



MINUTES
Board of County Commissioners Meeting
Monday, November 21, 2022 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: George Brown
Fred McCoy
Jacqueline A. Newton
Jimmy T Tate

MEMBERS ABSENT: David Piepmeyer

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

1 CALL TO ORDER

Chairman called the meeting to order at 4:00 PM

2 INVOCATION

Commissioner Tate

3 PLEDGE OF ALLEGIANCE

Commissioner Newton

4 ADOPTION OF AGENDA

Commissioner Brown made a motion to excuse Commissioner Piepmeyer from the meeting due to an emergency.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion Approved

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

David Piepmeyer				x
Jimmy T Tate	x			
	4	0	0	1

CARRIED.

4.2 Motion to remove Item 11.2 from the agenda

Moved by Jacqueline A. Newton, seconded by George Brown

Motion Approved

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

CARRIED.

4.3 Motion to approve agenda with removal of Item 11.2

Moved by George Brown, seconded by Jimmy T Tate

Agenda Adopted with amendments

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

CARRIED.

5 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 Public Defenders Office

Jennifer Harjo, Chief Public Defender, for NHC and now Pender County office. They assist persons charged with a crime with discounted representation as appointed by the court. They have been to the building and agree with the purchase and the minimal upgrades. that have been requested. Ms. Harjo explained that the public defender's office is a state agency. They are state employees. The county provides the facility. State provides the video conferencing once the county provides the equipment.

6.2 Update on Surplus Generators

Tommy Batson, EM Director, the 4 generators were offered to the school system and they accepted them.

7 PUBLIC COMMENT

Carolyn Moser, HHS Director, wanted to acknowledge that the Pender County Health Department was accredited with honors for the next 6 years. Proud of all persons in the health department. Ms. Moser acknowledged Commissioner Brown for being a significant member of the Board of Health and presented him with a clock in honor of his years of service. Commissioner Brown acknowledged the work of the Board of Health and its accomplishments. Commissioner Newton gave kudos to the health department as well. Commissioner Tate spoke in high regard to the health department and its leadership.

8 CONSENT AGENDA

- 8.1 Approval of the Pender County Energy Outreach Plan.
- 8.2 Approval of a Purchase Order to McGill for sludge removal at the PCP WWTP
- 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
- 8.4 Conservation Treatment of Vital Records
- 8.5 Approval of Sheriff Office Restructuring plan
- 8.6 Administration restructuring and reclassification
- 8.7 Approval of BOCC meeting Minutes 11-7-2022

Moved by George Brown, seconded by Jimmy T Tate

Motion to adopt the consent agenda as is

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			

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

CARRIED.

9 APPROVALS AND RESOLUTIONS

9.1 ABC Board Profit Distributions and Facility Approval

Susan Crawford, ABC Board, stated they have met with the municipalities and acknowledged what changes will be made with the distribution of a new ABC warehouse and office building. She stated that 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)

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer				x
Jimmy T Tate	x			
	3	1	0	1

CARRIED.

9.2 Space Needs Study

Elizabeth Craver, Clerk of Court, stated that she is here to ask for help from the County. She stated that she does not have enough room to conduct court as needed. She stated the lease where the files are kept now is not being renewed. Madam Clerk, Judge Corpening, and Judge Gorham are requesting a space needs study, the money to fund it, and a timeline for when it will be done. Judge Corpening stated that the court is being held in an unsafe place and the space needs study needs to happen. Judge Gorham stated that the annex is not an acceptable space to spend an extensive amount of time. She also stated that it will be years until ECourts (paperless) will be implemented. The board expressed concern for the study and needs of the courthouse.

Moved by Jimmy T Tate, seconded by Jacqueline A. Newton

Motion to approve

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

CARRIED.

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

Daniel Adams, Interim Planning Director, presented on behalf of Pender County. Staff 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 that evaluated them based on the criteria outlined in the RFQ, including the firm's competency and experience on similar projects, the qualifications of the 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 is 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, the 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.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion Approved

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

CARRIED.

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

David Andrews, County Manager, stated that County Management and the Board of County Commissioners were approached by the Public Defender's Office requesting office space in Burgaw. Please consider the 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 the 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.

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve

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

CARRIED.

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

Sheriff Cutler, presented to the board that Pender County Sheriff's Office is requesting the approval of a Purchase Order to Capital Chevrolet of Wake Forest to purchase 5 (five) Chevrolet Tahoes 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. There was discussion by the board as to why Tahoes were being purchased and how the state contracting works and supply and demand as well.

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve

	For	Against	Abstained	Absent
George Brown	x			

Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer				x
Jimmy T Tate	x			
	3	1	0	1

CARRIED.

9.6 Approval for gift/donation policy

Jeremy Drummond, Director of Fleets and Facilities, stated what this policy will be used for and it clarifies any questions and concerns. Commissioner Newton questioned restrictions etc. We can't have all gifts approved. Jeremy Drummond clarified the restrictions. Commissioner Brown stated he wants the board to have more input on donations and gifts without having to deal with a policy. Trey Thurman, the Attorney, stated that it needs to be stated that the board should make all decisions about donations, not staff.

Moved by George Brown, seconded by Jimmy T Tate

Motion to table until wording can be updated to reflect that the Board of Commission has the final decision for any donation. It needs to be more specific. Mr. Thurman. stated that no political party donations will be accepted needs to be included.

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

CARRIED.

10 DISCUSSION

11 APPOINTMENTS

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

Moved by Jimmy T Tate, seconded by George Brown

Motion to appoint Commissioner Newton, to the Cape Fear Council of Government Board.

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

CARRIED.

11.2 Appointment of BOCC Topsail Island Shoreline Protection Commission

Removed per vote.

12 MAPLE HILL WATER AND SEWER DISTRICT

13 ROCKY POINT WATER AND SEWER DISTRICT

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

Pender County Board of Health called to order at 5:25 PM

17.1 Approval of the Job Description for the Health and Human Services Director

Moved by George Brown, seconded by Jacqueline A. Newton

Motion to approve HHS Director job description as stated.

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

CARRIED.

17.2 Health Department Financial Update

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve 2022-2023 financial report from Pender County Health Department.

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

CARRIED.

17.3 Approval to Write-Off Bad Debt for the Health Department for Calendar Year 2020: \$12,151.80

Motion to approve Bad Debt Write-off 2020

Moved by George Brown, seconded by Jimmy T Tate

Motion to write-off bad debt in the amount of \$12,151.80

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

CARRIED.

18 SOCIAL SERVICES BOARD

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

- Trey Thurman, County Attorney, Items for the Closed session are as follows Item 3 Attorney Client

- David Andrews, County Manager, Offices closed for Thanksgiving, Holiday party, and Commissioner orientation.
- Allen Vann, Assistant County Manager, gave an update on the EM Winter weather exercise.
- Commissioner Tate, Thanked the board for allowing him to represent the county at the Legislative Goals Conference.
- Commissioner Brown- Thanked the health department again.
- Chairman McCoy Stated Veterans day celebration at the train depot was very nice.

20 CLOSED SESSION (IF APPLICABLE).

20.1 Motion to enter closed session

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	0	0	1

CARRIED.

21 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

21.1 Adopting a Resolution to approve the proposed road name and range

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. Mike Dickson, GIS addressing, presented the resolution to propose a road name, Serenity Lane. Unnamed private drive off NC 210. Residents are encouraged to come up with names and it is checked in the database to make sure it is not a duplicate.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion to adopt road name changed to Serenity Lane

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

CARRIED.

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

Daniel Adams, Interim Planning Director, rezone from General Business to Residential Performance. Does not meet UDO ordinances. The applicant is rezoning to conform with surrounding zoning. 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.

Moved by George Brown, seconded by Jimmy T Tate

Motion to approve Rezone 2022-34

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			

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

CARRIED.

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

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. Greg Feldman, Long Range Planner, presented on behalf of the applicant requesting rezone from Residential Performance to General Business. The planning board agreed with the recommendation of the staff. Mr. Feldman stated that the staff received 3 phone calls in regard to this rezoning request.

Leslie Armstrong, 760 Lea Drive, spoke in regards to not being opposed just curious as to what they can put on the property with the zoning of GB.

Moved by Jimmy T Tate, seconded by George Brown

Motion to approve Rezone 2022-35

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

CARRIED.

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,

Greg Feldman, Long Range Planner, presented on behalf of the applicant. The request is to rezone 3 tracts of land. 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.

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	0	0	1

CARRIED.

22 ADJOURNMENT