MINUTES
Board of County Commissioners Meeting
Monday, October 17, 2022 4:00 PM
Hampstead Annex Auditorium

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
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER

Chairman McCoy called the October 17th, 2022 meeting of the Pender County Board of County Commissioners.

2 INVOCATION

Commissioner Tate

3 PLEDGE OF ALLEGIANCE

Commissioner Newton

4 ADOPTION OF AGENDA

4.1 Motion to adopt the agenda

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			
	5	0	0	0

CARRIED.

5 PUBLIC INFORMATION

5.1 Safety Awards Notice

Jennifer Hagwood, Deputy Commissioner for the NC Department of Labor, presented several county departments with safety awards for the 2022 year.

5.2 ABC Board Profit Distributions and Facility Updates

Susan Crawford, General Manager for the Pender County ABC Board, explained to the board they have had plans to build a new warehouse, store, and offices in Burgaw. They have purchased a lot to build on. They have signed a contract with an architect to develop the plans and a builder to construct. She stated they have the plans about 90 percent complete. Ms. Crawford explained they paid out of their retention to pay for the property without a loan but will have to get a loan to pay for construction. She stated they have paid about half of the construction and architect contracts. The loan will have to be finalized to complete the project. She stated at this point they need to finish paying their down payment on the contract and the down payment for the construction loan. The property that was purchased and the property that is owned now was used as collateral for this loan. She stated to finish off the additional 15 percent they need to complete is roughly $105,000.00 to finish off the down payment amount and roughly $200,000.00 to pay off the architect and the construction company. At this time we have exhausted what we had in our reserve. She then requested the board to allow these remaining amounts to be taken from the upcoming distribution and the one given in December. They are expecting the construction to start at the first of the year and the loan contract will be finalized as well. They are expecting it to take about a year to complete. At the end of that year, they will start making payments on the loan and those payments will roughly be around $150,000.00 per quarter. Ms. Crawford stated that loan payment would have to come from future distribution until paid. She explained as the law states they need approval from the governing board to be able to complete this project. Commissioner Newton asked what the total cost of the project was going to be. Ms. Crawford stated the land purchase inspection, and remediation was $390,000.00, and the construction cost is around 8 million. Susan stated that $266, 000 was paid to the contractor and $390, 000 to the property. They also paid several small soft-cost items around $45, 000, and $14,000 for the traffic impact assessment. Roughly around $700, 000.00. This money came from the retainer that the ABC board is allowed to keep every quarter out of the profits. She stated it averages around 8 to 10 thousand per quarter. The board requested the percentage amount and they did not know that number. Ms. Crawford stated that the county gets 65 percent and 35 percent to municipalities. She stated the auditor comes up with the amount retained by the ABC board. Commissioner Newton asked how long they expect to retain the distribution. Ms. Crawford stated the loan term is 20 years. The board asked the county manager if the distributions from the ABC board were included in the budget year. Mr. Andrews stated they were budgeted and the ABC board told him they needed the last two quarters. Commissioner Tate asked if any of this money would affect alcohol education. Ms. Crawford stated no that is separate money that can not be touched. She also confirmed that alcohol education is partnered with Coastal Horizons. Commissioner Tate asked why not ask for a 30-year mortgage with the option to pay out early. Ms. Crawford stated that was not an option. She confirmed that these last two quarters would be enough to pay the down payment on the contracts etc. She confirmed that the building would be big enough to sustain the growth of the county. She stated that if this was not done we would lose profit. Commissioner Piepmeyer asked if it would be a better option to wait on this project due to the amount of economic cost going on right now. He asked if it would wait 2 years to see if the costs went down. Susan confirmed that the ABC board currently owns the building and land the Burgaw store is in now and it would be sold to help pay for the new building. Ms. Crawford confirmed that they paid roughly 1 million dollars to the county last year. Commissioner Tate commended the ABC board for their accounting and their transparency on this project. Trey Thurman, County Attorney, stated he was confused and confirmed that the ABC board gives the money to the county and also the towns. He asked if they had spoken to the towns. Robert C. Kenan Jr., Attorney for the ABC Board, stated that the Pender Municipalities board met, and based on the conversations he has had with two of the mayors that he represents, they are all aware that the monies they receive from the ABC board are going to be decreased significantly because of the growth. He also stated that the county received a letter 2 years ago that this day was going to come. He stated the ABC board has not had a meeting with the towns as of yet because they wanted to meet with the county first to advise you of what needs to be done because they are looking at finalizing the costs and the contractor is wanting to submit bids by mid-December so we know what those costs are going to be. Mr. Kenan confirmed with the board that they will need the distributions for this fiscal year. Being July 1, 2022, through June 30, 2023, then beginning

January 2024 that is when those loan payments are going to have to start being paid. He confirmed that starting January 2024 $150,000 per quarter will be retained for the loan payment and anything above that will be distributed to the county and municipalities as normal based on the session law 2013-180. Commissioner Brown asked if once the interest rates etc come down they would refinance for a lower interest rate. Mr. Kenan agreed that would be done. Chairman McCoy confirmed this was public information and Robert Kenan stated the ABC board is requesting approval for the county to forego the 65% percent of the distributions for the physical quarter first and second for 2022-2023. There was a discussion on why it was placed on public information and not approvals and resolutions. Commissioner Peipemeyer made a motion to table this request until the December meeting due to the ABC board not meeting with mayors yet and 2 new BOCC members coming on board as well.

Moved by David Piepmeyer, seconded by George Brown

Motion to table this request until December 5th, 2022 after the ABC board meets with the municipalities and new Board of Commissioners members are in office.

	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.

6 PUBLIC COMMENT

Brad George, Chairman of the Pender County School Board, introduced the new superintendent to start on January 1, 2023. Dr. Brad Breedlove was welcomed to the county. Mr. Breedlove gave a brief summary of his background.

Alicia Hawley, 114 Windjammer Dr, spoke to the board in regard to support of the school bond placed on the ballot. She expressed her concerns over the overcrowding in the schools.

7 CONSENT AGENDA

7.1 Approval of CFPUA Easement for Proposed Water Interconnection on US 421

7.2 Approval of the Board of Commissioner Meeting Minutes October 3, 2022

7.3 Motion to approve the consent agenda

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			
	5	0	0	0

CARRIED.

8 APPROVALS AND RESOLUTIONS

8.1 Request for $1,132,000.00 for Modular units for Surf City Schools for next school year

Dr. Micheal Bracy, Interim Superintendent for Pender County Schools, requested the money for the modular buildings to purchase. Mike Taylor, Chief Operations Officer for Pender County Schools presented the request for support of $1,132,000 in funding to add modular units to the Surf City Schools. He confirmed that it would add 80 seats to elementary school and 120 seats to middle school. 800 student additional enrollment over the summer.

Motion approved

CARRIED.

Moved by David Piepmeyer, 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			
	5	0	0	0

CARRIED.

8.2 Approval of Purchase Order to Motorola Solutions, Inc. in the Amount of $105,778.20 for the Lease Purchase of Portable and Mobile Radios.

Sherriff Cutler, presented to the board his budget fund request for radios.

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.

8.3 Award of Contract & Purchase Order for Healthcare Provider Services for the Jail to Inmate Medical Services in response to RFP #220908-232

Sherriff Cutler shared the plan for a future healthcare provider for the jail. The current provider provided 60 days' notice. The board requested that the new contract provide more than 60 days' notice. Captain King, stated that 60 days was sufficient to list in the contract. Captain King stated that last week they found out that there was a question about interfacing with the medical records. This is stated to be around $9000.00 dollars additional to integrate the old provider with the Central Square interface and a laptop as well that is needed to start the new company. Captain King stated that even with this extra expense he believed the jail budget would be close but ok this year. This contract will be an annual contract to renew. It will be an additional 800.00 dollars monthly to maintain the jail medical records.

Moved by Jimmy T Tate, seconded by George Brown

Motion approved to approve the request for a new healthcare provider and the $9000 dollars addendum to interface records and the addtional 800 dollars a month for up keep.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton		x		
David Piepmeyer		x		
Jimmy T Tate	x			
	3	2	0	0

CARRIED.

8.4 Request for Approval of a Purchase Order to Capital Chevrolet of Wake Forest for the Purchase of Two New Pickup Trucks

Travis Henley, Planning Director, explained the state contract and quotes to the board.

Motion approved

CARRIED.

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.

8.5 Approval of Road Additions Petition for NC DOT

NCDOT submitted a petition on behalf of Chris Spell, President of HOA to add an road addition to Bronze Drive, Beltsville Court, Poults Place, Slate Lane, Strut Way and Tom's Creek Rd in the The Knolls at Turkey Creek Subdivision, Rocky Point to the Division of Highways. Length of the following are below... Bronze Dr. is 2672.32' Feet 47 lots Beltsville

Court 216.20' Feet 7 Lots Poults Place 261.76' Feet 10 Lots Slate Lane 702.89' Feet 15 Lots Strut Way 495.34' Feet 7 Lots Tom's Creek Road 1765.21' Feet 31 Lots Number of occupied homes having street frontage is 117 lots , it is located south of the intersection of SR 1437 and SR 1459.

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 DISCUSSION

9.1 Pender Memorial Hospital / Health Care Provider Update

David Andrews, County Manager, Stated that in the staff report the plan for transition is included. He stated that Novant will be coming and making a presentation to the board at the November 7th meeting. Commsisioner Brown agrees to have an outside entitiy be brought in to help with this transition. The board agreed to move forward with an outside entity being brought aboard to help with the process in regards to the future of the the healthcare of Pender County. The board requested the hiring of the third party be started as soon as possible. Mr. Andrews stated that the consultant could possibly not have a financial interest in the outcome. Maybe something on an hourly fee etc. The board said they would leave that up to him to negotiate. Commssioner Peipmeyer stated to reach out to Juniper and discuss the fee option as well as a new RFP for others as well.

10 APPOINTMENTS

10.1 Approval of Appointment to Pender Ems and Fire Board

Moved by Jacqueline A. Newton, 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.

10.2 SEDC Board Reappointment

The board requested the applicant fill out a Pender County Board application in addition to the letter of recommendation to the SEDC board. Once this application is received the item will be placed back on an agenda for consideration.

11 MAPLE HILL WATER AND SEWER DISTRICT

12 ROCKY POINT WATER AND SEWER DISTRICT

13 SCOTTS HILL WATER AND SEWER DISTRICT

13.1 Approval of Budget Ordinance Amendment, Associated Purchase Order, Reimbursement Resolution, Resolution of Award to Harper General Contractors, and Contract Signing for SHWSD Elevated Tank & Wells project for $10,970,000

Kenny Keel, Utitlites Director, presented the SHWSD elevated tanks and wells project update and contract. Requested the attached BOA's and purchase order to be approved until the LGC approves future finances. Margaret Blue, Finance Director, confirmed that this scenerio would work if by chance the LGC does not approve the request. This request will not having any impact on the school bond in regards to the LGC. Commissioner Newton asked if there could be a discussion at some point to have the hook up fees for long term residents a little more affordable.

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.

14 MOORES CREEK WATER AND SEWER DISTRICT

15 CENTRAL PENDER WATER AND SEWER DISTRICT

16 PENDER COUNTY BOARD OF HEALTH

17 SOCIAL SERVICES BOARD

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

David Andrews, County Manager, announced the USDA released their lease proposals for the ag building.

Allen Vann, Assistant County Manager, Thanked Donna Sayre for filling in at the meeting.

Trey Thurman, Attorney, thanked Meg Blue and her staff and Ms. Moser for their work on the jail provider issue. Items for Closed Session, Item 3 attorney Client, Item 5 acquisition of real property.

Commissioner Tate, thanked Kenny Keel for working with him last week on getting citizens on Batson road some water. Thanked the people of Maple Hill for their festivities over the weekend. Autumn at Topsail was great as well. Thanked the EMS Chief for helping with an issue. Requested that county water across the entire county needs to be addressed.

Commissioner Newton, had the privilege of attending the Water adaptation to insure regional success seminar hosted by Congressman Rouser and Congressman Murphy. They had the American Flood Coalition and NC DOT and NC Farm Bureau as well as NCDEQ. Representative John Bell spoke in regards to different agencies working together. Ms. Newton stated she will also be attending the 2022 Appalachian Clean Energy CLE workshop later in the week. The day-long session will provide attorneys with knowledge on clean energy issues facing North Carolina, innovative energy policy, and state and federal clean energy planning. Sessions will include:

• NC regulatory & legislative update, carbon plan update, performance-based regulation

• NC utility-scale transmission planning

- NC clean transportation planning, EV infrastructure development, IIJA Grants
- Net metering settlement update
- Corporate climate change disclosure reporting updates
- Utility Commissioners outlook on the NC energy landscape

She is also mentioned that Autumn in Topsail was a great success.

19 CLOSED SESSION (IF APPLICABLE).

Motion to go into closed session at

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.

20 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

20.1 SUP 2022-32: Special Use Permit Request for a Telecommunications Facility Including a 300' Tower on New Road in the Burgaw Township

Travis Henley, Planning Director, presented on behalf of ETS Construction, LLC, applicant, on behalf of Rebecca McGowan and Melissa Corbett, owners, is requesting approval of a Special Use Permit for the construction of a telecommunications facility that consists of a 300’ self-supporting lattice tower, 50- kilowatt generator and 500-gallon liquid petroleum tank. The subject property is located on the southwest corner of the intersection of New Road and Interstate 40 in the Burgaw township, approximately one tenth of a mile east of the Village of St. Helena. The proposed project site may further be identified by Pender County PIN 3247-08- 8992-0000. He confirmed that all height requirements are in compliance. He confirmed if there was not any oppistion to this project from neighbooring property owners. Mr. Henley confirmed the setbacks an buffers as well.

Hal Kitchin, 380 N. Third St, gave a brief overview of the project and confirmed that Duke Energy is responsible for the tower.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion to approve SUP 2022-32

	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.

21 ADJOURNMENT

Travis Henley, was given well wishes from the board.