

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
APRIL 5, 2010  
6:00 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:00 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  
                                  Ann Hardy, Fiscal Operations Director

Lt. Mark Trull

**I. CALL TO ORDER**

Chairman Sue called the meeting to order at 6:00 p.m. Commissioner Cooke moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) (4) and (5) to consult with the Attorney, 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 beyond Graywater Road. (Attached to these Minutes is an item called Board Action containing all items on this agenda and those items are incorporated herein.)

Chairman Sue called the Open Session back to order at 6:35 p.m. and announced that the action taken in Closed Session will be disclosed after a response from the opposing party.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Cooke gave the Invocation and led the Pledge of Allegiance remembering the family and friends of Steve Harkey in their time of sadness from the loss of a dedicated county employee who was loyal to his family, friends and his service to the county.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

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

1. Commissioner Warren requested to remove Item V-E, a Resolution to Increase Membership on the Brunswick County Economic Development Commission, to the Administrative Report as Item 9.

Chairman Sue 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. William Hickman, Marine Fisheries Advisory Board Chairman, informed that in regards to the proposed dock site to be located near the new Oak Island Bridge, a group of commercial fishermen met and decided to organize as a co-op that would include a Chairman, Secretary, Treasurer and 3 board members and that they are ready to proceed with acquisition of land under direction from the Board of Commissioners. Mr. Hickman indicated that efforts are under way to become a non-profit organization and asked for assistance and guidance with this endeavor as to seek funds for land acquisition.

Commissioner Phillips asked if any specific details were discussed and Mr. Hickman answered that the group had discussed an 80 foot wide entrance, 36-40 feet concrete pilings, unanimously voted to have a fish house, one delivery truck, a 5,000 gallon fuel tank and a solid bulkhead instead of private boat slips. Mr. Hickman stated that he would provide a copy of the minutes from this meeting upon their completion.

2. Claire Hankins, asked that the Board set aside money to help those with low incomes who want to send their children to the summer program offered by Communities In Schools (CIS) in association with the Parks and Recreation department that cost \$100 per week. Ms. Hankins stated that the Boys and Girls Club in Southport has a summer program that costs \$300 for the whole summer and asked for support to make it affordable. Jim Pryor, Parks and Recreation Director informed that CIS sets the fee for the summer program and Vice-Chairman Norris, CIS Board member, stated that he would inquire about this at the next CIS meeting.

#### **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. **March 15, 2010 Regular Meeting Minutes**
2. **March 31, 2010 Agenda Meeting Minutes**

B. **Tax**

C. **Finance**

**Health Fund:**

**Revenues:**

State Revenues	135110-332000	\$20,000
State Revenues	135124-332000	\$4,500

State Revenues	135125-332000	\$7,500
State Revenues	135163-332000	\$6,000
State Revenues	135164-332000	\$6,000
State Revenues	135173-332000	\$1,855
State Revenues	135164-332000	\$6,772
State Revenues	135182-332000	<u>\$13,822</u>
Total		\$66,449

**Expenditures:**

Drugs	135110-423800	\$20,000
Contracted Service	135124-439900	\$4,500
Contracted Service	135125-439900	\$7,500
Contracted Service	135163-439900	\$6,000
Contracted Service	135164-439900	\$6,000
Supplies	135173-426000	\$1,855
Professional Services - Accounting	135164-419100	\$772
Drugs	135164-423800	\$5,000
Training Expense	135164-439500	\$1,000
Salary & Wages Cell Phone Stipend	135182-412205	\$2,500
Supplies & Materials	135182-426000	\$10,737
Travel – Mileage	135182-431100	\$550
Dues	135182-449100	<u>\$35</u>
Total		\$66,449

The above budget amendment is to appropriate additional State Revenue in the Health Department program budgets for program operating expenditures.

**Health Fund:**

**Revenues:**

Clinic Fees	135164-335006	\$3,980
Local Fees	135172-335005	\$482
Clinic Fees	135163-335006	<u>\$1,575</u>
Total		\$6,037

**Expenditures:**

Contracted Services	135164-439900	\$3,980
Supplies	135172-426000	\$482

Contracted Services	135163-439900	<u>\$1,575</u>
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Total		\$6,037
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The above budget amendment is to appropriate fees earned by the Health Department programs for operating expenditures.

**Health Fund:**

**Expenditures:**

Capital Outlay - Vehicles	135100-454000	\$(6,573)
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Difference IRS Mileage Rate & Actual Vehicle Expenditure	135100-435302	\$(6,427)
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Capital Outlay – Improvements	134380-459000	<u>\$13,000</u>
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Total		\$0
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The above budget transfer is to appropriate vehicle escrow funds accumulated from the difference between the IRS rate that is billed to programs and the actual cost of county maintained vehicles for the installation of additional isolation pens for animal control.

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

**Revenues:**

Donations	104310-383303	\$4,625
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**Expenditures:**

Minor Operating Equipment	104310-426100	\$4,625
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The above budget amendments are to appropriate donation funds for the purchase of minor operating equipment related to the substation.

**General Fund-Emergency Management:**

**Revenues:**

Volunteer Center Miscellaneous Revenue	104330-383907	\$500
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**Expenditures:**

Volunteer Center Expense	104330-449942	\$500
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The above budget amendment is to appropriate grant funds made available from MACRO International and will be used in accordance with the grant supplement events/programs at Brunswick County High Schools to educate and prevent underage drinking during the upcoming prom and graduation season.

**General Fund-Soil and Water:**

**Revenues:**

Other Permits and Fees	104960-383300	\$1,133
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**Expenditures:**

Miscellaneous Expenditures	104960-449900	\$1,133
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The above budget amendment is to appropriate funds made available from Farm Bureau for soil and water education programs.

**County Capital Reserve Fund:**

Expenditures:

Stormwater Ordinance Enforcement	269800-464297	\$(682,274)
Transfer to the General Fund	269800-498010	<u>\$682,274</u>
Total		\$0

**General Fund:**

Revenues:

Transfer from County Capital Reserve	109800-398226	\$682,274
Fund Balance Appropriated	100000-399100	<u>\$(682,274)</u>
Total		\$0

The above budget amendments are to transfer stormwater funds that accumulated from prior year surpluses and were transferred to the capital reserve fund back to the general fund. All funds held in the capital reserve are required to be held for capital projects. The funds are recommended to be designated for stormwater purposes in the general fund balance.

**General Fund-BSRI:**

Expenditures:

Contingency	109910--499100	(\$1,330)
Brunswick Senior Resources Donation	105899-465152	\$1,330

The above budget amendment is to appropriate contingency funds for BSRI ADT services at the Brunswick Center at Southport.

**Wastewater Fund:**

Revenues:

Wastewater –Retail	627330-371405	\$34,000
Bond		<u>\$50,000</u>
Total		\$84,000

Expenditures:

Salaries & Wages	627330-412990	\$13,008
Employee Benefits	627330-418900	\$4,537
Operating Equip 500-4,999	627330-426200	\$7,500
Travel Mileage	627330-431100	\$150

R&M Equipment	627330-435200	\$15,000
R&M Instrument	627330-435203	\$5,000
Contracted Services	627330-439900	\$36,805
Service & Maintenance	627330-444000	<u>\$2,000</u>
Total		\$84,000

The above budget amendment is appropriate revenue from the bond forfeiture and retail sewer fees for the Bricklanding Wastewater Operating budget.

**Water Capital Project Fund:**

Revenues:

Transfer from Water Capital Reserve	418245-398663	\$(13,010)
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Expenditures:

Engineering	418245-464001	\$(10,981)
Construction	418245-464002	<u>\$(2,029)</u>
Total		\$(13,010)

**Water Capital Reserve Fund:**

Expenditures:

Transfer to Water Capital Project	639800-498041	\$(13,010)
Miscellaneous Water Projects	639800-464235	<u>\$13,010</u>
Total		\$0

The above budget amendment is to close the 2006 Subdivision capital project and restore the balance remaining of \$13,010 to the Water Capital Reserve.

**County of Brunswick, North Carolina  
2006 Subdivision Petition Project 418245**

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 Water Capital Projects Fund for the 2006 Subdivision Petition Project:

**Water Capital Project Fund:**

Revenues:

Transfer from Water Capital Reserve	\$2,099,036
<b>Total Water Capital Project Fund Revenues</b>	<b>\$2,099,036</b>

Expenditures:

Engineering	\$108,789
Construction	\$1,990,247
<b>Total Water Capital Project Fund Expenditures</b>	<b>\$2,099,036</b>

Section 2. The following amounts are hereby appropriated in the Brunswick County Water Capital Reserve Fund:

Contributions to the Capital Project	<b>\$2,099,036</b>
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Section 3. It is estimated that the following revenues will be available in the Brunswick County Water Capital Reserve Fund:

Current Funds Appropriated	<b>\$2,099,036</b>
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Section 4. This Capital Project Ordinance shall be entered into the minutes of the April 5, 2010 meeting of the Brunswick County Board of Commissioners.

The above budget amendments and capital project ordinances are to close the 2006 subdivision petition project in the water capital projects fund.

- D. **Public Housing – Brunswick County Public Housing Agency’s 5 Year Annual Plan**  
Staff requests approval of the Brunswick County Public Housing Agency’s 5 Year Annual Plan as presented.
- E. **Resolution to Increase Membership on the Brunswick County Economic Development Commission (Moved to Administrative Report as Item #9 under Adjustments to the Agenda)**
- F. **Road Petition – Proposed Addition of Bonaventure Street, Emerillon Court, Princesa Court and Endeavor Way within the Sunset Ridge Subdivision**  
Staff requests approval for the addition to the State System of Highways.
- G. **Health Department – Smoking Violation Penalty**  
Staff requests approval to schedule a Public Hearing for April 19, 2010 to receive public input regarding the Smoking Violation Penalty.
- H. **JCPC – Department of Juvenile Justice and Delinquency Prevention JCPC Program Agreement Revisions**  
Staff requests to approve transfer of funds from the Brunswick County Juvenile Crime Prevention Council Administration to other programs as presented.
- I. **2010 - Year of Community Living for People with disABILITIES Proclamation**  
Staff requests to approve Proclamation declaring 2010 as the Year of Community Living for People with disABILITIES.
- J. **Planning – Urgent Repair Program 2010 Post Approval Documentation and Policies (Louise McGarva)**

Staff requests to approve the 2010 Urgent Repair Program Post-Approval Documentation and Policies and the Associated FY 2009-2010 Budget Amendment.

- K. **Planning – U.S.D.A. Housing Preservation Grant (HPG) Rehabilitation Contracts (Louise McGarva)**  
Staff requests to award USDA Housing Preservation Grant Rehabilitation Contracts totaling \$7,182.13 as presented.
- L. **Planning – 2009 Urgent Repair Program (URP09) Contracts (Louise McGarva)**  
Staff requests to award Five (5) 2009 Urgent Repair Program Contracts totaling \$14,880 as requested.
- M. **Proposed Amendment to Use of County Property Ordinance**

## VI. PRESENTATION

- 1. **Years of Service Award to Jane Gilbert (Leslie Bell)**  
(Ms. Gilbert was unable to attend the meeting)
- 2. **Brunswick County Community Child Protection Team 2009 Report/Board Membership Approval and Proclaim April as Child Abuse Prevention Month (Alyson Nowicki)**

Alyson Nowicki, Carousel Center Social Worker and Brunswick County Community Child Protection Team Chairman presented the 2009 Report and asked for approval to appoint the month of April as Child Abuse Prevention Month in Brunswick County. Ms. Nowicki also asked the Board to review and approve the Community Child Protection Team Membership roster and asked for increased participation and funding for unmet mental health needs in the community and child abuse prevention. Ms. Nowicki asked for support of the Brunswick Resource Coalition and for help in providing quality providers for these families and the possibility of using drug seizure money from the Sheriff's Department and local police departments be allocated to support substance abuse prevention programs and teen pregnancy prevention programs within the community and support of a local facility that would provide acute mental health hospitalization for children and adults. Ms. Nowicki also asked the Board for use of their discretionary funds to also support these programs.

Vice-Chairman Norris moved to approve Proclaiming April as Child Abuse Prevention Month. The vote of approval was unanimous.

### CHILD ABUSE PREVENTION MONTH PROCLAMATION

In 2005-2006, 166 children experienced substantiated maltreatment in Brunswick County. In addition to these youth, 227 Brunswick County children were at-risk and found in need of services.

**Whereas**, preventing child abuse and neglect is a community problem affecting both the current and future quality of life of Brunswick County;

**Whereas**, child maltreatment occurs when people find themselves in stressful situations, without community resources, and do not know how to cope;

**Whereas**, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community.

**Whereas**, child abuse and neglect can be prevented by making sure each family has the support they need to raise their children in a healthy environment;

**Whereas**, child abuse and neglect not only causes immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risky behavior such as smoking:

**Whereas**, all citizens should become involved in supporting families to provide safe, nurturing environments for their children giving them the opportunity to grow up to be caring, contributing members of the community;

**Whereas**, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

**Now therefore, the Brunswick County Commissioners** hereby proclaim April as Child Abuse Prevention Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening Brunswick County.  
This is the 5<sup>th</sup> day of April, 2010.

s/William M. Sue, Chairman  
Brunswick County Commissioners

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

Commissioner Warren indicated that he had received information from Southeastern Mental Health that they will meet soon to discuss placing two crisis units in Brunswick County.

Vice-Chairman Norris asked staff for recommendations to Ms. Nowicki's request and the Clerk was directed to have approval of the Community Child Protection Team roster on the next agenda.

**3. Lower Cape Fear Hospice (Lauren Bystrom)**

Lauren Bystrom, CEO Lower Cape Fear Hospice thanked the Board for continued support and requested \$250,000 to help build a 7 bed Hospice Care facility on Old Ocean Highway that will create jobs for construction and medical workers. Ms. Bystrom indicated that their request was flexible and could be done over a period of years with help to obtain grants, waiving fees or support with water and sewer for the facility or any other means that could be offered. Chairman Sue informed that this request would be discussed during the upcoming Budget Retreat.

**4. Coastal Horizons Center-April 2010 Sexual Assault Awareness Month Proclamation (Deanna Stoker)**

Deanna Stoker and other staff members informed of a new facility on Highway 17 near Ocean City Chevrolet that would be opening soon and asked the Board for continued support and approval to Proclaim April as Sexual Assault Awareness Month.

Commissioner Warren moved to approve the Proclamation. The vote of approval was unanimous.

**2010 SAAM Proclamation**

**WHEREAS**, sexual violence touches the lives of all Brunswick County citizens, whether as a victim or as a family member, significant other, neighbor, friend, or co-worker of a survivor; and

**WHEREAS**, Rape Crisis Center staff and DEDICATED volunteers served more than 70 new sexual violence victims and loved ones in the past year providing free and confidential support, advocacy and counseling 24 hours a day, 7 days a week and 365 days a year and

**WHEREAS**, it is critical to EDUCATE citizens regarding the prominent incidence of sexual violence, increase Brunswick County's awareness of sexual assault and INSPIRE greater action to reduce sexual violence, and to ENHANCE cooperation between agencies that serve rape victims; and

**NOW, THEREFORE, BE IT PROCLAIMED** by the Brunswick County Board of Commissioners that the month of April 2010 be recognized as "Sexual Assault Awareness Month" in Brunswick County; and

**BE IT FURTHER PROCLAIMED** that the Board of Commissioners pledge themselves and asks our citizens, professional and volunteer, to TAKE ACTION NOW to assist Rape Crisis Center's UNTIRING efforts to eliminate sexual violence from our families, our neighborhoods, and our community. **ADOPTED** this 5<sup>th</sup> day of April, 2010.

s/William M. Sue, Chairman  
Brunswick County Commissioners

ATTEST:

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

**5. Wilmington Urban Area Metropolitan Planning Organization (Mike Kozlosky)**

Mike Kozlosky, Executive Director, Wilmington MPO introduced Mr. Donald Seller, a member of the Citizens Advisory Committee who reviewed the Draft Cape Fear Commutes 2035 Transportation Plan informing that the plan looks 25 years into the future and addresses a broad spectrum of transportation elements throughout the entire Cape Fear Region. The development of the Draft Cape Fear Commutes 2035 Transportation Plan has included extensive public participation with over 3,200 survey responses received. Open Houses have been held also. The plan looks at the relationship between population growth and the transportation network and at impacts to quality of life, health and the environment.

**VII. PUBLIC HEARING**

**1. 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. Proposed Animal Control Ordinance Amendments (Huey Marshall)**

The Brunswick County Animal Control Ordinance was re-written in December 2004. Several issues have demonstrated that minor changes to the Animal Control Ordinance would improve the effectiveness and administrative ease of the Ordinance.

**I. CALL TO ORDER**

Chairman Sue called the hearing to order at 7:26 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Animal Control Ordinance Amendments.

Huey Marshall, County Attorney reviewed the amendments that have been approved by the Board of Health. Commissioner Cooke stated that the Board of Health and its committee have worked diligently on these changes. David Stanley, Environmental Health Supervisor, indicated that the ordinance is basically the same but the amended process will have a panel that will make determinations instead of the Health Director.

**II. PUBLIC COMMENTS**

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

### **III. ADJOURN**

Vice-Chairman Norris moved to close the hearing at 7:33 p.m. The vote of approval was unanimous.

Commissioner Cooke moved to approve the Animal Control Ordinance Amendments as recommended by the Board of Health. The vote of approval was unanimous.

### **VIII. ADMINISTRATIVE REPORT**

#### **1. Planning – Proposed Map Amendment Z-10-655 First Reading and Set Public Hearing (Leslie Bell)**

Staff recommends scheduling Public Hearing on Map Amendment Z-10-655 for May 3, 2010 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

##### **Item 1 (Map Amendment Z-655 – Haden Stanziale (%Dan Blackman))**

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Medium Density Residential) to RR (Rural Low Density Residential) would allow for low density residential use of a portion of Tax Parcel 251MA001 located at 50 and 100 Caswell Beach Road (SR 1100) near Caswell Beach, NC.

This rezoning totals approximately 264.27 acres.

Commissioner Warren moved to approve First Reading of Proposed Map Amendment Z-10-655 and Schedule a Public Hearing for May 3, 2010 at 6:30 p.m. The vote of approval was unanimous.

#### **2. Planning – Landmark Preservation Associates Professional Services Agreement Amendment (Leslie Bell)**

Staff recommends approving contract amendment with Landmark Preservation Associates in the amount of \$5,000 and the associated budget amendment.

Leslie Bell, Planning Director, explained that this contract amendment is being requested as work to date has yielded more potential survey sites than initially anticipated based on the North Carolina State Historic Preservation Office reconnaissance survey conducted in 2009. The Original Contract between Landmark Preservation Associates and Brunswick County included the survey of 470 total sites and a comprehensive study/report at the conclusion of the project. Based on survey work to date, interim progress report and information from the general public that has voluntarily provided useful information of previously unknown historic resources, the Brunswick County Planning and Community Development Department is requesting this additional \$5,000 for 25 additional sites to be surveyed/studied.

The overall Scope of Work for this contract amendment will be in accordance with that outlined in the Original Contract signed by Landmark Preservation Associates and approved by the Brunswick County Board of Commissioners on September 8, 2009 thereby resulting in a total of 495 properties to be surveyed (470 resources included in the Original Contract and these additional 25 resources as part of an Amendment to the Original Contract). This contract amendment will allow for the additional 25 sites to be included in the final comprehensive report

and also will be used to help update the State's database of historic resources for Brunswick County.

The overall project, to date, has proceeded as scheduled and initially included input from the Southport and Brunswick County Historical Societies, the Shallotte Point Preservation Group, and technical assistance from the State Historic Preservation Office (SHPO). At the onset of the project, a Steering Committee was formed that includes the following members:

Bobby Long, Planning Board Rep.  
Bertha Bell, At-Large member  
Gwen Causey, Brunswick County Historical Society/Cemeteries  
Gail Graham, At-Large member  
Ronald (Craig) Hobbs, Shallotte Point Preservation Group  
John Hobgood, Brunswick County GIS  
Glenn Kye, Brunswick County Historical Society  
Musette Steck, Southport Historical Society  
Reecie Tate, Brunswick County Library Director  
Eulis Willis, Mayor – Gullah-Geechee Heritage Corridor Commission

Of particular interest for Brunswick County is that this project also includes the documentation (brief history/summary) of the approximately 75 unincorporated communities (e.g., Supply) in Brunswick County. Funds are requested to be transferred from unobligated funds in the Planning and Community Development Department's Line Item 104910-439900 Contracted Services to 104910-419900 Professional Services Line Item in the amount of the \$5,000 requested. The Original Contract PO# is 62241 for the Original Contracted amount of \$25,000.

Vice-Chairman Norris moved to approve the contract amendment with Landmark Preservation Associates in the amount of \$5,000 and the associated budget amendment. The vote of approval was unanimous.

**3. Parks & Recreation – Notice of Award, Notice to Proceed and Contract to JP Russ & Sons for Ocean Isle Beach Park Sewer (Jim Pryor)**

Staff recommends approving award of contract for Sewer Line Construction to service the new Ocean Isle Beach Park to J.P. Russ & Sons in the amount of \$189,000.

Jim Pryor, Parks and Recreation Director, explained that at the time when the construction contract for Ocean Isle Beach Park was awarded to Weaver Construction, the plan for the sewer line work and pump station was still being reviewed. The intent was to complete a Change Order to Weaver Construction's contract to complete. When Weaver Construction defaulted on the project, staff separated the sewer work from the project and sent the project out to open bids.

On March 24, 2010, seven (7) bids were received for the work. The lowest responsible and responsive bidder is JP Russ & Sons in the amount of \$189,000.

Staff recommends the Board of County Commissioners formally award the contract for this project to JP Russ & Sons in the amount of \$189,000.

Commissioner Phillips moved to approve the Award of Contract for Sewer Line Construction to Service the new Ocean Isle Beach Park to J.P. Russ & Sons in the amount of \$189,000. The vote of approval was unanimous.

**4. Utilities – Notice of Award to Phoenix Fabricators and Erectors, Inc. for the Rampage Elevated Water Storage Tank (Jerry Pierce)**

Staff recommends approving award of contract to Phoenix Fabricators and Erectors, Inc. in the amount of \$588,404 to raise the Rampage Elevated Water Storage Tank and the associated budget amendment and capital project ordinance.

Jerry Pierce, Utility Operations Director, explained that the elevation of the overflow in the existing Rampage Elevated Water Storage Tank is approximately 38 feet lower than the elevation of the overflow in the existing Leland Elevated Water Storage Tank. As a result, the Rampage Tank does not meet the needs of the surrounding area and the County has to monthly discharge the water in the tank to keep chlorine levels in the tank that meet NC DENR minimum requirements.

By raising the tank, the Rampage Tank would function as a part of the County's system and would eliminate the need for dumping water from the tank. It will also allow the County to take the Leland Tank out of service to perform maintenance on the tank.

Proposals on raising the Rampage Tank were received from two firms. The engineering firm has reviewed the proposals and recommends that Phoenix Fabricators and Erectors be selected for the proposed work.

The County staff recommends award of the contract to Phoenix Fabricators and Erectors, Inc., in the amount of \$588,404.00 and to authorize the Chairman and Clerk to the Board to execute the contract on behalf of the County after approval of the contract documents by the County Attorney.

Chairman Sue moved to approve the Award of Contract to Phoenix Fabricators and Erectors, Inc. in the amount of \$588,404 to raise the Rampage Elevated Water Storage Tank and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

##### **5. Utilities – Brick Landing Collection and Treatment System Operation (Jerry Pierce)**

Staff recommends receiving update and information on the Brick Landing Wastewater Collection System.

Jerry Pierce, Utility Operations Director, explained that on March 15, 2010, the Board of Commissioners agreed to be designated as the Emergency Operator of the Brick Landing Wastewater Collection System by the North Carolina Public Utilities Commission. On March 24, 2010, the North Carolina Public Utilities Commission issued an order appointing Brunswick County as the Emergency Operator of the Brick Landing Wastewater System.

County employees assumed operation of the Brick Landing Wastewater System on March 25, 2010. Since that time, County employees have performed the required daily inspections of the plant and pump stations. A list of actions and their associated costs was prepared and sent to the North Carolina Public Utilities Commission. The County has started the process needed to make the short-term improvements to the wastewater system. For example, in order to haul the sludge from the wastewater treatment plant, samples had to be taken and sent to a lab for analysis. Once lab results are received, the sludge contractor can remove the sludge. The County is receiving prices on making the safety improvements at the plant so the County employees and contractors can work safely. The County is in the process of performing an internal inspection of some collection system lines to determine the cause of the sinkholes.

The County Attorney's office has been in contact with the owners of the wastewater system and owners of other property in Brick Landing where easements are needed to take the plant out of service. Mr. Pierce recognized the time and effort of the County Attorney's office in preparing

these easements. Most of the property owners seem agreeable to providing the required easements initially but the details of the easement still need to be worked out. A letter has been drafted to the owners of the Brick Landing Wastewater System outlining the County's desire to achieve a long-term solution to the wastewater system problems in Brick Landing. A deadline of one month to start negotiations was established.

Marty Lawing, County Manager referred to the draft letter that was handed out prior to meeting outlining the conditions under which the county would like to obtain ownership of the system and asked that if the Board agreed with the terms of the letter, staff would send it out this week to start the process. It was consensus to address this issue during the upcoming Budget Retreat.

**6. Utilities – Water & Sewer Rates & Fees Ordinance Proposed Amendment- Schedule Public Hearing (Jerry Pierce)**

Staff recommends scheduling a Public Hearing on the Proposed Irrigation Rates on May 3, 2010 at 6:30 p.m.

Jerry Pierce, Utility Operations Director, explained that the North Carolina Department of Environment and Natural Resources has adopted regulations requiring utilities to adopt rate structure designed to promote water conservation. Also, the County is in the process of expanding its treatment capacity due to the increase in demand by its customers and an increase in the amount of potable water consumed for irrigation of yards and landscaped areas. Approximately 25% of the water consumed each month is used for irrigation.

The current water rate structure does not differentiate between potable usage and irrigation usage. The proposed rate will establish one rate for potable water usage and one rate for irrigation usage. The proposed irrigation rate keeps the rate the same as the potable water usage rate at lower levels to encourage residents to irrigate their lawns and landscaped areas in a responsible manner. The proposed rate will encourage those customers who over water their property to reduce the amount of water they use for irrigation.

The proposed rate structure establishes an irrigation rate for residential properties that is the same rate as the potable water rate up to 6,000 gallons per month. For those residential properties that irrigate more than 50,000 gallons per month, each 1,000 gallons above 50,000 gallons will cost \$4.00. For commercial properties and multifamily properties who have larger landscaped areas, the higher rate does not start until they have used more than 200,000 gallons in a month.

The first step in the process of creating the irrigation rate is to hold a Public Hearing on the proposed rate structure. We recommend that the Board of Commissioners hold a Public Hearing on the proposed rate amendment at 6:30 p.m. on May 3, 2010, in the Board of Commissioners Chamber.

Vice-Chairman Norris moved to set a Public Hearing for May 3, 2010 at 6:30 p.m. to receive input on the Proposed Water Irrigation Rates. The vote of approval was unanimous.

**7. Finance – Leland Library Installment Financing (Ann Hardy)**

Staff recommends adopting Resolution approving an Installment Financing Contract and Deed of Trust with RBC Bank in the Principal amount not to exceed \$725,000 to pay costs associated with the Leland Library Expansion.

Ann Hardy, Fiscal Operations Director, explained the following:

**Background Information**

Brunswick County Commissioners approved for the County to make application to use the County's Recovery Zone Economic Development Allocation to finance the expansion of the Leland Library and held a public hearing of the matter on March 15, 2010.

### **Current Status**

The library is a general government project with the most economical method of financing being an installment financing contract given the plan to use the County's 2/3<sup>rd</sup> General Obligation Capacity for the assumption of the debt on the Boiling Spring Lakes Water System.

The County issued a request for financing proposal and received bids from four financial institutions with RBC Bank offering the lowest financing cost at a 10 year term fixed rate of 5.18% with a subsidy of 45% from the United States Treasury under the Recovery Zone Economic Develop Bond program for a net interest cost of 2.85% or 3.51% including financing costs. The amount to be financed is \$725,000. The Local Government Commission will consider approval of the financing on April 6<sup>th</sup>.

To complete the financing, the Board of Commissioners must consider approving a resolution to authorize execution of the contract and deed of trust which are attached in draft form. Both documents were prepared by bond counsel.

### **Recommendation**

Staff recommends approval of the Resolution and direct staff to enter into the Installment Financing Contract and Deed of Trust.

Chairman Sue moved to Adopt a Resolution approving an Installment Financing Contract and Deed of Trust with RBC Bank in the Principal amount not to exceed \$725,000 to pay costs associated with the Leland Library Expansion. The vote of approval was unanimous.

### **8. Finance-Northwest Capacity Expansion/Sunset Beach Sewer Collection Phase 2-Raftelis Financial Consultants, Inc. (Ann Hardy)**

Staff recommends approving the Proposal of Raftelis Financial Consultants, Inc. to conduct a 5 year Feasibility Study related to 2010 Water and Wastewater Revenue Bonds.

Ann Hardy, Fiscal Operations Director, explained the following:

### **Background Information**

A revenue bond issue is planned for the County in the Spring of 2010 for various water and sewer lines, Sunset Beach Sewer Collection System Phase 2, and Capacity Expansion of the Northwest Water Treatment Plant. The Local Government Commission must consider and approve the issuance of the debt. The commission is requiring the county to provide an attestation from an independent third party that the debt is financially feasible and within the parameters of the General Trust Indenture from 2004 and amended in 2008.

Raftelis Financial Consultants, Inc. performed full feasibility studies for the county in 2004 and 2008 associated with Phases 1 and 2 of the West Brunswick Wastewater Treatment Plant. The firm performed both prior engagements satisfactorily.

### **Current Situation**

Staff from the Local Government Commission have indicated that an update to the original plan in the form of an agreed upon procedure will meet their needs in assessing the debt issue. Raftelis provided the county with the attached proposal for a fee amount not to exceed \$16,850 plus \$2,110 should a meeting in Raleigh with the Local Government Commission be required. The cost of the study will be divided equally between the Northwest Water Capacity and the Sunset Beach capital projects due to both projects being of a size to require the engagement.

### **Recommendation**

Staff recommends that the Board of Commissioners approve the proposal from Raftelis to perform the agreed upon procedures for the Series 2010 Recovery Zone Economic Development Revenue Bond issue.

Vice-Chairman Norris moved to approve the Proposal of Raftelis Financial Consultants, Inc. to conduct a 5 year Feasibility Study related to 2010 Water and Wastewater Revenue Bonds. The vote of approval was unanimous.

### **9. Resolution to Increase Membership on the Brunswick County Economic Development Commission (Moved to Administrative Report as Item #9 under Adjustments to the Agenda)**

Commissioner Warren questioned the additional two members that are being requested to be added to the Economic Development Commission. Vice-Chairman Norris indicated that the Board wants the option to add these additional members. The County Attorney indicated that if a requested is made for 2 more members, then those positions will have to be filled but a request for “up to” two more members can be filled at any time. Legislation is sought that the membership numbers shall be at the discretion of the Board of Commissioners.

Chairman Sue moved to amend the Resolution to request “up to” three at-large members to expand the membership of the Brunswick County Economic Development Commission. The vote of approval was 4 ayes (Phillips, Sue, Norris, Cooke) 1 nay (Warren).

## **IX. BOARD APPOINTMENTS**

### **1. Board of Equalization and Review (District 2)**

Commissioner Cooke nominated Carson Durham. Chairman Sue moved to close the nomination. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Mr. Durham. The vote of approval was unanimous. Carson Durham will fill the unexpired term of James Shafor (resigned) that will expire on April 1, 2011.

### **2. Utility Board (District 2)**

Commissioner Cooke nominated Joe James. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Mr. James. The vote of approval was unanimous. Joe James will fill the expired term of Allen Russ (resigned) that will expire on January 1, 2012.

### **3. Zoning Board of Adjustment (District 2)**

Commissioner Cooke nominated Virginia Ward. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Ms. Ward. The vote of approval was unanimous. Virginia Ward will fill the unexpired term of James Shafor (resigned) that will expire on August 1, 2010.

## **X. OTHER BUSINESS/INFORMAL DISCUSSION**

There was no other business to discuss.

## **XI. ADJOURNMENT**

At 8:05 p.m. Vice-Chairman Norris moved to recess the meeting until 8:00 a.m. tomorrow, April 6, 2010 to hold a Budget Retreat in the Second Floor Conference Room. 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