
DATE: November 21, 2022
SUBJECT: Approval of a Purchase Order to McGill for sludge removal at the PCP WWTP

SUMMARY:

Sludge is a byproduct of the wastewater treatment process. It needs to be removed yearly from the plant's digester to create room for more sludge as to not disrupt the treatment process.

Quotes were obtained from vendors that could preform the services needed in the time frame required. McGill can haul three times as much volume of sludge for the same price as Synagro.

This purchase order request will cover the full FY23 fiscal year for sludge removal services. Funds have been budgeted for this expenditure out of 068-404500 Contract Services.

ACTION REQUESTED:

To approve a purchase order in the amount of \$50,000 to McGill for sludge removal at the PCP WWTP on 421.

ATTACHMENTS:

Quotes from McGill and Synagro

Kurt Lonander

From: Drew Culp <jaculp@SYNAGRO.com>
Sent: Friday, September 10, 2021 3:29 PM
To: Kurt Lonander; Mary Brewer
Cc: Todd Larson; Nate Roth
Subject: [External]RE: Pender County Utilities Change Order #1: Solidification

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kurt,

Based on our pricing you are looking at roughly \$2300-\$2500 per load. Let us know if you would like to proceed.

Thanks,
Drew

From: Mary Brewer <MBrewer@SYNAGRO.com>
Sent: Friday, September 10, 2021 3:13 PM
To: klonander@pendercountync.gov
Cc: Todd Larson <TLarson@SYNAGRO.com>; Drew Culp <jaculp@SYNAGRO.com>; Nate Roth <rroth@SYNAGRO.com>
Subject: Pender County Utilities Change Order #1: Solidification
Importance: High

Hi Kurt. Please see the attached Change Order #1 for solidification. You'll need to execute & return to me at your earliest convenience. Drew can assist with calculating an estimated cost per load.

Please let us know if you have any questions.

Thanks,
Mary



>

Mary Brewer
Sr. Administrative Assistant
284 Boger Road, Mocksville, NC, 27028
O: 1-336-790-1610
MBrewer@SYNAGRO.com | synagro.com
[Facebook](#) | [Twitter](#) | [LinkedIn](#)

Proposal/Agreement (rev 01/18) ☐ New ☐ Change



Account Information

Legal name: _____ DBA: _____
Acct #: _____ Website: _____
Billing address: _____
Primary contact: _____ Email: _____
(O): _____ (F): _____ (M): _____
A/P contact: _____ Email: _____ (O): _____

Ship to facility:

- ☐ **McGill-Delway**, 1100 Herring Rd, Rose Hill, NC 28458, Permit WQ0006816
☐ **McGill-Merry Oaks**, 634 Christian Chapel Church Rd, New Hill, NC 27562, Permit SWC-19-06
☐ **McGill-Waverly**, 5056 Beef Steak Rd, Waverly, VA 23890, Permit VDHUR154

Proposal Information

Brief Description

Scope of Work

McGill Environmental Systems of NC, Inc. ("McGill") will furnish all labor, equipment, supervision and materials, unless otherwise specified, to perform the following:

Item	Material Code	Rate

Additional notes:

Transportation provider:

- ☐ McGill
☐ Customer
☐ Subcontractor:

Fuel Surcharge:

- ☐ Yes
☐ No

CPI Adjustment:

- ☐ Yes
☐ No

Terms of Proposal/Agreement

This agreement is contingent upon pre-acceptance of material in accordance with McGill and all local, state and federal regulations.

Additional transportation charges may apply for scheduled hauls canceled by the customer.

Customer assumes full responsibility for all costs related to the removal and disposal of transported residuals found to contain substances that do not fall within regulatory parameters defined in McGill's permit.

A fuel surcharge may apply for fuel-consuming equipment. McGill reserves the right to adjust fuel surcharges based on industry averages.

Customer agrees to indemnify, exonerate and hold McGill harmless against loss, damage or expense, by reasons of suits, claims, demands, judgments and causes of action for personal injury, death or property damage rising out of or in any way in consequence of the performance of work undertaken by McGill except that in no instances shall the customer be held responsible for any liability claim demand or cause of action attributable solely to the gross negligence of McGill.

Any disposal or other work beyond the scope of work described above, unless agreed in writing, will be billed at the current Time and Material Rates.

Payment Terms – Net due 30 days from date of invoice. McGill does not agree to "pay when get paid" clauses. Discrepancies with invoices must be addressed in writing within 30 days from date of invoice or invoice will be considered acceptable as is and payment will be expected in full within the agreed payment terms. Finance charges of one and one-half percent (1.5%) per month will be due on payments past due after 30 days from date of invoice.

This proposal will be good for _____ from date of acceptance.

Contract Effective Dates

Start Date: _____ **End Date:** _____

SIGNATURES

My signature indicates my acceptance of the terms of this proposal/agreement.

Customer Representative Title Date

Job Number Customer PO#

McGill Representative Title Date

McGill Representative Title Date

Date received in Accounting Department:



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Kenneth Keel
DATE: November 21, 2022
SUBJECT: Approval of Change Order #1 for the Scotts Hill Elevated Tank and Wells Project for a Decrease in Cost of \$293,736.65

SUMMARY:

Shortly following the bid opening for the elevated tank & wells project on June 2nd, PCU, Harper General Contractors, and CDM Smith began discussing potential ways to reduce the cost of the project through a value engineering evaluation, due to the bid prices being over the project budget. The contractor found many possible changes that could reduce costs. PCU and CDM Smith reviewed these suggestions and provided our approval of a number of the alternatives.

In addition to these decreases in cost, the HVAC systems to be supplied for the project had a significant price hike. The bid price was guaranteed for 90 days, which is typically plenty of time to enter into a construction contract; however, due to funding difficulties from the higher than expected project cost, it took 137 days for the contract to be awarded. The contractor was willing to honor their bid for this extended period, with the exception of this increase in materials cost for these items.

Therefore, change order #1 includes an increase of \$19,454.46, and a value engineering decrease of \$313,191.11, for a net decrease of \$293,736.65.

ACTION REQUESTED:

Approve Change Order #1 for a decrease of \$293,736.65 to the contract cost

ATTACHMENTS:

Proposed change order # 1 with attachments

Change Order

No. 01

Date of Issuance: _____ Effective Date: _____

Project: Scotts Hill Water and Sewer District, Elevated Tank and Wells	Owner: Pender County Utilities	Contract No.: SRF 2006
Contractor: The Harper Corporation		Date of Contract: November , 2022

The Contract Documents are modified as follows upon execution of this Change Order:

Description: **Refer to Attachment A**

Attachments (Documents supporting change: **Refer to Attachment B**

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:	Original Contract Times: Calendar days
\$ 10,970,000.00	Substantial completion (days or date):
	Ready for final payment (days or date):
Increase from previously approved Change Orders:	Increase from previously approved Change Orders
\$ 0.00	Substantial completion (days): 0 days
	Ready for final payment (days): 0 days
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ 10,970,000.00	Substantial completion (days or date):
	Ready for final payment (days or date):
Decrease of this Change Order:	Increase of this Change Order:
\$ 293,736.65	Substantial completion (days or date): 0 days
	Ready for final payment (days or date): 0 days
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ 10,676,263.35	Substantial completion (days or date):
	Ready for final payment (days or date):

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____

ATTACHMENT A
SCOTTS HILL WATER AND SEWER DISTRICT
ELEVATED TANK AND WELLS

CHANGE ORDER NO. 1

CHANGE ORDER ITEM NO.	DESCRIPTION	COST
1	Modification to Contract Pricing due to <i>Price Escalation between Bid Opening and Award</i> Add the sum of \$19,454.46 Item No. 1 Total	\$19,454.46
2	Reduction in Contract Price due to <i>Value Engineering Items</i> Deduct the sum of \$313,191.11.00 Item No. 2 Total	(\$313,191.11)

ATTACHMENT A
SCOTTS HILL WATER AND SEWER DISTRICT
ELEVATED TANK AND WELLS

CHANGE ORDER NO. 1

REASONS/JUSTIFICATION FOR CHANGES

CHANGE ORDER ITEM NO.	REASON/JUSTIFICATION
1	<i>Due to bid prices coming in above Pender County's budget for the project, efforts were made to secure additional funding. During this four month period, market and material cost escalation resulted in an increased price to perform the work.</i>
2	<i>This change is a result of Value Engineering discussions following the bid opening. Harper provided the County with a list of potential cost savings items. The attached spreadsheet indicates the items to be incorporated into the Contract along with the prospective savings.</i>

ATTACHMENT B
SCOTTS HILL WATER AND SEWER DISTRICT
ELEVATED TANK AND WELLS

CHANGE ORDER NO. 1

SUPPORTING DOCUMENTATION

CHANGE ORDER ITEM NO.	DOCUMENTATION
1	- Correspondence from Harper to Pender County dated September 26, 2022.
2	- Table indicating Value Engineering Items for Change Order 1.

HARPER

GENERAL CONTRACTORS

Environmental Systems

September 26th, 2022

Pender County Utilities & Solid Waste
805 S. Walker St.
P.O. Box 5
Burgaw, NC 28425
Attn: Kenny Keel

RE:

This letter is to inform you that Harper Corporation – General Contractors will extend the bid price submitted on June 2, 2022, for 120 days from the bid date (expiring October 3, 2022) for the Pender County Elevated Tank and Wells Project.

Due to market and material escalation, the HVAC package has increased in value of \$19,454.46. Harper will require a Change Order to increase the total project value by \$19,454.46 to \$10,989,454.46. This change order will be sent when the full contract is executed and the project is set up.

Please note that the extension, noted above, does not include unforeseen conditions that could potentially occur outside Harper's control between now and contract execution (i.e. tariffs, material shortages, COVID-19, etc.). In the event of such an occurrence, Harper reserves the right be compensated for additional costs and/or time.

Please feel free to contact me if you have any questions.

Respectfully,

Bryan S Royal
Vice President
The Harper Corporation – General Contractors
Environmental Systems Division
broyal@harpergc.com
(864) 505-1250

35 West Court Street, Suite 400 · Greenville, South Carolina 29601-2817 · Telephone (864) 527-2500 · Fax (864) 527-2536
Member Carolinas AGC

Value Engineering Items for Change Order 1

Item	Description	Amount
Civil 5a	Change 4" blowoff lines from DI to restrained C900 DR18 PVC	\$ (4,024.51)
Civil 8a	Change deep foundation type from drilled piers to auger cast piles	\$ (123,840.00)
Civil 13a	Remove automatic trap-seal primer from scope of work	\$ (3,400.00)
Civil 14	Remove pipe insulation and jacketing	\$ (4,800.00)
Elect 1c	Remove requirement for dual fuel for EMS/Hampstead sites	\$ (3,848.00)
Arch 3	Remove 3" rigid insulation from FRP panels	\$ (32,184.60)
Elect 7	Electrical modifications	\$ (141,094.00)
TOTAL:		\$ (313,191.11)



Pender County Consent Agenda

TO:

FROM: Sharon Willoughby

DATE: November 21, 2022

SUBJECT: Conservation Treatment of Vital Records

SUMMARY:

Request for approval of a purchase order to Kofile Technologies for the conservation, deacidification and repair of three death and two marriage record books, years 1886-1902. This request will come out of account 49-404500 which is the Register of Deeds AE&P Fund (Automation, Enhancement & Preservation.)



August 17, 2022

Pender County
Sharon Lear Willoughby, Register of Deeds
P.O. Box 43
300 Fremont Street
Burgaw, NC 28425

Dear Ms. Willoughby,

Please find enclosed the results of my recent survey of your records with reference to conservation treatment.

Our recommendations for the conservation of your records include deacidification, mending and reinforcement of paper as necessary (with repair or replacement of index tabs where indicated) resewing, rebinding or archival grade polyester encapsulation, as appropriate. The deacidification process, which halts the inevitable self-destruction of acidic paper, should be considered whenever conservation or even long term storage of unique records is evaluated.

Kofile Preservation has specialized in the deacidification (chemical treatment) and repair of public records since 1974. During this time we have performed conservation services for over 3000 municipal and county records management facilities.

Deacidification is performed with non-aqueous magnesium oxide (Bookkeeper). All pressure sensitive materials are removed. Mending is done using Japanese tissue and reversible adhesives. Books are resewn with linen thread and bound in leather or other cover material of choice using acid-free materials and easily reversible adhesives. Where appropriate, archival grade polyester envelope encapsulation with placement of materials into custom post binders replaces rebinding.

Please contact us at 804-564-1231 with any questions or comments or to arrange transportation of your documents.

Sincerely,

Greg Brooks

Conservation Proposal

August 17, 2022

<u>Title</u>	<u>Conservation Treatment</u>
Death Certificates Vol. 1 parts 1, 2, 3	\$3,345.00
Death Certificates Vol. 2 parts 1, 2, 3	\$3,072.00
Death Certificates Vol. 5 & 6	\$1,362.00
Marriages 1886-1894	\$2,311.00
Marriages 1896-1902	\$3,906.00
Total	\$13,996.00

Condition: Previously bound documents in poor condition with chipping and cracking noted. Documents have been enclosed in a non archival vinyl pockets which will react with the paper and exude harmful plasticisers into the certificates. In addition, documents did not receive conservation treatment or deacidification prior to installation into sleeves. This practice is not advised by conservation professional and will greatly accelerate the aging and embrittlement of the paper. Paper tested acidic and exhibits considerable embrittlement. Paper is very weak and will require stabilization and mending. Extensive repairs with non archival pressure sensitive tape noted throughout the volumes.

Treatment: Documents to be cataloged and assessed for condition upon receipt. Pressure sensitive tape and previous mends to be removed to the extent possible without causing damage to paper and inks. Paper deacidified. All major chips and tears to be mended with Japanese tissue. Certificates to be placed into envelopes of 2 mil archival grade polyester with infrared welded seams, (three sided seal). Envelopes to be placed into new recorder binders.



August 17, 2022

Honorable Sharon Willoughby
Pender County
300 E. Fremont Street
Burgaw, NC 28425

Dear Hon. Sharon Willoughby,

Pender County is the custodian of a vast collection of public records. Currently, these records are at risk of deterioration as a result of everyday use, natural aging, acidic content of inks and paper, lack of environment controls, and exposure to UV light. With a permanent retention level, they demand immediate attention.

Kofile Technologies, Inc. (Kofile) is the solution for Pender County. With our service, records are preserved by conservation technicians. This process includes encapsulation of each sheet in a Lay-Flat Archival Polyester Pocket™.

Kofile will handle the transportation of all books and documents without the use of third party shippers. Representatives from Kofile will pick up the books from the County, and deliver those books back to the County for their review.

Kofile is highly experienced working with historical, fragile, and large-format Documents. Our senior conservation staff includes second- and third-generation conservators and a Professional Associate with the American Institute for Conservation of Historic and Artistic Works (AIC), with a combination of 96 years of experience conserving and restoring 18th- and 19th Century Documents.

For five decades, the leaders of Kofile have worked with states, counties, municipalities, cities, and private archives in Texas and across the US. In 2010, Kofile was the firm chosen as the Preservationists for the Texas Court Records Preservation Task Force (as appointed by the Texas Supreme Court) project. A grassroots endeavor, this project sought to educate, identify, and conserve key historical court records in County Clerk's Offices across the State of Texas. Kofile was also the awardee of a three-year Library of Congress FEDLINK Preservation Services for Library and Archival Collections contract (FEDLINK No. LC13G7905) in 2013.

Kofile is committed to implementing a solution that offers professional preservation standards, conforms to Pender County's key specifications, and, in terms of product quality and longevity, offers the highest rate of return on the County's investment. **Kofile proposes a unique solution that no other vendor can offer.**

Why unique? Our services and products are developed to assist records custodians and archivists with superior solutions to common issues. We have revolutionized the preservation industry with effective and efficient archival products designed specifically for the County

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P: 336/542.5115 F: 336/283.5327 INFO@KOFIL.E.US WWW.KOFIL.E.US

and county government. Each exclusive product is the result of our Made-in-America ingenuity—made possible by the sacrifices and vision of the immigrants and pioneers represented in this collection.

Why exclusive? No other vendor provides this technology. Kofile is the developer, manufacturer, and distributor of the Lay-Flat Archival Polyester Pocket™. We own the patent on the Lay-Flat Archival Polyester Pocket™.

It is with the support of these unique and exclusive options that Kofile is justified to serve as sole source during this project. The benefits are detailed in the following.

Encapsulation is an archival method for housing brittle and fragile documents. Encapsulation is not lamination. Plastic lamination is an outdated and unacceptable method for strengthening paper, due to its non-revisable nature. In archival encapsulation, the document is free floating inside the envelope. It is not adhered or heat set to anything. The clear inert archival polyester film used can be imaged through with high clarity. The Library of Congress has approved several materials suitable for encapsulation.

Kofile utilizes SKC Films, Skyroll SH72S® PET polyester for all of its encapsulation projects. Each sheet is encapsulated in a custom Lay-Flat Archival Polyester Pocket™.

Polyester or Polyethylene Terephthalate (PET) is the most inert, rigid, dimensionally stable (dimstab), and strong plastic film. It is crystal clear, smooth, and has no odor. While it is the most expensive, PET's non-damaging properties deem it the superior choice for long-term storage

Lay-Flat Archival Polyester Pocket™ US Patent Number 7,943,220 B1, issued on May 17, 2011.

by Archivists. It is available in a number of thicknesses (or gauges). Also, it will not distort or melt in case of fire. The inherent static cling of SKC SH725 polyester provides physical support and protection from daily public use.

Reemay® Spunbond Polyester is welded into the pocket to offset the document's thickness and seal out atmospheric pollutants.

Pocket sizes are made-to-order, saving hundreds of filing inches. Kofile provides an option of polyester thickness (or mil) and spunbond polyester. Upon request and at no additional cost, we supply samples of various gauges of encapsulation film.

Pockets are initially sealed on three sides, and the binding process seals the fourth side with a



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static seal. This seal blocks contaminations to the carefully cleaned and deacidified document, and reduces the risk of mold and mildew growth. Also, with this method, should the County or City need to access the original sheet, the Pocket would not need to be cut for access and replaced.

There are a variety of protective plastic film enclosures on the market. The only appropriate film for archival use should be manufactured from chemically stable materials. The film should also pass the Photographic Activity Test (PAT). "Archival Safe" and "Acid Free" are only words, and there are no standards regulating their use.

Whether enclosure, sleeve, envelope, or pocket, the protective housing will determine the record's "life or death." It's composition will have a chemical reaction with paper fibers and ink. The reaction can benefit or harm assets and can either save money or cause unmitigated expense.

Let these specifications serve to justify Kofile's exceptional benefits. It's exclusive US Patent status is the direct results of Kofile's years of research, testing, development, and expertise. The patented services, technology, and materials provided the constituents of Pender County a true cost-savings option. Kofile does not take its mandate—the preservation of our nation's history—lightly.

Please let me know if you have any questions regarding the justification for sole source and the information provided. We look forward to working with Pender County. Please do not hesitate to contact us if you have any questions.

Sincerely,
Greg Brooks
Greg Brooks
804/564.1231
greg.brooks@kofile.us

rmh



Pender County Sheriff Office Restructuring plan

TO: Board of County Commissioners
FROM: Sheriff Cutler
DATE: November 21, 2022
SUBJECT: Approval of Sheriff Office Restructuring plan

SUMMARY:

Sheriff Cutler and Chief Deputy Collier would like to restructure the Jail as follows:

Reclassify the Detention Captain position from the Jail to the Courthouse at the same salary, and grade additional responsibilities for the Court Security Captain position to include Courts, Civil, and Transportation.

Reclassify First Sgt – Jail, to Jail Administrator

Reclassify Detention Sergeant to Assistant Jail Administrator

Reclassify the vacant Detention Officer to a Corporal-Jail

According to Sheriff Cutler, these changes are cost neutral and can be absorbed within a vacant Detention Officer position.

ACTION REQUESTED:

Approval of restructuring as listed above

Board of County Commissioners
Archibald "Fred" McCoy- Chairman
Jimmy Tate-Vice Chairman
George R. Brown, Jr.
Jaqueline A. (Jackie) Newton
David A. Piepmeyer



County Manager
David Andrews
County Attorney
Carl W. "Trey" Thurman
Clerk to the Board
Tera C. Cline

Memo

To: Pender County Board of County Commissioners
From: Pam Brame, Human Resources Director
Date: November 15, 2022
Re: Consent Agenda - Sheriff's Office Re-Structuring

As was discussed during the November 7, 2022, Board of Commissioner's Closed Session, Sheriff Cutler and Chief Deputy Collier would like to restructure the Jail as follows:

Reclassify the Detention Captain position from the Jail to the Courthouse as a Court Security Captain at the same salary.

Reclassify First Sgt – Jail to Jail Administrator to assume management responsibilities of the Jail.

Reclassify Detention Sergeant to Assistant Jail Administrator.

According to Sheriff Cutler, these changes will be cost neutral and can be absorbed within the current Sheriff's Department budget.





Pender County Administration restructuring and reclass

TO: Board of County Commissioners
FROM: David Andrews
DATE: November 21, 2022
SUBJECT: Administration restructuring and reclassification

SUMMARY:

Assistant Facilities and Fleet Director to Facilities and Fleet Director

The Director position is currently inactive and not funded for FY 22-23. Reclassification of the Assistant Facilities and Fleet Director to Facilities and Fleet Director.

2 Project Manager positions

This is currently a funded position for FY 22-23 in June of this year, it was discussed that the salary needed to be increased to attract a more experienced and knowledgeable Project Manager for the number of projects the County is involved in.

Board of County Commissioners
Archibald "Fred" McCoy- Chairman
Jimmy Tate-Vice Chairman
George R. Brown, Jr.
Jaqueline A. (Jackie) Newton
David A. Piepmeyer



County Manager
David Andrews
County Attorney
Carl W. "Trey" Thurman
Clerk to the Board
Tera C. Cline

Memo

To: Pender County Board of County Commissioners

From: Pam Brame, Human Resources Director

Date: November 15, 2022,

Re: Consent Agenda - Administration Reclassifications, Activations and New Positions

As presented during Closed Session on the November 7, 2022, Board of Commissioner's Meeting, currently, in FY 22-23 Budget, the second Assistant County Manager position has remained unfilled with a budgeted salary of \$108,434.64 (grade 23). The County Manager would like to eliminate the second Assistant Manager position and use the vacant Assistant County Manager salary to fund several positions that he recognizes are crucial to supporting the county and its current needs. No additional monies will be required to fund this request.

Reclassify Assistant Facilities and Fleet Director to Facilities and Fleet Director

The Director position is currently inactive and not funded for FY 22-23. The position was previously filled by Allen Vann prior to him being promoted to Assistant County Manager. Administration would like to promote the current Assistant Facilities and Fleet Director to Director to free up more of Mr. Vann's time to devote to Assistant County Manager responsibilities, projects, and tasks.

(2) Project Manager Positions

One of these positions is currently a funded position for FY 22-23. In June of this year, it was discussed that the salary needed to be increased to attract a more experienced and knowledgeable Project Manager for the number of projects the County is involved in. During the last Board Meeting Closed Session, it was also discussed that there was a need for two (2) Project Manager positions because of the workload anticipated with county growth, grant projects, etc.

Respectfully, we ask that these positions be approved through Consent Agenda.





**Pender County
BOCC meeting minutes 11-7-2022**

TO: Pender County Board of County Commissioner
FROM: Tera Cline
DATE: November 21, 2022
SUBJECT: Approval of BOCC meeting Minutes 11-7-2022

SUMMARY:

BOCC meeting minutes 11-7-2022

ACTION REQUESTED:

Approval of BOCC meeting minutes 11-7-2022



MINUTES
Board of County Commissioners Meeting
Monday, November 7, 2022 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT:

George Brown
Fred McCoy
Jacqueline A. Newton
David Piepmeyer
Jimmy T Tate

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.

Page

1 CALL TO ORDER

Chairman McCoy called the meeting to order at 4:00 PM

2 INVOCATION

Commissioner Brown presented the invocation

3 PLEDGE OF ALLEGIANCE

Commissioner Piepmeyer lead the pledge of allegiance

4 ADOPTION OF AGENDA

Moved by Jacqueline A. Newton, seconded by David Piepmeyer

Motion approved to remove agenda items

	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.

4.2 Motion to adopt agenda with amendments listed below.

Moved by Jacqueline A. Newton, seconded by David Piepmeyer

Motion to adopt agenda with Items 8.1, 8.2, and 9.6 removed from this agenda.

	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 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 Novant Health Pender Medical Center Update

17 - 28

Shelbourne Stevens, President of New Hanover Reginal Medical Center and President of Novant Health's Coastal Market, and Ruth Glaser, President and COO, Novant Health Pender Medical Center presented an update on Novant in Pender County. The presentation gave an overview of Novant's mission, vision, and values. Mr. Shelbourne gave a brief history of the partnership in New Hanover County. He gave an overview of what Novant and NHRMC have accomplished together so far. Mr. Stevens mentioned the forces impacting healthcare. Ruth Glaser, shared the following information.

- Pender signed a twenty-year management agreement with NHRMC originally July 1999
- Agreement extended twice since then and currently set to expire 7/16/2023
- NHRMC has contributed over \$61M through 2021 to support operations
- More than tripled payroll (salary, wages, and benefits) from \$7M to almost \$24M between 2000 and 2022

•NHRMC has contributed a total of \$20.8M in capital contributions, with significant projects including:

- Surgical services renovation (2 operating rooms and 1 endoscopy suite) and upgraded imaging equipment
- Renovation of all patient rooms on 1 West
- Main entrance renovation that included the main lobby, gift shop, and chapel
- Infrastructure improvements for things like generators, roofs, HVAC, etc.
- Electronic medical record (EMR)

Annual contributions to the pension fund between 2014 and 2020 totaling \$3.6M.

Ms. Glaser also noted the Black River Health Services partnership with Novant Health Pender Medical Center to establish a rural Family Medicine training track after receiving an HRSA Grant.

Ms. Glaser touched on expanded access points in Pender County. To include expanding services in Rocky Point and a replacement hospital.

Vice Chairman Tate asked Ms. Glaser what she feels is the biggest challenge of this past year with the hospital. She stated that for Pender it was and still is staffing challenges.

Commissioner Brown asked what lesson was learned or what would they do differently since going through the pandemic. Ms. Glaser stated that being able to send tests and patients to NHRMC made accommodating for all.

Commissioner Newton asked if the renovations that were mentioned were done before Novant took over and Ms. Glaser confirmed yes that most of them were. Mr. Stevens also confirmed that NHRMC is fully staffed at this time.

Commissioner Tate asked if Novant had the opportunity to continue in Pender County and what benefits would the county have with that. Ms. Glaser stated that continue the operations status quo. Commissioner Newton stated does status quo mean keeping the hospital in Burgaw.

[PMC Nov. 7 draft presentation](#)

7 PUBLIC COMMENT

Chairman McCoy acknowledged the Veterans in the room.

Neal Shulman, 52 Renee Dr., addressed the board in regard to his concerns with Novant

Heather Allen, 336 Edgewater Way, expressed her concern about a dilapidated house near Topsail High School.

Mayor Newkirk stated he was the squeaky wheel.

8 CONSENT AGENDA

- 8.1 Approval of an On-Call Child Welfare and Adult Services Supervisor part-time position

-Removed from 11-7-2022 agenda to possibly be tabled to another agenda

- 8.2 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

Removed from 11-7-2022 agenda tabled to a future agenda

- 8.3 Approval of Road Additions Petition for NC DOT
- 8.4 Approval of BOCC Meeting Minutes October 17, 2022
- 8.5 Approval of Surplus Property Advertisement for Auction - King's Estates 2277-87-0746-0000
- 8.6 Approval of Surplus Property Advertisement for Auction - King's Estates 2277-87-3885-0000
- 8.7 Approval of Surplus Property Advertisement for Auction - King's Estates 2277-87-6311-0000
- 8.8 Approval of Surplus Property Advertisement for Auction - King's Estates 2277-87-6253-0000
- 8.9 Approval of Surplus Property Advertisement for Auction - King's Estates 2277-87-5471-0000
- 8.10 Approval of Surplus Property Advertisement for Auction - King's Estates 2277-87-4727-0000
- 8.11 Approval of Surplus Property Advertisement for Auction - King's Estates 2277-87-3945-0000
- 8.12 Approval of Surplus Property Advertisement for Auction - 25529 US Hwy 421

- 8.13 Approval of Surplus Property Advertisement for Auction - Hwy 117, Union 3321-22-7541-0000
- 8.14 Approval of Surplus Property Advertisement for Auction - Old River Road, Burgaw 3247-56-7544-0000
- 8.15 Approval of Surplus Property Advertisement for Auction - McDuffie Road 2277-21-5048-0000
- 8.16 Approval of Surplus Property Advertisement for Auction - Little Egypt Road 2354-71-6682-0000
- 8.17 Approval of Surplus Property Advertisement for Auction - Listed Generators
- 8.18 Approval of Tax Releases and Refunds
- 8.19 Motion to adopt consent agenda as amended 8.1 and 8.2 removed

Moved by George Brown, seconded by Jimmy T Tate

Motion approved

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

CARRIED.

9 APPROVALS AND RESOLUTIONS

- 9.1 Approval of a Purchase Order for the Central Square (Zuercher) Annual Subscription and Annual Maintenance fee in the amount of \$91,087.65.

The Pender County Sheriff's Office selected Zuercher Technologies as the replacement to the VisionAir system in 2019. The Zuercher solution uses one application and one database, all from one vendor (Zuercher). The hardware is provided as part of the solution, saving costly equipment upgrades every 5 years, and is monitored 24x7x365. The system is continuously updated to include enhancements, new features, and customer requests. Zuercher is the only Public Safety solution to follow this model and would qualify as the Sole Source Exception under North Carolina State Competitive Bidding Requirements.

The annual subscription and maintenance fee for Zuercher is \$91,087.65. These funds will come from accounts 510-404500 and 252-404500. These funds were budgeted for FY 23.

Moved by David Piepmeyer, seconded by George Brown

Motion to approve

	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.

- 9.2 Approval of a Purchase Order and requesting funds for the 911 Center Radio System through Motorola Solutions in the amount of \$41,244.90.

Approval of Purchase Order and requesting funds for E911 radio system through Motorola Solutions for annual maintenance and support. This service contract assures that the radio system is kept in good working order through a 24/7 emergency service agreement, yearly preventative maintenance agreement as well as covering any costs of repairs that may be needed throughout the year. These funds were not budgeted for in FY23. These funds will be 100% reimbursable from 911 Board. Funds will come out of 252-404500.

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	1	0	0

CARRIED.

- 9.3 Approval of Purchase Order for the purchase of a 2022 Ford F150 truck from Fairway Ford in the amount of \$42,930.00.

Pender County Sheriff's Office is requesting approval of a purchase order for the purchase of a 2022 Ford F150 truck from Fairway Ford. The price includes all equipment and up-fitting of the truck. These funds were budgeted for in FY 23. The purchase will come from account 510-407403.

Moved by David Piepmeyer, seconded by George Brown

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.

- 9.4 Hurricane Matthew Hazard Mitigation Grant Program Acquisition Project
- Establishment of Just Compensation Resolution

Pursuant to Pender County's grant agreement for the Hurricane Matthew (DR-4285) Hazard Mitigation Grant Program (HMGP) the County has received appraisals for two properties currently participating in the acquisition, or buyout, project. The contracted appraiser has certified that the properties listed below have been appraised in accordance with State law and Uniform Standards for Professional Appraisal Practice (USPAP) guidelines. • 7357 NC HWY 53 E, Burgaw (PIN: 3351-25-0853-0000): \$149,000 • 4197 Canetuck Road, Currie (PIN: 2243-65-8266-0000): \$79,000 These two properties were initially impacted by Hurricane Matthew in October 2016. The owners originally applied for funding assistance to have their homes elevated as part of the HMGP Matthew grant program. Prior to work starting on those projects, Hurricane Florence impacted these homes again. After Hurricane Florence, both homeowners decided they would prefer to switch from the elevation program to the acquisition program. The requests to change programs require FEMA approval. In May 2022, staff was notified that these requests had been approved by FEMA and have since secured professional services to begin the acquisition process. This program is fully grant-funded through a cost-share initiative

between FEMA and North Carolina Emergency Management. Federal funding pays for 75% of costs and state funding covers the remaining 25%.

Moved by Jacqueline A. Newton, seconded by George Brown

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.

9.5 Approval of Offer & Authorize Closing Process for Sale of Surplus
Property - Parcel 2266-31-2140-0000 Slocum Trail, Currie

Please consider the attached documentation of the bid for surplus property - parcel number 2266-31-2140-0000 on Slocum Trail in Currie. 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 \$5,759 bid for this parcel from Terry Ayyad of TSA Holding Group LLC be accepted by the County and authorize County Manager's Office to begin the closing process. The attached letter indicates the details of the bid for this property. The tax value for this property is listed at \$5,712. The County acquired through tax foreclosure in 2017 for \$2,745. This is a wooded residential lot, .47 of an acre, with road access.

Moved by Jacqueline A. Newton, seconded by George Brown

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.

- 9.6 Approval of Budget Amendment and Purchase Order to Fairway Ford for Asset Manager Service Vehicle

Removed from 11-7-2022 agenda tabled to a future agenda

- 9.7 Agreement Between NCDOT & Pender County for Disaster Related Debris Removal Agreement

Agreement between NCDOT & Pender County, in the event of a declaration of a State of Disaster or Imminent Threat of Disaster or Imminent Threat of Disaster and/or a State of Emergency, the County of Pender will be able to remove and dispose of disaster-related debris on all released State System Roads, and Federal Emergency Management Agency (FEMA) will be able to provide reimbursement for emergency services.

Moved by Jimmy T Tate, seconded by George Brown

Motion Approved

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

CARRIED.

- 9.8 Approval of Surplus Property Acceptance of Offer - Generator to Maple Hill VFD

Please see attached letters from Pender County Emergency Management and Maple Hill Volunteer Fire Department. The County recently received the attached request from Maple Hill Volunteer Fire Department for one of our surplus generators. There are four generators listed on a consent agenda item for typical surplus since it was determined that there is no further use to the County for these items. This request is to accept an offer from Maple Hill Volunteer Fire Department to purchase one of our surplus generators for \$10. This generator (as well as the others) is fully depreciated and has \$-0- book value to Pender County.

Commissioner Piepmeyer requested that Mr. Batson reach out to the schools to see if they need the other generators before placing on Gov Deals.

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			
	5	0	0	0

CARRIED.

9.9 Approval of Lease Agreement renewal between the Parks Foundation of Pender County Inc and Pender County.

The ParksFoundation of Pender County Inc owns 42 acres of land adjacent to Hampstead Kiwanis Park also known as the Penderland Greenway. The Foundation wishes to renew the lease of the land to the County for an additional three-year period for the purposes of providing recreational and educational events to the citizens using Hampstead Kiwanis Park. The lease covers maintenance and upkeep by the County as well.

Moved by David Piepmeyer, seconded by George Brown

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.

9.10 Approval to Accept Parks and Recreation Trust Fund Grant for Central Pender Park Project. Approval of Capital Project Ordinance and Budget Ordinance Amendment for Central Pender Park Project

On April 19, 2022, the Board of County Commissioners approved the submission of a Parks and Recreation Trust Fund (PARTF) grant application requesting the maximum possible grant award of \$500,000 for the Central Pender Park Project with a total project cost of \$3,205,000. The total project cost includes \$330,000 for the land purchase that we received a waiver for so the land could be purchased prior to the grant award. The PARTF grant funds of \$500,000 are reimbursable on a dollar-for-dollar basis. Central Pender Park will be located on Highway 117 North, approximately three (3) miles from the Town of Burgaw. The initial phase will develop approximately twenty-eight (28) acres of the total sixty (60) acre parcel. This project, which must be completed by 10/31/2025, will include four (4) multi-purpose fields, 3500 linear foot multi-use handicap accessible path, playground, concession/restroom facility, picnic shelter, parking and other site enhancements.

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			
Jimmy T Tate	x			
	5	0	0	0

CARRIED.

9.11 Approval to Accept Parks and Recreation Trust Fund Grant for Hampstead Kiwanis Park Phase 4. Approval of Capital Project Ordinance and Budget Ordinance Amendment for Hampstead Kiwanis Park Phase 4

On April 19, 2022, the Board of County Commissioners approved the submission of a Parks and Recreation Trust Fund grant application requesting the maximum possible grant award of \$500,000 for Hampstead Kiwanis Park Phase 4 with a total project cost of \$2,102,693. The total project cost includes \$102,693 which is the tax value of the approximate 26 acres that will be donated by Hampstead

Kiwanis Park, Inc. The PARTF grant funds of \$500,000 are reimbursable on a dollar-for-dollar basis. This project, which must be completed by 10/31/2025, will include two (2) multi-purpose fields, 1500 linear foot multi-use handicap accessible path, six (6) tennis courts, four (4) pickleball courts, two (2) basketball courts, picnic shelter/restroom facility, lawn game and picnic area, parking and other site enhancements.

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			
Jimmy T Tate	x			
	5	0	0	0

CARRIED.

10 DISCUSSION

11 APPOINTMENTS

11.1 Approval of Appointment to Pender Parks and Rec Advisory Board

Moved by Jimmy T Tate, 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			
	5	0	0	0

CARRIED.

11.2 Approval of reappointment of Commissioner Newton to the Lower Cape Fear Water and Sewer Authority Board

Moved by Jimmy T Tate, 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	1	0

CARRIED.

12 MAPLE HILL WATER AND SEWER DISTRICT

13 ROCKY POINT WATER AND SEWER DISTRICT

13.1 Approve Resolution Accepting the Deed of Dedication of Water Distribution System for Wyndwater Phase 5B

The water system improvements for the development of Wyndwater Phase 5B have been completed and approved by NCDEQ and Pender County Utilities. The official dedication of these improvements is provided in the attached documents to be recorded upon the Board's approval.

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.

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**

Trey Thurman, Attorney, Items 3, Items 5, Items 6 closed session
David Andrews, County Manager, told the board about Focus Broadband assistance program and RFP for Healthcare consultants are due November 15.
Commissioner Tate, Thanked Lt. Ramsey and Billy Sanders for Chairing the Spot Festival. Went to Holly Shelter game land with the tourism and parks and rec. Thanked Surf City for the Diamond Rio concert.
Commissioner Newton announced the caution lights have been placed at Malpass Corner Road and 421. She requested to have Commissioner Tate voted in as the voting delegate for Pender County at the Legislative Goals Conference. She attended The Environmental Defense Fund meeting at the Battleship. She also attending the Solar Conference in Boone as well. Focus broadband has made a lot of progress on the west side of the county.
Commissioner Piepmeyer, Don Shields called him in regards to a noise disturbance, and Mr. Piepmeyer stated we might need to revisit the noise ordinance. WMPO meeting update, swap out projects to get the Hampstead Bypass done. The WMPO also voted to support the widening study for Hwy 210.
Commissioner Brown, request to have Legislative Goals voting rep added to the agenda.
Chairman McCoy, stated the Ghost Walk was great.

Moved by David Piepmeyer, seconded by George Brown

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.

- 19.2 Motion to vote Commissioner Tate as the Pender County voting rep for Legislative conference.

Moved by David Piepmeyer, seconded by George Brown

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.

20 CLOSED SESSION (IF APPLICABLE).

Commissioner Brown made a motion to go into closed session according to General Statute 143-318.11 to discuss Items 3 Attorney-Client, Item 5 Land Acquisition, Item 6 Personnel.

21 ADJOURNMENT

Novant Health Pender Medical Center

Update for Pender County Board of Commissioners
November 7, 2022



Mission

Novant Health exists to improve the health of communities, one person at a time.

Vision

We, the Novant Health team, will deliver the most remarkable patient experience in every dimension, every time.

Values

Compassion
Courage
Diversity, Inclusion and Equity
Excellence
Safety
Teamwork

Our people

We are an inclusive team of purpose-driven people inspired and united by our passion to care for each other, our patients and our communities.

Our promise

We are relentlessly pursuing remarkable care every day — so you can expect the compassionate, expert, personal experience you deserve.

Our principles

Access for All • Human-Centered
Purposeful Innovation • World-Class Quality



The journey to partnership



New Hanover Regional Medical Center (NHRMC) recognized the issues facing standalone health systems. From a **position of strength**, NHRMC wanted to find a strategic partner with aligned goals to join forces at a pivotal time in healthcare.



Novant Health and New Hanover Regional Medical Center partnered in February of 2021, with a **shared vision, mission and values** to meet the healthcare needs of the community together. Novant Health now operates **Pender Medical Center**.

As part of the partnership, Novant Health committed to:

- Advancing the value of care
- Achieving health equity
- Driving quality of care
- Effective governance
- Engaging staff
- Improving access to care and wellness
- Investing to ensure long-term financial security
- Partnering with providers
- Strategic positioning



What we've accomplished together so far



Health Careers Education

\$2M

To strengthen the healthcare workforce through collaborative investments and scholarships alongside our **college and university partners**

Partnered with UNCW to **Launch iHEAL** to educate students about health careers

117

New local participants in Novant Health's yearlong **nurse residency program**

Upward Mobility RN Educational Assistance Fund is now **supporting Coastal team members-** with an initial class of 14

\$200K

Value of scholarships invested in health careers for local students



Our Remarkable Team

\$65M

Invested to retain top talent, including base pay increases and bonuses



Extended the Novant Health **\$15 per hour healthy community wage** to Pender Medical Center teams



UNC Health Partnership



Advancing **research and clinical trials** with UNC Health



Planning new **psychiatric residency**



Expanding UNC School of Medicine class size to 24 third year students



Launching **sickle cell clinic** in Wilmington with UNC Health



What we've accomplished together so far



Affordability & Access

Families at or below **300%** of the federal poverty line will **not owe payment for a bill**

Financial assistance

Pender Medical Center patients qualifying for charity care

2021

270

2022

Thru September

1,665

100

New providers onboarded, including pediatric subspecialties, to the region by end of 2022



Diversity, Inclusion & Health Equity

Expanded **Health Community NC 2030** dashboard statewide

Adopted Novant Health screening **mammogram goal** to emphasize health equity



Safety & Quality

Faster stroke treatments with Viz.ai artificial intelligence

Adopting data and analytics to enhance safety and quality



Expanding Mobile Care

\$400,000 Invested

to create "Health Care on Wheels" to bring screenings, education and primary care to underserved areas throughout the region

N NOVANT
HEALTH

Forces impacting healthcare



COVID-19

The pandemic required health systems to cancel elective procedures, transition to virtual care and quickly adapt to meet the community's needs



Staffing Shortages

Health systems are facing the challenge of staffing shortages nationwide, causing patient safety and quality concerns



Financial

Nationally, health systems are dealing with major financial issues including rising costs for drugs and supplies, supply chain disruptions and inflation

6



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MENTAL HEALTH

New mental health data show 'unsustainable' burden on NC hospitals

Rising mental health-related emergency room visits, more involuntary commitments and longer wait times for psychiatric hospital beds are symptoms of much larger problems within the state's mental health system, health experts say.

Staffing demands as pandemic surges could cripple NC hospitals

While beds and ventilators were a concern for hospitals early in the pandemic, officials now worry about having enough trained staff to handle the rising case load, while frontline workers cope with burnout.

HEALTHCARE

Views From labor to laundry, supply chain issues are impacting the healthcare industry

Record Hospitalizations Are Straining North Carolina's Hospitals, NCDHHS Requests Federal Assistance

Recent successes building on track record of investment

- **Pender signed a twenty-year management agreement with NHRMC originally July 1999**
 - Tremendously collaborative relationship that has stabilized a rural hospital and connected team members and the community itself into larger health ecosystem where delivery of healthcare has been elevated throughout
- **Agreement extended twice since then and currently set to expire 7/16/2023**
- **NHRMC has contributed over \$61M through 2021 to support operations**
- **More than tripled payroll (salary, wages and benefits) from \$7M to almost \$24M between 2000 and 2022**
- **NHRMC has contributed a total of \$20.8M in capital contributions, with significant projects including:**
 - Surgical services renovation (2 operating rooms and 1 endoscopy suite) and upgraded imaging equipment
 - Renovation of all patient rooms on 1 West
 - Main entrance renovation that included main lobby, gift shop and chapel
 - Infrastructure improvements for things like generators, roofs, HVAC, etc.
 - Electronic medical record (EMR)
- **Annual contributions to pension fund between 2014 and 2020 totaling \$3.6M**

Remarkable improvements from these investments



8

NOVANT
HEALTH

Bringing more physicians to Pender County

Black River Health Services in partnership with Novant Health Pender Medical Center received a HRSA grant ~\$500,000 to **establish a rural Family Medicine training track**

- Goal to have up to 6 Family Medicine Residents training at Black River
- Planning to start by July 2024

“The rural family medicine residency track gives the Pender County community **access to better health care** – but it also gives them a cohort of doctors and the faculty to teach them, people who get really invested in improving the health of that community.”

- Dr. Janalynn Beste, Family Medicine Residency Chair, Novant Health NHRMC



ONGOING INVESTMENT

Focusing on expanded access

In Pender County



Collaborative look at the future



Additional access points



Expanding services in Rocky Point



Need for a replacement hospital

And across the region



\$600M committed over 10 years to fund facility improvements



\$2.5B committed to support additional needs in the coastal region



Investments include building new Scotts Hill medical center, Neuro patient tower, Leland Ambulatory Surgery Center and outpatient cancer care at Scotts Hill



Next steps

- Our operating agreement ends July 2023.
- In support of our Pender Medical Center team members, our goal is to avoid creating a prolonged period of uncertainty through an extension of the operating agreement.
- Novant Health looks forward to continuing to work with Pender County leaders to determine the next steps for the community.



Novant Health Pender Medical Center





Pender County ABC Board Profit Distributions and Facility Updates

TO: Board of County Commissioners
FROM: Susan Crawford
DATE: November 21, 2022
SUBJECT: ABC Board Profit Distributions and Facility Approval

SUMMARY:

The ABC Board would like to provide an update on town meetings and withholding profit distributions for the quarter ending December 2022 and March 2023 to cover the Construction contract in the amount of approximately \$218,000.00 and the loan deposit amount due January 2023 in the amount of \$105,000.00. Also, need the approval to withhold county and town distributions to cover the loan payment amount (approximately \$150,000.00) quarterly starting January 2024 or end of construction.

For FY 2023, Pender County budgeted the following amounts per quarter for ABC Profit Distributions based on information obtained from the ABC Board Finance personnel and projected actuals using trend lines for FY2022:

Q1	\$148,294
Q2	\$184,761
Q3	\$177,254
Q4	\$51,153

Total \$561,462 projected to 666,000 (under forecasted but above lower confidence level)

ACTION REQUESTED:

Consider ABC Board Profit Distributions Approval



Pender County Space Needs Study

TO: Pender County Board of Commissioners
FROM: Judge Corpening/Elizabeth Craver
DATE: November 21, 2022
SUBJECT: Space Needs Study

SUMMARY:

Request that the board approves a Space Needs Assessment to be performed by a qualified professional, provide the funds for this analysis and set a sum certain date to be completed. This will assist in the evaluation process to determine how much more space the Pender County Courthouse needs to safely and efficiently operate.

ACTION REQUESTED:

Approval and Purchase order created for Courthouse Space needs study



Pender County Award and Approval of Contract to WSP to Complete the NC HWY 210 Resiliency Analysis

TO: Board of County Commissioners

FROM: Daniel Adams

DATE: November 21, 2022

SUBJECT: Award and Approval of Contract to WSP to Complete the NC HWY 210 Resiliency Analysis

SUMMARY:

Pender County submitted a grant application to the North Carolina Emergency Management (NC EM) Transportation Infrastructure Resiliency Grant Program in March of 2022. The application requested funding to conduct a resiliency analysis of the NC Highway 210 corridor between US Highway 17 in Hampstead and Interstate 40 in Rocky Point. This corridor serves as a hurricane evacuation route for the eastern part of the County. The goal of the analysis is to improve the resiliency of the 13-mile corridor by identifying the roadway's deficiencies and providing actionable recommendations for improved resilience. Staff received notice from NC EM in June that our application had been funded in the amount of \$200,000.

On August 29, 2022, Pender County published a Request for Qualifications (RFQ) soliciting statements of qualification from firms interested in conducting the resiliency analysis as outlined in our grant application and within the RFQ. Statements of qualification were due on September 19. Staff received statements of qualification from three firms and the submittals were reviewed by a selection committee who evaluated them based on the criteria outlined in the RFQ, including the firm's competency and experience on similar projects, the qualifications of staff assigned to work on the project, and the firm's demonstrated ability to complete the project on time and within budget.

Based on the results of the selection committee's review, staff began negotiations with Wood Environment & Infrastructure Solutions, Inc. (It should be noted that during negotiations Wood Environment & Infrastructure Solutions, Inc. was purchased by WSP. WSP has retained all staff that are identified to work on this project). Wood has agreed to complete the task at a lump sum cost of \$192,152.00. The remaining balance of the grant, totaling \$7,848.00, will serve as a contingency. Therefore, staff is requesting that the Board award a contract to WSP and approve a purchase order in the amount of \$200,000, which includes the remaining grant fund balance serving as a

contingency of less than 5% of the cost of the project. This project is fully grant-funded, so there will be no direct cost to the County.

ACTION REQUESTED:

To consider awarding a contract to WSP and approving a purchase order in the amount of \$200,000.

ATTACHMENTS:

1. Award Letter
2. Selection Committee Scorecard
3. Scope of Work
4. Budget Ordinance Amendment



North Carolina Department of Public Safety

Emergency Management

Roy Cooper, Governor
Eddie M. Buffaloe Jr., Secretary

William C. Ray, Director

June 8, 2022

Emergency Management Transportation Infrastructure Resiliency Grant
North Carolina Appropriations – Senate Bill 105, Sections 5.2(a-d), and Section 5.9(a)(4)

Mr. Travis Henley
Director
Pender County
P.O. Box 1519
Burgaw, NC 28425

Period of Performance: **7/1/2022 to 12/31/2023**
Project Title: **NC210 Evacuation Rt. Study**
Total Amount of Award: **\$200,000**
MOA #: **NCEM-TIRG1021**

Dear Mr. Henley,

North Carolina Emergency Management (NCEM) is pleased to inform you that your grant application for the Emergency Management Transportation Infrastructure Resiliency fund has been selected for funding up to the amount shown above. The final selection is conditioned on the return of the attached Memorandum of Agreement (MOA), signed by the appropriately authorized representative(s) within 45 days from the date of this letter to NCEMLTR.grant@ncdps.gov. The following completed documents must accompany the return of the MOA:

- [W-9 \(09 NCAC 03M .0202\)](#)
- [Electronic Payment / Vendor Verification Form \(09 NCAC 03M .0202\)](#)
- Conflict of Interest Policy ([G.S. 143C-6-23.\(b\)](#))
- [Sworn \(Notarized\) No Overdue Tax Debt Certification \(G.S. 143C-6-23.\(c\)\)](#)

Payment of funds: The grant shall be effective upon final approval of the MOA by NCEM. Grant funds will be disbursed (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.) per the terms of the MOA.

Conditions: Recipient agrees that funds will only be expended to complete the approved project not to exceed the funding amount during the designated period of performance. Recipient also agrees to comply with all terms, conditions and responsibilities specified in the MOA, and to comply with all applicable federal, state, and local laws, rules, and regulations in the performance of this grant.

Supplanting: Recipient confirms that these grant funds will not be used to supplant or replace local or state funds or other resources that would otherwise have been available for this project.

Mailing Address:
4236 Mail Service Center
Raleigh, NC 27699-4236
www.ncdps.gov
www.ReadyNC.gov



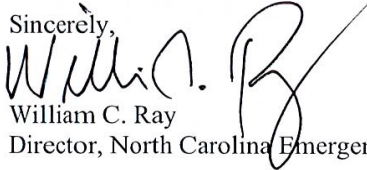
An Equal Opportunity Employer

Office Location:
1636 Gold Star Drive
Raleigh, NC 27607
Phone: 919-825-2500
Fax: 919-825-2685

THIS AWARD IS SUBJECT TO FINAL APPROVE BY NCDPS.

If you have any questions please contact Jeff Welker, NCEM Long-Term Recovery at 984-222-4159 or Jeffrey.Welker@ncdps.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "William C. Ray". The signature is stylized with a large, looped "W" and a long, sweeping "R".

William C. Ray
Director, North Carolina Emergency Management

Bid Scorecard NC HWY 210 Resiliency Analysis			
	Kleinfelder	Weston and Sampson	Wood/WSP
Reviewer 1	50	70	85
Reviewer 2	93	93	92
Reviewer 3	81	86	88
Reviewer 4	100	97	98
Reviewer 5	91	94	96
Total:	415	440	459



Proposal for NC HWY 210 Resiliency Analysis

WSP is prepared to assist Pender County in their desire to assess flood resiliency of HWY 210 from the intersection of HWY 210 and I-40 east to the intersection of US 17 and HWY 210. Goals of the study are to identify barriers to resiliency, to develop alternatives to improve roadway resiliency, develop design plans and cost estimates commiserate with NCDOT's Roadway Feasibility Studies.

The following tasks provide an overview of WSP's approach:

Task 1. Define Resilience

WSP will facilitate a working meeting with Pender County to discuss and define the goals for resilience for the corridor.

Resilience is defined as the capacity of a system to recover quickly from an event. For the purposes of this study, resilience will be defined as the ability of HWY 210 to remain open or recover quickly from flooding events. As an example, to achieve resilience along the I-95 and I-40 corridors NCDOT defined two resilience criteria:

- Level of Service 1: Greater of the Hurricane Matthew or Hurricane Florence Flood Elevations
- Level of Service 2: 100-year Design Criteria

Deliverables

- Meeting minutes

Task 2. Identification of Barriers to Corridor Resilience

WSP will facilitate a working meeting with Pender County to discuss known barriers to resilience for the corridor.

WSP staff will attend a site visit with NCDOT Central and Division 3 staff, as needed, to identify flooding extents, potential solutions and collect field data. Effort will include a van/SUV rental for all site visit participants.

The following information will be collected to facilitate the development of hydrology & hydraulic analyses:

- Latest Transportation Structure Data from NCDOT
- Previous Effective FEMA Study Hydrology & Hydraulic Data
- Historical precipitation, stream stage, and high-water mark data associated with Hurricanes Matthew and Florence will be collected. This data will be used to validate the watershed and stream response of the existing conditions hydrology and hydraulic model.
 - Data will include NOAA precipitation, NEXRAD, and other publicly available precipitation data.

Deliverables



- Summary of available data
- Any data collected from sources outside NCDOT will be provided to NCDOT
- Site Visit meeting minutes
- Summary of corridor resilience barriers

Task 3. Hydraulic Modeling

Task 3.1 Existing Conditions

WSP will develop a Rain-On-Grid 2D HEC-RAS model for the watersheds draining to the NC HWY 210 study corridor. This includes the Merricks Creek and Harrison Creek watersheds, and several unnamed small drainage basins. Survey collection is not anticipated as part of this study therefore structure data will be derived from available sources including NCDOT data, the effective FEMA study, and well as field measurements and verification.

The standard 24-hour design storm frequency events (10-, 25-, 50-, 100-, and 500-year) will be simulated including Hurricanes Florence. Additionally, WSP will document the rainfall amounts for each recurrence interval so Pender County can relate the roadway flood response of specific rain events, such as 9.75" of rain (50-year) event.

Validation Review

The existing conditions model results will be compared to any available high-water mark, stream flow & stage, photos, and video information of the historical event. Results and inundation boundaries will be further validated through a review with NCDOT and stakeholders.

Deliverables

- Hydraulic modeling files
- Supporting GIS data
- Summary report with findings

Task 3.2 Conceptual Alternatives

WSP modify the existing conditions model to incorporate structure improvements to work in concert with roadway improvements to meet the defined resilience goals.

Deliverables

- Hydraulic modeling files
- Supporting GIS data
- Summary report with findings

Task 4. Conceptual Alternative Development & Analysis

Develop alternatives to improve roadway resiliency. This could include, but not be limited to, elevating roadway, installing bridges, shoulder berms, etc. These alternatives should consider transportation



infrastructure, known land use planning, and floodplain management requirements as part of the development process. Each alternative should be linked to an identified barrier.

Deliverables

- Summary report with findings and recommendations

Task 5. Alternative Prioritization

WSP will conduct a meeting to summarize the recommended projects and to discuss prioritization of recommended improvements. Based on the findings of the meeting WSP will develop a prioritization list of the proposed alternatives.

Deliverables

- Prioritization summary

Task 6. Cost Estimates

Planning level cost estimates will be developed for proposed alternatives, which are anticipated to include roadway grade changes, conveyance improvements, and/or drainage improvements. Additionally, estimates for Right-of-Way costs and utility relocation will be included as individual costs.

Deliverables

- Cost estimates

Task 7. Plan Sheets

WSP will gather all available information from NCDOT and other federal and state agencies and online services to include recent aerial photography, all available natural systems information (natural environment and human environment) and any available property and utility information. All information will be aligned to a CADD file to be used for base map and design constraint development. Our GIS department maintains terabytes of current data for NC GIS information, including LiDAR information as part of our NC Floodmap program. This data will also be mined for base map preparation, and best available data carried forward into concept design.

The WSP design staff will take part in the site visit to validate, in the form of a windshield survey, the base information and identify changes in the field that could impact the concept design controls / constraints. Base CADD mapping will be updated as needed to present a realistic representation of existing conditions. If the project corridor exhibits high probability of natural resource constraints, WSP biologist may accompany staff on the site visit to field validate the resource concerns or opportunities for the project. This effort is anticipated to take one day per project.

A design criteria sheet will be established for the project outlining the parameters for design requirements, and concept design will proceed. Microstation V8, Geopak and Corridor Modeler will be used to quickly



evaluate concept designs, calculate concept level quantities and evaluate property, utility and natural systems impacts for the project.

Task 8. NC 210 Resiliency Dashboard

WSP will develop a web and cloud based online GIS operations dashboard as part of the final resilience analysis. This dashboard will leverage Esri's ArcGIS Online platform and will allow County staff and stakeholders to digitally interact with the results and outreach information related to this project. To prepare for this, WSP geospatial staff will develop a specific custom data schema for all digital output products resulting from the engineering and resilience analyses. This includes but may not be limited to the following:

- Hydraulic model results
- Mapped flood hazard boundaries
- Improvement locations
- Plan design sheets
- Cost estimate sheets
- Resilience report documents
- Project photos

This data will be organized into a final digital dashboard hosted on ArcGIS Online which will provide easy interaction with the project findings. This dashboard will be available via a web-based URL which will be secured to only allow access to appropriate county staff and stakeholders. The secure access list of staff will be determined by Pender County. The dashboard will be made available to Pender County following the completion of this study for a period of 5 years.

Deliverables

- Custom database developed to house all relevant input and output data from this study, delivered to Pender County via digital file delivery
- ArcGIS Online Web-based Operations Dashboard (delivered via URL)

Task 9. Project Kick-off Meeting

WSP will prepare for and host a kick-off meeting with the County staff and stakeholders. This meeting will serve as a:

- Kick-off meeting for the project
- Working meeting to discuss resilience options and goals
- Working meeting to discuss Pender County's long-term plans for the NC210 corridor
- Working meeting to identify barriers to resilience
- Working meeting to discuss the goals and outcomes of the study
- Working meeting discuss available flood data, including:
 - High water mark/flooding records along NC 210
 - Plans for any design projects or construction on or that could impact NC 210



WSP will lead the meeting and incorporate feedback from the County into the study scope and work products.

If NCDOT Division 3 and Hydraulics Unit staff are unable to attend the kick-off meeting, WSP recommends a meeting with NCDOT Division 3 staff to request information regarding location, depth and duration of flooding from Hurricane Florence was available from the Division 3 staff

Deliverables

- Meeting agenda
- Presentation materials
- Meeting minutes

Task 10. Bi-weekly Status Meetings

WSP will hold monthly status meetings with County staff, and other stakeholders as determined by the County. WSP will prepare an agenda and status summary for the meetings and will prepare and provide meeting minutes to the County.

Deliverables

- Meeting agendas
- Status summaries
- Meeting minutes

Task 11. Project Management

Task 11.1 Project Administration

Project Administration

Upon notice of award WSP will prepare a detailed schedule outlining the deliverable milestones.

WSP will exercise cost and performance management through weekly and monthly tracking of costs, schedules, and technical progress and performance against task order plans and baselines. Performance indices and estimates-to-complete based on observed performance are also computed and reported. This ensures effective task order cost monitoring and provides early feedback to WSP management on impending technical, schedule, or cost problems.

WSP uses the BST[®] cost accounting system to provide routine project cost tracking and control. WSP's BST[®] system is Web-based and available to WSP staff. This system is updated on a daily basis and provides a wide range of capabilities for producing on-line, real-time reports to track and manage individual as well multi-year, multi-task order programs.

Quality Control

For internal hydrologic and hydraulic studies and roadway design, WSP utilizes a "stage-gate" QA/QC plan, commonly used in drainage studies. Modeling will be reviewed in three "stages", with a QA/QC Lead serving as the "gate" between each stage.



Task 11.2 Direct Costs

This task will include costs for travel, printing, dashboard expenses, etc.

Cost

WSP will complete the tasks described above for the following lump sum costs:

Task	Cost
Task 1	\$3,496.00
Task 2	\$6,650.00
Task 3	\$71,664.00
Task 4	\$4,988.00
Task 5	\$9,824.00
Task 6	\$10,648.00
Task 7	\$49,548.00
Task 8	\$9,684.00
Task 9	\$2,140.00
Task 10	\$6,320.00
Task 11	\$17,190.00
Total	\$192,152.00

Detailed costing is attached on the following page.

		Position ->															
		Principal In Charge	Project Manager	Applications Project Manager	Assistant Project Manager	Senior Project Engineer	Project Engineer	Resiliency Consultant	Mitigation / Preparedness Consultant	Senior Roadway Design Engineer	Project Roadway Design Engineer	GIS Specialist	GIS Analyst	GIS Technician	System Analyst	Senior Administrative Assistant	
Rate ->		\$257.00	\$200.00	\$179.00	\$171.00	\$170.00	\$130.00	\$169.00	\$113.00	\$164.00	\$130.00	\$139.00	\$92.00	\$81.00	\$110.00	\$82.00	
Task No.	Description																Total
1	Define Resilience		4.0		4.0	4.0		4.0		4.0							\$3,496.00
2	Identification of Barriers to Corridor Resilience		1.0		4.0	4.0	8.0	2.0	4.0	4.0	20.0						\$6,650.00
3	Hydraulic Modeling																
3.1	Existing Conditions		1.0			60.0	240.0					16.0		16.0			\$45,120.00
3.2	Conceptual Alternatives		4.0		16.0	60.0	80.0					8.0		16.0			\$26,544.00
4	Conceptual Alternative Development & Analysis		4.0		4.0	4.0	4.0	4.0	4.0	4.0	4.0						\$4,988.00
5	Alternative Prioritization		2.0		16.0	8.0		16.0		16.0							\$9,824.00
6	Cost Estimates		4.0		8.0					20.0	40.0						\$10,648.00
7	Plan Sheets		8.0		8.0	16.0		4.0	8.0	100.0	160.0		20.0	40.0			\$49,548.00
8	NC 210 Resiliency Dashboard			16.0								20.0	20.0		20.0		\$9,684.00
9	Project Kick-off Meeting		4.0		4.0					4.0							\$2,140.00
10	Monthly Status Meetings		10.0	10.0	10.0					5.0							\$6,320.00
11	Project Management																
11.1	Project Administration	2.0	16.0	4.0	60.0												\$14,690.00
11.2	Direct Costs																\$2,500.00
Total Direct Labor Hours		2.00	58.00	30.00	134.00	156.00	332.00	30.00	16.00	157.00	224.00	44.00	40.00	72.00	20.00	0.00	1315
Total Labor Costs		\$514	\$11,600.00	\$5,370	\$22,914	\$26,520	\$43,160.00	\$5,070	\$1,808	\$25,748	\$29,120	\$6,116	\$3,680	\$5,832	\$2,200	\$0	\$192,152.00

Pender County Budget Ordinance Amendment

Page 13 of 14

Date Tuesday, July 26, 2022
Board Meeting Date (If Applicable) Monday, August 15, 2022

Fiscal Year FY 2022-2023
Fund 60 - CIP
Department 653 - PLANNING DEPARTMENT

Purpose of Request
Receive NCEM grant funds.

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	60-348801-6472	NCEM Grant	200,000
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

Proposed Amendment:

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	60-404500-6472	Contracted Services	200,000
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

	Account # (ORG-OBJECT)	Account Description	Amount
13			

Total Revenues

200000

Total Expenditures

200000

Budget Amendment Balances when Zero.

0

Prepared By:

Vanessa Lacer

Email

vlacer@pendercountync.gov



**Pender County
Approval of Budget Amendment and
Purchase Order & Authorize Closing
Process for Purchase of Office Building
for Public Defender's Office - 301 S.
McNeil Street, Burgaw**

TO:	Board of County Commissioners
FROM:	David Andrews
DATE:	November 21, 2022
SUBJECT:	Approval of Budget Amendment and Purchase Order & Authorize Closing Process for Purchase of Office Building for Public Defender's Office - 301 S. McNeil Street, Burgaw

SUMMARY:

Recently, County Management and the Board of County Commissioners were approached by the Public Defender's Office requesting office space in Burgaw. Please consider attached documentation recommending the purchase of property at 301 South McNeil Street, Burgaw - parcel number 3229-52-7935-0000. Note that this property was identified and vetted by County Management with the Public Defender's Office Representatives.

It is recommended that the purchase of this property for \$245,000 be approved and authorize County Manager's Office to begin the closing process. The attached letter indicates the details of the purchase of this property. The tax value for this property is listed at \$277,818. The price per square foot is \$130.67, which is lower than all but one comp. The commercial building inspection has been returned with minor cosmetic items as well as expected items like A/C unit and water heater to be replaced.

As explained in the attached, there are some additional funds included in the budget amendment to make the necessary adjustments identified by the Public Defender's Office and County Management, for a total of \$301,500 to be funded with proceeds from the sales of other surplus properties. See attached budget amendment.

ACTION REQUESTED:

Approval of Budget Amendment and Purchase Order & Authorize Closing Process for Purchase of Office Building for Public Defender's Office - 301 S. McNeil Street, Burgaw

Pender County Finance Department
PO Box 1578
Burgaw, North Carolina 28425



Asset Manager
Andy Devane
(910) 259-1467
adevane@pendercountync.gov

Letter of Recommendation to Purchase

11/01/2022

Dear Commissioners,

The County Managers office has tasked me with locating a property in the Town of Burgaw in proximity of the Courthouse for the Public Defenders Office. I was able to locate a building that we believe will work for the Public Defender Office located at 301 S McNeil St in Burgaw. After talks with the Public Defender's Office, they agree the building will work for them in their day-to-day operations.

We have been in talks with the realtor to find out about purchasing the building and learned of the asking price at \$250,000.00. The realtor informed us that the seller had dropped the price down from \$275,000.00 in hopes in moving the property. After discussing this with the County Managers office we made an offer of \$240,000.00 and the seller quickly countered with an offer of \$245,000.00. Per the County Manager we have placed \$2,000 down as earnest money to secure the property that is refundable in the event the County backs out of the deal. We believe that this is a great deal for the County because we would be purchasing it under market and tax value. The tax value is \$277,818.00 from the 2019 tax assessment. With your approval the County would like to move forward with the purchase and close soon as possible to give us enough time to complete the improvements needed to get the Public Defender Office in the building by January 30th.

Also, I have been in contact with Facilities, IT, and the Fire Marshal to see what we are going to have to spend to bring the building into code and improvements to support the Public Defenders Office. The cost is broken down below in area of departments:

Facilities: Building improvements to include replacing one a/c unit, adding a/c unit in storage building, upgrading lights in building, office prep to include removing of sinks and capping off water lines, painting offices, install network drops in offices, cleaning carpets, completing ADA compliance improvements, restriping parking lot and other miscellaneous tasks associated with listed work.

Estimated Cost: \$50,000

IT: Providing the building with the infrastructure to support the AOC equipment. The building currently does not have anything to use so we will have to build a network backbone in the building.

Estimated Cost: \$ 3,500



Pender County Finance Department
PO Box 1578
Burgaw, North Carolina 28425



Asset Manager
Andy Devane
(910) 259-1467
adevane@pendercountync.gov

Fire Marshal: The County will have to install flood lights and illuminating exit signs at all exits. We will have to get BFPE to get fire extinguishers installed as well. We will also need to replace all fire detectors in the building. The County will not have to install a fire detection system due to the size of the building.

Estimated Cost: \$3,000

So, in summary the County is asking for the approval to purchase the building and property located at 301 S McNeil St located in Burgaw for \$245,000.00 and we would like to request funds in the amount of \$56,500.00 to complete all building code task and improvements needed for a total of \$301,500.00. We have included a related BOA to pull funds from sales of surplus property for FY 23.

Sincerely,

Andy Devane
Asset Manager





PIN: 3229-52-7935-0000

Owner: M & D RENTALS LLC

2519 NORTH LUMINA AVENUE
WRIGHTSVILLE BEACH, NC 28480

Deed Ref: 3120/118

Property
Address: 301 S MCNEIL ST

Description: PB 12/61 ON W/S MCNEIL TO SATCHWELL

Sale Price:

Sale Date: LAST_SALE_DATE

Plat: 00120061

Account No: 895952

Township: BURGAW

Subdivision:

Tax Codes: G01 C52 R40

Acres: 0.56

Land Value: \$103,916

Building Value: \$173,902

Total Value: \$277,818

Deferred Value: \$0

Exempt Amount: 0

PCL Class: C

Heated Sq Feet:

Pender County



1 inch = 4.5 feet

12/17/2006



Monday, November 7, 2022

Pender County Budget Ordinance Amendment

Date

Board Meeting Date (if Applicable)

Monday, November 7, 2022
Monday, November 7, 2022

Fiscal Year

FY 2022-2023

Fund

10 - GENERAL

Division, Program, Project, etc. Public Defenders Office

Department

500 - FACILITIES MAINTENANCE

Purpose of Request

To allocate funds to purchase building for the Public Defender's Office to occupy.

REVENUES

	Account # (ORF-OBJECT)	Account Description	Amount
1	10-320008	Sale of Surplus Property	301,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

Proposed Amendment:

EXPENDITURES

	Account # (ORF-OBJECT)	Account Description	Amount
1	654-407400	Capital Outlay	301,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			

13		Account # (ORF-OBJECT)		Account Description	Amount
Total Revenues	301500			Total Expenditures	301500
Budget Amendment Balances when Zero.			0		
Prepared By:	Meg Blue			Email	mbblue@pendercountync.gov

Meg Blue

mblue@pendercountync.gov

Submission Date Nov 7, 2022 2:58 PM

Date Nov 7, 2022

Board Meeting Date (If Applicable) Nov 7, 2022

Fiscal Year FY 2022-2023

Fund 10 - GENERAL

Department 500 - FACILITIES MAINTENANCE

Division, Program, Project, etc. Public Defenders Office

Purpose of Request To allocate funds to purchase building for the Public Defender's Office to occupy.

REVENUES

	Account # (ORG-OBJECT)	Account Description	Amount
1	10-320008	Sale of Surplus Property	301,500
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

Total Revenues 301500

EXPENDITURES

	Account # (ORG-OBJECT)	Account Description	Amount
1	654-407400	Capital Outlay	301,500



AGREEMENT FOR PURCHASE AND SALE
OF IMPROVED REAL PROPERTY

THIS AGREEMENT, including any and all addenda attached hereto ("Agreement"), is by and between

Pender County Government
a(n) NC County Government ("Buyer"), and
(individual or State of formation and type of entity)
M & D Rentals, LLC
a(n) NC LLC ("Seller").
(individual or State of formation and type of entity)

(NOTE: If the Buyer or Seller is an entity, in order to form a binding agreement and complete a transaction, the entities listed as Buyer or Seller in this Agreement should be validly formed and in good standing with the Secretary of State in the State of formation of the entity.)

FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1. Terms and Definitions: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

(a) **"Property":** (Address) 301 S. McNeil Street, Burgaw, NC

Plat Reference: Lot(s) _____, Block or Section _____, as shown on Plat Book or Slide _____ at Page(s) _____, _____ County, consisting of _____ acres.

☐ If this box is checked, "Property" shall mean that property described on **Exhibit A** attached hereto and incorporated herewith by reference,

(For information purposes: (i) the tax parcel number of the Property is: 3229-52-7935-0000; and, (ii) some or all of the Property, consisting of approximately .56 acres, is described in Deed Book 3120, Page No. 118, Pender County.)

together with all buildings and improvements thereon and all fixtures and appurtenances thereto and all personal property, if any, itemized on **Exhibit A**.

\$ 245,000.00 (b) **"Purchase Price"** shall mean the sum of Two Hundred Forty-Five Thousand Dollars,

\$ 2,000.00 payable on the following terms:
(i) **"Earnest Money"** shall mean Two Thousand Dollars
or terms as follows: _____

The Earnest Money shall be deposited in escrow with Creative Commercial Properties, Inc. (name of person/entity with whom deposited- "Escrow Agent") within five (5) calendar days of the Contract Date, to be applied as part payment of the Purchase Price of the Property at Closing, or disbursed as agreed upon under the provisions of Section 10 herein. Should Buyer fail to deliver the Earnest Money by the date required hereunder, or should any check or other funds paid by Buyer be dishonored, for any reason, by the

Page 1 of 9



This form jointly approved by:
North Carolina Bar Association's Real Property Section
REALTOR® North Carolina Association of REALTORS®, Inc.

STANDARD FORM 580-T
Revised 7/2022
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Buyer Initials _____ Seller Initials _____
Creative Commercial Properties, Inc., PO Box 56, 15894 Hwy 17 North Hampstead NC 28443
Michael Nadeau Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201

Phone: (910) 270-5100 Fax: (910) 270-5110
www.lwolf.com

M&D Rentals,

the institution upon which the payment is drawn, Buyer shall have one (1) banking day after written notice of such dishonor to deliver cash, official bank check, wire transfer or electronic transfer to the Escrow Agent. If Buyer fails to deliver the required funds within one (1) banking day after written notice, then Seller may terminate this Agreement by written notice to Buyer at any time thereafter, provided Seller has not then received acknowledgement by Escrow Agent of its receipt of funds from Buyer. If the Escrow Agent has not delivered to the Seller the acknowledgement of Earnest Money on the last page of this Agreement by the calendar day following the date the Earnest Money is required to be delivered hereunder, it shall be presumed that the Earnest Money was not delivered by the required time (unless, upon the written request of Seller, Escrow Agent can provide proof of its receipt of the Earnest Money by the required time). Buyer and Seller consent to the disclosure by the Escrow Agent, to the parties to this Agreement, the Broker(s) and any Buyer lender, of any material facts pertaining to the Earnest Money.

☒ **ANY EARNEST MONEY DEPOSITED BY BUYER IN A TRUST ACCOUNT MAY BE PLACED IN AN INTEREST BEARING TRUST ACCOUNT, AND: (check only ONE box)**

☐ **ANY INTEREST EARNED THEREON SHALL BE APPLIED AS PART PAYMENT OF THE PURCHASE PRICE OF THE PROPERTY AT CLOSING, OR DISBURSED AS AGREED UPON UNDER THE PROVISIONS OF SECTION 10 HEREIN. (Buyer's Taxpayer Identification Number is: _____)**

☒ **ANY INTEREST EARNED THEREON SHALL BELONG TO THE ACCOUNT HOLDER IN CONSIDERATION OF THE EXPENSES INCURRED BY MAINTAINING SUCH ACCOUNT AND RECORDS ASSOCIATED THEREWITH.**

\$ _____ (ii) **Delivery of a promissory note** secured by a deed of trust, said promissory note in the amount of _____ Dollars

being payable over a term of _____ years, with an amortization period of _____ years, payable in monthly installments of principal, together with accrued interest on the outstanding principal balance at the rate of _____ percent (_____ %) per annum in the amount of \$ _____, with the first principal payment beginning on the first day of the month next succeeding the date of Closing, or such other terms as may be set forth on **Exhibit B**. At any time, the promissory note may be prepaid in whole or in part without penalty and without further interest on the amounts prepaid from the date of such prepayment. **(NOTE: In the event of Buyer's subsequent default upon a promissory note and deed of trust given hereunder, Seller's remedies may be limited to foreclosure of the Property. If the deed of trust given hereunder is subordinated to senior financing, the material terms of such financing must be set forth on Exhibit B. If such senior financing is subsequently foreclosed, the Seller may have no remedy to recover under the note.)**

\$ 243,000.00 (iii) **Cash**, balance of Purchase Price, at Closing in the amount of **Two Hundred Forty-Three Thousand** _____ Dollars.

Buyer, at Buyer's expense, shall be entitled to pursue qualification for and approval of any loan Buyer intends to obtain in connection with the transaction contemplated by this Agreement. **(Note: Buyer's obligations under this Agreement are not conditioned upon obtaining or closing any loan. Therefore, Buyer is advised to consult with Buyer's lender prior to signing this offer to assure that the Examination Period allows sufficient time for Buyer's lender to provide Buyer sufficient information to decide whether to proceed with or terminate the transaction.)**

(c) **"Closing"** shall mean the date of completion of the process detailed in Section 11 of this Agreement. Closing shall occur on or before _____ or **30 Days After Examination Period Expiration** _____.

(d) **"Contract Date"** means the date this Agreement has been fully executed by both Buyer and Seller.

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Buyer Initials _____ Seller Initials _____

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M&D Rentals,

- (e) **"Examination Period"** shall mean the period beginning on the first day after the Contract Date and extending through 5:00pm (based upon time at the locale of the Property) on

60 Days after Contract Date

TIME IS OF THE ESSENCE AS TO THE EXAMINATION PERIOD.

- (f) **"Broker(s)"** shall mean:

Creative Commercial Properties, Inc.

("Listing Agency"),

Henry Nadeau

("Listing Agent" - License # **267682**)

Acting as: ☒ Seller's Agent; ☐ Dual Agent

and

("Selling Agency"),

("Selling Agent" - License # _____)

Acting as: ☐ Buyer's Agent; ☐ Seller's (Sub) Agent; ☐ Dual Agent

- (g) **"Seller's Notice Address"** shall be as follows:

2519 North Lumina Avenue

Wrightsville Beach, NC 28480

e-mail address: _____ fax number: _____

except as same may be changed pursuant to Section 12.

- (h) **"Buyer's Notice Address"** shall be as follows:

P.O. Box 5

Burgaw, NC 28425

e-mail address: **adevane@pendercountync.gov** fax number: _____

except as same may be changed pursuant to Section 12.

- ☐ (i) If this block is marked, additional terms of this Agreement are set forth on Exhibit B attached hereto and incorporated herein by reference. (**Note: Under North Carolina law, real estate agents are not permitted to draft conditions or contingencies to this Agreement.**)
- ☐ (j) If this block is marked, additional terms of this Agreement are set forth on the Additional Provisions Addendum (Form 581-T) attached hereto and incorporated herein by reference.
- ☐ (k) If this block is marked, additional terms of this Agreement are set forth on the Back Up Agreement Addendum (Form 581A-T) attached hereto and incorporated herein by reference.

Section 2. Sale of Property and Payment of Purchase Price: Seller agrees to sell and Buyer agrees to buy the Property for the Purchase Price.

Section 3. Proration of Expenses and Payment of Costs: Seller and Buyer agree that all property taxes (on a calendar year basis), leases, rents, mortgage payments and utilities or any other assumed liabilities as detailed on attached **Exhibit B, and/or Exhibit C, as applicable**, if any, shall be prorated as of the date of Closing. Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Agreement, excise tax (revenue stamps), any deferred or rollback taxes, and other conveyance fees or taxes required by law, any fees required for confirming Seller's account payment information on owners' association dues or assessments for payment or proration; any fees imposed by an owners' association and/or a management company as agent of the owners' association in connection with the transaction contemplated by this Agreement other than those fees required to be paid by Buyer in this Section 3 below, and the following:

None

Buyer shall pay recording costs, costs of any title search, title insurance, survey, the cost of any inspections or investigations undertaken by Buyer under this Agreement, charges required by an owners' association declaration to be paid by Buyer for Buyer's future use and enjoyment of the Property, including, without limitation, working capital contributions, membership fees, or charges for Buyer's use of the common elements and/or services provided to Buyer, any costs or charges for determining restrictive covenant compliance, and the following:

None

Each party shall pay its own attorney's fees.

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Buyer Initials _____ Seller Initials _____

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M&D Rentals,

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Section 4. Deliveries: Seller agrees to use best efforts to deliver to Buyer, as soon as reasonably possible after the Contract Date, copies of all material information relevant to the Property in the possession of Seller, including but not limited to: title insurance policies (and copies of any documents referenced therein), surveys, soil test reports, environmental surveys or reports, site plans, civil drawings, building plans, maintenance records and copies of all presently effective warranties or service contracts related to the Property. Seller authorizes (1) any attorney presently or previously representing Seller to release and disclose any title insurance policy in such attorney's file to Buyer and both Buyer's and Seller's agents and attorneys; and (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Buyer and both Buyer's and Seller's agents and attorneys. If Buyer does not consummate the Closing for any reason other than Seller default, then Buyer shall return to Seller all hard copy materials delivered by Seller to Buyer pursuant to this Section 4 (or Section 7, if applicable), if any, and shall, upon Seller's request, following release of the Earnest Money, provide to Seller copies of (subject to the ownership and copyright interests of the preparer thereof) any and all studies, reports, surveys and other information relating directly to the Property prepared by or at the request of Buyer, its employees and agents, without any warranty or representation by Buyer as to the contents, accuracy or correctness thereof. Notwithstanding the above provisions regarding delivery and return of information and documentation, should there exist a separate non-disclosure, confidentiality, or similar agreement between Buyer and Seller, the terms of which conflict with this provision insofar as delivery and return of information and documentation, then the terms of such non-disclosure, confidentiality, or similar agreement shall control as to the delivery and return of information and documentation.

Section 5. Evidence of Title: Seller agrees to convey fee simple insurable title to the Property without exception for mechanics' liens, free and clear of all liens, encumbrances and defects of title other than: (a) zoning ordinances affecting the Property, (b) Leases (as defined in Section 7, if applicable) and (c) specific instruments on the public record at the Contract Date agreed to by Buyer (not objected to by Buyer prior to the end of the Examination Period), which specific instruments shall be enumerated in the deed referenced in Section 11 (items 5(a), 5(b) and 5(c) being collectively "Permitted Exceptions"); provided that Seller shall be required to satisfy, at or prior to Closing, any encumbrances that may be satisfied by the payment of a fixed sum of money, such as deeds of trust, mortgages or statutory liens. Seller shall not enter into or record any instrument that affects the Property (or any personal property listed on **Exhibit A**) after the Contract Date without the prior written consent of Buyer, which consent shall not be unreasonably withheld, conditioned or delayed.

Section 6. Conditions: This Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon fulfillment (or waiver by Buyer, whether explicit or implied) of the following conditions:

(a) **Title Examination:** After the Contract Date, Buyer shall, at Buyer's expense, cause a title examination to be made of the Property before the end of the Examination Period. In the event that such title examination shall show that Seller's title is not fee simple insurable, subject only to Permitted Exceptions, then Buyer shall promptly notify Seller in writing of all such title defects and exceptions, in no case later than the end of the Examination Period, and Seller shall have thirty (30) days to cure said noticed defects. If Seller does not cure the defects or objections within thirty (30) days of notice thereof, then Buyer may terminate this Agreement and receive a return of Earnest Money (notwithstanding that the Examination Period may have expired). If Buyer is to purchase title insurance, the insuring company must be licensed to do business in the state in which the Property is located. Title to the Property must be insurable at regular rates, subject only to standard exceptions and Permitted Exceptions.

(b) **Same Condition:** If the Property is not in substantially the same condition at Closing as of the date of the offer, reasonable wear and tear excepted, then the Buyer may (i) terminate this Agreement and receive a return of the Earnest Money or (ii) proceed to Closing whereupon Buyer shall be entitled to receive, in addition to the Property, any of the Seller's insurance proceeds payable on account of the damage or destruction applicable to the Property.

(c) **Inspections:** Buyer, its agents or representatives, at Buyer's expense and at reasonable times during normal business hours, shall have the right to enter upon the Property for the purpose of inspecting, examining, conducting timber cruises, and surveying the Property; provided, however, that Buyer shall not conduct any invasive testing of any nature without the prior express written approval of Seller as to each specific invasive test intended to be conducted by Buyer. Buyer shall conduct all such on-site inspections, examinations, testing, timber cruises and surveying of the Property in a good and workmanlike manner, at Buyer's expense, shall repair any damage to the Property caused by Buyer's entry and on-site inspections and shall conduct same in a manner that does not unreasonably interfere with Seller's or any tenant's use and enjoyment of the Property. In that respect, Buyer shall make reasonable efforts to undertake on-site inspections outside of the hours Seller's or any tenant's business is open to the public. Buyer shall provide Seller or any tenant (as applicable) reasonable advance notice of and Buyer shall cause its agents or representatives and third party service providers (e.g. inspectors, surveyors, etc.) to give reasonable advance notice of any entry onto the Property. Buyer shall be obligated to observe and comply with any terms of any tenant lease which conditions access to such tenant's space at the Property. Upon Seller's request, Buyer shall provide to Seller evidence of general liability insurance. Buyer shall also have a right to

review and inspect all contracts or other agreements affecting or related directly to the Property and shall be entitled to review such books and records of Seller that relate directly to the operation and maintenance of the Property, provided, however, that Buyer shall not disclose any information regarding this Property (or any tenant therein) unless required by law, and the same shall be regarded as confidential, to any person, except to its attorneys, accountants, lenders and other professional advisors, in which case Buyer shall obtain their agreement to maintain such confidentiality. Buyer assumes all responsibility for the acts of itself and its agents or representatives in exercising its rights under this Section 6(c) and agrees to indemnify and hold Seller harmless from any damages resulting therefrom. This indemnification obligation of Buyer shall survive the Closing or earlier termination of this Agreement. Except as provided in Section 6(b) above, Buyer shall have from the Contract Date through the end of the Examination Period to perform the above inspections, examinations and testing. **IF BUYER CHOOSES NOT TO PURCHASE THE PROPERTY, FOR ANY REASON OR NO REASON, AND PROVIDES WRITTEN NOTICE TO SELLER THEREOF PRIOR TO THE EXPIRATION OF THE EXAMINATION PERIOD, THEN THIS AGREEMENT SHALL TERMINATE, AND BUYER SHALL RECEIVE A RETURN OF THE EARNEST MONEY.**

Section 7. Leases (Check one of the following, as applicable):

☒ If this box is checked, Seller affirmatively represents and warrants that there are no Leases (as hereinafter defined) affecting the Property.

☐ If this box is checked, Seller discloses that there are one or more leases affecting the Property ("Leases") and the following provisions are hereby made a part of this Agreement.

(a) A list of all Leases shall be set forth on **Exhibit C**. Seller represents and warrants, that as of the Contract Date, there are no other Leases, oral or written, recorded or not, nor any subleases affecting the Property, except as set forth on **Exhibit C**;

(b) Seller shall deliver copies of any Leases to Buyer pursuant to Section 4 as if the Leases were listed therein;

(c) Seller represents and warrants that as of the Contract Date, there are no current defaults (or any existing situation which, with the passage of time, or the giving of notice, or both, or at the election of either landlord or tenant could constitute a default) either by Seller, as landlord, or by any tenant under any Lease ("Lease Default"). In the event there is any Lease Default as of the Contract Date, Seller agrees to provide Buyer with a detailed description of the situation in accordance with Section 4. Seller agrees not to commit a Lease Default as Landlord after the Contract Date; and agrees further to notify Buyer immediately in the event a Lease Default arises or is claimed, asserted or threatened to be asserted by either Seller or a tenant under the Lease.

(d) In addition to the conditions provided in Section 6 of this Agreement, this Agreement and the rights and obligations of the parties under this Agreement are hereby made expressly conditioned upon the assignment of Seller's interest in any Lease to Buyer in form and content acceptable to Buyer (with tenant's written consent and acknowledgement, if required under the Lease). Seller agrees to deliver an assignment of any Lease at or before Closing, with any security deposits held by Seller under any Leases to be transferred or credited to Buyer at or before Closing. The assignment shall provide: (i) that Seller shall defend, indemnify and hold Buyer harmless from claims, losses, damages and liabilities (including, without limitation, court costs and attorneys' fees) asserted against or incurred by Buyer which are caused by or the result of any default by Seller under any Lease prior to the date of Closing, and (ii) that Buyer shall defend, indemnify and hold Seller harmless from claims, losses, damages and liabilities (including, without limitation, court costs and attorneys' fees) asserted against or incurred by Seller which are caused by or the result of any default by Buyer under any Lease after the date of Closing.

(e) Seller also agrees to work diligently to obtain any tenant signatures on any estoppel certificates in such form as Buyer may reasonably request and to work diligently to obtain any subordination, nondisturbance and attornment agreements in such form as Buyer may reasonably request.

Section 8. Environmental: Seller represents and warrants that it has no actual knowledge of the presence or disposal, except as in accordance with applicable law, within the buildings or on the Property of hazardous or toxic waste or substances, which are defined as those substances, materials, and wastes, including, but not limited to: those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR Part 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302.4) and amendments thereto, or such substances, materials and wastes, which are or become regulated under any applicable local, state or federal law, including, without limitation, any material, waste or substance which is (i) petroleum, (ii) asbestos, (iii) polychlorinated biphenyls, (iv) designated as a Hazardous Substance pursuant to Section 311 of the Clean Water Act of 1977 (33 U.S.C. §1321) or listed pursuant to Section 307 of the Clean Water Act of 1977 (33 U.S.C. §1317), (v) defined as a hazardous waste pursuant to Section 1004 of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §6903) or (vi) defined as a hazardous substance pursuant to Section 101 of the Comprehensive Environmental Response, Compensation and

Liability Act of 1980 (42 U.S.C. §9601). Seller has no actual knowledge of any contamination of the Property from such substances as may have been disposed of or stored on neighboring tracts.

Section 9. Risk of Loss/Damage/Repair: Until Closing, the risk of loss or damage to the Property, except as otherwise provided herein, shall be borne by Seller. Except as to maintaining the Property in its same condition, Seller shall have no responsibility for the repair of the Property, including any improvements, unless the parties hereto agree in writing.

Section 10. Earnest Money Disbursement: In the event that any condition hereto is not satisfied, then the Earnest Money shall be refunded to Buyer. In the event of breach of this Agreement by Seller, the Earnest Money shall be refunded to Buyer upon Buyer's request, but such return shall not affect any other remedies available to Buyer for such breach. In the event of breach of this Agreement by Buyer, the Earnest Money shall be paid to Seller as liquidated damages and as Seller's sole and exclusive remedy for such breach, but without limiting Seller's rights under Section 6(c) or Section 22 of this Agreement. It is acknowledged by the parties that payment of the Earnest Money to Seller in the event of a breach of this Agreement by Buyer is compensatory and not punitive, such amount being a reasonable estimation of the actual loss that Seller would incur as a result of such breach. The payment of the Earnest Money to Seller shall not constitute a penalty or forfeiture but actual compensation for Seller's anticipated loss, both parties acknowledging the difficulty determining Seller's actual damages for such breach.

NOTE: In the event of a dispute between Seller and Buyer over the disposition of the Earnest Money held in escrow, a licensed real estate broker is required by state law (and Escrow Agent, if not a broker, hereby agrees) to retain the Earnest Money in the Escrow Agent's trust or escrow account until Escrow Agent has obtained a written release from the parties consenting to its disposition or until disbursement is ordered by a court of competent jurisdiction. Alternatively, if a broker or an attorney licensed to practice law in North Carolina is holding the Earnest Money, the broker or attorney may deposit the disputed monies with the appropriate clerk of court in accordance with the provisions of N.C.G.S. §93A- 12.

Seller and Buyer hereby agree and acknowledge that the Escrow Agent assumes no liability in connection with the holding of the Earnest Money pursuant hereto except for negligence or willful misconduct of Escrow Agent. Escrow Agent shall not be responsible for the validity, correctness or genuineness of any document or notice referred to under this Agreement. Seller and Buyer hereby agree to indemnify, protect, save and hold harmless Escrow Agent and its successors, assigns and agents pursuant to this Agreement, from any and all liabilities, obligations, losses, damages, claims, actions, suits, costs or expenses (including attorney fees) of whatsoever kind or nature imposed on, incurred by or asserted against Escrow Agent which in any way relate to or arise out of the execution and delivery of this Agreement and any action taken hereunder; provided, however, that Seller and Buyer shall have no such obligation to indemnify, save and hold harmless Escrow Agent for any liability incurred by, imposed upon or established against it as a result of Escrow Agent's negligence or willful misconduct.

Section 11. Closing: At or before Closing, Seller shall deliver to Buyer a special warranty deed unless otherwise specified on **Exhibit B** and other documents customarily executed or delivered by a seller in similar transactions, including without limitation, a bill of sale for any personal property listed on **Exhibit A**, an owner's affidavit, lien waiver forms (and such other lien related documentation as shall permit the Property to be conveyed free and clear of any claim for mechanics' liens) and a non-foreign status affidavit (pursuant to the Foreign Investment in Real Property Tax Act), and Buyer shall cause to be delivered the funds necessary to pay to Seller the Purchase Price. The Closing shall be conducted by Buyer's attorney or handled in such other manner as the parties hereto may mutually agree in writing. Possession shall be delivered at Closing, unless otherwise agreed herein. The Purchase Price and other funds to be disbursed pursuant to this Agreement shall not be disbursed until the Buyer's attorney's (or other designated settlement agent's) receipt of authorization to disburse all necessary funds.

Section 12. Notices: Unless otherwise provided herein, all notices and other communications which may be or are required to be given or made by any party to the other in connection herewith shall be in writing (which shall include electronic mail) and shall be deemed to have been properly given and received (i) on the date delivered in person or (ii) the date deposited in the United States mail, registered or certified, return receipt requested, to the addresses set out in Section 1(g) as to Seller, and in Section 1(h) as to Buyer, or at such other addresses as specified by written notice delivered in accordance herewith, (iii) at such time as the sender performs the final act to send such transmission, in a form capable of being processed by the receiving party's system, to any electronic mail address or facsimile number, if any, provided in Section 1(g) as to Seller, and in Section 1(h) as to Buyer or (iv) on the date deposited with a recognized overnight delivery service, addressed to the addresses set out in Section 1(g) as to Seller, and in Section 1(h) as to Buyer, or at such other addresses as specified by written notice delivered in accordance herewith. If a notice is sent by more than one method, it will be deemed received upon the earlier of the dates of receipt pursuant to this Section.

Section 13. Counterparts; Entire Agreement: This Agreement may be executed in one or more counterparts, which taken together, shall constitute one and the same original document. Copies of original signature pages of this Agreement may be exchanged via facsimile or e-mail, and any such copies shall constitute originals. This Agreement constitutes the sole and entire agreement among the parties hereto and no modification of this Agreement shall be binding unless in writing and signed by all parties hereto. The invalidity of one or more provisions of this Agreement shall not affect the validity of any other provisions hereof and this Agreement shall be construed and enforced as if such invalid provisions were not included.

Section 14. Enforceability: This Agreement shall become a contract when signed by both Buyer and Seller and such signing is communicated to both parties; it being expressly agreed that notice given in accordance with Section 12 is not required for effective communication for the purposes of this Section 14. The parties acknowledge and agree that: (i) the initials lines at the bottom of each page of this Agreement are merely evidence of their having reviewed the terms of each page, and (ii) the complete execution of such initials lines shall not be a condition of the effectiveness of this Agreement. This Agreement shall be binding upon and inure to the benefit of the parties, their heirs, successors and assigns and their personal representatives.

Section 15. Adverse Information and Compliance with Laws:

(a) **Seller Knowledge/Assessments:** Seller has no actual knowledge of (i) condemnation(s) affecting or contemplated with respect to the Property; (ii) actions, suits or proceedings pending or threatened against the Property; (iii) changes contemplated in any applicable laws, ordinances or restrictions affecting the Property; or (iv) governmental special assessments, either pending or confirmed, for sidewalk, paving, water, sewer, or other improvements on or adjoining the Property, and no pending or confirmed owners' association special assessments, except as follows (Insert "None" or the identification of any matters relating to (i) through (iv) above, if any):

None

Note: For purposes of this Agreement: (i) a "special assessment" is defined as a charge against the Property by a governmental authority in addition to ad valorem taxes and recurring governmental service fees levied with such taxes, or by an owners' association in addition to any regular assessment (dues), either of which may be a lien against the Property; a special assessment may be either pending or confirmed; (ii) a "confirmed" special assessment is defined as an assessment that has been approved by a governmental agency or an owners' association for the purpose(s) stated, whether, at the time of Closing, it is payable in a lump sum or future installments; (iii) a "pending" special assessment is defined as an assessment that is under formal consideration by a governmental agency or an owners' association but which has not been approved prior to Closing. Seller shall pay, in full at Closing, all confirmed governmental or association special assessments, provided that the amount thereof can be reasonably determined or estimated. The payment of such determined or estimated amount shall be the final payment between Buyer and Seller as to any confirmed special assessments. If the amount of any special assessment cannot be reasonably determined or estimated, the special assessment shall be deemed a pending special assessment. Buyer shall take title subject to all pending special assessments disclosed by Seller herein, if any.

(b) **Compliance:** To Seller's actual knowledge, (i) Seller has complied with all applicable laws, ordinances, regulations, statutes, rules and restrictions pertaining to or affecting the Property; (ii) performance of the Agreement will not result in the breach of, constitute any default under or result in the imposition of any lien or encumbrance upon the Property under any agreement or other instrument to which Seller is a party or by which Seller or the Property is bound; and (iii) there are no legal actions, suits or other legal or administrative proceedings pending or threatened against the Property, and Seller is not aware of any facts which might result in any such action, suit or other proceeding.

(c) **Owners' Association:** If the Property is subject to regulation by an owners' association, Seller shall deliver the following information to Buyer pursuant to Section 4 as if the same were listed therein (or Seller shall state that Seller does not have same in their possession or that such item is not applicable): (i) the name of the owners' association; (ii) the amount of regular assessments (dues); (iii) the name, address and telephone number of the president of the owners' association or of the association manager or management company; (iv) the owners' association website address; (v) the Seller's statement of account; (vi) the master insurance policy showing the coverage provided and the deductible amount; (vii) copies of any Declaration and/or Restrictive Covenants; (viii) the Rules and Regulations, (ix) the Articles of Incorporation and Bylaws of the owners' association; (x) the current financial statement and budget of the owners' association; (xi) the parking restrictions and information; and (xii) the architectural guidelines. Seller authorizes and directs any owners' association, any management company of the owners' association, any insurance company and any attorney who has previously represented the Seller to release to Buyer, Buyer's agents, representative, closing attorney or lender true and accurate copies of the foregoing items affecting the Property, including any amendments thereto.

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Buyer Initials _____ Seller Initials _____

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Revised 7/2022
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M&D Rentals,

Section 16. Survival of Representations and Warranties: All representations, warranties, covenants and agreements made by the parties hereto shall survive the Closing and delivery of the deed. Seller shall, at or within six (6) months after the Closing, and without further consideration, execute, acknowledge and deliver to Buyer such other documents and instruments, and take such other action as Buyer may reasonably request or as may be necessary to more effectively transfer to Buyer the Property described herein in accordance with this Agreement.

Section 17. Applicable Law: This Agreement shall be construed under the laws of the state in which the Property is located. This form has only been approved for use in North Carolina.

Section 18. Assignment: This Agreement is freely assignable unless otherwise expressly provided on **Exhibit B**.

Section 19. Tax-Deferred Exchange: In the event Buyer or Seller desires to effect a tax-deferred exchange in connection with the conveyance of the Property, Buyer and Seller agree to cooperate in effecting such exchange; provided, however, that the exchanging party shall be responsible for all additional costs associated with such exchange, and provided further that a non-exchanging party shall not assume any additional liability with respect to such tax-deferred exchange. Seller and Buyer shall execute such additional documents, at no cost to the non-exchanging party, as shall be required to give effect to this provision.

Section 20. Memorandum of Contract: Upon request by either party, the parties hereto shall execute a memorandum of contract in recordable form setting forth such provisions hereof (other than the Purchase Price and other sums due) as either party may wish to incorporate. Such memorandum of contract shall contain a statement that it automatically terminates and the Property is released from any effect thereby as of a specific date to be stated in the memorandum (which specific date shall be no later than the date of Closing). The cost of recording such memorandum of contract shall be borne by the party requesting execution of same.

Section 21. Authority: Each signatory to this Agreement represents and warrants that he or she has full authority to sign this Agreement and such instruments as may be necessary to effectuate any transaction contemplated by this Agreement on behalf of the party for whom he or she signs and that his or her signature binds such party.

Section 22. Brokers: Except as expressly provided herein, Buyer and Seller agree to indemnify and hold each other harmless from any and all claims of brokers, consultants or real estate agents by, through or under the indemnifying party for fees or commissions arising out of the sale of the Property to Buyer. Buyer and Seller represent and warrant to each other that: (i) except as to the Brokers designated under Section 1(f) of this Agreement, they have not employed nor engaged any brokers, consultants or real estate agents to be involved in this transaction and (ii) that the compensation of the Brokers is established by and shall be governed by separate agreements entered into as amongst the Brokers, the Buyer and/or the Seller.

Section 23. Attorneys Fees: If legal proceedings are instituted to enforce any provision of this Agreement, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorneys fees and court costs incurred in connection with the proceeding.

☐ **EIFS/SYNTHETIC STUCCO:** If the adjacent box is checked, Seller discloses that the Property has been clad previously (either in whole or in part) with an "exterior insulating and finishing system" commonly known as "EIFS" or "synthetic stucco". Seller makes no representations or warranties regarding such system and Buyer is advised to make its own independent determinations with respect to conditions related to or occasioned by the existence of such materials at the Property.

THE NORTH CAROLINA ASSOCIATION OF REALTORS®, INC. AND THE NORTH CAROLINA BAR ASSOCIATION MAKE NO REPRESENTATION AS TO THE LEGAL VALIDITY OR ADEQUACY OF ANY PROVISION OF THIS FORM IN ANY SPECIFIC TRANSACTION. IF YOU DO NOT UNDERSTAND THIS FORM OR FEEL THAT IT DOES NOT PROVIDE FOR YOUR LEGAL NEEDS, YOU SHOULD CONSULT A NORTH CAROLINA REAL ESTATE ATTORNEY BEFORE YOU SIGN IT.

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Buyer Initials _____ Seller Initials _____

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M&D Rentals,

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BUYER:**Individual**

Date: _____

Date: _____

Business Entity**Pender County Government**

(Name of Entity)

By: _____

Name: _____

Title: _____

Date: _____

SELLER:**Individual**

Date: _____

Date: _____

Business Entity**M&D Rentals, LLC**

(Name of Entity)

By: _____

Name: _____

Title: _____

Date: _____

WIRE FRAUD WARNING

To Buyers: Before sending any wire, you should call the closing agent's office to verify the instructions. If you receive wiring instructions for a different bank, branch location, account name or account number, they should be presumed fraudulent. Do not send any funds and contact the closing agent's office immediately.

To Sellers: If your proceeds will be wired, it is recommended that you provide wiring instructions at closing in writing in the presence of the closing agent. If you are unable to attend closing, you may be required to send an original notarized directive to the closing agent's office containing the wiring instructions. This directive may be sent with the deed, lien waiver and tax forms if those documents are being prepared for you by the closing agent. At a minimum, you should call the closing agent's office to provide the wire instructions. The wire instructions should be verified over the telephone via a call to you initiated by the closing agent's office to ensure that they are not from a fraudulent source.

Whether you are a buyer or a seller, you should call the closing agent's office at a number that is independently obtained. To ensure that your contact is legitimate, you should not rely on a phone number in an email from the closing agent's office, your real estate agent or anyone else.

The undersigned hereby acknowledges receipt of the Earnest Money set forth herein and agrees to hold said Earnest Money in accordance with the terms hereof.

Creative Commercial Properties, Inc.

(Name of Escrow Agent)

Date: _____

By: **Henry Nadeau**

Escrow Agent's contact/notice information is as follows:

P.O. Box 56**Hampstead, NC 28443**e-mail address: **Henry@CreativeCommercial.biz**fax number: **(910)270-5110**

except as same may be changed pursuant to Section 12.

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CONTRACTED SERVICES	EST. COSTS
Security Controls	\$11,600.00
* Wiring for Cameras	
* Wiring for 2 Wi-fi Access Points	
* Wiring for offices (7)	
* Wiring for Reception	
* Wiring for Conference Room (CR)	
* Remote Door Access	
*** (2) Exterior Doors	
*** (2) Interior Doors	
Water Heater (In house Depending on Inspector)	\$500.00
* Frame Wall and add access door	
* Run new Pex line	
* Water Heater	
A/C - New system	\$6,000.00
Paint/Repair	\$22,000.00
* Ceilings	
* Walls	

IN HOUSE REPAIRS	
Replace Light Fixtures	\$1,400.00
Flooring - Carpet Replacement	\$15,000.00

Estimated Total	\$56,500.00
------------------------	--------------------

PHASE 1

Demo

- * Center Area
- ** Cap Water
- ** Remove Electric

Remove Carpet

Frame Door for Conference Room

Close up CR Window

Frame up Window Reception

Remove Waterfountain

Remove all sinks from Offices

Remove shower depending on inspector

Door at entry area

Remove old light fixtures



Pender County Request for Board action

TO: Board of County Commissioners
FROM: Alan Cutler
DATE: November 21, 2022
SUBJECT: Approval of a Purchase Order for Capital Chevrolet of Wake Forest to purchase 5 (five) Chevrolet Tahoe's in the amount of \$263,342.92.

SUMMARY:

Pender County Sheriff's Office is requesting the approval of a Purchase Order to Capital Chevrolet of Wake Forest to purchase 5 (five) Chevrolet Tahoe's in the amount of \$263,342.92. NC State Contract pricing. (070A)
These funds were budgeted for in FY 23.
Funds will come from account 510-407403.

ACTION REQUESTED:

Approval of a Purchase Order for Capital Chevrolet of Wake Forest to purchase 5 (five) Chevrolet Tahoe's in the amount of \$263,342.92.

Capital Chevrolet Inc.

Government Sales Division

From
Phone/Fax
E-Mail

Rod Mitchell Government Account Manager
Office 919-573-8530
rmitchell@capitalchevroletnc.com

November 9 2022

NC State Contract 070A

2023 Chevrolet Tahoe 4 Dr 1500 PPV 4WD 9C1 CK10706

	MSRP
AMF 4 additional remotes not programmed	\$ 75.00
5Y1 Seats, front cloth second row vinyl N/C	
6C7 Aux Red & White Dome Light driver & passenger	\$ 320.00
6J3 WIRING FOR GRILLE LAMPS & SPEAKERS	\$ 92.00
6J4 WIRING FOR HORN & SIREN CIRCUIT	\$ 55.00
7X3 LEFT HAND SPOT LIGHT	\$ 800.00
V76 Recovery Hooks	\$ 50.00
Batteries of NC upfitting	

Colors available: 3 Black

TOTAL PRICE

Grand Total for 3

Remit to:

rmitchell@capitalchevroletnc.com
Capital Chevrolet of Wake Forest
9820 Capital Blvd
Wake Forest, NC 27587

Capital Chevrolet Inc.

Government Sales Division

From
Phone/Fax
E-Mail

Rod Mitchell Government Account Manager
Office 919-573-8530
rmitchell@capitalchevroletnc.com

November 9 2022

NC State Contract 070A

2023 Chevrolet Tahoe 4 Dr 1500 PPV 4WD 9C1 CK10706

	MSRP
AMF 4 additional remotes not programmed	\$ 75.00
5Y1 Seats, front cloth second row vinyl N/C	
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6J4 WIRING FOR HORN & SIREN CIRCUIT	\$ 55.00
7X3 LEFT HAND SPOT LIGHT	\$ 800.00
V76 Recovery Hooks	\$ 50.00
Batteries of NC upfitting	

Colors available: 2 Black

TOTAL PRICE

Grand Total for 2

Remit to:

rmitchell@capitalchevroletnc.com
Capital Chevrolet of Wake Forest
9820 Capital Blvd
Wake Forest, NC 27587



Pender County Request for Board Action

TO: Board of County Commissioners
FROM: Jeremy Drummond
DATE: November 21, 2022
SUBJECT: Approval for gift/donation policy

SUMMARY:

To establish a Donation/Gift Program under which funds may be donated to Pender County for the purchase and installation of items or amenities that enhance County public spaces. These donations may be made in honor or memory of individuals, organizations, or events.

This policy is designed to illustrate how Pender County may accept gifts/donations and how such gifts/donations will be received, accepted, denied and dispersed.

ACTION REQUESTED:

Approval of Gift/Donation Policy



Pender County Government STANDARD PROCEDURE

SUBJECT: Gift-Donation Policy	Effective Date:
Prepared by: Jeremy Drummond – Facilities and Fleet Director	Revised:
Approved by: Pender County Board of Commissioners	Approval Date:
Chairman's Signature:	# of Pages: 4

PURPOSE:

To establish a Donation/Gift Program under which funds may be donated to Pender County for the purchase and installation of items or amenities that enhance County public spaces. These donations may be made in honor or memory of individuals, organizations, or events.

This policy is designed to illustrate how Pender County may accept gifts/donations and how such gifts/donations will be received, accepted, denied and dispersed. Furthermore, let it be known, donors shall have no expectation of reciprocity beyond the following:

- Private acknowledgement by the County to the donor and honoree or family of a person memorialized, if desired by donor.
- Notation of the gift on a County maintained Donation/Gift Program record, which record will not be publicized but which is a public record; and
- One-time placement of a small plaque on a feature purchased with the gift, if desired by donor. The County will establish the language for all plaques. Gifts under the Donations/Gift Program are not sponsorships or intended to be public art.

DEFINITIONS:

- **Director** – The Director of Facilities, or designee (hereinafter “Director”)
- **Donor** – An individual or entity, or a group of individuals or entities, who make a gift/donation.
- **Donation/Gift** – A gift of funds to Pender County designed to enhance public spaces and which may be made in honor or in memory of an individual(s), organization or event.
- **Plaque** - A small flat tablet of metal, plastic, stone, or other appropriate material which includes text which commemorate a person or an event.
- **Public Spaces** – Parks, greenways, open spaces, and other County owned properties.
- **Capital Improvement** - A substantial improvement, such as, the addition of a permanent structure, structural change, or the restoration of some aspect of a property that will either enhance the property's overall value, prolong its useful life or adapt it to new uses.

POLICY:

The County has an interest in ensuring the best appearance and aesthetic quality of public spaces, and in ensuring that amenities in public spaces are safe, useful, have maintenance requirements like those of other County improvements, and are otherwise consistent with other County improvements. All Donation/Gifts shall be used for amenities that reflect the character of the public space in which they are proposed to be located. All amenities purchased with Donation/Gift donations shall be installed by

the County or contractor(s) in such a manner that will not negatively change the character of a public space or limit the intended use of the public space.

Design specifications and amenity locations will be compatible with existing master plans, management, and operations plans for each public space. Final decision on an amenity placement location will be made by the Director.

Proposed amenity must:

- Meet a need of the public space in which they are proposed to be located.
- Not interfere with the intended current or future use of the public space; and
- Not require relocation of other items, amenities, equipment or infrastructure unless such relocation is desired by the County.

Other factors or features for considerations include:

- Amenities in public spaces must be compatible with Pender County's approved plans, i.e., Parks and Recreation Comprehensive Master Plan, County's Land Use Plan and/or County's Capital Improvement Plan. However, amenities are shown on a site-specific master plan, not a comprehensive master plan.
- No amenity may be placed in areas where human activity is discouraged to protect habitat or sensitive lands, or where such use of the land or space is otherwise restricted by law, policy, or procedure.
- No amenity shall detract from or overpower the scenic or architectural values of the existing environment.
- All amenities shall be constructed of materials consistent with design guidelines of the County and/or safety guidelines applicable to national standards.
- The age, general condition, and anticipated maintenance requirements of amenities shall be taken into consideration to ensure that no undue maintenance or other burden is placed on the County.
- The County shall not accept donations for proposed amenities that the County deems to be unsuitable for the proposed public space or that adversely impacts the mission, image, or values of Pender County.
- The County will manage the placement, spacing, location, and number of memorials.
- Memorials for loved ones will be placed and honored in a discreet manner and may be removed at the discretion of the County without cause.

The County will retain a record of each Memory Gift Donor; the amount and date of the donation; the feature purchased with the donation; the general location of features installed; and the installation date. A small plaque may be installed on or near the features in a size, manner, and location deemed suitable by the Director. The text of such a plaque will be provided by Pender County, consistent with the County's mission and statement of values, and all County laws, policies and procedures.

Donation/Gifts may or may not be considered a tax-deductible contribution for the donor. Individual donors should consult with their own tax preparer to make a determination of the individual tax benefits for such a gift.

All Gift/Donations and all amenities purchased with a Gift/Donation are the property of Pender County.

Although the County gives due consideration to the need, location, and appropriateness of all amenities, there is no promise or guarantee that the amenity will be maintained at the chosen location or on any public space. An amenity shall be removed at the end of its useful life, as determined by the County, and not replaced.

Pender County reserves the right to decline any donation if, upon review, acceptance of the donation is determined to be not in the best interest of the County.

COST:

The County has an interest to ensure that the donor covers the full cost of purchase, installation, and maintenance for its expected lifespan. The County also has an interest to ensure that maintenance cost does not negatively affect the resources available for maintenance of other County parks or facilities. The follow up of the application's approval will address the full cost of the amenity, its installation, and anticipated maintenance.

INSTALLATION TIMELINE:

The County will complete the installation of the amenity, including any requested plaques, and will be scheduled at a time and date determined by the Director to not conflict with the property's peak usage season or any routine maintenance activities.

FINANCE & ACCOUNTING:

A separate revenue and expenditure account line will be created solely for County parks and other properties' donations. All donations will be received into the revenue account line and all expenses for amenities/improvements will be recorded in the expenditure account line. Pender County will maintain accurate records of each donation and the amenity/improvement that is purchased.

NOTIFICATION:

It will be the responsibility of the donor to provide the County with a current address and email for the purposes of notification regarding their donation. The County will attempt to notify the donor of changes related to the amenity/improvement, such as a need to remove, relocate, or comply with conditions set forth in the physical park improvement policies and guidelines.

LANGUAGE:

The County and the community have an interest in the appearance of all amenities and recognition plaques shall use appropriate language and promote lawful activities, as determined by the County. Language on plaques will be limited by character and should be consistent with the following format:

- Donated By: _____
- In Memory Of: _____
- In Honor Of: _____

Pender County shall have final approval of all recognition messages.

OTHER CONSIDERATIONS, CONFLICTS OF INTEREST & PUBLIC APPEARANCE:

Pender County recognizes that approving an amenity donation with an external entity does not constitute an endorsement of the entity or its services and products. Such amenities/improvements may affect the reputation of Pender County among its citizens and its ability to govern effectively. Therefore, any application submitted in which the County believes its involvement compromises the public's perception of the County's neutrality or its ability to act in the public's interest will be denied. Other considerations can be, but are not limited to:

- Inconsistencies between Pender County's policies and the known policies or practices of the potential donor.
- Other factors that might undermine public confidence in the County's impartiality or interfere with the efficient delivery of County services or operations, including, but not limited to, current or potential conflicts of interest between the donor and Pender County employees, officials, or affiliates; and the potential for the donor to tarnish the County's standing among its citizens or otherwise impair the ability of Pender County to govern its citizens.
- Pender County reserves the right to remove the amenity/improvement, plaque, or signage for changes in the status of the donor that conflict with the provision of this section.

STANDARD PROCEDURES:

Pender County will manage all amenities located on County owned or leased property.

1. Initial Contact
 1. All inquiries should be directed to the Director.
 2. The interested individual or group will submit a completed donation application to the Director.
 - i) The Director will contact the individual(s) or group(s) requesting the amenity if additional information is needed.
2. The Director will review all submitted applications. They will then make a recommendation to the County Manager's office or Board of Commissioners to approve or deny the application based upon the standard procedures outlined in this policy.
3. Pender County will notify the applicant(s) of the approval or denial of the application. The County will also notify the applicant of the anticipated installation timeline as outlined in the standard procedures outlined in this policy.
4. Pender County will coordinate the purchase and installation of the amenity. Pender County will have the plaque or signage made so that they are in accordance with County branding standards.
5. Permanency
 - a. Permanency of the donation is not guaranteed. Permanency may also be affected by natural or man-made pressures beyond the control of Pender County.
 - i) Amenities that succumb to natural or man-made pressures within the first year, (1) year, will be replaced at the expense of the County, depending on budgetary constraints.
 - ii) Amenities that succumb to natural or man-made pressures after the first year, (1) year, will not be replaced at the expense of the County.



**Pender County
Pender County appointment to the Cape
Fear Council of Governments Board**

TO: Board of County Commssioners
FROM: George Brown
DATE: November 21, 2022
SUBJECT: Pender County appointment to the Cape Fear Council of Governments Board

SUMMARY:

Pender County appointment to the Cape Fear Council of Governments Board

ACTION REQUESTED:

Approval of new delegate



**Pender County
Topsail Island Shoreline Protection
Comission**

TO: Board of County Commissioner
FROM: Jimmy T Tate
DATE: November 21, 2022
SUBJECT: Appointment of BOCC Topsail Island Shoreline Protection Commission

SUMMARY:

Appointment of BOCC Topsail Island Shoreline Protection Commission



Pender County Request for Board Approval

TO: Board of County Commissioners

FROM: Carolyn Moser

DATE: November 21, 2022

SUBJECT: Approval of the Job Description for the Health and Human Services Director

SUMMARY:

The Board of Health (BOCC) is to review, discuss and approve the job description of the Health and Human Services Director annually.

ACTION REQUESTED:

To approve the Health and Human Services Director Job Description.

COUNTY OF PENDER

1. Present Classification Title of Position: Health and Human Services Director	7. N/A
2. Usual Working Title of Position: Health and Human Services Director	8. Dept. University, Commission, or Agency
3. Requested Classification of Position: Health and Human Services Director/Public Health Director	9. Institution & Division: Health and Human Services
4. Name of Immediate Supervisor: Board of Health/County Manager	10. Section and Unit: Health and Human Services
5. Supervisor's Position and Title: County Manager	11. Street Address, City and County: 803 S. Walker St., Burgaw, Pender
6. Name of Employee: Carolyn Moser, BSN, MPA	12. Location of Workplace, Bldg., and Room No. Health Department Building

I. A. Primary Purpose of Organizational Unit: To enhance the public health, safety, and well-being of Pender County residents by providing effective health and human services.

I.B. Primary Purpose of Position: In this dual position, the Health Director shall perform public health duties prescribed by and under the supervision of the local board of health. The Health and Human Services (HHS) Director oversees the management of the health department and Department of Social Services, assuring local, state, and federal guidelines are applied to all services provided within the departments. Maintain fiscal responsibility for department budgets. Provide leadership and guidance to administrative operations and assure productivity measures, quality assurance, and monitoring mechanisms are in place and utilized. Assure adequate resources are available and there is a competent workforce for departments. This position functions under the general supervision of the County Board of Commissioners/Board of Health and the County Manager.

I.C. Work Schedule Monday-Friday, 8:00 a.m.-5:00 p.m. This is an exempt position. There are after hours business meetings or work demands that require working beyond the usual business hours. The department is responsible for maintaining 24/7 emergency services coverage. The director is on call 24 hours a day, 7 days a week via phone.

I.D. Change in Responsibilities or Organizational Relationship:
To clarify roles and responsibilities for the dual position of HHS Director and Health Director.

II. Essential Functions of the Position:

- Provide leadership and direction for program development; establishing program standards and monitoring and evaluation quality of service delivery systems; supervise budget activities; maintain direct involvement in conflict/complaint resolution; staffing and personnel issues and serve as the principle spokesperson for the agency relative to program issues.
- Oversee financial activities of the department; prepare, justify, manage and present the annual budget; deliver mandated programs/services; assure efficient and effective operations; build cultural competency; and assure compliance with all applicable federal, state and local laws/policies and rules. The director manages risk mitigation and assures the highest level of professional standards and responds to the current and anticipated needs of the community.
- Represent the agency with governmental officials, other human services providers and a variety of advocacy groups to influence the decision-making process in order to insure adequate resources for program

maintenance and expansion and the delivery of comprehensive services.

- Personnel/team management to ensure a competent workforce: hire, develop, counsel and evaluate performance; provide feedback and disciplinary action as needed; develop and maintain a positive team work environment; provide effective and timely communication.

III. A. DESCRIPTION OF RESPONSIBILITIES AND DUTIES: Method Used:

Sequential order

The primary duties and responsibilities of the Health and Human Services (HHS) Director are as defined by the N.C. General Statute 153A-77. The HHS Director is appointed and dismissed by the County Manager with the advice and consent of the county commissioners. The HHS Director is the appointing authority for all departments within HHS. The director shall report directly to the county manager and have the following responsibilities:

- Appoint staff of the Consolidated HHS agency
- Administer state/Federal HHS programs
- Administer HHS programs of the local County Board of County Commissioners
- Act as secretary and staff to the advisory boards for health and social services
- Plan the budgets for the health department and DSS as part of the Consolidated HHS agency
- Advise the board of County Commissioners through the County Manager
- Act as an agent of and liaison to the State, to the extent required by law.

Except as otherwise provided by law, the HHS Director or the director's designees shall have the same powers and duties of a social services director and a local health director as defined by law, policy and administrative rules. This includes but is not limited to the following:

- To enter into contracts, in accordance with The Local Government Finance Act, N.C. G.S. Chapter 159. Nothing in this paragraph shall be construed to abrogate the authority of the board of County Commissioners;
- To appoint necessary social services and public health personnel in accordance with the merit system rules of the County Personnel Policies;
- To employ and dismiss employees of the HHS agency in accordance with Pender County Personnel Policies;
- To administer the programs of public assistance and social services established by this Chapter under pertinent rules and regulations;
- To administer funds provided by the Board of Commissioners for care of indigent persons in the County under pertinent rules and regulations;
- To act as agent of the Social Services Commission and Department of HHS in relation to work required by the Social Services Commission and Department of HHS in the County;
- To investigate cases for adoption and to supervise adoptive placements;
- To issue employment certificates to children under the regulations of the State Department of Labor;
- To supervise adult care homes under the rules and regulations of the Social Services Commission;
- To assist and cooperate with the Department of Correction and their representatives;
- To investigate reports of child abuse and neglect and to take appropriate action to protect such children pursuant to the Child Abuse Reporting Law, Article 3 of Chapter 7B of the N.C. General Statutes;
- To accept children for placement in foster homes and to supervise placements for as long as such children require foster home care;
- To respond by investigation to notification of a proposed adoptive placement pursuant to N.C. G.S. 48-3(b) and (c) and
- To receive and evaluate reports of abuse, neglect, or exploitation of disabled adults and to take appropriate action as required by the Protection of the Abused, Neglected, or Exploited Disabled Adults Act, Article 6 of this Chapter to protect these adults;

- To administer programs as directed by the County Manager, Health and DSS advisory boards with consent of the Board of County Commissioners;
- To enforce the rules of the County Board of Commissioners.

The health director's primary power and duties are as defined in the NC General Statutes 130A-41 prescribed by and under the supervision of the local board of health. These include:

- To administer programs as directed by the local board of health
- To enforce the rules of the local board of health
- To investigate the causes of infectious, communicable and other diseases;
- To exercise quarantine authority and isolation authority pursuant to N.C.G.S. 130 A-145;
- To disseminate public health information and to promote the benefits of good health;
- To advise local officials concerning public health matters;
- To enforce the immunization requirements of Part 2 of Article 6 of this Chapter;
- To examine and investigate cases of venereal disease pursuant to Parts 3 and 4 of Article 6 of this Chapter;
- To examine and investigate cases of tuberculosis pursuant to Part 5 of Article 6 of this Chapter;
- To abate public health nuisances and imminent hazards pursuant to N.C.G.S. 130A-19 and G.S. 130A-20;
- To administer the programs, manage budget and oversee personnel of the Pender County Animal Shelter;
- To administer the Vector and Mosquito Control program, manage budget and oversee personnel.

Delegation of Authority Statute N.C.G.S. 108A-14(b) provides for the Director's authority to delegate these duties to members of staff and to grant staff to act as the Director's representative.

III. B. SUMMARY OF JOB DESCRIPTION

This is directive/managerial work in serving in the dual capacity as the executive officer of the Pender County HHS agency and the local health Director. This position directs other managers/supervisors, professionals, paraprofessionals, and support staff in the delivery of agency services and provide leadership and direction for program development, establishing program standards and monitoring and evaluating quality of service delivery systems; supervise budget activities and may maintain direct involvement in conflict/complaint resolution; staffing and personnel issues and serve as the principle spokesperson for the agency relative to program issues. Work also involves representing the agency with government officials, other human services providers, and a variety of advocacy groups to influence the decision-making process in order to insure adequate resources for program maintenance and expansion and the delivery of comprehensive services. The HHS Director is appointed by and reports to the Pender County Board of Commissioners and the County Manager.

Breakdown of Duties:

1. Management Functions- General Administration: Provide leadership, guidance, and support to division/unit supervisors, in areas of budget, finance, programmatic performance, planning, implementing, managing, monitoring, and evaluating. Management functions of the health director include oversight of the Health Department, DSS, Animal Shelter and Vector Control. The Director oversees the administrative operations and the service delivery systems and assures that management mechanisms, e.g. productivity measures, quality assurance and other monitoring mechanisms are in place and used. The Director assures that adequate resources are available to enable the agency staff to carry out the agency's responsibilities. Through community involvement, the Director works to educate others about the community HHS needs.

2. **Workforce Management-** The most important resource is personnel to carry out the HHS missions. The Director guides the health department and DSS agencies through designated management staff, in selecting the best qualified staff available; in training staff to do their jobs; in establishing reasonable standards as to how well, how much and how timely that services need to be provided; in establishing performance appraisal and feedback systems to coach the employees towards delivering services in the manner and within the standards established; in projecting the amount of work and the number of staff needed to do the work; and in defining and communicating, justifying the need for additional resources, as needed. Also, the Director guides agency staff towards finding more efficient and effective work/services delivery methods, e.g., through employing new technology.
3. **Managing Change-** The agency is subjected to constant changes in public demand for services, eligibility and programmatic guidelines. These changes are considered major in that the consequences of not responding appropriately can result in non-compliance with law/policies and/or risk issues for clients. In response to these changes, the Director is responsible for constantly monitoring and analyzing the needs and financial requirements of each service area and assessing the impact of any change on the ability of the agency to carry out its mandated service responsibilities. Through designated managers, the Director must develop strategies to optimally utilize available resources (financial and personnel) to meet the changing needs. Strategies may include reallocation of staff or dollars to the area of greatest need.
4. **Planning and Fiscal Management-** The budget is developed as a strategic guide for the delivery of HHS services. There is a need for on-going realignment as a result of forecasted and actual changes in federal/state laws and programs as well as responding to actual and projected demographic, social and economic conditions. Service trends and the needs of health and DSS to carryout mandated responsibilities must be considered in the budget process.
5. **Budgeting and Financial Management-** The Director is responsible for the overall financial management of the agency's budget however the daily management function is conducted through Accounting Specialists for each agency. Supervisors and other staff identify trends and needs that are likely to impact the budget.
6. **Evaluation of Operation-** The Director shall schedule conferences with designated department staff to review and coordinate the operations of the agency. Program, performance and fiscal data will be reviewed with staff. All staff is encouraged to provide input into the basic operations of the agencies. The Director shall share information about the operations of the agencies with the BOH/BOCC and County Manager and to seek advice and support as appropriate.
7. **Evaluation by Others-** The agency is frequently monitored via annual external audits, State Quality Control, and Program Consultants as well as Federal Reviewers with results of these monitoring events shared with the Director and in turn with the County Manager. The HHS agency also has internal audit functions.
8. The health director oversees the department and programmatic activities to assure compliance and successful outcomes with the North Carolina Board of Accreditation every four years.
9. **Public Relations-** The Director is involved in community activities and continuously educate others about the HHS agency specific to responsibilities, accomplishments, and challenges.
10. **Personnel Administration-** The Director is responsible for assuring the compliance with federal, state, and local laws, ordinances, regulations, policies and guidelines for personnel management, recruitment, and selection. Merit principles are utilized to assure fair employment practices and procedures. The County HR Director works closely with the Director to assure such rules are observed.
11. **Unusual Aspects to Consider-** The HHS Director is responsible for delivering a greater scope and diversity of services, serving more people, using more tax dollars, with more monitoring and with greater expectations (due to legal mandates) for timeliness and quality of service delivery than

any other public or private human service agency. The Director does not have the option of not responding to demand for mandated core services.

IV. A. KNOWLEDGES, SKILLS, & ABILITIES: Knowledge of the legal and philosophical basis for health, social work and public welfare programs. Considerable knowledge of principles and practices of HHS. Thorough knowledge of budget/finance, management principles, techniques, and practices. Knowledge of the agency's organization, operation and objectives and applicable federal and state laws, rules, and regulations. Ability to exercise sound judgment in analyzing situations and making decisions; direct employees and relationships with the general public and with federal, state, and local officials.

IV.B. 1. Required Minimum Training: A minimum of master's degree in public health, social work, or other applicable management programs and four years of supervisory experience in management of health and/or human services programs.

2. Additional Training/Experience: None

3. Equivalent Training and Experience: None

4. License or Certification Required by Statute or Regulation

V. Signatures indicate agreement with all information provided, including designation of essential functions.

Board of Health Certification: I certify that this is an authorized, official position description of the subject Position.

Signature: _____ Title: _____ Date: _____

Supervisor's Certification: I certify that (a) I am the immediate Supervisor of this position, that (b) I have provided a complete and accurate description of responsibilities and duties and (c) I have verified (and reconciled as needed) its accuracy and completeness with the employee.

Signature: _____ Title: _____ Date: _____

Employee's Certification: I certify that I have reviewed this position description, completed by the above named immediate supervisor, is complete and accurate.

Signature: _____ Title: _____ Date: _____

Personnel Director's Certification: I certify that this is an authorized, official position description of the subject position.

Signature: _____ Title: _____ Date: _____



Pender County Board of Health Presentation

TO: Board of County Commissioners
FROM: Carolyn Moser
DATE: November 21, 2022
SUBJECT: Health Department Financial Update

SUMMARY:
Health Department Financial Update

**PENDER COUNTY HEALTH DEPARTMENT
FY 2022-2023 BUDGET**

ACCT NO.	DESCRIPTION	DHHS/DEHR	APPRO	XIX	FEES	GRANTS/OTHER	TOTAL
900	GENERAL HEALTH	77,111	458,850	0	0	0	535,961
900050	ENVIRONMENTAL HLTH	17,924	412,313	0	362,000	0	792,237
900051	FAMILY PLANNING	93,138	145,365	105,610	60,000	0	404,113
900052	COMMUNICABLE DISEASE	39,836	156,054	11,000	20,000	0	226,890
900053	CHILD HEALTH	38,935	254,824	187,364	40,000	0	521,123
900055	CC4C	3,225	51,329	40,000	0	0	94,554
900056	ANIMAL SHELTER	0	548,823	0	84,000	0	632,823
900057	IMMUNIZATION	12,750	69,093	45,248	140,000	0	267,091
900058	WIC	297,013	95,481	0	0	0	392,494
900059	PMHP	0	7,337	100,000	0	0	107,337
900060	MOBILE DENTAL HEALTH	0	258,012	75,000	47,693	0	380,705
900061	MATERNITY	21,878	185,658	65,000	20,760	0	293,296
900062	HEALTH PROMOTION	34,354	85,197	500	500	0	120,551
900064	BCCCP	11,675	250	0	0	0	11,925
900065	DENTAL HEALTH	0	257,386	107,712	201,745	20,000	586,843
900066	SCHOOL NURSE	150,000	0	0	0	0	150,000
900072	BIOTERRORISM	36,466	32,537	0	0	0	69,003
900074	COVID-19	672,483	0	51,064	51,163	0	774,710
900076	ADULT HEALTH	0	10,259	279,141	85,000	0	374,400
900077	LABORATORY	0	226,516	0	0	0	226,516
900079	MOSQUITO & VECTOR CONTROL	4,000	286,572	0	5,000	27,916	323,488
Current	TOTAL for 22-23→	1,510,788	3,541,856	1,067,639	1,117,861	47,916	7,286,060

Revised	FY 21-22 Budget →	1,864,249	3,576,148	1,060,177	1,009,616	27,916	7,538,106
	FY 21-22 Expended Budget→	1,174,158	2,476,373	938,357	1,324,930	27,916	5,941,734

Funds Rolled over to FY 22/23 **512,534**

1,099,775

← **Unused County Funds**



Pender County Request for Board Approval

TO: Board of County Commissioners
FROM: Carolyn Moser
DATE: November 21, 2022
SUBJECT: Approval to Write-Off Bad Debt for the Health Department for Calendar Year 2020: \$12,151.80

SUMMARY:

According to Health Department policy, billing staff must review all patient accounts annually. If a patient has not visited the clinic in the past twelve months and has an outstanding balance, it shall be considered as a bad debt and uncollectable. We request that the Board of Commissioners approve the 2020 bad debt write off.

NOTE: Any new activity by the patient will reactivate the file and additional attempts will be made to collect the debt.

2020 Clinic Bad Debt Write-Off: \$7,570.09 (Not Collected.....less than .006%)
Revenues Collected \$1,139,427.64

2020 Dental Bad Debt Write-Off: \$2,700.21 (Not Collected.....less than .02%)
Revenues Collected \$126,406.40

2020 Mobile Dental Bad Debt Write-Off: \$1,881.50 (Not Collected.....less than .02%)
Revenues Collected \$78,422.37

ACTION REQUESTED:

The Health Department requests that the Board of Commissioners approve the Health Department Bad Debt Write-Off for calendar year 2020 in the amount of \$12,151.80



Pender County Public Hearing and Resolution to Name and Address Serenity Lane

TO: Board of County Commissioners
FROM: Michael Dickson (Presenter)
DATE: November 21, 2022
SUBJECT: Adopting a Resolution to approve the proposed road name and range

SUMMARY:

The Pender County Road Naming Ordinance provides that when a public or private road provides access to more than 3 residences a road name shall be assigned.

Therefore, to avoid conflicts and delays with emergency and public safety responses, and to provide for conformance with the County's addressing and road naming ordinances, the request is made to assign a road name and to reassign addresses for the three structures.

An unnamed easement off NC Hwy 210 in Rocky Point has exceeded the number of addressable structures required to force the road to be named. A petition was circulated amongst the property owners affected by this, and three of the seven property owners responded in agreement on the name.

The public hearing notice has run in the Pender-Topsail Post and Voice and has been placed in the county courthouse and in the appropriate post office. Public hearing signs have been posted at the entrance of the affected roadways.

ACTION REQUESTED:

To hold a public hearing and to consider a resolution naming the private street Serenity Lane.



REQUEST FOR BOARD ACTION

ITEM NO. _____

DATE OF MEETING: November 21, 2022

REQUESTED BY: Mike Dickson, Addressing Coordinator and Josh Norwood, GIS Manager

SHORT TITLE: Public Hearing and Resolution to Name and Address Road

BACKGROUND: The Pender County Road Naming Ordinance provides that when a public or private road provides access to more than 3 residences a road name shall be assigned.

Therefore, to avoid conflicts and delays with emergency and public safety responses, and to provide for conformance with the County's addressing and road naming ordinances, the request is made to assign a road name and to reassign addresses for the three structures.

An unnamed easement off NC Hwy 210 in Rocky Point has exceeded the number of addressable structures required to force the road to be named. A petition was circulated amongst the property owners affected by this, and three of the seven property owners responded in agreement on the name.

The public hearing notice has run in the Pender-Topsail Post and Voice and has been placed in the county courthouse and in the appropriate post office. Public hearing signs have been posted at the entrance of the affected roadways.

SPECIFIC ACTION REQUESTED: To hold a public hearing and to consider a resolution naming the private street Serenity Lane.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

Initial

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED by the Pender County Board of Commissioners that:

after conducting a properly posted and advertised public hearing pursuant to G.S. 153A-239.1 and the Pender County Road Naming Ordinance, the Pender County Board of Commissioners hereby adopts the new road name Serenity Lane. The County Manager/Chairman is authorized to execute any and all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

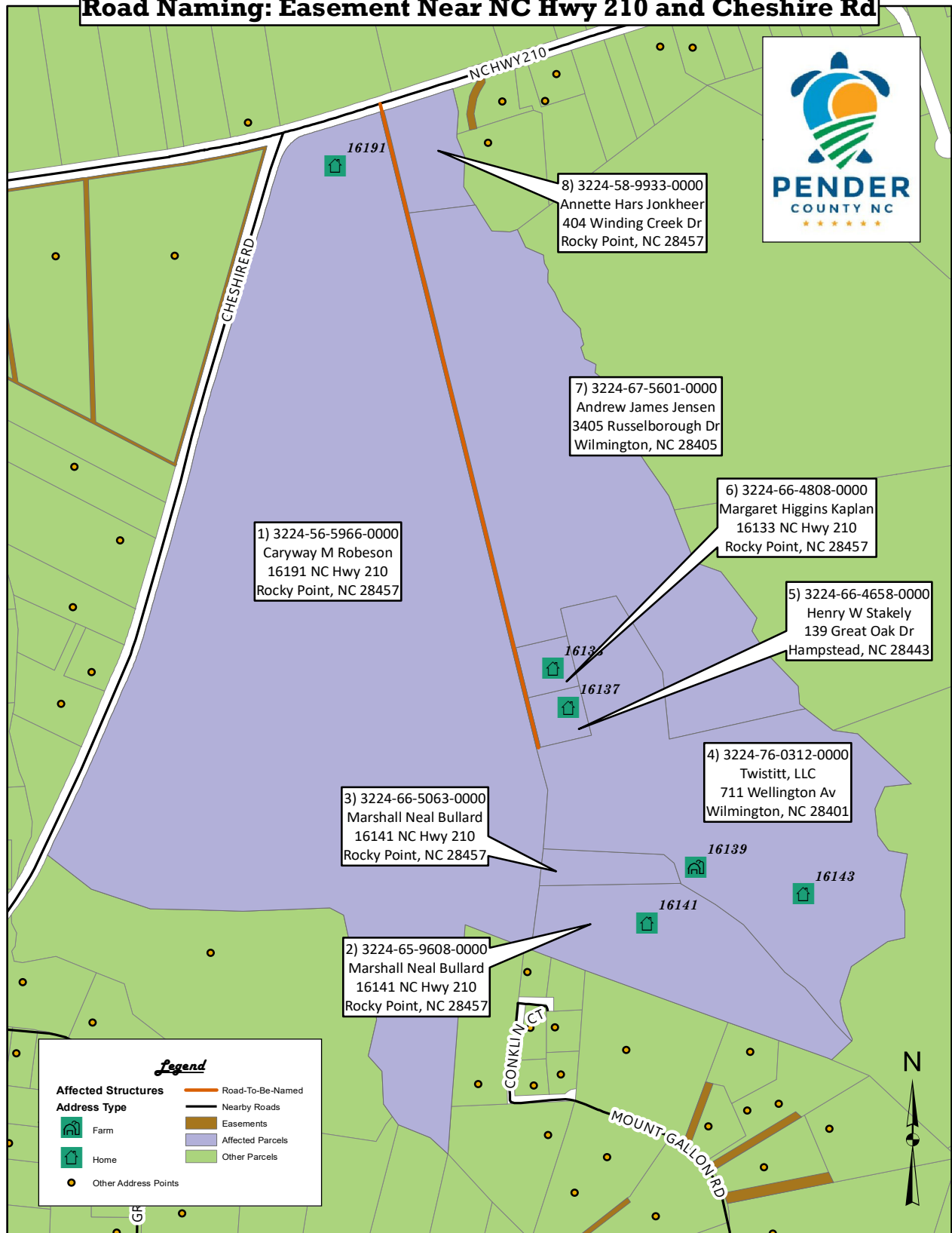
APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: McCoy___ Brown ___ Newton ___ Piepmeyer___ Tate ___

Fred McCoy, Chairman Date

NOTICE OF PUBLIC HEARINGS			
THE PENDER COUNTY BOARD OF COMMISSIONERS WILL HOLD A PUBLIC HEARING AS FOLLOWS:			
DATE OF HEARINGS:		November 21, 2022	
TIME OF HEARINGS:		7:00 PM	
LOCATION OF HEARINGS:			
THE PUBLIC HEARING NOTED WILL BE HELD IN THE PUBLIC MEETING ROOM AT THE ADMINISTRATIVE OFFICE BUILDING ROOM 145, 805 SOUTH WALKER STREET, BURGAW, N.C. 28425			
ROAD NAME	SUBDIVISION	NUMBER RANGE	COMMUNITY
SERENITY LANE	N/A	1-510	ROCKY POINT
For Additional Information, Contact: Pender County Information Technology Dept. 805 S Walker St Burgaw NC 28425 Phone 910 259 1442			

Road Naming: Easement Near NC Hwy 210 and Cheshire Rd



1 inch = 500 feet

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Pender County GIS
Map by Mike Dickson 8/24/2022
NAD State Plane FIPS 3200 Feet



**Pender County
REZONE 2022-34: Zoning Map
Amendment of One Tract in the Rocky
Point Township from GB, General
Business to RP, Residential
Performance**

TO:	Board of Commissioners
FROM:	Daniel Adams
DATE:	November 21, 2022
SUBJECT:	REZONE 2022-34: Zoning Map Amendment of One Tract in the Rocky Point Township from GB, General Business to RP, Residential Performance

SUMMARY:

Nancy Romero, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.33 acres of land from the GB, General Business zoning district, to the RP, Residential Performance zoning district. The subject property is located at the intersection of Railroad Street and Casha Road, approximately one tenth of a mile south of NC Highway 210, in the Rocky Point Township and may be further identified by Pender County PIN 3235-50-3750-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Map Amendment request

ATTACHMENTS:

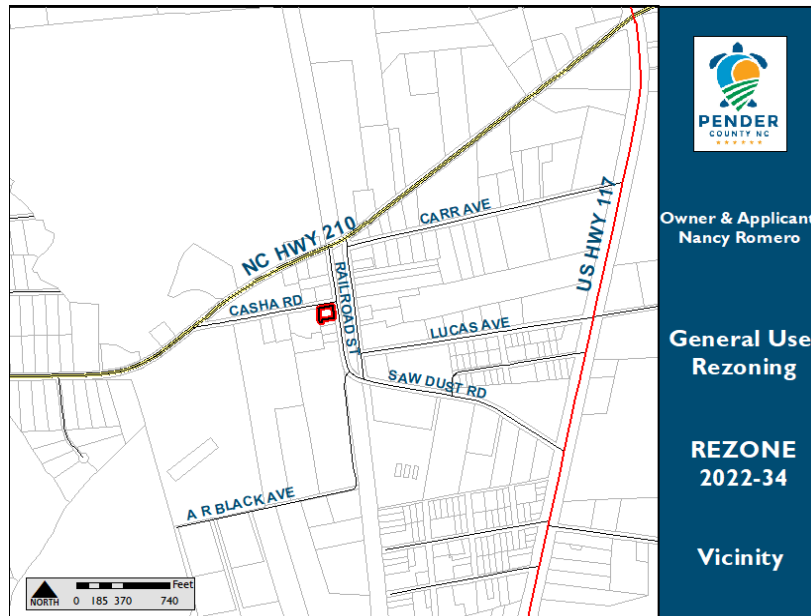
1. Staff Report
2. Application
3. Narrative
4. Site Map
5. UDO - Table of Permitted Uses
6. Board Action Form

**STAFF REPORT FOR REZONE 2022-34
ZONING MAP AMENDMENT APPLICATION**

Prepared by Daniel Adams, Interim Planning Director – Permitting and Inspections

APPLICATION SUMMARY	
Case Number	REZONE 2022-34
Hearing Dates	October 4, 2022 Planning Board November 21, 2022 Board of Commissioners
Applicant	Nancy Romero
Property Owner(s)	Nancy Romero
Parcel Identification Number	3235-50-3750-0000
Acreage	0.33
Township	Rocky Point
Pender 2.0 Future Land Use Category	Medium-Density Residential
Current Zoning District	GB, General Business
Proposed Zoning District	RP, Residential Performance

REZONING PROPOSAL
Nancy Romero, owner and applicant, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.33 acres of land from the GB, General Business zoning district to the RP, Residential Performance zoning district.
LOCATION
The subject property is located at the intersection of Railroad Street and Casha Road, approximately one tenth of a mile south of NC Highway 210, in the Rocky Point Township and may be further identified by Pender County PIN 3235-50-3750-0000.



REZONING PROPOSAL

The applicant is proposing to rezone approximately 0.33 acres from the GB, General Business zoning district to the RP, Residential Performance zoning district. The Residential Performance zoning district is intended to allow a variety of residential uses and densities and also limited commercial activities as well as agritourism.

Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the Residential Performance zoning district. However, any future development of the site must comply with the standards of the Residential Performance zoning district and will be subject to review and approval as facilitated by the Pender County Planning and Community Development Department.



Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the Residential Performance zoning district apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject property.

The subject property currently has a structure on it that does not appear to meet the dimensional requirements of the General Business or Residential Performance Zoning districts. Therefore, the structure is considered an existing non-conformity and the request to rezone the parcel to Residential Performance would not increase the degree of non-conformity.

Minimum Setback (Residential Performance)	
Front	30'
Side	10'
Rear	25'
Corner	15'
Max. Height	35'
Structure Separation	30'

The minimum lot size in the Residential Performance zoning district is 15,000 square feet, and the subject property is compliant with this standard, as determined by a survey of the parcel submitted by the applicant.

Allowable Uses

Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the Residential Performance zoning district. The

REZONE 2022-34 Staff Report BOCC 11.21.2022

Page 4 of 27

table below provides a general list of typical developments permitted in the Residential Performance zoning district. A comprehensive list of all uses from Section 5.2.3 of the Pender County Unified Development Ordinance (UDO) is included in Attachment 1.

	RP, Residential Performance
Residential Uses	Single Family Detached Dwelling, Duplex, Accessory Dwelling Unit, Manufactured Home
Commercial Uses	≈ 6 uses by-right (Family Child Care Home, Public Park, Temporary Fruit & Vegetable Stand, etc.) ≈ 33 uses w/ SUP (Artisan Manufacturing, Water Supply Facilities, Food and Beverage Stores, Educational Services etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The property is accessible via Railroad Street (SR 1422) and Casha Road (SR 1429).

Traffic

A Traffic Impact Analysis (TIA) is not required for a general use rezoning since a site-specific development plan is not required to be included in the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Average Annual Daily Traffic (AADT) – 2016, 2019; WMPO Roadway Capacities – 2021

Road	Location	Volume	Capacity	V/C
Casha Road	100 Block of Casha Road	310 (2016)	4,000	.078
Railroad Street	100 Block of Railroad Street	400 (2019)	4,000	.1

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) and according to available GIS data, PCU has water lines available along both Casha Road and Railroad Street. Based on available data and information from private sewer providers, sewer is not currently available in this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas ¹ .
Wetlands	It does not appear that the property contains wetlands ^{2,3} . The location of any wetlands will be verified when a site-specific development plan is submitted for review. Any disturbance within these wetlands is subject to review and approval by the U.S. Army Corps of Engineers.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

¹ According to the effective and preliminary Flood Insurance Rate Maps available via NC Flood Risk Information System (NC FRIS)

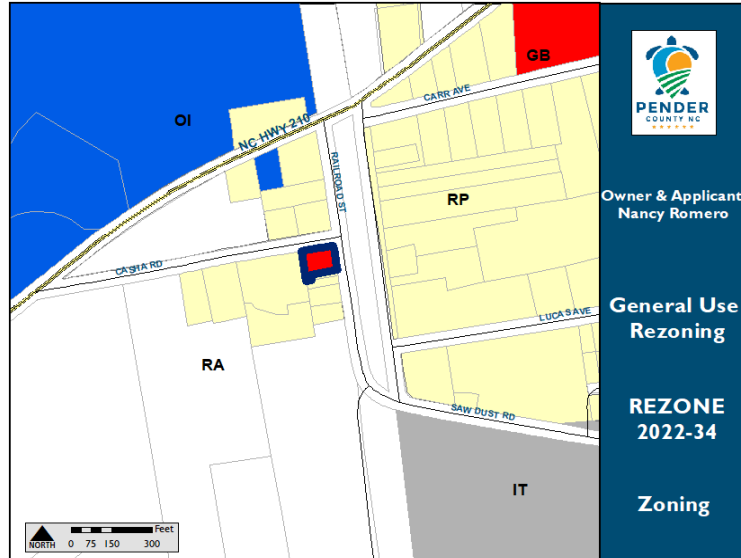
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

⁴ According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

Below: Zoning Map of the Area



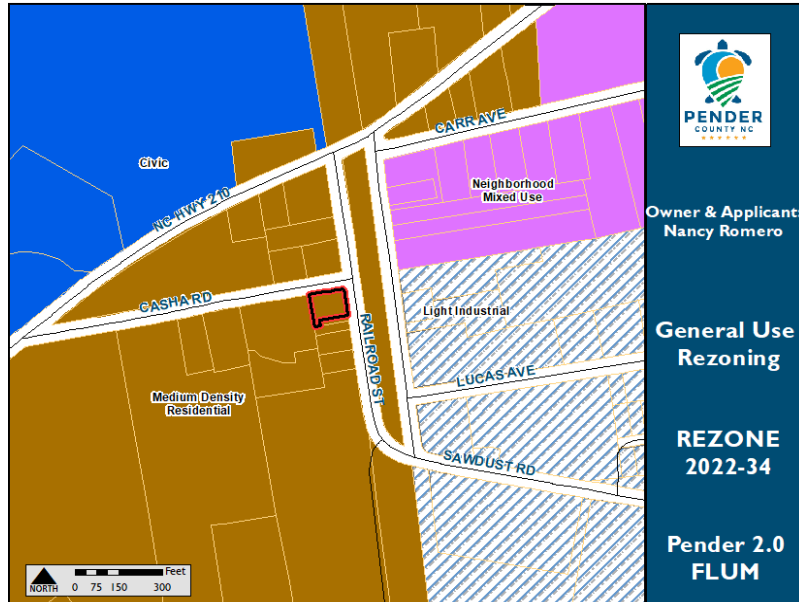
CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	ZONING
North	Residential	RP, Residential Performance OI, Office and Institutional
East	Residential	RP, Residential Performance
South	Vacant	RP, Residential Performance
West	Residential	RP, Residential Performance RA, Rural Agricultural

Surrounding Zoning

The subject property is currently within the GB, General Business zoning district. Properties in the immediate vicinity of the subject property are currently zoned RP, Residential Performance, RA, Rural Agricultural, and OI, Office and Institutional as indicated by the table above. A former rail line, owned by NCDOT, is located across Railroad Street from the subject property.

Pender 2.0 Comprehensive Land Use Plan Compliance: The subject property is located within the Medium Density Residential future land use classification as shown in the Future Land Use Map within the Pender 2.0 Comprehensive Land Use Plan. This future land use category is

established in areas that are typically in close proximity to supporting services and a mixture of development types and are generally found in the southern portion of the County. Appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional facilities such as religious and civic



organizations. Commercial and industrial uses that are not located within a planned community are inappropriate in these areas, as are large institutions and other significant traffic generators. Townhomes may be suitable when proposed as part of a master planned community whereby the dimensional requirements and uses forming the outer boundary of the community are compatible with the adjacent properties or permissible uses. Development density within this category is three to six dwelling units per acre or less.

The Medium Density Residential Future Land Use classification is designed for areas that are vital to supporting Pender County's growing population by strategically locating more dense residential development in areas that will not create conflicts with existing neighborhoods. The subject parcel is surrounded by parcels that are currently used for residential purposes, predominantly detached single family dwellings, within the Residential Performance zoning district. The parcel's current zoning of General Business is inconsistent with the future land use classification.

The proposal is supported by the following two policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.V: Residential Development: The County supports a range of housing types and development at appropriate densities and locations that are compatible with their surroundings and are in accordance with the future land use map.

Policy 5.1.W: Single-family Residential Development: The County shall maintain areas exclusively for conventional single-family development. Conversion of single-family homes to two-family and/or multi-family residential uses within established single-family neighborhoods shall be discouraged.

Unified Development Ordinance Compliance: Section 3.3.5 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. These standards include evaluating proposals against whether adequate public facilities/services (i.e. water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.5 Approval Criteria for Rezoning

The reviewing bodies (Planning Board and Board of Commissioners) shall consider the following matters in deciding a rezoning proposal, in addition to any other considerations as detailed in the specific rezoning application type:

- A. Whether the entire range of uses permitted by the proposed change would be appropriate to the area concerned, including that the proposed rezoning not:
 - 1. be detrimental to the natural environment,
 - 2. adversely affect the health, safety, or welfare of residents or workers in the area,
 - 3. be detrimental to the use or development of adjacent property,
 - 4. materially or adversely affect the character of the general neighborhood, and
 - 5. be reasonable as it relates to the public interest.
- B. Whether adequate public facilities/services (i.e.- water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan, CAMA Land Use Plan, and any other adopted land use document.

RECOMMENDATION

Planning Staff is submitting the proposal for Board of Commissioners disposition. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and is supported by two policies within the Pender 2.0 Comprehensive Land Use Plan that encourage the preservation and development of single-family residential structures.

The proposed RP, Residential Performance zoning district rezoning request is consistent with the Pender 2.0 Comprehensive Land Use Plan and the allowable uses within the requested zoning district are compatible with the surrounding area. Therefore, Planning staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

At their October 4, 2022, meeting, the Pender County Planning Board voted unanimously (6-0) to recommend approval of the Zoning Map Amendment, finding the proposal to be consistent with surrounding zoning and land uses.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with the following policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.V**
- **Policy 5.1.W**

The proposed rezoning is consistent with the Medium Density Residential Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because it has the ability to provide supporting services in an area near existing residences in an area experiencing growth.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]...

PLANNING BOARD ACTION FOR GENERAL USE REZONING						
MOTION			SECONDED			
Pitts			Buchanan			
APPROVED			DENIED		UNANIMOUS	
Yes					Yes	
Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Absent	Yes	Yes	Yes	Yes

**Pender County
Planning and Community Development**

805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

Zoning Map Amendment Submission (Rezoning)

Applications will be considered for review by Staff only when deemed complete. The application will be regarded as incomplete until the following items are received by the Planning and Community Development Staff.

1. ☒ **Pre-submittal Meeting**
Date of Meeting 8/3/22
2. ☒ **Signed Application**
3. ☒ **Payment**
\$500 for the first 5 acres; \$10/ acre thereafter up to 1,000 acres; \$5 per acre thereafter
4. ☒ **Requested Revision Boundary Map**
Rezoning must correspond with the boundary lines of existing platted lots or tracts. Where the boundaries of a rezoning request do not follow a boundary line or a split zoned property line, it must be possible to subdivide and develop that portion of the property outside the proposed rezoning boundary in accordance with the existing zoning and other requirements of this Ordinance. An illustration containing a metes and bounds description is required.
4. ☒ **Narrative**
A description and/or statement of the present and proposed land use classification and stating why the request is being made and any information that is pertinent to the case.
5. ☒ **Digital Submission**
For all documents submitted in paper copy, bring a digital copy with paper submission.
6. ☒ **Adjacent Property List**
A list of names and addresses, of the owners of all properties located within 500-feet of the perimeter of the project bounds as obtained from the county tax listings and tax abstract, of the property under consideration for project parcel.
7. ☒ **Adjacent Property Envelopes**
The applicant shall provide a set of business envelopes addressed to each person of the owners of all the properties located within 500-feet of the perimeter of the project bounds, accompanied with the amount of postage required for first class postage.

I certify that all information presented in this application is accurate to the best of my knowledge.

Signature of Applicant

Nancy K Romero M

Date

8/4/22

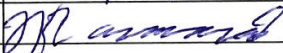
Printed Name

Nancy K Romero M

Staff Initials: _____

Date: _____

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA	Date	8/4/22
Application Fee	\$ 500.00	Invoice	
Pre-Application Conference	8/3/22	Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Nancy Romero	Owner's Name:	Nancy Romero
Applicant's Address:	94 Railroad St.	Owner's Address:	94 Railroad St.
City, State, & Zip	Rocky Point, NC 28457	City, State, & Zip	Rocky Point, NC 28457
Phone Number:	910-297-0353	Phone Number:	910-297-0353
Email Address:	c.nancy81@gmail.com	Email Address:	c.nancy81@gmail.com
Legal relationship of applicant to landowner: Self			
SECTION 2: PROJECT INFORMATION 3235-50-3577-0000			
Property Identification Number (PIN):	3235-50-3750-0000 3235-50-3681-0000 3235-50-3684-0000	Total property acreage:	0.68
Current Zoning District:	Commercial 3235-50-3750 Residential, All others	Proposed Zoning District:	Residential (A11)
Project Address:	94 Railroad St. Rocky Point, NC 28457		
Description of Project Location:	Building with land		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	8/4/22
Applicant's Name Printed	Nancy K Romero M	Date:	8/4/22
Owner's Signature		Date:	8/4/22
Owner's Name Printed	Nancy K Romero M	Date:	8/4/22
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

Rezoning/Zoning Map Amendment Checklist

☒	Signed application form
☒	Application fee
☒	A list of names and addresses, as obtained from the county tax listings and tax abstract, all adjacent property owners, including property owners directly across any road or road easement, and owners of the property under consideration for rezoning.
☒	Two (2) business size envelopes legibly addressed with first class postage for each of the adjacent and abutting property owners on the above list.
☒	Accurate legal description or a map drawn to scale showing the property boundaries to be rezoned, in sufficient detail to for the rezoning to be located on the Official Zoning Map.
☒	18 (11"x17") map copies to be distributed to the Planning Board
☒	20 (11"x17") map copies to be distributed to the Board of Commissioners
☐	Digital (.pdf) submission of all application materials
☒	A description and/or statement of the present and proposed zoning regulation or district boundary and stating why the request is being made and any information that is pertinent to the case. If the owner and applicant are different, the letter must be signed by both parties.
Office Use Only	
☐	ZMA Fees: (\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter) Total Fee Calculation: \$
Attachments Included with Application: (Please include # of copies)	
CD /other digital version	☐ Y ☐ N
Plan Sets	# of large
	# of 11X17
Other documents/Reports	☐ Y ☐ N
Payment Method:	Cash : ☐ \$ _____
	Credit Card: ☐ Master Card ☐ Visa
	Check: ☐ Check # _____
Application received by:	Date:
Application completeness approved by:	Date:
Dates scheduled for public hearing: ☐ Planning Board: ☐ Board of Commissioners:	

RETURN COMPLETED APPLICATION TO:
 Pender County Planning & Community Development
 805 South Walker Street
 P.O. Box 1519
 Burgaw, NC 28425

Nancy Romero 94 Railroad St. Rocky Point, NC

Description of Request

It has come to our attention that PIN 3235-50-3750-0000, is zoned as General Business. The other portions of our property PIN's 3235-50-3681-0000, 3235-50-33674-0000, 3235-50-3577-0000 are zoned as residential. We are in the process of having an attorney combine all the plots as one.

We are unable to find when and why only one portion of the property was zoned as General Business. We request that it be rezoned to residential, so all the plots are listed the same. As you can see somewhere along the line, the property was subdivided in four sections, two larger and two smaller. All plots put together are only 0.68 acres.

All areas around the plots are residential as well. We hope that you will approve our request. We appreciate your time and consideration to correct this issue.

Sincerely,

Nancy Romero

TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	

Natural Gas Distribution Except Transmission Lines	221210										P	
Water Supply Facilities*	221310		S			PM					P	
Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S					P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D		
*County Owned or County Service District Provided Systems=P												
Zoning Districts												
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC	
Sector 23: CONSTRUCTION												
Construction of Buildings	236						D		P	P		
Heavy and Civil Engineering Construction	237						D		P	P		
Specialty Trade Contractors	238						D		P	P		
Sectors 31-33 MANUFACTURING												
Artisan Manufacturing		S	S			P	P		P			
Food Manufacturing	311									P		
Beverage and Tobacco Product Manufacturing	312									P		
Textile Mills	313									P		
Textile Product Mills	314									P		
Apparel Manufacturing	315									P		
Wood Product Manufacturing	321								P	P		
Truss Manufacturing	321214						S		P	P		
Prefabricated Wood Building Manufacturing	321992						S		P	P		
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P		
Paper Manufacturing	322									S		
Converted Paper Product Manufacturing	3222									P		
Printing and Related Support Activities	323								P	P		
Petroleum and Coal Products Manufacturing	324									S		
Synthetic Dye and Pigment Manufacturing	32513									P		
Other Basic Organic Chemical Manufacturing	32519									P		
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P		

Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	
Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle and Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics and Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											

Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				
Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		

All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	

Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		

Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	



REQUEST FOR BOARD ACTION

ITEM NO. REZONE 2022-34

DATE OF MEETING: November 21, 2022

REQUESTED BY: Justin Brantley, Interim Director – Land Use, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Zoning Map Amendment from the GB, General Business zoning district to the RP, Residential Performance zoning district.

BACKGROUND: Nancy Romero, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 0.33 acres of land from the GB, General Business zoning district, to the RP, Residential Performance zoning district. The subject property is located at the intersection of Railroad Street and Casha Road, approximately one tenth of a mile south of NC Highway 210, in the Rocky Point Township and may be further identified by Pender County PIN 3235-50-3750-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Zoning Map Amendment from the GB, General Business zoning district to the RP, Residential Performance zoning district.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

On November 21, 2022, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Tate ____ McCoy ____ Brown ____ Newton ____ Piepmeyer ____

Fred McKoy, Chairman Date

ATTEST
Clerk to Board, Tera Cline Date

County Seal:



Pender County
REZONE 2022-35: Zoning Map
Amendment of One Tract in the Topsail
Township from RP, Residential
Performance to GB, General Business

TO:	Board of Commissioners
FROM:	Greg Feldman
DATE:	November 21, 2022
SUBJECT:	REZONE 2022-35: Zoning Map Amendment of One Tract in the Topsail Township from RP, Residential Performance to GB, General Business

SUMMARY:

Peter S. Vinal of TP Factory, LLC, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 2.85 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject property is located on Factory Road approximately one tenth of a mile east of the intersection of Factory Road and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-97-9136-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Text Amendment request.

ATTACHMENTS:

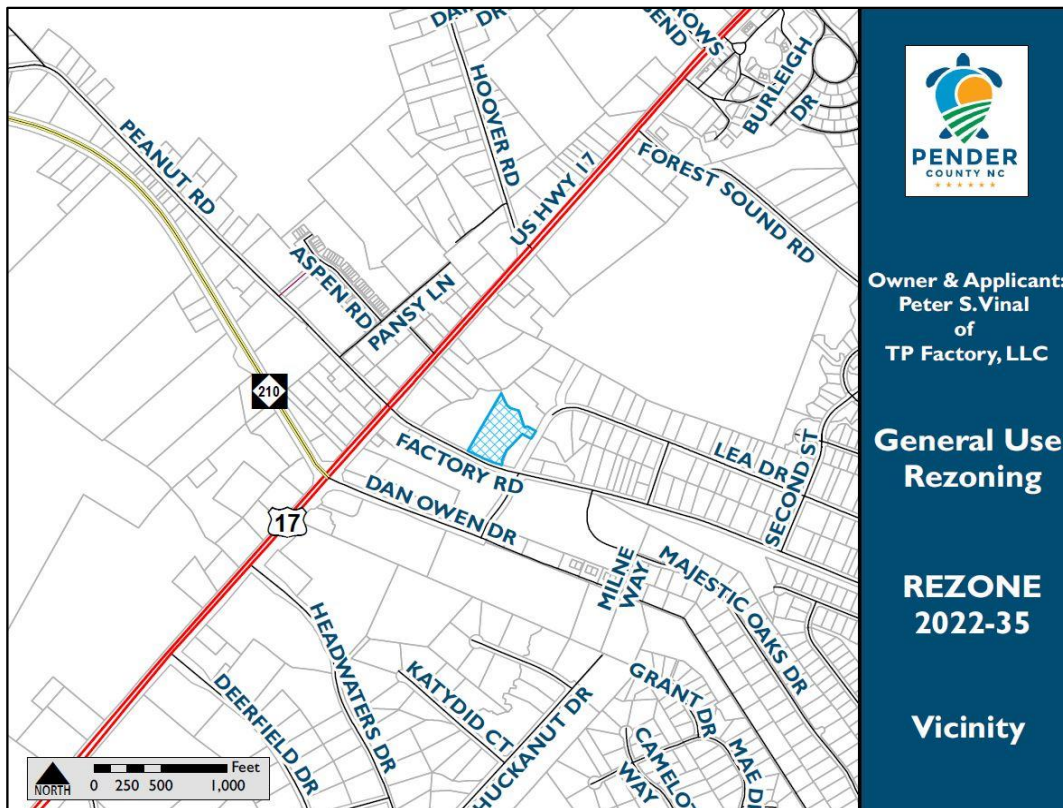
1. Staff Report
2. Application
3. Narrative
4. Site Map
5. UDO - Table of Permitted Uses
6. Board Action Form

**STAFF REPORT FOR REZONE 2022-35
ZONING MAP AMENDMENT APPLICATION**

Prepared by Greg Feldman, Current Planner

APPLICATION SUMMARY	
Case Number	REZONE 2022-35
Hearing Dates	October 4, 2022 Planning Board November 21, 2022 Board of Commissioners
Applicant	Peter S. Vinal
Property Owner(s)	Peter S. Vinal, TP Factory, LLC
Parcel Identification Number(s)	3282-97-9136-0000
Acreage	2.85
Township	Topsail
Pender 2.0 Future Land Use Category	Regional Mixed-Use
Current Zoning District	RP, Residential Performance
Requested Zoning District	GB, General Business

REZONING PROPOSAL
Peter S. Vinal, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 2.85 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district.
LOCATION
The subject property is located east of US Highway 17, approximately one tenth of a mile east of the intersection of Factory Road and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-97-9136-0000.



REZONING PROPOSAL

The applicant is proposing to rezone approximately 2.85 acres from the RP, Residential Performance zoning district to the GB, General Business zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. However, any future development of the site must comply with the standards of the GB, General Business zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

The GB, General Business zoning district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.



Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the GB, General Business zoning district apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject properties.

Dimensional Requirements (General Business)	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max Height	40'
Structure Separation	20'
Lot Width	80'

The minimum lot size in this district is 15,000 square feet, and the subject property is compliant with this standard.

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Allowable Uses

Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. The table below provides a general list of typical developments permitted in the GB, General Business zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment I.

	GB, General Business
Residential Uses	Upper story Residential
Commercial Uses	≈ 83 uses by-right (Retail Trade, Real Estate and Rental and Leasing, Professional Scientific and Technical Services, Educational Services, ≈ 18 uses w/ SUP (Utilities, Manufacturing, Arts, Entertainment, and Recreation etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject property has direct access to Factory Road (SR 1570). Redevelopment of the subject properties would require driveway approval from the North Carolina Department of Transportation (NCDOT).

Traffic

Traffic Impact Analyses (TIA) are not required for general use rezoning since a site-specific development plan is not required to be included in the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Average Annual Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020

Road	Location	Volume	Planning Capacity	V/C
Factory Road	Entirety	2,400	10,979	0.22

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the east side of US HWY 17. Based on available data and information from private sewer providers, private sewer is available at this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, because the proposed rezoning is from a predominantly residential zoning district to a predominantly commercial zoning district, an impact to school capacity is not anticipated.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas ¹ .
Wetlands	The subject properties may contain characteristics of wetlands. ^{2, 3}
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

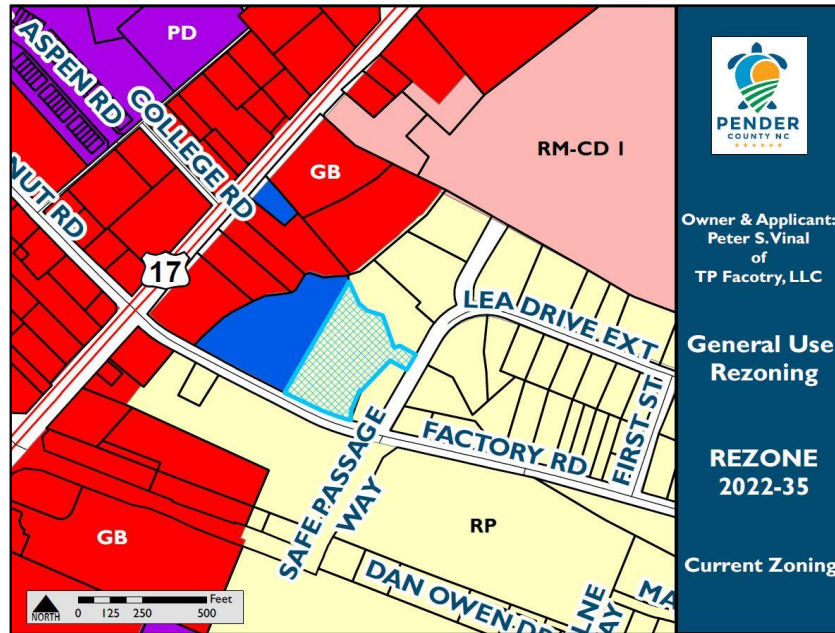
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

⁴ According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

Below: Current Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Residential, Commercial, Vacant	RP, Residential Performance, O&I, Office and Institutional and GB, General Business
East	Residential	RP, Residential Performance
South	Commercial, Residential, Vacant	GB, General Business and RP, Residential Performance
West	Commercial, Residential, Vacant	GB, General Business; O&I, Office and Institutional

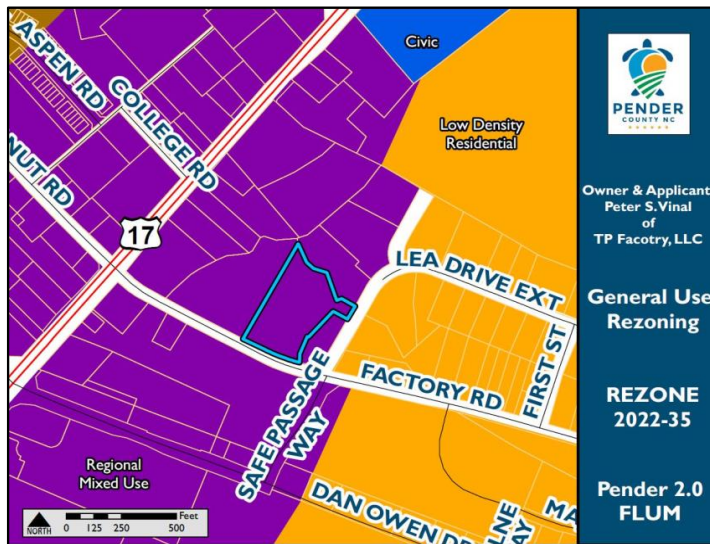
Surrounding Zoning

The subject property is currently within the RP, Residential Performance zoning district. Properties immediately adjacent to the subject properties are currently zoned GB, General Business and RP, Residential Performance as indicated by the table above.

Pender 2.0 Comprehensive Land Use Plan Compliance:

The subject property is located within the Regional Mixed Use Future Land Use Category as shown in the Future Land Use Map (FLUM) within the Pender 2.0 Comprehensive Land Use Plan. Regional mixed use allows for the strategic allocation of future development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are

served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling.



The proposed rezoning request to the GB, General Business zoning district is consistent with the Regional Mixed Use future land use category because the zoning district would allow various retail, office, and other commercial uses, near a major corridor, in an area where existing infrastructure needed to serve this type of development is present. In addition to the Future Land Use Map, the proposed Zoning Map Amendment was found to be consistent with the following policies within the Pender 2.0 Comprehensive Land Use Plan:

Policy 5.1.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

Policy 5.1.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately

located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

Policy 5.1.K: Commercial Development: The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

The proposed Zoning Map Amendment was found to be consistent with the policies above because it has the potential to provide commercial opportunities in an area allocated for a transition between residential and commercial land uses.

Unified Development Ordinance Compliance: Section 3.3.5 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.5 Approval Criteria for Rezoning

The reviewing bodies (Planning Board and Board of Commissioners) shall consider the following matters in deciding a rezoning proposal, in addition to any other considerations as detailed in the specific rezoning application type:

- A. Whether the entire range of uses permitted by the proposed change would be appropriate to the area concerned, including that the proposed rezoning not:
 - 1. be detrimental to the natural environment,
 - 2. adversely affect the health, safety, or welfare of residents or workers in the area,
 - 3. be detrimental to the use or development of adjacent property,
 - 4. materially or adversely affect the character of the general neighborhood, and
 - 5. be reasonable as it relates to the public interest.
- B. Whether adequate public facilities/services (i.e.- water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan, CAMA Land Use Plan, and any other adopted land use document.

RECOMMENDATION

Planning Staff is submitting the proposal for Board of Commissioners consideration. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and four policies within the Pender 2.0 Comprehensive Land Use Plan. The proposed rezoning is also consistent with the Unified Development Ordinance and would allow for uses similar to those allowed on

other properties in the immediate vicinity. Based on this consistency, Planning Staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with the following policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.C**
- **Policy 5.1.D**
- **Policy 5.1.H**
- **Policy 5.1.K**

The proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because it has the potential to be generally consistent with current land uses in the vicinity.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]...

At their October 4, 2022 meeting, the Pender County Planning Board voted unanimously (6-0) to recommend approval of the Zoning Map Amendment, finding the proposal to be consistent with the Pender 2.0 Comprehensive Land Use Plan and Future Land Use Map (FLUM).

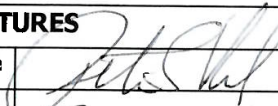
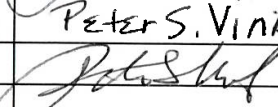
PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED
Buchanan	Teachey

APPROVED	DENIED	UNANIMOUS
Yes		Yes

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Absent	Yes	Yes	Yes	Yes

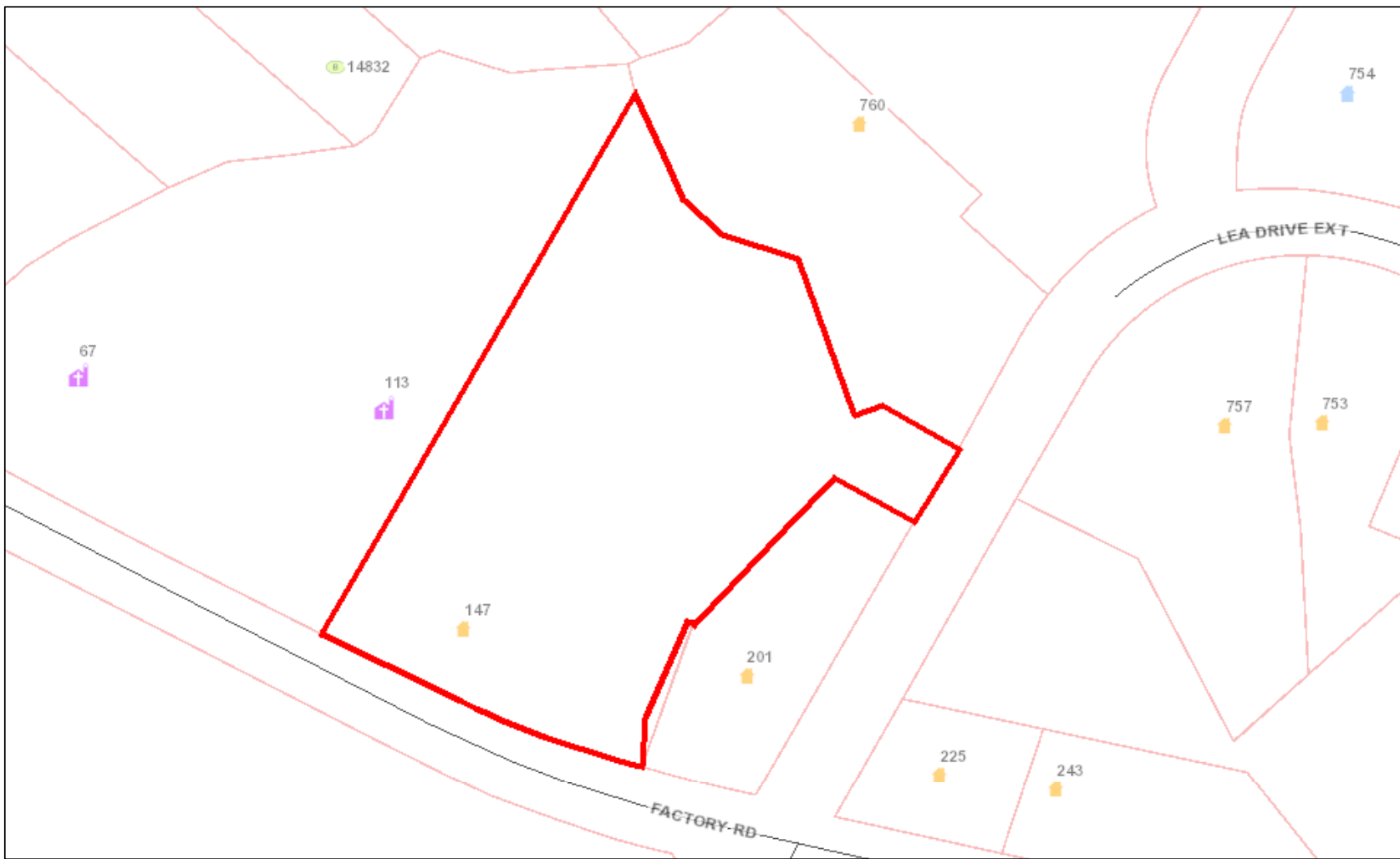
APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2022-35	Date	8/16/2022
Application Fee	\$ 500⁰⁰	Invoice	00028060
Pre-Application Conference	N/A	Hearing Date	10/4-PB 11/21 BOC
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	T P Porter, LLC	Owner's Name:	Peter S. Vinal
Applicant's Address:	163 Voyager Way	Owner's Address:	SAA
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	
Phone Number:	910-264-1804	Phone Number:	
Email Address:	NOANNIE71@aol.com	Email Address:	
Legal relationship of applicant to landowner: Same - via LLC, Also ~~DR~~ DR. Thomas Melin Partner.			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3229-72-3619-0000 3282-97-9136-0000	Total property acreage:	2.85
Current Zoning District:	~~RP~~ (Commercial) (Overlay)	Proposed Zoning District:	GB
Project Address:	147 Factory Rd		
Description of Project Location:	Just off Corner of Hwy 17, Factory Rd Next to Church.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	7/11/22
Applicant's Name Printed	Peter S. Vinal (TP Factory LLC)		Date:
Owner's Signature		Date:	
Owner's Name Printed			Date:
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

As a real estate broker i saw this property 147 Factory Rd on the market. I saw it was in the Commercial overlay district on line. So i got my partner Dr. Melin and i purchased the property. I just moved here in salters haven and everyone was telling me that everyone needs a new place to go. So i felt like this was the perfect spot to do just that.

property is zoned RP and want to rezone it to GB.

Currently a new traffic circle at end of safe passage is under construction which we had to give up some of our front property features, etc on our property to DOT to help that construction. I was told because of all the new development going on currently. So this would be such a good fit.

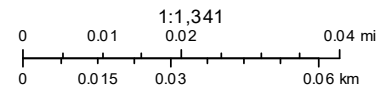


PIN: 3282-97-9136-0000
 Owner: TP FACTORY LLC
 163 VOYAGER WAY
 HAMPSTEAD, NC 28443
 Deed Ref: 4759/1875
 Property
 Address: 147 FACTORY RD
 Description: TR 2R PB 68/56 HOWARD DIV/RECOMB

Sale Price: \$340,000
 Sale Date: LAST_SALE_DATE
 Plat: 00680056
 Account No: 1013495
 Township: TOPSAIL
 Subdivision:
 Tax Codes: G01 F29 R40 S64

Acres: 2.83
 Land Value: \$144,912
 Building Value: \$120,028
 Total value: \$264,940
 Deferred Value: \$0
 Exempt Amount: 0
 PCL Class: R
 Heated Sq Feet: 2440

Pender County



1 inch = 112 feet

7/26/2021



TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	

Natural Gas Distribution Except Transmission Lines	221210									P	
Water Supply Facilities*	221310		S			PM				P	
Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S				P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D	
*County Owned or County Service District Provided Systems=P											
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 23: CONSTRUCTION											
Construction of Buildings	236						D		P	P	
Heavy and Civil Engineering Construction	237						D		P	P	
Specialty Trade Contractors	238						D		P	P	
Sectors 31-33 MANUFACTURING											
Artisan Manufacturing		S	S			P	P		P		
Food Manufacturing	311									P	
Beverage and Tobacco Product Manufacturing	312									P	
Textile Mills	313									P	
Textile Product Mills	314									P	
Apparel Manufacturing	315									P	
Wood Product Manufacturing	321								P	P	
Truss Manufacturing	321214						S		P	P	
Prefabricated Wood Building Manufacturing	321992						S		P	P	
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P	
Paper Manufacturing	322									S	
Converted Paper Product Manufacturing	3222									P	
Printing and Related Support Activities	323								P	P	
Petroleum and Coal Products Manufacturing	324									S	
Synthetic Dye and Pigment Manufacturing	32513									P	
Other Basic Organic Chemical Manufacturing	32519									P	
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P	

Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	
Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle and Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics and Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											

Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				
Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		

All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	

Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		

Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	



REQUEST FOR BOARD ACTION

ITEM NO. REZONE 2022-35

DATE OF MEETING: November 21, 2022

REQUESTED BY: Justin Bratley, Interim Director – Land Use, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Zoning Map Amendment from the RP, Residential Performance zoning district to the GB, General Business zoning district.

BACKGROUND: Peter S. Vinal, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone one tract totaling approximately 2.85 acres of land from the RP, Residential Performance zoning district to the GB, General Business zoning district. The subject property is located east of US Highway 17, approximately one tenth of a mile east of the intersection of Factory Road and US Highway 17 in the Topsail Township and may be further identified by Pender County PIN 3282-97-9136-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Zoning Map Amendment from the RP, Residential Performance zoning district to the GB, General Business zoning district.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

On November 21, 2022, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Tate ____ McCoy ____ Brown ____ Newton ____ Piepmeyer ____

Fred McKoy, Chairman Date

ATTEST
Clerk to Board, Tera Cline Date

County Seal:



**Pender County
REZONE 2022-36: Zoning Map
Amendment of Three Tracts in the
Topsail Township from PD, Planned
Development and RP, Residential
Performance to GB, General Business**

TO: Board of Commissioners

FROM: Greg Feldman

DATE: November 21, 2022

SUBJECT: REZONE 2022-36: Zoning Map Amendment of Three Tracts in the
Topsail Township from PD, Planned Development and RP, Residential
Performance to GB, General Business

SUMMARY:

Lanwillo Development Company, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone three tracts totaling approximately 15.21 acres of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district. The subject properties are located on the east side of US Highway 17, along Headwaters Drive, approximately two-tenths of a mile south of the intersection of NC Highway 210 and US Highway 17 in the Topsail Township and may be further identified by Pender County PINs 3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000.

ACTION REQUESTED:

To hold a public hearing and consider the Zoning Text Amendment request.

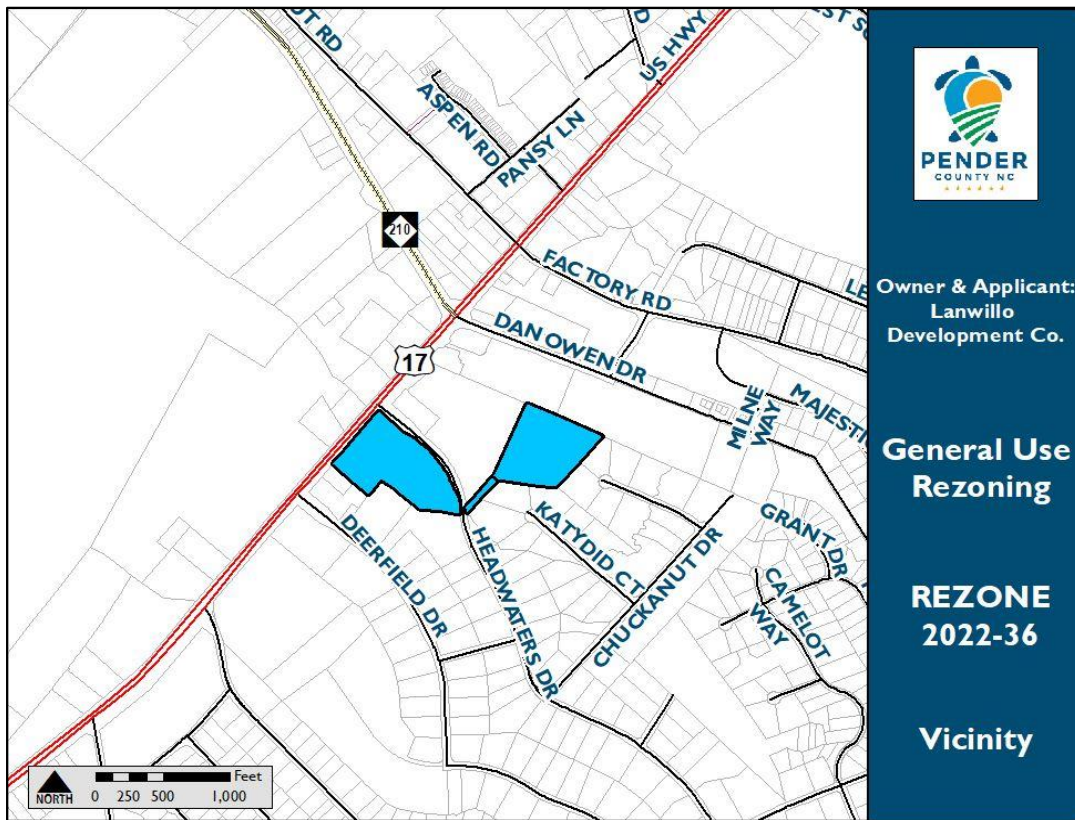
ATTACHMENTS:

1. Staff Report
2. Application
3. Narrative
4. Site Map 1
5. Site Map 2
6. UDO - Table of Permitted Uses
7. Board Action Form

**STAFF REPORT FOR REZONE 2022-36
ZONING MAP AMENDMENT APPLICATION**

APPLICATION SUMMARY	
Case Number	REZONE 2022-36
Hearing Dates	October 4, 2022 Planning Board November 21, 2022 Board of Commissioners
Applicant	Lanwillo Development Company
Property Owner(s)	Lanwillo Development Company
Parcel Identification Number(s)	3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000
Acreage	15.21 (Total Acreage)
Township	Topsail
Pender 2.0 Future Land Use Category	Regional Mixed-Use
Current Zoning District(s)	PD, Planned Development & RP, Residential Performance
Requested Zoning District(s)	GB, General Business

REZONING PROPOSAL
Lanwillo Development Company, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone three tracts totaling approximately 15.21 acres of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district.
LOCATION
The subject properties are located on the east side of US Highway 17, approximately two-tenths of a mile south of the intersection of NC Highway 210 and US Highway 17 in the Topsail Township and may be further identified by Pender County PINS 3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000.



REZONING PROPOSAL

The applicant is proposing to rezone three tracts, under common ownership, totaling approximately 15.21 acres from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district. Pender County PIN 3282-85-3556-0000 totals approximately 8.29 acres and is within the PD, Planned Development Zoning District, PIN 3282-85-8450-0000 is approximately 0.31 acres and within the RP, Residential Performance zoning district, and PIN 3282-95-2659-0000 is approximately 6.61 acres and is also within the PD, Planned Development zoning district. Because this is a general use rezoning, a conceptual plan is not included within the application. If approved, the subject properties could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. However, any future development of the site must comply with the standards of the GB, General Business zoning district and is subject to review and approval by the Technical Review Committee (TRC) to ensure compliance with all applicable local, State, and Federal regulations.

The GB, General Business zoning district is primarily intended to accommodate uses which require close access to major highways. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents, including office, retail, and personal service uses.

Dimensional Requirements

As this is a general use rezoning, the standard setbacks in the GB, General Business zoning district apply and are outlined in the table below. The dimensional standards are proposed to apply uniformly to all buildings and uses on the subject properties.



Minimum Setback (General Business)	
Front	25'
Side	10'
Rear	10'
Corner	12'
Max. Height	40'
Structure Separation	20'

The minimum lot size in this district is 15,000 square feet, and the subject property is compliant with this standard.

Allowable Uses

Because this is a general use rezoning, the site could be developed based upon all uses that are permitted by right or by Special Use Permit in the GB, General Business zoning district. The table below provides a general list of typical developments permitted in the GB, General Business zoning district. A comprehensive list of all uses from Section 5.2.3 of the UDO is included in Attachment I.

	GB, General Business
Residential Uses	Upper story Residential
Commercial Uses	≈ 83 uses by-right (Retail Trade, Real Estate and Rental and Leasing, Professional Scientific and Technical Services, Educational Services, ≈ 18 uses w/ SUP (Utilities, Manufacturing, Arts, Entertainment, and Recreation etc.)

TRANSPORTATION INFRASTRUCTURE

Access

The subject property has direct access to Factory Road (SR).Redevelopment of the subject properties would involve driveway approval from the North Carolina Department of Transportation (NCDOT).

Traffic

Traffic Impact Analyses (TIA) are not required for general use rezoning since a site-specific development plan is not required to be included in the application package. The UDO requires a Traffic Impact Analysis (TIA) to be completed when a development generates 100 trips in the morning or evening peak hours or over 1,000 trips per day. If approved and developed in the future, estimated trip generation data will be required during the review of any site-specific development plan to determine if a TIA is required.

NCDOT Average Annual Daily Traffic (AADT) – 2020; WMPO Roadway Capacities – 2020

Road	Location	Volume	Planning Capacity	V/C
Headwaters Drive	At Intersection with US HWY 17	-	4,000	-
US HWY 17	I4000 Block	39,000	66,000	0.59

OTHER INFRASTRUCTURE

Utilities

Public water is available through Pender County Utilities (PCU) and according to available GIS data, the nearest PCU water main is along the east side of US HWY 17. Based on available data and information from private sewer providers, private sewer is available at this location. The method of water and sewer service will be determined when a site-specific development plan is submitted for review.

Schools

There is no development proposal associated with this general use rezoning, so no specific impacts to the school system are known at this time. However, because the proposed rezoning is from a predominantly residential zoning district to a predominantly commercial zoning district, an impact to school capacity is not anticipated.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain any Special Flood Hazard Areas ¹ .
Wetlands	The subject properties may contain characteristics of wetlands. ²
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

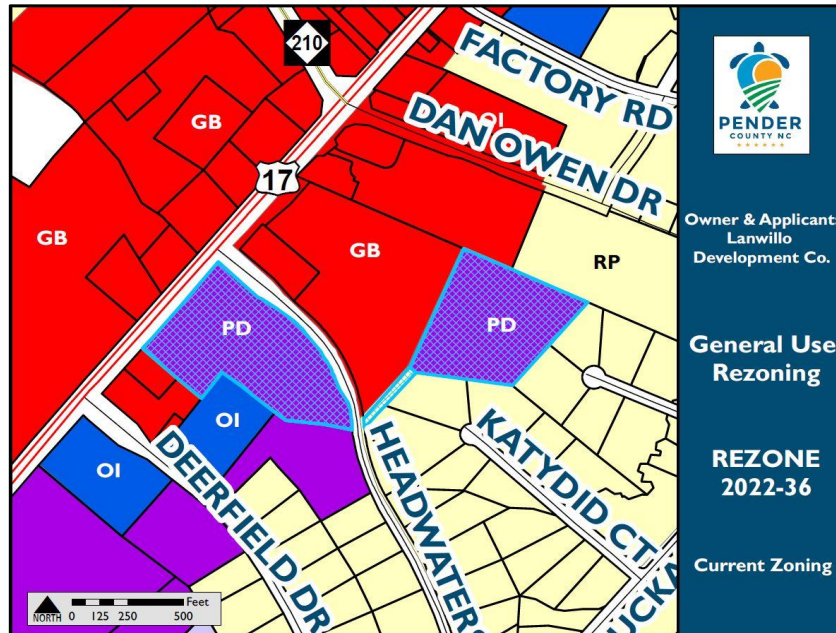
² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

⁴ According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

Below: Current Zoning Map of the Area



CHARACTERISTICS OF THE SURROUNDING AREA

	LAND USE	ZONING
North	Commercial, Residential, Vacant	GB, General Business; RP, Residential Performance
East	Residential	RP, Residential Performance
South	Commercial	GB, General Business; O&I, Office and Institutional
West	Commercial, Vacant	GB, General Business

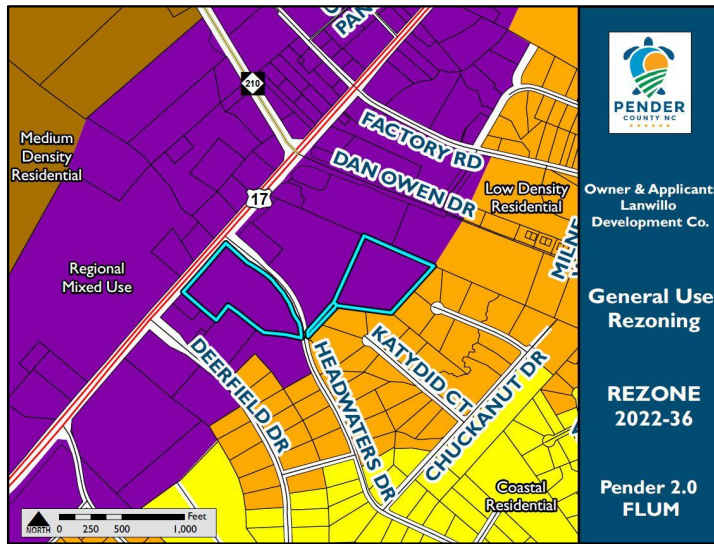
Surrounding Zoning

The subject properties are currently within the PD, Planned Development and RP, Residential Performance zoning districts. Properties immediately adjacent to the subject properties are currently zoned GB, General Business, and RP, Residential Performance, and O&I, Office and Institutional as indicated by the table above.

Pender 2.0 Comprehensive Land Use Plan Compliance:

Pender County PIN 3282-85-8450-0000 consists of approximately 0.31 acres and is within the Low-Density Future Land Use Classification while PINS 3282-85-3556-0000 and 3282-95-2659-0000 are within the Regional Mixed Use Future Land Use Category as shown in the FLUM within the Pender 2.0 Comprehensive Land Use Plan. Regional mixed use allows for the strategic allocation of future

development and population growth, while limiting land use conflicts within existing neighborhoods. Growth is focused in locations that are served by water/sewer infrastructure and are located along planned major collector roadways and existing primary roadway corridors in the southern portion of the County (I-40, US 17, US 117, US 421, and NC-210). This future land use category provides access to retail, office, and multi-family residential uses. These land uses are primarily accessed by the automobile, but facilities should be included to increase the viability of access via walking or cycling. In addition to the Future Land Use Map, the proposed Zoning Map Amendment was found to be consistent with the following policies within the Pender 2.0 Comprehensive Land Use Plan:



Policy 5.1.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.

Policy 5.1.D: Focused Growth and Development: The County supports a growth pattern that includes low density single-family residential communities, but also allows for the strategic placement of higher density residential, mixed uses, and

commercial development to accommodate and support future population growth, where necessary infrastructure exists or is planned.

Policy 5.I.H: Mixed Use Development: The County supports a wide range of commercial and residential development at varying intensities, when appropriately located, and provided that impacts to adjacent property owners and traffic congestion is mitigated.

Policy 5.I.K: Commercial Development: The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

The proposed Zoning Map Amendment was found to be consistent with the policies above because it has the potential to provide commercial opportunities in an area allocated for a transition between residential and commercial land uses.

Unified Development Ordinance Compliance: Section 3.3.5 of the Unified Development Ordinance provides for standards that shall be followed by the Planning Board and Board of County Commissioners before a favorable recommendation of approval for a rezoning can be made. The standards have been outlined in this report for consideration by the Planning Board and Board of County Commissioners.

3.3.5 Approval Criteria for Rezoning

The reviewing bodies (Planning Board and Board of Commissioners) shall consider the following matters in deciding a rezoning proposal, in addition to any other considerations as detailed in the specific rezoning application type:

- A. Whether the entire range of uses permitted by the proposed change would be appropriate to the area concerned, including that the proposed rezoning not:
 - 1. be detrimental to the natural environment,
 - 2. adversely affect the health, safety, or welfare of residents or workers in the area,
 - 3. be detrimental to the use or development of adjacent property,
 - 4. materially or adversely affect the character of the general neighborhood, and
 - 5. be reasonable as it relates to the public interest.
- B. Whether adequate public facilities/services (i.e.- water, wastewater, roads, schools, etc.) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change;
- C. Whether the proposed change is consistent with the County's Comprehensive Land Use Plan, CAMA Land Use Plan, and any other adopted land use document.

RECOMMENDATION

Planning Staff is submitting the proposal for Board of Commissioners consideration. The proposed Zoning Map Amendment is consistent with the Future Land Use Map and four policies within the Pender 2.0 Comprehensive Land Use Plan.

The proposed GB, General Business zoning district rezoning request is consistent with the Pender 2.0 Comprehensive Land Use Plan. In addition to the request's consistency with Pender 2.0, the allowable uses within the requested zoning district are compatible with the surrounding area. Planning Staff respectfully recommends approval of the Zoning Map Amendment as detailed in this report.

At their October 4, 2022 meeting, the Pender County Planning Board voted unanimously (6-0) to recommend approval of the Zoning Map Amendment, finding the proposal to be consistent with the Pender 2.0 Comprehensive Land Use Plan and Future Land Use Map (FLUM).

BOARD OF COMMISSIONERS ACTION NEEDED:

TO APPROVE: Motion to approve the Zoning Map Amendment and to make a finding that the approval is consistent with the following policies in the Pender 2.0 Comprehensive Land Use Plan:

- **Policy 5.1.B**
- **Policy 5.1.D**
- **Policy 5.1.H**
- **Policy 5.1.K**

The proposed rezoning is consistent with the Neighborhood Mixed Use Future Land Use classification in the Pender 2.0 Comprehensive Land Use Plan because it has the potential to be generally consistent with current land uses in the vicinity.

TO DENY: Motion to deny the Zoning Map Amendment and to make a finding of denial because although the proposal is consistent with the Pender 2.0 Comprehensive Land Use Plan, said denial is reasonable and in the public interest and does not further the goals of the Pender 2.0 Comprehensive Land Use Plan because [INSERT REASONING]...

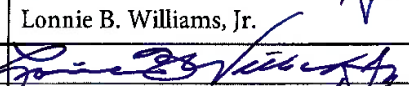
PLANNING BOARD ACTION FOR GENERAL USE REZONING

MOTION	SECONDED
Pitts	Buchanan

APPROVED	DENIED	UNANIMOUS
Yes		Yes

Jordan	Buchanan	Beaudoin	Gruntfest	Mosca	Pitts	Teachey
Yes	Yes	Absent	Yes	Yes	Yes	Yes

APPLICATION FOR REZONING (Zoning Map Amendment)

THIS SECTION FOR OFFICE USE			
Application No.	ZMA 2022-36	Date	8/18/2022
Application Fee	\$ 602 ⁰⁰	Invoice	00028094
Pre-Application Conference		Hearing Date	10/4-PB 11/21 800
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Lanwillo Development Co.	Owner's Name:	Lanwillo Development Co.
Applicant's Address:	2325 Tattersalls Drive	Owner's Address:	2325 Tattersalls Drive
City, State, & Zip	Wilmington, NC 28403	City, State, & Zip	Wilmington, NC 28403
Phone Number:	(910) 619-0248	Phone Number:	(910) 619-0248
Email Address:	lonnie@lonniewilliams-legal.com	Email Address:	lonnie@lonniewilliams-legal.com
Legal relationship of applicant to landowner: Same			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3282-85-3556-000 3282-95-2659-0000 3282-85-8450-0000	Total property acreage:	8.29 Acres 6.61 Acres 0.31 Acres 15.21 Acres
Current Zoning District:	PD and RP	Proposed Zoning District:	GB
Project Address:	Headwaters and US Hwy 17		
Description of Project Location:	Two parcels on the north side of Headwaters Drive and one on the south side.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	08/03/22
Applicant's Name Printed	Lonnie B. Williams, Jr.	Date:	
Owner's Signature		Date:	08/03/22
Owner's Name Printed	Lonnie B. Williams, Jr.	Date:	
NOTICE TO APPLICANT			
1. Applicant must also submit the information described on the Rezoning Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Planning Board or other authorized person agrees to table or delay the hearing. 4. All fees are non-refundable 5. A complete application packet must be submitted prior to the deadline in order to be placed on the next Planning Board Agenda			

August 2, 2022

Dear Pender County Planning Board
and Pender County Commissioners:

Rezoning of 15.21 Acres to GB

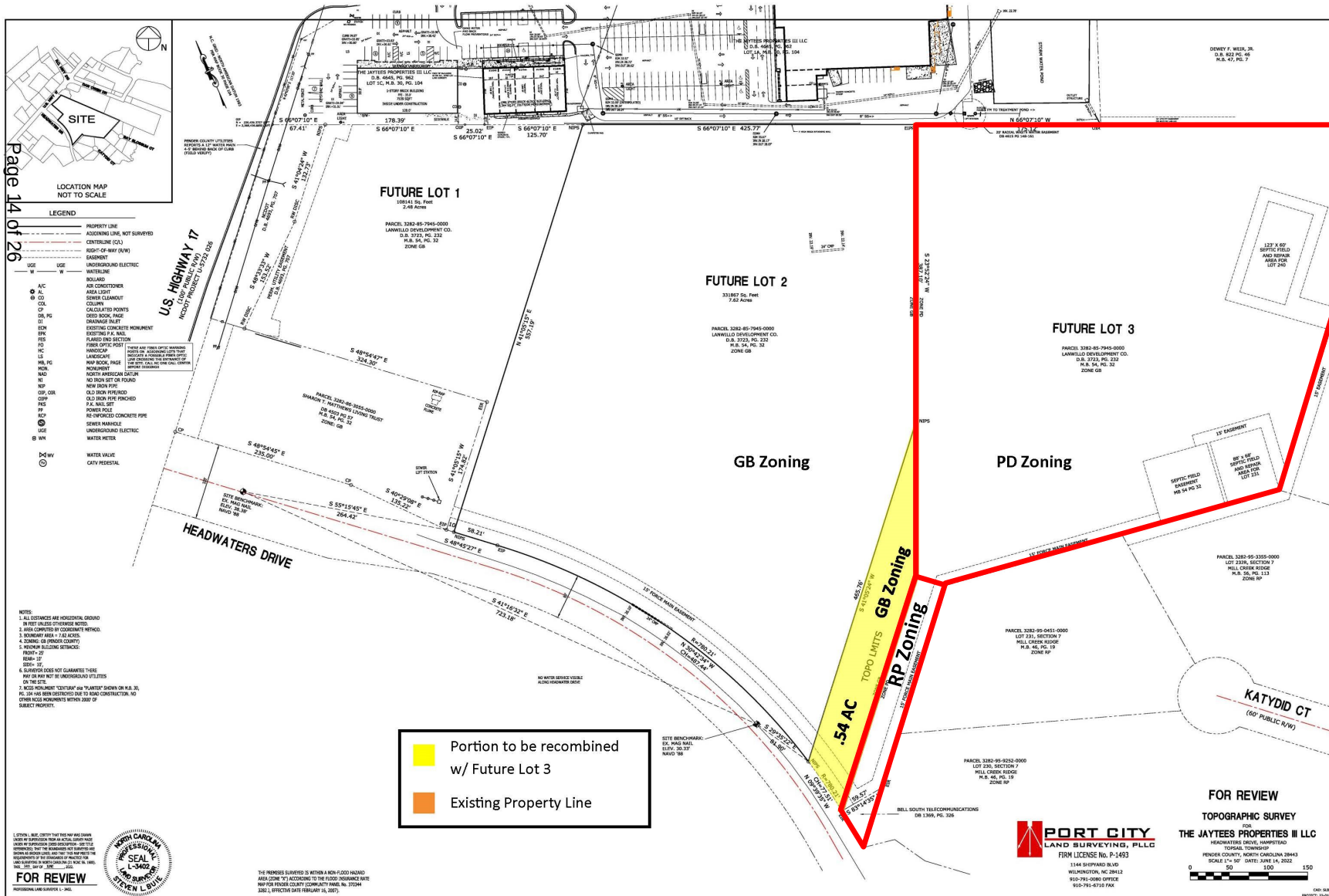
This correspondence shall accompany the Rezoning Application for LANWILLO Development Co. and shall serve as the narrative for the rezoning request. This entire property was originally part of the Deerfield and Headwaters development. However, all of this frontage was held out for commercial development as it had frontage on Highway 17. The original zoning was PD.

At some point in the past, Pender County determined that this commercial frontage should be classified as GB rather than PD. The small parcel that is a utility easement somehow received the zoning designation of RP. The Applicant respectfully requests the rezoning of all of this property to GB to clean up the zoning so it can be developed for commercial enterprise.

According to Staff, this request is in keeping with the future Land Use Code and will receive the recommendation of approval from Staff. Your consideration in this matter is greatly appreciated.

Respectfully Submitted,

Lonnie B Williams, Jr., President
LANWILLO Development Co.



Color 5

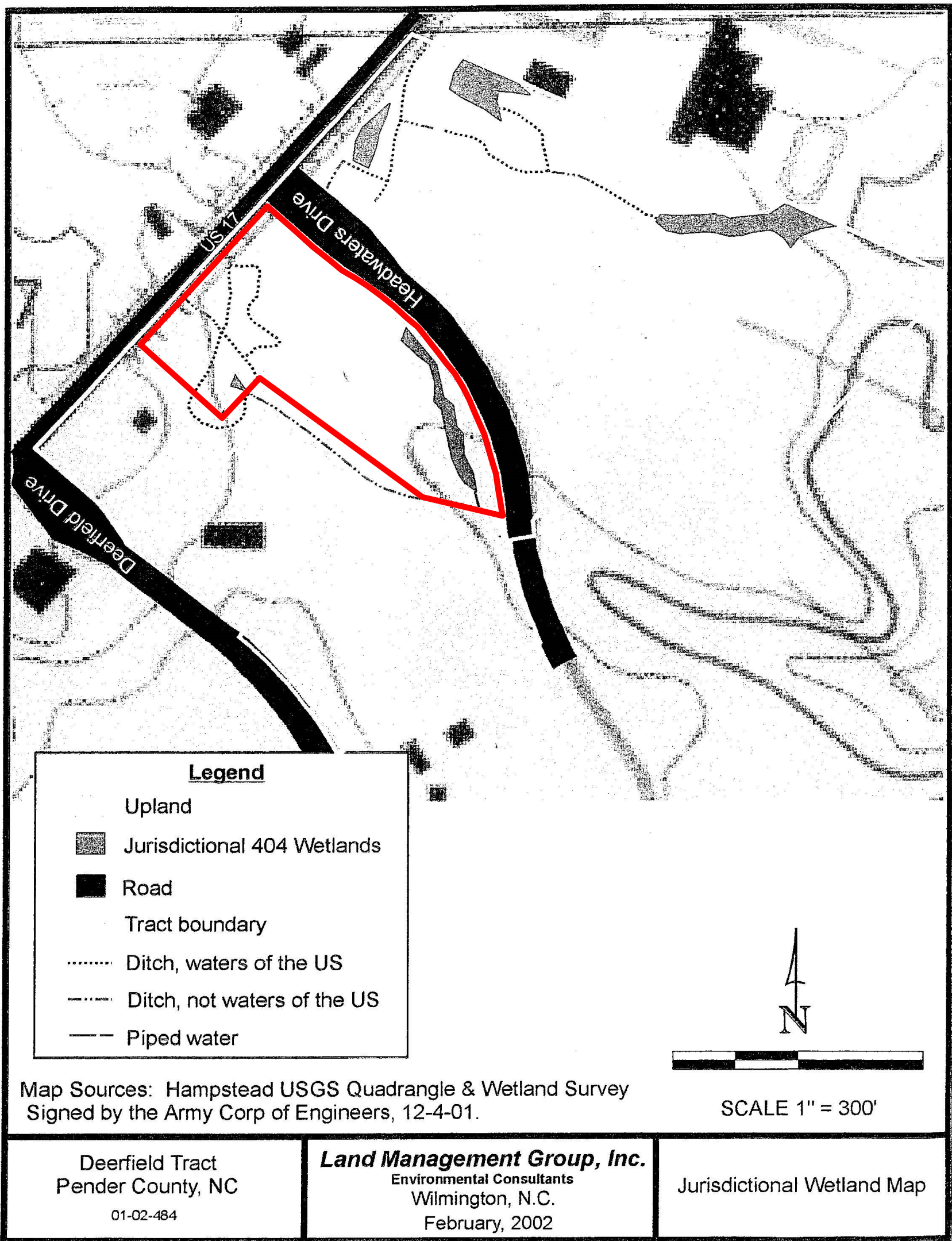


TABLE OF PERMITTED USES											
P=Permitted Use D=Permitted w/ Use Standards S=Special Use Approval Required SD=Special Use Approval Required w/ Additional Standards PM=Permitted in conjunction w/ the MDP process											
Use Category Specific Use Type		Residential				Mixed Use	Commercial		Industrial		Special Purpose
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
RESIDENTIAL											
SFD: Detached-Conventional		P	P	P	P	P					
SFD: Detached Zero Lot Line				P		P					
SFD-Attached: Duplex		P	P	P		P					
SFD-Attached: Multiplex				P		P					
SFD-Townhouse (5+ attached)				P		P					
Multifamily (condominium/apartment)				P		P					
Upper Story Residential						P	P	P			
Accessory Dwelling		D	D	P		D					
Accessory Dwelling on Non Residential Principal Uses		D				D			P	P	
Manufactured Home		P	D		P						
Manufactured Home Park					PMD						
ACCESSORY USES AND STRUCTURES											
Accessory Structures		P	P	P	P	P	P	P	P	P	
Cottage Occupations		SD	SD	SD		SD	SD				
Home Occupation		D	D	D	D	D	D				
Agritourism Activities on active farms		D	D	D	D	D	D	D	D	D	D
Sector 21: MINING, QUARRYING, OIL AND GAS EXTRACTION											
Nonmetallic Mineral Mining & Quarrying	2123	S								S	
Except: 212392 Phosphate Rock Mining											
Except: 212321 Borrow Pit Sand Mining			PMDS			PMD					
Sector 22: UTILITIES											
Fossil Fuel Electric Power Generation	221112									S	
Other Electric Power Generation	221119	S	S			S			P	P	
Electric Bulk Power Transmission & Control	221121	S	S	S	S	S	S	S	P	P	

Natural Gas Distribution Except Transmission Lines	221210										P	
Water Supply Facilities*	221310		S			PM					P	
Sewage Treatment Facilities*	221320		S	PMD/S		PMD/S					P	
Except: Sewage Lift Stations*		SD	SD	PMD/S	PMD/S	PMD/S	D	D	D	D		
*County Owned or County Service District Provided Systems=P												
Zoning Districts												
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC	
Sector 23: CONSTRUCTION												
Construction of Buildings	236						D		P	P		
Heavy and Civil Engineering Construction	237						D		P	P		
Specialty Trade Contractors	238						D		P	P		
Sectors 31-33 MANUFACTURING												
Artisan Manufacturing		S	S			P	P		P			
Food Manufacturing	311									P		
Beverage and Tobacco Product Manufacturing	312									P		
Textile Mills	313									P		
Textile Product Mills	314									P		
Apparel Manufacturing	315									P		
Wood Product Manufacturing	321								P	P		
Truss Manufacturing	321214						S		P	P		
Prefabricated Wood Building Manufacturing	321992						S		P	P		
Prefabricated Metal Building and Component Manufacturing	332311						S		P	P		
Paper Manufacturing	322									S		
Converted Paper Product Manufacturing	3222									P		
Printing and Related Support Activities	323								P	P		
Petroleum and Coal Products Manufacturing	324									S		
Synthetic Dye and Pigment Manufacturing	32513									P		
Other Basic Organic Chemical Manufacturing	32519									P		
Resin, Synthetic Rubber & Artificial Synthetic Fibers and Filaments Manufacturing	3252									P		

Pharmaceutical Manufacturing	3254								P	P	
Paint, Coating and Adhesive Manufacturing	3255									P	
Soap, Cleaning Compound and Toilet Preparation Manufacturing	3256									P	
Other Chemical Product and Preparation Manufacturing										P	
Except: 32592 Explosive Manufacturing											
Plastics and Rubber Products Manufacturing	326									P	
Clay Product and Refractory Manufacturing	3271									P	
Ready-Mix Concrete Manufacturing	32732									P	
Concrete Pipe, Brick, & Block Manufacturing	32733									P	

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 31-33 MANUFACTURING											
Other Concrete Product Manufacturing	32739									P	
Gypsum Product Manufacturing	32742									P	
Fabricated Product Manufacturing	332									P	
Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing	3327								P	P	
Machinery Manufacturing	333									P	
Computer & Electronic Product Manufacturing	334								P	P	
Electrical Equipment, Appliance, & Component Manufacturing	335									P	
Transportation Equipment Manufacturing	336									P	
Furniture and Related Product Manufacturing	337								P	P	
Miscellaneous Manufacturing	339								P	P	
Sector 42 WHOLESALE TRADE											
Wholesale Trade	42	S							P	P	
Sectors 44-45 RETAIL TRADE											

Motor Vehicle and Parts Dealers	441	S					P		P		
Furniture and Home Furnishings Stores	442						P		P		
Electronics and Appliance Stores	443	S				P	P		P		
Building Material, Garden Equipment & Supplies Dealers	444	S					P		P	P	
Food and Beverage Stores	445	S	S			P	P		P		
Health and Personal Care Stores	446	S	S			P	P	P	P		
Gasoline Stations	447	S				P	P		P		
Clothing and Clothing Accessories Stores	448	S				P	P		P		
Sporting Goods, Hobby, Book, and Music Stores	451					P	P		P		
Miscellaneous Store Retailers	453	S				P	P				
Non store Retailers	454	S				P	P		P		
Liquefied Petroleum Gas Dealers	454312									P	
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											
Air Transportation	481								P	P	
Rail Transportation	482								P	P	
Truck Transportation	484								P	P	
Transit and Ground Passenger Transportation	485								P	P	
Interurban and Rural Bus Transportation	4852						P		P	P	
Taxi and Limousine Service	4853						P		P	P	
School and Employee Bus Transportation	4854								P	P	
Charter Bus Industry	4855								P	P	
Support Activities for Transportation	4881								P	P	
Support Activities for Road Transportation	4884	S					P		P	P	
Postal Services	491110	S	S			P	P	P			
Couriers and Messengers	492						P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sectors 48-49: TRANSPORTATION AND WAREHOUSING											

Warehousing and Storage	493	S							P	P	
Sector 51: INFORMATION											
Information	51					P	P	P	P	P	
Finance and Insurance	52	S	S			P	P	P	P	P	
Sector 53: REAL ESTATE AND RENTAL AND LEASING											
Real Estate and Rental and Leasing	53	S	S			P	P	P	P	P	
Commercial and Industrial Machinery and Equipment Rental and Leasing	5324								P	P	
Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	
Sector 55: MANAGEMENT OF COMPANIES AND ENTERPRISES											
Management of Companies and Enterprises	55	S	S			P	P	P	P	P	
Sector 56: ADMINISTRATIVE AND SUPPORT AND WASTE MANAGEMENT AND REMEDIATION SERVICES											
Administrative and Support Services	561	S				P	P	P	P	P	
Solid Waste Collection Public	562111	P	P	P	P	P	P	P	P	P	
Solid Waste Collection Private	562111									S	
Solid Waste Landfill	562212									S	
Solid Waste Combustors and Incinerators	562213									S	
Other Nonhazardous Waste Treatment and Disposal	562219	S					S		S	S	
Remediation Services	562910									S	
Materials Recovery Facilities	562920									S	
All Other Waste Management Facilities	56299									S	
Sector 61: EDUCATIONAL SERVICES											
Educational Services	611	P	S			P	P	P			
Business Schools, Computer & Management Training	6114	S				P		P	P		
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P	P	P	P		

Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Ambulatory Health Care Services	621					P	P	P			
Except: Outpatient Mental Health and Substance Abuse Centers	62142						P	S			
Hospitals	622	S				P	P	P			
		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 62: HEALTH CARE AND SOCIAL ASSISTANCE											
Except: Psychiatric and Substance Abuse Hospitals	6222							S			
Except: Outpatient Mental Health and Substance Abuse Hospitals	62142						S	S			
Nursing and Residential Care Facilities	623	S	S			P	P	P			
Except: Residential Mental Retardation, Mental Health & Substance Abuse Facilities	6232	S						S			
Social Assistance	624	S				P	P	P			
Vocational Rehabilitation Services	6243						P	P	P	P	
Sector 71: ARTS, ENTERTAINMENT, AND RECREATION											
Performing Arts Companies	7111	S				P	P				
Spectator Sports	7112	S					P		P		
Promoters of Performing Arts, Sports and Similar Events	7113	S				S	S				
Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures	7114					P	P	P			
Museums, Historical Sites and Similar Institutions	712	S				P	P	P			
Amusement and Theme Parks	713110	S				S	S				
Amusement Arcades	713120						P				
Golf Courses and Country Clubs	713910	S	PM			P					
Fitness & Recreational Sports Centers	713940	S				P	P	P	P		
Bowling Centers	71395					P	P	P	P		

All Other Amusement & Recreation Industries	71399	S				P	P		P		
Aviation Clubs, Recreational	713990	S	S			P	P		P		
Canoeing, Recreational	713990	S	S			P	P		P		
Fishing Clubs, Recreational	713990	S	S			P	P		P		
Flying Clubs, Recreational	713990	S	S			P	P		P		
Guide Services (i.e. Fishing, Hunting, Tourist)	713990	S	S			P	P		P		
Horse Riding, Recreational	713990	P	S								
Outdoor Shooting Ranges	713990	S									
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 72: ACCOMMODATIONS AND FOOD SERVICES											
Hotels and Motels	72111					P	D	D			
Bed and Breakfast Inns	721191	S	S		S	P	P				
All Other Traveler Accommodation	721199	S	S		S	P	P				
RV Parks and Recreational Camps	7212	SD					SD				
Recreational and Vacation Camps	721214	S									S
Rooming and Boarding Houses	721310	S				P	P				
Full Service Restaurants	7221	S				P	P	P	P	P	
Limited Service Eating Places	7222	S				P	P	P	P	P	
Special Food Services	7223	S				P	P	P	P	P	
Drinking Places (Alcoholic Beverages)	7224	S				P	P				
Sector 81: OTHER SERVICES, EXCEPT PUBLIC ADMINISTRATION											
Automotive Repair and Maintenance	8111	S					P		P	P	
Electronic and Precision Equipment Repair and Maintenance	8112	S					P	P	P	P	
Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	8113								P	P	
Personal and Household Goods Repair and Maintenance	8114	S				P	P	P	P	P	

Personal Care Services	8121	P	S			P	P	P	P		
Funeral Homes and Funeral Services	81221	S					P	P	P	P	
Cemeteries and Crematories Except: Private Cemetery	81222	S	S			S	S	S	S	S	
Coin Operated Laundries and Drycleaners	812310	P				P	P				
Dry-cleaning and Laundry Services	812320	S				P	P		P	P	
Linen & Uniform Supply	81233								P	P	
Other Personal Services	8129	S				P	P	P	P		
Pet Care Services	812910	D					D		D	D	
Religious Organizations	8131	P	S			P	P	P	P		
Grant making and Giving Services	8132					P	P	P	P		
Social Advocacy Organizations	8133					P	P	P	P		
Civic and Social Organizations	813410	S	S			P	P	P			
Business, Professional, Labor, Political and Similar Organizations	8139					P	P	P	P		
Public Administration	92	P	P	P	P	P	P	P	P	P	
Zoning Districts											
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Adult and Sexually Oriented Businesses									S	S	
Adult Retail									S	S	
Bona fide Farm Purposes		D	D	D	D	D	D	D	D	D	D
Child Care Center		P	S			S	P	P			
Community Boating Facility		SD	SD	SD	SD	SD					
Community Boating Facility in conjunction with a Master Development Plan		SD	PMD	PMD	PMD	PMD					
Disaster Volunteer Housing		D	D	D	D	D	D	D	D	D	
Family Care Home		D	D	D	D	D					
Family Child Care Home		P	P			P	P	P			
Industrial Park										SD	
Marina (Commercial)		SD	PMD			PMD					
Portable Storage Containers		D	D	D	D	D	D	D	D	D	
Private Cemetery less than 6,000 sq. ft.		D	D				D	D	D		

Private Cemetery 6,000 sq. ft. and larger		S	S				S	S	S		
Public Parks		P	P	P	P	P	P	P	P	P	
Private Residential Boating Facility		D	D	D	D	D					
Salvage Operations		S								D	
Storage of Merchandise, Materials or Equipment On Site Inside or Outside An Enclosed Building, Excluding Salvage		S							P	P	
Storage of boats and watercraft outdoors or on dry stack structures							S				
Sweepstakes Center							SD		SD	SD	
Telecommunication Facilities		SD	SD			SD	SD	SD	SD	SD	
Telecommunication Facilities – Public Safety		SD	SD			SD	SD	SD	SD	SD	
Temporary Manufactured Homes		P	P			P					
Temporary Modular/Manufactured Offices						P	P	P	P	P	
Temporary Fruit & Vegetable Stands		P	P								
Temporary Buildings for Construction or Development		D	D	D	D	D	D	D	D	D	
Temporary Events		D					D	D	D	D	



REQUEST FOR BOARD ACTION

ITEM NO. REZONE 2022-36

DATE OF MEETING: November 21, 2022

REQUESTED BY: Justin Bratley, Interim Director – Land Use, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Zoning Map Amendment for three tracts of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district.

BACKGROUND: Lanwillo Development Company, applicant and owner, is requesting approval of a Zoning Map Amendment to rezone three tracts totaling approximately 15.21 acres of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district. The subject properties are located on the east side of US Highway 17, approximately two-tenths of a mile south of the intersection of NC Highway 210 and US Highway 17 in the Topsail Township and may be further identified by Pender County PINS 3282-85-3556-0000, 3282-85-8450-0000, & 3282-95-2659-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Zoning Map Amendment for three tracts of land from the PD, Planned Development and RP, Residential Performance zoning districts to the GB, General Business zoning district.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

On November 21, 2022, the Pender County Board of Commissioners (approved, modified, denied) a Zoning Map Amendment, as described herein. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Tate ____ McCoy ____ Brown ____ Newton ____ Piepmeyer ____

Fred McKoy, Chairman _____
Date

ATTEST
Clerk to Board, Tera Cline _____
Date

County Seal: