

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
JANUARY 04, 2010  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner Phil Norris, Vice-Chairman  
Commissioner J. Martin Cooke  
Commissioner Charles Warren  
Commissioner Scott Phillips  
Commissioner William M. Sue, Chairman

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Jana Berg, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Julie Miller, Deputy Director of Fiscal Operations

Lt. Mark Trull

ABSENT: Ann Hardy, Fiscal Operations Director

**I. CALL TO ORDER**

Chairman Sue called the meeting to order at 6:30 p.m.  
(Attached to these Minutes is an item called Board Action containing all items on this agenda and those items are incorporated herein.)

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Phillips gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Sue asked if there were any adjustments to the agenda. The following adjustments were made:

1. Marty Lawing, County Manager, requested to delete Item VIII-8, Criser, Troutman, Tanner Contract Award.

Commissioner Warren moved to approve the agenda as amended. The vote of approval was unanimous.

**IV. PUBLIC COMMENTS**

Chairman Sue asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Larry Lammert, former Bald Head Island Mayor, voiced concerns of wrongly registered voters and indicated that he believes some voters are not true residents of Bald Head Island as they own homes in other counties or states. Mr. Lammert asked that the Board help clean up the voter rolls for Bald Head Island as well as Brunswick County before the next election that will have two commissioners, a state senator and representative and a congressman up for election. Mr. Lammert reminded that our troops are fighting to give people in other countries the right to vote and we should make sure that all candidates here are elected by Brunswick County citizens and not people from other states that have a primary residence elsewhere. Mr. Lammert suggested having some guidelines that would require proof of residency such as a driver's license address, mailing address and the address that an individual's federal and state income tax forms are received.

2. Roy Franklin, Calabash resident, voiced concerns of a neighbor's barking dog that disrupts his life and deprives his whole family of sleep. Mr. Franklin stated that it was torture to listen to an animal bark constantly and that we need laws to protect those who do not own animals. Mr. Franklin indicated that he has asked his neighbors to take the dog to a vet and get a sedative to try and remedy the problem. Mr. Franklin asked the Board for an ordinance to address this problem.

3. Edward Rapp, addressed the Board in support of a Resolution to oppose allowing illegal aliens in college stating that he usually comes to praise efforts of the Board but wants to know what part of illegal is not being comprehended. Mr. Rapp indicated that this issue is not about race, it's about being illegal just as the possession of illegal drugs violates the law, disregarding the color of skin of the person being arrested, but because it's illegal, the same as people who are in this country without proper documentation, it's illegal and they should be deported and definitely should not be allowed to attend community colleges.

4.. Diane Mesaris, Bald Head Island Resident, spoke in support of Mr. Lammert and read a letter that she had written to the Brunswick County Board of Elections asking that it's members make an effort to tighten up on the ability of non-residents living in other municipalities or even other states to cast their vote in Brunswick County elections.

## **V. APPROVAL OF CONSENT AGENDA**

Vice-Chairman Norris moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. **Minutes**

1. **December 7, 2009 Regular Meeting Minutes**

B. **Tax**

1. **Monthly Tax Collection Report November 2009**
2. **August 2009 Motor Vehicle Valuation & Levy**
3. **Tax Releases for December 2009**

C. **Finance**

**General Fund:**

Revenues:

<b>Local Option Sales Tax-Article 44</b>	<b>100000-323401</b>	<b>\$15,000</b>
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Expenditures:

<b>Transfer to DSS</b>	<b>109800-498014</b>	<b>\$15,000</b>
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**DSS Fund-Administration:**

Revenues:

<b>Transfer from General Fund</b>	<b>149800-398110</b>	<b>\$15,000</b>
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Expenditures:

<b>Medical Assistance</b>	<b>145310-439801</b>	<b>\$15,000</b>
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The State assumed the responsibility of Medicaid from the Counties with a corresponding reduction in Local Option Sales Tax revenue provided to the Counties. The County did not budget for any Medicaid expenditures in FY 2010. The County has earned more in Local Option Sales Tax Article 44 than budgeted. The County is incurring expenditures for Medicaid claims due to the run out period for services provided in a prior period. The above amendment is requested to appropriate the Local Option Sales Tax-Article 44 to for the approximate \$15,000 of Medicaid claims that the State will hold the County responsible for in FY 2010.

**General Fund:**

Revenues:

<b>Local Option Sales Tax-Article 44</b>	<b>100000-323401</b>	<b>\$59,000</b>
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Expenditures:

<b>Capital Outlay-Improvements</b>	<b>104270-459000</b>	<b>\$59,000</b>
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The County is incurring expenditures for a storage vehicle parking lot. The current project appropriation is \$15,000 with expenditures for engineering and surveying incurred to date of \$15,219.03. The County Engineer estimated that an additional \$59,000 is needed to complete the project. The recommended funding source is the Local Option Sales Tax-Article 44 which was budgeted at \$345,368 with actual year to date collections of \$738,057.93 resulting in a positive budget balance of \$392,689.93. Article 44 Collections are anticipated to cease in January 2010 due to the Medicaid swap.

**General Fund- Master Gardener's Restitution:**

Expenditures:

Horticulture Program Expenditures	104950-449954	\$(795)
Grant Subsidy Expenditures	104957-465500	<u>\$795</u>
<b>Total</b>		<b>\$0</b>

The above amendment is to transfer funds from the horticulture program to the master gardener's program for the master gardener's restitution grant final accounting refund payable to the Department of Juvenile Justice and Delinquency Program. The Master Gardener's program under expended DJJDP grant funds in the restitution line item. The excess funds must be refunded to the DJJDP.

**General Fund- Cooperative Extension:**

Revenues:

SHIIP Grant Revenues	104950-332051	\$3,018
4-H Club Fundraisers	104950-335031	\$3,211
Miscellaneous Revenues	104950-383958	<u>\$733</u>

**Total** **\$6,962**

Expenditures:

SHIIP Grant Expenditures	104950-449953	\$3,018
4-H Club Program	104950-449952	\$3,211
Postage	104950-432500	<u>\$733</u>
<b>Total</b>		<b>\$6,962</b>

The above amendment is recommended to appropriate revenues in the Cooperative Extension Budget. Cooperative Extension received a SHIIP Grant from the Department of Insurance in the amount of \$3,018 and raised funds for 4-H programs in the amount of \$3,211. Miscellaneous revenues in the amount of \$733 have been received and are being requested for appropriation to the postage costs for this fiscal year.

**Health Fund- Community Health Program:**

Revenues:

<b>State Revenue Restricted</b>	<b>135156-332000</b>	<b>\$3,272</b>
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Expenditures:

<b>Special Program Material</b>	<b>135156-423100</b>	<b>\$3,272</b>
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The above amendment is requested to appropriate funding authorized by the State of North Carolina providing an additional \$3,272. The funds are to reimburse Community Health Promotions for efforts implementing and enforcing new smoking laws in restaurant and lodging establishments.

**General Fund- Sheriff's Department:**

Revenues:

<b>Insurance Proceeds</b>	<b>100000-383913</b>	<b>\$24,809</b>
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Expenditures:

Repair & Maintenance – Vehicles	104310-435300	\$3,209
Capital Outlay-Vehicles	104310-454000	<u>\$21,600</u>
<b>Total</b>		<b>\$24,809</b>

The above budget amendment is to appropriate insurance proceeds for the sheriff's department replacement vehicle and repair of vehicles. The funds will replenish expenditures made prior to the receipt of the insurance proceeds.

**General Fund- 13<sup>th</sup> District Teen Court:**

Revenues:

<b>Fund Balance Appropriated</b>	<b>100000-399100</b>	<b>\$17,558</b>
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Expenditures:

<b>Miscellaneous Expense</b>	<b>104306-449900</b>	<b>\$17,558</b>
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The above budget amendment is to appropriate unexpended funds provided to Teen Court from Communities in Schools that were unexpended as of 6/30/09 for program expenditures in the current fiscal year.

**General Fund- Sheriff's Department:**

Revenues:

<b>State Revenues- Restricted</b>	<b>104310-332000</b>	<b>\$9,650</b>
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Expenditures:

Capital Outlay- Equipment	104310-455000	\$5,000
Minor Operating Equipment	104310-426100	<u>\$4,650</u>
<b>Total</b>		<b>\$9,650</b>

The above budget amendment is for the award of Grant # K8-0-02-31 from the NC Department of Transportation's Governor's Highway Safety Program for the purchase of checkpoint equipment for conducting safety and DWI checkpoints.

**General Fund- Sheriff's Department:**

Revenues:

State Revenues- Restricted	104310-332000	\$92,980
Fund Balance Appropriated	100000-399100	<u>\$(92,980)</u>
<b>Total</b>		<b>\$0</b>

The above budget amendment is for the award of Grant # PT-10-03-04-06 from the NC Department of Transportation's Governor's Highway Safety Program for the second year in a three year grant. We originally budgeted \$69,735, but the federal award amount is \$162,715 for a funding increase of \$92,980 resulting in a fund balance reduction of the same amount. The result is to return the funds to the County's Fund Balance.

**School Capital Projects Fund:**

Revenues:

<b>NC Education Lottery Revenue</b>	<b>428006-332850</b>	<b>\$1,279,296</b>
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Expenditures:

<b>NC Education Lottery Expenditure</b>	<b>428006-464103</b>	<b>\$1,279,296</b>
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The above budget amendment is to appropriate NC Education Lottery funds awarded through the Public School Building Capital Fund in the amount of \$1,279,296. These funds were approved for the following projects:

South Brunswick Middle School – Access Road Improvements	\$57,000
West Brunswick High School – Access Road Improvements	\$45,000
West Brunswick and South Brunswick High School – Fire Alarm System	\$60,000
Shallotte, South Brunswick, and Leland Middle Schools- Replace windows and exterior doors, etc.	\$1,117,296

**County of Brunswick, North Carolina  
School Category I Project 428006**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County School Capital Projects Fund and County Schools Capital Reserve Fund and the County Special Schools Capital Reserve Fund and the General Fund for the Schools Category I Project:

**Schools Capital Project Fund:**

Revenues:

NC Education Lottery	\$1,683,946
Trans from General Fund	\$372,871
Trans from Special Schools Capital Reserve	\$3,356,626.31
Transfer from Schools Capital Reserve	<u>\$13,465,255.08</u>
<b>Total School Capital Project Fund Revenues</b>	<b><u>\$18,878,668.39</u></b>

Expenditures:

Special School Capital Reserve Fund (Excess Collections Ad Valorem)	\$3,356,626.31
School Capital Reserve Fund Sales Tax	\$13,465,255.08
General Fund Hold Harmless Medicaid Swap	\$372,871
Proceeds NC Education Lottery Expenditure	<u>\$1,683,946</u>
<b>Total School Capital Project Fund Expenditures</b>	<b><u>\$18,878,668.39</u></b>

Section 2. This Capital Project Ordinance shall be entered into the minutes of the January 4, 2010 meeting of the Brunswick County Board of Commissioners.

**General Fund- Parks & Recreation**

**Department:**

Revenues:

<b>Cape Fear RC&amp;D Contributions</b>	<b>106133-333100</b>	<b>\$3,211</b>
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Expenditures:

Capital Outlay-Brunswick Nature	106133-457110	\$3,211
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The above budget amendment is for the re-designation of the award of a contribution from Cape Fear RC&D in the amount of \$3,211.32 provided to the County in 2002 for the boat ramp in the Town Creek area. Marilyn Meares, Coordinator for Cape Fear RC&D approved the designation of the funds for the Brunswick Nature Park.

**General Fund:**

Revenues:

Local Option Sales Tax Article 44	100000-323401	\$121,157
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Expenditures

Service Charges on Debt	109100-475100	\$190,798
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Transfer to Special School Capital Reserve	109800-498024	\$(69,641)
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<b>Total</b>		<b>\$121,157</b>
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**Special School Capital Reserve**

Revenues:

Transfer from General Fund	249800-398110	\$(69,641)
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Expenditures

**Undesignated Fund** **249800-464299** **\$(69,641)**

Brunswick County refunded School General Obligation School Bonds Series 2001 in August 2009. The County paid issuance costs of \$190,798 from county funds associated with the debt issue. Due to the funding agreement with the Board of Education, both the schools and the county will save in excess of \$1 million over the term of the debt after issuance costs. The school savings are estimated at \$365,000. Under the agreement, general obligation debt is subtracted from ad valorem revenues before calculating the amount to be provided to the schools. The budget amendments above appropriate local option sales tax collected in excess of amounts budgeted for the county portion of the issuance costs of \$121,157 and prior year excess collections due to the school for the school portion of the issuance costs of \$69,641.

**County Capital Reserve Fund:**

Fund Balance Appropriated	269800-399100	\$50,000
Transfer to County Capital Reserve	269800-498043	\$50,000

**County Capital Project Fund- Avalon:**

Revenues:

<b>Transfer from County Capital Reserve</b>	<b>438193-398226</b>	<b>\$50,000</b>
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Expenditures:

<b>Legal and Engineering Professional Fees</b>	<b>438193-464001</b>	<b>\$50,000</b>
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The above budget amendments and capital project ordinance below are to transfer \$50,000 from the County Capital Reserve for appropriation to the Avalon Capital Project for legal fees associated with the bonds for the project in anticipation of replenishment of funds upon receipt from the bonding company.

**County of Brunswick, North Carolina**  
**Avalon Project 438193**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Projects Fund for the Avalon Project:

**County Capital Project Fund:**

Revenues:

Transfer from County Capital Reserve	<u>\$200,000</u>
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<b>Total County Capital Project Fund Revenues</b>	<b><u>\$200,000</u></b>
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Expenditures:

Legal and Engineering Professional Fees	\$100,000
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Land	<u>\$100,000</u>
<b>Total County Capital Project Fund</b>	<b><u>\$200,000</u></b>

**Expenditures**

Section 2. This Capital Project Ordinance shall be entered into the minutes of the January 4, 2010 meeting of the Brunswick County Board of Commissioners.

**Water Capital Reserve Fund:**

Miscellaneous Water System Projects	639800-464235	\$156,806.97
Transfer to Water Capital Project	639800-498041	(\$156,806.97)

**Water Capital Project Fund-2007 Subdivision Petition Line Extensions:**

Revenues:

<b>Trans from County Capital Reserve</b>	<b>418246-398663</b>	<b>(\$156,806.97)</b>
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Expenditures:

Construction	418246-464002	(\$114,268.08)
Professional Fees	418246-464001	(\$0.89)
Contingency	418246-499100	<u>(\$42,538.00)</u>
<b>Total</b>		<b>(\$156,806.97)</b>

The above budget amendments and capital project ordinance below are to close the remaining balance in the 2007 Subdivision Petition Capital Project and return the excess funds of \$156,806.97 to the County Capital Reserve for future project designations by the Board of Commissioners.

**County of Brunswick, North Carolina  
2007 Subdivision Petition Project 418246**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Water Projects Fund for the 2007 Subdivision Petition Project:

**Water Capital Project Fund:**

Revenues:

Transfer from Water Capital Reserve	<u>\$1,177,573.03</u>
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Expenditures:

Legal and Engineering Professional Fees	\$178,361.11
Construction	<u>\$999,211.92</u>
<b>Total Water Capital Project Fund</b>	<b><u>\$1,177,573.03</u></b>

**Expenditures**

Section 2. This Capital Project Ordinance shall be entered into the minutes of the January 4, 2010

meeting of the Brunswick County Board of Commissioners.

**D. JCPC-Revised Funding Allocation Grid for Juvenile Crime Prevention Council**

Staff requests approval of revised funding allocation for Brunswick County JCPC and the associated FY 2009-2010 budget amendment.

**E. Operation Services-Driveway Repair for Hope Harbor Home**

Staff requests approval from the request from Hope Harbor Home.

**F. EMS-Disaster Recovery Plan Adoption**

Staff requests approval of the Disaster Recovery Plan as presented.

**G. EMS-Hurricane/Disaster Debris Removal Interlocal Agreement**

Staff requests approval of the Hurricane/Disaster Debris Removal Interlocal Agreement as presented.

**H. EMS-Hazardous Materials Planning Grant Agreement**

Staff requests approval of the Hazardous Materials Planning Grant Agreement and the associated FY 2009-2010 budget amendment.

**I. Finance-US Bank National Association Agreement**

Staff requests to authorize the Finance Officer to execute the Resignation, Appointment and Acceptance Agreement between First Citizens Bank and Trust Company, US Bank National Association and Brunswick County.

**J. Operation Services-Water Management Project WBHS Culvert Extension**

Staff requests approval of the Water Management Project at West Brunswick High School as presented.

**K. Administration-Resolution Opposing Senate Bill 758**

Staff requests Adoption of the Resolution to Oppose the Transfer of Secondary Road Program to Counties.

**L. Planning-USDA Housing Preservation Grant Rehab Contracts**

Staff request approval of the Award of Four USDA Housing Preservation Rehabilitation Contracts as presented.

**M. Utility Operations-Operations Center Phone System Installation with Embarq**

Staff requests approval of a purchase order in the amount of \$51,793.83 for installation of phone system at the new Public Utilities Operations Center.

**N. Utility Operations-Catlin Engineers and Scientists Agreement NW Water Treatment Upgrades**

Staff requests approval of an Agreement with Catlin Engineers and Scientists and the associated budget amendment and capital project ordinance.

**O. Utility Operations-Waive Formal Bid Requirements for Pre-Owned Sewer Pump and Haul Truck**

Staff requests approval to Waive Formal Bid Requirements and approve the Purchase Agreement for a pre-owned sewer pump and haul truck from National Truck Center.

**P. Engineering-Final Adjusting Change Order Water Service Area System Improvements Project at Carolina Shores North**

Staff requests approval of the Final Adjusting Change Order for the contract of Herring Rivenbark, Inc. for the 2008-2009 Water System Improvements.

**Q. NC Department of Transportation-SR-2 Resolution for Trucking Lane NE**

Staff requests approval of a SR-2 Resolution for Trucking Lane NE.

**VI. PRESENTATION**

**1. Mary Earp-Order of the Long Leaf Pine Recognition (Huey Marshall)**

Huey Marshall, County Attorney, read a Resolution recognizing the lifelong efforts of Marty Earp and Chairman Sue presented a plaque to Ms. Earp.

**RESOLUTION HONORING MARY EARP**

**Whereas**, the history of Brunswick County has shown that there are angels among us, and many have worked for years without visible wages or a hope of future dividends, but have worked on with determination and have even mustered a cheery disposition, when none was necessary, and

**Whereas**, helping our young has been a fascination with some, either in helping them to understand the Natural Order, or helping them to bring order to their lives, and understanding the process of growth, and

**Whereas**, one **MARY EARP** has continued that fostering of understanding into the mature years of life, and has helped Brunswick County with its program to enrich and nourish the lives of its mature audiences, and

**Whereas**, for her efforts, she has been recognized by induction into **THE ORDER OF THE LONG LEAF PINE**.

**Now therefore, the Brunswick County Commissioners** are hereby resolved to congratulate Mary Earp for her most recent achievement, and to recognize her for her many other accomplishments and undertakings, and do hereby add this Resolution to her list of honors that she has so earnestly earned.

This the 4<sup>th</sup> day of January, 2010.

s/William M. Sue, Chairman  
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore  
Clerk to the Board, CMC

**2. Eagle Scout Daniel Hagan (Huey Marshall – Commissioner Phillips)**

Commissioner Scott Phillips presented a plaque and read a Resolution in Honor of Eagle Scout Daniel Charles Hagan.

**Resolution in Honor of Daniel Charles Hagan**

**Whereas**, that even though the Boy Scouts of America will celebrate its one-hundredth anniversary this year, the strength of its youth will keep Scouting active into its second century, and the versatile and talented youths of this Country will continue that tradition deep by adherence to the Scout law, the Scout motto, and the Scout pledge, and

**Whereas**, one such young man had as his Eagle project the construction and donation of a partially open shelter on the grounds of Waccamaw Elementary, where he had attended, to provide shelter for the students, and refuge for the teachers, and

**Whereas**, one **Daniel Charles Hagan** has shown to his peers and his superiors that he has mastered the law of Scouting, and has earned the highest distinction of Scouting, by successfully earning

the Merit badges required, leading a rounded life, and appreciating the arts and drama, particularly his love of Marching Band, which has been a part of his life throughout his tenure at West Brunswick High School, and

**Whereas**, as Dan furthers his academic career, may he come to realize in a more involved way that it will be the simple laws, mottos, and pledge of Scouting that will guide him best as he makes increasingly difficult decisions in the affairs of his life.

**Now therefore, the Brunswick County Commissioners** are hereby resolved to honor **Daniel Charles Hagan** upon his elevation to Eagle Scout, to congratulate him on a job well done, and to encourage him to continue to reach for goals that seem far away, but are never out of the reach of hope.

This the 4<sup>th</sup> day of January, 2010.

s/William M. Sue, Chair  
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore  
Clerk to the Board, CMC

### **3. Southeastern Center for Mental Health Facility Construction Financial Model (Chris Coudriet and Avril Pinder)**

Chris Coudriet, New Hanover County Assistant County Manager and Avril Pinder, New Hanover County Finance Director, presented a power point presentation regarding the Proposed Southeastern Center Facility Construction Project that included Cost and Impact, Financial Assumptions, Project Timeline Estimation, Cape Fear Region Benefits and the New Hanover County request to Brunswick County agree to partner with New Hanover and Pender counties and Southeastern Center in the construction of a 20,000 square foot mental health administrative complex on 12.72 acres held by New Hanover County for the benefit of Southeastern Center.

Vice-Chairman Norris asked about the original plans to provide an office for Southeastern Mental Health and the reasons why that particular plan was not pursued adding that Brunswick County had provided space for offices here at the complex.

After more discussion it was consensus of the Board to take this information under advisement and make a decision at a later date.

## **VII. PUBLIC HEARING**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted Public Hearings in the Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.**

### **1. Planning-Proposed Map Amendment Z-09-651 (Leslie Bell)**

Planning Staff recommends approval to C-LD for both Tax Parcels.

Planning Board recommends approval to C-LD for only one tax parcel (1890000112) 5 to 2 with Commissioner Warren and Dr. Flythe opposing.

## **I. CALL TO ORDER**

Chairman Sue called the hearing to order at 7:15 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-09-651.

Leslie Bell, Planning Director, explained the following:

**Item 1** (Map Amendment Z-651 – Edmund Wong) [AMENDED]

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcels 1890000112 and 1890000114 located at 7271 River Road SE (NC 133) near Boiling Spring Lakes, NC.

This rezoning totals ~~5.08~~ 4.00 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density) for both Tax Parcels 1890000112 and 1890000114.

Planning Board recommends approval to C-LD (Commercial Low Density) for Tax Parcel 1890000112 only [5 to 2 with Commissioner Warren and Dr. Flythe opposing].

## **II. PUBLIC COMMENTS**

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the proposed amendment. The following citizens addressed the Board:

1. Edmund Wong, property owner, addressed the Board and explained that he did not know that the property had previously been changed from CLD to R7500 and he wants it back to CLD.

There was discussion with the Planning Director, regarding why the Planning Board recommended approval of one parcel and Planning Staff recommended approval for both parcels.

## **III. ADJOURN**

Vice-Chairman Norris moved to close the hearing at 7:31 p.m. The vote of approval was unanimous.

Commissioner Warren moved to approve Second Reading and Adoption of Map Amendment Z-09-651 and approve the Planning Staff recommendations to approve C-LD for both Tax Parcels 1890000112 and 1890000114. The vote of approval was unanimous.

### **2. Planning-Proposed UDO 09-10 (Leslie Bell)**

Planning Staff and Planning Board recommend approval.

## **I. CALL TO ORDER**

Chairman Sue called the hearing to order at 7:32 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed UDO-09-10.

Leslie Bell, Planning Director, explained the following:

### **Item 1**

Amend Article 12, Definitions, amend Article 5, Permitted Uses, Section 5.2.3., Use Table, and add Section 5.3.5.Z., Electronic Gaming Operation to allow as a Special Exception Permissible by the Board of Adjustment in the C-LD (Commercial Low Density), C-I (Commercial Intensive), and I-G (Industrial General) Zoning Districts.

Item 1 – Planning Staff recommends approval.

Item 1 - Planning Board recommends approval. [unanimous 7 to 0].

## **II. PUBLIC COMMENTS**

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the proposed amendment. The following citizens addressed the Board:

1. Scott Buff, stated that he owned 8 gaming establishments throughout North Carolina and questioned if these changes would pertain to existing facilities. Mr. Bell answered that existing facilities would be “grandfathered” in.

### **III. ADJOURN**

Vice-Chairman Norris moved to close the hearing at 7:38 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve Second Reading and Adoption of UDO Text Amendment UDO-09-10 as recommended by the Planning Board and Planning Staff. The vote of approval was unanimous.

#### **3. Utilities-Proposed Revised Water Shortage Response Plan (Jerry Pierce)**

Staff recommends conducting a Public Hearing to receive input on the revisions to the Water Shortage Response Plan and approve the Amended Plan.

### **I. CALL TO ORDER**

Chairman Sue called the hearing to order at 7:39 p.m. and announced that the purpose of the hearing was to receive input regarding the Proposed Revised Water Shortage Response Plan.

Jerry Pierce, Utility Operations Director, explained that on March 17, 2008, the Board of Commissioners approved a Water Shortage Response Plan to meet the requirements of the NC DENR Division of Water Resources. The NC DENR Division of Water Resources reviewed the plan and has submitted comments that must be addressed before final plan approval. One of the comments is the requirement for the County to hold a public hearing to receive comments on the plan.

The plan has also been amended to address the other comments received from NC DENR. Changes to the plan include setting fines for failure to comply with the plan and goals for water usage reduction for each stage of the plan.

County Staff recommends approval of the Revised Water Shortage Response Plan and approval of the Resolution for Approving Water Shortage Response Plan.

### **II. PUBLIC COMMENTS**

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the Proposed Plan. There were no comments from the audience.

### **III. ADJOURN**

Commissioner Cooke moved to close the hearing at 7:42 p.m. The vote of approval was unanimous.

Commissioner Phillips moved to approve the Revised Water Shortage Response Plan and the associated Resolution.

## **RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN**

**WHEREAS**, North Carolina General Statute 143-355 (I) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

**WHEREAS**, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the County of Brunswick has been developed and submitted to the Board of Commissioners for approval; and

**WHEREAS**, the Board of Commissioners finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (I) and that it will provide appropriate guidance for the future management of water supplies for the County of Brunswick, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the County of Brunswick that the *Water Shortage Response Plan*, dated December 7, 2009, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

**BE IT FURTHER RESOLVED** that the Board of Commissioners intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice. This is the 4<sup>th</sup> day of January, 2010.

s/William M. Sue, Chairman  
Brunswick County Board of Commissioners  
Attest:

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s/Deborah S. (Debby) Gore  
Clerk to the Board, CMC

## **VIII. ADMINISTRATIVE REPORT**

### **1. Planning-UDO Text Amendment UDO-09-11(Leslie Bell)**

Staff recommends setting a Public Hearing for February 1, 2010 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

#### **Item 1**

Amend Article 5, Permitted Uses, Section 5.2.3., Use Table, and in Section 5.3.7.D., add Incinerators for Disposal of Animal Remains as a Special Exception Permissible by the Board of Adjustment in RR (Low Density Residential) and C-LD (Commercial Low Density) Zoning Districts, and as an outright permitted use in the C-I (Commercial Intensive), RU-I (Rural Industrial) and I-G (Industrial General) Zoning Districts.

**Item 1** – Planning Staff recommends approval with these noted changes: Incinerators for the Disposal of Animal Remains as a Special Exception in the RR (Low Density Residential), ~~as a Limited Use in the C-LD (Commercial Low Density) Zoning District~~ and **C-LD (Commercial Low Density) Zoning Districts**; and as an outright permitted use in the C-I (Commercial Intensive), RU-I (Rural Industrial), and I-G (Industrial General) Zoning Districts.

**Item 1** - Planning Board recommends approval with the following change: Incinerators for the Disposal of Animal Remains as a Special Exception in the RR (Low Density Residential), ~~as a Limited Use in the C-LD (Commercial Low Density)~~ and **C-LD (Commercial Low Density) Zoning Districts**; and as an outright permitted use in the C-I (Commercial Intensive), RU-I (Rural Industrial), and I-G (Industrial General) Zoning Districts; change (~~i.e.~~ to **e.g.** pet crematories) in Item D in the first paragraph; and delete Item D(2) in its entirety. [unanimous 7 to 0].

Vice-Chairman Norris moved to approve First Reading and schedule a Public Hearing for February 1, 2010 at 6:30 p.m. for UDO Text Amendment UDO-09-11. The vote of approval was unanimous.

**2. EMS-Monitor/Defibrillator Purchase from Zoll Medical Corporation (Brian Watts)**

Staff recommends approving the purchase from Zoll Medical Corporation of 18 Monitor/Defibrillators and 20 Automatic External Defibrillators and the associated budget amendment.

Brian Watts, EMS Deputy Director, explained that the North Carolina Office of Emergency Medical Services requires that Paramedic level ambulance services provide heart monitors that among other things have the capability of cardiac monitoring, 12 lead ECG acquisitions, defibrillation, external cardiac pacing, pulse oximetry and end tidal Carbon Dioxide monitoring. Since 1998, Brunswick County Emergency Services has been using Physio Control Lifepak 12's for these capabilities. The useful life of these devices is five to seven years which means that the units have in some cases been used for twice their useful life. Each unit has a service agreement in place (Total annual price \$20,565) to assure optimal performance but in the past several months the units have been failing regularly.

In December of 2007, BCEMS experienced one critical monitor failure for every 3,536 patient transports. In December of 2008, staff experienced one failure per every 1,611 transports and is currently experiencing a failure every 760 transports. This trend warrants replacement of this equipment now as opposed to waiting until next fiscal year.

This purchase will be for 18 new monitor/ defibrillators for the EMS service, as well as 20 AED's for our first responders. Total cost for this purchase will be \$377,027.35. After consulting with the County Manager and Finance Manager, all indications are that the EMS Division will once again be above projections in revenue produced and this increase will more than cover this expense.

**General Fund- Emergency Medical Services Department:**

Revenues:

EMS Charges	104332-335016	\$410,000
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Expenditures:

Contracted Services	104332-439900	\$32,973
COL-Equipment	104332-455000	<u>\$377,027</u>
<b>Total</b>		<b>\$410,000</b>

EMS revenue thru 11/30/2009 totals \$1,222,867 or 51% of the annual budget of \$2.4 million. The monthly fiscal year average earnings are \$244,573. Based on the average, the annual estimated collections are expected to be \$2,934,881. Staff recommends appropriation of \$410,000 of EMS charges for the purchase of the equipment and the associated collection costs related to the additional revenue. The amended annual budget recommended is \$2,810,000. The above budget amendment is to appropriate EMS Charges for the purchase of 18 E-Series Monitor/Defibrillators and 20 AED's for first responders at a total cost of \$377,027, the associated collection fees of \$32,973 and an increase in EMS charges of \$410,000.

Vice-Chairman Norris moved to approve the purchase from Zoll Medical Corporation of 18 Monitor/Defibrillators and 20 Automatic External Defibrillators and the associated budget amendment. The vote of approval was unanimous.

**3. Utility Operations-W. K. Dickson Contract for NE Wastewater Transmission System (John Nichols)**

Staff recommends approval of the Engineering Contract with W. K. Dickson Consulting Engineers for the Evaluation of the Northeast Wastewater Transmission System and the associated budget amendment and capital project ordinance.

John Nichols, Utility Operations Assistant Director, requested the Board to authorize the Chairman and Clerk to the Board of Commissioners to execute an engineering contract with W. K. Dickson Consulting Engineering in amount of \$91,000 for the evaluation of the Northeast Wastewater Transmission System. This evaluation will provide recommendations for transmission system upgrades necessary to accommodate the 825,000 gpd expansion of the Northeast Brunswick Regional Wastewater Treatment Plant as well as future upgrades.

The design of improvements necessary to expand the treatment capacity at the Northeast Brunswick Regional Wastewater Treatment Plant (WWTP) by 825,000 gpd is currently underway. The Participants in the Northeast Regional System agreed to undertake a study to evaluate the capacity of the pump station and transmission system to ensure that the transmission system could accommodate additional wastewater. The County sent Requests for Proposals to 16 engineering firms and received five proposals. Copies of the proposals were submitted to all of the utilities (Participants) that contribute flow to the NEWWTP and representatives of the utilities met to discuss the proposals on October 29, 2009 and selected W. K. Dickson to perform the work.

County staff negotiated a scope of work and associated final fee for the evaluation and reviewed this scope of work with the Participants. The final fee is \$91,000 and the cost associated with this contract will be reimbursed to the County based upon the allocated capacity in the expansion of the NEWWTP. The final scope of work includes an evaluation of the existing transmission system, evaluation of the system at the expanded treatment plant permitted flow of 2.475 MGD, the next likely expansion to 4.975 MGD, and the long-term needs of the system.

**Wastewater Fund- Northeast Brunswick Regional Wastewater Treatment :**

Revenues:

<b>Trans from Wastewater Capital Reserve</b>	<b>448254-398664</b>	<b>\$91,000</b>
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Expenditures:

<b>Legal and Engineering Professional Fees</b>	<b>448254-464001</b>	<b>\$91,000</b>
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**Wastewater Capital Reserve Fund:**

Expenditures:

Undesignated Funds	649800-464299	\$(91,000)
Trans to Wastewater Capital Project Fund	649800-498041	\$91,000

The above amendment and capital project ordinance below are to appropriate funds from the Wastewater Capital Reserve Fund identified above for the NEBRWWTP Expansion Capital Project.

**County of Brunswick, North Carolina**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Wastewater Capital Projects Fund and County Wastewater Capital Reserve Fund for the Northeast Brunswick Regional Wastewater Treatment Plant Capacity Expansion Project Number 448254:

**NEBRWW Wastewater Capital Project Fund:**

Revenues:

Partner Reimbursement	\$100,317
Transfer from Wastewater Capital Reserve	<u>\$605,683</u>
<b>Total County Capital Project Fund Revenues</b>	<b><u>\$706,000</u></b>

Expenditures:

Legal and Engineering Professional Fees	\$705,230
Administration	<u>\$770</u>
<b>Total County Capital Project Fund Expenditures</b>	<b><u>\$706,000</u></b>

Section 2. This Capital Project Ordinance shall be entered into the minutes of the January 4, 2010 meeting of the Brunswick County Board of Commissioners

Chairman Sue moved to approve the Engineering Contract with WK Dickson Consulting Engineers for the Evaluation of the Northeast Wastewater Transmission System and the associated budget and capital project ordinance amendments. The vote of approval was unanimous.

4. **Utility Operations-NE Sewer Transmission Isolation Valve Installation (John Nichols)**  
Staff recommends approval of the installation of isolation valves within the Northeast Regional Sewer Transmission Main System and the associated budget amendment and capital project ordinance.

John Nichols, Utility Operations Assistant Director, requested approval of installation of isolation valves within the Northeast Regional Sewer Transmission main system and the transfer of funds from the Northeast Regional Wastewater Renewal and Replacement Fund to the Northeast Regional Wastewater System budget line item Capital Outlay-Improvements in the amount of \$33,000.

Mr. Nichols explained that there are a limited number of isolation valves on some portions of the sewer transmission force main system tributary to the Northeast Wastewater Treatment Plant. In the event of a forced shutdown (force main break, etc.) in this area of the transmission system,

repairs are more difficult because the amount of sewer coming to the break point cannot be adequately controlled. Additionally, isolation valves allow the undamaged portion of the sewer transmission system to operate properly while the damaged portion is being repaired.

The Participants of the Northeast Regional Sewer System in attendance at the December 1, 2009, meeting requested that Brunswick County install valves at key points on the sewer transmission system force mains. Staff recommends approving this work and transfer of \$33,000 into the Capital Outlay – Improvements budget line item.

The budget amendment below is to transfer \$33,000 of funds accumulated and set aside in a reserve dedicated to the North Brunswick Regional Wastewater Treatment Plant for unanticipated repairs and maintenance. The balance in the fund at this time is \$372,038.

**Wastewater Capital Reserve Fund:**

Expenditures

NEBRWR Capital Reserve	649800-464314	(\$33,000)
Transfer to Sewer Fund	649800-498062	\$33,000

**Wastewater Fund**

Revenues:

<b>Transfer from Wastewater Reserve</b>	<b>629800-398664</b>	<b>\$33,000</b>
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Expenditures

<b>Capital Outlay-Improvements</b>	<b>627250-459000</b>	<b>\$33,000</b>
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Commissioner Phillips moved to approve the Installation of Isolation Valves within the Northeast Regional Sewer Transmission Main System and the associated budget and capital project ordinance. The vote of approval was unanimous.

**5. Utility Operations-Final Adjusting Change Order with TARA Group (John Nichols)**

Staff recommends approval of the Final Adjusting Change Order to the Contract of the TARA Group of Lumberton, Inc. for Phase I Sewer Transmission Improvements.

John Nichols, Utility Operations Assistant Director, requested approval of a final adjusting change order with The TARA Group of Lumberton, Inc., for the Phase 1 Sewer Transmission Improvements (24” force main from Shallotte WWTP to West Brunswick WWTP in Supply, NC). The change order is additive in the amount of \$10,959.01. However, combined with \$45,000 in liquidated damages assessed to the contractor, the final contract value has been reduced from \$3,612,000 to \$3,577,959.01. The original engineer’s estimate was \$4,600,000.

This change order reflects both additions and deductions to the total project scope of work. The attached change order details the work added and deleted. This change order and final payment will close out the project and is in accordance with the terms outlined in the mediated settlement agreement previously approved by the Brunswick County Board of Commissioners.

Vice-Chairman Norris moved to approve the Final Adjusting Change Order to the contract of the TARA Group of Lumberton, Inc. for Phase I Sewer Transmission Improvements. The vote of approval was unanimous.

**6. Utility Operations-Industrial Park Force Main Change Order with AECOM (John Nichols)**

Staff recommends approval of a Change Order to the Contract of AECOM in the amount of \$87,898 for the design of the Highway 74/76 Force Main Project and the associated budget amendment and capital project ordinance.

Approve budget amendment and authorize the Chairman to execute a change order with AECOM in the amount of \$87,898 for the design of the 74/76 Industrial Park Force Main. In order to expedite design, AECOM's existing contract for design of the Highway 211 water main will be amended. The proposed change order will increase the contract value from \$110,250 to \$198,148.

The Brunswick County Board of Commissioners previously approved design of an 8" sewer force main along Highway 74/76 to serve proposed industrial parks near the Brunswick/Columbus County line. These are to receive Recovery Zone funding and must be bid by the beginning of April. To expedite design of the project, one of the consultants currently performing similar work was selected to perform the work. After initial negotiations, AECOM's fee for field survey, design, wetland delineation, permitting, and bid services is \$69,598. The construction administration fee is \$18,300 for a total fee of \$87,898. The project length is approximately 22,000 feet and extends from a point just east of the Hood Creek crossing at 74/76 (east of Maco Road) along 74/76 to a point east of the county line. Staff recommends approval of the change order with AECOM in the amount of \$87,898.

**Waste Water Capital Reserve Fund:**

Undesignated Funds	649800-464299	(\$95,000)
Transfer to Waste Water Capital Project	649800-498044	\$95,000

**Waste Water Capital Project Fund-Highway 74/76 Industrial Park Sewer Project:**

Revenues:

<b>Trans from County Capital Reserve</b>	<b>448256-398664</b>	<b>\$95,000</b>
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Expenditures:

<b>Architect/Engineering/Legal</b>	<b>418256-464001</b>	<b>\$95,000</b>
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The above budget amendments and capital project ordinance below are to appropriate \$95,000 from the Wastewater Capital Reserve Funds for the design and initial permitting costs of the line extension project. It is anticipated that the funds will be replenished from debt proceeds of the 2010 Recovery Zone Economic Development Revenue Bonds.

**County of Brunswick, North Carolina  
Hwy 74/76 Industrial Park Sewer Line Project 448256**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Waste Water Projects Fund for the Hwy 74/76 Industrial Park Sewer Line Project:

**Waste Water Capital Project Fund:**

Revenues:

Transfer from Wastewater Capital Reserve	<u>\$95,000</u>
<b>Total Waste Water Capital Project Fund Revenues</b>	<b><u>\$95,000</u></b>

Expenditures:

Legal and Engineering Professional Fees	\$95,000
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**Total Wastewater Capital Project Fund Expenditures** **\$95,000**

Section 2. This Capital Project Ordinance shall be entered into the minutes of the January 4, 2010 meeting of the Brunswick County Board of Commissioners.

There was discussion regarding time sensitive issues and questions as to why three local consultants were not involved and Mr. Nichols explained that this project was designated to the Utilities department and they utilized this firm that did have a current contract to facilitate this project in a timely manner. Vice-Chairman Norris indicated that all money belongs to Brunswick County and no matter whom the contract is with, in the future we need to make sure that we're getting the best price for the work to be done and we need to utilize local firms.

Vice-Chairman Norris moved to approve the Change Order to the Contract of AECOM in the amount of \$87,898 for Design of the 74/76 Force Main Project and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

**7. Utility Operations-Wastewater Collection System Connection Assistance Program (Jerry Pierce)**

Staff recommends approval of the Wastewater System Connection Assistance Program for low to moderate and handicapped property owners in the Calabash Service Area.

Jerry Pierce, Utility Operations Director, requested approval of the Wastewater Collection System Connection Assistance Program for Low to Moderate Income and Handicapped Property Owners in the Calabash Portion of the Former South Brunswick Water and Sewer Authority (SBWSA) Service Area.

Mr. Pierce explained that in the settlement of the financial affairs of the former South Brunswick Water and Sewer Authority, the County received funds to assist property owners in the SBWSA Service Area to connect to the County sewer system. The settlement agreement restricted the use of the funds to assist only low to moderate income or handicapped property owners in the SBWSA Service Area.

With the construction of the new wastewater collection system in Calabash, sewer service will be available to a number of property owners that may qualify for financial assistance to connect to the County sewer system. At this time, it is not known how many property owners would qualify for assistance. The County staff with assistance from the Town of Calabash has developed a new

policy entitled, “Wastewater Collection System Connection Assistance Program for Low to Moderate Income and Handicapped Property Owners in the Calabash Portion of the Former SBWSA Service Area.” The purpose of the policy is to define eligibility requirements for assistance, application procedures, and application review procedures, establish reimbursement limits, and reimbursement requirements.

Under the proposed program, low to moderate income limits are defined as the U.S. Housing and Urban Development Department Limits Income Documentation for Brunswick County. The income limits as defined by the U.S. HUD for 2009 are attached to the policy. The requirement for documentation of a handicapped property owner has been defined as a designation as handicapped by a federal or state agency. The proposed program includes an application form to be completed by the property owner and the required documentation such as proof of income. Under the proposed program, a committee made up of representatives from the County and Town will review the applications and make eligibility determinations. Finally, the proposed program establishes limitation on the amount of funding for connections. The property owner must hire a licensed plumber and electrician to perform the required connection. A permit must be obtained from the Town and the Town must inspect and approve the connection prior to reimbursement. The program limits reimbursement to \$300 to \$500 based upon income.

Presently, the County has \$136,314 available for this program. Since property owners in the Town of Calabash and the Town of Sunset Beach are eligible for assistance, the funds have been equally divided between the two towns. The amount of funding available for the Town of Calabash under this program is \$68,157.

The proposed program has been reviewed and approved by the Town of Calabash. County staff recommends approval of the proposed Wastewater Collection System Connection Assistance Program for Low to Moderate Income and Handicapped Property Owners in the Calabash Portion of the Former SBWSA Service Area.

**Waste Water Fund:**

Revenues:

<b>Settlements from SBWSA</b>	<b>627210-383940</b>	<b>\$136,314</b>
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Expenditures:

<b>Contributions Sunset Customers</b>	<b>627210-465065</b>	<b>\$68,157</b>
<b>Contributions Calabash Customers</b>	<b>627210-465092</b>	<b>\$68,157</b>

The above amendment is to appropriate the current balance of the SBWSA settlement. The County received \$137,777.11 on 5/17/07 of which \$1,462.67 was later required to be paid to Eva Herring. The budget amendment above is to appropriate the balance of \$136,314 for contributions to qualifying homeowners in the Calabash and Sunset Beach sewer assessment projects.

Vice-Chairman Norris moved to approve the Wastewater System Connection Assistance Program for Low to Moderate and Handicapped Property Owners in the Calabash Service Area. The vote of approval was unanimous.

**8. Engineering-Criser Troutman Tanner Contract Award/Spring Lake at Maritime Shore Subdivision (Jeff Phillips)  
(Removed under Adjustments to the Agenda)**

**9. Administration-Complete Count Committee Appointment (Marty Lawing)**

Staff recommends appointing a Complete Count Committee for Brunswick County.

Marty Lawing, County Manager, explained that County staff met with regional census officials on two occasions to discuss the 2010 Census process. The Census results are very important to municipal and county governments because various sources of federal and state funding are based on the population of their jurisdictions. Brunswick County's response during the 2000 Census was very low in comparison to the state and national response percentages. In 2000, while the response rate from those receiving census forms at their residence was 64% for the State of North Carolina and 67% nationally, Brunswick County's response was approximately 47%. This low response rate may be attributed to forms being sent to addresses of absentee owners. Nonetheless, it appears that there is room for improvement in the initial response percentage. Census forms will be mailed to all residents with a physical mailing address in March 2010. Completed questionnaires are to be returned by April 1, 2010 which has been designated as Census Day. Forms will not be mailed to residents that use a Post Office Box. These residents will be visited.

Census Officials have requested that the Brunswick County Commissioners appoint a Complete County Committee to educate residents and promote the Census through a local and targeted outreach and promotion effort. The Complete County Committee is a vehicle to coordinate a cooperative effort between local governments, communities and the Census Bureau. The logic behind the Complete County Committee is that local residents appointed to the committee will use their local knowledge and influence to educate and encourage residents to participate in the census process. The appointed committee members work together as a team with the assistance of local census officials to implement an awareness campaign.

There will not be complete count committees established by municipalities, however, it is strongly recommended that at least one representative from each municipality be appointed to the committee. There is no limit to the number of committee members and no specific qualifications except interest in promoting the 2010 Census and knowledge of the community and influence to encourage people to participate and cooperate with census takers. Early involvement is the key. If a committee can be appointed before the end of the year and training scheduled for January 2010 the committee can develop the work plan.

A letter was sent to each municipality requesting the nomination of an individual to represent their jurisdiction on the committee. As of December 29<sup>th</sup> the following people have been nominated or recommended by municipalities to serve as their representative on the Complete County Committee:

City of Boiling Spring Lakes	Becky Cummings, UDO Administrator
Town of Holden Beach	Sandy Miller, Commissioner
Town of Leland	Tina Evans, Planning Department
Town of Sandy Creek	Barbara Cordero and Tom Sosebee
Town of Shallotte	Cindy Babson, Zoning Code Enforcement Officer
Town of St. James	Shelley Leshner
Town of Oak Island	Kyle Thomas, Public Information Officer
Town of Varnamtown	Ennis Swain
Town of Navassa	Charlene Alston
Town of Ocean Isle Beach	Keith Dycus

Other County residents interested on Serving on Committee include:

Dave McMahon  
Marva Moss

Carolina Shores (Former Census Bureau Employee)  
Leland (Spring Hill / Snow Hill area)

Following the discussion of the Complete Count Committee at the last Board meeting the Commissioners requested a recommendation regarding compensation or a stipend for committee members. Census officials have indicated that that most committees are not compensated. In fact, they could not give an example of a committee that had received compensation. However, there are no guidelines on the matter of compensation so it would be at the discretion of the local governing body making the appointments. Since this is the first time that Brunswick County has appointed a Complete Count Committee, and the committee's action plan is unknown, the County Manager recommends that the committee be appointed with the understanding that participation is strictly voluntary and that no compensation will be provided.

Vice-Chairman Norris nominated Freddie Stevenson and John Marlowe. Commissioner Warren nominated Bernest Hewett and Rosa Joyner. Chairman Sue nominated Dave McMahon and Marva Moss. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the Town appointments, Freddie Stevenson, John Marlowe, Bernest Hewett, Rosa Joyner, Dave McMahon and Marva Moss. The vote of approval was unanimous.

It was consensus of the Board to allow additional members to serve as recommended by the remaining Towns or any volunteers that wish to serve.

#### **10. Administration-CGI Communication Inc. Agreement (Steve Stone)**

Staff recommends approval of the Agreement with CGI Communications, Inc.

Steve Stone, Assistant County Manager requested authorizing of an agreement for CGI Communications, Inc. to develop and host web-based promotional videos for the County. The project would involve no direct cash outlays by the County.

CGI Communications, Inc. has developed a partnership with the National Association of Counties to develop web-based promotional videos for NACO members at no cost to the counties. The videos are called "County Movie Tour Book" by CGI and could be a promotional resource for tourism and economic development in our area. CGI will produce up to ten high quality one minute topical videos on the County and will host the videos on their servers. Brunswick County is among the first few counties in North Carolina to be selected for the project.

The County website would only need to host a link to the CGI servers and they have assured that no substantial County internet resources would be involved in the process. County staff would work with CGI to develop the content of each video. CGI sells ad time to local businesses to pay for the promotional videos. Even if no local businesses buy ads from CGI, they pledge to produce and maintain the promotional videos for the three year term of the proposed agreement. A prototype letter that CGI would ask staff to send to area businesses to introduce them to the community is included in the packet. Mr. Stone indicated that he handed out two documents prior to the meeting tonight and one was an amendment to the agreement contained in the packet that added one phrase that reads "this agreement may be terminated by either party for cause upon (3) days written notice. Cause is defined as failure of either part to perform any of the provisions of this Agreement or failure to make sufficient progress so as to endanger performance of this Agreement". Mr. Stone explained that the second document was CGI's Showcase Sponsorship Policy that explains that they do not market to certain types of businesses and that any type of

business that the county does not want them to market to, they agree not to market to those businesses and Commissioner Warren questioned the legality of this policy.

There was discussion regarding liabilities and legalities that pertained to these certain types of businesses. Mr. Stone explained that CGI would not enter into an agreement unless approved by the county and that this was explained in the Sponsorship Policy.

Commissioner Cooke moved to approve the Agreement with CGI Communications, Inc. The vote was 4 ayes (Cooke, Norris, Sue, Phillips) 1 nay (Warren).

#### **11. Finance-Ordinance of Mandatory Connection, Amended (Marty Lawing)**

Staff recommends approval of Amendments to the Mandatory Connection Ordinance as presented.

Marty Lawing, County Manager, explained the following:

##### **Background Information**

The Board of Commissioners approved and subsequently amended Wastewater and Water Supply Article I. In General Sec. 1-13-1. Mandatory Connection of the Brunswick County Code of Ordinances. The Ordinance required all owners of property to connect to available water and wastewater lines serving their properties. A Mandatory Connection Ordinance is needed to facilitate the receipt of grant funds and issuance of debt on the Enterprise System.

##### **Current Status**

There have been instances whereby property owners with functional well and/or septic systems were required to connect to the system before obtaining a permit to make improvements to existing structures. Examples are a customer desiring a permit to construct a handicapped ramp, porch, garage, or home addition are required to pay capital recovery fees and make connection prior to the issuance of a permit. In several instances, the requirement to connect before obtaining a permit have resulted in property owners initiating a loan for the fees with no progress payments that remains delinquent. The requirements are viewed as onerous and intrusive from property owners that have satisfactory well or septic systems.

Bond Counsel was consulted and agreed that there was no prohibition in the General Trust Indenture for the Revenue Bonds that would forbid the county from amending the ordinance to exempt improvements to existing structures and only require the mandatory connection for entirely new homes and business structures.

This amendment to Ordinance Sec. 1-13-1 is provided for clarification and to exempt improvements to existing structures from the County's Mandatory Connection Ordinance. There is no significant impact to revenue anticipated from amending the ordinance.

There are approximately 27 property owners that arranged capital recovery loans totaling \$29,622.19 in delinquent balances. The properties received a tap and meter at the initiation of the loan but did not ultimately connect to the system.

##### **Recommendation**

Staff recommends approval of the Sec. 1-13-1. Mandatory Connection, Amended effective January 5, 2010. Staff recommends that no refunds be provided for any building permit fees paid, utility connection fees paid or utility loans that were established under the prior mandatory connection ordinance.

Staff recommends removing the current loan amount owed and freezing any partial payments for the 27 property owners that arranged loans totaling \$29,622.19 in current delinquent balances and removing any meters at their property. The customers paid a down payment toward the tap fee at the time of the loan initiation. Staff recommends that if any of the 27 property owners

apply for service in the future they are assessed the tap and capital recovery fee in effect at time of service application with credit applied for any prior payments made on their account.

Vice-Chairman Norris moved to approve the Mandatory Connection Ordinance as amended. The vote of approval was unanimous.

**12. Planning-Professional Service Agreement with Benjamin Quattlebaum (Leslie Bell)**

Staff recommends approval of Countywide Community Development Corporation's Request to Fund Tax Credit Application Fee of \$5,500.

Leslie Bell, Planning Director, explained that in June 2009, the Brunswick County Board of Commissioners approved a Professional Service Agreement with Benjamin Quattlebaum, II to provide services on behalf of the Countywide CDC (CDC) for the submittal of a NC Housing Finance Agency Tax Credit multi-family development. The CDC also has partnered with The Affordable Housing Group (a non-profit developer) from Charlotte, NC to prepare the Tax Credit Application for a 27.76 acre site located on Chappell Loop Road in Belville, NC. To date and per monthly reports, the development project has received a conditional commitment of \$800,000 from the Federal Home Loan Bank of Atlanta. The condition calls for the subject property to be rezoned no later than June 2010. An initial Tax Credit application is due to the NC Housing Finance Agency no later than January 15, 2010 with NC Housing Finance Agency making its announcement of Tax Credit awards for FY 2010 in August 2010.

The CDC is requesting \$5,500 no later than January 15, 2010 for the Tax Credit Application fee.

A letter dated December 29, 2009 from Louis Brown, CDC Executive Director, formally requesting the \$5,470 application fee, payable to the NC Housing Finance Agency to apply for a 2010 tax-credit funding to be awarded in August of 2010, if the Chappell Grove project is approved was handed out prior to the meeting.

Commissioner Warren moved to approve the request for the \$5,500 application fee. The vote of approval was unanimous.

**13. Administration-Contract to Purchase C&D Landfill Expansion Site (Steve Stone)**

Steve Stone, Assistant County Manager, explained that this item was to be discussed after Closed Session. **(The item was later removed from the agenda).**

## **IX. BOARD APPOINTMENTS**

**1. Southport Planning Board ETJ Appointment**

Commissioner Warren nominated Don Joyner as recommended by the Southport Board of Aldermen. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Don Joyner. The vote of approval was unanimous. Mr. Joyner will serve as an ETJ member of the Southport Planning Board.

## **X. COUNTY ATTORNEY'S REPORT**

Chairman Sue moved to recuse Vice-Chairman Norris from Item X-1. The vote of approval was unanimous.

**1. Deed of Dedication Brunswick Plantation NW Tract**

Huey Marshall, County Attorney, explained that these lines were ready for acceptance into the county system with a worth of \$360,347.00 for water lines and \$649,791.00 for sewer lines.

Commissioner Phillips moved to approve the Deed of Dedication for Brunswick Plantation, NW Tract. The vote of approval was 4 ayes (Phillips, Warren, Sue, Cooke) (Norris recused).

**2. Deed of Dedication St. James Plantation, The Reserve, Moss Hammock**

Huey Marshall, County Attorney, explained that these lines were ready for acceptance into the county system with a worth of \$15,265.00 for water lines and \$6,418.00 for sewer lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for St. James Plantation, The Reserve, Moss Hammock. The vote of approval was unanimous.

**3. Closed Session**

Commissioner Warren moved to enter Closed Session at 8:38 p.m. pursuant to NCGS 143-318.11 (a) (3) and (a) (4) and (a) (5) to protect attorney-client privilege, to discuss matters relating to the location or expansion of business in the area served by this body, and to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located near the county landfill.

**Reconvened**

At 9:48 p.m. Chairman Sue called the Open Session back to order and announced that staff was given directions that will be disclosed upon response from the other party.

Vice-Chairman Norris moved to remove Item VIII-13 from the agenda. The vote of approval was unanimous.

**XI. OTHER BUSINESS/INFORMAL DISCUSSION**

**1. Schedule Workshop on Countywide Recycling**

The Board considered setting a Workshop to discuss recycling options and due to scheduling conflicts, it was consensus to have staff present these options at the January 19, 2010 Regular Meeting.

**2. Discussion of FY 2010-2011 Budget Process**

It was consensus of the Board to hold a Workshop on February 24, 2010 at 9:30 a.m. after the agenda meeting to review the upcoming FY 2010-2011 Budget Process.

Staff informed the Board of an employee who had been suspended pursuant to an investigation.

The Board directed staff to look into the matter discussed earlier by Roy Franklin regarding the barking dog complaint.

Commissioner Cooke indicated that he would be a guest speaker on a talk radio show tomorrow morning speaking against allowing illegal aliens attending community colleges and asked the Board for support in the form of a Resolution taking a position against this action.

There was discussion regarding Resolutions that have been presented from Columbus, Gaston and other counties in opposition of illegal aliens in community colleges. Commissioner Warren expressed opposition stating that it goes back to the time that black people were not allowed to learn to read as we allow illegal aliens to work, and then if they get arrested, we send them back

to their country and that he understands this is costing the taxpayers money to do this but it just does not strike him right.

Commissioner Phillips spoke in support saying that illegal means illegal and Vice-Chairman Norris indicated that it is not fair to those who follow the rules and go through the process in order to become a citizen of this country and it seems like it is a slap in their face.

Commissioner Cooke moved that this Board present a Resolution in opposition to allow illegal aliens to enter the higher education system in the form of community colleges and direct staff to craft this Resolution for approval. The vote of approval was 4 ayes (Cooke, Norris, Sue, Phillips) 1 nay (Warren).

Commissioner Warren informed that the Martin Luther King Committee will hold a program at 1:00 p.m. on January 14, 2010 and has offered to give an award to Judge Ola Lewis for her Teen Court and Mental Health efforts and to Tim Daniels for mentoring kids in the community and wanted endorsement from the Board.

There was a short discussion regarding a possible Resolution of support and Commissioner Warren moved to approve a Resolution endorsing the MLK recommendations for giving an award to Ola Lewis and Tim Daniels. Discussion continued that supported endorsing recognizing Judge Lewis in that her efforts were statewide but that there are numerous mentors throughout the county. Chairman Sue recommended endorsing a plaque for Mr. Daniels and a Resolution for Judge Ola Lewis. Commissioner Warren stated that he only wanted to present plaques to recognize their contribution to the community.

Commissioner Warren moved that the Board of Commissioners endorse the actions of the MLK committee in recognizing these two individuals by plaque. The vote of approval was unanimous.

Commissioner Warren informed that non-perishable items would be collected at the MLK program and that extra funds will be given to Brunswick Family Assistance to assist the elderly in the Electra Stat program.

## **XII. ADJOURNMENT**

Commissioner Phillips moved to adjourn the Regular Meeting at 10:29 p.m. The vote of approval was unanimous.

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William M. Sue, Chairman

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Deborah (Debby) Gore, Clerk to the Board