TUESDAY, FEBRUARY 17, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Tuesday February 17, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: David Williams, Chairman, presiding; Vice Chairman George Brown; Commissioners Fred McCoy, Jimmy Tate.

MEMBERS ABSENT: Commissioner David Piepmeyer.

OTHERS PRESENT: Randell Woodruff, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Melissa Pedersen, 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 4:02 p.m. and thanked and welcomed all to the meeting.

INVOCATION
Commissioner Tate offered the Invocation.

PLEDGE
Commissioner Brown led the Pledge of Allegiance.

PUBLIC INFORMATION
1. **ABC Board Chairman Don Hall: Quarterly Report on the Pender ABC System Involving Financial Information and Other Progress.**

Mr. Hall explained this update is for the quarter of October-December, 2014. Mr. Hall distributed the Pender County ABC Financial Distribution Report and explained the amounts in the report that were paid out locally and to the State. He mentioned that all the needed upgrades have been completed and there are no major projects in the foreseeable future. Brief discussion ensued regarding how funds are distributed from the revenue generated from the store in Hampstead which is in an unincorporated area and other laws regarding ABC stores.

PUBLIC COMMENT
Carolyn Crews Odom of Rocky Point spoke requesting assistance with her neighbor's dogs. She stated that the neighbor has been cited for letting the dogs run and one is aggressive. Ms. Odom stated that since the citation, the aggressive dog has not been seen. Not only have the dogs chased her, but also her elderly neighbor. Sheriff Smith commented on the Dangerous Dog Ordinance that is being developed. According to Sheriff Smith in this case, this ordinance may not matter because there was one instance that Ms. Odom was in their yard. Traps have been put out, but no dogs have been caught. Ms. Odom stated that she will be back if nothing is done.

Ms. Odom also spoke to the Commissioners regarding a water issue. She stated that she has had several leaks recently and when she spoke with the County Manager to see what could be done. Mr. Woodruff referred Ms. Odom back to the Utilities department to see how they could help her. She stated that she was concerned about all of the senior citizens being put on the system. Ms. Odom commented that a payment plan offered by Utilities will not help some of these senior citizens who are on fixed incomes and requested that the Board of Commissioners look at an option that might help for in the future.

CONSENT AGENDA

Chairman Williams presented the three items on the Consent Agenda and asked for any discussion or questions. Mr. McCoy had a question regarding Item # 3 asked for verification as to the fee for out of county users. Mr. Mack stated that since the tax payers are already paying for the building, they should not be required to pay to use the building. Mr. Mack stated the policy will probably have to be edited a little bit once people start to use the facility but noted that this is a starting point. After a question from Mr. Tate, discussion ensued regarding insurance requirements for renters. Mr. Brown suggested that when the County edits the policy that an insurance requirement be added. There being no other discussion, Mr. Tate made a motion to approve the Consent Agenda, Mr. Brown seconded the motion and the Consent Agenda was unanimously approved as follows:

2. Approval of Minutes: Special Meeting January 26, 2015 as well as Regular & Closed Session February 2, 2015.
3. Resolution to Approve a Public Use of County Facilities Policy for the Hampstead Annex Building.
4. Resolution authorizing a budget amendment for Fund 60 – Capital Improvements Budget.
5. Resolution Approving the Adoption of the 2015-16 Fiscal Year Budget Calendar.

RESOLUTIONS

6. **Resolution to Award a Construction Contract for the Construction of the Pender County Rocky Point Fuel Depot Located at 14436 NC Hwy 210 Near the EMS Fire and Rescue Facility Located in Rocky Point.**

   Utilities Director Michael Mack explained: Informal Bids were solicited from the following contractors on Jan. 22, 2015; Norris Grading, Elite Construction, Landmark, Freeman Curb and Gutter, and R. A. Casper Construction. Bids were received and publically recorded on Feb. 5, 2015. Landmark Grading, Inc. was the only bid that was received for $155,100 including all site work and construction. Mr. Mack stated that Landmark Grading, Inc. has done work for Pender County in the past and the County has been very pleased with their work. Mr. Mack stated that this amount falls right in line with what was budgeted for this project. Mr. Brown asked about the location in Rocky Point regarding EMS and Heide Trask School. Mr. Mack stated that the traffic for the Fuel Depot will not interfere with EMS or the School and that they would have their own driveway. There being no other discussion, Mr. Brown made a motion to approve the Resolution, Mr. McCoy seconded the motion and the resolution was approved by a 4-0 vote.

7. **Resolution to Amend Fire District Response Lines for the Penderlea, Shiloh, and Burgaw Fire Departments.**

   Fire Marshall Charles Newman explained: In the early 90's, Pender County approved going to center line fire districts to determine where fire districts wound meet. Center line districts mean one fire department covers one side of the road another fire department covers the other side of the road. With center line districts it causes residents to have different ISO ratings depending on which side of the road they live on. Mr. Newman added that approving changing Fire District lines for these three departments will bring property owners across from each other into the same ISO rating, while lowering insurance cost for some residents. He showed the commissioners the area changes in the districts. Discussion ensued about response times, tax revenue differences, and future action. Mr. Thurman suggested that if this resolution is approved, the changes take effect now, but the tax changes take effect when the next budget is approved. Mr. Newman agreed stating that would be the case. There being no other discussion, Mr. Tate made a motion to approve the Resolution, Mr. Brown seconded the motion and the resolution was approved by a 4-0 vote.

8. **Resolution to Authorize Changing the Commissioner Meeting Schedule from the First and Third Monday Monthly to a Second and Fourth Monday Meeting Schedule.**
After some brief some discussion, the Board decided to table this item until the next meeting when Mr. Piepmeyer returns.

9. **Resolution Approving Funding in the Amount of $1500 to Pender High School to Attend the HOSA State Competition.**
Mr. Tate requested that this item be removed from the agenda.

ITEMS FROM THE COUNTY ATTORNEY
Mr. Thurman stated that he and Mr. Mack will be in Raleigh on Thursday for Mediation with the Contractor for the Phase 1 portion of the Waste Water Treatment Plant. Notice has been given to their bond company.

Mr. Thurman also stated there will be items for Closed Session, Item #'s 3, 4 and 6.

ITEMS FROM THE COUNTY MANAGER
Mr. Woodruff stated that he is still working on the plans for the retreat. Due to scheduling conflicts, the dates have shifted to Thursday, March 5 from 5-9 P.M. and Friday, March 6 from 8:30-4 P.M. Mr. Woodruff stated that he is still working on a site for the retreat. The Board discussed with Mr. Woodruff the topics that would be discussed.

ITEMS FROM THE COUNTY COMMISSIONERS
Mr. Tate – Mr. Tate asked Mr. Mack about the Transfer Station hours as to Sunday Operation. Mr. Tate noted that there are no sites aside from Hampstead and Surf City that are open on Sunday and he feels that there should be a site open on Sunday on the western side of the county. Mr. Mack stated that he will work with Waste Industries on this adding that this would affect the budget. Mr. Tate also requested that Mr. Woodruff schedule a time with him to tour his district including the schools, fire departments, farmers, and transfer stations.

Mr. Brown – Mr. Brown talked about Fox Trapping because of a phone call he received from a concerned citizen. He asked if Wildlife could come in and answer some of the questions regarding Fox Trapping and Coyote hunting. Mr. Williams will see if the gentlemen from Wildlife he spoke with would attend.

Mr. McCoy – Mr. McCoy commented on the Animal Shelter and invited other Commissioners and the public to visit. He stated that he is very proud of the improvements that have been made. Mr. McCoy also mentioned that his district and Mr. Tate's district is backwards on the website and requested this be fixed. Mr. Brown followed up his comments by stating that IT should designate someone to go through the website and look for inconsistencies.

CLOSED SESSION
At 5:27 p.m., 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. The Board exited the Closed Session at approximately 6:39 p.m. There were no announcements made upon exiting the Closed Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:39 p.m.

Respectfully Submitted,

Melissa Pedersen

Melissa Pedersen, Deputy Clerk to the Board

Reviewed By:

Randell Woodruff, Clerk to the Board/Ann Coombs, Administrative Assistant