**REQUEST FOR BOARD ACTION**

**ITEM NO. _2_**

**DATE OF MEETING:** January 4, 2016

**REQUESTED BY:** Melissa Pedersen, Clerk to the Board

**SHORT TITLE:** Approval of Minutes: Regular Meeting: December 14.

**BACKGROUND:** N/A.

**SPECIFIC ACTION REQUESTED:** Review and approve the minutes.

## MONDAY, DECEMBER 14, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, December 14, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman David Williams, presiding; Vice-Chairman George Brown; Commissioners Fred McCoy and Demetrice Keith.

**MEMBERS ABSENT**: Commissioner David Piepmeyer.

**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 4:02 p.m. and thanked and welcomed all to the meeting.

### INVOCATION
Commissioner Williams offered the Invocation.

### PLEDGE
Commissioner Keith led the Pledge of Allegiance.

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

### ADOPTION OF AGENDA
Mr. Brown made a motion to adopt the agenda as written. Mr. McCoy seconded the motion and it was unanimously approved.

### NEW BUSINESS
**A. Assign County Attorney Trey Thurman as Moderator.**
Since Mr. Thurman was stuck in court, Mr. Woodruff was appointed to temporarily serve as chairman.

**B. Nomination and Selection of Chairman and Vice-Chairman.**
Mr. Woodruff opened the floor to accept nominations for Chairman for 2016. Mr. Williams nominated Mr. Brown to serve as Chairman, and after a second by Mr. McCoy it was unanimously approved. Mr. Woodruff opened the floor to accept nominations for Vice Chairman for 2016. Mr. Williams nominated Mr. McCoy to serve as Vice Chairman, and after a second from Mr. Brown it was unanimously approved. Mr. Woodruff deferred the gavel to Chairman Brown.

**C. Appointment of County Attorney.**
Mr. Williams made a motion to reappoint Trey Thurman as County Attorney for 2016. Mr. McCoy seconded the motion and it was unanimously approved.

**D. Appointment of County Clerk.**

Mr. McCoy made a motion to reappoint Melissa Pedersen as County Clerk for 2016. Mr. Williams seconded the motion and it was unanimously approved.

**PUBLIC INFORMATION**

There were no Public Information submissions prior to the agenda deadline.

**PUBLIC COMMENT**

No one wished to speak under Public Comment.

**CONSENT AGENDA**

Chairman Brown presented the items on the Consent Agenda and asked for any discussion or questions. Mr. Brown asked about the vetting process for items two and three. Ms. Pedersen stated that NC DOT does all the vetting and sends it to the Board of Commissioners for approval. Mr. Williams added that this is just one of the many steps and once these are approved by the Commissioners, they go back to NC DOT. Ms. Keith also verified the first and third Monday schedule in regards to item four. There being no further discussion, Mr. McCoy made a motion to approve the consent agenda. Ms. Keith seconded the motion and the consent agenda was unanimously approved as follows:

1. Approval of Minutes: Regular Meeting: November 23.
2. Resolution Accepting Petition to Stag Drive in Deer Ridge Subdivision, Hampstead, to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
3. Resolution Accepting Petition to Holly Hill Road in Holly Hills Subdivision, Hampstead, to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
4. Approval and Adoption of the 2016 Board of Commissioners Meeting Schedule.
5. Approval of Tax Releases and Refunds for November 2015.

**APPROVALS AND RESOLUTIONS**

**6. Approval of a Budget Ordinance Amendment to Increase Revenues and Expenditures for the Play Together Construction Grant; $550,000.**

Parks and Recreation Supervisor Dee Turner explained: The Board of Commissioners accepted the Play Together Construction Grant for $550,000 from Trillium Health Resources on November 23, 2015 for inclusive playground equipment. The grant will be used to enhance the existing playgrounds at Hampstead Kiwanis and Pender Memorial Parks with more engaging play components for disabled children. There being no discussion, Mr. Williams made a motion to approve the item. Mr. McCoy seconded the motion and the item was unanimously approved.

**7. Approval of a Budget Ordinance Amendment to Increase Revenues and Expenditures for Recreation Programming in the Elementary and Middle 21st Century After School Programs; $8,000.**

Parks and Recreation Supervisor Dee Turner explained: Pender County Schools was awarded the 21st Century Learning Center grant to provide an after school program in four elementary schools. Communities in Schools of Cape Fear received the 21st Century Learning Center grant to provide an after school program in four middle schools. Both have solicited Pender County Parks and

Recreation to provide the recreation programming component of the after school program for the remainder of the 2015-2016 school year. If approved, the County will hire part time staff to provide recreation programming one hour per week at the following schools: Burgaw, Malpass Corner, Rocky Point Elementary, and Cape Fear Middle. Part time staff will be hired to provide recreation programming at the following schools 1 1/2 to 2 hours per week at Burgaw Middle and Penderlea Schools. Pender County Schools and Communities in Schools of the Cape Fear will contract with the County at $50 per recreation programming hour. This money will pay for the part time staff's planning and implementation of the recreation programming, necessary supplies and the Parks and Recreation Supervisor's administrative cost. Mr. McCoy asked if this was a state grant. Ms. Turner stated that this is a federal grant. There being no further discussion, Mr. Williams made a motion to approve the item. Mr. McCoy seconded the motion and the item was unanimously approved.

**8. Approval of Tax Refunds for Hampstead Bypass Properties.**

Tax Assessor Justian Pound explained: The tax office discovered a tax exemption that should have been applied to certain parcels that have been infringed by the currently proposed route for the Hampstead bypass in accordance with GS 105-277.9. Mr. Pound explained to the Board how this was discovered and the process on how property owners can receive the refund. Mr. Pound further stated that the bills for 2015 have been adjusted accordingly, but that there is about $115,000 that needs to be refunded for tax bills in 2012, 2013, and 2014. Brief discussion ensued regarding how long the land can be held. There being no further discussion, Ms. Keith made a motion to approve the item. Mr. Williams seconded the motion and it was unanimously approved.

**9. Approval of Contract With Holland Consulting Planners, Inc. to Administer the FY 14 FMA Grant Including a Budget Ordinance for the FY 14 FMA Grant and Purchase Order in the amount of $80,873 to Holland Consulting Planners, Inc for Administrative Costs.**

Planning and Community Development Director Kyle Breuer explained: Pender County has been awarded approximately $2.09 million in grant funds to elevate six residential structures and acquire five properties that have been identified as occurring severe repetitive losses due to flooding events. On September 28, 2015, the Board approved the selection of Holland Consulting Planners, Inc., through the professional request for proposal process, to administer the grant funds and execution of the two separate projects. A contract has been negotiated and Staff is presenting the contract for the Board's disposition. The contract is in the amount not to exceed $80,873 to administer both acquisition and elevation projects. A scope of work was given out in the Board packets outlining overall administrative tasks, as well as programmatic tasks related to each project. Along with consulting services, it is being requested that the Board adopt a budget ordinance establishing the expenditures associated with each element of the project, a specific project budget for elevation and acquisition was also given for review. Also, it is being requested that the Board establish and adopt the administrative guidelines and policies which include the Project Budget Ordinance (Elevation), the Project Budget Ordinance (Acquisition), the Financial Management Resolution, the Elevation and Demolition Contract Award Policy, and the Equal Employment and Procurement Policy. Requests for proposals for professional and construction services will be advertised according to North Carolina law and will be brought back to the Board for their consideration. Mr. Thurman stated that he had reviewed the item and there were no issues. Mr. McCoy stated that he is not in favor of giving people tax money to improve their property. Discussion also took place regarding contracts for the homeowners and the locations of the properties being assisted. There being no further discussion, Mr.

Williams made a motion to approve the item. Ms. Keith seconded the motion and it was approved 3-1 with Mr. McCoy voting in opposition.

**10. Approval of Three (3) FY 15-16 Budget Ordinance Amendments to Transfer Funds from the Water Capacity Fee Fund to the Rocky Point/Topsail Water and Sewer District and Water Treatment Plant Operating Budgets to Cover Unforeseen Expenses Required to Meet Current Water Service Demand from New Customers Building in the District: Water Capacity Fees $375,000.**

Utilities Director Michael Mack explained: Pender County Utilities has been experiencing tremendous growth and demand for water service since the beginning of the fiscal year. In order to meet current and future water service demand projections, additional funding is required for three expenditures within the Rocky Point/Topsail Water and Sewer District and at the Water Treatment Plant. $475,000 is required to award a professional services contract to Highfill Infrastructure Engineering for the attainment of an Interbasin Transfer Certificate; $50,000 is required to purchase additional water meters and supplies for the Rocky Point Water & Sewer District; and $50,000 is required to purchase an additional vessel of Granular Activated Carbon at the Water Treatment Plant. All these items are directly related to new growth and therefore, are being funded by the Water Capacity Fee fund ($375,000) and additional revenue collected by the RPTWSD User Fee ($200,000). Discussion ensued regarding replenishing the funds, future infrastructure, location of the growth, and water quality. Ms. Brafford asked the Board to make two technical corrections on these budget amendments before approval. She stated that on the first Budget Ordinance Amendment for Fund 072, the $325,000 should be from a revenue account for Fund 072 and not an expense account for fund 59 adding that this was a typing error. Ms. Brafford also stated that the third budget amendment needs a correction for a transfer account from Fund 59 and Fund 77. Ms. Brafford added that she will make the corrections for the final copy of the Budget Ordinance Amendments before signing off. There being no further discussion, Mr. McCoy made a motion to approve the Budget Amendments with the discussed changes. Mr. Williams seconded the motion and it was unanimously approved.

**11. Resolution to Award a Professional Services Contract to Highfill Infrastructure Engineering for the Scope of Work Required to Petition and Attain an Interbasin Transfer (IBT) Certificate from the NC Environmental Management Commission for the Distribution of More Than 2 Million Gallons Per Day of Surface Water Across the Four (4) Cape Fear River Sub-Basins of Pender County in the Not-To-Exceed Amount of $430,400.**

Utilities Director Michael Mack explained: In 2012, the County's Surface Water Treatment Plant went online with a permitted production capacity of 2 million gallons per day (MGD), but with a true production capacity to treat over 6 MGD with only minor equipment additions and modifications. The Surface Water Treatment Plant obtains its raw surface water from the Cape Fear River via the Lower Cape Fear Water and Sewer Authority. While much of Pender County is experiencing significant growth, the heaviest is generally along the US 17 corridor. In addition, PCU will be constructing the Moore's Creek and Central Pender Water Distribution Systems in 2016. In order for PCU to meet the future water demands of the entire County and its six Water and Sewer Districts, PCU will be required to obtain an Interbasin Transfer (IBT) Certificate from the NC Environmental Commission. Per N.C.G.S. 143-215.22L, an environmental assessment must be conducted to assess the environmental impacts associated with a proposed surface water transfer that occurs within a major river basin. Pender County is entirely within the Cape Fear River basin, subdivided by the

following sub-basins: Cape Fear River, South River, Northeast Cape Fear River and New River and will therefore, be required to obtain an IBT certificate in order to distribute more than 2 MGD of surface water across any of these Minor river basins. A Request for Qualifications of Professional Engineering Services from firms who could adequately demonstrate they have the resources, experience, and qualifications to successfully petition and obtain the necessary IBT certificate was advertised on September 10, 2015. PCU received a Statement of Qualifications from three engineering firms. Based on a review of the submitted qualifications, only two firms had any previous experience in the IBT certificate process and were selected for an interview. On October 10, 2015, four PCU employees interviewed the "team" of Highfill Infrastructure Engineering and their "project partner" firm CH2M Hill as well as McKim & Creed and their "project partner" firm Tetra Tech Engineering. Both firms were then scored by each PCU employee on how successfully they fulfilled each of 11 criteria used for the selection of architects, surveyors, and engineers. Highfill Infrastructure Engineering and CH2M Hill unanimously scored much higher than McKim & Creed and Tetra Tech Engineering overall and based on three major criterion: Highfill Infrastructure Engineering just completed an updated water model of the new Moore's Creek and Central Pender Water Distribution Systems and how they will affect our existing Rocky Point/Topsail and Scott's Hill Water system infrastructure and future water demands in each District; CH2M Hill has successfully obtained five of only eight existing IBT certificates in North Carolina; and a compressed IBT process schedule of only 18 months compared to McKim & Creed's 38 month process schedule. Subsequent to the selection of Highfill Infrastructure Engineering and CH2M Hill for this project, staff met twice with the firms to carefully define PCU's expectations and develop a scope of services that Highfill then used to prepare their cost proposal and agreement. Staff recommends award of the Professional Engineering Services Contract to Highfill Infrastructure Engineering in the total amount of $430,400. Mr. Mack explained the river basins in the area and what DENR is monitoring regarding basins and sub-basins. Discussion ensued regarding future demand, capacity, and the service provided by Highfill. There being no further discussion, Mr. Williams made a motion to approve the Resolution. Mr. McCoy seconded the motion and it was unanimously approved.

**APPOINTMENTS**

**12. Approval of Appointment to the Pender County Advisory Board of Health.**

Ms. Pedersen explained: Richard Edwards is applying for the first time to serve on the Pender County Advisory Board of Health. Mr. Edwards is a Public Health Professor at Grand Canyon University and wishes to fill any vacant Public Member position available. The positions currently available are Optometrist, Veterinarian, Dentist, and Engineer. Staff has recommended that Mr. Edwards be appointed to the Optometrist vacancy as it has been advertised the longest with no interest. This appointment will be for three years. Mr. Brown stated that he had met Mr. Edwards at a recent Advisory Board of Health meeting and that he would make a great addition to this Board. There being no further discussion, Mr. Williams made a motion to approve this appointment. Mr. McCoy seconded the motion and it was unanimously approved.

**13. Approval of Appointment to the Pender County Parks & Recreation Board.**

Ms. Pedersen explained: Daniel Price is applying to serve on the Pender County Parks and Rec Board for the first time. Mr. Price has been a resident of Pender County for 8 months and lives in District 5. The seat for District 5 is currently vacant. This term will be for three years. There being no discussion, Mr. McCoy made a motion to approve the appointment. Ms. Keith seconded the motion and it was unanimously approved.

**14. Approval of Appointment to the Pender Fire & EMS Advisory Board.**

Mr. Williams requested that the board appoint him to fill this vacancy. Mr. Williams further stated that he has served on this board in the past and feels that he could bring a wealth of knowledge and experience to the table. Stating that he understands that there have been other applications, he requested that the Board appoint him to serve as the citizen from District 1. There being no further discussion, Mr. McCoy made a motion to appoint Mr. Williams to serve on the Pender Fire & EMS Board as the citizen from District 1. Ms. Keith seconded the motion and it was unanimously approved.

**15. Approval of Appointments to the Pender County Fire Commission.**

Ms. Pedersen explained: John Meadows is applying to serve on the Fire Commission for the first time. Mr. Meadows has been a resident of Pender County his entire life and is retired from Sloop Point Fire Department. There is a vacant At-Large seat on this Board. This appointment will be for three years. Ms. Keith stated that there was a person that served from District four that had been removed from the Board. After some discussion, the Board stated that only in rare cases do they remove someone from a Board and this is not one they believed had a member removed. Jason Turner who serves on the Fire Commission approached the podium and stated that the only person in that part of the County that no longer serves on the Fire Commission resigned. Ms. Keith asked that this be researched and brought back at the next meeting. The Board gave a nod in agreeance.

**16. Boards/Committees/Commissions on which Commissioners Currently Serve: Annual Review/Modify.**

Mr. Brown began by asking the Board if they would like to table this until Mr. Piepmeyer was available and asked if any of the other commissioners had changes they would like to make. Mr. McCoy and Mr. Williams stated that they were fine with their Board assignments. Mr. Brown asked that Mr. Woodruff or Ms. Pedersen find out if the Nursing/Adult Care position was still an alternate and to also check if the Partnership for Children/Smart Start seat could be held by a citizen. Ms. Pedersen added that the Cape Fear RPO is requesting that Mr. Brown be reappointed to his seat and that needed to be done tonight. Mr. Williams made a motion that all the Commissioner appointments remain the same for 2016 with the exception of the Nursing/Adult Care position and the Partnership for Children/Smart Start seat as Ms. Pedersen will be checking on those. Mr. McCoy seconded the motion and it was unanimously approved.

**PENDER COUNTY BOARD OF HEALTH**

The Board convened as the Board of Health at 4:58 p.m.

**17. Discussion and Approval of three Community Health Action Plans Resulting from the 2014 Community Health Assessment.**

Health and Human Services Director Carolyn Moser explained: Community Health Assessments are required by G.S. 130A-34.1 as part of the local health department accreditation process. The role of the community assessment is to identify factors that affect the health of a population and determine the availability of resources within the community to adequately address these factors. The 2014 Community Health Assessment Team along with community members determined three priority health issues to be addressed. The team is responsible for developing a plan of action for Diabetes, Increasing Access to Physical Activity, and Mental Health and Substance Use. The Action Plans were provided to the Board prior to the meeting. There being no discussion, Mr. Williams made a motion to approve all three Community Health Action Plans. Mr. McCoy seconded the motion and it was unanimously approved.

**18. Board of Health Endorsement for the Health Department to Complete and Submit a Grant Application Targeted at the Reduction of Minority Infant Mortality.**

Health and Human Services Director Carolyn Moser explained: In 1994, the NC General Assembly appropriated funds to support projects that would lower infant mortality and low birthweight rates among minority populations. The goal of the Healthy Beginnings program is to address the disparity between white and minority infant mortality by targeting areas with significant minority infant mortality. In 2014, the state minority infant mortality rate for African Americans was 12.8 or 2.5 times higher than the White population. Pender County minority infant mortality rate for 2010-2014 is 26.4. There is a clear need to implement strategies that will focus on reduction of such rates. A copy of the top 25 counties 2010-2014 Minority Infant Mortality rate was provided to the Board for review prior to the meeting. Between 10 and 12 sites will be funded at an award level of $65,000-$80,000 annually. Funding is available for three years contingent upon contract compliance, program performance and the availability of funding. Awards will begin June 1, 2016 and end May 31, 2019. No matching funds are required by the county. Brief discussion ensued regarding the mortality rate for infants in Pender County and the application due date for the grant. There being no further discussion, Mr. McCoy made a motion to approve the item. Ms. Keith seconded the motion and it was unanimously approved.

**SOCIAL SERVICES BOARD**

The Board convened as the Social Services Board at 5:03 p.m.

There being no discussion, the Board reconvened as the Board of Commissioners at 5:04 p.m.

**ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman stated there was an email regarding an issue with the price on some of the property for the Surf City Schools, but that it has been worked out and there is no increase in price. Mr. Thurman also stated that the cemetery case is still going around in the court of appeals. Lastly, Mr. Thurman stated there would be one item for closed session, item #6.

Mr. Thurman also commented on the Empire Distributors closing. Mr. Thurman stated that Pender County netted about $498,000 after all costs and that only $400,000 was budgeted. He added that Pender County did share in closing costs and commission as well.

**ITEMS FROM THE COUNTY FINANCE DIRECTOR**

The audit has been submitted to the LGC on time and staff is just waiting for approval. As soon as approval is received, an audit presentation will be placed on the agenda for January.

**ITEMS FROM COUNTY COMMISSIONERS**

Ms. Keith – Ms. Keith stated that on Friday she attended the Pender County Employee Christmas party.

Mr. McCoy – Mr. McCoy apologized for missing the Christmas party but he was in therapy at the time. He also thanked everyone for the prayers regarding his knee surgery and added that he feeling much better. Mr. McCoy also spoke about a story on Time Warner Cable News regarding the Animal Shelter and Mr. McCoy added that Pender County was one of the best in North Carolina. He commended Jewel and the Health Department for all the improvements that have been made. He also

mentioned the horse rescue and urged the public to get out there and see the great things they are doing.

Mr. Williams – Mr. Williams first stated that he would like to wish everyone a Merry Christmas. Mr. Williams added that he wished that he could have attended the Christmas party last week but had to attend a meeting with Wilmington Business Development.

Mr. Brown – Mr. Brown asked Mr. Thurman about the spotlighting laws in Pender County adding that he had received a phone call from someone about it. Mr. Thurman stated that he will look into it. Mr. Brown also apologized for missing the Christmas party adding that his oldest son had surgery that he needed to be there for. Mr. Brown also added that Mr. Piepmeyer has had a death in the family and to keep them in prayer.

**CLOSED SESSION**

At 5:21 p.m., Mr. McCoy made a motion to enter into closed session, pursuant to NCGS 143-318.11: 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. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. Mr. Williams seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:00 p.m. There were no announcements made upon exiting closed session.

**PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS**

**19. Resolution Requesting Approval of a General Use Rezoning from RP, Residential Performance Zoning District to PD, Planned Development Zoning District.**

Chairman Brown opened the Public Hearing at 7:00 p.m.

Planning Director Kyle Breuer explained: Michael Pollak, applicant, on behalf of Capstone Ventures and Clair Reid Kalmar, owners, is requesting approval of a Zoning Map Amendment of two tracts totaling approximately 45.4 acres from RP, Residential Performance zoning district to PD, Planned Development zoning district. The subject properties are located to the west of Sloop Point Loop Road and to the north and west of Friendly Lane in the Topsail Township and may be further identified by Pender County PINs; 4214-22-7567-0000 and a portion of 4214-50-8387-0000. Mr. Breuer showed the location of the properties and reviewed the specifications. Discussion ensued regarding the type of business and whether this will be the same as Wyndwater. Mr. Pollak who is one of the developers for Wyndwater stated that this rezoning is so that they can expand Wyndwater. There being no further discussion, Mr. Brown closed the public hearing at 7:06 p.m. Mr. Williams made a motion to approve the General Use Rezoning. Mr. McCoy seconded the motion and it was unanimously approved.

**20. Resolution Requesting Approval of a Zoning Text Amendment for Other Nonhazardous Waste Treatment and Disposal.**

Chairman Brown opened the Public Hearing at 7:06 p.m.

Planning Director Kyle Breuer explained: Dallas Harris, applicant, is requesting the approval of a Zoning Text Amendment to the Pender County Unified Development Ordinance. The request is to amend Section 5.2.3 to add Other Nonhazardous Waste Treatment and Disposal as a permitted via Special Use Permit in the RA, Rural Agricultural and IT, Industrial Transitional zoning districts. Mr. Breuer reviewed the specifications. There being no discussion, Mr. Brown closed the public hearing at 7:09. Mr. Williams made a motion to approve the Zoning Text Amendment. Mr. McCoy seconded the motion and it was unanimously approved.

**ADJOURNMENT**

There being no further business, the meeting adjourned at 7:09 p.m.

*Respectfully Submitted,*

Melissa Pedersen

Melissa Pedersen, Clerk to the Board

*Reviewed By:*

Ann Coombs, Administrative Assistant II