



MINUTES
Board of County Commissioners Meeting
Monday, March 11, 2024 4:00 PM
Pender County Public Assembly Room

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

2 INVOCATION

2.1 Commissioner Fletcher-Hardee gave the invocation.

3 PLEDGE OF ALLEGIANCE

3.1 Vice Chair Newton led the Pledge of Allegiance.

4 ADOPTION OF AGENDA

Moved by Fred McCoy, seconded by Wendy Fletcher-Hardee

Motion to add a Staff Report Regarding the Primary Elections on March 5, 2024.

	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 Pull Item 8.6 From 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.

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

Motion to Adopt the Consent Agenda with the Aforementioned Changes.

	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 The 1865 Society of Pender County

Karen Malloy, President of the 1865 Society of Pender County,

addressed the Board to ask for support for the Juneteenth Celebration. Ms. Malloy thanked the commissioners for their support in 2023. Chairman George requested Ms. Malloy to give the Board more time to look over her packet and to make a decision at the next meeting. Ms. Malloy finished her presentation with a slideshow of past events.

6.2 Veterans Services Spring 2024 Update

Michelle Leach, Veteran's Services Director, spoke about upcoming events with Pender County's Veteran's Services office. On March 15th from 9-10:30AM there will be a Veteran's Coffee. March 26th from 5:30-7PM there will be another screening of Veteran's Battlefield. The Pender Strong Resource Expo will be on April 20th. Veteran's Standdown will be coming in the fall of 2024. Pender County Veteran's Services is having Wellness Wednesdays where seminars will cover various topics. Leach provided the Board and the public the contact information for both the Hampstead and Burgaw office locations. Leach answered Board questions.

6.3 Presentation of the FY2023 Audit Report

Meg Blue, Finance Director, introduced Erica Brown from Martin Starnes & Associates CPAs. Brown is Pender County's auditor for FY 2023-24. Brown went over the findings of Pender County's most recent audit. It was reported that there were new standards for auditing this year. Brown covered recent changes in auditing standards and the GASB96 (Governmental Accounting Standards Board). The General Fund Revenue increased by 8.6 percent and the expenditure increased by 5 percent since 2022. Brown reviewed what a fund balance is. Pender County's fund balance 10.7 percent and the available fund balance increased 5 percent since 2022. Brown went over Major Enterprise Funds such as Solid Waste and Pender County Utilities. Brown reported negative and positive key performance indicators. She covered the Tourism Development Authority summary briefly. Brown answered questions from the Board. Commissioner McCoy offered praise for the Emergency Fund Balance.

6.4 Presentation on behalf of the Pender LTRG & Area NonProfits

Olivia Dawson, Tourism Director, went over the Pender Long Term Recovery Group's (PLTRG) history. The group was established in 2018 post Hurricane Florence. It provides support for individuals needing disaster relief. Dawson covered the partners and organizations of PLTRG. It was reported there are over fifty-five homes still waiting on assistance to recover from Hurricane Florence. Dawson went over various statistics and spoke about on-going and increasing needs within the community. Dawson answered questions from the Board. Sandy

Harris, CEO of Pender County Christian Services and Pender Alliance Resource Center, presented the second half of the presentation. The Board recognized the non-profit representatives present at the meeting. Harris reported the current projects being worked on and asked the Board for support. Harris addressed concerns with the homeless population and the work being done to combat it. Harris asked the Board to hire a Community Resource Director and to match \$500,000 for a new building to house all the non-profits.

6.5 Staff Report Regarding Pender County Primary Elections

Patrick Buffkin, Staff Attorney, addressed the Board and the Public to discuss the primary election issues that occurred on March 5, 2024. The Board of Elections was not present at the meeting. Buffkin reported the Board of Elections is investigating the issue but that elections are not over. Pender County will receive a full after-action report at a later date. Buffkin stated the things known to be true: The polls opened on-time, all votes were cast, the state Board of election agrees, and a contingency plan was used. The late reporting of the results was at least partly to blame due to technology issues. The Board of Elections could have done a better job. Lastly, the county will have a role to play in the Board of Elections' effort to do a better job.

7 PUBLIC COMMENT FOR AGENDA ITEMS

7.1 Amery Wells spoke about land use and UDO changes for out-buildings on secondary structures.

8 CONSENT AGENDA

8.1 Preservation of Death and Marriage Records

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

Motion to Approve Consent Agenda without Item 8.6.

	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 January 16, 2024, BOCC Meeting Minutes
- 8.3 February 5, 2024, BOCC Special Meeting Minutes
- 8.4 February 5, 2024, BOCC Meeting Minutes
- 8.5 February 20, 2024, BOCC Meeting Minutes
- 8.6 Amendment to BOCC Regular Meeting Schedule

Item pulled from agenda.
- 8.7 Appointment to the WMPO
- 8.8 Appointment to CFCC Board of Trustees
- 8.9 Approval of Sole Source vendor for Keystone Information Services for server migration for historical tax data
- 8.10 Motor Vehicle Releases and Refunds
- 8.11 Refund/Release Requests for items meeting NC G.S 105-381
- 8.12 Approval of Budget Amendment to transfer funds from revenue to expenditure in the amount of \$28,333.99.
- 8.13 Approval for Purchase Order to the Town of Surf City for School Resource Officer salary of \$49,600.62.
- 8.14 Approval to accept \$62,484 State Fiscal Recovery Funds Directed Grant for Library
- 8.15 Resolution Expressing Support for Contingency Funding for Two Traffic Signals on Hwy. 17
- 8.16 Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 2384-79-9996-0000 Located off of Willard Road in Willard, NC
- 8.17 Resolution of the Pender County Board of Commissioners Authorizing Upset Bid Process with respect to the Disposition by Sale of Parcel 2385-31-8240-0000 Located on Bay Road in Union, NC

9 APPROVALS AND RESOLUTIONS

- 9.1 Resolution to Direct the Expenditure of Opioid Settlement Funds

Carolyn Moser, Health and Human Services Director, presented the item. Moser gave the Board background information about the opioid settlement funds. She presented options for the use of the funds. Option A's "high impact" abatement strategies and guiding principles were discussed. There are three projects recommended for funding: Sheriff's Department D.A.R.E. program, a Coastal Horizons Post-Overdose response team, and Pender County Schools' Early Intervention and

Skills Building Program. The funds would be disperse annually following a yearly report. Moser answered questions from the Board.

Moved by Jerry Groves, seconded by Wendy Fletcher-Hardee

Motion to appove the Resolution to Direct the Expenditure of Opioid Settlement Funds.

	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 Resolution Accepting Strategic Buyout Program Properties

Daniel Adams, Planning Director, presented the Resolution Accepting Strategic Buyout Program Properties. Adams reported to the Board that the resolution formalizes the last step of the buyout program with NCOR.

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

Motion to Approve the Resolution Accepti.ng Strategic Buyout Program Properties

	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 Award of contract for architecture and engineering services for future Hampstead Branch Library and approval of associated budget amendment, purchase order, and capital project ordinance

Allen Phillips-Bell, Library Director, presented the item to the Board. He started off by thanking all those who have helped the Pender County libraries. Bell asked the Board to approve managerial power to execute the contract. It was reported that staff recommend Sawyer, Surewood, and Associate. The cost is \$1,129,000.00. The estimated construction cost is \$14million. The total estimated cost for this project is \$15,308,000.00. Phillips-Bell reported Pender County has received \$2,141,968.00 in donations, grants, and assets. \$13,165,747.00 will come from the General Fund. Phillips-Bell reviewed the proposed projects schedule. The Board asked questions.

Moved by Fred McCoy, seconded by Jerry Groves

Motion to Approve the awarding of contract for architecture and engineering services for future Hampstead Branch Library and approval of associated budget amendment, purchase order, and capital project ordinance.

	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.

- 9.4 A resolution of Pender County, North Carolina, supporting the America 250 NC committee for the United States semi quincennial (AMERICA 250 NC).

Olivia Dawson, Tourism Director, present the resolution of Pender County, North Carolina, supporting the America 250 NC committee for the United States semi quincennial (AMERICA 250 NC). Dawson explained the 250th birthday of America was approaching (year 2026), and she is asking the Board to approve the creation of a committee to highlight events regarding that event. Dawson reviewed collaborators for the committee and discussed the grant opportunities available.

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

Motion to approve the resolution of Pender County, North Carolina, supporting the America 250 NC committee for the United States semi

quingcentennial (AMERICA 250 NC).

	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.

9.5 Approval of FY2023-2024 Audit Contract and related Purchase Order

Meg Blue, Finance Director, presented the item. Blue reported the contract would be with Martin Starnes & Associates CPAs, the same auditor Pender County used for FY2022-23. Blue explained it is hard to find auditors that will take new governments. The contract price is about the same as FY2022-23.

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

Motion to Approve FY2023-2024 Audit Contract and related Purchase Order

	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.

10 DISCUSSION

10.1 Discussion of various land use topics

Daniel Adams, Planning Director, presented the discussion item to the Board. Adams explained staff were seeking feedback from the Board on accessory structures (Appendix A of the Pender County UDO), as well as the interpretation and intent. Adams suggested adding thresholds.

Newton expressed she felt this discussion would be better in a planning setting rather than a Board of Commissions meeting, and suggested the public be involved. The Board members discussed among themselves the item and asked Adams to bring back recommendations.

11 APPOINTMENTS

11.1 Appointment to the Advisory Board of Health

Lexi Stanfield, Clerk to the Board, present the Board Bonita Sue Pylers application for the Advisory Board of Health's physician position. Ms. Pylers is already serving on the board as a public member. She has a history as a nurse practitioner. The Advisory Board of Health has used nurse practitioners in the past to fill the physician position. Stanfield reported she had not received any physician applications for almost a year and recommended the Board approve Ms. Pylers application.

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

Motion to Approve Bonita Sue Pylers for the Physician Position on the ABOH.

	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

- 19.1 Cheryl Highsmith: Discussed bringing public awareness for kidney disease and gave an update on her internet with Focus Broadband.
- 19.2 William Nixon: Discussed water and property issues he is facing.
- 19.3 Ross Demay: Discussed UDO issues.

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

- 20.1 Trey Thurman, County Attorney, asked the Board to go into closed session pursuant to item three (3) attorney client privilege including Pender vs Shiloh Volunteer Fire Department, Pender County vs Warmingham, and Coastal Pines Solar Farm vs Pender County.
- 20.2 Allen Vann, Assistant County Manager, reminded the public the next BOCC meeting on April 2, 2024, would begin the 4:00Pm closed session followed by a 5:00PM public session. Vann also reminded the public about the Budget Retreats scheduled for the week of the 14th. Vann gave an update from Kris Ward at Focus Broadband.
- 20.3 Commissioner Groves stated there was not enough infrastructure in Pender County to support the citizens. Additionally, he voiced his desire to move public comment to the beginning of meetings.
- 20.4 Commissioner McCoy stated he would miss staff after his term ended but would not miss late night meetings.
- 20.5 Vice Chair Newton stated she will also miss staff and plans to finish out her term. She discussed complaints she received regarding the appraisers and not respecting boundaries. She urged the tax administrator to explain what the law allows appraisers to do at the next meeting. Lastly, Newton stated she felt confederate statues should be put in a more appropriate place than the courthouse square.

21 CLOSED SESSION (IF APPLICABLE).

- 21.1 The Board went into closed session at 6:26PM. The Board returned to open session at 7:05PM.

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

Motion to go into closed session pursuant to item three (3) attorney client privilege including Pender vs Shiloh Volunteer Fire Department, Pender County vs Warmingham, and Coastal Pines Solar Farm vs Pender County.

	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 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.

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 REZONE 2023-47 CZMA to the Board and introduced Sam Potter, the applicant's attorney, to present their own presentation. Potter gave a brief overview of the item. He went over the zoning conditions and the modifications requested. Potter noted the planning board and the planning staff support this rezoning case. Potter addressed the concerns about public health and safety, as well as emergency access. he discussed the side setbacks of 5-feet. Potter answered Board questions.

Aubrey Harvey: Expressed support for the rezoning.

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

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

	For	Against	Abstained	Absent
Fred McCoy	x			
Jacqueline A. Newton	x			
Jerry Groves		x		
Wendy Fletcher-Hardee	x			
Brad George		x		
	3	2	0	0

CARRIED.

22.2 REZONE 2023-61: Request to rezone two parcels from the GB, General Business zoning district to the CZ-6, Conditional Zoning District 6 in the Topsail Township

Daniel Adams, Planning Director, presented REZONE 2023-61. TW and AG Timber, LLC is the applicant and owner of the property. They own 6.2 acres and are asking to have it rezoned from General Business to Conditional Zoning District 6. The property is northwest of HWY 210 and HWY 17. Majority of the surrounding properties are zoned general business and residential performance. Adams reviewed the proposed uses of the property and dimensional standards. Traffic impacts were compared from the past versus with the proposed uses. Staff recommend approval of the rezoning however, the Planning Board voted 4-1 to deny. Adams answered questions from the Board. Sam Potter, the applicant's attorney, addressed Board comments and concerns. He gave a brief overview of the rezoning request and discussed the surrounding businesses. Potter discussed storm water runoff. Wes Wooten, applicant, addressed the Board's questions regarding the gate on the property and other concerns of the Board.

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

Motion to Approve REZONE 2023-61 and find it consistent with the Policies 5.1.C, 5.1.D., 5.1.F., 5.1.K., 5.1.N.; with the conditions: development on the site shall comply with all requirements of the Pender County Unified Developed Ordinance, development on the site shall meet all other local, state, and federal regulations, there shall be no cleaning and pumping of portable toilets on site. Disposal or storage of any waste of any type on the site shall be prohibited, Equipment stored on site shall be required to meet the standards outlined in Table 2 of this report, A six-foot-tall opaque fence shall be established around

the perimeter of the site that operates under NAICS codes 532490 and/or 562991, Lighting shall be shielded so that it does not cast direct light beyond the property line, The existing 30-foot-wide gate with direct access to Peanut Road on parcel 3282-88-1093-0000 shall be removed prior to issuance of zoning approval. The existing 40-foot-wide gate with direct access to NC Highway 210 on parcel 3282-88-1093-0000 shall remain as emergency access only and shall comply with the state fire code, Mobile office units stored on site shall not be stacked more than two high and a licensed professional shall provide documentation that the units are properly anchored to comply with the appropriate wind zone rating.

	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.

22.3 ZTA 2024-22: Request to amend the Unified Development Ordinance, specifically Article 3: Review Procedures

Alex Moran, Planner, presented ZTA 2024-22: Request to amend the Unified Development Ordinance, specifically Article 3: Review Procedures. Moran explained to the Board the amendment to article three of the UDO is putting all requirements for advertising and informing the public in one place. The planning department has to follow regulations made by the state and by Pender County. This amendment would combine the regulations on paper. Moran answered questions from the Board.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Motion to Approve ZTA 2024-22: Request to amend the Unified Development Ordinance, specifically Article 3: Review Procedures

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

Hardee				
Brad George	x			
	5	0	0	0

CARRIED.

23 ADJOURNMENT

23.1 The meeting was recessed until March 14, 2024, at 1:00PM with the intent to go into closed session for item six (6) Personnel.

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

Motion to recess the meeting until March 14, 2024, at 1:00PM.

	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.