MINUTES
Board of County Commissioners Meeting
Monday, March 14, 2022 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: George Brown
Fred McCoy
Jacqueline A. Newton
David Piepmeyer
David Williams

MEMBERS ABSENT:

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

Page

1 CALL TO ORDER

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

2 INVOCATION

Presented by Commissioner Williams

3 PLEDGE OF ALLEGIANCE

Presented by Commissioner Brown

4 ADOPTION OF AGENDA

4.1 Motion to remove agenda items 8.12 and 17.1 and add item numbers 9.7,9.8,9.9, and 9.10.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion to remove agenda items 8.12 and 17.1 and add item numbers 9.7,9.8,9.9, and 9.10.

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

CARRIED.

4.2 Motion to adopt amended agenda.

Moved by Jacqueline A. Newton, seconded by David Williams

Amended agenda adopted

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

CARRIED.

5 PRESENTATIONS

5.1 Resolution requesting funding of a 10 Mile Parallel line for the Lower Cape Fear Water and Sewer Authority 19

Tim Holloman with Lower Cape Fear Water and Sewer presented a resolution for approval by the board requesting funding of a 10 Mile Parallel line.

Moved by Jacqueline A. Newton, seconded by David Williams

Resolution approved

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

David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

10 MIle Parallel Line

5.2 Focus Broadband Great Grant Program 21 - 30

Kris Ward with Focus Broadband presented to the board information on the 2022 NC GREAT grant program.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion to add item 5.2 formal vote to the agenda to appropriate funds as well as approve partnership agreement with Focus Broadband NC GREAT grant program.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

NC GREAT Grant - Pdf

6 PUBLIC INFORMATION

6.1 2022-2032 Parks and Recreation Master Plan

Vanessa Lacer, Long Range Planner, presented the draft Parks and Recreation Master plan. Staff provided information on the public input process, key findings, and the goals and recommendations that are contained within the d raft Plan. Staff have already presented this item to the Pender County Parks and Recreation Advisory Board on February 28th and the Pender County Planning Board on March 1st, receiving unanimous recommendations of approval from both, and will present this item to the Commissioners again in a final adoption public hearing on April 4th.

7 PUBLIC COMMENT

7.1 Donald Sullivan, Atkinson NC, suggested to the board to table the new construction contracting until the economy stabilizes. He stated that investing in construction that is not needed immediately would not be good judgement.

8 CONSENT AGENDA

8.1 Approval of a Purchase Order to SHI for Microsoft Enterprise Licensing Annual Renewal in the amount of $122,113.15.

8.2 Approval of a Budget Amendment for funds in Insurance/Property Loss in the amount of $35,275.00..

8.3 Approval of the Board of Commissioner Meeting Minutes February 22, 2022

8.4 Approval of Budget Amendment for funds received from North Carolina Department of Public Safety in the amount of $84,269.66.

8.5 Approval of a Budget Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2021-2022: $692

8.6 Accepting Funds from the Office of State Budget Management BOA

8.7 Approval Petition for a Road Addition

8.8 Approval of surplus Mosquito Control vehicle

8.9 Approval of Tax Releases and Refunds

8.10 Budget Amendment to add two new positions to the Pay and Classification plan

8.11 Approval of BOA to Purchase Johanson Property

8.12 Approval of a Budget Amendment to Increase Health Department Revenues and Expenditures for Fiscal Year 2021-2022: $104,598

8.13 Approval of BOA to accept funds by the General Assembly

8.14 Approval of BOA to purchase 9.26 acres

8.15 Approval of BOA to purchase Shiloh convenience site land. Parcel ID 2361-80-7713-0000

Moved by David Williams, seconded by Fred McCoy

Motion to approve consent agenda with removal of item 8.12

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

David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9 APPROVALS AND RESOLUTIONS

9.1 Resolution Approving Contract for Mowing the Pender Commerce Park Roadsides and Expanded Shoulder Areas

Allen Vann, Assistant County Manager, presented bids for mowing of Pender Commerce Park roadsides and expanded shoulder areas. The RFP was advertised from 2-7-2022 to 2-25-2022. The bids ranged as Casteen Property Maintenance - $36,000 Phillip's Lawn Care - $24,000 Cutting Edge Lawn Care - $6,400 Intercoastal Land Maintenance - $12,800 The RFP requires a service contract/period of seven months beginning Monday, April 4, 2022 and ending on Friday, November 4, 2022. We have increased the number of cut times for the contract period from 14 to 16 times to further enhance the PCP appearance. The board had a discussion on the difference of bids and the process.

Moved by Fred McCoy, seconded by David Williams

Motion to award a contract in the amount of $12,800.00 to Intercoastal Land Maintenance, Inc. for mowing the Pender Commerce Park Roadsides and Expanded Shoulder Area(s) and approve a purchase order in the same amount to be paid from the Grounds Department Contracted Services budget code 570-404500.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.2 Resolution Approving Contract for Geotechnical Engineering Services for the new Pender County LEC/Jail

Allen Vann, Assistant County Manager, presented to the board a RFQ. Mr. Vann stated in conjunction with Moseley Architects moving forward with the design development stage of the new Pender County Law Enforcement Center/Jail, a Request for Qualifications (RFQ) for Geotechnical Engineering Services was issued on February 8 with a due date for responses of February 25, 2022. Pender County chose to waive the Mini-Brooks Act and therefore also requested a proposal for pricing of the services as outlined in the attached RFQ. Two firms responded as follows: ECS in the amount of $10,300.00 S&ME in the amount of $18,000.00 In considering the responses, it is recommended to utilize ECS for the Geotechnical Services for the New Jail project in order to perform an in-depth assessment of the property.

Moved by Fred McCoy, seconded by David Williams

Motion to approve a contract with ECS in the amount of $10,300.00, a Budget Ordinance Amendment as attached for $11,000, and a subsequent purchase order in the amount of $10,300.00 to be paid from the New LEC/Jail budget code of 60-404500-6093.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.3 Approval of Purchase Order to Fairway Ford for the purchase of 2023 Ford Transit Van in the amount of $52,275.00.

Alan Cutler, Sheriff, requested approval of a Purchase Order to purchase a 2023 Ford Transit 20 mid-roof cargo van. This price also includes the outfitting of the equipment needed in the truck including but not limited to the strobe lights, computer stand, mobile radio mount, etc.

Moved by David Williams, seconded by Fred McCoy

Motion to approval of Purchase Order to Fairway Ford for the purchase of 2023 Ford Transit 250 mid-roof cargo van in the amount of $52,275.00.

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

David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.4 Offer on three surplus lots located on River Bend.

Tera Cline, Clerk to the Board, presented a bid for the county surplus property located at River Bend. (3331-96-5342-0000, 3331-96-4262-0000, 3331-96-3196-0000) with a minimum bid amount of $28, 000 as assessed by the tax office. Joel Reyes is interested in purchasing the property for $28,000.00 minimum bid. There is no building on the land. Mr. Reyes recently purchased the parcel located at 1810 Riverbend and realized Lot 7, 8 and 9 would need to be purchased as well for access and septic is located on Lot 7 and some of the home. The tax assessment information was shared with the board as well as the GIS map.

Moved by David Williams, seconded by Fred McCoy

Motion to accept offer of $28,000.00 on parcel ID 3331-96-5342-0000, 3331-96-4262-0000, 3331-96-3196-0000 Lots 7, 8, 9 Riverbend and direct clerk to advertise upset bid notice.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.5 Recommendation to award the Internet Services contract to Spectrum Enterprise for a 36-Month term and award the Wide Area Network, 911 Backup, and Hampstead Convenience Center contract to AT&T for a 36-Month term.

Earl Moore, IT, presented to the board information in regards to the contract for Internet Services and Wide Area Network (WAN) Services ends at the end of this fiscal year. In collaboration with the County's E-Rate Consultant, E-Rate Services, LLC, Pender County issued a Request for Proposal (RFP) on January 6th, 2022, requesting proposals for Fiber Internet and Wide Area Network (WAN) for Pender County Buildings. Based on the submitted proposals, the County will see an estimated annual savings of $16,640. This includes an estimated savings of $5,509.80 for Internet Services and $11,130 for WAN Services. In addition, Pender will receive an estimated $10,980 annually, in E-Rate funding, for the eligible sites. Staff are requesting that the Board of County Commissioners consider approving the two contracts to allow work to begin in preparation for service beginning after July 1, 2022. Once the Fiscal Year 2022-2023 Budget has been approved, staff will request a purchase order to encumber the funds for the entire fiscal year.

Moved by David Williams, seconded by Fred McCoy

Motion to award the Internet Services contract to Spectrum Enterprise for a 36-Month Term and award the Wide Area Network, 911 Backup, and Hampstead Convenience Center contract to AT&T for a 36-Month Term.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.6 Emergency Management & Facilities Purchase Order for Generators

Tommy Batson, Emergency Management Director, requested the board to authorize a purchase order in the amount of $310,376.40 to National Power to purchase one (1) 250kVA Generator and three 100kVA generators. Purchase from Account 500-407480 & 525002-407400. The purchase is for three (3) 100kVA generators and one (1) 250kVA generator. This will replace four of the six generators used primary for shelter operations during storms. In addition, these generators are portable and if needed to support critical sites, county facilities, disaster response, pump stations, lift stations and any emergency service station if needed. These generators will be purchased from National Power out of Raleigh, NC under the NC Sheriffs Association contract. These generators are expected to be delivered in 24- 28 weeks. Currently, we plan on releasing the four oldest generators to the Asset Manager for surplus.

Moved by Fred McCoy, seconded by Jacqueline A. Newton

Motion to approve a purchase order in the amount of $310,376.40 to National Power to purchase one (1) 250kVA Generator and three 100kVA generators. Purchase from Account 500-407480 & 525002-407400.

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

9.7 Resolution Supporting Grant Application to North Carolina Emergency Management (NCEM) Transportation Infrastructure Resiliency Fund for a Resiliency Analysis of the NC 210 Corridor between Rocky Point and Hampstead 31 - 32

Travis Henley, Planning Director, presented a resolution supporting a grant for transportation infrastructure resiliency fund.

Moved by David Williams, seconded by George Brown

Motion to adopt resolution

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

Grant NC Emergency Management

9.8 Resolution for approval of sale of county property parcel number 2291-78-1338-0000 (Lot 6)

Moved by David Williams, seconded by George Brown

Agenda items 9.8 and 9.9 and 9.10 resolutions for sale of county owned land all presented and approved at one time.

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

CARRIED.

9.9 Resolution for approval of sale of county property parcel number 2291-78-7704-0000 (Lot 7)

9.10 Resolution Authorizing the Sale of County Owned Real Property Land totaling approximately 150 +/- net acres located at Vitamin Drive and US Highway 421 in Pender County, parcel numbers 2291-95-4885-0000 and 2291-84-9960-0000 also generally known as all or parts of Lots 12,15,16,17 and 18 and 19 in Pender Commerce Park.

10 DISCUSSION

10.1 Review and or Approval of BOCC Rules of Procedures 33 - 49

The board discussed the adoption of the rules of procedures that were first presented in 2017 but not adopted. They all reviewed and approved.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion to adopt BOCC Rules of Procedures

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

CARRIED.

Rules of Procedure

11 APPOINTMENTS

11.1 Approval of an Appointment to the Pender Fire and EMS Board

Moved by David Williams, seconded by George Brown

Motion to approve

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

CARRIED.

11.2 Approval of an Appointment to the Pender Fire and EMS Board

Moved by Fred McCoy, seconded by David Williams

Motion to approve

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

CARRIED.

11.3 Motion to excuse Commissioner Brown from the meeting.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion approved

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

David Williams	x			
	5	0	0	0

CARRIED.

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

Opened as Pender County Board of Health at 5:30 PM and closed at 5:33 PM

17.1 Carolyn Moser, Health Director, gave a brief covid update. She noted the state is requesting citizens to use the CDC covid tracker for information pertaining to the virus.

18 SOCIAL SERVICES BOARD

Opened as Pender County Social Services Board at 5:33 pm and closed at 5:38 PM

18.1 Wes Stewart, Director of DSS, explained to the board an email he sent to them in regards to a letter of support of Trillium Health Resources to continue to manage all healthcare for children, young adults, and their family members with Medicaid who are involved in the foster care system. He discussed his issues with the attached letter of support with Dennis Williams, Trillium's Southern Regional Director. The LME/MCO's across the state are advocating for a regional approach which would allow all LME/MCO's to be positioned to continue business as usual. Mr. Stewart believes that Trillium has tried in a multitude of ways to expand their network to date, they have been unsuccessful, especially with those children that are difficult to place. Because of his responsibility as the DSS Director to act as this child's parent equates to my having to house these children in the DSS building. Beyond the obvious challenges with this scenario, no private sleeping quarters, no showers, etc.. Other challenges that come with this are things like medication management, the use of physical or pharmaceutical restraints, etc., none of which are DSS Social Workers qualifications.

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

19.1 Trey Thurman, County Attorney

- Closed session items :
- Three attorney client
- Four economic development
- Five acquisition of real property

Chad McEwen, County Manager

- Informed the board that a BOA would be coming forward to approve the receipt of $4 million dollars from DOT for road construction at Pender Commerce Park.
- Moving forward with closing on the DBL tract and Kauffman tract.
- Updated the board on an under ground vault found on the BASF property and let them know there would be a change order for demolition.

Doug Shipley, Assistant Manager, followed up on the parks and rec master plan presentation.

Commissioner Newton, expressed her concern for possible caution light or something at the Malpass Corner intersection at 421. She also thanked the animal shelter staff for a job well done.

Commissioner McCoy, stated he enjoyed the ground breaking ceremony for the new bypass.

Vice-Chairman Williams, dismissed a rumor that he is pushing for the Pender Fire and EMS merger due to going to work with Novant.

Chairman Piepmeyer, thanked the staff on a very good retreat.

20 CLOSED SESSION (IF APPLICABLE).

20.1 Motion to move to closed session at 5:55 PM made by Vice Chairman Williams Second by Commissioner Newton. Motion to enter into closed session pursuant to G.S. 143-318.11: 3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time; 4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development.5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment.

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

21.1 SUP 2022-24

Vanessa Lacer, Long Range Planner, presented on behalf of Cellco Partnership d/b/a Verizon Wireless, applicant, on behalf of Jimmy and Lisa Shackleford, owners, is requesting approval of a Special Use Permit for the construction and operation of a passive, unstaffed telecommunications facility including a 280' tower, 5' lightning rod and associated equipment within a 70'x70' fenced compound within a 100'x100' lease area. The subject property is on the north side of HWY 53 East in the Holly Shelter township, approximately 7.5 miles east of Burgaw. The project site will be near the eastern parcel border, set back 845' from the right-of-way and may further be identified by Pender County PIN 3351-48-5352-0000. She confirmed that the conditions were based on the Pender County Unified Development Ordinance.

Ralph Winegarden, Faulk and Foster, on behalf of Cellco Partnership stated to the board that this location is desperately needed to fill in the dead space between Burgaw and Maple Hill. He also addressed the idea of other providers being able to use the property as well. Mr. Winegarden confirmed the height of the tower.

Moved by Fred McCoy, seconded by Jacqueline A. Newton

Motion approved

	For	**Against**	**Abstained**	**Absent**
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
	5	0	0	0

CARRIED.

21.2 SUP 2022-26

Travis Henley, Planning Director, presented on behalf of Old North State Water Company, LLC, applicant and owner, is seeking a revision to an existing Special Use Permit for the Majestic Oaks Wastewater Treatment Facility. Specifically, the request is to accommodate an existing Sewage Lift Station that was constructed prior to a needed revision to the existing Special Use Permit. The subject property is located within the Majestic Oaks subdivision on the southern side of Dan Owen Drive near the terminus of Milne Way, approximately 0.5 miles east of the intersection of US HWY 17 and NC HWY 210 in the Topsail Township. There are two tracts totaling approximately 5.39 acres of land associated with this request and may be further identified by Pender County PINs 3292-05-6741-0000 and 3292-05-8598-0000. Mr. Henley shared the conditions set forth by the Board of Adjustment on the variance case. First being, fencing shall be installed in accordance with the Pender County UDO for structures above grade and the second being, all fines incurred or to be incurred due to the zoning violation currently pending on subject property shall be paid.

Tammy Kemerait, Attorney, representing Old North State Water Company. She stated the variance has already been approved by the Board of Adjustment to reduce the setback and the buffer requirements. The Old North State facility has some environmental issue therefore they are requesting an amendment to the current special use permit. Ms. Kemerait stated they are working with NC Utilities Commission to transfer ownership of the wastewater treatment facility from Old North

State to Pluris as well as getting limitations. Once the approvals are complete and the construction of the new facility is complete then the existing wastewater treatment facility is going to be decommissioned and removed. Chairman Piepmeyer requested a timeline of the project. Maurice Gallarda, Pluris, stated the easement issue falls on Pluris and anticipate approval from the commission within a 60-day horizon. Ms. Kemerait stated the beginning construction on the new lift station was an inadvertent mistake being rushed to treat the wastewater with the Pluris plant. Construction has been halted until appropriate permits have been received by the county. She gave a brief overview of the Pluris plant and reviews. She shared the site plan and location map of the new lift station as well as the landscaping. Ms. Kemerait confirmed that all the standards for the special use permit have been met to grant the amendment to the current special use permit. An engineer from Pluris confirmed the lift station would not be at capacity and it could be increased if needed. She closed stating she spoke Tammy Bailey and understands Pluris will be working with her on her issues.

Trey Thurman, County Attorney, and John McDonald, Owner of Old North State Water Company, confirmed a condition of decommissioning the old plant will be approved by the NC Utilities Commission.

Karin Kemerait, attorney, stated they would be happy to add the condition that once decommissioning is approved by the NC Utilities Commission they will file an updated site plan with the county to satisfy the approved SUP.

Tammy Bailey, 102 Bay Blossom, stated she spoke with John McDonald with Old State and Mr. Hoffer with Pluris and they have agreed to help her with her concerns.

Leon Els, 302 Chuckanut Dr., spoke in support of Pluris taking the plant over.

Moved by David Williams, seconded by Fred McCoy

Motion to approve the SUP with condition added that a modified site plan be given once decommissioning is done.

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

David Williams	x			
	4	0	0	1

CARRIED.

21.3 ZTA 2021-15

Vanessa Lacer, Long Range Planner, presented on behalf of Pender County, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. Specifically, the request is to amend Article 3, Sections 3.1.1 'Pre-Submittal Meeting with Staff,' 3.1.2 'Application Requirements,' 3.5.3 'Pre Application Conference,' 3.5.4 'Review,' 3.9.2 'Pre Application Conference,' 3.9.3 'Review,' 3.10.2 'Pre Application Conference,' and 3.14.3 'Pre-Application Conference' and various workflow figures within Article 3 'Review Procedures' to ensure conformance with updated ordinance language. This request revises the current requirements for presubmittal meetings, fees and waiting periods in order to improve the efficiency of the application review process. A detailed description of the proposed change is available in the Pender County Planning and Community Development Department offices. The applicant requests to remove the requirement in Section 3.1.1.C for face-to-face presubmittal meetings and a thirty (30) day wait period prior to submission of an application following the pre-submittal meeting. Staff have found applicants are often well-versed in application requirements and the review process, sometimes rendering a pre-submittal meeting unnecessary. Removing the requirement for a pre-submittal meeting would simplify the application process for experienced applicants and increase efficiency for all parties involved, including Staff and applicants, as only necessary meetings would be conducted. For applications where a presubmittal meeting is necessary, advances in virtual communication technology, such as Microsoft Teams or Zoom, easily replace face-to-face meetings. A virtual or conference call option reduces barriers for applicants such as mobility or distance while providing the same level of service as a face-to-face meeting. Ms. Lacer confirmed with the board the exact intent of the text amendment.

Doug Shipley, Assistant County Manager, asked about consistency of Environmental Health taking payments in advance. Travis Henley stated that the UDO is only for planning.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion approved

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

CARRIED.

22 NEXT MEETING DATE

22.1 Monday April, 4 2022 4:00 PM
805 S. Walker Street Burgaw NC
BOCC meeting Room

23 ADJOURNMENT

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Meeting adjourned at 8:16 PM

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

CARRIED.

Resolution Requesting funding of a 10 Mile Parallel line
For the Lower Cape Fear Water and Sewer Authority

WHEREAS, the Lower Cape Fear Water and Sewer Authority (Authority) serves Brunswick, Bladen, Pender, New Hanover, Columbus Counties, and the City of Wilmington with a Board of Directors representing those local governments; and

WHEREAS, the Authority, as the largest regional water system in Eastern North Carolina, has the primary role of providing raw water from the Cape Fear to supply treatment facilities that serve 550,000 customers in three separate counties: and,

WHEREAS the Pender County Board of Commissioners wish to ensure reliable availability and redundancy; and

WHEREAS, this past November, the Authority experienced a major leak on a segment of line without redundancy; and

WHEREAS, should this same type of leak have occurred during the peak seasonal months, the potable water needs of the Authority's wholesale customers, to include the State Port, ten regional medical facilities, the Sunny Point Military Terminal, the rail terminal in Leland and the Port terminal in Boiling Springs Lakes, and numerous other essential operating businesses and facilities would be at risk, forcing those users to take extreme conservation measures during a worst-case crisis scenario; and

WHEREAS the current estimated cost for a 48" parallel line to resolve this risk is projected to be $54 million; and

WHEREAS such funding burden would endanger or preclude funding for routine maintenance or other critical projects for the foreseeable future; and

WHEREAS the Pender County Commissioners along with the Authority's Board of Directors calls upon the legislators to assist in funding this critical regional infrastructure for eastern North Carolina.

NOW, THEREFORE, BE IT RESOLVED, by the Chairman and the Pender County Board of Commissioners request members of the North Carolina Legislature to allocate funding for a ten-mile parallel line for the purposes of redundancy, reliability, and emergency management.

THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution be recorded in the permanent minutes of this Board.

Adopted this 14th day of March 2022.

David Piepmeyer, Chairman

Tera Cline, Clerk to the Board

PENDER
COUNTY NC

Pender County
Focus Broadband Great Grant Program

TO:	Board of County Commissioners
FROM:	Kris Ward and Jody Heustess
DATE:	March 14, 2022
SUBJECT:	Focus Broadband Great Grant Program

SUMMARY:
Presentation on the 2022 NC GREAT Grant Program

2022 NC GREAT Grant Program

- $350 million appropriated from the American Rescue Plan Act for the GREAT Grant Program.
- Application Window - January 31st to April 4th
- Maximum grant size is $4 million.
- Maximum grants per county is $8 million per fiscal year. Only one can be given to a county unless additional funds remain after all grants to different counties have been awarded.
- Any project applied for and not funded in an award round will be eligible for the Completing Access to Broadband (CAB) program.

FOCUS BROADBAND

2022 NC GREAT Grant Program

- Eligible Project Areas - A designated geographic area without access to 25/3 Mbps offered by a wireline or fixed wireless provider.
- Projects must be completed within 2 years of execution of grant agreement.
- Speed Requirement for NC GREAT Grant: 100:20 minimum initially and reliably provide 100:100 by December 31, 2026.
- Tier One and Tier Two counties are eligible as well as rural census tracts for Tier Three counties.

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2022 NC GREAT Grant Program

- Partnerships- Up to 4 partnership points available. A formalized written agreement must exist between the provider and the partner providing specific terms and conditions and be signed and attested to by both parties.
- A county can enter into a partnership with more than one provider.
- 1 point - will be awarded where infrastructure that has been installed for the partner's non-consumer broadband purposes is made available, or other property, buildings, or structures, for a proposed project.
- 3 points will be awarded for a partnership where the county's financial match is comprised entirely from federal ARP funds intended for broadband infrastructure.
- If a county in a partnership makes a financial contribution to a project with funds *entirely* from ARP funding, the required amount of matching funds will be reduced to 15%.

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2022 NC GREAT Grant Program

- SCORING
  - *Partnership*: Possible 4 points
    - Infrastructure - 1 point
    - Financial Match - 3 points (completely from ARP)
  - *Unserved Households -* This is chart determined.
    - Pender County shows having 5,149 unserved homes providing 3 points.
  - *Unserved Households to be Served -* Chart determined
    - Divide number of HHs project proposes (1,331) to serve by total unserved HH (5,149), for Pender this is just above 25%.
    - This will provide 3 points.

Unserved HH	Points
500 or less	1
501-1400	2
Over 1400	3

Unserved HH to be served	Points
Less than 15%	1
15% - 25%	2
Over 25%	3

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2022 NC GREAT Grant Program

- SCORING Cont'd.
  - *Unserved Businesses*
    - More than 10 businesses yields 3 points. We have identified 34 businesses in the proposed project area, so we anticipate 3 points.
  - *Cost Per Household or Business*
    - Points will be awarded based on the estimated cost per household or business to be served.
    - Engineering studies have determined the cost per location to be around $3,800 per address which would yield 8 points.
  - *Base Speed Multiplier*
    - Based on the minimum speeds offered, a base speed multiplier will be used as a multiple of the sum of the points awarded in the scoring categories.
    - FOCUS Broadband will offer symmetrical speeds up to 2 Gig, so we would qualify for the 3x multiplier.

Unserved Businesses	Points
Between 1 and 4	1
5 to 10	2
More than 10 or a business w/31 or more employees	3

Est. Cost Per Location	Points
Up to $3,500	9
$3,500 to $5,000	8
$5,000 to $6,000	7
$6,000 and over	0

Minimum Speeds	Multiplier
100:20 up to 100:100	1.00
100 Mbps, symmetrical	2.00
Greater than 100:100 Mbps	3.00

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2022 NC GREAT Grant Program

- SCORING Cont'd.
  - *Additional Points* - 1 point (after the base speed multiplier)
    - Community Broadband Playbook, or Current Broadband Planning Committee, or a broadband study within the past two years (Pender County's recently approved Digital Broadband Plan).
    - County must write a letter stating they have one of these.
  - *County Match Amount*
    - A county can contribute a maximum of 50% of the required project match.
    - The overall grant amount can't exceed $4 million.

County Match Amount	Points
$1,000,000 to $2,000,000	1
$2,000,001 to $4,000,000	2
$4,000,001 to $6,000,001	3
$6,000,001 to $8,000,000	4
More than $8,000,000	5
This is for counties who received more than $8 million in ARP Funding	

County Match Amount	Points
$250,000 to $6,000,000	6
$6,000,000 to $8,000,000	7
This is for counties who received less than $8 million in ARP Funding	

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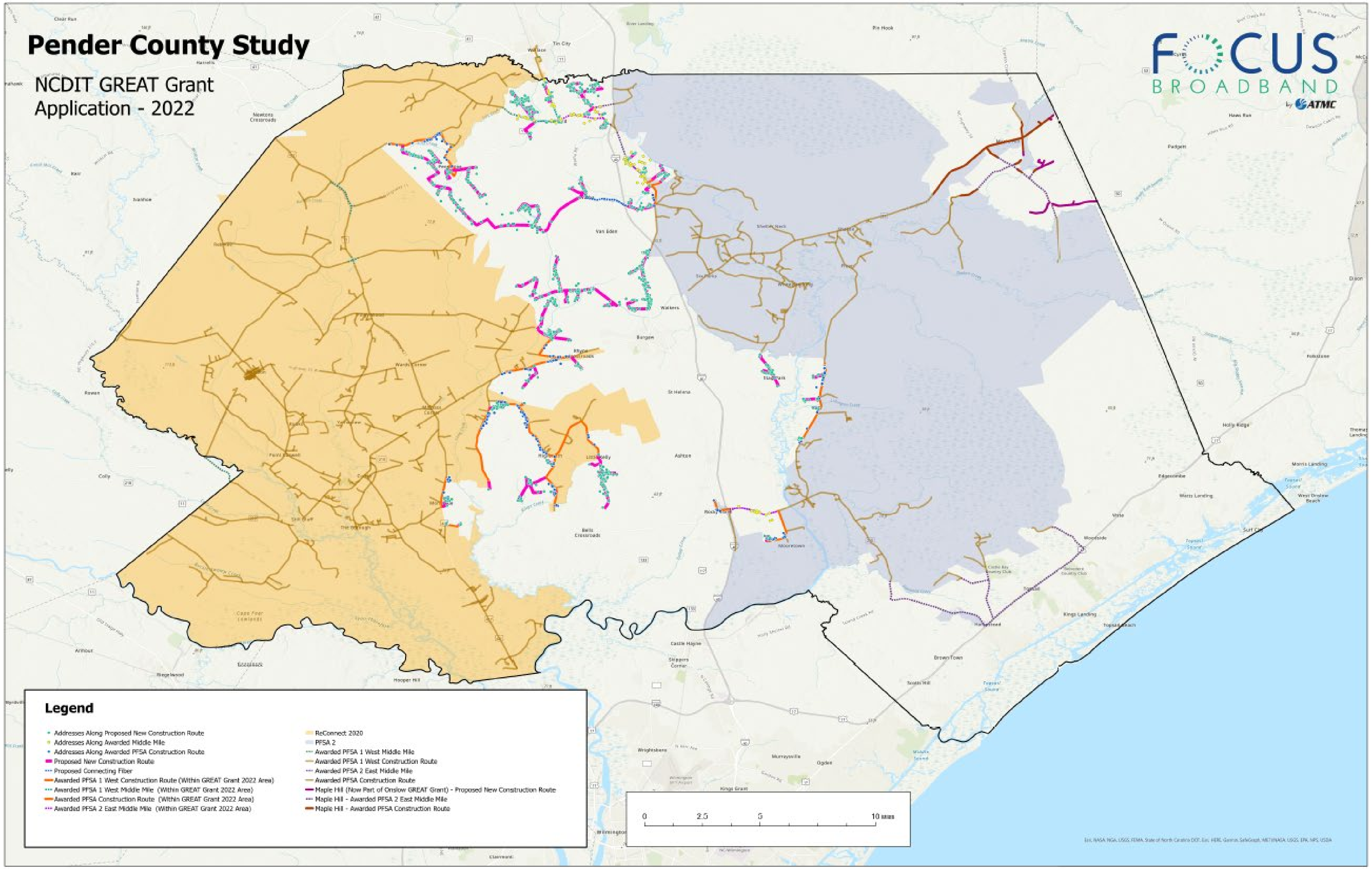
2022 NC GREAT Grant Program

- Scoring Summary:

Scoring Category	Max Points	Pender Anticipated Score
Partnership Infrastructure	1	1
Partnership Match from ARP	3	Up to 3
Unserved Households	3	3
Unserved HH to be Served	3	3*
Unserved Businesses	3	3*
Cost Per HH or Business	9	8*
Base Speed Multiplier	X 3	X 3
Initial Points	66	54-63
Community BB Planning	1	1
County Match	6	TBD
Final Point Total	73	55-64

FOCUS BROADBAND


Pender County Study
NCDIT GREAT Grant
Application - 2022
FOCUS
BROADBAND
by ATMC
Legend
Addresses Along Proposed New Construction Route
Addresses Along Awarded Middle Mile
Addresses Along Awarded PFSA Construction Route
Proposed New Construction Route
Proposed Connecting Fiber
Awarded PFSA 1 West Construction Route (Within GREAT Grant 2022 Area)
Awarded PFSA 1 West Middle Mile (Within GREAT Grant 2022 Area)
Awarded PFSA Construction Route (Within GREAT Grant 2022 Area)
Awarded PFSA 2 East Middle Mile (Within GREAT Grant 2022 Area)
ReConnect 2020
PFSA 2
Awarded PFSA 1 West Middle Mile
Awarded PFSA 1 West Construction Route
Awarded PFSA 2 East Middle Mile
Awarded PFSA Construction Route
Maple Hill (Now Part of Onslow GREAT Grant) - Proposed New Construction Route
Maple Hill - Awarded PFSA 2 East Middle Mile
Maple Hill - Awarded PFSA Construction Route
0
2.5
5
10 Miles
Van Eden
Walkers
Burgaw
St Helena
Ashton
Castle Hayne
Wrightsboro
Murraysville
Ogden
Kings Grant
Holly Ridge
Hampstead
Surf City
Topsail Beach

2022 NC GREAT Grant Program

- Summary:

  - Pender
    - Network to be built is estimated at 110.3 miles
    - Estimated cost - $5,095,350
    - Estimated number of unserved HHs – 1,297
    - Estimated number of unserved Businesses and Anchor Institutions - 34

  - Possible county match of $547,675 using ARP funds or unrestricted general funds.

FOCUS BROADBAND

PENDER
COUNTY NC

Resolution Supporting Grant Application to North Carolina Emergency Management (NCEM) Transportation Infrastructure Resiliency Fund for a Resiliency Analysis of the NC 210 Corridor Between US 17 in Hampstead, NC and US 117 in Rocky Point, NC

WHEREAS, Pender County supports efforts toward a resilient transportation system across the County and the Cape Fear Region; and

WHEREAS, Pender County's rapid growth is being felt in the Hampstead and Rocky Point communities and across the County overall; and

WHEREAS, North Carolina Highway 210 (NC 210) is a vital corridor across the County and is a posted Hurricane Evacuation Route between Hampstead and Rocky Point; and

WHEREAS, NC 210 plays a major role in the safe evacuation of Pender County citizens and visitors in advance of incoming storms and tropical systems and in recovery efforts following natural disasters; and

WHEREAS, NC 210 is currently susceptible to flooding in numerous locations between Hampstead and Rocky Point, including the Northeast Cape Fear River crossing and other creek crossings, as evidenced by the impacts during and following Hurricane Florence; and

WHEREAS, a resilient NC 210 corridor between Hampstead and Rocky Point provides numerous safety and economic benefits in the immediate and long-term aftermath of tropical systems, flooding events, wildfires, and other hazards; and

WHEREAS, grant funding is available at 100% funded through the North Carolina Emergency Management (NCEM) Transortation Infrastructure Resiliency Fund to ensure transportation resilience against natural disasters; and

WHEREAS, Pender County Planning and Community Development staff propose to submit a grant application to fund a Resiliency Analysis of the NC 210 corridor between US 17 in Hampstead, NC and US 117 in Rocky Point, NC.

PO Box 5 – 805 S. Walker Street, Burgaw, NC 28425

COUNTY OF PENDER

(910) 259-1200 Office | www.pendercountync.gov

PENDER
COUNTY NC

NOW THEREFORE, be it resolved that the Pender County Board of Commissioners hereby supports an application for funding through the NCEM Transportation Infrastructure Resiliency Grant.

Adopted this the 14th March 2022.

David Piepmeyer, Chairman
Pender County Board of Commissioners

ATTEST:

Tera Cline
Clerk to the Board

PO Box 5 – 805 S. Walker Street, Burgaw, NC 28425

(910) 259-1200 Office | www.pendercountync.gov

Rules of Procedure
Pender County Board of Commissioners

Adopted the 14 day of March, 2022.

I. Applicability

Rule 1. **Applicability of Rules**

These rules apply to all meetings of the Board of Commissioners of Pender County at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. Open Meetings

Rule 2. **Meetings to Be Open**

(a) It is the public policy of North Carolina and of Pender County that the hearings, deliberations, and actions of this board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Pender County Board of Commissioners shall be open to the public and any person is entitled to attend such a meeting.

(c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Rule 3. **Closed Sessions**

(a) Notwithstanding the provisions of Rule 2, the board may hold a closed session and exclude the public under the following circumstances and no others:

1. To prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or is not considered a public record within the meaning of Chapter 132 of the General Statutes.
2. To consult with the county attorney or another attorney employed or retained by the county in order to preserve the attorney–client privilege.
3. To discuss matters relating to the location or expansion of industries or other businesses in the county.
4. To consider and take action with respect to the position to be taken by the county in negotiating the price or other material terms of an agreement for the acquisition or lease of real property.
5. To consider and take action with respect to the position to be taken by the county in negotiating the amount of compensation or other material terms of an employment contract.
6. To consider the initial employment or appointment of an individual to any office or position, other than a vacancy in the board of county commissioners or any other public body, and to consider the qualifications, competence, performance, character, and fitness of any public officer or employee, other than a member of the board of commissioners or of some other public body.

7. To hear or investigate a charge or complaint by or against an individual public officer or employee.

8. To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(b) The board may go into closed session only upon motion made and adopted at an open meeting. A motion to go into closed session must cite one or more of the permissible purposes listed in subsection (a) of this rule. In addition, a motion to go into closed session pursuant to Rule 3(a)(1) must state the name or citation of the law that renders the information to be discussed privileged or confidential, and a motion to go into closed session pursuant to Rule 3(a)(2) must identify the parties in each existing lawsuit, if any, concerning which the board expects to receive advice during the closed session.

(c) Unless the motion to go into closed session provides otherwise, the county manager, county attorney, and clerk to the board may attend the closed session. No other person may attend the closed session unless specifically invited by majority vote of the board.

III. Organization of the Board

Rule 4. **Organizational Meeting**

(a) **Even-Numbered Years**. The board shall hold an organizational meeting at its regular meeting place at 4:00 P.M. on the first Monday in December of each even-numbered year. The first order of business will be the approval of any prior minutes. The induction of newly elected members of the board of county commissioners will then follow. The previous chairman will ask the County Attorney to preside until a chair is elected. If they have not already been sworn and inducted into office, the newly elected members of the board shall take and subscribe the oath of office. Then the board shall elect a chair and vice-chair from among its members. The attorney will turn the meeting over to the new Chairman. For the last orders of business, the board may (re)appoint a clerk and an attorney.

(b) **Odd-Numbered Years**. At the first regular meeting in December of each odd-numbered year, the first order of business shall be approval of the minutes of the previous meeting. The second order of business shall be election of the chair and vice-chair for the ensuing year. The third and fourth orders of business shall be appointment of the clerk and county attorney.

Rule 5. **Election of the Chair**

The chair of the board shall be elected annually for a term of one year and shall not be removed from the office of chair unless he or she becomes disqualified to serve as a member of the board.

IV. Regular and Special Meetings

Rule 6. **Regular and Special Meetings**

(a) **Regular Meetings**. The board shall hold a regular meeting on the first and third Monday of each month with the exception of March, July, and December which only have one meeting. If a regular meeting day is a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting. Regular meetings shall be held at 805 S. Walker Street, Burgaw and shall begin at 4:00 P.M. unless otherwise advertised. The board may change the place or time of a particular regular meeting or all regular meetings within a specified time period by resolution adopted, posted, and noticed no less than seven days before the change takes effect. Such a resolution shall be filed with the clerk to the board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the board.

(b) **Special Meetings**. The chair or a majority of the members of the board may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be posted on the door of the regular meeting place and delivered to the chair and all other board members at least 48 hours before the meeting. In addition, the notice shall be delivered to individual persons and news media organizations who have requested such notice as provided in subsection (d), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

(c) **Emergency Meetings**. If a special meeting is called to deal with an unexpected circumstance that requires immediate consideration by the board, the notice requirements of this rule do not apply. However, the person or persons who call an emergency meeting shall take reasonable action to inform the other members and the public of the meeting. Local news organizations who have requested notice of special meetings as provided in subsection (d), below, shall be notified of such emergency meetings by the same method used to notify board members. Only business connected with the emergency may be discussed at the meeting.

(d) **Sunshine List**. Any individual person and any newspaper, wire service, radio station, and television station may file with the clerk to the board of commissioners a written request for notice of all special meetings of the board.

(e) **Work Sessions and Committee Meetings**. The board may schedule work sessions, committee meetings, or other informal meetings of the board or a majority of the members of the board at such times and with respect to such subject matter as may be established by resolution or order of the board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal official meetings not held on a regular schedule are subject to the same notice requirements as special board meetings.

Rule 7. **All Meetings within the County**

All meetings shall be held within the boundaries of Pender County except as otherwise provided herein.

1. A joint meeting with the governing board of any other political subdivision of this state or any other state may be held within the boundaries of either subdivision as may be stated in the call of the meeting. At any such joint meeting, this board reserves the right to vote separately on all matters coming before the joint meeting.
2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or such other place as may be stated in the call of the meeting.

Rule 8. **Broadcasting and Recording Meetings**

(a) Except as provided in this rule, any radio or television station is entitled to broadcast all or any part of an official meeting of the board that is required to be open to the public. Any person may photograph, film, tape-record, or otherwise reproduce any part of a meeting required to be open.

(b) Any radio or television station wishing to broadcast any portion of an official meeting of the board shall so notify the county manager no later than twenty-four hours before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site in the county office building is available, the county manager may require the news media either to pool equipment and personnel or to secure and pay the costs of an alternative meeting site that is mutually agreeable to the board and the media representatives.

V. Agenda

Rule 9. Agenda

(a) The clerk to the board shall prepare the agenda for each regular, special, and emergency meeting. A request to have an item of business placed on the agenda for a regular meeting must be received at least two weeks before the meeting. Any board member may, by a timely request, have an item placed on the agenda.

(b) The agenda packet shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be delivered to each member no later than the Thursday before the meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been delivered to each board member or left at his or her usual dwelling. The short agenda will also be published in the Pender-Topsail Post and Voice the Thursday Prior to the meeting.

(c) The board may, only by unanimous vote, add an item that is not on the agenda.

Rule 10. Informal Public Comments

The clerk to the board shall include on the agenda of each regular meeting a period of at least thirty minutes for comments or questions from members of the public in attendance. Those wishing to speak must sign in prior to 4:00 P.M. on the sign-in sheet posted outside of the Commissioners Meeting Room. At the time of Public Comment, speakers will be acknowledged by the Board Chair in the order in which names appear on the sign-in sheet. Speakers shall address the Board from the podium, and begin comments by stating name and address. Speakers shall be courteous and respectful in their remarks and shall refrain from personal attacks, the use of profanity, and the discussion of personnel or other matters deemed confidential by law. Speakers are limited to 2-3 minutes depending on the number of people signed up. The Chairman will decide the time limit before starting public comment and speakers will be timed.

Rule 11. Order of Business

At regular meetings, the board shall proceed to business in the following order:

1. Call to Order
2. Invocation
3. Pledge of Allegiance

4. Adoption of Agenda
5. Public Information
6. Public Comment
7. Consent Agenda
8. Approvals & Resolutions (Action Items)
9. Discussion Items
10. Appointments
11. Maple Hill Water and Sewer District
12. Rocky Point Water and Sewer District
13. Scotts Hill Water and Sewer District
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, Finance Director, and County Commissioners
19. Closed Session
20. 7PM Public Hearings (Second Meeting of Month unless there is only one meeting)
22. Adjournment

Without objection, the chair may call items in any order most convenient for the dispatch of business.

As a matter of courtesy, by general consent, those items that require the participation of nonmembers, such as members of the public and administrative officials, may be considered first.

VI. Conduct of Debate

Rule 12. Powers of the Chair

The chair shall preside at all meetings of the board. A member must be recognized by the chair in order to address the board. The chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To call a brief recess at any time;
4. To adjourn in an emergency.

Rule 13. Action by the Board

The board shall proceed by motion and a second. The Chair can neither make nor second a motion. The chair may invite another member to make a motion on his or her behalf.

Rule 14. One Motion at a Time

A member may make only one motion at a time.

Rule 15. Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

Rule 16. Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by these rules or the laws of North Carolina.

Rule 17. Procedural Motions

(a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

(b) In order of priority (if applicable), the procedural motions are:

1. *To Adjourn.* The motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.
2. *To Take a Recess.*
3. *To Call to Follow the Agenda*. The motion must be made at the first reasonable opportunity or it is waived.
4. *To Suspend the Rules*. The motion requires a vote equal to a quorum.
5. *To Divide a Complex Motion and Consider It by Paragraph*.
6. *To Defer Consideration*. A substantive motion whose consideration has been deferred expires one hundred days thereafter, unless a motion to revive consideration is adopted.
7. *To Postpone to a Certain Time or Day*.
8. *To Amend*. An amendment to a motion must be germane to the sub-ject of the motion, but it may not achieve the opposite effect of the motion. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing.
9. *To Revive Consideration*. The motion is in order at any time within one hundred days of a vote deferring consideration of it. A substantive motion on which consideration has been deferred expires [one hun-dred] days after the deferral, unless a motion to revive consideration is adopted.
10. *To Reconsider*. The motion must be made at the same meeting at which the original vote was taken, and by a member who voted with the prevailing side. The motion cannot interrupt deliberation on a pending matter but is in order at any time before adjournment.
11. *To Prevent Reconsideration for Six Months*. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Rule 18. Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 19. **Withdrawal of Motion**

A motion may be withdrawn by the introducer at any time before the chair puts the motion to a vote.

Rule 20. **Duty to Vote**

It is the duty of each member to vote unless excused by a majority vote according to law. The board may excuse members from voting on matters involving their own financial interest or official conduct. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

Rule 21. **Prohibition of Secret Voting**

No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Rule 22. **Action by Reference**

The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Rule 23. **Introduction of Ordinances, Resolutions, and Orders**

A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda, regardless of whether it is actually considered by the board, and its introduction shall be recorded in the minutes.

Rule 24. **Adoption, Amendment, or Repeal of Ordinances**

To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or another ordinance requiring a public hearing before adoption) must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority of those voting but not by all the members of the board, or if the measure is not voted on at the meeting where introduced, it shall be considered at the next regular meeting of the board. If the proposal receives a majority of the votes cast at the next meeting or within one hundred days of being introduced, it is adopted.

Rule 25. Quorum

A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

Rule 29. Public Hearings and Public Comment Periods

(a) **Public Hearings**. Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, the chair shall declare the hearing ended and the board shall resume the regular order of business.

(b) **Public Comment Periods**. The board shall provide at least one period for public comment per month during a regular meeting. The board may adopt reasonable regulations governing the conduct of the public comment period, including but not limited to rules setting time limits for speakers, and providing for (1) the designation of representatives to speak for groups supporting or opposing the same position, (2) the selection of delegates from groups with the same position when the meeting hall's capacity is exceeded, and (3) the maintenance of order and decorum in the conduct of the public comment period. The board shall not restrict speakers based on subject matter, point of view, or the fact that the board may find the remarks offensive or insulting, as long as the comments pertain to a subject that is within the board's real or apparent jurisdiction.

Rule 30. Quorum at Public Hearings

A quorum of the board shall be required at all public hearings required by law.

Rule 31. Minutes

The Clerk to the Board will prepare and keep all minutes and they shall be adopted at the following Board Meeting.

Rule 32. Appointments

The board shall use the following procedure to make appointments to fill vacancies in the board itself or in other boards and public offices over which the board has power of appointment. The chair shall open the floor to nominations, whereupon the members shall put forward and debate names of possible appointees. When debate ends, the chair shall call the roll of the members, and each member shall vote. The votes shall not be tallied until each member has voted. The policy of the County of Pender governing Board of County Commissioners appointments to various boards, commissions, committees or authorities is as follows:

a) Any citizen of Pender County is eligible to be appointed to serve on boards, commissions, committees or authorities where such appointment is necessary and is not prohibited by state statute, ordinance or this policy.
b) No citizen of Pender County may serve in more than two appointed positions of Pender County government unless exempted by nature of the position he or she may hold in governmental service. Pender County employees are prohibited from being appointed to boards, commissions, committees or authorities that are created by the County, except in an ex-officio capacity. Members of the Board of Commissioners are exempt from this limitation due to the multiple boards on which elected officials must be represented.
c) Unless otherwise stated by statute, resolution or ordinance, all terms of office to Pender County created Boards shall be three (3) years. No citizen may serve more than three (3) consecutive terms or ten (10) years total in any one position. The ten (10) year term limit may be waived only in the event an appointment has not been made by the Board of Commissioners for an expired term, and the current appointment to that position whose term has expired is willing and able to continue serving until such time as the new appointment is made. Unless otherwise provided, appointments to fill vacancies of unexpired terms shall be to fill the unexpired term of office.
d) Unless otherwise stated by statute, resolution or ordinance, if an appointee misses more than 25% of the meetings in any twelve month period in which they are required to attend pursuant to their appointment, they may be removed from that board by action of the Board of Commissioners, unless otherwise provided by statute or local law. Members of the Board of Commissioners are exempt from this attendance provision due to the numerous boards on which elected officials must serve.
e) Appointments to boards, commissions, committees or authorities not created by the Board of Commissioners shall be governed by the statue, resolution or ordinance creating that board, commission, committee or authority.
f) Appointments shall be made on the basis of qualification, merit and willingness to serve, and free from favoritism, illegal discrimination and

potential legal or ethical conflicts of interest.

g) Appointments of persons to a board, commission, committee or authority whereby an appointee would govern or supervise an immediate relative is prohibited. Immediate family is defined as spouse, mother, father, guardian, children, sister, brother, uncle, aunt, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. Situations involving appointments of this nature that currently exist, or that which may be created by employment, shall be grandfathered; however, appointees shall be recused from participating in any personnel actions or decisions that involve an immediate family member. ***(This section is subject to the discretion of the Board.)***

h) Immediate family members of a member of the Board of Commissioners are prohibited from being appointed to a board, commission, committee or authority. Immediate family is defined as spouse, mother, father, guardian, children, sister, brother, uncle, aunt, grandparents, grandchildren plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named. ***(This section is subject to the discretion of the Board.)***

i) Procedure for filling vacancies for appointed positions:

  a. Advertisement and Selection of Appointments

    i. Pender County will make a good faith effort to advertise, seek and identify qualified candidates for appointments. All board, commission, committee and authority appointments shall be advertised, even if the current appointee is qualified, eligible and willing to be considered for reappointment. At a minimum, a list of available appointments will be published in a newspaper covering Pender County prior to appointments being considered. The appointments will also be posted on the Pender County government website.

    ii. Applications for appointments shall be made available to all citizens interested in serving on any board, commission, committee or authority. Applications shall be current (even for reappointment consideration), completed in full and given to the County Clerk. All applications will be reviewed for eligibility.

    iii. All eligible applications for appointments or re-appointments will be provided to all County Commissioners in their meeting agenda packets for the meeting at which appointments are being considered.

  b. Notification of Appointment

    i. The County Clerk shall prepare a letter of notification to the appointee notifying him or her of the appointment, and will notify the person responsible for the board, commission, committee or authority to which they have been appointed.

    ii. The County Clerk shall ensure all appointees have read and understand Section D of this policy governing attendance, and will provide them with an oath of office to be administered (if required) by the appropriate officer of the board, commission, committee or authority to which they have been appointed.

iii. All applications will be kept on file and will remain active for consideration in the Office of the County Clerk for a period of two (2) years, or through the expiration of the appointment term of an appointee.

j) Persons appointed to various boards, commissions, committees or authorities not created by the Board of Commissioners may be removed as governed by the statue, resolution or ordinance creating that board, commission, committee or authority. Persons appointed to various boards, commissions, committees or authorities created by the Board of Commissioners may be removed upon majority vote of the Board of Commissioners, subject to provisions of the ordinance or policy creating the board, commission, committee or authority.

k) All individuals appointed by the Board of Commissioners to Pender County boards, committees, commissions or authorities shall comply with the Code of Conduct Governing Board of Commissioner Appointments adopted by the Board of Commissioners.

Rule 33. Reference to *Robert's Rules of Order*

To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer to *Robert's Rules of Order* to resolve procedural questions.