

## MONDAY, OCTOBER 6, 2014

The Pender County Board of Commissioners met in regular session on Monday, October 6, 2014 at the Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

**MEMBERS PRESENT:** Chairman David Williams, presiding; Vice Chairman Fred McCoy; and Commissioners George Brown and Chester Ward.

**MEMBERS ABSENT:** Commissioner Jimmy Tate.

**OTHERS PRESENT:** Bob Murphy, Interim County Manager/Clerk to the Board; Trey Thurman, County Attorney; Denise Mulhollen, Human Resources Director; Mike Taylor, Librarian/Deputy Clerk to the Board; other staff and members of the Press and public.

### CALL TO ORDER

Chairman Williams called the meeting to order at 4:00 p.m. and thanked and welcomed all.

### INVOCATION

Chairman Williams offered the Invocation.

### PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

### PUBLIC HEARING

1. **Public Hearing and Resolution Approving the Grant Application and Authorizing the Grant for the Rural Operating Assistance Program (ROAP) Operated By Pender Adult Services (PAS) for FY 2014-2015 Totaling \$143,189.**

The Public Hearing opened at approximately 4:05 p.m. Pender Adult Services Director Wes Davis explained: This is an annual requirement by NC DOT. Funding for this year is \$143,189, and requires no local match. The programs included in the Rural Operating Assistance Program application are: Elderly & Disabled Transportation Assistance Program-provides operating assistance for the public transportation of elderly and disabled citizens; Employment Transportation Assistance Program-provides operating assistance for the public transportation of persons with employment related transportation needs; and Rural General Public Program-provides operating assistance for the public transportation of persons living in non-urban areas of the county. Transportation Coordinator Valeria Sutton was also present. The Public Hearing closed at approximately 4:10 p.m. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Davis announced PAS would be having its annual Silent Auction on October 23<sup>rd</sup> at 6:30 p.m. at Heritage Place in Burgaw. The auction is a fundraiser for "Meals-on-Wheels."

### PUBLIC INFORMATION

2. **Ryan Arnett-OpenGov: Presentation on OpenGov, Financial Reporting and Analysis System.**

This item was presented via webinar following the Tourism update. Mr. Arnett introduced himself and explained OpenGov is a web-based platform of financial transparency and business intelligence which empowers senior executives to see trends, drill down to transaction-level details, compares actual spending to the budget, enables governments to share the financial data with elected officials and the public to improve communication and build trust, shares past years' data, and analyze current year

spending. Some of the topics Mr. Arnett introduced and explained included: Access and Understand Your Data; Increase Internal Efficiencies; Build Trust and Engagement with Constituents; Trusted by More than 150 Governments in 30 States. Other topics Mr. Arnett discussed included: No Integrations; System Agnostic; Minimal Staff Time; and First-Class Support. Board members held other discussion and asked questions of Mr. Arnett.

**3. Planning & Community Development Director Kyle Breuer: Update on Pender County Comprehensive Transportation Plan and Opening of 30-Day Public Comment Period.**

Mr. Breuer explained: In 2011, the North Carolina Department of Transportation (NC DOT) began the process of updating the transportation plan for Pender County, which is currently the Thoroughfare Plan, adopted in 1999. The plan update, a Comprehensive Transportation Plan (CTP) has been developed along with a Steering Committee comprised of representatives from Pender's municipalities, NC DOT, Pender County staff and a Planning Board representative. Due to unforeseen circumstances, as well as the expansion of the Wilmington Metropolitan Organization's transportation planning boundary, the project has been delayed but is now moving forward towards adoption. Ms. Nora McCann of NC DOT was also present to update the Board on the DOT plan. Ms. McCann provided the Board background information regarding the draft Pender County CTP, as well as announced a 30-day public comment period opening to solicit further input and comment on the draft plan. The public comment period will begin and run through early November, followed by the formal local adoption process. Mr. Breuer said the Plan will go through the normal planning process with the Planning Board. The draft plan is available online, as well as within the Pender County Planning and Community Development Office. Comments will be accepted via the Pender County and NC DOT websites, as well as written comments submitted to the Planning and Community Development office.

**4. Tourism Director Monique Baker: Update on Tourism Activities and Presentation of 2013 Tourism Economic Impact Figures.**

Ms. Baker presented the following statistics on impacts of Tourism in Pender County for 2013: The travel and tourism industry directly employed more than 760 people in Pender County; of North Carolina's 100 counties, Pender County ranked 45<sup>th</sup> in visitation; nationally, North Carolina ranked sixth in visitation; total payroll generated by the tourism industry in Pender County was \$14.12 million; state tax revenue generated in Pender County totaled \$3.97 million through state sales and excise taxes, and taxes on personal and corporate income; \$5.8 million in local taxes were generated from sales and property tax revenue from travel-generated and travel-supported businesses. Statewide highlights include: State tax receipts as a result of visitor spending passed the \$1 billion mark in 2013; visitors spend more than \$55 million per day in North Carolina; that spending adds more than \$4.4 million per day to state and local tax revenues; the travel and tourism industry directly employs nearly 200,000 North Carolinians. Ms. Baker also presented a brief video entitled "Turtles and Tourism in Pender County." The video presented Turtle Hospital activities and other tourism activities. Mr. Williams commended the Tourism Department and the TDA for their efforts in tourism in Pender County.

**PUBLIC COMMENT**

Ms. Katie Wilson of 445 Larkins Rd. in Rocky Point spoke of her concerns about hunting in her neighborhood. Her comments included: Her house is next to land that is leased by hunters; twenty-two families live on Larkins Rd. and kids play there; they shouldn't have to listen to guns and dogs because the lands are leased to hunters; she once encountered a hunter and called the police. Mr. Williams asked if the hunters are doing anything illegal and Ms. Wilson responded "no, they are on the leased land." Other Board members asked questions and held discussion.

Mr. Chris Medlin, Candidate for Commissioner, spoke concerning the school bond. Mr. Medlin said he has set up a web site about the bond, and the bond is badly needed.

Mr. Mike Pollak of Hampstead spoke concerning Item No. 11, saying he is in support of it.

### **CONSENT AGENDA**

Mr. Williams presented the six items on the Consent Agenda and asked for any discussion or questions. Mr. Brown said he would like recuse himself from voting on Item #6 because of an issue he had with taxes on a vehicle. Mr. Brown made a motion to approve the Consent Agenda, minus Item No. 6. Mr. Ward said with respect to Item #7d, how many positions in the schools will this support; Health and Human Services Director Carolyn Moser responded three nurses. Mr. Ward seconded the motion and the Consent Agenda was unanimously approved as follows by a 4-0 vote:

5. Approval of Minutes: Regular & Closed Session September 15, 2014.
  - 7a. Resolution Amending the FY 14-15 Budget Ordinance Authorizing Increase in Health Department Revenues and Expenditures for Fiscal Year 2014-2015 from Funds Moved from General Fund: Animal Shelter: \$9,593.
  - 7b. Resolution Authorizing Approval of Purchase Order for Dental Service Contract to Heather Brickman for Fiscal Year 2015-2015: \$10,000.
  - 7c. Resolution Authorizing Approval of a Purchase Order for Health Department Contracted Services to Melissa Ramirez, Outreach Worker for the Farm Workers Program for Fiscal Year 2014-2015: Migrant Health: \$43,198.
  - 7d. Resolution Authorizing Approval of Purchase Order and Contract for Health Department Service Contract with Pender County School District for School Nurse Funding Initiative (SNFI) for Fiscal Year 2014-2015: \$150,000.
6. **Resolution Authorizing Approval of Tax Releases and Refunds to the Individuals Listed Herein.**

Mr. Ward made a motion to excuse Mr. Brown from voting on Item No. 6, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Ward then made a motion to approve Item No. 6, Mr. McCoy seconded the motion and it was unanimously approved by a 3-0 vote.

### **RESOLUTIONS**

8. **Resolution Encouraging the Governor, NC General Assembly and NC DOT to Fund the Hampstead Bypass if the General Assembly Approves the Borrowing of \$1 Billion for Rural North Carolina Transportation Projects.**

Mr. Breuer explained: On September 17, 2014, Governor McCrory announced a plan to fund additional transportation projects throughout North Carolina, the "25-Year Vision for North Carolina, Mapping Our Future." This plan will ask the NC General Assembly to approve revenue bonds to pay for a list of up to 22 rail, port, transit and highway investments. These projects are all "ready right now" according to Governor McCrory, and would provide for economic investment in rural areas. A draft project list was released and the Hampstead Bypass (R-3300) was not included on this list. The Hampstead Bypass project is a high-priority project, not only for Pender County but for the region as well. The project's corridor has been preserved, environmental consensus has been reached, and the project is "ready right now". The Hampstead Bypass will meet the goals of the 25-year plan by "Improving Highway Connections" as well as "Transform North Carolina Ports" by improving highway access to the coast and offer congestion relief, while also improving a key connection

between Camp Lejeune and the North Carolina Ports. Mr. Brown made a motion to approve the resolution, Mr. Ward seconded the motion and it was unanimously approved by a 4-0 vote.

9. **Resolution Authorizing Approval for the Topsail Township Friends of the Library to Erect and Maintain a “Future Home of the Library” Sign Next to the New County Office Annex.**

Library Board Chairman Kathleen Sabella explained: On September 5, 2014, Board Members of Topsail Township Friends of the Library unanimously agreed that this would be an opportune time to begin the process for installing a sign on the property designated by the Pender County Board of Commissioners as the site for the new Topsail Regional Library. The sign designating the site as the Future Home of Topsail Regional Library would assure residents in Eastern Pender County that their commissioners, aware of the increasingly inadequate branch library, are working toward the construction of a new facility. The impressive renovation of the Old Topsail School Building has already become a focal point in the community and a tasteful sign in the adjacent lot would demonstrate a vision for the completion of construction for the entire site. The sign would promote the long-range fundraising efforts of the *Friends* for the new Regional Library Facility. On viewing the sign, a donor may even be inspired to put the library in his or her will, which happened in the past, and provided the seed money for the present endowment fund. The Friends of the Library propose to design and fund a 4 by 8 foot metal sign announcing the Future Home of Topsail Regional Library. The sign would include Pender County and Friends of the Library logos as well as site a contact for inquires and/or contributions. It would be mounted and secured with treated lumber and be pre-approved by county staff. Rick Crosan, retired Construction Project Manager at the Smithsonian Institute in Washington DC, has volunteered to mount and install the sign. Mr. Crosan previously worked on the signs at Kiwanis Park. Following general discussion, Mr. Ward made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

10. **Discussion/Resolution Requesting Amendments to the Memorandum of Understanding between the Town of Burgaw and Pender County Regarding Occupancy of the Old Pender County Jail Property and the Town of Burgaw’s Request for Reimbursement of Costs Related to Renovations.**

Town of Burgaw Manager Chad McEwen explained the Memorandum of Understanding (MOU) between the Town and Pender County. Mr. McEwen said the Town and the County had each pledged \$50,000 to the project, but more miscellaneous work had to be done, including sealant on the floor which fixed the moisture problem. Mr. McEwen said the total of the project was \$106,146.56 and they are asking the County to reimburse the Town for \$53,073.28. Following discussion, Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote. Mr. Murphy asked if the Board wants to include a budget amendment in the motion. Mr. McEwen then explained: The project included storage space for the Town; the Town no longer needs that space; the NC Blueberry Festival would like to have that storage space for office space; the Town is asking the County to approve amending the MOU for use by the Festival, and to approve an annual flat fee of \$1,000 by the Festival for provided utilities. Mr. Brown made a motion to approve the amendment, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

11. **Resolution Authorizing Pender County to Submit an Application to the Wilmington Metropolitan Planning Organization in the Amount of \$265,000 for the Surface Transportation Program-Direct Appointment Funds for the Proposed Sidewalk along Doral Drive (SR 1693).**

Mr. Breuer explained this resolution is to request permission from the Board to submit an application requesting funding from the Wilmington Metropolitan Planning Organization for the proposed sidewalk along Doral Drive. Mr. Breuer explained: If awarded funds, Pender County is responsible for 100 percent of the actual project costs up front, and any additional funding which exceeds the submitted estimations; the minimum local match required on all STP-DA projects is 20 percent; in this case, the local cash match funding will be taken from the required recreation payment from a private developer for the nearby residential subdivision fees per Section 7.6.2 of the Pender County Unified Development Ordinance; the developer has agreed to cover any costs associated with project overages and will enter into a formal agreement prior to any funds expended; the additional 80 percent reimbursement will come from the NC DOT; and the County will be fully reimbursed. Mr. Ward asked why this area was chosen for the project and discussion ensued. Mr. Breuer explained funds from the new development, which is adjacent to Doral Drive, will be used for the local match. Following more discussion, Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

12. **Resolution of Support for the Mountains-to-Sea Trail Route through Pender County and Requesting this Area as a Permanent Section of the Mountains-to-Sea Trail.**

Mr. Breuer demonstrated the Mountains-to-Sea Trail Route through Pender County, which travels through Penderlea, Moores Creek, Burgaw, Hampstead and Surf City. Kate Dixon, Executive Director of the Mountains-to-Sea Trail Route, explained: The trail runs from the Great Smokey Mountains to the beaches of the Outer Banks; the trail is 1,150 miles; the trail is a tourist destination which will attract a million visitors; and Pender County is the "land of history." Mr. Brown was concerned about eminent domain and Mr. Breuer assured him there would be no eminent domain. Following more discussion, Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

13. **Resolution Requesting the Division Engineer to Install "Welcome To" Signs in Specified Locations within the County and Amending the FY 14-15 Budget, Increasing Expenditures to Public Buildings from Contingency in the Amount of \$10,000.**

Mr. Breuer explained: Through discussion, it has been mentioned that entrance and exit signs to Pender County could be installed to highlight the county's accomplishments, cultural events, and historical places that make Pender County the great place that is; in doing such, three roadway corridors with North/South connections could be utilized to display these messages; the proposed corridors would be US Hwy 421, US Hwy 117, and US Hwy 17, each containing their own unique accomplishments, cultural events, and historical places; through installation of the signs, an optional supplemental panel could be installed calling attention to that person, place, or thing; examples that could be highlighted are the Moores Creek National Battlefield, the NC Blueberry Festival, and athletic team accomplishments; and the panels could be interchanged through agreement with NC DOT. Mr. Breuer suggested setting policies for the signs and said the Board of Commissioners would control the policies. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

14. **Resolution Authorizing Amendment of Capital Project Budget for Millers Pond Park; Re-Appropriate Funds Previously Allocated for Other Projects, Use Unspent Funds from Other Capital Project Funds and to Appropriate Donations Received Last Year that Reverted to the Fund Balance.**

Parks and Recreation Supervisor Dee Turner explained: Millers Pond Park Project, estimated to cost \$325,090, consists of the construction of a picnic shelter/restroom facility, fishing pier, canoe/kayak launch, accessible walkways, improvement and expansion of gravel parking lot, and nature/walking trail enhancements including nature identification and trail markers. Funds for the Millers Pond Park project will come from a NC Parks and Recreation Trust Fund (PARTF) grant of \$162,545 and cash match from the County of \$162,545. The Board of Commissioners approved the match on September 12, 2012 by accepting the PARTF grant; however, the funds were never budgeted. The local funds for this project will come from the following sources: Remaining funding in Parks and Recreation Capital Outlay-\$100,238.79; Park Donations-\$32,900; Capital Outlay-Hampstead Kiwanis Park reimbursement-\$8,931.21; and balance required to complete project-Contingency-\$20,475. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

15. **Resolution Authorizing Purchase Order to Mazzarone Construction Company for the Construction of Parking Lot, Walkways and Picnic Shelter/Restroom Facility at Millers Pond Park: \$236,000.**

Ms. Turner explained: Requests for Proposals were advertised and a pre-bid conference was held; four contractors attended the pre-bid conference; two of the contractors submitted bids, one stated that he could not perform the work in the timeframe required and the other did not submit a bid by the deadline; bids were received from Mazzarone Construction Company-\$236,000, and Norris Construction and Grading Company-\$245,000; both companies have done satisfactory work for Pender County in the past; and funds for this project are budgeted in Parks and Recreation Capital fund 60-407400-6032. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

**PENDER COUNTY SOCIAL SERVICES BOARD**

16. **Resolution Authorizing Approval of the Energy Program's Outreach Plan.**

The Board convened as the Pender County Social Services Board. Social Services Director Reta Shiver explained: Effective October 1, 2014, the N.C. General Assembly requires that the governing board of the Department of Social Services review and approve the outreach plan; the outreach plan is completed yearly outlining what the plans are for the year according to policy guidelines of each program; during its September 22, 2014 meeting, the Advisory Board of Social Services approved Pender County's plan and is now sending it to the BOCC for final approval. The plan will be submitted to the State, along with a letter signed by Chairman Williams. Mr. Brown made a motion to approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

**PENDER COUNTY BOARD OF HEALTH**

17. **Resolution Authorizing Acceptance of the Health Department's 2011-2015 Strategic Plan, Mid-Plan Review.**

The Board convened as the Pender County Board of Health. Ms. Moser presented and explained the 2011-2015 Strategic Plan to the Board. Ms. Moser said the plan meets accreditation requirements, allowing the Health Department to be able to seek grant funds. Mr. Brown said the Strategic Plan is important for the County and said the Health Department did a great job. Mr. Brown made a motion to

approve the resolution, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

#### **MOORES CREEK WATER & SEWER DISTRICT**

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

The Board convened as the Moores Creek Water & Sewer District. Utilities Director Michael Mack distributed additional information and explained: 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 on August 4, 2014; and subsequently, the Board of Directors approved a Professional Services Agreement Amendment with Highfill Infrastructure Engineering for the final design, permitting, bidding, and construction phase services for the Moore's Creek Water and Sewer District Phase 1 Water Distribution System on September 15, 2014. Mr. Ward made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote.

#### **CENTRAL PENDER WATER & SEWER DISTRICT**

19. **Resolution by the Board of Directors of the Central Pender Water and Sewer District Adopting a 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.**

The Board convened as the Central Pender Water & Sewer District. Mr. Mack explained: 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 on September 2, 2014; and subsequently, the Board of Directors approved a Professional Services Agreement Amendment with Highfill Infrastructure Engineering for the final design, permitting, bidding, and construction phase services for the Central Pender Water and Sewer District Phase 1 Water Distribution System on September 15, 2014. Mr. McCoy made a motion to approve the resolution, Mr. Brown seconded the motion and it was unanimously approved by a 4-0 vote. The Board reconvened as the Pender County Board of Commissioners.

#### **ITEMS FROM THE COUNTY ATTORNEY**

Mr. Thurman said there are items for Closed Session.

#### **ITEMS FROM THE COUNTY MANAGER**

Mr. Murphy had no additional items.

#### **ITEMS FROM THE COUNTY COMMISSIONERS**

Mr. McCoy said he appreciates Interim Finance Director Sylvia Blinson.

Mr. Ward said he forgot the emergency meeting on October 3.

Mr. Brown said he appreciates Ms. Blinson and Mr. Murphy.

Mr. Williams said we are bringing in an individual to be interviewed for the County Manager position.

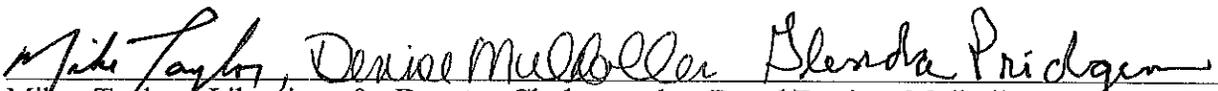
## CLOSED SESSION

Mr. Brown 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. McCoy seconded the motion and it was unanimously approved by a 4-0 vote. There were no announcements made upon exiting the Closed Session.

## ADJOURNMENT

There being no further business, Mr. Brown made a motion to recess the meeting until 1:00 p.m. on the 20<sup>th</sup> to conduct County Manager interviews. Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

Respectfully Submitted,

  
Mike Taylor, Librarian & Deputy Clerk to the Board/Denise Mulhollen, Human Resources Director/Glenda Pridgen, Deputy Clerk to the Board

Reviewed By:

  
Bob Murphy, Clerk to the Board/Ann Coombs, Administrative Assistant