REQUEST FOR BOARD ACTION

ITEM NO. _4_

DATE OF MEETING: May 2, 2016

REQUESTED BY: Melissa Pedersen, Clerk to the Board

SHORT TITLE: Approval of Minutes: Regular Meeting: April 18.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, MARCH 21, 2016 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, April 18, 2016 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

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 Brown 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.

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

PUBLIC HEARING

1. Public Hearing and Resolution on the Housing Department's Proposal for the 2016-17 Annual Plan.

Chairman Brown opened the Public Hearing at 4:04.
Housing Director Judy Herring explained: The County is required to hold a Public Hearing for the purpose of gathering comments on the 2015 Five Year Plan and the 2016-17 Annual Plan. If there are no comments, the Five Year Plan and Annual Plan will be adopted and submitted to the U S Department of Housing and Urban Development as submitted to the Board. Ms. Herring briefly discussed the plan that was approved at the last meeting. Ms. Keith asked about the goals of the plan. Ms. Herring stated that the goals for this plan relate to veteran homelessness and domestic violence housing and the plans to combat those issues. No one was signed up to speak. There being no further discussion, the Public Hearing closed at 4:05. No vote was taken.

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. Ms. Proctor spoke briefly at the request of the Board regarding the Tourism Week Proclamation. Mr. Williams made a motion to approve the consent agenda as written. Ms. Keith seconded the motion and the consent agenda was unanimously approved as follows:

2. Approval of Minutes: Regular Meeting: April 4.
3. Proclamation by the Pender County Board of Commissioners Proclaiming May 1-7, 2016, as National Travel and Tourism Week in Pender County.

APPROVALS AND RESOLUTIONS

4. Approval of Contract with City Explained, Inc., to Provide Professional Planning Services to Update the Comprehensive Plan.

Planning and Community Development Director Kyle Breuer explained that he was present to answer any additional questions the Board might have on this item. Mr. Brown added that he did not realize this was included in the previous budget and has asked the Manager to point these projects out as we go through the budget. Budget constraints, Courthouse Security, and Schools were discussed. Mr. Brown added that he will support this after the budget for the next fiscal year is adopted. Mr. Williams added even with the budget issues, there will be no tax increase for the upcoming fiscal year. After some discussion, the Board agreed to table the item until June. Mr. Breuer added that if any members of the Board have any questions between now and mid-June that he will be glad to answer them.

5. Approval and Adoption of the Southeastern Regional Hazard Mitigation Plan as the Hazard Mitigation Plan for Pender County.

Planning and Community Development Director Kyle Breuer explained: On October 21, 2014 Pender County was awarded Pre-Disaster Mitigation Grant for the development of a Regional Hazard Mitigation Plan by FEMA. The grant included the counties of Brunswick, New Hanover, and Pender. On February 16, 2015 entered into an agreement for consulting services to develop the plan for all counties involved. And be in to FEMA by the deadline set forth in the contract for final review. FEMA approve the plan January 6, 2016. Mr. Breuer added that Mr. Collins is still out due to illness but he is there to answer any questions. Mr. Breuer introduced Landon Holland to make some comments. Mr. Holland stated that this plan really stems back to Hurricanes Fran and Floyd and that funds for this plan come 75% from the Federal Government and 25% from the State. Mr. Holland also touched on public outreach meetings. Mr. Holland explained the plan in further detail. Discussion ensued regarding communication to the public. It was noted that there were pamphlets available, notices were advertised in the paper, and there was a project website. Out of Brunswick, New Hanover, and Pender Counties, only one comment was made – from Brunswick County. Mr. Piepmeyer added that he feels that this is a great program, adding he just wants to make sure the information is out there for those who may need it. There being no further discussion, Mr. Williams made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved.

6. Resolution Authorizing 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: In 2013, the Board authorized a professional engineering services agreement to McKim & Creed for the design, permitting, construction observation, and construction inspections for the Pender County Wastewater Treatment Facilities (WWTP). The basis of the McKim & Creed fee amount for their professional engineering services contract was prefaced by a single construction contract/contractor would be retained to complete the WWTP and the construction timeline to complete the WWTP would be 15 months. Both of these critical scope conditions were derailed when the WWTP project was redefined into two phases requiring two

designs, two contractors and two timelines in order to be able to accept wastewater from Acme Smoked Fish as scheduled in their Incentive Agreement. Phase 1 entailed construction of a wastewater pump station and equalization basin and Phase 2 was essentially the remainder of the WWTP. On August 10, 2105, the Board approved a Contract Amendment # 1 to McKim & Creed in the amount of $96,500 for the additional design, contract documents, contract administration and construction inspections required to complete both Phases. Phase 1 was scheduled to be completed on Sept. 27, 2014 but experienced unforeseen contractor delays, through no fault of MCE. Phase 1 was issued a Substantial Completion on Sept. 15, 2015. The resultant construction timeline for Phase 1 was actually 23 months during which time McKim & Creed provided ongoing construction administration and inspections services for which they are due compensation. The additional funding to pay 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. Discussion ensued regarding reimbursement, withholding final payment from GRS, liquidated damages, and incurred expenses of this project due to the Phase I contractor. Mr. Mack also updated the Board on the process for Phase II. There being no further discussion, Mr. Williams made a motion to approve the item. Mr. McCoy seconded the motion and it was approved 4-1 with Mr. Piepmeyer voting in opposition.

7. Resolution by the Pender County Board of Commissioners to Approve a Construction Contract to Ralph Hodge Construction Co. in the Amount of $3,450,660.00 for the Malpass Corner Elevated Water Storage Tank and Transmission Mains.

Utilities Director Michael Mack explained: The Malpass Corner Tank and Transmission Main was designed, and permitted in conjunction with the Central Pender Water and Sewer District Phase 1 Water Distribution System and the Moore's Creek Water and Sewer District Phase 1 Water Distribution System and is integral to the Pender County Utilities water system's hydraulics. The final plans and specifications for the tank and transmission main were approved by the Board of Directors for the respective water and sewer districts during their July 27, 2015 Board meeting. Formal Bids were received and opened on March 3, 2016 per the bid tab below:

Ralph Hodge Construction Co.	$3,450,660.00
T.A. Loving Co.	$3,537,970.00
Tony E. Hawley Construction Co.	$3,574,670.00
Sanford Contractors, Inc.	$3,705,101.00
Carmichael Construction Co.	$3,798,984.00
R.H. Moore Co.	$4,496,684.00

The responsive low Bidder is Ralph Hodge Construction Co. and the recommendation of award to Ralph Hodge Construction Co. from the consulting project engineer is attached. Mr. Mack added that these bids are where they estimated they would be two years ago. After a question from Mr. Piepmeyer, Mr. Mack added that both the Moores Creek and Central Pender projects will pay for this since the tank serves both districts. Closing for these bonds will take place on October 31, 2016. Discussion ensued regarding where this company is located as well as when these projects will begin adding that these projects will be 12 months to substantial completion and 14 months to full completion for both districts. There being no further discussion, Ms. Keith made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved.

MOORE'S CREEK WATER & SEWER DISTRICT

The Board convened as the Moore's Creek Water and Sewer Board at 4:38 p.m.

8. Resolution by the Board of Directors of the Moore's Creek Water and Sewer District Adopting a Revised Capital Project Budget Ordinance for the Design, Permitting, Bidding, and Construction of the Phase I Water Distribution System to serve the Moore's Creek Pender Water and Sewer District.

Utilities Director Michael Mack explained: On September 2, 2014, the Board of Directors of the Moore's Creek Water and Sewer District authorized the approval and acceptance of the USDA-RD Letter of Conditions for the permanent financing of the Moore's Creek Water Distribution System. Subsequently, on March 3, 2016, construction bids were received for the construction of the project and the USDA-RD requested a revised Final Capital Budget to reflect the actual construction cost. The USDA-RD approved the Revised Final Capital Budget on March 17, 2016. Funding for this project is provided by a USDA-RD loan in the amount of $5,281,000, a USDA-RD grant in the amount of $3,467,432, and District Tap Fees in the amount of $78,100 for a project total of $8,826,532. There is no change to previously approved USDA-RD Letter of Conditions, only the amounts of the supplementary line items for the different components of the project. Brief discussion ensued regarding capacity fees. 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. Resolution by the Board of Directors of the Moore's Creek Water and Sewer District to Approve a "Conditional Award" of a Construction Contract to T.A. Loving Co. in the Amount of $4,991,737.50 for the Construction of 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 Phase 1 Water Distribution System has been fully designed, permitted, and approved by USDA-RD and the LGC for the purposes of awarding a construction contract. The Board of Directors of the Moore's Creek Water and Sewer District previously approved the final plans and specifications for the Moore's Creek Water and Sewer District Phase 1 Water Distribution System during the July 27, 2015 Board meeting. Formal Bids were received and opened on March 3, 2016 per the bid tab below:

T.A. Loving Co.	$4,991,737.50
Tony E. Hawley Construction Co.	$5,119,375.00
Herring-Rivenbark	$5,965,285.00
Carmichael Construction Co.	$6,890,325.00

The responsive low Bidder is T.A. Loving Co. and the recommendation of award to T.A. Loving Co. from the consulting project engineer was provided to the Board. The "Conditional Award" is premised on the closing date of May 3, 2016 of the General Obligation Bond Anticipation Notes that the Directors of the Moore's Creek Water and Sewer District approved during the April 4, 2016 Board meeting. Brief discussion ensued regarding the construction timeline. There being no further discussion, Ms. Keith made a motion to approve the item. Mr. Williams seconded the motion and it was unanimously approved.

CENTRAL PENDER WATER & SEWER DISTRICT

The Board convened as the Central Pender Water and Sewer Board at 4:45 p.m.

10. Resolution by the Board of Directors of the Central Pender Water and Sewer District Adopting a Revised Capital Project Budget Ordinance for the Design, Permitting, Bidding, and Construction of the Phase I Water Distribution System to serve the Central Pender Water and Sewer District.

Utilities Director Michael Mack explained: On September 2, 2014, the Board of Directors of the Central Pender Water and Sewer District authorized the approval and acceptance of the USDA-RD Letter of Conditions for the permanent financing of the Central Pender Water Distribution System.

Subsequently, on March 3, 2016, construction bids were received for the construction of the project and the USDA-RD requested a revised Final Capital Budget to reflect the actual construction cost. The USDA-RD approved the Revised Final Capital Budget on March 17, 2016. Funding for this project is provided by a USDA-RD loan in the amount of $6,047,000, a USDA-RD grant in the amount of $3,910,091, and District Tap Fees in the amount of $81,700 for a project total of $10,038,791. There is no change to previously approved USDA-RD Letter of Conditions, only the amounts of the supplementary line items for the different components of the project. There being no discussion, Mr. McCoy made a motion to approve the item. Mr. Williams seconded the motion and it was unanimously approved.

11. Resolution by the Board of Directors of the Central Pender Water and Sewer District to Approve a "Conditional Award" of a Construction Contract to Ralph Hodge Construction Co. in the Amount of $6,526,174.00 for the Construction of the Central Pender Water and Sewer District Phase 1 Water Distribution System.

Utilities Director Michael Mack explained: The Central Pender Water and Sewer District Phase 1 Water Distribution System has been fully designed, permitted, and approved by USDA-RD and the LGC for the purposes of awarding a construction contract. The Board of Directors of the Central Pender Water and Sewer District previously approved the final plans and specifications for the Central Pender Water and Sewer District Phase 1 Water Distribution System during the July 27, 2015 Board meeting. Formal Bids were received and opened on March 3, 2016 per the bid tab below:

Ralph Hodge Construction Co.	$6,526,174.00
T.A. Loving Co.	$6,908,256.65
Herring-Rivenbark	$7,432,903.00

The responsive low Bidder is Ralph Hodge Construction Co. and the recommendation of award to Ralph Hodge Construction Co. from the consulting project engineer was provided to the Board. The "Conditional Award" is premised on the closing date of May 3, 2016 of the General Obligation Bond Anticipation Notes that the Directors of the Central Pender Water and Sewer District approved during the April 4, 2016 Board meeting. There being no discussion, Mr. McCoy made a motion to approve the item. Mr. Williams seconded the motion and it was unanimously approved.

The Board reconvened as the Pender County Board of Commissioners at 4:52.

Mr. Brown asked Mr. Mack about item 6 regarding pertinent documents. Brief discussion ensued.

APPOINTMENTS

12. Approval of Appointment to the Pender County Nursing/Adult Care Advisory Board.

Ms. Pedersen explained: This is an at large position, as are all the positions for this Board. There are a total of seven positions with two currently being vacant. Ms. Pedersen further explained that a member of this Board has recently passed away and that her position will be advertised starting this week. Ella Murphy is applying to serve on the Nursing/Adult Care Homes Advisory Board for the first time. Ms. Murphy states that she has lived in Pender County for 64 years. This Board currently has two vacancies. There being no further discussion, Ms. Keith made a motion to approve the appointment. Mr. Piepmeyer seconded the motion and it was unanimously approved.

ITEMS FRIOM THE COUNTY ATTORNEY

Mr. Thurman was running behind, but there were items for closed session, items #3, 4, and 6.

ITEMS FROM THE COUNTY MANAGER

Mr. Woodruff reminded the Board of the NCACC district meeting on Wednesday night in Duplin County. He added that the Topsail Chamber Luncheon will be held on Friday, April 29. Mr. Woodruff further added that County Assembly Day is Wednesday, May 18 and that the Elected Officials Appreciation Dinner is Friday, May 20 in Wilmington.

ITEMS FROM COUNTY COMMISSIONERS

Ms. Keith – Ms. Keith mentioned the Zika Virus and asked Ms. Simmons where staff was in preparing spraying for mosquitos for the 2016 season. Ms. Simmons stated that they are working with the Health Department and gearing up to begin spraying. Shirley Steele with the Health Department added that the mosquitos that carry the Zika Virus are not native to our area and that all the cases in North Carolina have been linked to travel.

Mr. McCoy – Mr. McCoy stated that he attended the 2016 Relay for life on April 16 at the courthouse. He made comments on the success of the event.

Mr. Piepmeyer – Mr. Piepmeyer commented on the State Transportation Projects Prioritization List that was just released, adding that he will be meeting with the WMPO director next week. Mr. Piepmeyer then stated that he had received a phone call from Julian Bone, Topsail Beach Commissioner, regarding their next project that will cost $18 Million. Mr. Piepmeyer suggested that he get on the agenda for the next meeting to present the information on this project as well as writing a formal letter to the County listing the benefits. Lastly, Mr. Piepmeyer discussed a citizen phone call regarding the tax increase and school bonds and how the bonds impact the increase.

Mr. Williams – Mr. Williams followed up on Mr. Piepmeyer's comments regarding Beach Re-nourishment. Mr. Williams also made comments on the funding formula for the Hampstead Bypass. Lastly, Mr. Williams made comments on the rise in suicide/overdoses in young people in our region. He added that he had an unplanned meeting with Sheriff Smith and Chief Shanahan from Surf City to discuss options to combat the issue.

Mr. Brown – Mr. Brown apologized and thanked the Board for indulging in his absence from the last meeting. Mr. Brown asked Mr. Woodruff where staff was with the request for the cost for Legal Fees for the School Board. Mr. Brown added that he will not support any more funding for the schools until this information is received. Mr. Woodruff stated that he will follow up again in the morning.

CLOSED SESSION

At 5:14 p.m., Mr. Williams 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; 4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public

body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; and 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. Piepmeyer seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 6:51 p.m. No announcement was made following closed session.

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

13. Resolution Requesting Approval of a Special Use Permit (SUP) for the Construction and Operation of a Religious Organization.

Chairman Brown opened the Public Hearing at 7:00. Mr. Thurman swore in witnesses.

Planning and Community Development Director Kyle Breuer explained: Angela Bannerman, applicant, on behalf of Guiding Light Ministries Wilmington NC, owner, is requesting approval of a Special Use Permit for a religious organization (NAICS 8131). The subject property is zoned RP, Residential Performance zoning district and religious organizations are permitted via Special Use Permit in the RP, Residential Performance zoning district. The subject property is located to the north of NC HWY 133 in the Rocky Point Township approximately 1,500 feet west of the intersection of NC HWY 133 and US HWY 117 and may be further identified by Pender County PIN: 3233-25-4559-0000. Mr. Breuer reviewed the specifications and conditions of the Special Use Permit. Mr. Piepmeyer asked if there were any changes from the original Special Use Permit. Mr. Breuer explained that the time had passed for the original Special Use Permit, but that there had been no changes. Mr. Breuer added that the applicant is available to answer any questions. There being no questions, Mr. Brown closed the Public Hearing at 7:08 p.m. There being no discussion, Mr. McCoy made a motion to approve the Special Use Permit. Ms. Keith 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