

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
MAY 3, 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. Vice-Chairman Norris moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. The vote of approval was unanimous.

Chairman Sue called the Open Session back to order at 6:28 p.m. and announced that the action taken in Closed Session would be disclosed upon response from the opposing party. (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 Cooke 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. Steve Stone, Assistant County Manager, requested approval of a Resolution requesting that the General Assembly approve legislation giving the Coastal Resources Commission authority to consider use of Terminal Groins in appropriate circumstances as Item V-H.

2. Marty Lawing, County Manager, requested approval of a Resolution of Commitment to apply for a 2010 CDBG Grant and to schedule two Public Hearings as Item VII-14.
3. Chairman Sue requested to add a District 5 appointment to the Zoning Board of Adjustments as Item VIII-2.

Vice-Chairman Norris 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. Cameron Moore, BASE, Governmental Affairs Director, handed out the new Parade of Homes magazine and informed that Brunswick County received the Government/Leaders Award given to an individual or government body that collaborates and works with the development, building and real estate industries to allow and encourage green practices. Chairman Sue recognized Leslie Bell and the Planning Staff for their efforts also.

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:

1. **April 6, 2010 Board Retreat Minutes**
2. **April 19, 2010 Regular Meeting Minutes**

B. Tax

C. Finance

General Fund-Cooperative Extension:

Revenues:

4-H Club Revenue	104950-335031	\$3,528
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Expenditures:

4-H Club Expense	104950-449952	\$3,528
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The Cooperative Extension 4-H Program has collected fees in excess of budget amount of \$3,528 and requested appropriation for use in the 4-H Program.

General Fund-Sheriffs Department:

Revenues:

Fund Balance Appropriation	100000-399100	\$2,778
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Basic Law Enforcement Training Revenue	104310-383309	\$(5,908)
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Expenditures:

Basic Law Enforcement Training Expenditures	104310-439550	\$(3,130)
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The Basic Law Enforcement Training Program earned more revenue than expended in the prior year and requests the unexpended funds be rolled into the current fiscal year for program expenditures. The department expects to receive less revenue than budgeted in the current fiscal year. The budget amendment above is to reduce both the expenditures to amount collected in the prior and current year.

School Capital Project Fund:

Revenues:

Transfer from School Capital Reserve	428006-398227	\$837,000
Transfer from Special School Capital Reserve	428006-398224	\$271,600

Expenditures:

Capital Projects Funded By Sales Tax	428006-464016	\$837,000
Capital Projects Funded By Prior Year Ad Valorem Excess Collections	428006-464014	\$271,600

Special School Capital Reserve Fund:

Expenditures:

Undesignated Funds	249800-464299	\$(271,600)
Transfer to School Capital Project	249800-498042	\$271,600

School Capital Reserve Fund:

Revenues:

Fund Balance Appropriated	279800-399100	\$837,000
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Expenditures:

Transfer to School Capital Project	279800-498042	\$837,000
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**County of Brunswick, North Carolina
Schools Category 1 Project**

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 Schools Capital Projects Fund for the Schools Category 1 Projects:

Schools Capital Project Fund:

Revenues:

NC Education Lottery	\$1,743,916
Transfer from General Fund	\$372,871
Transfer from School Capital Reserve	\$14,302,255
Transfer from Special School Capital Reserve	<u>\$3,628,226</u>
Total Schools Capital Project Fund Revenues	\$20,047,268

Expenditures:

Capital Projects Funded By Excess Ad Valorem	\$3,628,226
Capital Projects Funded By Sales Tax	\$14,302,255
Capital Projects Funded By NC Education Lottery	\$1,743,916
Capital Projects Funded by Hold Harmless Medicaid Settlement	<u>\$372,871</u>
Total Schools Capital Project Fund Expenditures	\$20,047,268

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

Contributions to the Capital Project	\$14,302,255
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Section 3. It is estimated that the following revenues will be available in the Brunswick County School Capital Reserve Fund:

Current Funds Appropriated	\$14,302,255
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Section 4. The following amounts are hereby appropriated in the Brunswick County Special Schools Capital Reserve Fund:

Contributions to the Capital Project	\$3,628,226
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Section 5. It is estimated that the following revenues will be available in the Brunswick County Special School Capital Reserve Fund:

Current Funds Appropriated	\$3,628,226
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Section 6. The following amounts are hereby appropriated in the Brunswick County General Fund:

Contributions to the Capital Project	\$372,871
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Section 7. It is estimated that the following revenues will be available in the Brunswick County General Fund:

Current Funds Appropriated	\$372,871
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Section 8. This Capital Project Ordinance shall be entered into the minutes of the May 3, 2010 meeting of the Brunswick County Board of Commissioners.

Water Capital Reserve Fund:

Expenditures:

Highway 211 Midway to Camarosa	639800-464329	\$(50,000)
Transfer to Water Capital Project	639800-498041	\$50,000

Water Capital Project Fund:

Revenues:

Transfer from Water Capital Reserve Fund	418254-398663	\$50,000
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Expenditures:

Land	418254-464011	\$50,000
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County of Brunswick, North Carolina

Highway 211 Midway Road to Camarosa (418254)

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 Highway 211 Midway Road to Camarosa Project:

Water Capital Project Fund:

Revenues:

Transfer from Water Capital Reserve	\$190,250
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Total Water Capital Project Fund Revenues **\$190,250**

Expenditures:

Engineering/Architect/Legal fees	\$140,250
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Land	<u>\$50,000</u>
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Total Water Capital Project Fund Expenditures **\$190,250**

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

Contributions to the Capital Project	\$190,250
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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	\$190,250
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Section 4. This Capital Project Ordinance shall be entered into the minutes of the May 3, 2010 meeting of the Brunswick County Board of Commissioners.

D. JCPC-2010-2011 Annual Plan, Funding Allocations and Certification

Staff requests approving the 2010-2011 Annual Plan for the Juvenile Crime Prevention Council.

E. JCPC-2010-2011 Program Agreements for Juvenile Crime Prevention Council

Staff requests to approve FY 2010-2011 Program Agreements for Juvenile Crime Prevention Council.

F. Community Development-Urgent Repair Contract Award

Staff requests to approve the award of two (2) Urgent Repair Contracts as presented (URP09).

G. Community Development-Urgent Repair Grant Award/Execute Funding Agreement

Staff requests to approve the 2010 Urgent Repair Program Grant Award and Funding Agreement.

H. Terminal Groins Use (Added Under Adjustments to the Agenda)

Staff requests approval of a Resolution requesting that the General Assembly approve legislation giving the Coastal Resources Commission authority to consider use of Terminal Groins in appropriate circumstances.

VI. 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. Planning-Proposed Map Amendment Z-10-655 (Leslie Bell)

I. CALL TO ORDER

Chairman Sue called the hearing to order at 6:39 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-10-655.

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.

Planning Staff recommends approval to RR (Rural Low Density Residential) for a portion of Tax Parcel 251MA001.

Planning Board recommends approval to RR (Rural Low Density Residential) for a portion of Tax Parcel 251MA001 [unanimous 6 to 0 with Mr. Loyack and Mrs. Gilbert absent].

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 6:40 p.m. The vote of approval was unanimous.

Commissioner Warren moved to approve Second Reading and Adoption of Map Amendment Z-10-655 as recommended by the Planning Board. The vote of approval was unanimous.

2. Utility Operations-Proposed Amendment to Existing Water and Sewer Rates and Fees Ordinance (Jerry Pierce)

I. CALL TO ORDER

Chairman Sue called the hearing to order at 6:41 p.m. and announced that the purpose of the hearing was to receive input regarding the Proposed Amendment to Existing Water and Sewer Rates and Fees.

Jerry Pierce, Utility Operations Director, explained the following;
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 and 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. This 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 that have larger landscaped areas, the higher rate does not start until they have used more than 200,000 gallons in a month.

Staff recommends approval of the proposed irrigation rate amendment.

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

Commissioner Warren moved to close the hearing at 6:44 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve the amendment to the existing Water and Sewer Rates and Fees Ordinance to create an irrigation rate designed to discourage over watering of yards and landscape material to become effective July 1, 2010. The vote of approval was unanimous.

**3. Proposed Ordinance to Prohibit Use of Tobacco Products on County-Owned Property
(Steve Stone)**

I. CALL TO ORDER

Chairman Sue called the hearing to order at 6:45 p.m. and announced that the purpose of the hearing was to receive input regarding a Proposed Ordinance to Prohibit Use of Tobacco Products on County-Owned Property.

Steve Stone, Assistant County Manager, explained the following:

House Bill 2 authorized local governments to restrict or prohibit smoking in public places, including publicly-owned property. Its provisions allowing such actions by local governments became effective July 1, 2009.

The Board of Commissioners approved a tobacco products ban on county-owned property at their Board Retreat on April 7, 2010, and directed the County Manager to submit an implementation plan for Board review and approval. Staff proposes that the plan contain the following elements:

- 1) That the ban becomes effective on all county-owned property effective August 3rd, 2010.
- 2) That the county makes available appropriate tobacco cessation support resources at the county's expense to interested employees beginning no later than June 1st, 2010.
- 3) That a public awareness campaign be implemented to notify the public of the ban no later than June 15th, 2010, and that such campaign shall include, but not be limited to, media releases, informational flyers, and posting of relevant signage on County-owned property.

The proposed Ordinance, which was developed along the framework of a model document prepared by the State, was included in the packet for review and consideration.

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. Poe Butler who is a non-smoker indicated that he did not think the Board should ban smoking completely but instead, designate areas for smokers and inquired as to how this would be enforced.

There was discussion from the Board with Commissioner Phillips and Cooke indicating that they were in favor of designating smoking areas in open air parks and not allowing smoking in buildings. Commissioner Warren indicated he favored moving smoking areas off of county property and follow the recommendation to ban tobacco from all county property. Vice-Chairman Norris indicated that he also favors imposing a ban of tobacco from county property. Chairman Sue indicated that he favors a longer implementation period to allow time for tobacco cessation program and favors designating smoking areas in parks to be determined by the Parks and Recreation Advisory Board.

Jim Pryor, Parks and Recreation Director, informed that the Parks and Recreation Advisory Board addressed this issue in January 2010 and recommended a tobacco ban in all parks.

There was further discussion regarding the enforcement of the proposed ban and the possibility of a phase-in approach.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 6:57 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve the Ordinance as presented. The vote of approval was 2 ayes (Norris, Warren) 3 nays (Sue, Cooke, Phillips).

There was discussion that included a possible implementation date of November 2010, revisiting this issue one year after implemented, not allowing tobacco near dugouts, bleachers, and playing fields and suggestions to allow the Parks and Recreation Advisory Board to designate such areas.

After much discussion, Chairman Sue recommended that the current Ordinance remain in effect on all County property, with the exception of the public parks. The Parks and Recreation Advisory Board is to designate smoking areas for spectators that will not interfere with the public bleachers, dugouts and the participants of the events. Chairman Sue then moved to direct staff to amend the new Proposed Ordinance to include these smoking areas as specified above, and to conduct another Public Hearing on June 7, 2010, to implement the new Non-Tobacco Ordinance with designated areas as stated above. The vote of approval was 3 ayes (Sue, Phillips, Cooke) and 2 nays (Warren, Norris).

VII. ADMINISTRATIVE REPORT

1. Planning-Proposed Map Amendment Z-10-656 (Leslie Bell)

Staff recommends approval of First Reading of Map Amendment Z-10-656 and schedule a Public Hearing for June 7, 2010.

Item 1 (Map Amendment Z-656 – Robert & Jean Hufham)

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 Parcel 20300039 located off Southport-Supply Road SE (NC 211) near Oak Island, NC. An amendment to the Official Brunswick County CAMA Land Use Plan Map has been requested from LDR (Low Density Residential) to Commercial for Tax Parcel 20300039 located off Southport-Supply Road SE (NC 211) near Oak Island.

This rezoning totals approximately 1.14 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density) for Tax Parcel 20300039.

Planning Board recommends approval to C-LD (Commercial Low Density) for Tax Parcel 20300039 [unanimous 5 to 0 with Mr. Loyack absent].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for Tax Parcel 20300039 located off Southport-Supply Road SE (NC 211) near Oak Island.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for Tax Parcel 20300039 located off Southport-Supply Road SE (NC 211) near Oak Island.

Vice-Chairman Norris moved to approve First Reading and schedule a Public Hearing for June 7, 2010 at 6:00 p.m. for Proposed Map Amendment Z-10-656. The vote of approval was unanimous.

2. Planning-Proposed Map Amendment Z-10-657 (Leslie Bell)

Staff recommends approval of First Reading of Map Amendment Z-10-657 and schedule a Public Hearing for June 7, 2010.

Item 1 (Map Amendment Z-657 – M. Grey Vick)

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 a portion of Tax Parcel 18600015 located off Southport-Supply Road SE (NC 211) near Oak Island, NC. An amendment to the Official Brunswick County CAMA Land Use Plan Map has been requested from LDR (Low Density Residential) to Commercial for a portion of Tax Parcel 18600015 located off Southport-Supply Road SE (NC 211) near Oak Island.

This rezoning totals approximately 4.00 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density) for a portion of Tax Parcel 18600015.

Planning Board recommends approval to C-LD (Commercial Low Density) for a portion of Tax Parcel 18600015 [unanimous 5 to 0 with Mr. Loyack absent].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for a portion of Tax Parcel 18600015 located off Southport-Supply Road SE (NC 211) near Oak Island.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for a portion of Tax Parcel 18600015 located off Southport-Supply Road SE (NC 211) near Oak Island.

Commissioner Phillips moved to approve First Reading and set a Public Hearing for June 7, 2010 at 6:00 p.m. for Proposed Map Amendment Z-10-657. The vote of approval was unanimous.

3. Planning-Proposed UDO Text Amendment UDO-10-01 (Leslie Bell)

Staff recommends approval of First Reading of Unified Development Ordinance Text Amendment UDO-10-01 and schedule a Public Hearing for June 7, 2010.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 5, Permitted Uses, Section 5.3.3.C.3, Class A Mobile Home (Doublewide) and Section 5.3.3.C.4, Class B Mobile Home (Singlewide) to delete the requirement regarding a mobile home being oriented on the site having the main entrance parallel to the street abutting the site.

Planning Staff recommends approval.

Planning Board recommends approval [unanimous 6 to 0 with Mr. Loyack being absent].

Commissioner Phillips moved to approve First Reading and schedule a Public Hearing for June 7, 2010 at 6:00 p.m. for Proposed UDO Text Amendment UDO-10-01. The vote of approval was unanimous.

4. Planning-Proposed UDO Text Amendment UDO-10-02 (Leslie Bell)

Staff recommends approval of First Reading of Unified Development Ordinance Text Amendment UDO-10-02 and schedule a Public Hearing for June 7, 2010.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 11, Nonconformities, Section 11.3.1., Definition to clarify Nonconforming Signs.

Planning Staff recommends approval.

Planning Board recommends approval [unanimous 6 to 0 with Mr. Loyack being absent].

Vice-Chairman Norris moved to approve First Reading and set a Public Hearing for June 7, 2010 at 6:00 p.m. for Proposed UDO Text Amendment UDO-10-02. The vote of approval was unanimous.

5. Planning-Proposed UDO Text Amendment UDO-10-03 (Leslie Bell)

Staff recommends approval of First Reading of Unified Development Text Amendment UDO-10-03 and schedule a Public Hearing for June 7, 2010.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 5, Permitted Uses, Section 5.3.5.B.2, Campground (Design Standards) and Section 5.3.5.B.4. Utilities. Section 5.3.5.B.2 is to clarify minimum design standards for new and additions to existing campgrounds as set forth in the International Building Codes with North Carolina Amendments for sanitation and plumbing installations, accommodations, use and any associated parking. Section 5.3.5.B.4 is to reference the Department of Environment, Health, and Natural Resources with respect to sewage treatment and disposal systems

Planning Staff recommends approval.

Planning Board recommends approval [unanimous 6 to 0 with Mr. Loyack being absent].

Commissioner Warren moved to approve First Reading and schedule a Public Hearing for June 7, 2010 at 6:00 p.m. for UDO Text Amendment UDO-10-03. The vote of approval was unanimous.

6. Finance-Recovery Zone Bonds Resolution for Application to LGC (Ann Hardy)

Staff recommends to Approve Resolution Directing the Application to the Local Government Commission for Approval of Enterprise Systems Revenue Bonds and Requesting Local Government Commission Approval of the County's Enterprise Systems Revenue Bond and Certain Related Matters.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

On December 7, 2009, the Board of Commissioners designated the entire county as a recovery zone and approved filing the proper forms with the NC Department of Commerce for the use of allocations of Recovery Zone Economic Development Bonds released by the U.S. Treasury on June 12, 2009 and to request a reallocation of funds. The bonds are authorized under the American Recovery and Reinvestment Act of 2009 (ARRA) adopted by the U.S. Congress on

February 17, 2009. Brunswick County's initial allocations are \$2,810,000 of Recovery Zone Economic Development Bonds of which \$725,000 was used for the financing of the Leland Library in April 2010 and the remainder allocation for the following projects: Highway 74-76 Sewer Line to Joint Industrial Park \$670,000, Shingle Tree Acres Water Service Lines, Mt. Zion Church Road Water Service Line, and Randolphville Road Water Service Line \$1,415,000. On February 26, 2010, the county received an additional allocation of Recovery Zone Economic Development Bonds totaling \$24,165,000 designated for the Northwest Water Treatment plant and the Sunset Beach Island Sewer Collection System with project costs estimated at \$10,610,000 and \$13,555,000, respectively.

As authorized by ARRA, the RZEDBs (Economic Development Bonds) may be used by governments to finance capital expenditures for property located in the recovery zone or expenditures for infrastructure or public buildings located in the recovery zone. The bonds are subject to tax rules similar to Build America Bonds (BABS) but entitle the government to a 45% credit on interest paid on the bonds rather than the 35% BAB credit. Taxable bonds would be issued by the County and the County would receive a 45% credit of the interest paid over the repayment period. The RZEDBS can be used to finance nearly any capital expenditures that promote economic development or economic activity in the recovery zone including roads, water, sewer, schools, public buildings, industrial parks, etc. The bonds must be issued by December 31, 2010, proceeds must be expended within 3 years, are not subject to refunding in the future, Davis-Bacon applies and semi-annual filings are required for the term of the bonds.

Current Situation

Bond counsel prepared the attached resolution for consideration by the Board of Commissioners. The proposed resolution directs staff to make application to the Local Government Commission for approval of the financing in an amount not to exceed \$30,000,000 with a true interest cost of less than 5.60% for the water and sewer lines stated above, the Northwest Water Treatment Plant Capacity Improvements and the Sunset Beach Sewer Collection System Phase 2. The resolution names Parker Poe Adams & Bernstein as bond counsel, Robert W. Baird & Co. as underwriters of the bonds, approved Moore & Van Allen PLLC as underwriters' counsel and retains US Bank as trustee for the bonds.

Recommendation

Staff requests that the Board of Commissioners approve the Resolution Directing the Application to the Local Government Commission for Approval of Enterprise Systems Revenue Bonds and Requesting Local Government Commission Approval of the County's Enterprise Systems Revenue Bonds and Certain Related Matters.

Commissioner Warren moved to approve the Resolution Directing the Application to the Local Government Commission for Approval of Enterprise Systems Revenue Bonds and Requesting Local Government Commission Approval of the County's Enterprise Systems Revenue Bond and Certain Related Matters. The vote of approval was unanimous.

7. Utility Operations-AECOM Additional Services Agreement (John Nichols)

Staff recommends approving Agreement for Additional Services with AECOM for the Highway 74/76 Force Main Project and additional compensation in the amount of \$9,907 and a budget amendment in the amount of 17,907 to cover easement appraisal costs.

John Nichols, Utility Operations Assistant Director, requested that the Board authorize the chairman to execute an agreement for additional services with AECOM on the Highway 74/76 Force Main Project in the amount of \$9,907 for additional boundary surveys and the preparation

of easement maps for eight easements, as well as costs associated with the fast track permitting process. Staff also recommends approval of the associated budget amendment for the additional services rendered by AECOM as well as approximately \$8,000 for easement appraisal services by an appraiser to be determined.

Mr. Nichols explained that on January 4, 2010 the Board of Commissioners approved a contract with AECOM for engineering services associated with the design of the Highway 74/76 Force Main Project. One of the conditions imposed upon the County by the North Carolina Department of Transportation in order to receive an encroachment agreement along the Highway 74/76 future interstate corridor was to acquire easements when certain situations were encountered. Easements were required for all air release valves and in areas where minimum distances between the edge of pavement and force main could not be met. A total of eight easements were required by NCDOT. This has resulted in the need for AECOM to prepare additional boundary surveys and easement maps that were not in the original scope. Additionally, it will be necessary to acquire the services of an appraiser at an estimated cost of \$8,000 for a budget amendment request of not less than \$17,907. The project is expected to go to construction in July 2010.

Wastewater Capital Reserve Fund:

Expenditures:

Undesignated Funds	649800-464299	\$(18,000)
Transfer to Wastewater Capital Project	649800-498044	\$18,000

Wastewater Capital Project Fund:

Revenues:

Transfer from Wastewater Capital Reserve Fund	448257-398664	\$18,000
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Expenditures:

Arch/Eng/Legal	448257-464001	\$18,000
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**County of Brunswick, North Carolina
Highway 74/76 Force Main Project (448257)**

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 for the Highway 74/76 Force Main Project:

Wastewater Capital Project Fund:

Revenues:

Transfer from Wastewater Capital Reserve		\$113,000
Total Wastewater Capital Project Fund Revenues		\$113,000

Expenditures:

Engineering/Architect/Legal fees	\$113,000
Total Wastewater Capital Project Fund Expenditures	\$113,000

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

Contributions to the Capital Project	\$113,000
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Section 3. It is estimated that the following revenues will be available in the Brunswick County Wastewater Capital Reserve Fund:

Current Funds Appropriated	\$113,000
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Section 4. This Capital Project Ordinance shall be entered into the minutes of the May 3, 2010 meeting of the Brunswick County Board of Commissioners.

Vice-Chairman Norris moved to authorize the Chairman to execute an Agreement for Additional Services with AECOM for the Highway 74/76 Force Main Project and Additional Compensation in the amount of \$9,907 and the associated budget amendment in the amount of \$17,907 to cover easement appraisal costs. The vote of approval was unanimous.

8. Utility Operations-Soil, Water and Environment Group Contract for Wetlands Monitoring Plan Preparation (Jerry Pierce)

Staff recommends approving Contract with Soil, Water and Environment Group.

Jerry Pierce, Utility Operations Director, requested approval of a Contract with Soil, Water, and Environment Group for preparation of a Wetlands Monitoring Plan for the Mercer Mill and IP Effluent Dispersal Sites as required by the North Carolina Department of Environment and Natural Resources (NC DENR) Permit. The total contract amount including preparation of the monitoring plan, installation of monitoring wells, baseline vegetative survey, and baseline wetlands water quality analysis is \$69,200.

In the NC DENR Authorization to Construct Permit for the West Brunswick Water Reclamation System Expansion, the NC DENR included a condition that the County must develop a Wetlands Monitoring Plan. Staff has been working with the NC DENR staff for almost one year to define the requirements for a Wetlands Monitoring Plan and finally received direction from the NC DENR staff on the components that must be included in the plan. Proposals were solicited from two firms for preparation of the Wetlands Monitoring Plan. Soil, Water, and Environment Group was determined to be the most qualified firm for the work.

A final scope of work and final fee was negotiated. The proposed scope of work includes development of the Wetlands Monitoring Plan and working with the NC DENR staff to ensure its approval. The scope also includes a baseline vegetative survey, installation of nine monitoring wells, and an analysis of the water quality of the existing groundwater in the monitoring wells. The monitoring of the groundwater wells will be required annually and a vegetative survey is required once every three years.

Staff recommends approval of the proposed contract and associated scope of work. The fee included in the contract is \$69,200.

Vice-Chairman Norris moved to approve the Contract with Soil, Water and Environment Group for preparation of a Wetlands Monitoring Plan for the Mercer Mill and IP Effluent Dispersal Sites in the amount of \$69,200. The vote of approval was 4 ayes (Norris, Sue, Cooke, Phillips) and 1 nay (Warren).

9. Administration-Leland Library Expansion Contract with Jessie & Myers Construction (Steve Stone)

Staff recommends approving Contract with Jessie & Myers Construction for the Expansion of the Leland Library and the Associated Budget Amendment and Capital Project Ordinance.

We request that the Board of Commissioners consider approval of a contract in the amount of \$595,825 with Jessie and Myers Construction for the expansion of the Leland Branch of the Brunswick County Library

The proposed project will add approximately 3,600 square feet to the library and includes a new vestibule, a children’s area, a partitioned meeting area, additional stack space, and additional restrooms.

Funding for the project will come from the recently approved economic development zone bonds.

The bid tabulation and the project architect’s recommendation are attached, as is a copy of the proposed contract

County Capital Project Fund-Leland Library:

Revenues:

Proceeds from RBC RZEBD	438190-396002	\$725,000
Installment Financing		

Expenditures:

Administration/Other	438190-464000	\$26,025
Construction	438190-464002	\$593,495
Contingency	438190-499100	<u>\$105,480</u>
Total		\$725,000

**County of Brunswick, North Carolina
Leland Library Project (438190)**

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 Leland Library Project:

County Capital Project Fund:

Revenues:

Transfer from County Capital Reserve		\$72,190
Proceeds from RBC RZEBD		<u>\$725,000</u>
Installment Financing		

Total Capital Project Fund Revenues **\$797,190**

Expenditures:

Administration	\$26,025
Engineering	\$72,190
Construction	\$593,495
Contingency	<u>\$105,480</u>

Total County Capital Project Fund Expenditures **\$797,190**

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

Contributions to the Capital Project	\$72,190
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Section 3. It is estimated that the following revenues will be available in the Brunswick County Capital Reserve Fund:

Current Funds Appropriated	\$72,190
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Section 4. This Capital Project Ordinance shall be entered into the minutes of the May 3, 2010 meeting of the Brunswick County Board of Commissioners.

Chairman Sue moved to approve the Contract with Jessie & Myers Construction for the Leland Library Expansion and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

10. Administration-Brunswick County Airport Generator Purchase (Steve Stone)

Staff recommends authorizing the Purchase of a 175 KW Emergency Generator for the Brunswick County Airport in the amount of \$22,000 and approving the Associated Budget Amendment.

Steve Stone, Assistant County Manager, requested that the Board of Commissioners consider approving the purchase of a surplus 175 KW, 3 phase emergency generator for the Brunswick County Airport. The cost of the generator is \$22,000.

Mr. Stone explained that the Brunswick County Airport Commission has requested authorization of the purchase of this generator out of capital funds already set aside for the Airport. This is a surplus diesel generator from Progress Energy and would provide sufficient power to operate the entire airport operation during a power outage. The unit was manufactured in 2001, includes an automatic transfer switch, and has only around 160 running hours. A new generator of this type would cost several times more than the proposed purchase price. A copy of the request from the Airport Commission was provided in the packet.

County Capital Reserve Fund:

Expenditures:

Airport Certification Designation	269800-464254	\$(22,000)
Transfer to General Fund	269800-498010	<u>\$22,000</u>

County Capital Reserve Fund:

Revenues:

Transfer from County Capital Reserve	109800-398226	\$22,000
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Expenditures:

Capital Outlay-Equipment	104599-455000	\$22,000
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Commissioner Warren moved to Authorize the Purchase of a 175 KW Emergency Generator for the Brunswick County Airport in the amount of \$22,000 and approve the associated budget amendment. The vote of approval was unanimous.

11. Administration-Interim Sewer Service Agreement Amendments with Ocean Isle Palms, LLC. (Marty Lawing)

Staff recommends approving amendments to the Interim Sewer Service Agreement with Ocean Isle Palms, LLC.

Marty Lawing, County Manager, explained that the County entered into an Interim Sewer Agreement with Ocean Isle Palms, LLC in December 2009 that provided for the deferral of the construction of the pump station within the Ocean Isle Palms development until the first to occur of either 300 residential units being constructed and issued certificates of occupancy or October 1, 2020. The agreement also allowed the developer obtain building permits to construct single family homes within Ocean Isle Palms with the understanding that certificates of occupancy would not be issued for the structures until such time as the 12 inch offsite force main is constructed and a performance bond for the onsite pump station is provided. The force main shall be completed no later than December 1, 2010.

Ocean Isle Palms, LLC has requested three minor changes to the Interim Sewer Agreement, two of which have been requested by the NC Division of Water Quality. The Division of Water Quality has requested that the word pump station be changed to force main in Recital C and Section 1 of the Agreement for technical accuracy. The original agreement stated that the off-site force main would connect to a pump station at Phase 4 Ocean Ridge Plantation and it will actually connect to an existing force main. The other requested change is to replace “connection points” with “a connection point” in Section 5.

The modification requested by Ocean Isle Palms is related to the three (3) residential structures in Ocean Isle Palms that can receive certificates of occupancy prior to the bonding of the pump station and the construction of the offsite force main due to access to a septic system. Ocean Isle Palms is requesting to substitute Lot 54, Section 1A for Lot 154, Section 1B. This will not change the number of structures that will be temporarily served by the septic systems. If this amendment to the agreement is approved, Ocean Isle Palms will request that the septic permit for Lot 154 be transferred to Lot 54 and record a new easement.

Commissioner Cooke moved to Approve Amendments to the Interim Sewer Service Agreement with Ocean Isle Palms, LLC. The vote of approval was unanimous.

12. Finance-Enterprise Fund 5-Year Capital Improvement Plan (Ann Hardy)

Staff recommends approving the FY 2010-2011 Enterprise Fund 5-year Capital Improvement Plan.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

The County is in the process of issuing Recovery Zone Economic Development Revenue Bonds in June or July, 2010 through a public offering. The Preliminary Offering Statement for the bonds will be printed in advance of the approval of the Fiscal Year 10-11 budget and Capital Improvement Plans.

Current Situation

The underwriter's legal team advised staff that it is desirable to have a board approved Enterprise Fund Capital Improvement Plan included in the preliminary official statement for the bonds. The Enterprise CIP was presented at the recent budget retreat. The same Enterprise CIP in an expanded format as required by the Local Government Commission was included in the packet.

Recommendation

Staff requests that the Board of Commissioners approve the Enterprise Capital Improvement Plan as presented and the publication of the plan in the Preliminary and Official Statements related to the Series 2010 Revenue Bonds.

Commissioner Phillips moved to approve FY 2010-2011 Enterprise Fund 5-Year Capital Improvement Plan. The vote of approval was unanimous.

13. Review of Group Health Insurance Proposals (Marty Lawing)

Marty Lawing, County Manager, presented a spreadsheet and reviewed Group Health Insurance Proposals from Blue Cross/Blue Shield and the North Carolina Association of County Commissioners Pool (Cigna). After discussion, the Board favored the Blue Cross/Blue Shield proposal and directed staff work towards self-insured status for next year.

Commissioner Warren moved to accept the proposal from Blue Cross/Blue Shield. The vote of approval was unanimous.

**14. Planning- Resolution of Commitment for CDBG Grant and Schedule Public Hearings (Leslie Bell)
(Added Under Adjustments to the Agenda)**

Leslie Bell, Planning Director, requested approval to 1) Commit to and apply for a 2010 Community Development Block Grant Housing Development \$250,000 grant to offer financing for infrastructure improvements to Southland Partners, LLC as part of their Multi-family Rental Tax Credit application to the North Carolina Housing Finance Agency, and 2) Set two Public Hearings (May 17, 2010 and June 7, 2010, both for 6:00 PM) beyond this Resolution of Commitment to comply with NC Department of Commerce CDBG-HD application requirements.

Mr. Bell explained that Brunswick County wishes to offer financing for infrastructure improvements to Southland Partners, LLC for the proposed seventy-two (72) unit Parkside Apartment Community located at Doshier Cut-off in Southport, North Carolina. Brunswick County proposes to submit a competitive application to the North Carolina Department of Commerce, Division of Community Assistance for a \$250,000 grant from Community Development Block Grant Housing Development (CDBG-HD) funds, which includes \$25,000 administration allocation. If awarded a CDBG-HD grant, Brunswick County will offer Southland Partners, LLC the proposed financing in the form of a loan in the amount of \$225,000 for a term of 20 years at a 2% interest rate for 240 equal monthly payments including principal and interest payable to Brunswick County. If Brunswick County is awarded CDBG-HD funds, the \$225,000 plus interest loaned to Southland Partners, LLC will be repaid to Brunswick County to be used to fund future CDBG eligible activity(ies).

No local match is involved. Southland Partners, LLC met with NC Department of Commerce, Division of Community Assistance on April 30, 2010. Resolution of Commitment is due to NC Housing Finance Agency no later than May 14, 2010.

Additionally, two subsequent Public Hearings (May 17, 2010 and June 7, 2010) beyond this Resolution of Commitment will be requested to comply with NC Department of Commerce CDBG-HD application requirements.

Vice-Chairman Norris moved approval to commit to and apply for a 2010 Community Development Block Grant Housing Development \$250,000 grant and to schedule two Public Hearings for May 17, 2010 and June 7, 2010 at 6:00 p.m. The vote of approval was unanimous.

VIII. BOARD APPOINTMENTS

1. Town of Shallotte's Board of Adjustment ETJ appointment

Vice-Chairman Norris moved to approve the recommended appointment of Bobby Williamson as the ETJ appointment to the Town of Shallotte Board of Adjustment. The vote of approval was unanimous.

2. Zoning Board of Adjustment (District 5) (Added Under Adjustments to the Agenda)

Chairman Sue nominated Albert Mitchell. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Mr. Mitchell. The vote of approval was unanimous. Albert Mitchell will fill the unexpired term of John Butler (deceased) that will expire on August 1, 2011.

IX. COUNTY ATTORNEY'S REPORT

1. Discussion on Proposed Brunswick County Golf Cart Ordinance (Huey Marshall)

Huey Marshall, County Attorney explained that

Huey Marshall, County Attorney, explained that the General Assembly in this session broadened the use of golf carts on public streets if the local government elected to adopt an ordinance regulating such use. Municipalities throughout the state have adopted similar ordinances and have maintained selective streets where golf cart use is not allowed. Given the geographic area of the County, care will need to be taken to authorize golf cart use in certain areas.

There was discussion concerning the possibility of requiring a golf cart license, hours of operation, enforcement, fines, fiscal impact and other issues that the county would have to consider before consideration of the Proposed Golf Cart Ordinance.

The Board directed the Attorney to come back with recommendations and schedule a Public Hearing for June 7, 2010 at 6:00 p.m.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XI. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 8:00 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board