MONDAY, MAY 11, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, May 11, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

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

OTHERS PRESENT: Randell Woodruff, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Melissa Pedersen, Deputy Clerk to the Board; Sylvia Blinson, Interim Finance Director, 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 to the meeting.

INVOCATION
The Honorable Judge James Faison, III offered the Invocation.

PLEDGE
Commissioner Piepmeyer led the Pledge of Allegiance.

EXCUSE COMMISSIONER
Mr. Piepmeyer made a motion to excuse Mr. Brown due to personal reasons. Mr. McCoy seconded the motion and it carried unanimously.

ADOPTION OF AGENDA
Mr. Piepmeyer made a motion to adopt the agenda as written. Mr. McCoy seconded the motion and it carried unanimously.

PUBLIC INFORMATION
2. Public Service Recognition of Former Commissioner Jimmy Tate.
Mr. Williams read a statement from Mr. Tate that stated his deepest regrets for being unable to attend today's meeting. In the statement, he also congratulated Ms. Keith on her appointment. Mr. Williams stated that Mr. Tate will be recognized at another meeting.

1. Appointment of Demetrice Keith as District Four County Commissioner.
Mr. McCoy made a motion to appoint Ms. Keith as District Four County Commissioner, to fill the unexpired term of Jimmy Tate. Mr. Piepmeyer seconded the motion and it carried unanimously.

> **1a. Swearing In of Demetrice Keith as Pender County Commissioner.**
> Judge Faison congratulated Ms. Keith on her appointment. Ms. Keith's sons held the Bible while Judge Faison administered the Oath of Office to Ms. Keith.

RECESS
Chairman Williams recessed the meeting at 4:08 p.m. for a reception to congratulate Ms. Keith on her appointment as County Commissioner. The Board reconvened at 4:44 p.m.

CLOSED SESSION

At 4:45 p.m., Mr. Piepmeyer made a motion to enter into closed session, pursuant to NCGS 143-318.11: 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; Ms. Keith seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 5:03 p.m. Upon exiting closed session Mr. Williams read a resolution regarding the sale of land and asked the Board to add it to the agenda.

ADDENDUM

Mr. McCoy made a motion to add an item regarding the sale of land in the Pender County Commerce Park to the agenda. Mr. Piepmeyer seconded the motion and it was unanimously approved. Mr. Williams read the resolution and explained the offer. Mr. Williams explained that the offer was contingent on the upset bid process and Mr. Thurman explained that process further. Mr. Piepmeyer made a motion to accept the offer to sell 15 acres of land at $30,000 per usable acre in the Pender Commerce Park contingent on the upset bid process. Ms. Keith seconded the motion and it was unanimously approved. Mr. Williams stated that the press release will go out tomorrow. He thanked Wilmington Business Development for their help in the process. Mr. McCoy added that this was a good opportunity for Pender County. Mr. Piepmeyer added in that this business will not be a burden on County Utilities be it a distribution center.

PUBLIC COMMENT

No one wished to speak under Public Comment.

CONSENT AGENDA

Chairman Williams presented the three items on the Consent Agenda and asked for any discussion or questions.

4. Approval of a Purchase Order to Southbay Roofing, LLC for roof replacement at the Hampstead Library: $26,288.00.

Mr. McCoy asked it this item was already in the budget and Ms. Simmons stated that it was already budgeted for. Ms. Keith asked about the bidding process and how SouthBay Roofing was chosen. Ms. Simmons stated that he was the lowest bidder, but that they were also highly recommended. Ms. Keith then asked about the bonding process. Mr. Thurman explained the bond process as it relates to the size and cost of the project.

6. Approval of a Budget Ordnance Amendment for Various County Departments.

Citing all of the transactions that have already been made in recent months, Mr. Piepmeyer asked Ms. Blinson to run through the budget amendments and explain them. Ms. Blinson explained the first budget amendment relating to the Water Treatment Plant. Mr. Williams noted that this seemed like more housekeeping. Ms. Blinson stated that there may be more budget amendments in a future meeting as cleanup continues. Ms. Blinson then moved on to the next budget amendment as it relates to a generator at the Water Treatment Plant. Mr. Mack came to the podium and explained the damages to the Generator at the Water Treatment Plant. He also mentioned that we are still waiting on the check from the insurance company for the damages which is the reason for the budget amendment. Mr. Mack included that the claim was approved at the beginning of March. Ms. Blinson stated that after June 30, accounts receivable remains open for sixty days for any payments that might come in. Mr. Thurman stated that he will give the insurance company a call to try to move things along.

7. Approval of a Contract and Purchase Order for Fiscal Year 2015 Audit: $35,500.00.
Mr. Woodruff explained the contract and the reason that we have remained with the same audit firm. He stated that the change would have had to been made many months ago to change firms, but at this point it is not recommended to change firms. Mr. Woodruff stated that shortly into the next fiscal year, Pender County will advertise for bids in search of a new audit firm.

There being no further discussion, Mr. McCoy made a motion to approve the Consent Agenda, Mr. Piepmeyer seconded the motion and the Consent Agenda was unanimously approved as follows:

3. Approval of Minutes: Regular Session April 20.
4. Approval of a Purchase Order to Southbay Roofing, LLC for roof replacement at the Hampstead Library: $26,288.00.
5. Authorization of Tax Releases and Refunds.
6. Approval of a Budget Ordnance Amendment for Various County Departments.
7. Approval of a Contract and Purchase Order for Fiscal Year 2015 Audit: $35,500.00.

RESOLUTIONS
8. Proclamation of May as National Preservation Month.
Kent Stephens, President of the Historic Wilmington Foundation thanked the Board and Pender County for their support of preservation. Mr. Stephens talked about history of Pender County as it relates to New Hanover County. He added that you cannot tell the story of one without the other. Mr. Stephens also invited the board to the awards ceremony next week where the Hampstead Annex is nominated for a Preservation Award. There being no discussion, Mr. Piepmeyer made a motion to approve the Proclamation, Ms. Keith seconded the motion and it was unanimously approved.

9. Proclamation of May as Mental Health Month.
Kate Murphy, Member Communications Specialist with CoastalCare thanked Mr. Hall for his leadership and engagement in the CoastalCare program. Ms. Murphy explained that there were over 26,000 phone calls into the call center last year and there were over 24,000 people served. She also noted the importance of CoastalCare stating that one in five people will suffer first hand some form of mental illness this year. Mr. Hall also thanked the Board and Pender County for their support. Ms. Murphy explained that on July 1, 2015 CoastalCare will become Trillium Healthcare Services. She also explained how the name came to be. There being no discussion, Mr. Piepmeyer made a motion to approve the Proclamation, Mr. McCoy seconded the motion and it was unanimously approved.

10. Approval of a Purchase Order for Day Care Provider Payments: $140,000.00; and Approval of Purchase Order for Foster Care Vendor Payments: $20,000.00.
Dr. Reta Shiver, Social Services Director explained: Dr. Shiver explained the providers who have expended more than budgeted individually. She explained that the money is budgeted as a whole and that there will be money left over at the end of the year, but these specific providers have expended all their funds or will do so prior to June 30. Mr. Piepmeyer asked what has driven this cost. Dr. Shiver stated that these daycares have added families, therefore more are being served than anticipated. There being no further discussion, Mr. Piepmeyer made a motion to approve the item, Ms. Keith seconded the motion and it was unanimously approved.

11. Approval of a Purchase Order to Adapco, Inc., to Purchase Two Drums of Aqua Pursuit for Mosquito Spraying: $10,500.

Pat Simmons, Public Works Director explained: Spraying for mosquitoes is essential for Pender County, not only for disease reduction, but also to assist the Beach Tourist Industry. The Pender County Mosquito Control Division provides mosquito spraying using ULV mosquito fogger machines and larvicide throughout Pender County, to keep mosquitoes at a tolerable level. Funds are budgeted in the Mosquito Control Supplies. It recommended to use Adapco as the purchasing agent. Adapco also provides service request and calibrations to existing mosquito sprayers with no expense to the county. Ms. Keith asked if these funds will carry Pender County until August. Ms. Simmons stated that this should carry us through the end of the fiscal year depending on weather. Discussion ensued regarding buying in bulk and knowing about how much will be needed for the year; type of spray; storage issues; and spraying procedures. There being no further discussion, Mr. McCoy made a motion to approve the item, Mr. Piepmeyer seconded the motion and it was unanimously approved.

12. Resolution to Approve the Juvenile Crime Prevention Council's Annual Plan, Board Members and Funding Recommendations for FY 2015-2016.

JCPC Board Chair Shirley Steele explained: : The Juvenile Crime Prevention Council (JCPC) is a state mandated county board tasked with administering the distribution of state funds for programs serving youth who are currently in the juvenile justice system or are at-risk of entering it. The amount of funding is based on a youth per capita basis within the county. It is anticipated that Pender County will receive $113,591 for FY 2015-2016. To receive these funds, the JCPC must complete an Annual Plan of which a major component is doing an assessment summary of the risks, needs and available resources for the youth of Pender County. As a result of the assessment summary, the following needs were determined and prioritized: 1) Psychological Assessments, 2) Individual, Group and/or Family Counseling, 3) Home Based Counseling, 4) Community Service & Restitution, and 5) Teen Court. Ms. Steele did clarify that this is just pass through money from the state and no county funding is needed. There being no discussion, Mr. Piepmeyer made a motion to approve the item, Ms. Keith seconded the motion and it was unanimously approved.

13. Approval of a Change Order to Sustainable Water Consultants, LLC. for the Provision of the WaterHub Equipment and Construction Phase Services in Concert with RTD Construction (General Contractor) for Phase II of the Pender Commerce Park Wastewater Treatment Facility and Authorization of a Purchase Order in the Amount of $2,574,375.

Utilities Director Michael Mack explained: This is the last major component to start the project. On April 7, 2014, Pender County Commissioners authorized the sole source procurement of Sustainable Water Consultant's "WaterHub" technology and equipment for the Phase II construction of the Pender Commerce Park Wastewater (to be dedicated as the Melinda K. Knoerzer Adaptive Ecosystem Reclamation Facility). A contract agreement was executed between Pender County and Sustainable Water on July 21, 2014 for the design plans and specifications to incorporate their innovative and unique technology and equipment into the final construction documents. The construction documents were then used to solicit bids from General Contractors to construct all the primary infrastructure and components not supplied by Sustainable Water. A contract award was made to RTD Construction, Inc. on March 16, 2015 as the General Contractor. Discussion ensued regarding why a change order was made in lieu of a new purchase order; grant funding received; educational value of this type of plant and reaching out to our children; drinking water; and time to completion. There being no further discussion, Mr. McCoy made a motion to approve the item, Ms. Keith seconded the motion and it was unanimously approved.

14. Approval to Release Funds to the Wilmington MPO for the Update to the Pender County Collector Street Plan in the Amount of $30,000.

Planning Director Kyle Breuer explained: The Pender County Collector Street plan will provide for a collaborative process between the citizens and stakeholder groups in Pender County and the Wilmington MPO. Request for Qualifications were solicited on February 25, 2015, and the city received 2 Qualification Statements to perform the corridor study. Federal law (the Mini Brooks Act) and North Carolina General Statute require that firms be selected based on competence and qualification for the type of professional services required without regard to fee other than unit price information. A selection committee comprised of representatives from the Wilmington MPO and Pender County staff reviewed and rated each statement based on the criteria outlined in the Request for Qualifications. Stantec Consulting Services Inc. was chosen by the selection committee based on the specialized experience and technical competence of the staff relative to the project, understanding of the project, previous work experience and product quality, MBE/DBE participation and percentage of work to be performed in North Carolina. The collector street plan is scheduled to be completed no more than 6 months after the start date. The City of Wilmington on behalf of the Wilmington MPO will be the lead planning agency for this project. Pender County budgeted $30,000 as a match for this service within the FY 14-15 budget. Discussion ensued about the benefits of the MPO and the RPO. There being no further discussion, Mr. Piepmeyer made a motion to approve the item, Ms. Keith seconded the motion and it was unanimously approved.

15. Approval of Agreement with McClees Consulting.

Mr. Williams asked for discussion on the item and stated that he would like to wait until all Board members are present before taking a vote. Mr. Williams began the discussion speaking about the Hampstead Bypass, and the extreme need for it. Discussion ensued about County Assembly day and other reasons to contract a lobbyist. Mr. Piepmeyer made a motion to table this item until the next meeting. The Board nodded in approval.

APPOINTMENTS

16. Approval of Appointments to the Coastal Care Area Board.

Ms. Pedersen explained: As of July 1, 2015, CoastalCare will be consolidating and therefore appointing a new Board. All three applicants currently serve on the CoastalCare Board and their terms are not expired. It has been recommended by CoastalCare that all serving members of the CoastalCare Area Board be reappointed. Janice Nichols who has served on the CoastalCare Board since June of 2012 is requested to serve in the position of Financial Expertise. Carol Peay who has served on the CoastalCare Board since September of 2014 is requested to serve in the position of Healthcare Expertise. Don Hall who has served on the CoastalCare Board since June of 2014 is requested to serve as the Pender County Commissioner Appointee. These terms will be for three years. There being no discussion, Mr. McCoy made a motion to approve the item, Mr. Piepmeyer seconded the motion and it was unanimously approved.

17. Boards/Committees/Commissions on which Commissioners Currently Serve: Review and Modify.

Mr. Williams introduced the item. Ms. Keith stated that she would like to fill the vacant positions on the boards that Mr. Tate held. There being no discussion, Mr. McCoy made a motion to approve the item, Mr. Piepmeyer seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY ATTORNEY

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

ITEMS FROM THE COUNTY MANAGER

Mr. Woodruff brought up the issue of County healthcare. Mr. Williams stated that the County has the opportunity to back a Senate Bill that would allow local government employees to participate in the State

Health Plan. Mr. Woodruff stated that this Bill was introduced by Senator Rabon and that he had talked with him when he attended County Assembly day. Mr. Woodruff also stated that if the Board was interested, they would need to pass a Resolution tonight as time was limited for inclusion on the bill. Discussion ensued regarding requirements; savings to the County; Vision and Dental; other Municipalities and Counties already on the State Health Plan; Benefits of being on the plan; Risk to the County; Providing other Vision and Dental Insurance; and the timeframe to pass this resolution. Mr. Piepmeyer made a motion to add this item to the Agenda and Pass a Resolution to be included in this Senate Bill. Mr. McCoy seconded the motion and it was unanimously approved.

ADDENDUM II

There being no further discussion, Mr. Piepmeyer made a motion to pass a Resolution to ask Senator Rabon to be put on the Senate Bill for Pender County to be added to the State Health Plan. Mr. McCoy seconded the motion and it was unanimously approved.

CLOSED SESSION

At 6:31 p.m., Mr. Piepmeyer made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 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 7:12 p.m. There were no announcements made upon exiting the Closed Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 7:12 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