MINUTES
Board of County Commissioners Meeting
Tuesday, September 7, 2021 4:00 PM
Pender County Public Assembly Room

MEMBERS PRESENT: David Piepmeyer
David Williams
George Brown
Jacqueline A. Newton
Fred McCoy

MEMBERS ABSENT:

OTHERS PRESENT: Chad McEwen, County Manager
Trey Thurman, County Attorney
Tera Cline, Clerk to the Board
Doug Shipley, Assistant County Manager
Allen Vann, Assistant County Manager
Other Staff and Members of the Press and Public.

1 CALL TO ORDER
Chairman called the meeting to order at 4:00 p.m.

2 INVOCATION
Commissioner Williams offered the invocation.

3 PLEDGE OF ALLEGIANCE
Commissioner Piepmeyer let the Pledge of Allegiance.

4 ADOPTION OF AGENDA
4.1 Adoption of the agenda with removal of Item number 9.2 was approved.

Moved by David Williams, seconded by Fred McCoy

Agenda Adopted with removal of Agenda item 9.2

	For	Against	Abstained	Absent
David Piepmeyer	x			
David Williams	x			

George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	5	0	0	0

CARRIED.

5 PUBLIC HEARING

6 PUBLIC INFORMATION

6.1 Presentation from Tim Holloman Lower Cape Fear Water and Sewer Authority membership plaque to the Board

Tim Holloman gave a brief history of the collaboration between Pender County and the Lower Cape Fear Water and Sewer Authority and presented a membership plaque to Commissioner Newton.

6.2 Recognition of the Burgaw Dixie Youth Majors

Chairman Brown presented members of the Burgaw Majors team and coaches with an appreciation certificate on behalf of the County Commissioners.

6.3 Presentation of the Family Justice Center

Brandi Thompson, Pender County SVU Detective, and Amy Feath, VSP, Carousel Center, gave an intensive presentation on the advantages and strategies of having a Family Justice Center in Pender County. George Valsame, Pender County Sherriff Department and Detective Sergeant Steve Clinard also spoke in favor of a Family Justice Center in Pender County. Commissioner Newton asked what was the difference in the prosecution rate in the counties that have a Family Justice Center. Ms. Feath stated that there are really no collective data showing that information. Chairman Brown wanted to know how big of a space were they looking for. Ms. Feath stated that New Hanover and Brunswick were around 7000 square feet. Commissioner Williams requested to know that the timeline would be and Detective Thompson stated once grant was approved opening of the center could possibly be as soon as January 2023. Commissioner Williams also wanted to know the numbers for Domestic violence cases and elder abuse as well.

7 PUBLIC COMMENT

7.1 Cara Vitadamo, 102 Derby Lane, she thanked the board and the health department for all they have done thus far in the pandemic. Ms. Vitadamo wanted to ask the board to support and appreciate front line healthcare workers a little more during this time. She stated they a have done a lot but maybe some more policies, combat on misinformation, and vaccine education. She noted the shortage of staff and the after effects of workers.

8 CONSENT AGENDA

8.1 Approval for Purchase Order to Axon Enterprise in the amount of $58,281.50 for year 3 lease purchase payment for Body Cameras.

8.2 Approve a Purchase Order for Veterinarian Services to Christy Redfearn-Sheldon for $32,000

8.3 Approval of Tax Releases and Refunds

8.4 Approval of Budget Amendment to relocate Hurricane Matthew HMGP proceeds from General Fund to Project in CIP fund

8.5 Approval of Budget Amendment to relocate insurance proceeds from General Fund to Courthouse Project in CIP fund

8.6 Approval of Purchase Orders for Juvenile Crime Prevention Programs for FY 2021-2022; Communities in Schools $39,259 and Mt. Calvary Leadership Development $35,000

8.7 Approval of a Purchase Order to GFL for Pender County facilities Solid Waste Disposal and Hauling Services for FY22: $60,000.

8.8 Approval of the Board of Commissioner Meeting Minutes August 16, 2021

8.9 Motion to approve consent agenda.

Moved by Jacqueline A. Newton, seconded by Fred McCoy

Consent Agenda Approved

	For	**Against**	**Abstained**	**Absent**
Jacqueline A. Newton	x			
Fred McCoy	x			
David Piepmeyer	x			
David Williams	x			
George Brown	x			
	5	0	0	0

CARRIED.

9 APPROVALS AND RESOLUTIONS

9.1 Approval of Data Transfer Agreement with Surf City

Kenny Keel, Director of Utilities, Presented the proposal agreement that is similar to an agreement PCU has with Pluris, a private sewer utility. However, a significant difference is that the proposed agreement with Surf City includes the responsibility for PCU to disconnect water service in the event the customer has not paid their sewer bill. This condition was discussed significantly between PCU and Surf City, and we believe this agreement addresses the concerns of both sides while also considering the practical operational aspects of the utilities. Any customer subject to disconnection will have been given multiple warnings prior to disconnection, and PCU will act swiftly to reconnect any affected customer upon payment in full of any delinquent amounts. This agreement only allows for commercial water/sewer accounts to be served water by PCU and sewer by Surf City and the exchange of water usage data for those customers. Any changes to the customer type allowed would require action by both Boards. Since RPTWSD has the right-of-first-refusal to serve customers in its district, we will continue to see new PCU commercial water customers with the need for sewer service from Surf City. This proposed agreement represents a significant achievement in the acceptance of Surf City to allow sewer-only customers who receive water from PCU.

Trey Thurman, Attorney, stated that when the applicant signs up for sewer that they sign an agreement understanding that if sewer is not paid then water could be cut off. It is stated in the contract that if Surf City does not notify Pender County that a customer is current upon disconnection of their water, Surf City will be liable for the cut off not Pender County.

Mr. Keel, stated that the customers will be notified by both Surf City and Pender County before cut off happens.

Moved by Fred McCoy, seconded by David Williams

Motion Approved

	For	**Against**	**Abstained**	**Absent**
David Piepmeyer	x			
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	5	0	0	0

CARRIED.

9.3 Approval of Budget Amendment for $30,000 for Penderlea Fire Department

Meg Blue, Finance Director, presented a letter and overview stating at the budget workshop that the 50/50 State Fire Grant wasn't received and the matching funds provided in the current year budget would be redirected to the building debt in order to make an additional principal payment. Instead, the County asked Penderlea to roll these funds over and use them as the matching obligation in case they received the grant in the current fiscal year, thus making the additional $30k requested in the FY 21/22 not needed. In addition the Chief stated that there would be a prepayment penalty if an additional payment was made on the building debt. This fact provided more justification for not making the extra payment with these funds. The County asked them to use the extra funds towards the cost of the paid staff within the department provided by Pender Fire and EMS. Apparently the matching funds had already been spent or obligated for half of the items originally to be purchased with the grant funding and Penderlea is asking for these funds to be appropriated due to the miscommunication regarding the intended use of the matching funds.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion Approved

	For	**Against**	**Abstained**	**Absent**
David Piepmeyer	x			
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	5	0	0	0

CARRIED.

9.4 Award and Approval of Contractors to Complete EWP Phase 1

Daniel Adams, Flood Plain Administrator, presented information in regards to the Emergency Watershed Protection (EWP) Program a United States Department of Agriculture (USDA) grant funded program designed to provide assistance to communities recovering from natural disasters. Pender County received over $2 million through this grant, supplemented by the North Carolina Division of Soil and Water Conservation, to remove debris and sediment from creeks and streams throughout the county. There is also funding to stabilize creek banks around culverts where roads were overtopped and washed out during Hurricane Florence. Due to the size of Pender County's project, the award was separated into two phases. This item is for Phase 1 only. Staff published a Request for Proposals on July 6, 2021, seeking contractors to perform two tasks. Task 1 is debris removal from 28 sites across the county and Task 2 is bank stabilization at four sites in Hampstead. The deadline for contractors to submit a proposal was August 6, 2021. Staff received four proposals that were reviewed and scored by a selection committee. The selection committee evaluated each proposal based on the criteria outlined in the RFP, including lowest apparent bid, qualifications/experience, and additional factors. Additional factors included completeness of requested bid schedule, understanding of the proposed scope and the EWP program, and a timeline and schedule forecasting progress and completion of the proposed work. Based on the results of the selection committee's scoring, two contractors are being recommended to the Board for award; Grillot Construction of Belle Chasse, Louisiana for Task 1 and Trader Construction Co. of New Bern, North Carolina for Task 2.

The proposal being recommended to the Board for Task 1 (debris removal) has a cost estimate that is substantially less than the grant budget. Therefore, staff is requesting that a not-to-exceed Purchase Order be approved in the amount of $492,402, even though the recommended proposal's bid is $168,095. A not-to-exceed clause in the contract will allow staff to add scope to the project quickly. The intent is to clear as much debris from the county's waterways as soon as possible to restore the county's natural drainage channels, thereby reducing the risk of flooding for the greatest number of people. The RFP required the contractors to break down costs per linear foot of work, so any increase in scope will be charged at that preidentified rate. Therefore, staff recommend the Board award a contract to Grillot Construction for Task 1 and approve a purchase order in the amount of $492,402, and a separate contract be awarded to Trader Construction Co. for Task 2 and approve a purchase order in the amount of $105,830.

Mr. Adams confirmed with the board that the bid numbers does include transport and disposal of debris to an approved site. Also, that all land owners will have complete understanding and permission given to the county.

Natural Conservation Resource Service (RCRS) will have inspectors verify work has been completed before payment is made.

Moved by Jacqueline A. Newton, seconded by David Williams

Motion Approved

	For	**Against**	**Abstained**	**Absent**
Jacqueline A. Newton	x			
David Piepmeyer	x			
David Williams	x			
George Brown	x			
Fred McCoy	x			
	5	0	0	0

CARRIED.

9.5 Recommendation for Approval of Budget Amendment, Purchase Order, and Contract for Pender County Parks and Recreation Master Plan Update

Travis Henley, Director of Planning and Community Development, presented to the board that the current Pender County Parks and Recreation Master Plan, adopted in 2010, was designed to have a 10-year life span and is now due for an update. The goals of the Parks and Recreation Master Plan Update are to establish a comprehensive Master Plan that is applicable to the current and projected conditions in Pender County that will effectively guide the County for the next ten years in the acquisition, development, management, and maintenance of parks and recreation areas, facilities amenities, and programs, as well as address funding and the equitable allocation of resources. The plan should also align with the goals and directives of the Pender 2.0 Comprehensive Land Use Plan and meet requirements for grant funding through the Parks and Recreation Trust Fund, the Land and Water Conservation Fund, and other major funders. The Update will also allow Pender County to remain an eligible and competitive applicant for regional and national grant funding.

Following the advertisement of the RFP and the receipt of five proposals, Staff conducted interviews with the three highest scoring qualified firms. The total project budget for the Parks and Recreation Master Plan Update is $47,200. Staff recommend approval of the budget amendment, as presented, for $47,200 to McGill Associates from account number 665-404500, and approval of the purchase order and contract for the Parks and Recreation Master Plan Update.

Moved by David Williams, seconded by Jacqueline A. Newton

Motion Approved

	For	**Against**	**Abstained**	**Absent**
David Piepmeyer	x			
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	5	0	0	0

CARRIED.

9.6 Request Approval to hire (2) temporary, full-time Health Educators and a temporary, full-time Social Worker II to work as COVID-19 Liaisons

Carolyn Moser, Health Director, requested on behalf of the Health Department approval to hire two (2) temporary, full-time Health Educators and a temporary, full-time Social Worker II from funds received from Federal and State funding - ELC Reopening Schools School Health Liaison (Agreement #361) and Advancing Equity (Agreement #466). The Pender County Health Department received temporary funding from the Women's and Children's Health/Children & Youth Branch and Chronic Disease and Injury Section in a total of $154,900. The funds are to be used to hire staff to assist with the coordination of COVID-19 screenings, testing, vaccine administration and other school health/public health services. And to address COVID-19 related health disparities in the community and advance health equity by expanding local health department services to prevent and control COVID-19 infection (or transmission) among Historically Marginalized Populations (HMPs) or other priority populations. State and Federal funding is short term and must be expended by June 30, 2022. No county dollars will be used for this activity.

Moved by Fred McCoy, seconded by Jacqueline A. Newton

Motion Approved

	For	Against	Abstained	Absent
David Piepmeyer	x			
David Williams	x			
George Brown	x			
Jacqueline A. Newton	x			
Fred McCoy	x			
	5	0	0	0

CARRIED.

10 DISCUSSION

10.1 Debris pickup options for smaller incorporated areas of the county

Tommy Batson, Emergency Management Director, asked for direction as part of a contingency plan does the board of county commissioners want to have the flexibility with an agreement pre-event with the smaller incorporated areas of Atkinson, Watha & St Helena. The Town of Burgaw, Surf City and Topsail Beach have these contractors in place. These smaller areas may reach out to the county in a large event for pickup and monitoring for debris. This being talked about and decided ahead of the event is best for the reimbursement and the county public information officer.
Options
#1-County only handles un-incorporated areas of the county.
#2-County working with the Village of St. Helena, Watha & Atkinson on contingency agreement to assist in debris removal.
#3-These areas and NCDOT work together on Debris Pickup
#4-These areas acting on the NCEM prepositioned disaster debris removal and monitoring contracts. Having a pre-event contract with these areas would be only a backup plan, contingency plan if needed with the direction of the board if they so choose.
Staff has reached out the NCDEQ and in the process of updating the contacts for all the approved debris site in the county. I would like to hear what the boards thoughts on for entering or not entering into a contract to cover these small, incorporated areas into the county debris in the time of a disaster for debris monitoring and pickup.

The board requested Mr. Batson reach out to the incorporated areas and share options with them and get some understanding in what they may want and bring back information to the board for a decision.

10.2 North Carolina Office of Recovery and Resiliency Strategic Buyout Program

Daniel Adams, Flood Plain Administrator, presented information on behalf of the North Carolina Office of Recovery and Resiliency (NCORR) which has developed a strategic buyout program that targets property acquisitions in high risk flood areas. The goal of the strategic buyout program is to remove people and property from flood prone areas, similar to previous buyouts conducted in the county using FEMA's Hazard Mitigation Grant Program (HMGP). Unlike the HMGP buyout programs, this program is not open to county residents at large and is funded through grant money from the federal Housing and Urban Development Department. NCORR used various data to develop these targeted buyout zones, including high flood risk locations (determined by Repetitive Loss or Severe Repetitive Loss classifications), residentially concentrated property, and sites located within a census block that is over 30% low to moderate income. The evaluation led to two locations in the county identified as proposed buyout zones; one in the Currie area off Canetuck Road and one outside Burgaw along the Northeast Cape Fear River. Please see the attached maps for the specific boundaries of the proposed buyout zones. If this program moves forward and properties are purchased using grant funding, the County's main obligation is taking ownership of the acquired properties. These properties would be deed restricted as open space in perpetuity with very limited allowable land uses. This program will be managed at the state level by NCORR staff and will not require the disbursement of any county funds. Mr. Adams confirmed with the board that not participating in this program would not prohibit citizens from future help from FEMA, or other federal programs if needed.

The board requested Mr. Adams follow up with NCORR in regards to public outreach and getting this information out and will follow up with the board.

11 APPOINTMENTS

12 MAPLE HILL WATER AND SEWER DISTRICT

13 ROCKY POINT WATER AND SEWER DISTRICT

14 SCOTTS HILL WATER AND SEWER DISTRICT

15 MOORES CREEK WATER AND SEWER DISTRICT

16 CENTRAL PENDER WATER AND SEWER DISTRICT

17 PENDER COUNTY BOARD OF HEALTH

The Pender County Health Board convened at 5:39 p.m. to receive briefing from Carolyn Moser, Health Director. Ms. Moser gave a brief update on the Covid numbers and where Pender County stands. To date: Pender county has had 7,513 positive cases with 81 deaths. She gave a break down of the ages as well. She stated they are testing around 80 people a week and vaccinating 200-250 individuals per week. There has been no guidance regarding booster doses for those other than immunocompromised at this time. The BOH adjourned and reconvened as BOCC at 5:44 p.m.

18 SOCIAL SERVICES BOARD

19 ITEMS FROM THE COUNTY ATTORNEY, COUNTY MANAGER, ASSISTANT COUNTY MANAGERS, & COUNTY COMMISSIONERS

- Mr. Thurman stated that there were items for closed session, items 3,4,5 and 6.

20 CLOSED SESSION (IF APPLICABLE).

Motion to go into closed session made at 6:19 P.M. Motion to enter into closed session pursuant to G.S. 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; 5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; 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. The Board exited closed session at approximately 7:00 p.m. No announcement was made upon exiting closed session.

21 7PM PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

22 ADJOURNMENT

Meeting adjourned at 8:52 p.m.