



MINUTES
Board of County Commissioners Meeting
Tuesday, January 16, 2024 4:00 PM
Hampstead Annex Auditorium

MEMBERS PRESENT: Fred McCoy
Jacqueline A. Newton
Jerry Groves
Wendy Fletcher-Hardee
Brad George

MEMBERS ABSENT:

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

1 CALL TO ORDER

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

2 INVOCATION

2.1 Commissioner Groves gave the invocation.

3 PLEDGE OF ALLEGIANCE

3.1 Commissioner Hardee led the Pledge of Allegiance.

4 ADOPTION OF AGENDA

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to Adopt the Agenda

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

Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

5 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 NC Cooperative Extension - Consumer Horticulture Program

Tiffanee Boone, NC Cooperative Extension Agent, went over the Horticulture and Local Foods program. Their mission is to give the public practical education to solve gardening problems, gain knowledge, and develop skills to maintain healthy living. There is an extension master gardener volunteer program available. Volunteers can help with the education programs offered. The NC Cooperative Extension Consumer Horticulture program is partnered with NC State University. There is an internship offered than spans over a 17-week period. in 2023, the program had 26 interns. Additionally, there are many volunteer opportunities available such as the Speakers Bureau, School Outreach Program, and Demonstration Teaching Gardens. Many programs are offered as well such as grants/scholarships, Making of the Greens, and continued education/field trips. Boone briefly discussed the Horticulture and Local Foods program's special projects. She answered questions from the Board.

7 PUBLIC COMMENT FOR AGENDA ITEMS

8 CONSENT AGENDA

8.1 Refund/Release Requests for items meeting NC G.S 105-381

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to Approve the Consent Agenda.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			

Brad George	x			
	5	0	0	0

CARRIED.

- 8.2 Interlocal Agreement with Town of Surf City on Sewer Service
- 8.3 Approval of Budget Amendment for the transfer of revenue funds
- 8.4 Approval of Minutes of January 2, 2024

9 APPROVALS AND RESOLUTIONS

9.1 Resolution of Support for MyFutureNC

Toni Blount, Regional Manager of MyFutureNC, presented a resolution to the Board in support of MyFutureNC and house bill 664. House Bill 664 is a bill designed to ensure that the state remains economically competitive and ensure that by the year 2030 two million 25- to 44-year-olds will have completed a high-quality credential or postsecondary degree. Blount went over the NC degree production statistics from the year 2021 and 2022. She discussed how North Carolina's progress was measured and the projected growth rates. Blount also discussed Pender Counties performance in comparison to the state. Blount answered questions from the Board members.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to Approve the Resolution of Support for MyFutureNC

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

9.2 Approval of FY 2024 North Carolina 911 Grant Award in the amount of \$2,548,628.00 and Budget Ordinance Amendment.

Sheriff Cutler presented the item. This grant is to move the current 911 center to a new location. The grant must be signed and turned in no later tha February 1, 2024. Sheriff Cutler thanked all the people involved

in making the grant happen. Vice Chair Newton asked how the grant will affect the services associated with the 911 center. Sheriff Cutler stated all services would benefit from the grant. Commissioner McCoy voiced his approval.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to Approve FY 2024 North Carolina 911 Grant Award in the amount of \$2,548,628.00 and Budget Ordinance Amendment.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

9.3 Request to enter into a contract agreement with Sungate Design Group, P.A. to provide stormwater review services

Daniel Adams, Planning Director, presented the item. Adams reported that staff recommend the Board approve the request to enter into a contract agreement with Sungate Design Group, P.A. to provide stormwater review services. The County staff do not have the expertise to properly execute the design. This contract is a budgeted item. Vice Chair Newton asked if there are other areas of expertise not staffed in Pender County. Adams responded with roadway design and water. Vice Chair Newton asked if more review committees were needed. Commissioner McCoy vocalized his support for the contract agreement with Sungate Design Group. Chair George shared his thoughts. Josh Dalton, President of Sungate Design Group, discussed additional services provided by Sungate Design Group, as well as services not offered in house. Dalton explained Sungate Design Group keeps firm on-hand to handle all services not provided. The turnaround time should be quick, and the permitting will not be impacted by the use of outside vendors.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to Approve the Request to enter into a contract agreement with Sungate Design Group, P.A. to provide stormwater review services.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

9.4 Resolution Establishing the Board of Equalization and Review

Melissa Radke, Tax Administrator, presented this item to the Board. Radke stated she could not find a resolution on file establishing the Board of Equalization and Review. This resolution would rectify the lack of documentation. The Board requested Radke change the language used in the resolution and tabled the item until the February 5, 2024, BOCC meeting.

9.5 Approval of a PO for Website Creation and Support in the amount of \$51,498.01

Brandi Cobb, Communications Manager, presented the item to the Board. In November of 2023, Pender County requested bids for website designs. We received three responses. Civic Plus was chosen by staff after sitting in on demos from each vendor. Vice Chair Newton asked about the reoccurring service fees. Cobb explained the fees would be over a four-year period. Marcel Miranda, ITS Enterprise Applications Manager, assisted Cobb in answer questions about the services provided by Civic Plus. Vice Chair Newton asked why Pender County could not design and host the website. Miranda explained that Pender County does not currently employ a web designer/coder and that hosting our own website was a security risk. Cobb and Miranda answered questions from the Board regarding costs, security, and communication with the public.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to Approve the PO for Website Creation and Support in the amount of \$51,498.01

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

Jerry Groves		x		
Wendy Fletcher-Hardee	x			
Brad George	x			
	4	1	0	0

CARRIED.

10 DISCUSSION

11 APPOINTMENTS

11.1 Reappointment to the Library Advisory Board

Lexi Stanfield, Clerk to the Board, presented Mallory Leimone's application to the Board. Ms. Leimone has served on the Library Board as the district one representative already and was requesting consideration for reappointment. Vice Chair Newton stated her support for Ms. Leimone.

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to Appoint Mallory Leimone to the Library Advisory Board.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	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

18 SOCIAL SERVICES BOARD

19 PUBLIC COMMENT

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

- 20.1 Trey Thurman, County Attorney, requested the Board go into closed session pursuant to item three (3) Attorney Client Privilege including the discussion of Pender County versus Warmington, Pender County versus Sullivan, item five (5) Acquisition of Real Property, and item six (6) Personnel.
- 20.2 David Andrews, County Manager, stated records for the Clerk of Court have been moved to the new building.
- 20.3 Chairman Brad George announced the Veteran's Battlefield will be screening at the Hampstead Annex. He invited Michelle Leach, Veteran's Services Director, to come up to the podium and give more information. Leach announced the screening would be on January 17, 2024. The doors would be open at 5:30PM, the screening begins at 6:00PM, and a panel of speakers would speak at the end. Light refreshments will be provided. The event is free. Vice Chair Newton asked if Veteran's Battlefield could be screened in Burgaw as well. Leach said she would work on it.

21 CLOSED SESSION (IF APPLICABLE).

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to go into closed session pursuant to item three (3) Attorney Client Privilege including the discussion of Pender County versus Warmington, Pender County versus Sullivan, item five (5) Acquisition of Real Property, and item six (6) Personnel.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

Moved by Wendy Fletcher-Hardee, seconded by Jacqueline A. Newton

Motion to return to Open Session

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to Amend the Agenda

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to Approve Contract Amendment for County Manager

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to Approve the Budget Ordinance Amendment

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

Moved by Jacqueline A. Newton, seconded by Wendy Fletcher-Hardee

Motion to Approve the Resolution Expressing Opposition to the North Carolina Rate Bureau's Application for an Increase in Homeowners Insurance Rates

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

22 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

22.1 REZONE 2023-47 CZMA: Request to revise a Conditional Zoning Map Amendment for the Falls Mist Development

Daniel Adams, Planning Director, presented the item. Stroud Engineering is requesting the approval of a revision to a previously approved conditional zoning map revision. The owners of the parcel are Rocky Point LLC and Farm Garden LLC. The first revision request was the removal of the Fall Brook Lane connection. A different point of access was created in place of it. The second revision requested was setting the set back to five feet instead of ten. This is consistent with the comprehensive plan. Originally, Stroud Engineering was given ten

conditions to meet. They met seven of those conditions and three were removed. Vice Chair Newton raised concerns with traffic and safety. Commissioner McCoy stated in the past he voted against this, but the new changes have changed his viewpoint. Adams explained this project would be done in phases, starting at HWY 210 and working its way down. Staff recommend approval by the Board. Chair George voiced concerns with the five-foot setbacks. Sam Potter, Attorney for Stroud Engineering, addressed the Board's concerns. Potter stated using five-foot setbacks uses less property and allows more units. Mark Maynard, Property Developer, also addressed the setback concerns. He referenced the \$11 million neighborhood in New Hanover County with five-foot setbacks. Maynard asked for a continuance.

Aubrey Harvey spoke in support REZONE 2023-47 CZMA. Harvey stated the Fall Brook neighborhood supports the request to rezone. Much of the area is wetlands and the five-foot setbacks could potentially preserve the land.

Moved by Jacqueline A. Newton, seconded by Jerry Groves

Motion to Continue Item to the February 20, 2024, BOCC Meeting

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

- 22.2 REZONE 2023-57: Request to rezone three parcels totaling approximately 59 acres from the RA, Rural Agricultural, zoning district to the CZ-4, Conditional Zoning District 4, in the Grady Township

Justin Brantley, Senior Planner, presented the item. TW and AG Timber, LLC is the applicant and owner of the parcel. The request is for the approval of a conditional zoning application for the expansion of an existing industrial site. Brantley went over the uses listed for the property, covered dimensional standards, landscaping, and buffers required. Staff recommend the removal of all waste management related services, textile mills and mill products, and one hundred-foot setbacks for concrete manufacturing buildings. Brantley also covered the

conditions set by the Planning Board per their approval of the rezoning item. The Planning Board approved the item 4-2. Sam Frank, the applicant's attorney, discussed the applicant's opposition to the conditions set by the Planning Board. Paul Clark, Environmental Consultant, spoke on the environmental factors many residents voiced concerns over. Clark went into detail about changes in the environmental regulations throughout the years. The property owner, Mr. Wooten, addressed the residents' concerns. Mr. Wooten stated he wants to bring jobs to the County. His new industrial site will bring 25-50 jobs.

Chenita M.: Spoke out against the rezoning case due to environmental hazards posing a health risk for citizens.

Jimmy McDuffie: Stated he is a longtime resident and voiced concerns with the environmental impacts.

Shirley Hansley: Voiced concerns with the environmental impacts.

Phyllis Moore: Stated she was scared of the environmental impact even with regulations in place.

Mamie Hansley: Stated her opposition.

Terry Simpson: Stated he is not against bringing in new businesses, but he is against exposing residents to harmful health impacts.

Debbie Walker: Stated dust is one of the deadliest pollutants. She covered a range of possible symptoms should there be an increase in dust pollution.

Elsie Murphy: Stated the facility would harm the health and wellbeing of the residents.

Conway Murphy: Stated his strong opposition on the matter.

Juliet Powell: Stated her opposition to the rezoning. Said the site is already noising and radiates light into her home constantly.

Gary Abrigo: Stated his property bordered the site. He went on to say that his kitchen is flooded at night by the property lights. He also referenced environmental impacts.

Elaine Walker: Stated her opposition. Ms. Walker cited impacts of air

pollution and environmental injustice.

Laurie Simpson: Stated the addition of the business would result in too many hazardous chemicals. She asked the Board to consider the lives of the children in that area.

Robyn Jarrett: Ms. Jarrett thanked the Board for hearing her and others' stances on the matter. She stated she was alarmed at the broadness in the application. Ms. Jarrett stated there are over 400 uses available for the applicant. She urged to strike certain criteria to protect the area.

Ron Jarrett: Thanked the Board for hearing him and others out. He stated the site is only 2 1/2 miles from Moore's Creek Battlefield Park and close to forty-eight (48) residential homes. Mr. Jarrett stated it would be signing a blank check if the Board would approve without setting restrictions.

Mary Battles: Ms. Battles quoted philosophy. She voiced her opposition and stated the area was not designed for tax purposes.

Jason Hansley: Mr. Hansley stated all the people here came together to speak out against the item. He went on to say in the 80s when the item was originally seen by the Board to approve the SUP there were little to no home surrounding it, however the land is now residential. He urged the Board to consider the damage it could have on the environment and citizens who live there.

Christina Simpson: Ms. Simpson has a childcare facility in the area. She asked the Board to consider the environmental and traffic impacts to the area if they approve the item.

Alicia Randoff: Ms. Randoff stated her and her family live near the parcel. She spoke about the potential impacts on the children's health. She also voiced concerns with traffic on the nearby roads.

Rhett Pollock: Mr. Pollock addressed the crowd in the room rather than the Board. He stated the common thread with the addition of the business is that there would be more jobs and money available to the citizens. Mr. Pollock stated that people are proud to have these jobs. He vocalized his support for the item.

Sam Frank returned to the podium to address of the concerns of the citizens. Mr. Frank stated pollution is illegal and would not be an issue. The Hours of Operation are not consistent with that type of use for the

parcel. Mr. Frank stated that the addition jobs could potentially impact traffic in the area.

Vice Chair Newton asked Paul Clark to return to the podium to speak on concrete plants. Harry Shaw spoke as well. He is a second-generation concrete plant worker. His family owns a few plants in the area. He stated the regulations required throughout the year including water and dust. His family's plants' operating hours are from 5:00AM to 3:00PM.

Vice Chair Newton addressed the audience. She stated she shared their concerns, but the Board needed to think of Pender County. The 421 corridor is growing, and businesses add to the economic future of Pender. Vice Chair Newton stated that citizens have rights and there are laws and regulations that uphold environmental safeties.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to Approve the Request to rezone three parcels totaling approximately 59 acres from the RA, Rural Agricultural, zoning district to the CZ-4, Conditional Zoning District 4, in the Grady Township

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			
	5	0	0	0

CARRIED.

23 ADJOURNMENT

Moved by Wendy Fletcher-Hardee, seconded by Jerry Groves

Motion to Adjourn the Meeting.

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves	x			
Wendy Fletcher-Hardee	x			
Brad George	x			

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CARRIED.