Minutes

Board of County Commissioners Regular Meeting
Monday, November 18, 2024 at 4:00 PM
Pender County Public Assembly Room
805 S. Walker Street, Burgaw, NC

PRESENT:	Chairman Brad George Commissioner: District 3 Jerry Groves Commissioner: District 2 Randy Burton
ABSENT:	
OTHER PRESENT:	David Andrews, County Manager Trey Thurman, County Attorney April Radford, Interim Clerk to the Board Allen Vann, Assistant County Manager Other Staff and Members of the Press and Public

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1. CALL TO ORDER

   Chairman George called the meeting to order at 4:00PM.

2. INVOCATION

   Commissioner Groves gave the invocation.

3. PLEDGE OF ALLEGIANCE

   Commissioner Burton led the Pledge of Allegiance.

4. ADOPTION OF AGENDA

   Commissioner Newton made a motion to add item 6.5 Resolution Honoring Wendy Fletcher-Hardee.
   Commissioner McCoy seconded the motion.
   The motion carried unanimously.

   Vice Chair Newton made a motion to adopt the agenda with the added item 6.5.
   Commissioner McCoy seconded the motion to adopt.
   The motion carried unanimously.

5. PUBLIC HEARING

6. PUBLIC INFORMATION

6.1	Celebration of Pender County's 150th Anniversary	Gabrielle Dawson	4-13

Olivia Dawson, Tourism Director, presented the item. Pender County's 150th birthday is in February 2025. Dawson provided a brief overview of Pender County. She presented a special edition logo of the Pender County turtle with fifteen (15) stars in gold. She reviewed the timeline of the event she is putting together to celebrate. She would like to bring a proclamation to the Board honoring February 16th, 2025, as Pender County's 150th Birthday. Dawson would like to install a grandfather clock on the courthouse square accompanied by a plaque and a time capsule. Vice Chair Newton prompted the idea of using the county seal instead of the logo. Dawson answered the Board's questions.

6.2	Expanded Food Nutrition Program (EFNP) Update	Mark Seitz	14-29

Cindy Rivenbark, Youth and Adult Educator, presented the item. The Expanded Food Nutrition Program (EFNP) is the first federally funded nutrition-based program. Pender County's EFNP has seen over 908 graduates from its program. Rivenbark reviewed the k-12 statistics of the program. A Pope Elementary teacher voiced the impact this program has had on the children of Pender County's schools. Rivenbark resumed her presentation and reviewed the adult impact statistics. There have been twenty-five adult graduates from the program. Rivenbark went over the lessons available and future programs.

6.3	Pender County Agriculture - A Tale of Two Seasons	Mark Seitz	30-36

Mark Seitz. Cooperative Extension Director, presented the item. Seitz reviewed the rain and drought patterns seen in Pender County during 2024, and they impact they made on agriculture. Seitz reported the soybean yields are better than expected but worse than 2023's yield numbers. The corn yields were reported to be low. Seitz reviewed the crop production cost estimates for corn and soybeans. Seitz reported there was a $13-14 million profit decrease in farming in Pender County.

6.4	Amendment to Chapter 24, Offenses, Miscellaneous Provisions and Nuisances, of the Pender County Code of Ordinances.	Daniel Adams	37-42

Daniel Adams, Planning Director, presented the item. This item came before the Board on October 21, 2024, November 4th, and November 18th. There have been revisions since the November 4th meeting, so this agenda item will act as the first public hearing. The item will come before the Board for its final vote on December 2, 2024.

6.5	Proclamation Honoring the Life of Wendy Fletcher-Hardee	Michael Silverman	

Vice Chair Newton read aloud the proclamation honoring the life of former commissioner Wendy Fletcher-Hardee. Commissioner McCoy stated she was a passionate person and enjoyed the time he had with her on the Board. Chairman George stated Wendy was a voice of reason and a supportive friend who would be deeply missed. Commissioner Burton described Wendy as a business leader and a dedicated person. Vice Chair Newton spoke about Wendy's diagnosis, her treatments, and the dedication Wendy served the community with. Newton stated she had nothing but gratitude towards Wendy.

Vice Chair Newton made a motion to approve the proclamation honoring Wendy.
Commissioner Burton seconded the motion.
The motion carried unanimously.

7. PUBLIC COMMENT

Wanda Wilson and James Feuress Jr spoke about internet connection.

Zach White spoke about local sports teams going to regional championship tournaments.

Donald Sullivan spoke about the Constitution.

Todd Price voiced his opposition to item 9.5.

8. CONSENT AGENDA

Commissioner McCoy made a motion to approve the consent agenda.
Commissioner Groves seconded the motion.
The motion carried unanimously.

8.1	Approval to Award Smith Gardner, Inc. the Transfer Station Renovation Project for $10,000.00	Anthony Colon	43-99
8.2	Approval of Purchase Order to EMA Resources, Inc. for $150,000.00	Anthony Colon	100-114
8.3	Approval of a Budget Ordinance Amendment to Increase Tourism Department Revenues and Expenditures for FY 24-25 in the amount of $250.00.	Gabrielle Dawson	115-116
8.4	Approval of a Budget Ordinance Amendment to Increase Holly Shelter Shooting Range Revenue and Expenditures by $5,061.00 for FY 24-25	Zach White	117-118
8.5	Approval of October 7, 2024, Board of County Commissioners Regular Meeting Minutes	Lexi Stanfield	119-125
8.6	Approval of the October 21, 2024, Board of County Commissioner Regular Meeting Minutes	Lexi Stanfield	126-131
8.7	Approval of a Budget Ordinance Amendment to Decrease Health Department Revenues and Expenditures for Fiscal Year 2024-2025 in the WIC Program in the amount of $11,044.00	Carolyn Moser	132-139
8.8	Refund/Release Requests for items meeting NC G.S.105-381	Melissa Radke	140-141
8.9	Approval of a Budget Ordinance Amendment to reallocate remainder of Opioid Funding authorized for Sheriff’s Office D.A.R.E. Program for $66,299.00.	Margaret Blue	142-144
8.10	Approval of Surplus Property Advertisement for Auction	Margaret Blue	145-149

- Various Listed Items

8.11	Approval of the Budget Ordinance Amendment for DHHS for the true up final bond proceeds in the amount of $328,713.54.00	Margaret Blue	150-151
8.12	Approval of the Budget Ordinance Amendment for Law Enforcement Center for the true up final bond proceeds in the amount of $1,036,162.90.	Margaret Blue	152-153

9. APPROVALS AND RESOLUTIONS

9.1	Approval to accept $25,000.00 from a North Carolina Emergency Management Fiscal Year 2024 Homeland Security Grant Program	Tommy Batson	154-159

Tommy Batson presented the item. Batson reported the grant was applied for in 2023 and was awarded to Pender County in 2024. The grant requires the Board to accept it and approve a budget ordinance amendment and purchase order.

Vice Chair Newton made a motion to accept the grant and approve the budget ordinance amendment and purchase order.
Commissioner McCoy seconded the motion.
The motion carried unanimously.

9.2	Approval of Budget Ordinance Amendment to Increase Tourism Department Revenues and Expenditures for FY 24-25 from the America 250 NC Grant of $10,000.00	Gabrielle Dawson	160-161

Olivia Dawson, Tourism Director, presented the item. Pender County was awarded a grant for the 250th birthday of America. Dawson is requesting the Board approve a budget ordinance amendment to add the grant funds to the budget. $5,000.00 of the grant was spent this year and the over $5,000.00 will be reimbursed to the County next year.

Commissioner Burton made a motion to approve.
Commissioner Groves seconded the motion.
The motion carried unanimously.

9.3	Resolution to Levy Pender County District P Occupancy Tax	Gabrielle Dawson	162-165

Olivia Dawson, Tourism Director, informed the Board the state passed an additional 3% occupancy tax for District P. The additional percent would bring the total occupancy tax to 6% for Pender County. Dawson requested the Board approve a resolution authorizing the levying of this tax rate. District P would be the unincorporated areas within Pender County.

Commissioner Burton made a motion to approve the resolution.
Commissioner Groves seconded the motion.

Vice Chair Newton voted not to approve.
The motion carried.

9.4	Approval of Falls Mist Pender Sewer Memorandum of Understanding	Anthony Colon	166-169

Anthony Colon. Utilities Director, presented the item. The Falls Mist sewer plant will service 250 homes and other detached residences. Pender County Utilities and the County Manager's Office are requesting consideration from the Board to approve a Memorandum of Understanding (MOU) with the Falls Mist for Sewer in the Rocky Point Area. The MOU is preliminary and does not require the current or future Board to continue with the deal.

Vice Chair Newton made a motion to approve.
Commissioner McCoy seconded the motion.
Commissioner Groves voted in opposition.
The motion carred.

9.5	REZONE 2024-70: Request to rezone approximately 5.46 acres from the RP, Residential Performance, and RA, Rural Agricultural, zoning districts to a conditional zoning district for the development of a gas station with convenience store in the Holly Township	Adam Moran	170-202

Adam Moran, Long Range Planner, presented this item. The item was first presented on November 4, 2024, at a public hearing. Staff proposed four conditions of approval. Moran answered questions from the Board.

Vice Chair Newton made a motion to approve REZONE 2024-70 with conditions.
Commissioner Burton seconded the motion.
Commissioner McCoy voted in opposition.
The motion to approve carried.

10. DISCUSSION

11. APPOINTMENTS

12. MAPLE HILL WATER AND SEWER DISTRICT

13. ROCKY POINT WATER AND SEWER DISTRICT

14. SCOTTS HILL WATER AND SEWER DISTRICT

15. MOORE'S CREEK WATER AND SEWER DISTRICT

16. CENTRAL PENDER WATER AND SEWER DISTRICT

17. PENDER COUNTY BOARD OF HEALTH

18. SOCIAL SERVICES BOARD

19. ITEMS FROM COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGER, & COUNTY COMMISSIONERS

Trey Thurman, County Attorney, requested the Board go into closed session for item three (3) attorney client privilege.

Commissioner McCoy stated this was his last full meeting and thanked the staff and the board for working with him.

Commissioner Groves stated he enjoyed working with Commissioner McCoy and Newton.

Chairman George spoke about the LEX Groundbreaking, the December 4 DHHS Groundbreaking, and wished everyone a happy Thanksgiving.

20. CLOSED SESSION (IF APPLICABLE)

Vice Chair Newton made a motion to go into closed session for item three (3) attorney client privilege.
Commissioner Burton seconded the motion.
The motion carried unanimously.

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

21.1	Petition to Name Road	Michael Dickson	203-209

Michael Dickson, Addressing Coordinator, presented the item. Staff are requesting the Board approve a resolution to rename two private roads near highway 210. The names the residents submitted and voted on are Freedom Way and American Way. Dickson reviewed the UDO requirements.

Commissioner Burton made a motion to approve the resolution.
Commissioner Groves seconded the motion.
The motion carried unanimously.

21.2	Text Amendment to the Flood Damage Prevention Ordinance to incorporate new flood maps in the County	Lee Duncan	210-246

Lee Duncan, Resiliency Planner, presented a text amendment to the Flood Damage Prevention Ordinance to the Board. The text amendment will correct any clerical errors, update maps, etc. The current map being used in the ordinance uses data from 2014-2018. Duncan reviewed the consequences of not amending the ordinance and reviewed how the changes will impact Pender County going forward. The amendment is consistent with the Comprehensive Land Use

Plan and recommended by the Planning Department.

Vice Chair Newton made a motion to approve the amendment.
Commissioner McCoy seconded the motion.
The motion carried unanimously.

21.3	REZONE 2024-69: Request to rezone a portion of a tract from the PD, Planned Development, zoning district to a conditional zoning district to allow an enclosed boat storage facility in the Topsail Township	Daniel Adams	247-306

Daniel Adams, Planning Director, presented the item. The applicant of the rezoning request is Farnell Shingleton. He is requesting to rezone a portion of a tract from the Planned Development zoning district to a conditional zoning district to allow an enclosed boat storage facility in the Topsail Township. The site is currently vacant. Staff recommend, if approved, the Board add six conditions. Staff recommend denial of the item as it is not consistent with the future land use map.

Susan Keeland, attorney, represented Mr. Shingleton. She stated the boat storage facility addresses the needs of the community. She noted there are no objections from the community and the owner is willing to agree to the conditions set by the Board.

Commissioner Burton made a motion of approval.
Commissioner Groves seconded the motion.
The motion carried unanimously.

21.4	REZONE 2024-71: Request to rezone 10 acres from the RA, Rural Agricultural, zoning district to a conditional zoning district for the development of a wastewater treatment facility in the Rocky Point Township	Daniel Adams	307-361

Daniel Adams, Planning Director, presented the item. The applicant is Stroud Engineering. Stroud Engineering is requesting a 10-acre property be rezoned from a Rural Agricultural zoning district to a Conditional Zoning District for the development of a wastewater treatment facility in the Rocky Point Township. Adams reviewed the site plan, Pender County's UDO, and the Comprehensive Land Use Plan with the Board. Staff recommend denial of the request. The Planning Board voted to approve in a 4-2 vote.

Vince Burges, owner of the property, spoke on his own behalf. Burges reviewed the plans and project impacts on the area. He answered the board's questions. Afterward, Jimmy Fentress, Stroud Engineering, spoke about the project as well.

Wanda Wilson, of 11885 Ashton Rd, voiced opposition to the rezoning.
Bobby Williams, of 12150 Ashton Rd, voiced opposition to the rezoning.
Holly Taylor, of 13923 Ashton Rd, voiced opposition to the rezoning.
Maurice Worrell, of 12490 Ashton Rd, voiced opposition to the rezoning.
Janice Worrell, of 12490 Ashton Rd, voiced opposition to the rezoning.
Melissa Pierce, of 12582 Ashton Rd, voiced opposition to the rezoning.
Jonathan Worrell, of 1282 McCrary Rd, voiced opposition to the rezoning.
Samantha Worrell, of 1282 McCrary Rd, voiced opposition to the rezoning.
Sally Martin, of 5645 US HWY 17, voiced opposition to the rezoning.
William Savage, of 12422 Ashton Rd, voiced opposition to the rezoning.

Shawana Rivas, of 11959 Ashton Rd, voiced opposition to the rezoning.
James Wilson, of 624 McCray Rd, voiced opposition to the rezoning.
Larry Justice, of 11369 Ashton Rd, voiced opposition to the rezoning.
Douglas Storms, of 1242 McCrary Rd, voiced opposition to the rezoning.

Commissioner Groves made a motion to deny the rezoning.
Vice Chair Newton seconded the motion to deny.
The motion carried unanimously.

22. ADJOURNMENT

Vice Chair Newton made a motion to adjourn the meeting.
Commissioner Groves seconded the motion.
Motion carried.