

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JANUARY 17, 2012
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
 Bryan Batton, Assistant County Attorney
 Debby Gore, Clerk to the Board
 Ann Hardy, Fiscal Operations Director

1st Sgt. Todd Coring

I. CALL TO ORDER

Chairman Sue called the meeting to order at 6:00 p.m. Vice-Chairman Norris moved to enter Closed Session at 6:00 p.m. pursuant to NCGS 143-318.11 (a) (3) and (a) (4) to consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action and to discuss matters relating to the location or expansion of business in the area served by this body. The vote of approval was unanimous.

Chairman Sue called the Regular Session to order at 6:38 p.m. and announced that some of the action taken will be disclosed under Adjustments to the Agenda and other action taken will be shared 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. The County Attorney requested to add a Budget Amendment to appropriate funds for a settlement agreement in the amount of \$50,000 as Item V-O.

2. The County Attorney requested to table Item X-1, Hearing for Removal, until such time it can be heard.
 3. Vice-Chairman Norris requested to table the District 1 appointment in Item VIII-2.
 4. Commissioner Warren requested to add appointment of an attorney to represent the DSS Board as Item VII-8.
 5. The Clerk to the Board requested to add a request to approve Water Management Projects by the Mosquito Control Division as Item V-P.
- Commissioner Cooke moved to approve the agenda as amended. The vote of approval was 4 ayes (Cooke, Norris, Sue, Phillips) 1 nay (Warren).

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. Poe Butler, voiced concerns regarding a substantial increase in his property value on property that is mostly wetland. Mr. Butler gave a timeline of trying to communicate with the Tax Department and shared his frustration with customer service. The Board directed the Tax Administrator to look into this issue.
2. Lundia Washington, spoke about an issue from the last meeting regarding requiring voter ID and offered suggestions with the process. The Board thanked Ms. Washington for her suggestions and asked the Clerk to forward these to local legislators reminding that the Governor vetoed this Bill.

V. APPROVAL OF CONSENT AGENDA

Vice-Chairman Norris moved to approve the Consent Agenda. The vote of approval was 4 ayes (Norris, Sue, Cooke, Phillips) 1 nay (Warren). The following items were approved:

1. **December 19, 2011 Regular Meeting Minutes**
- B. **Tax**
 1. **September 2011 Motor Vehicle Valuation & Levy**
 2. **January 2012 Tax Releases**
 3. **December 2011 Tax Collection Report**

C. **Finance**

General Fund-Filling the Gap:

Revenues:

State Revenues Restricted	104307-332000	\$102,753
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Expenditures:

Salary & Wages Reimbursements	104307-412990	\$117,000
Mileage	104307-431100	\$1,412
Travel-Subsistence	104307-431200	\$270
Travel-Registrations	104307-431500	\$195

Section 4. This Capital Project Ordinance shall be entered into the minutes of the January 17, 2011 meeting of the Brunswick County Board of Commissioners.

General Fund-Parks & Recreation:

Revenues:

Contribution Grant	106137-383304	\$2,500
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Expenditures:

Community Events	106137-423103	\$2,500
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The budget amendment above is to appropriate funds from the Brunswick Arts Council Grassroots Grant in the amount of \$2,500 for the Concerts on the Coast Series.

Health Fund-Breast & Cervical Cancer:

Revenues:

State Revenues Restricted	135157-332000	\$29,379
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Expenditures:

Travel Professional	135157-431400	\$309
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Contract Services	135157-439900	\$29,070
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The budget amendment above is to appropriate additional state funding for the Breast & Cervical Cancer Control.

D. Finance – Proposed Brunswick County Schools request to approve lottery fund application for South Brunswick Middle School roof replacement

Staff requests approval of the Public School Building Capital Fund Application in the Amount of \$1,350,000.00.

E. Sheriff’s Office – Proposed Resolution Adopting a Policy for Mutual Assistance with other Law Enforcement Agencies

Staff requests approval of Resolution adopting a Policy for Mutual Aid Assistance with other Law Enforcement Agencies.

F. Finance – Proposed December 2011 Monthly Financial Report

Staff requests to receive FY 2011-2012 Monthly Financial Report for the month of December 2011 as presented.

G. BSRI – Proposed Home and Community Care Block Grant for Older Adults County Funding Plan

Staff requests approval of the FY 2011-2012 Home and Community Care Block Grant for the Older Adults County Funding Plan.

H. Planning – Proposed Request to Set two Public Hearings for the 2011 CDBG Infrastructure Water Hook-Up Grant Application for February 6, 2012 and March 5, 2012

Staff recommends scheduling of Public Hearings for February 6, 2012 and March 5, 2012 at 6:30 pm.

- I. **Planning – Proposed Request to Apply for 2012 Urgent Repair Program Funding & Submit Resolution of Commitment**
Staff recommends authorizing the Submittal of an Application for the 2012 Urgent Repair Grant Program through the North Carolina Housing Financing Agency.
- J. **Planning – Proposed Emergency Repair Fund Rehabilitation Invoice**
Staff recommends approving the Brunswick County Emergency Repair Fund Payment in the amount of \$400.00.
- K. **Legal Services Contract (Huey Marshall)**
Staff requests to accept into practice.
- L. **CIS – Quarterly Parent Education Report**
Staff requests to receive report as information as presented.
- M. **Sherriff’s Office – Proposed Agreement for Participation in the Statewide Misdemeanant Confinement Program**
Staff requests to approve the Statewide Misdemeanant Confinement Agreement with the State of North Carolina.
- N. **Finance – Proposed Policy Extension**
Staff requests approval to a second one-year Extension to the Expiration Date of the Interim Policy to provide for the Deferral of the Payment and Collection of Water and Sewer Capital Recovery Fees and Transmission Capital Recovery Fees prior to the issuance of a Certificate of Occupancy in lieu of requiring payment of the fees prior to the issuance of a Building Permit.
- O. **Finance-Budget Amendment for Settlement (Added under Adjustments to the Agenda)**
Staff request approval of a budget transfer to increase expenditures in the Operation Services Department for payroll expenses and related county required FICA taxes and to reduce expenditures in the Manager’s Contingency budget in the amount of \$50,000.

General Fund

Salary & Wages	104280-412100	\$46,447
Employer Share of FICA	104280-418100	\$3,553
Manager’s Contingency	109910-499101	\$(50,000)

The budget transfer above is to increase expenditures in the Operation Services Department for payroll expenses and related county required FICA taxes and to reduce expenditures in the Manager’s Contingency budget.

- P. **Operation Services (Added under Adjustments to the Agenda)**
Staff requests approval of Proposed Water Management Projects by Mosquito Control Division for William T. Taylor Project, Bolivia Elementary School Project, Ralph Teal Project and Donald Hobson Project.

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 – CDBG Infrastructure Fund Request for Sewer Service in Dutchman Acres, Southport NC (Louise McGarva)

I. CALL TO ORDER

Chairman Sue called the hearing to order at p.m. and announced that the purpose of the hearing was to receive input regarding the county's intent to request CDBG Infrastructure Funds (IF) for sewer service in Dutchman Acres, Southport, NC.

Louise McGarva, Community Development Administrator, explained the following:
The North Carolina State Community Development Block Grant Program, administered by the North Carolina Department of Commerce and Community Investment, has opened the application process for the 2011 CDBG Infrastructure Funds. Brunswick County anticipates applying for the maximum \$750,000 CDBG Infrastructure Grant with a 5% county match to be used toward the installation of sewer mains in the Dutchman Acres subdivision/area of Southport, NC. A portion of the \$750,000 CDBG Infrastructure funds can also be used for the individual homeowner sewer line connections. A public hearing is required prior to the county's submission of a letter of interest to Community Investment. The window to begin the application process opens on February 1, 2012 and closes on February 29, 2012. On February 1, 2012 the Division of Community Investment will begin accepting the following required documentation:

- Letter of Interest
- Preliminary Engineering Report
- Evidence of first Public Hearing
- Evidence of need from Health Department
- Completed Preliminary Information Form.

Conducting this public hearing does not obligate the county to move forward with this intended program.

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 Phillips moved to close the hearing at 6:58 p.m. The vote of approval was unanimous. No action was required.

2. Planning – Zoning & Map Amendment Z-11-674 Second Reading & Adoption (Leslie Bell)

I. CALL TO ORDER

Chairman Sue called the hearing to order at 6:59 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Zoning and Map Amendment Z-11-674.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-674 – Kendal H. Suh, M.D.)

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 22800001201 located off Ocean Isle Beach Road SW (SR 1184) near Ocean Isle Beach, 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 2280001201 located off Ocean Isle Beach Road SW (SR 1184) near Ocean Isle Beach, NC.

This rezoning totals approximately 28.86 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density) for Tax Parcel 2280001201.

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 2280001201 located off Ocean Isle Beach Road (SR 1184) near Ocean Isle Beach, NC.

Planning Board recommends approval to C-LD (Commercial Low Density) for Tax Parcel 2280001201 [5 to 0 with Dr. James Graham, Jr. and Mr. Steve Candler being absent].

Planning Board recommends approval to Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial for Tax Parcel 2280001201 located off Ocean Isle Beach Road SW (SR 1184) near Ocean Isle Beach, NC [5 to 0 with Dr. James Graham, Jr. and Mr. Candler being 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 7:00 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve Second Reading and Adoption of Zoning and Map Amendment Z-11-674. The vote of approval was unanimous.

VII. ADMINISTRATIVE REPORT

1. Planning – Proposed Zoning & Map Amendment Z-12-675 First Reading and Set Public Hearing for February 6, 2012 (Leslie Bell)

Staff recommends scheduling Public Hearing on Map Amendment Z-12-675 for February 6, 2012 at 6:30 pm.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-675 – Gerald E. Baker)

Item 1 is a map amendment initiated by the property owner. This change from C-LD (Commercial Low Density) and R-6000 (High Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 232GE00501 located at 3003 Holden Beach Road (NC 130) near Holden Beach, NC.

This rezoning totals approximately 1.39 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density) for Tax Parcel 232GE00501.

Planning Board recommends approval to C-LD (Commercial Low Density) for Tax Parcel 232GE00501 [unanimous 7 to 0].

Commissioner Phillips moved to approve First Reading schedule a Public Hearing on February 6, 2012 at 6:30 p.m. for Proposed Zoning and Map Amendment Z-12-675. The vote of approval was unanimous.

2. Planning – Proposed Zoning & Map Amendment Z-12-676 First Reading and Set Public Hearing for February 6, 2012 (Leslie Bell)

Staff recommends scheduling Public Hearing on Map Amendment Z-12-676 for February 6, 2012 at 6:30 pm.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-676 – Brunswick County Planning & Community Development) [AMENDED]

Item 1 is a map amendment initiated by the property owner. This change from SBR-6000 (High Density Site Built Residential) to R-7500 (Medium Density Residential) and R-6000 (High Density Residential) would allow for residential use of Tax Parcels (which includes adding Tax Parcel 1860002401 owned by Mr. Edgar Bell) 18500001, 1850000101, 1850000102, 1850000103, 18500002, 1850000202, 1850000203, 18500003, 201DB001, 201DB002, 201DB003, 201DB006, 201DB007, 201DB008, 201DB009, 201DB010, 18600022, 1860002201, 18600023, 1860002304, 1860002305, 201DA001, 201DA002, 201DA003, 201DA004, 201DA005, 201DA006, 201DA007, 201DA008, 201DA009, 201DA010, 201DA011, 201DA012, 201DA013, 201DA014, 201DA015, 201DA016, 201DA017, 201DA018, 201DA019, 201DA020, 201DA021, 201DA022, 201DA023, 201DA025, 201DA026, 201DA027, 201DA028, 201DA029, 201DC001, 201DC002, 201DC003, 201DC004, 201DC005, 201DC006, 201DC007, 201DC008, 201DC009, 201DC010, 201DC011, 201DC012, 201DC013, 201DC014, 201DC015, 201DE002, 201DE003, 201DE004, 201DE005, 201DE007, 201DE008, 201DE009, 201DE010, 2010005201, 20100048, a portion of 2010001101 and 2020000106, located off Gary Street SE, Easy Street SE, Zack Street SE, Twin Town Drive SE, Terry Trail SE, Smithtown Road SE (SR 1193), Retreat Street SE (SR 1922), Sunset Harbor Road SE (SR 1112) near Supply, NC. An amendment to the Official Brunswick County CAMA Land Use Plan Map has been requested from LDR (Low Density Residential) to MDR (Medium Density Residential) for Tax Parcels (which includes adding Tax Parcel 1860002401 owned by Mr. Edgar Bell) 18500001, 1850000101, 1850000102, 1850000103, 18500002, 1850000202, 1850000203, 18500003, 201DB001, 201DB002, 201DB003, 201DB006, 201DB007, 201DB008, 201DB009, and 201DB010 located off Gary Street SE, Twin Town Drive SE and Smithtown Road SE (SR 1193) near Supply, NC.

This rezoning totals approximately 446 151.9 acres.

Planning Staff recommends approval to R-7500 (Medium Density Residential) and R-6000 (High Density Residential) Tax Parcels (which includes adding Tax Parcel 1860002401 owned by Mr. Edgar Bell) 18500001, 1850000101, 1850000102, 1850000103, 18500002, 1850000202, 1850000203, 18500003, 201DB001, 201DB002, 201DB003, 201DB006, 201DB007, 201DB008, 201DB009, 201DB010, 18600022, 1860002201, 18600023, 1860002304, 1860002305, 201DA001, 201DA002, 201DA003, 201DA004, 201DA005, 201DA006, 201DA007, 201DA008, 201DA009, 201DA010, 201DA011, 201DA012, 201DA013, 201DA014, 201DA015, 201DA016, 201DA017, 201DA018, 201DA019, 201DA020, 201DA021, 201DA022, 201DA023, 201DA025, 201DA026, 201DA027, 201DA028, 201DA029, 201DC001, 201DC002, 201DC003, 201DC004, 201DC005, 201DC006, 201DC007, 201DC008, 201DC009, 201DC010, 201DC011, 201DC012, 201DC013, 201DC014, 201DC015, 201DE002, 201DE003, 201DE004, 201DE005, 201DE007, 201DE008, 201DE009, 201DE010, 2010005201, 20100048, a portion of 2010001101 and 2020000106.

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to MDR (Medium Density Residential) for Tax Parcels (which includes adding Tax Parcel 1860002401 owned by Mr. Edgar Bell) 18500001, 1850000101, 1850000102, 1850000103, 18500002, 1850000202, 1850000203, 18500003, 201DB001, 201DB002, 201DB003, 201DB006, 201DB007, 201DB008, 201DB009, and 201DB010 located off Gary Street SE, Twin Town Drive SE and Smithtown Road SE (SR 1193) near Supply, NC.

Planning Board recommends approval to R-7500 (Medium Density Residential) and R-6000 (High Density Residential) Tax Parcels (which includes adding Tax Parcel 1860002401 owned by Mr. Edgar Bell) 18500001, 1850000101, 1850000102, 1850000103, 18500002, 1850000202, 1850000203, 18500003, 201DB001, 201DB002, 201DB003, 201DB006, 201DB007, 201DB008, 201DB009, 201DB010, 18600022, 1860002201, 18600023, 1860002304, 1860002305, 201DA001, 201DA002, 201DA003, 201DA004, 201DA005, 201DA006, 201DA007, 201DA008, 201DA009, 201DA010, 201DA011, 201DA012, 201DA013, 201DA014, 201DA015, 201DA016, 201DA017, 201DA018, 201DA019, 201DA020, 201DA021, 201DA022, 201DA023, 201DA025, 201DA026, 201DA027, 201DA028, 201DA029, 201DC001, 201DC002, 201DC003, 201DC004, 201DC005, 201DC006, 201DC007, 201DC008, 201DC009, 201DC010, 201DC011, 201DC012, 201DC013, 201DC014, 201DC015, 201DE002, 201DE003, 201DE004, 201DE005, 201DE007, 201DE008, 201DE009, 201DE010, 2010005201, 20100048, a portion of 2010001101 and 2020000106 [unanimous 7 to 0].

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to MDR (Medium Density Residential) for Tax Parcels (which includes adding Tax Parcel 1860002401 owned by Mr. Edgar Bell) 18500001, 1850000101, 1850000102, 1850000103, 18500002, 1850000202, 1850000203, 18500003, 201DB001, 201DB002, 201DB003, 201DB006, 201DB007, 201DB008, 201DB009, and 201DB010 located off Gary Street SE, Twin Town Drive SE and Smithtown Road SE (SR 1193) near Supply, NC [unanimous 7 to 0].

Vice-Chairman Norris moved to approve First Reading and schedule a Public Hearing for February 6, 2012 at 6:30 p.m. for Proposed Zoning & Map Amendment Z-12-676. The vote of approval was unanimous.

3. Parks & Recreation – Proposed 2012 North Carolina Parks & Recreation Trust Fund (PARTF) Grant Submission for Town Creek Park – Phase I (Jim Pryor)

Staff recommends authorizing the Submittal of a 2012 North Carolina Parks & Recreation Trust Fund Grant Application for the Town Creek Park-Phase I in the amount of \$359,354.00.

Jim Pryor, Parks and Recreation Director, explained that in December 2011, a site Master Plan for Town Creek Park was presented and approved by the Brunswick County Commissioners. With the Master Plan in place, the county is eligible to seek external funding for certain elements of the project as applicable.

The North Carolina Parks & Recreation Trust Fund (PARTF) is the largest public grant funding source in North Carolina for park projects. It is a 50%-50% matching grant with a maximum award of \$500,000. Brunswick County benefitted in the past from PARTF for the Ocean Isle Beach Park project. While the maximum award is \$500,000, it has been advised that projects asking for less this year will be much more desirable for selection due to the partial raiding of the

fund by the Governor. Therefore, the county requests the PARTF for \$359,354 for this Phase of the project, or a total developmental project of \$718,708 with the county matching funds.

Within Phase 1 of this project, the following development elements are proposed: partial section (1800 lf) of asphalt walking trails and sidewalks with elementary school connector; dog park; individual picnic sites; fitness stations; main playground renovation to rubberized surfacing (ADA); new picnic shelter; new bocce/shuffleboard courts; basketball court expansion/renovation; tennis court resurfacing/fencing; general site work; connection to county sewer system; engineering/design, and 5% contingency.

Due to the nature of the costs involved with the overall project, these were the elements within the project that were most applicable to the grant. Unfortunately, the greatest needs such as community building improvements, restrooms, ball field improvements, and soccer/football fields could not be completed within this grant due to the cost of the items. On a positive note, many elements of this project were completed within the northern property area, thus not affecting the athletic operations and general uses of the park as they presently exist.

The purpose of this request is to explain the project as presented for the grant and request approval to submit the grant. With an affirmative vote, there is the understanding that should this project be selected by the NC Park Authority for award of requested funding, the county would be asked to sign a contract with 50% match commitment of funds to complete the project (only elements included in the grant) within a 3-year period from the contract date.

The Parks & Recreation Advisory Board approved this request at their December 20, 2011 meeting.

Chairman Sue moved to authorize the Submittal of a 2012 North Carolina Parks & Recreation Trust Fund Grant Application for the Town Creek Park-Phase I in the amount of \$359,354.00. The vote of approval was 4 ayes (Sue, Norris, Cooke, Phillips) 1 nay (Warren).

4. Engineering – Proposed Amendment to the contract of Tripp Engineering for the design and permitting of the 2nd Stanley Road Interconnect in the amount of \$14,500 (Bill Pinnix)

Staff recommends approving Amendment to the Professional Services Engineering Contract of Tripp Engineering for the Design; Permitting, Construction Administration and Inspection for the Stanley Road Water Main Interconnect Project and the Associated Budget Amendment.

Bill Pinnix, Engineering Services Director, explained that the existing water main on Stanley Road runs from Hewett Road in the north to Oakwood Drive in the south, just past the entrance of the Sea Castles subdivision on Stanley Road. The county is currently installing the “Stanley Road Interconnect” from Hewett Road to Mt. Pisgah Church Road in the north in order to connect existing mains on Pisgah and Hewett roads and improve system hydraulics in that area. Tripp Engineering is the design engineering firm for this water main interconnect along with several other water mains on the County Capital Improvement Projects.

Recently it was realized that installing the missing interconnect on the south end of Stanley Road would improve system hydraulics in the southern section of Stanley Road. The installation of this interconnect (approximately 1,200 feet) would also finish the Stanley Road water main and it would then be continuous along the entire length of Stanley Road. The Old Ferry Connection water main is currently fully designed and permitted and ready for construction once funded. It is possible to design this missing section of main on Stanley Road as a permit modification to the existing Public Water Supply System (PWSS) permit and the existing NCDOT encroachment permit for the Old Ferry Connection main. Completing the design of this interconnect now would

have both the Stanley Road and Old Ferry Connection mains permitted and ready for construction at the same time once construction funding is available.

County Engineering recently requested Tripp Engineering provide a professional services quote for design, permitting, construction administration, and construction inspection and certification for what we are now calling the “2nd Stanley Road Interconnect”. The quote from Tripp Engineering was for \$14,500 for the 2nd Stanley Road Interconnect design and permitting. County Engineering respectfully requests Board consideration and approval of an amendment to the existing Tripp Engineering professional services contract for design and permitting of the 2nd Stanley Road Interconnect.

Stanley Road Water Project - Capital Project Fund

Revenues:

Transfer from Water Fund	418260-398661	\$19,300
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Expenditures:

Arch/Eng/Legal	418260-464001	\$14,500
Construction	418260-464002	\$4,800

Water Capital Reserve Fund

Revenues:

Transfer from Water Fund	419800-398661	\$(19,300)
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Expenditures:

Undesignated Funds	419800-464320	\$(19,300)
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The budget amendments above are to transfer water capital reserve funds in the amount of \$19,300 to the Stanley Road Water Project. The associated capital project ordinance is below.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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 Project Fund for the **Stanley Road Water Project**:

Water Capital Project Fund:

Revenues:

Transfer from Water Fund	<u>\$135,670</u>
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Total Water Capital Project Fund Revenues	\$135,670
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Expenditures:

Arch/Eng/Legal	\$19,804
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Construction	<u>\$115,866</u>
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Total Water Capital Project Fund Expenditures	\$135,670
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Section 2. The following amounts are hereby appropriated in the Brunswick County Water Fund:

Contributions to the Capital Project Fund	\$135,670
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Section 3. It is estimated that the following revenues will be available in the Brunswick County Water Fund:

Current Funds Appropriated **\$135,670**

Section 4. This Capital Project Ordinance shall be entered into the minutes of the January 17, 2011 meeting of the Brunswick County Board of Commissioners.

Commissioner Cooke moved to approve the amendment to the Professional Services Engineering Contract of Tripp Engineering for the Design; Permitting, Construction Administration and Inspection for the 2nd Stanley Road Water Main Interconnect Project and the associated budget amendment in the amount of \$14,500. The vote of approval was 4 ayes (Cooke, Norris, Sue, Phillips) 1 nay (Warren).

5. Engineering – Proposed Public Utilities Water Tap Request Policy Amendment to include “One Parcel Back” Connection Policy (Bill Pinnix)

Bill Pinnix, Engineering Services Director, requested consideration and approval of the proposed “One Parcel Back” connection policy as recommended for approval by Utility Board action on January 9, 2012.

Mr. Pinnix explained that this revision to the current connection policies would allow water service to a parcel that does not have direct access to an existing water main, and is behind a parcel with access to county water, as long as certain connection requirements are met.

Mr. Pinnix referred to the November 10, 2011 memo from Engineering to the Utility Board for connection requirements. The proposed conditions in the memo were reviewed, discussed, and approved by the Utility Board at its January 9, 2012 meeting. The Utility Board voted 5 to 3 to recommend approval of the one parcel back rule with conditions specified in the November 10, 2011 Engineering Department memo.

Vice-Chairman Norris expressed concerns that the county could be excluding potential water customers and precluding some citizens from connecting to the county water system especially in rural areas. There was discussion regarding the extent of a potential line, the associated easements, and the responsibilities of connecting to the system. It was consensus of the Board to not agree with the Utility Board recommendation.

Vice-Chairman Norris moved to not approve the recommendation from the Utility Board for the One-Parcel Back rule and to direct Engineering staff to work with Utility Customer Service to amend the language in the Water Service Agreement to allow water connections without restrictions. The vote of approval was unanimous.

6. Finance – Proposed Resolution Providing for the Issuance of Not to Exceed \$22,800,000 General Obligation Refunding Bonds, Series 2012 (Ann Hardy)

Staff recommends approving Resolution providing for the Issuance of Not to Exceed \$22,800,000 General Obligation Refunding Bonds Series 2012.

Ann Hardy, Fiscal Operations Director explained the following:

Background Information

The county is in the process of refunding (refinancing) outstanding general obligation bonds of the county where cost savings are 3% or greater. The county adopted resolutions and bond orders on 12/5/11 for refunding the 2003 School General Obligation Bonds and the 2005 Boiling Spring Lakes General Obligation Water Bonds. The county adopted resolutions and bond orders on 12/19/2011 for refunding the 2004 School General Obligation Bonds.

Current Situation

The market has continued to improve and it now appears that the refunding of all the general obligation bonds that are proposed thru the issuance of the Series 2012 General Obligation Bonds may result in savings of 11.5%. The gross cash savings after deducting fees and the additional principal payments on the Boiling Spring Lake debt are \$3,321,400 with a present value of \$2,179,801. Total fees are estimated at \$196,193.

Bond Counsel prepared the Resolution for the Board of Commissioners to consider which provides for the issuance of not to exceed \$22,800,000 General Obligation Refunding Bonds, Series 2012.

Recommendation

Staff recommends that the Commissioners consider approval of the Resolution to issue the bonds and authorize staff and the Chairman to execute all bond documents upon completion of the transaction.

Vice-Chairman Norris moved to approve the Resolution Providing for the Issuance of Not to Exceed \$22,800,000 General Obligation Refunding Bonds Series 2012. The vote of approval was unanimous.

7. Finance – Proposed Bond Order Authorizing the Issuance of Enterprise Systems Revenue Refunding Bonds, & Resolution Authorizing the Approval, Execution and Delivery of Various Documents in Connection with the Issuance of Revenue Refunding Bonds, Series 2012A (Ann Hardy)

Staff recommends approving Bond Order Authorizing the Issuance of Enterprise Systems Revenue Refunding Bonds not to exceed \$27,000,000. Approve Resolution Authorizing the Issuance of the Refunding Bonds Series 2012A and providing for the Sale of the Bonds and the Terms and Conditions, upon which the Bonds are issued, sold and delivered.

Ann Hardy, Fiscal Operations Director, explained the following:

The market has continued to improve and it now appears that the refunding of the revenue bonds proposed thru the issuance of the Series 2012A Revenue Bonds may result in savings of 8.8%. The gross cash savings after deducting fees are \$2,548,180, with a present value of \$2,062,915. Total fees are estimated at \$270,282.

Bond Counsel prepared the Bond Order which provides for the issuance of not to exceed \$27,000,000 Revenue Refunding Bonds, Series 2012A. Bond Counsel also prepared the escrow agreement and series indenture. Those documents will be executed upon completion of the transaction. Bond Counsel prepared the Resolution that authorizes staff to complete the transactions necessary to refund the revenue bonds.

Recommendation

Staff recommends that the Commissioners consider approval of the Bond Order to issue the bonds. Staff recommends that the Board consider adoption of the Resolution to authorize staff to complete the steps necessary for the refunding and to authorize staff and the Chairman to execute all bond documents upon completion of the transaction.

Commissioner Phillips moved to approve the Bond Order Authorizing the Issuance of Enterprise Systems Revenue Refunding Bonds not to exceed \$27,000,000. Approve the Resolution Authorizing the Issuance of the Refunding Bonds Series 2012A and Providing for the Sale of the

Bonds and the Terms and Conditions, upon which the Bonds are issued, sold and delivered. The vote of approval was unanimous.

8. DSS Board Attorney Appointment (Added under Adjustments to the Agenda)

Commissioner Warren informed that Chairman Sue had provided a list of attorney's (25-30 individuals) including a few with government board experience, to be contacted for the DSS Attorney position. Commissioner Warren indicated that he called 4-5 different attorney's that had previous board experience and they expressed no interest in serving. Commissioner Warren indicated that one particular attorney attended one meeting and due to the chaos and procedures during that meeting, they withdrew their application.

Commissioner Warren moved to appointment Gary Shipman as the DSS Board attorney. The Chairman reminded that this Board had previously discharged Mr. Shipman from that position. The vote of approval was 1 aye (Warren) 4 nays (Sue, Norris, Phillips, Cooke). Commissioner Warren indicated that he was not able to obtain anyone from the list provided and asked the Board if they were going to order Huey Marshall to represent the DSS Board and the Chairman answered that he was not going to order Mr. Marshall to serve in that position. Chairman Sue suggested that Commissioner Warren try contacting other names on that list indicating that he feels strongly about not appointing someone who has been previously discharged of that same duty and the other commissioners agreed.

VIII. BOARD APPOINTMENTS

1. Southeastern Economic Development Commission (Public & Minority appointment)

Chairman Sue nominated Velva Jenkins. Commissioner Cooke moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Ms. Jenkins. The vote of approval was unanimous. Velva Jenkins will serve another four-year term that will expire on January 1, 2016.

**2. Nursing Home & Adult Care Advisory Committee (District 1, At-large)
(District 1 appointment tabled under Adjustments to the Agenda)**

Chairman Sue nominated Helen Clark. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Ms. Clark. The vote of approval was unanimous. Helen Clark was appointed to fill the expired term of Fran Dolan (resigned) and will serve an initial one-year term that will expire on February 1, 2013.

3. ABC Board (1 appointment)

Vice-Chairman Norris nominated Mitchell Williams. Commissioner Phillips moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Mr. Williams. The vote of approval was unanimous. Mitchell Williams was re-appointed to serve another three-year term that will expire on January 1, 2015.

4. Utility Board (District 2, District 4, At-large)

Chairman Sue nominated Retta Kennedy, Joseph James and Robert Wiltbank as they have expressed a interest in serving another term on the Utility Board. Commissioner Phillips moved to close the nominations. The vote of approval was unanimous. Commissioner Cooke moved to approve the appointment of Ms. Kennedy, Mr. James and Mr. Wiltbank. The vote of approval was unanimous. Retta Kennedy, Joseph James and Robert Wiltbank were re-appointed to serve another two-year term that will expire on January 1, 2014.

5. Brunswick Senior Resources Inc. (District 5)

Chairman Sue nominated Helen Clark. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Ms. Clark. The vote of approval was unanimous. Helen Clark was appointed to fill the unexpired term of Eleanor Covan (resigned) that will expire on May 21, 2012.

IX. COUNTY ATTORNEY'S REPORT

No items were presented.

X. OTHER BUSINESS/INFORMAL DISCUSSION

1. **Hearing on Removal (Tabled under Adjustments to the Agenda)**

XI. ADJOURNMENT

Commissioner Cooke moved to adjourn the Regular Meeting at 7:29 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, NCCCC
Clerk to the Board