## MONDAY, JANUARY 4, 2016 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, January 4, 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 4:01 p.m. and thanked and welcomed all to the meeting.

### INVOCATION
Commissioner Piepmeyer offered the Invocation.

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

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

### PUBLIC INFORMATION
**1. Presentation of Pender County's New Combat Wounded Parking Space Signs.**
Veterans Services Director Roy Horne explained: Mr. Horne gave a brief history of the Purple Heart then presented the new signs to the Board. Mr. Horne stated that there would be one sign at each county facility and thanked Mr. Woodruff and Ms. Pat Simmons for their help and support with this project. Ms. Keith asked if those utilizing the spaces would have to have a Purple Heart plate on their car. Mr. Horne explained that there are several different veteran plates in North Carolina and that not all Purple Heart recipients will have a Purple Heart plate. Mr. Horne added that Pender County is home to about 75-80 combat wounded veterans. The Board thanked Mr. Horne for completing this project and thanked veterans for their service.

### PUBLIC COMMENT
No one wished to speak during Public Comment.

### CONSENT AGENDA
Chairman Brown presented the items on the Consent Agenda and asked for any discussion or questions. Ms. Keith stated that she had a question regarding item 3. Mr. Williams made a motion to approve the consent agenda less item 3. Mr. McCoy seconded the motion and the consent agenda was unanimously approved as follows:

2. Approval of Minutes: Regular Meeting: December 14.
4. Approval of Tax Releases and Refunds for December 2015.
5. Approval of a FY 2015-2016 Budget Ordinance Amendment to Reallocate Revenues and Expenditures Associated with the 1.5% COLA Approved by the Board of Commissioners in the FY 2015/2016 Adopted Budget Ordinance.
6. Approval of a FY 2015-2016 Budget Ordinance Amendment to Update the Amount of the Economic Development Tax Incentive which was Budgeted for Acme Smoked Fish.
7. Approval of a FY 2015-2016 Budget Ordinance Amendment to Budget the Revenues and Expenditures Associated with the Rural Economic Development Loan Grant (REDLG), which was Filtered through Four County EMC to the County and Subsequently to Acme Smoked Fish Corporation (Acme) as an Economic Development Incentive for Acme to locate in Pender County.

**APPROVALS AND RESOLUTIONS**

**3. Resolution Accepting Petition to Shelter Creek Drive in Burgaw, to the State Maintained System, and Authorizing the Clerk to Submit the Petition to N.C. Department of Transportation.**

Ms. Keith requested clarity of this item. Mr. Brown explained that this is the first step to have roads turned over to the state. Mr. Williams added that the county has no obligation to these roads but has to complete this step for the state to move further. Mr. McCoy stated that he would like to know when these fail to become state roads. Mr. Brown asked that Mr. Woodruff check with NCDOT regarding this. There being no further discussion, Mr. McCoy made a motion to approve the resolution. Mr. Williams seconded the motion and it was unanimously approved.

**8. Discussion and Approval of the Pender County Schools Long Range Plan.**

Pender County Schools Superintendent Dr. Terri Cobb explained: Dr. Cobb stated the reason for their visit today was to present a state required report. She added that every five years, each LEA is required to complete a facility needs survey. Information from this survey is used to determine statewide needs and future planning. The Board was provided a copy of the presentation. Dr. Cobb then introduced Ken Fuller who replaced David Smith upon his retirement. Mr. Fuller explained that the numbers in the DPI report are not what Pender County Schools projected. He further explained that the Board of Education had a separate study done by NC State. Discussion ensued regarding errors in projections, how these numbers are figured, and what happens if the report doesn't get sent. Mr. Piepmeyer asked about the projected enrollment numbers for the new Penderlea School explaining that the way it looks on the study the Board of Education had done, it will be over capacity or close to capacity soon after it opens. Mr. Piepmeyer asked the Board of Education to be sure that this school is not over capacity when opened and to change the plans if needed to ensure this. Mr. Piepmeyer then asked about the inclusion of the Surf City projects with regard to the DPI report and the one prepared by the Board of Education. It was explained that those projections were not included. Lastly, Mr. Piepmeyer stressed that a report should never be sent to the state that is not complete and accurate. Mr. Thurman explained that by approving this, the wording just states that the Board has reviewed the document and the county is not committed to these numbers. There being no further discussion, Mr. Williams made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved.

**9. Resolution to Approve a Map Combining the Pender EMS & Fire Insurance District Map with the Scotts Hill Insurance Districts into One Map and Renaming the New Combined Districts the Pender EMS & Fire / Insurance District.**

Fire Marshal Tommy Batson explained: On July 1, 2015 the Scotts Hill Pender EMS & Rescue Inc. received a protection class rating of 4. The contract was cancelled with New Hanover County Fire & Rescue on November 9, 2015. New Hanover County approved the cancelling of the contract on Dec 14, 2015. The North Carolina Department of Insurance has requested that the county approve the new Pender County Fire District / Insurance map to complete this process. In order to meet The North Carolina Department of Insurance requirements for ISO rating inspection, the map/districts must be combined into one district renamed to Pender EMS & Fire District. This must also be done to receive a single rating in that district. Ms. Keith asked about the other fire district maps. Mr. Batson explained that they are redone on an as needed basis and the state is currently waiting on this map. There being no further discussion, Mr. Williams made a motion to approve the resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

**10. Resolution Amending the Code of Pender County (Section 3 – Animals).**

Sheriff Carson Smith explained: There are several items in the Pender County Animal Control Ordinance that need to be modified. The Animal Control Ordinance was last modified in May of 2013 to add the Inherently Dangerous Wild Animal section. Sheriff Smith added that these changes were made in collaboration with the Health Department and Animal Shelter. This current Animal Control Ordinance modification request addresses some issues that need to be amended including: dangerous dogs, definition of rabies exposure, clarification of reptiles that are covered under the Inherently Dangerous Wild Animal section, handling stray animals by the public, and various other smaller changes and technical corrections. Sheriff Smith reviewed each change. Discussion ensued regarding reptiles, specifically weight allowance and turtles. Determination of dangerous animals was also discussed at length as to who is designated to determine a dog as dangerous. Sheriff Smith introduced Lt. Ramsey who heads up animal control to answer questions regarding jurisdiction and enforcement of the county ordinance in the county's municipalities. Mr. McCoy stated that a lot of these changes are common sense. Whether or not to hold a public hearing on these changes was also discussed. There being no further discussion, Mr. Williams made a motion to approve the resolution with the changes to exempt turtles from the Inherently Dangerous Wild Animals portion of the ordinance and to allow no reptiles larger than twenty-five pounds at the adult size. Mr. McCoy seconded the motion and it was unanimously approved.

**11. Approval of a Purchase Order to NC Department of Corrections for Food and Provisions for the Jail in the amount of $10,000.**

Sheriff Carson Smith explained: Meals for inmates in the Pender County Jail are prepared by the Jail kitchen. The NC Department of Corrections provides all meats products for the kitchen. Sheriff Smith further explained that they recheck every year or two to see if they can find meats elsewhere to save money, but so far the Division of Adult Correction (formerly DOC) remains the most cost effective. Mr. Piepmeyer asked how long this purchase order should last. Sheriff Smith stated that these funds should last the remainder of the fiscal year. There being no further discussion, Mr. Williams made a motion to approve the item. Ms. Keith seconded the motion and it was unanimously approved.

**12. Approval of Purchase Order for Foster Care Vendor Payments: $50,000.**

Health and Human Services Director Carolyn Moser explained: Pender County has agreements with approximately twenty five facilities to provide foster care services for children that are in DSS custody. The General Assembly sets the Standard Board Rates for foster care. Board approved $450,000.00 in Foster Care Payments July 2015. The facilities listed below have expended or will expend funds prior to June 30, 2016. Ms. Moser stated that some facilities have exceeded their funds while others have not. Discussion ensued as to why this has occurred. Ms. Moser further stated that there are currently 52 children in foster care in Pender County with 65% of the funding coming from the federal level and the remaining 35% is split between the state and county. There being no further discussion, Mr. Williams made a motion to approve the item. Mr. McCoy seconded the motion and it was unanimously approved.

**13. Resolution Approving Submittal of a Revised Clean Water State Revolving Fund (CWSRF) Loan Application to the North Carolina Department of Environment and Natural Resources for Additional Loan Funding Based on the Lowest Bid on the Wastewater Treatment Facility Upgrades at the Pender County Solid Waste Transfer Station.**

Utilities Director Michael Mack explained: In response to a request by Pender County Utilities for renewal of permit to operate the existing wastewater treatment facility at the Pender County Solid Waste Transfer Station, the North Carolina Department of Health and Human Services is requiring several upgrades and improvements to the existing system before a new permit will be considered for the facility. In March, 2014, PCU applied for a CWSRF loan to fund the estimated engineering and construction costs to complete the improvements. At the time of the application, the estimated total project costs were $479,706 with $342,500 being for the actual construction of the improvements. The 2014 loan application was accepted for CWSRF funding and the LGC approved the loan on August 4, 2015. On September 28, 2015, the Board formally approved the acceptance of the NCDENR-CWSRF loan offer in the amount of $479,706. On November 19, 2015, PCU opened bids for the construction of the project. The lowest responsive bid received was $541,920. This amount is $199,420 above the estimated construction cost in the CWSRF loan agreement. Staff has communicated with NCDENR-CWSRF and they are able and willing to increase the loan amount pending LGC approval on February 2, 2016. This action will increase the loan amount from $479,706 to $669,720 ($190,014 increase) for the project in order for Pender County to award the construction contract. If approved, the annual debt service payment from the Pender Solid Waste Enterprise Fund will increase from approximately $29,953 to $41,800 (an $11,847 increase) for this project and Pender Solid Waste will be required to pay the applicable $13,394 loan closing cost. The reasoning for the project and the estimation error were discussed. There being no further discussion, Mr. McCoy made a motion to approve the item. Mr. Williams seconded the motion and it was approved 4-1 with Mr. Piepmeyer voting in opposition.

**14. Approval of Professional Service Contracts for FY 14 FMA Grant Project.**

Planning and Community Development Director Kyle Breuer explained: Mr. Breuer began by introducing Chip Bartlett with Holland Consulting who will assist as Project Manager for this project. As part of the FY 14 Flood Mitigation Assistance grant project, it is necessary to hire various professional service providers to execute elements of the project including engineering, surveying, asbestos inspection, legal, and appraisal services. As part of Holland Consulting Planners, Inc.

management contract, they have solicited proposals from qualified firms, attempting to keep as much work local as possible and have provided recommendations based on responses received. Staff has reviewed the proposals submitted and is in agreement with their recommendations as follows: Surveying: Progressive Land Development Consultants, Engineering: Appian Engineers, Asbestos Inspections: Atlantic Shores Environmental Services, Legal: Sherman & Rogers, and Appraisal: C. Nathan King & Associates. A copy of the Request for Proposals as well as all proposals submitted were provided to the Board for review prior to the meeting. Mr. McCoy commented that this project should not be funded with tax dollars. There being no further discussion, Mr. Williams made a motion to approve the item. Mr. Piepmeyer seconded the motion and it was approved 4-1 with Mr. McCoy voting in opposition.

**APPOINTMENTS**

**15. Approval of Appointments to the Pender County Board of Adjustment.**

Ms. Pedersen explained: Nick Ferrante has served two three-year terms on the Board of Adjustment representing District 2, and wishes to be reappointed. Mr. Ferrante currently sits as the chair for the Board of Adjustment. Terry Peters has also served two three-year terms on the Board of Adjustment representing an alternate position, and wishes to be reappointed. Ms. Pedersen noted that the seats for both District 3 and District 5 remain vacant and if the Board wishes, Mr. Peters may be appointed to one of these vacancies. After some discussion, Mr. Brown and Mr. McCoy agreed to try to recruit from their districts. Mr. Williams made a motion to reappoint Nick Ferrante to the District 2 seat and reappoint Terry Peters as an alternate. Mr. Piepmeyer seconded the motion and the appointments were unanimously approved.

**16. 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. There being no discussion, Ms. Keith made a motion to approve the appointment. Mr. Williams seconded the motion and it was unanimously approved.

**ROCKY POINT WATER & SEWER DISTRICT**

The Board convened as the Rocky Point Water and Sewer Board at 5:29 p.m.

**17. Resolution by the Board of Directors of the Rocky Point/Topsail Water and Sewer District Accepting the Deed of Dedication for the Conveyance of Title to the Water Distribution System Properly Installed to Serve Twisted Oak Subdivision.**

Utilities Director Michael Mack explained: In accordance with the Pender County Water and Sewer Ordinance, Article XII, Subsection II, 5.a: submission of a Deed of Dedication is required for acceptance of any new water and/or sewer extensions constructed to serve any structure within a subdivision prior to the commencement of water and/or sewer service by the District. With acceptance of these improvements, the conveyance of title to these infrastructure improvements will occur and the District will become responsible for the permanent maintenance of these improvements. Staff is recommending acceptance of the respective project infrastructure improvements for Twisted Oak: 441 LF 2" water main on Twisted Oak Court and related water appurtenances. All of the above improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR –

Public Water Supply Section. There being no discussion, Mr. Williams made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved.

**PENDER COUNTY BOARD OF HEALTH**
The Board convened as the Board of Health at 5:30 p.m.

**SOCIAL SERVICES BOARD**
The Board convened as the Social Services Board at 5:31 p.m. There being no business, the Board reconvened as the Board of Commissioners at 5:31 p.m.

**ITEMS FRIOM THE COUNTY MANAGER**
Mr. Woodruff reminded the Board of the Pender County Municipal Association meeting on January 22, 2016 and encouraged them to attend. Mr. Woodruff then stated that he was still working with Chris May and Mr. Brown on the Retreat and asked if the Board had any suggestions to send them to him. Lastly, Mr. Woodruff stated that he and Ms. Brafford will be attending a meeting with the LGC in Raleigh on Friday, January 8, 2016. He added that the audit had been accepted by the LGC.

**ITEMS FROM THE COUNTY FINANCE DIRECTOR**
Ms. Brafford added that the Fiscal Year 2014-15 audit was approved by the LGC on Tuesday, December 29, 2015 and was on time. Ms. Brafford added that the auditors will be at the next meeting to present the audit.

**ITEMS FROM COUNTY COMMISSIONERS**
Ms. Keith – Ms. Keith stated that she has received many complaints on how the Board appointed the Pender Fire & EMS Board. She asked where Mr. Medlin's application went when tabled from the November 23 meeting. Mr. Brown stated that Mr. Medlin's application was considered on November 23. Mr. Woodruff added that even if not appointed, the application remains on file for future vacancies and an applicant can always call if a vacancy occurs and request that their application be presented to the Board again.

Mr. McCoy – Mr. McCoy stated that Wind and Hail Insurance in his district has gone down which has helped absorb the tax increase. He added that with savings on Homeowners Insurance from lower ISO ratings has also helped to absorb the increase of the tax rate. Mr. McCoy also added that the increase was necessary to pay for the growth in the county including infrastructure and schools.

Mr. Piepmeyer – Mr. Piepmeyer mentioned the issues with Godfrey Creek Rd in Hampstead. He thanked the Sheriff and Mr. Breuer for their support on this issue. Brief discussion ensued regarding state roads versus private roads. Mr. Piepmeyer then stated his concern for people who park in handicap parking spaces when they are not handicap. He stated that he saw this first hand at the grocery store the other day and asked that people respect those spaces.

Mr. Williams – Mr. Williams spoke regarding the Holly Shelter Game Lands in reference to the different types of activities that take place there including hunting and geocaching. He added that he

was doing research to see how those lands were acquired. He stated that fees from gun sales and hunting licenses are what help to maintain the lands.

Mr. Brown – Mr. Brown stated that it was time for assessments on the Manager and Clerk. After brief discussion, he asked that Commissioners go over the sheets and be ready to do this at the first meeting in February. At that time the Board will review the evaluations in closed session together then bring in each individual for their assessment.

**ADJOURNMENT**
There being no further business, the meeting adjourned at 5:56 p.m.

*Respectfully Submitted,*

Melissa Pedersen

Melissa Pedersen, Clerk to the Board

*Reviewed By:*

Ann Coombs, Administrative Assistant II