



MINUTES
Board of County Commissioners Meeting
Tuesday, January 18, 2022 4:00 PM
Hampstead Annex Auditorium

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

MEMBERS ABSENT: David Williams

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 4:00PM

2 INVOCATION

Commissioner Newton administered the invocation.

3 PLEDGE OF ALLEGIANCE

Commissioner McCoy led the Pledge of Allegiance

- 3.1 Motion to excuse Commissioner David Williams made by Commissioner Brown and Seconded by Commissioner Newton

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			
David Williams				x
Tera Cline	x			
	5	0	0	1

CARRIED.

4 ADOPTION OF AGENDA

- 4.1 Motion to add to the agenda with DOT project 421 added as Item 7.4 on the consent agenda made by Commissioner Brown and Seconded by Commissioner Newton.

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			
David Williams				x
Tera Cline	x			
	5	0	0	1

CARRIED.

- 4.2 Motion to pull consent agenda item 7.1 for discussion made by Commissioner Newton and seconded by Commissioner McCoy.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion Approved

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
Tera Cline	x			
	5	0	0	1

CARRIED.

4.3 Motion to adopt the agenda.

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
Tera Cline	x			
	5	0	0	1

CARRIED.

5 PUBLIC INFORMATION

CSBG Grant Application tabled to next meeting

6 PUBLIC COMMENT

- 6.1 John Phelps, 85 Captain Beam Blvd, complimented Pender County Parks and Recreation department on the calibration with the church and also gave a brief overview of the improvements being made to include parking and restrooms etc. The board thanked Mr. Phelps and the church for their calibration with Pender County Parks and Recreation.

7 CONSENT AGENDA

7.1 Hampstead United Methodist Church Usage Agreement Renewal

The board requested an accounting of the expenses involved with the contract with Hampstead United Methodist Church. Zach White, Parks and Rec, gave a brief overview of the usage of the facilities and the upkeep of the fields etc. Mr. White explained the turf maintenance schedule and lights. He confirmed that anyone has accessibility to the fields with reservations.

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

7.3 Sheriff's Office Lease Agreement

Moved by George Brown, seconded by Fred McCoy

Motion approved

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
Tera Cline	x			
	5	0	0	1

CARRIED.

8 APPROVALS AND RESOLUTIONS

9 DISCUSSION

9.1 Board of County Commissioners Retreat

Chad McEwen, County Manager, shared a draft retreat agenda with the board. He gave a brief overview of what is included on the agenda. Mr. McEwen requested the board let us know what they would like added. Commissioner Newton requested discussion on an agenda item on the 11 mile parallel line from Brunswick Sweeny to Pender/New Hanover and funding sources. Mr. McEwen stated he would send the draft agenda to department heads to narrow down timeframes.

10 APPOINTMENTS

10.1 Approval of Reappointment to the Pender County Library Board

Moved by George Brown, seconded by Fred McCoy

Motion Approved

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy	x			
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams				x
Tera Cline	x			
	5	0	0	1

CARRIED.

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

Chairman Piepmeyer called the Pender County Board of Health to order at 4:30 PM Carolyn Moser, Health Director gave an update on Covid-19

[Covid update 1-18-2022](#)

13 - 14

17 SOCIAL SERVICES BOARD

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

18.1 Allen Vann, Assistant County Manager, stated that the file move at the courthouse would begin on Monday January 24, 2022.

Trey Thurman, County Attorney, Spoke to the board in regards to the opioid settlement and disbursement of monies to include 3.7 million over the next 18 years. Commissioner Newton mentioned the use of funds for a Drug Court for Pender County. Closed session items include

- Item 3 Attorney/client
- Item 4 Economic Development
- Item 5 Acquisition of real property
- Item 6 Personnel

Commissioner Newton, updated the board on the following:

- Commissioner Newton stated she visited the Kids Making It facility before the holidays. It is a youth program for at risk youth that has volunteers to teach woodworking, arts, etc.
- Pipe breaks funding for 421discussion with Cape Fear water and sewer.
- Ms. Newton traveled to Goldsboro on behalf of the Eastern North Carolina Recovery and Resiliency Alliance to present

Representative Bell with a commemorative plaque thanking him for all that he did to get funding under original house Bill 500. She stated that it has been a very successful effort and calibration to get funding.

- Ms. Newton requested an update on the property purchased on 117 that were earmark for ball fields.
- Ms. Newton requested to know from Human Resources, what the county is doing for retirees and employees that chose to work past the age of 65 and need to transition to Medicare etc.

Commissioner Brown, thanked Commissioner Newton for attending the Resiliency Alliance in his stead and her efforts with the alliance. Thanked Chairman Piepmeyer for attending the Pender County Board of Health meeting.

Chad McEwen, County Manager, updated the board on the following projects:

- RFQ for the demo of the BASF property closes on January 25th we anticipate awarding that contract by the 28th.

Chairman Piepmeyer, stated that tourism would be meeting this week and discussing the first phase of the bypass and contacting DOT for an update. Stated they should be moving forward with a ribbon cutting of sorts to kickoff the project.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion to go into closed session to discuss items 3, 4, 5, 6 at 5:06 pm.

	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.

19 CLOSED SESSION (IF APPLICABLE).

19.1 Motion to move to closed session at 5:06 PM made by Commissioner Brown and seconded 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 expenditures, shall be taken in an open session; 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. 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. Board returned to open session at 7:07 PM

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

20.1 REZONE 2020-16 (Falls Mist Gardens)

Stroud Engineering, applicant, on behalf of Rocky Point Properties, LLC and Farm and Garden, LLC, owners, is requesting the approval of a

Conditional Zoning Map Amendment for three (3) tracts totaling approximately±301.09 acres from RP, Residential Performance and RA, Rural Agricultural zoning districts to PD-CD1, Planned Development Conditional zoning district 1. This request is to allow for 750 single family detached residential units, associated sewage treatment facility (NAICS 221320), and a farmers' market (NAICS 445230). The proposed development is south of NC HWY 210, approximately±0.03 miles east of the intersection of NC HWY 210 and Balcombe Rd (SR 1425), and west of US HWY 117 in the Rocky Point Township and may be further identified by Pender County PINs 3234-29-6506-0000, 3234-38-5366-0000, and 3234-24-6900-0000. This item was tabled at the January 19, 2021 Board of County Commissioners meeting for the applicant to obtain additional traffic data and information and again at the November 15, 2021 meeting to gather additional information about neighboring properties.

At their January 19, 2021 meeting, the Pender County Board of County Commissioners tabled the request outlined in the subsequent packet, directing the applicant to further study traffic impacts brought forward by the project, specifically differing options for phasing the connection and usage of the existing Fall Brook Lane as an entrance to the proposed development, the potential non-residential uses on commercial property located at the intersection of Fall Brook Lane and US HWY 117, and the sight lines and distance of Fall Brook Lane/US HWY 117 intersection to the bridge over the former railroad right-of-way.

Travis Henley, Planning Director, presented on behalf of the applicant. He gave a brief overview of the proposal.

Commissioner Brown, questioned the county attorney in regards to a possible variance in regards to access road. He questioned that in the future, there may not need to be a connection with Fallbrook when this new road comes in. It would be to the developers benefit not having to build another road to DOT specifications.

Sam Potter, Attorney for the applicant, we have a contract to purchase an additional tract that would that would allow for a primary source of access to 17. We have a new additional condition based on having this additional piece of property under contract that in addition to installing a gate and having the siren activated connection being made to Fall Brooke Lane, that we would not be allowed the 700 building permit. A representative from DOD is here today. This is our visual condition, and that we wouldn't be granted the 700 building permit until we have this additional means of access driving the majority of traffic through something other than Fall Brook.

The Board expressed their concern with having one entrance and exit and wanted to discuss the timeframe for another access to the development.

Kristen Spirakis, District Engineer for Div 3 DOT, Stated they have reevaluated and discussed with travels that we are comfortable with the additional access north of Fall Brook. The original Tia signalization that Fallbrook So the expectation is that signalization would move up to the lumen access.

Stuart Peterson, 203 Fall Brook Lane, addressed the board in opposition of the development.

Bob Dummermuth, 237 Fall Brook Lane, thanked the board and the developer for working with the community to develop concessions to help everyone.

Aubrey Harvey, 30 Owl Creek Ct, Stated to the board that she understands this proposal is going to be approved and wanted to mention to the board and the developer that she would like a wall.

Moved by George Brown, seconded by Jacqueline A. Newton

Motion to approve with change to condition number 10 to reflect 600 not 700th home. 10. From the time that the road network of this development connects to Fall Brook Lane, to the time that the 600th home receives its Certificate of Occupancy, a gate shall be placed on the roadway between the two developments to allow only residents of Falls Mist and emergency vehicle traffic (siren activated) to utilize the connection. Means of access for construction vehicles shall not be granted. Following the Certificate of Occupancy for the 600th home, the gate shall be removed.

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

CARRIED.

20.2 SUP 2021-22 (Family Dollar - Currie)

Trey Thurman, County Attorney, swore in all parties speaking in regards to this case.

Marie Peedin, applicant, on behalf of Barnes Boykin, owner, is requesting approval of a Special Use Permit for the construction and operation of a 10,500 square foot Family Dollar retail store within the RA, Rural Agricultural zoning district on approximately 2.07 acres of land located on the northeastern corner of the intersection of US HWY 421 and Montague Road. The subject property is located in the Grady Township and may be further identified by Pender County PIN 2285-63-0939-0000.

Greg Feldman, Planner 1, explained to the board that this proposal was tabled in order to provide the applicant the opportunity to bring in a soil scientist to speak to the technicalities of the wastewater system.

Jimmy Holland, Engineer McKim and Creed, explained the proposed septic system as proposed a drip irrigation system. It's surface driven. It is actually a step above that we're actually treating to get rid of nitrogen and phosphorus and other things that and we're actually regulating what we can dispose of the ground as opposed to the septic system is not treated as well. He explained any contaminants would be found due to state regulations. He discussed the details of the whole process and inspections and testing.

Walter Digreise, 257 Transfer Station Rd, Explained to the board that the high water table is going to vary throughout the year, typically the wetter times of the year anywhere from December through April 30. Usually February whereas time indicators in the soil that we use are going to tell us if that's a wet side that wetness condition during the worst time of year is less than 12 inches from the ground surface. Now, typically for subsurface wastewater system that would be unsuitable, we would either have to drain the side monitor and improve the water table to 12 mentioned the better or we can control it better than that. With Surface application, what we'll do is we'll run the test down to a depth of seven feet, in most hardly anything so rising to establish the learning rate, we'll run that through what they call a water balance, which takes into account conductivity and soil, how fast we're moving water under sanitary conditions, evaporation, evapo transpiration, as well as rainfall. And that's how we size the system in order to maintain the vertical separation from the waste work that we get from Jimmy's plan will

artificially created, bring in fields artificially create a vertical separation from the season water table, and the filter will bring in and we'll have another back for applying filters. That's where we'll put the weight on top. And another thing that we do when we do wait for SERPs application is when he gives us a wastewater treatment standard, it'll tell us how much nitrogen phosphorus is going to be left in that ratio work. We'll have to account for that nitrogen phosphorus when he applies and will account for that probably by cynipid or some semblance of a crop that will remove that nitrogen phosphorus.

Charles Thomas, 2405 Nash St, Wilson NC, stated that he was with the applicant and has the property under contract from Rudy and Joyce Johnson and was there to answer any questions.

Gene Young, 3690 Stag Park Rd, with the applicant no comment.

Jennifer Witkowski, 165 Orr Farm Rd, addressed the board in opposition of this project.

Samantha Worrell, 1282 McCrary Rd, shared her feelings and concerns about the negative economic impact this project will have on the community.

Lindsay Maynard, 594 Montague Rd, spoke to the board against the project. Shared her concerns in regards to safety, environmental impact, and quality of life.

A.B. Maynard, 594 Montague Rd, shared with board his concerns in regards to having too many stores in such a close proximity, the quality of products being sold and the overall negative impact to his property.

Sheldon Taylor, 1429 Carolina Ave, confirmed with the board that his company has built several of these stores and where he has built them.

Moved by Jacqueline A. Newton, seconded by George Brown

Commissioner Newton made a motion to deny the special use permit based on the fact that the requested use will impair the integrity or character of the surrounding or adjoining districts, it would adversely affect the safety health force or welfare of the community or of the immediate neighbors of the property. And further that the proposed use shall constitute a nuisance or hazard.

	For	Against	Abstained	Absent
George Brown	x			
Fred McCoy		x		
Jacqueline A. Newton	x			
David Piepmeyer		x		
David Williams				x
	2	2	0	1

DEFEATED.

21 ADJOURNMENT

21.1 Motion to adjourn

Moved by Jacqueline A. Newton, seconded by Fred McCoy

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.

Pender County Health Department

...Building a healthier tomorrow...

*Carolyn Moser, BSN, MPA
Health and Human Services Director*

2021 COVID-19 Highlights

January

- Began 2021 planning and implementing mass vaccination clinics (First mass clinic held 12/29/2020 for Health Care Workers)
- January 1, 2021, To-Date: 2,732 cases; 22 deaths
- There were priority groups/phases established for mass clinics such as those 75 years and older; 65 years and older; essential workers.
- Mass clinics held in Burgaw and Hampstead
- Demand for vaccinations far exceeded the supply
- Staff conducted testing and contact tracing for all cases and exposures
- By the end of the month, 2825 vaccines had been administered with zero inventory
- Second doses of vaccine (30 days from the first dose) began
- Monitor congregate settings to minimize nursing home deaths

February

- Commissioners sent a letter to the Governor requesting greater vaccine allocations
- Commissioner Piepmeyer arranged a call with the state that included Commissioner Brown and county/health department staff regarding vaccine allocations and needs in Pender County
- Mass clinics, testing and contact tracing continue

March

- Mass vaccination clinics available to the general public

April

- 5,070 cases; 69 deaths to-date
- Ongoing mass vaccination clinics, testing, and contact tracing

May

- Governor eliminates mask mandate
- Mass vaccination clinics continue averaging 600-750 first and second doses each clinic
- Vaccine supplies increase
- Governor cancels public mask mandate

803 S. Walker St., Burgaw, NC 28425 (910) 259-1230 Fax (910) 259-1258

Dental Center (910) 259-1503 Environmental Health (910) 259-1233 WIC (910) 259-1290

Pender County Health Department

...Building a healthier tomorrow...

*Carolyn Moser, BSN, MPA
Health and Human Services Director*

2021 COVID-19 Highlights (cont)

June

- Mass vaccination clinics continue averaging 600-750 first and second doses each clinic
- Cases decreasing

July

- 5,752 cases; 69 deaths
- Positivity rate down from 18.8 to 2.9
- Schools open, masks required
- Vaccines available without appointment in Burgaw and Hampstead

August

- Work with schools and childcares to track cases and exposures
- Obtained state assistance for testing and contact tracing
- Vaccine approved for those 12 years of age and older

September

- Pender Schools moves to optional masks beginning in October
- Delta variant identified as main COVID strain
- Increases in cases begin as well as hospitalizations and deaths

October

- 62% of residents 18 years and older have had at least one vaccine;
83% of residents 65 years and older have had at least one vaccine
- Testing, contact tracing, vaccinations continue

November

- Booster doses begin
- Vaccines/boosters available without appointment in Burgaw and Hampstead
- Vaccine approved for 5 years and older

December

- Over 25,000 vaccines given by the health department
- Delta variant diminishing and Omicron variant identified
- 9,888 cases; 106 deaths; Positivity rate increases to 16.3 and rising

803 S. Walker St., Burgaw, NC 28425 (910) 259-1230 Fax (910) 259-1258

Dental Center (910) 259-1503 Environmental Health (910) 259-1233 WIC (910) 259-1290