

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JANUARY 19, 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. Marty Cooke
 Commissioner Charles Warren
 Commissioner Scott Phillips
 Commissioner William 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
 Ann Hardy, Fiscal Operations Director

 Sgt. Mark Trull

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

Vice-Chairman Norris 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. Commissioner Warren recommended considering Item VII-3 as an addendum to the previous Resolution supporting a VA clinic in Brunswick County instead of a separate Resolution. The Chairman inquired of the legalities of an addendum rather than a separate Resolution. The County Attorney recommended approval of a separate Resolution to bring attention to the request to utilize Brunswick Hospital once vacated, as a Veteran's Clinic since this is after the effect of the announcement of the proposed new Veteran's facility to be located in New Hanover County. It was consensus to discuss this further under Administrative Report.
2. Huey Marshall, County Attorney, requested to add as Item VI-6, a request from the District Attorney requesting approval of a letter of support to accompany an application for a Domestic Violence Prevention Grant.
3. The County Attorney requested to add as Item VII-6, approval of Change Order #2 to the Contract of Weaver Company, Inc. for the Ocean Isle Beach Park-Phase 1.

Commissioner Cooke 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. Ron Kline, Sunset Beach Mayor, spoke in support of countywide recycling.
2. Ed Rapp, Ocean Isle Beach resident, spoke on behalf of Betty Fennell who supports the Resolution to Prohibit Illegal Aliens from Attending NC Community Colleges.
3. A Southport resident spoke in opposition of the Illegal Alien Resolution stating that she did not see any upside if people from other countries who probably came here when they were very young were denied access to our community college and as a school teacher, why should she teach them and encourage them to seek the American Dream only to be denied access to a community college.
4. Joe Taylor, Sunset Harbor resident, requested that the Board pass an ordinance to allow golf carts on roads with speed limits less than 35 miles per hour pertaining to recent House Bill 121 allowing all units of local government to regulate golf carts. Mr. Taylor informed that he had contacted citizens in other districts and there seemed to be an interest. The Board inquired about the possibility of a committee to research this matter and the Attorney informed that some municipalities have already passed an ordinance pertaining to golf cart use on streets. It was consensus to have Mr. Taylor form a committee and present findings to the Board at a later date.
5. A former City Administrator from Ocean City, New Jersey who now lives in Carolina Shores spoke in support of countywide recycling.
6. Susie Rollyson, Boiling Spring Lakes resident, spoke in support of countywide recycling.
7. A Carolina Shores resident spoke in favor of the Resolution to Prohibit Illegal Aliens from Attending NC Community Colleges and gave statistics of college tuition costs indicating that he did not understand how we, as a nation of laws, do not enforce the laws that we pass.
8. Lynn Strandquist, Sunset Beach resident, spoke in support of countywide recycling.
9. Steve Cherry, Southport resident, spoke in support of countywide recycling.

V. APPROVAL OF CONSENT AGENDA

Commissioner Cooke moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

1. **December 30, 2009 Agenda Meeting Minutes**
2. **January 4, 2010 Regular Meeting Minutes**
3. **January 13, 2010 Agenda Meeting Minutes**

B. Tax

1. **Tax Releases for January 2010**
2. **September 2009 Motor Valuation & Levy**
3. **Monthly Report of Tax Collections December 2009**

C. Finance

General Fund:

Revenues:

Volunteer Center Revenue **104330-383957** **\$2,000**

Expenditures:

Volunteer Center Expense **104330-449942** **\$2,000**

The above budget amendment is to appropriate revenues from the St James Service Club, Inc. in the amount of \$2,000 donated to the Volunteer Center's Computers for Kids Project.

General Fund:

Revenues:

Ehtap Grant Funds **104251-332018** **\$78,754**

Expenditures:

Grant Subsidy **104251-465500** **\$78,754**

The above budget amendment is to appropriate grant revenues from the ROAP FY2010 second disbursement of funds.

D. Communities in Schools

Staff requests receiving the Quarterly CIS Parenting Education Report as information.

E. Leland Volunteer Fire/Rescue Department, Inc.

Staff requests approval of Resolution approving the financing by Leland Volunteer Fire/Rescue Department, Inc for the remount of two EMS apparatus up to \$155,000.

VI. PRESENTATION

1. Second Annual Color'd Television Production WBHS (Bill Negron)

Bill Negron, Assistant to the Pastor at Village Point Baptist Church and candidate for the Methodist Ministry, invited the Board to attend the second annual West Brunswick High School Theater Arts Department Black History Presentation of Color'd Television to be held February 25-27, 2010. Mr. Negron's wife, Jennifer Negron, producer invites everyone to attend.

2. Highway 17 Association Impact Study Update (Marc Finlayson)

Marc Finlayson, Executive Director for the Highway 17 Association updated the Board on the progress and status of Highway 17 informing that and updated Impact Study is forthcoming from the Association.

3. Southeastern Center for Mental Health, Annual Report (Foster Norman)

Foster Norman, Area Director of the Southeastern Center for Mental Health, Developmental Disabilities and Substance Abuse Services presented the FY 2008-2009 Annual Report.

4. NC Department of Transportation Request to Abandon Buckeye Road (Huey Marshall)

Huey Marshall, County Attorney, informed that a letter had been received from the NC Department of Transportation requesting abandonment of a portion of Buckeye Road NE (SR 1415) as petitioned from Holly Tree Investments LLC. Mr. Marshall asked if there were any questions from the Board or the audience. Mr. David Holden lives on China Berry Lane and asked if this abandonment would interfere with the ingress and egress of nearby Sullivan Lane. The Attorney responded and Mr. Holden was satisfied with the answer.

Vice-Chairman Norris moved to accept the Request for the Abandonment of Buckeye Road NE. The vote of approval was unanimous.

5. **Resolution to Prohibit Illegal Aliens from Attending NC Community Colleges**
(Huey Marshall)

Chairman Sue reminded that at the January 4, 2010 Regular Meeting, the Board directed the Attorney to craft a Resolution in opposition of allowing illegal aliens to enter the higher education system in the form of community colleges.

Chairman Warren spoke in opposition of using the word “alien” instead of immigrant as alien means something foreign and immigrant means real. The Chairman asked the Attorney to explain and Mr. Marshall indicated that he was instructed to craft a Resolution that mirrored one that was approved and presented by Columbus County and indicated that the words as used in the Resolution from Columbus County reflects more sentiment than legality and feels that the Columbus County Board had moved beyond the issues of economics to a different issue. Mr. Marshall further explained that an immigrant is someone who is not home and an alien is that distinction for someone who is not a national in the place where he or she is and noted that this could be one in the same term as he is not an INS agent. Commissioner Warren indicated that he would vote no either way.

Commissioner Phillips moved to approve the Resolution as written. The vote of approval was 4 ayes (Phillips, Sue, Norris, Cooke) 1 nay (Warren).

**RESOLUTION TO PROHIBIT ILLEGAL ALIENS FROM ATTENDING
NORTH CAROLINA’S COMMUNITY COLLEGES**

WHEREAS, on September 18, 2009, the North Carolina State Board of Community Colleges supported a committee recommendation to allow illegal aliens to enroll in North Carolina’s Community Colleges; and

WHEREAS, although the policy must still make its way through the administrative rules process and could subsequently be allow or disallowed by the North Carolina General Assembly; and

WHEREAS, the Brunswick County Board of Commissioners, through the offering of this resolution and its outcome to be entered into the official record, wishes to state its full and complete opposition to the ruling of the North Carolina State Board of Community Colleges allowing for illegal aliens to enter North Carolina’s Community College System.

NOW, THEREFORE, BE IT RESOLVED that if such request be pursued by the North Carolina Community College System, the Brunswick County Board of Commissioners is requesting the North Carolina General Assembly to fully dismiss and with due finality prohibit illegal aliens from enrolling in the North Carolina Community College System; and

BE IT FURTHER RESOLVED that the County Commission is respectfully requesting all other ninety-nine (99) counties in North Carolina to adopt this, or like resolutions, and that those resolutions also be forwarded to the North Carolina General Assembly with all due haste. Further, that the North Carolina Association of County Commissioners is also requested to oppose this action in writing, and that such statement of opposition is forwarded to the North Carolina General Assembly.

ADOPTED this the 19th day of January, 2010.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

s/William M. Sue, Chairman

ATTEST:

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

6. JCPC-Domestic Violence Grant (Added Under Adjustments to the Agenda)

Rex Gore, District Attorney, explained that the Governor’s Crime Commission awarded Brunswick County over \$235,000 in grant funds in 2008 to focus prosecutorial efforts on the issue of Domestic Violence. As a result of this grant the District Attorney’s office has been able to:

1. Prosecute over 500 Domestic Violence cases the first year of the two year grant utilizing a trained team focused on the relevant issues. These cases included adult and child victims.
2. Increase conviction rate thus enabling offender services such as L.E.A.R.N, the local Batterer’s program which helps to break the cycle of domestic violence within the home.
3. Identify 72 families where children were placed in immediate danger as a result of violence in their homes.
4. Decrease time to case dispositions from averages of over 120 days to 90 days thus saving days awaiting trial in Brunswick County Jail and Court time for Officers and Witnesses.
5. Formally train 50 Officers and 911 Operators in Best Practices in the area of Domestic Violence which is one of their most dangerous calls.
6. Work with community resources in educating and assisting victims to break the cycle and decrease re-offenses.

The District Attorney requested approval of a letter of support to accompany the application for the Domestic Violence Prevention Grant through the Governor’s Crime Commission. As in the previous grant the requirements include a 25% cash and in-kind county match. The budget has been reworked for this grant and if the grant is awarded, the county match will decrease from a little over \$54,000.00 to \$32,000 in an effort to reduce the county portion by 41%.

Commissioner Phillips moved to approve the letter of approval and the Domestic Violence prevention Grant Application through the Governor’s Crime Commission. The vote of approval was unanimous.

VII. ADMINISTRATIVE REPORT

1. Operation Services-Brunswick Community College Land Clearing for Proposed Baseball Field and Tennis Courts (Stephanie Lewis)

Staff recommends approving Site Clearing Work at Brunswick Community College for Baseball Field and Tennis Courts.

Stephanie Lewis, Operation Services Director, explained that the Operation Services Department has received a request from Brunswick Community College for clearing the land for a proposed baseball field and tennis courts. The job would consist of clearing the land, removal of debris, site grading and laying out the ball field and tennis courts. All plans, surveys or permits to clear the land will be provided by Brunswick Community College. This site is approximately 6 or 7 acres for the baseball field and 1.7 acres for the tennis courts with an estimated completion time of approximately 2½ months.

Estimated costs for the baseball field:

Grinding Costs	\$22,500
Tipping Fees	\$3,000
Equipment Cost	\$32,140
Labor	\$27,175
Material	\$1,125
Total	\$85,940

Estimated costs for the tennis courts:

Grinding Costs	\$6,500
Equipment Cost	\$9,106
Labor	\$7,700
Total	\$23,306

The combined total costs for clearing the land for Brunswick Community College's proposed baseball field and tennis courts is \$109,246. Ms. Lewis indicated that there could be a savings of approximately \$20,000 if the debris material could be burned instead of hauled.

Vice-Chairman Norris moved to approve the Site Clearing at Brunswick Community College for a baseball field and tennis court and directed staff to burn the debris. The vote of approval was unanimous.

2. Planning-Cape Fear Skyway Resolution (Leslie Bell)

Staff recommends to Approve Resolution in Support of Brunswick County's Proposed Northern Alignment Alternative Exhibit A for the Cape Fear Skyway Bridge in the Unincorporated Area of Brunswick County and filing a Transportation Corridor Official Map to preserve a future corridor for the Cape Fear Skyway Bridge.

Leslie Bell, Planning Director, explained that in October 2009 the North Carolina Turnpike Authority presented its proposed preliminary alternatives and study area for the Cape Fear Skyway (STIP Project #U-4738) at a public meeting held in Wilmington City Hall. The proposed project is described as one that extends east from US Hwy. 17 at the proposed I-140 (Wilmington Bypass) interchange, across the Cape Fear River, and to Independence Boulevard at US Hwy. 421 in New Hanover County.

Subsequent to this presentation, Brunswick County with support from some local developers, presented a Proposed Northern Alignment Alternative that was the most preferred among the alternative alignments presented by the NC Turnpike Authority. Brunswick County's Proposed Northern Alignment Alternative traverses both the unincorporated area of Brunswick County and land within the planning and zoning jurisdiction in the Town of Leland. At this time, this Resolution includes support for Brunswick County's Proposed Northern Alignment Alternative in the unincorporated area of Brunswick County only. A workshop with the Town of Leland and NC Department of Transportation/NC Turnpike Authority has been scheduled for Friday January 22, 2010 to address concerns/questions posed by the Town as the Town to date has not officially supported any of the alternatives proposed by the NC Turnpike Authority or Brunswick County's Proposed Northern Alignment Alternative.

Additionally, House Bill 881 (effective July 1, 2009) changes the funding formula for cities regarding appropriations for municipal streets, to include cities and counties in transportation corridor mapping. Moreover, NCGS 136-44.50 provides for a method by which a governing board of any county may adopt or amend a transportation corridor official map for any portion of the existing or proposed State highway system. The NC Turnpike Authority is seeking support from all jurisdictions involved in this project. Additionally, the City of Wilmington is interested in purchasing land in and around Independence Boulevard and Carolina Beach Road for the purpose of this project; however, is first seeking Brunswick County's support by this Resolution of the Cape Fear Skyway Bridge.

The Resolution states that the Brunswick County Board of Commissioners not only support the Proposed Northern Alignment Alternative for the Cape Fear Skyway in the unincorporated area of Brunswick County but also supports utilizing NCGS 136-44.50 to preserve (not purchase) a corridor for the Cape Fear Skyway Bridge.

Vice-Chairman Norris moved to approve the Resolution Supporting the Cape Fear Skyway's Northern Alignment and Supporting Brunswick County Filing a Transportation Corridor Official Map to Preserve a Future Corridor for the Cape Fear Skyway. The vote of approval was unanimous.

RESOLUTION SUPPORTING THE CAPE FEAR SKYWAY'S NORTHERN ALIGNMENT AND SUPPORTING BRUNSWICK COUNTY FILING A TRANSPORTATION CORRIDOR OFFICIAL MAP TO PRESERVE A FUTURE CORRIDOR FOR THE CAPE FEAR SKYWAY

WHEREAS, the Cape Fear Skyway is a proposed 9.5mile facility crossing the Cape Fear River that will provide a future connection from in the vicinity of US 17/I-140 in Brunswick County to US 421 in New Hanover County; and

WHEREAS, the proposed Cape Fear Skyway is a regional transportation project that will provide increased benefits to the community that include: additional access to the Port for commercial deployments, direct access to the west side of the Cape Fear River; reduction of future traffic demand on the Cape Fear Memorial Bridge, allow for uninterrupted travel across the Cape Fear River, allow for emergency response vehicles to travel across the Cape Fear River without the possibility of delay, decrease evacuation times during natural disasters, improve access to the Military Ocean Terminal at Sunny Point and provide for improved access to the Port facilities for military deployments; and

WHEREAS, the North Carolina Turnpike Authority is working to prepare the environmental documents and study alternatives and has developed a proposed northern alignment that would terminate at I-140 in Brunswick County; and

WHEREAS, per North Carolina General Statute 136-44.50, municipalities and counties have the authority to file Transportation Corridor Official Maps to preserve corridors from encroaching developments; and

WHEREAS, due to the possibility of encroaching developments within the potential northern alignment of the proposed Cape Fear Skyway, the Brunswick County Board of Commissioners support utilizing North Carolina General Statute 136-44.50 to preserve its proposed Northern Alignment Alternative Exhibit A for the Cape Fear Skyway in the unincorporated area of Brunswick County.

NOW THEREFORE, be it resolved that the Brunswick County Board of Commissioners support its proposed Northern Alignment Alternative Exhibit A for the Cape Fear Skyway in the unincorporated area of Brunswick County.

NOW THEREFORE ALSO, be it resolved that the Brunswick County Board of Commissioners support filing a Transportation Corridor Official Map to preserve its proposed Northern Alignment Alternative Exhibit A as a future corridor for the Cape Fear Skyway in the unincorporated area of Brunswick County.

This is the 19th day of January 2010.

s/William M. Sue, Chairman

Brunswick County Board of Commissioners

ATTEST:

s/Deborah Gore, CMC. Clerk to the Board

3. Resolution – VA Clinic (Marty Lawing)

Staff recommends to Adopt Resolution Supporting Conversion of Brunswick Community Hospital to a Veterans Affairs Outpatient Clinic.

Marty Lawing, County Manager, explained that in late 2009, U.S. Veterans Affairs Administration announced a new 100,000 square foot Outpatient Veterans Clinic to be located at the Wilmington International Airport. The project budget is reported to be \$95 million. Veterans Affairs Officials have stated that with the construction of the new VA facility in Wilmington that

it would be very difficult to justify opening a medical clinic for veterans in Brunswick County. The Resolution urges the US House and Senate and Veterans Affairs to evaluate the feasibility of utilizing the Brunswick Community Hospital facility as a lower cost option to serve the veterans of southeastern North Carolina and northeastern South Carolina.

There was discussion regarding approving this Resolutions an addendum to the previously approved Resolution Supporting a Veteran's Care Facility in Brunswick County rather than a separate Resolution.

Commissioner Warren moved to Approve this Resolution as an Addendum to the October 5, 2009 Veterans Facility Resolution. The vote of approval was unanimous.

**RESOLUTION IN SUPPORT OF CONVERTING THE BRUNSWICK COMMUNITY HOSPITAL
TO A VETERAN'S AFFAIRS CLINIC AS A LONG TERM COST EFFECTIVE OPTION TO
MEET THE MEDICAL NEEDS OF AREA VETERANS**

WHEREAS, Brunswick County is one of the fastest growing counties in America and the veteran population has increased significantly over the last decade reaching an estimated 12,656 today; and
WHEREAS, there is a significant need for an additional Veterans Affairs Clinic or Medical Center in southeastern North Carolina to serve the medical needs of over 77,000 veterans; and
WHEREAS, the Brunswick Community Hospital, currently operated by Novant will be vacated in 2011 when the new Novant Hospital is opened for operation; and
WHEREAS, the Brunswick Community Hospital is a full-service facility that includes approximately 111,096 square feet and 60 beds and is centrally located in Brunswick County on US Highway 17 near the intersection of NC Highway 211 and is accessible to all areas of southeastern North Carolina and northeastern South Carolina and is currently served by all of the necessary utilities and infrastructure; and
WHEREAS, the County Commissioners are willing to negotiate a competitive lease or sale arrangement for the property to be used for a Veterans Affairs medical facility and the renovation costs associated with the facility would pale in comparison to the proposed costs of leasing the site and constructing a new facility in New Hanover County; and
WHEREAS, the 100,000 square foot facility proposed for the Wilmington super clinic has an exorbitant project construction budget of \$95 million and an unfavorable recurring annual site lease of over \$200,000 per year; and
WHEREAS, federal dollars should be spent as strategically as possible to provide the best possible facilities and care to area veterans at the lowest cost; and
WHEREAS, the preliminary project information provided does not appear to meet the test of cost effective capital facilities planning and frugal utilization of federal dollars and it appears that there is at least one viable lower cost option in Brunswick County that has not been equitably evaluated.
NOW, THEREFORE BE IT RESOLVED, that the Brunswick County Board of Commissioners do hereby respectfully request that United States Senate, House of Representatives and the Veterans Affairs Officials evaluate the feasibility and potential for converting the Brunswick Community Hospital in Supply, North Carolina for use as a Veterans Affairs Outpatient Clinic as a more cost effective capital and operating cost option to provide high quality medical services to area veterans who deserve a convenient facility.

Adopted this the 19th day of January, 2010.

s/William M. Sue, Chairman
Brunswick County Commissioners
Attest:
s/Deborah S. (Debby) Gore, CMC
Clerk to the Board

4. **Finance-Unaudited Financial Report Ending December 31, 2009. (Ann Hardy)**
Staff recommends to receive December 31, 2009 Financial Report as presented.

Ann Hardy, Fiscal Operations Director, reviewed the Financial Reports for Period Ending December 31, 2009 as information.

General Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual for the General Fund for the period ended 12/31/09 on the cash basis with comparative actual amounts for the period ended 12/31/08.

Total revenues for the General Fund at 12/31/09 are \$84.3 million compared to \$86.3 million at 12/31/08 for a decrease of (\$2.0) million or (2.3%). Total revenues collected are currently 57.7% of the amended budget for the fiscal year.

Total expenditures for the General Fund at 12/31/09 are \$69.8 million compared to \$74.1 million at 12/31/08 for a decrease of (\$4.3) million or (5.8%). Total expenditures are currently 45.6% of the amended budget for the fiscal year.

Net other financing sources and transfers to reserve funds of (\$0.5) million are reported. Revenues and other financing sources are greater than expenditures and other financing uses by \$14.0 million at 12/31/09 as compared to \$10.1 million at 12/31/08. The overall result for the second quarter of FY 10 is an improvement of \$3.9 million or 39.0% as compared to the second quarter of FY 09. The improvement is due to reductions in expenditures greater than reductions in revenues and reductions in transfers to reserve funds for projects.

Water Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual and changes in fund balance for the Water Fund for the period ended 12/31/09 on the cash basis with comparative actual amounts for the period ended 12/31/08.

Total revenues for the Water Fund at 12/31/09 are \$9.9 million compared to \$11.3 million at 12/31/08 for a decrease of (\$1.3) million or (11.6%). Total revenues collected are currently 55.9 % of the amended budget for the fiscal year.

Total expenditures for the Water Fund at 12/31/09 are \$6.0 million compared to \$6.3 million at 12/31/08 for a decrease of (\$0.3) million or (4.8%). Total expenditures are currently 38.5% of the amended budget for the fiscal year.

Net transfers to the Water Capital Reserve for Water Capital Projects of (\$2.8) million are reported. Revenues and other financing sources are greater than expenditures and other financing uses by \$1.1 million as of 12/31/09 as compared to (\$1.2) million at 12/31/08. The overall result for the second quarter of FY 10 is an increase of \$2.3 million or 209.1% as compared to the second quarter of FY 09. The increase is mainly due to the decrease in the transfers to capital projects with offsetting declines in revenues for retail, wholesale and industrial mainly due to the PPI rate decrease, taps/connections, transmission, capital recovery fees and investment revenues.

Wastewater Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual for the Wastewater Fund for the period ended 12/31/09 on the cash basis with comparative actual amounts for the period ended 12/31/08.

Total revenues for the Wastewater Fund at 12/31/09 are \$4.8 million compared to \$5.2 million at 12/31/08 for a decrease of (\$0.4) million or (7.7%). Total revenues are currently 38.5% of the amended budget for the fiscal year.

Total expenditures for the Wastewater Fund at 12/31/09 were \$4.1 million compared to \$3.9 million at 12/31/08 for an increase of \$0.2 million or 5.1%. Total expenditures are currently 29.8 % of the amended budget for the fiscal year.

Net transfers to the Wastewater Fund from the Wastewater Capital Reserve and Wastewater Capital Projects of \$1.0 million are reported. The transfers were to replenish the operating fund from debt proceeds received for capital projects. The project advances were for the Sunset and Calabash collection systems. Revenues and other financing sources are greater than expenditures and other financing uses by \$1.7 million as of 12/31/09 as compared to \$1.7 million at 12/31/08. The overall result for the second quarter of FY 10 is the same as compared to the second quarter of FY 09.

Key Indicators of Revenues and Expenditures

Presented on the Brunswick County Government website are charts with actual history, current month actual amounts and annual budget information for major revenues and expenditures in both the enterprise and general funds.

Cash and Investments

A Summary of Cash and Investments is presented on the Brunswick County Government website as of 12/31/09 reports that the County had \$142.3 million of unrestricted cash and investments in all funds including those accruing for outside agencies that the county performs collections plus \$20.0 million of capital project restricted cash from debt proceeds. All cash and investments are earning an average yield of 0.58%. The total of cash balances per fund as of 12/31/09 was \$72.2 million General Fund, \$9.8 million County Capital Reserve Fund, \$18.7 million in the Water Fund, \$2.2 million in the Wastewater Fund and \$3.6 million in the Wastewater Capital Reserve Fund.

Capital Reserve Funds

A report of the budget and actual amounts for all capital reserve reports is presented on the Brunswick County Government website.

Grants and Capital Project Funds

A report of all grant and capital project funds as of is presented on the Brunswick County Government website.

The various unaudited and interim financial reports were presented for information and no action was taken.

5. Operation Services-Countywide Recycling Work Session (Stephanie Lewis)

Staff recommends discussing Countywide Curbside Recycling Options and provides direction to staff.

Stephanie Lewis, Operation Services Director, explained that Brunswick County surveyed random residents concerning recycling in 1999. There were 2,619 responses received indicating that 48% of those surveyed currently recycled, 68% would recycle if curbside recycling was provided at no cost, and 32% would pay a small monthly fee for curbside recycling. At that time there were recycling containers at the four convenient sites and everything had to be separated by

the customer. At this point, the County cost compared additional recycling drop off sites to curbside recycling. A proposal was received from Waste Industries to add curbside recycling to the existing contract for \$1.97 per residence. The County opted to add recycling drop off locations to County parks, due to the cost effectiveness and easy implementation. In FY 2000/2001 drop off recycling sites were added to eight (8) parks, the County installed concrete pads and Waste Industries provided transportation/disposal services in exchange for the revenue from recycling materials. A copy of a new proposal from Waste Industries was handed out

Between 2001 and 2008, two additional sites were added at the county landfill and at the complex, additionally, recycling programs were started in all County schools. In 2008 another survey was completed in which 2,843 responses were received. In the 2008 survey 66% of those surveyed were currently recycling (an 18% increase from 1999), 97% would recycle if curbside recycling was provided at no cost (a 29% increase from 1999), and 73% would pay a small monthly fee for curbside recycling (a 41% increase from 1999). This 1999 survey was a random mailing, while the 2008 survey was completed on-line and may have been completed by those wishing for a recycling program. However, there is evidence that recycling is increasing in Brunswick County as tonnages have increased 215% from FY 2006 to FY 2009.

There was discussion indicating that recycling is justified environmentally but at this time does not seem to be financially feasible.

It was consensus of the Board to direct staff to seek other proposals and options and come back at a later date with recommendations.

**6. Administration-Change Order #2 to the Contract of Weaver Company, Inc. for the Ocean Isle Beach Park – Phase I (Marty Lawing)
(Added Under Adjustments to the Agenda)**

Marty Lawing, County Manager, explained that the Weaver Company, Inc. is the Contractor for the Ocean Isle Beach Park Phase I Project. In November 2009 the County staff began to receive complaints from subcontractors of Weaver Company regarding nonpayment for work performed. A very high percentage of the construction work had been completed at that point and the county decided not to make further payments to Weaver until the matter was resolved. It soon became obvious that the matter would not be corrected by Weaver so the project engineers and county staff decided to request a change order to deduct funds from the project for contingency allowances and for components of the project that had not been started such as the sanitary sewer installation. Weaver Company agreed to the change order request which resulted in a total contract decrease of \$282,362.24 reducing the original contract sum of \$2,187,088.12 to \$1,904,725.88.

Staff recommends that the contract be terminated with the Weaver Company, Inc. and work with the surety company to complete the project as designed and contracted. The total funding appropriated for this project by project ordinance is \$3,145,850.00 and the total amount paid to Weaver to date is \$1,311,981.32. Total project expenditures to date are \$2,432,220.97 leaving a balance in the project of \$713,629.03. Mr. Lawing indicated that there will be subsequent steps that will be required that will be discussed by the Attorney later in Closed Session but the first step will be approval of this Change Order.

Vice-Chairman Norris moved to approve Change Order #2 to the Contract of Weaver Company, Inc. for the Ocean Isle Beach Park-Phase I. The vote of approval was unanimous.

VIII. COUNTY ATTORNEY'S REPORT

1. **Closed Session**

Vice-Chairman Norris moved to enter Closed Session at 8:30 p.m. pursuant to NCGS 143-318.11 (a) (3), (a) (4) and (a) (6) to consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, to discuss matters relating to the location or expansion of business in the area served by this body and to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. The vote of approval was unanimous.

The Chairman called a ten-minute break.

Reconvened

Chairman Sue called the Open Session back to order at 9:47 p.m. and announced that no action was taken in Closed Session.

Vice-Chairman Norris moved to approve condemnation of four parcels totaling \$57,100 in Sunset Beach, Sea Trail property, Island Investments and David Byrne property. The vote of approval was unanimous.

Commissioner Warren moved to authorize the Assistant County Attorney to send Notice of a Letter of Intent to Terminate the Contract of Michael Weaver of Weaver Construction Co., Inc. and to all necessary parties in relation to the Ocean Isle Beach Park, Phase I contract that has not been completed in a timely manner and to approve a Resolution that would allow the County to employ another company to complete the work needed to open the Park. The vote of approval was unanimous.

RESOLUTION OF COUNTY OF BRUNSWICK

WHEREAS, the County of Brunswick, a body politic and political subdivision of the State of North Carolina, and Weaver Co., Inc., a corporation duly organized and existing under the laws of the State of South Carolina, entered into a contract effective March 17, 2009, for the construction of a public park to be located at Ocean Isle Beach, Brunswick County North Carolina;

WHEREAS, Weaver Co., Inc. as Principal and Safeco Insurance Company of America as Surety filed with the County of Brunswick, a performance bond in the amount of \$2,187,088.16, binding themselves jointly and severally to the County of Brunswick for performance of the Construction Contract; and

WHEREAS, the County of Brunswick on January 19, 2010, declared Weaver Co., Inc. in default of its obligations and gave notice of such default to said Weaver Co., Inc. and to Safeco Insurance Company of America, as Surety.

NOW, THEREFORE, BE IT RESOLVED, that based on the foregoing, the Brunswick County Board of Commissioners finds that the contractual obligations have not been met and hereby calls upon Safeco Insurance Company of America to perform the Construction Contract.

BE IT ADDITIONALLY RESOLVED that this Resolution shall be forwarded to Safeco Insurance Company of America and that the County of Brunswick shall proceed with all actions necessary to enforce the County of Brunswick's rights as to Bond No. 6599898.

Adopted this the 19th day of January, 2010.

s/William M. Sue, Chairman

ATTEST:

s/Margie Stephenson, CMC
Deputy Clerk

Commissioner Phillips moved to authorize staff to negotiate and enter a Contract with Countywide Community Development Corporation for the purpose of pursuing Low Income Housing Tax Credit financing from the North Carolina Housing Finance Agency and the associated budget amendment (This alternative will shift Mr. Ben Quattlebaum's employment to the Countywide CDC), and approve the Contract that will be disclosed after review of the County Attorney and response from the opposite party. The vote of approval was unanimous.

In June 2009, the Brunswick County Board of Commissioners approved a PSA 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, 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 initial agreement with Mr. Quattlebaum expired on December 31, 2009. The budget amendment provides the sum of \$5,000 per month to CDC for the services outline below for the period of January 1, 2010 thru December 31, 2010. On January 4, 2010 the CDC was provided \$5,500 for the Tax Credit Application fee. Additionally, the PSA submitted scopes the following tasks:

- Proposal to Develop NC State Tax Credit Multi-family and Citizens Affordable Rental Housing in Brunswick County
- Provide Administrative Oversight (for Countywide CDC) of NC Dept. of Commerce Capacity Building Grant
- Assist Countywide Community Development Corporation with Organizational Capacity Building

The budget amendments below are to transfer \$60,000 of the \$96,600 held in the County Capital Reserve Fund for Affordable Housing Programs to the General Fund for appropriation in the Community Development Department professional fees.

General Fund-Community Development

Revenues:

Transfer from County Capital Reserve Fund	109800-398226	\$60,000
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Expenditures

Professional Services	104907-419900	\$60,000
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County Capital Reserve

Transfer to General Fund	269800-498010	\$60,000
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Affordable Housing Programs	269800-464312	\$(60,000)
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IX. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

X. ADJOURNMENT

Commissioner Cooke moved to adjourn the Regular Meeting at 9:50 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board