REQUEST FOR BOARD ACTION

ITEM NO. 2

DATE OF MEETING: August 24, 2015

REQUESTED BY: Melissa Pedersen, Clerk to the Board

SHORT TITLE: Approval of Minutes: Regular Meeting: August 10.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, AUGUST 10, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, August 10, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: Chairman David Williams, presiding; Commissioners Fred McCoy, David Piepmeyer, and Demetrice Keith.

OTHERS PRESENT: Randell Woodruff, County Manager; Trey Thurman, County Attorney; Melissa Pedersen, Clerk to the Board; Kathy Brafford, Finance Director; other staff and members of the Press and public.

CALL TO ORDER
Chairman Williams called the meeting to order at 4:01 p.m. and thanked and welcomed all to the meeting. Mr. Williams began the meeting by congratulating Mr. Brown on the arrival of his first grandchild and explained that he would not be attending today's meeting.

INVOCATION
Commissioner Piepmeyer offered the Invocation.

PLEDGE
Commissioner McCoy led the Pledge of Allegiance.

EXCUSE COMMISSIONER
Commissioner Piepmeyer made a motion to excuse Commissioner Brown. Commissioner Keith seconded the motion and it was unanimously approved.

Mr. Woodruff introduced Kathy Brafford, the new Pender County Finance Director.

PUBLIC INFORMATION

1. **Presentation of Certificate of Appreciation to Amanda Smith Rochelle for Gathering and Reproducing Twenty (20) 16" x 20" Photos of Old Hampstead Community Events and People for Permanent Display in the Hallways of the Hampstead Annex.**

Chairman Williams introduced Ms. Amanda Smith Rochelle. He read the certificate and asked Ms. Rochelle to step to the podium. Mr. Williams then explained that Ms. Rochelle took the initiative to work collaboratively with current and former residents of Hampstead to gather timeless photos of days past in the Hampstead Community. Working from the photos she was loaned, she personally paid to have each one enlarged to a standard 16" x 20" format to create a uniform appearance for the permanent displays now hanging in the first floor hallway of the Hampstead Annex. A dedication plaque will also be placed among the photos in appreciation of all her efforts to provide a historic perspective of Old Hampstead for all those who will visit the Hampstead Annex for many years to come. Mr. Williams read the plaque: "Photographs for this project were gathered through a collaborative effort amongst the people of Old Hampstead and provided by Amanda Smith Rochelle in remembrance of the countless years of love and dedication that her father Burns Smith and so many other have put forth for the Hampstead community. May walking down these halls always be a reminder of the friends we made, the memories we created, and the lessons we learned. Special thanks to Steve Edens for his enormous contribution of Hampstead

photographs and history." Ms. Rochelle then thanked the community and all those who had a hand in this project.

2. Proclamation by the Pender County Board of Commissioners Commending Sebastian Baehr for Achieving the Eagle Scout Award.

Chairman Williams said that the Board tries to recognize all Eagle Scouts when they know about them. Mr. Williams encouraged the Public to inform the County when this happens so that Eagle Scouts can be recognized for their achievement. He mentioned that Mr. Baehr had already moved to California, but that this proclamation would be mailed to him. Chairman Williams then read the Proclamation. Mr. Piepmeyer made a motion to approve the proclamation. Mr. McCoy seconded the motion and it was unanimously approved.

PUBLIC COMMENT

No one wished to speak under Public Comment.

Chairman Williams spoke regarding the Policy of Public Comment. He read the policy that is displayed on the sign in sheet. Mr. Williams then stated that all speakers will be timed in the future.

PRESENTATION

3. Organizational Assessment Public Consulting Group (PCG) Human Services of Pender County Department of Social Services Findings and Recommendations.

Ms. Erin Henderlight approached the podium with Susan Foosness and Michael Kayemba. Ms. Henderlight introduced the team that performed the assessment. She then gave a brief overview of the study and how data for this assessment was gathered. Ms. Henderlight then focused on the recommendations portion of this assessment. Recommendations that were explained and discussed included: 3) Implement Universal Intake in core Income Maintenance Programs; 5) Implement Same Day Processing; 6) Overhaul approach to program integrity; 9) Child Welfare Supervisors should develop a Child Welfare practice model that builds on existing structure and state standards; 13) Improve accuracy of budgeting process; 14) Identify opportunities to minimize county spending; 15) Reduce operational inefficiency by combining some Health Department and DSS functions at the county level; 17) Improve physical safety of staff and clients; 18) Develop a comprehensive and systematic budget for all DSS revenue and expenditures; 19) Develop and integrate a robust performance measurement system reporting capabilities into everyday practice; 20) Align goals and focus across all levels of staff and leadership; 22) Reorganize Income Maintenance units and functions to streamline workflow and service delivery; 23) Maintain current Child Welfare caseload sizes and implement on-call social workers and a temporary adoption social worker; 28) Prioritize upgrading current staff computers in Child Welfare and Adult Services and develop plan to implement newer software and hardware to improve job efficiency and quality of documentation; and 31) Adjust document scanning process for Income Maintenance. Discussion with the Board ensued regarding software and hardware needed by employees at DSS, what Pender County can do better to prevent fraud, how long until the next assessment is recomended, and whether or not Pender County meets state standards for technology. The Board thanked the assessment team for their report.

CONSENT AGENDA

Chairman Williams presented the items on the Consent Agenda and asked for any discussion or questions. Mr. Piepmeyer stated that he had a question on item 7. He asked about the use of the vehicle, if the Sheriff's office currently had a vehicle like this, and if this vehicle could have been purchased locally. Sheriff Smith stated that this vehicle can be used for several different things and further explained that

they purchase local when possible, but for this particular vehicle the local dealers could not meet the state contracted price. Mr. Piepmeyer also asked about the two vehicles that were wrecked last week. Sheriff Smith stated that those vehicles should be able to be fixed. There being no further discussion, Mr. McCoy made a motion to approve the consent agenda. Mr. Piepmeyer seconded the motion and it was unanimously approved.

4. Approval of Minutes: Regular Session July 27.
5. Approval of Tax Releases and Refunds for July 2015.
6. Approval of a Purchase Order to Motorola Solutions for the Service Agreement on Sheriff's Office Portable Radios: $7,080.24.
7. Approval of a Purchase Order to Asheville Ford Lincoln for the Purchase of a Vehicle for Use in the Narcotics Division of the Sheriff's Office: $31,235.86.

APPROVALS AND RESOLUTIONS

8. Approval to rescind a Purchase Order to CDW-G for scanners: $26,901.00.

Health and Human Services Director Carolyn Moser explained: The Pender County Board of Commissioners has requested that this item be placed back on the agenda for further consideration. Mr. Piepmeyer asked for clarification as to how many scanners DSS has. Ms. Moser stated that there are 10 large scanners in general locations and 36 desktop scanners. Ms. Keith asked about the need for scanners and how the decision to originally purchase the scanners came about. Ms. Keith also asked about Medicaid reimbursement for these scanners. Ms. Moser stated that the scanners would be reimbursed by Medicaid at 75% for Income Maintenance workers. Ms. Keith noted that she felt that Commissioners should approve the purchase of the scanners. Mr. Piepmeyer made a motion to rescind the approval of the Purchase Order for scanners for $26,901.00. Mr. McCoy seconded the motion and it was approved 3-1 with Commissioner Keith voting in opposition.

9. Resolution Authorizing Approval of IKA Display on August 21, 2015, in Accordance with North Carolina General Statute 14-413.

Deputy Fire Marshall Tommy Batson explained: The Pender County Fire Marshal's Office has received a request from the IKA of Wilmington to allow a fireworks display at their farm site located at 1044 Porters Lane Road Rocky Point, NC on August 21, 2015. The North Carolina Office of State Fire Marshal now requires the Board of County Commissioners to approve all pyrotechnic displays under N.C.G.S. 14-413. This requirement was implemented as a result of a fireworks truck explosion that occurred while preparing for a show in Ocracoke, NC in 2009 in which four people were killed. The State of North Carolina Legislature passed the 2010 North Carolina Pyrotechnics Act that modified the General Statutes to define the term fireworks "expert" as a state requirement to obtain a display operator's permit (N.C.G.S. 14-410) effective February 1, 2010. The Fire Marshal's Office will be on site for review and approval of the complete setup, display shooting and cleaning up from the pyrotechnic display. The pyrotechnic display will be a private display in Rocky Point NC on August 21, 2015. It will be conducted by an approved and licensed fireworks company, Hale Artificers, Inc. 545 New Bowers Road, Lexington NC 27292. The display will meet all rules and regulations set by NC Code Fire Code, NFPA 1123, NFPA 1126, OSFM, and AFT. This same pyrotechnic show has been successfully completed in Morehead City and approx. 43 other sites on July 4, 2015. Hale has completed many shows across the state of NC for the last 23 years. Hale Artificer Inc. meets all of the liability insurance requirements set by the State of North Carolina and the Fire Marshal's Office recommends approval of their request. There being no discussion, Mr. McCoy made a motion to approve the resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

10. Approval of a Purchase Order to Best Buy Business Services for Laptop Computers in the Amount of $16,366.95: $15,000 from the Board of Elections, $1,366.95 from IT Budget.

Board of Elections Director Dennis Boyles explained: In 2007, Pender County received 17 laptop computers compliments of a HAVA grant the State Board of Elections received from the Federal Government. During the 2009-2010 fiscal year, the Board of Elections, using County funds, purchased 40 off-lease laptop computers to use as electronic poll books in the voting precincts. Microsoft no longer supports Windows XP and the State Board of Elections' latest software update will not run on Windows XP. There being no discussion, Mr. Piepmeyer made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved.

11. Approval of Architect and CM at Risk Contracts for the 2014 School Bond Construction Projects.

Mr. Thurman began by explaining to the Board that the amount the Board approved at the last meeting for these contracts was not sufficient for all of the property acquisition and design contracts. He further stated that the difference was discovered within the last day. Mr. Thurman reiterated that the approved $2.95 million does not get all of the projects bond ready and that an extra $1.2 million is needed. Mr. Piepmeyer asked that for future agenda's, each project be its own item. Pender County Schools Superintendent, Dr. Terri Cobb stated that Board of Education Attorney Rod Malone would be giving the time line presentation to the Commissioners. Dr. Cobb then introduced Design Architects: Charles Boney with LS3P Associates Ltd, Tom Hughes with SfL+a Architects, PA, and Charles Todd with Little Diversified Architectural Consulting, Inc. as well as the Construction Management at Risk contractors: Mike Burris with Metcon, Inc. and Marty Moser with Barnhill Contracting Company. Attorney Malone then took the podium. Intense discussion ensued regarding the difference in figures from what the Commissioners had versus what the Board of Education is now requesting. Throughout the discussion, Mr. Malone passed out several documents to show how the bond money is broken down. Timing for bids and money was thoroughly discussed as it relates to getting these projects ready for bonds. Mr. Williams asked when the latest the bonds should be sold as it relates to this schedule. Mr. Woodruff stated that bonds should be able to be sold in the beginning of 2016. Mr. Thurman added that the LGC wants to see bids for these projects prior to selling bonds. An option the County could explore would be purchasing Bond Anticipation Notes (BANs), but that is costly. Discussion then moved to bridging the financial gap. Mr. Williams asked what the Board of Education could do to help in this process. Dr. Cobb stated that she would go back and discuss this with the Board. Mr. Piepmeyer asked about all of the "TBD" lines in the contracts. Mr. Malone stated that until the design work gets underway, the Board of Education does not know what to fill in these lines. Mr. Piepmeyer then asked when the decision will be made about Penderlea. Mr. Malone stated that the Board of Education should have that decision made within 60 days from the date that these contracts are executed. Mr. Hughes came to the podium and explained the how they plan to make the decision on Penderlea. Further discussion ensued regarding the Penderlea project and possible delays with it and other projects. Mr. McCoy then asked about the Surf City property. Mr. Smith stated that by next week, the Board of Education should know how much usable acreage is on the property in regards to Wetlands. After some discussion on whether or not to approve the contracts, Mr. Malone stated that approving the contracts presented tonight would only cost $1.98 million. Discussion then ensued regarding the renovations at Pender High School in regards to security. Mr. Todd came to the podium and explained the breakdown of costs at Pender High School. There being no further discussion, Mr. McCoy made a motion to approve all six contracts as presented. Mr. Piepmeyer seconded the motion and it was unanimously approved.

12. Approval of a Contract Amendment and Budget Ordinance Amendment to the Original McKim & Creed Pender Commerce Park Wastewater Treatment Plant Contract for the Additional Construction Administration and Inspections Services Required to Accommodate the Unforeseen Phase I Project Delays.

Utilities Director Michael Mack explained: Pender County executed a contract with McKim & Creed on September 16, 2013 for professional design and construction phase services to complete the Pender Commerce Park Wastewater Treatment Plant. The original contract included Construction Phase Services in the form of Construction Administration and Construction Observation services during the estimated construction period of 15 months. Pursuant to changes in the original completion schedule of RC Creations, the project had to be separated into two design and construction phases to accommodate the accelerated schedule. Phase I construction began on April 1, 2014 and that portion of the project work is yet to be completed due to a lack of schedule compliance, defective work, and contractor mediation. The Phase II portion of the work began on June 8, 2015 with a final completion date of August 8, 2016. Ultimately the overall project duration will exceed the original 15 month construction duration period by an additional 15 months. As a result of the Phase I project delays resulting in an extension of the overall project duration from 15 months to 30 months McKim and Creed is requesting additional compensation to provide Construction Phase services through the revised project duration to include Phase II. More specifically McKim and Creed is requesting an additional fee of $96,500.00 to cover Construction Administration services expensed to date above the originally budgeted time for the Phase I portion of the project. The additional fee the County will pay to McKim & Creed for the additional Construction Administration services provided through the protracted Phase I construction period will be recovered through Liquidated Damages withheld from the Phase I contractor. Due to the project circumstances this additional compensation is justified and recommended. Tony Boahn with McKim and Creed was present with to answer any questions the Board may have. Discussion ensued as to when Phase I of the project was to be complete, what would happen if this item was not approved, and pump and haul. There being no further discussion, Mr. McCoy made a motion to approve the item. Ms. Keith seconded the motion and it was approved 3-1 with Mr. Piepmeyer voting in opposition.

13. Resolution to Award a Renovations and Remodeling Contract for the Addition of Ten (10) Office Spaces within the Open Areas of the Existing Probation and Parole Building at 312 W. Williams Street to Mazzarone Construction, Inc. in the Amount of $98,600.00.

Utilities Director Michael Mack explained: In 2013, Pender County received a request from the Judicial District Manager and Chief Probation/Parole Officer of the NC Department of Public Safety, Division of Adult Correction and Juvenile Justice, that due to an increase in the growth of the offender population and probationary law changes, up to ten additional staff officers and private office spaces would be required in the Pender County Probation and Parole office building. Open space currently used as conference/meeting rooms in the existing building can be remodeled to accommodate ten additional private office spaces. Public Works contacted six local General Contractors for price quotes to make the necessary renovations. Of the six, only two were willing to do the work and submitted written quotes due to the fact that the demand for new home construction is currently greater than remodeling work. The scope of work includes limited interior demolition, new insulated walls, ceilings, doorframes and doors with hardware, HVAC supply and return ducts, electrical outlets, switches, light fixtures, painting, and new vinyl no-wax floor tiling throughout the entire building. Public Works received a written quote from Vie Construction out of Wilmington for this work in the amount of $102,950 and one from Mazzarone Construction out of Rocky Point in the amount of $98,600. Mr. Pat Mazzarone has done several successful projects for the county and staff is always well pleased with his work and recommends award of the Probation and Parole Building remodeling project to Mazzarone Construction in the amount of $98,600. Mr. Mack also noted that $175,000 in funding was secured for this project through the recent

Limited Obligation Bonds financing. The balance of the project funds will be held for additional contingency funding and bond closing costs. There being no discussion, Mr. McCoy made a motion to approve the item. Ms. Keith seconded the motion and it was approved 3-1 with Mr. Piepmeyer voting in opposition.

14. Approval of the 2016 Schedule of Holidays for Pender County.

The proposed 2016 Holiday Schedule is attached. In addition, for the past several years, the Board has approved three extra holidays for employees. The extra holidays are President's Day in February, Easter Monday in April and the Wednesday before Thanksgiving (for 2014). In 2015, only two extra holidays were approved. Those holidays are President's Day in February and Easter Monday in April. Those two holidays were placed on this calendar. Brief discussion ensued regarding the extra holidays with regard to state holidays and the community. Mr. Woodruff added that the community is aware of the holiday schedule in Pender County. Mr. Thurman stated that the extra day at Christmas dates back to the 1990s. Mr. Williams added that he has never heard any criticism for the extra holidays. Mr. McCoy stated that the only comments he has heard in general is regarding the library being closed. There being no further discussion, Mr. Piepmeyer made a motion to approve the 2016 Holiday Schedule as presented. Mr. McCoy seconded the motion and it was unanimously approved.

15. Approval of a Policy for Sale of County Owned Land to the Public.

Mr. Woodruff explained: The Pender County Manager's Office has recently been contacted by several individuals about purchasing land that is owned by Pender County. Staff has consulted with other counties and come up with a policy for selling County owned land and requesting approval by the Board of Commissioners. Mr. Woodruff read the drafted policy. Discussion ensued regarding minimum upset bids and legal and closing costs to be paid by the purchaser. Mr. Piepmeyer also requested a list of county owned property. Mr. Thurman noted that some of the property was part of the FEMA buyout program after Hurricane Floyd and cannot be sold. There being no further discussion, the board gave a nod to table the item until the first meeting in September and to bring it back with the suggested edits at that time for consideration.

MOORES CREEK WATER & SEWER DISTRICT

The Board convened as the Moores Creek Water and Sewer District Board at 6:58 p.m.

16. Resolution by the Board of Directors of the Moore's Creek Water and Sewer District Approving the Final Plans and Specifications for the Moore's Creek Water and Sewer District Phase 1 Water Distribution System.

Utilities Director Michael Mack explained: The Moore's Creek Water and Sewer District engaged Highfill Infrastructure Engineering in September 2014 to develop Final Design and Bidding documents for the Moore's Creek Water and Sewer District Phase 1 Water Distribution System. Plans are now complete and in accordance with the USDA – RD permanent financing agreement, the District must approve a resolution providing formal approval of the project plans and specifications. Mr. Piepmeyer thanked Mr. Mack for distributing the plans for review. Discussion ensued regarding current signups, expected additions before completion, financing, estimated monthly bills with regards to setting the rate, the construction process, and current water quality in the area. There being no further discussion, Mr. McCoy made a motion to approve the resolution. Mr. Piepmeyer seconded the motion and it was approved 3-1 with Ms. Keith voting in opposition.

CENTRAL PENDER WATER & SEWER DISTRICT

The Board convened as the Central Pender Water and Sewer District Board at 7:09 p.m.

17. Resolution by the Board of Directors of the Central Pender Water and Sewer District Approving the Final Plans and Specifications for the Central Pender Water and Sewer District Phase 1 Water Distribution System.

Utilities Director Michael Mack explained: The Central Pender Water and Sewer District engaged Highfill Infrastructure Engineering in September 2014 to develop Final Design and Bidding documents for the Central Pender Water and Sewer District Phase 1 Water Distribution System. Plans are now complete and in accordance with the USDA – RD permanent financing agreement, the District must approve a resolution providing formal approval of the project plans and specifications. Mr. Mack added that this system has more signups but is more expensive to construct because it is larger in size and that is the reason the fees are projected to be the same regarding monthly bills. Mr. Mack reiterated that these fees are not set and will depend on the final number of customers. He added that these rates and fees are scheduled to be set during the next budget process. There being no further discussion, Mr. McCoy made a motion to approve the resolution. Mr. Piepmeyer seconded the motion and it was approved 3-1 with Ms. Keith voting in opposition.

APPOINTMENTS

The Board reconvened as the Pender County Board of Commissioners at 7:12 p.m.

18. Approval of Appointment to the Juvenile Crime Prevention Board.

Ms. Pedersen explained: Joseph Cina is applying to serve on the Juvenile Crime Prevention Council for the first time. Mr. Cina is applying to fill the position of Business Community Member. This appointment will be for two years. Ms. Pedersen added that this position has been advertised for several months and this was the only applicant. Mr. Piepmeyer asked if there were any other openings on this Board. Ms. Pedersen stated that this was the last position that needed to be filled. There being no further discussion, Mr. Piepmeyer made a motion to approve the appointment. Mr. McCoy seconded the motion and it was unanimously approved.

19. Approval of Appointment of a Commissioner to Serve on the Southeastern Partnership Board.

Mr. Woodruff explained: The Southeastern Partnership Board of Directors consists of a representative from each county in the Southeast Region and provides guidance and oversight to the organization. The Southeastern Partnership, Inc. board is also made up of private sector investors with an interest in promoting regional economic development. Ms. Pedersen also noted the scheduled meeting dates and times for the remainder of the calendar year. Mr. Williams stated that he would be able to attend these meetings. There being no further discussion, Mr. Piepmeyer made a motion to nominate Mr. Williams to serve on the Southeastern Partnership Board. Mr. McCoy seconded the motion and it was unanimously approved.

DISCUSSION

20. Discussion of Animals Being Tied Up Outside and Animal Cruelty Issues in Pender County.

Mr. McCoy read a prepared statement reflecting his concerns for animal cruelty in Pender County. Mr. McCoy did note how proud he is of the Pender County Animal Shelter and its staff. Jewel Horton, Manager of the Pender County Animal Shelter spoke regarding tethering laws. She gave an argument for both sides of the situation. Ms. Horton stated that people need to call and not interfere with the situation so that something can be done about it. Sheriff Smith then approached the podium to concur with Ms. Hortons comments. Sheriff Smith stated that there are specific laws that are meant to protect animals from cruelty. He added that they do not get many complaints regarding tethering. Mr. McCoy stated that his concerns are those who leave dogs out in the elements with no food or water. Sheriff Smith said that a

tethering law in Pender County may create more problems than solutions. Mr. McCoy thanked Ms. Horton and Sheriff Smith for their insight.

ITEMS FROM THE COUNTY ATTORNEY
Mr. Thurman stated there will be a brief item for Closed Session, Item # 3.

ITEMS FROM COUNTY COMMISSIONERS
Commissioner Piepmeyer – Mr. Piepmeyer welcomed Ms. Brafford to Pender County. He asked that the Pender County Finance Department provide a monthly financial report for the public. Mr. Piepmeyer then asked if there was a new completion date for Millers Pond Park. Mr. Woodruff stated that he has a meeting with the Contractors tomorrow. Mr. Piepmeyer noted his disappointment for the delay in construction. Mr. Williams asked that we avoid these delays in the future.

Commissioner McCoy – Mr. McCoy stated that the Welcome Signs coming into Pender County look good. He also mentioned the Triathlon center that is preparing for construction. Mr. McCoy said that this will be good for Pender County and he looks forward to its completion.

CLOSED SESSION
At 7:34 p.m., Mr. Piepmeyer made a motion to enter into closed session, pursuant to NCGS 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 after the settlement is concluded. Mr. McCoy seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 9:23 p.m. There were no announcements made upon exiting closed session.

ADJOURNMENT
There being no further business, the meeting adjourned at 7:52 p.m.

Respectfully Submitted,

Melissa Pedersen

Melissa Pedersen, Clerk to the Board

Reviewed By:

Ann Coombs, ~~Administrative~~ Assistant