

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS**  
**OFFICIAL MINUTES**  
**PUBLIC HEARING**  
**DECEMBER 17, 2001**  
**5:45 P.M.**

**(Proposed Zoning for Southeast Brunswick Sanitary District))**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 5:45 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT:                   Commissioner Donald E. Warren, Chairman  
                                  Commissioner May W. Moore, Vice Chairman  
                                  Commissioner David R. Sandifer  
                                  Commissioner Tom B. Rabon, Sr.  
                                  Commissioner William M. Sue

STAFF:                     Marty K. Lawing, County Manager  
                                  Steve Stone, Assistant County Manager  
                                  Huey Marshall, County Attorney  
                                  Debby Gore, Clerk to the Board  
                                  Margie Stephenson, Deputy Clerk  
                                  Lithia E. Brooks, Director of Fiscal Operations

**IX. I. CALL TO ORDER**

Chairman Warren called the Public Hearing to order at 5:45 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the Proposed Zoning for the Southeast Brunswick Sanitary District.

**II. PUBLIC COMMENTS**

Chairman Warren asked Mr. Leslie Bell, Planning Director to explain the Proposed Zoning issue for the Southeast Brunswick Sanitary District.

Mr. Bell stated that on October 1, 2001 the Board of Commissioners approved a request from the Southeast Brunswick Sanitary District (SEBSD) to accept comprehensive planning and zoning responsibilities and set a Public Hearing for December 17, 2001 for Public input. The proposed zoning is consistent with the Brunswick County CAMA Land Use Plan and is recommended by the Planning Board and Planning Staff.

Chairman Warren asked if any members of the audience wished to address the Board.

Mr. Patrick Newton, who owns several parcels in the affected area, commented on the Transportation Overlay Zone. Mr. Newton addressed the maximum lot coverage and set back requirements stating he had not seen any technical or scientific basis for the land use restrictions to 60% of the available land and is concerned as how that number was derived or why it exists. Mr. Newton stated he understands the provision was aimed for run-off control but the ordinance

addresses that by limiting the post development run-off rate to not more than 5% of pre-development, creating an inconsistency or redundancy by having the land use limited to 60%.

Mr. Newton further stated that this provision appears excessive and arbitrary and results in the confiscation of a significant portion of property. Mr. Newton was concerned that if this proposed zoning was adopted as written and his property affected, he would expect some sort of compensation considering that 40% of the property in the zoned area has been rendered worthless. Mr. Newton also stated that he would expect an adjustment in property taxes if only 60% can be developed, the other 40% has no value.

Mr. Newton expressed concerns with setbacks stating they were restrictive and unreasonable and suggested a “saving clause” in the ordinance for parcels impacted so severely that they could not be used.

There were no other comments from the audience.

### **III. ADJOURNMENT**

Commissioner Sue moved to adjourn the Public Hearing at 5:53 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
DECEMBER 17, 2001  
6:30 P.M.**

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

PRESENT:                   Commissioner Donald E. Warren, Chairman  
                                  Commissioner May Moore, Vice-Chairman  
                                  Commissioner David Sandifer  
                                  Commissioner Tom B. Rabon, Sr.  
                                  Commissioner William M. Sue

STAFF:                     Marty K. Lawing, County Manager  
                                  Steve Stone, Assistant County Manager  
                                  Huey Marshall, County Attorney  
                                  Debby Gore, Clerk to the Board  
                                  Margie Stephenson, Deputy Clerk  
                                  Lithia E. Brooks, Fiscal Operations Director

**I. CALL TO ORDER**

Chairman Warren called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

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

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

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

1. The County Manager requested to remove Item 4 under Administrative Report, Contract Addendum for the Northeast Wastewater Treatment Facilities.
2. Chairman Warren requested to add under Other Business approval of compensation for 60 hours of compensatory time for the Clerk to the Board.

Commissioner Sandifer moved to approve the agenda with the adjustments included. The vote of approval was unanimous.

**IV. PUBLIC COMMENTS**

Chairman Warren 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. Jeff Lane, President of Friends of the Green Swamp gave an update on the proposed regional landfill in Columbus County. Mr. Lane read excerpts from a letter received from the North Carolina Department of Environmental Health and Natural Resources. Mr. Lane requested the Board submit a letter to DEHNR expressing concerns and liability associated with the proposed landfill in Columbus County. (**Exhibit Book 27, Attachment 15**)

Chairman Warren asked if there were any other comments from the audience.

The County Attorney announced that the 2002 Regular Meeting Schedule was posted in the Clerk's office and introduced Mr. Mark Seagle, the new Assistant County Attorney.

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

Commissioner Sandifer moved to approve the Consent Agenda with the adjustments included. The vote of approval was unanimous. The following items were approved:

**A. Minutes**

- 1) Regular Meeting Minutes of December 3, 2001

**B. Tax Matters**

- 1) Approval of August 2001 Motor Vehicle Valuation & Levy
- 2) Approval of Fire Fee Releases for December 2001
- 3) Approval of Tax Releases for December 2001
- 4) Revenue Collector Report for November 2001

**C. Finance – FY 2000-2001**

We are in receipt of the following FY 2001-2002 budget amendment request:

- 1) Volunteer Rescue Squads Capital Funding Committee

\$9,245 Increase                      County Capital Reserve Fund

The Volunteer Rescue Squad Capital Funding Committee approved the following at it's November 7, 2001 meeting:

Towncreek VRS

Eleven (11) portable radios	\$4,245
Repair & Maintenance of Building	5,000

- 2) Cape Fear Sentencing Services

\$3,092 Increase                      State Revenue

This amendment represents an increase in State revenue to offset the reduction from Columbus County for this program. This program is organized to serve the 13<sup>th</sup> Judicial District by providing information that will assist said Judicial District in imposing sentences that make the most effective use of available resources as prescribed in the Sentencing Services Act (GS 7A, Article 61). County funds are not involved.

- 3) Sheriff's Department

\$2,192 Increase

General Fund Balance Appropriated

This amendment represents the amount we received in excess of the FY 2000-2001 budget for the DARE program. These revenues must be used for this program in subsequent years. County funds are not involved.

4) Corp of Engineers

\$105,000 Increase

State Revenues

This amendment represents the FY 2001-2002 approved revenue for the Mosquito Control program administered by the Operation Services department. County funds are not involved.

5) Communities in Schools - After School Extended Learning Program

\$85,000 Increase

State Revenue

This amendment represents the amount approved by the State for FY 201-2002 for the above referenced program. This program provides services to school children who are at risk of involvement in delinquent activity from two (2) middle and 5 (five) elementary schools in the County. The activities provided include tutoring and enrichment activities. County funds are not involved.

6) Public Housing - State Acquisition and Relocation Funds (SARF)

\$216,660 Increase

State Revenue

This amendment represents the increase approved by the State for the SARF program administered by the Public Housing department. This program, as you may recall, provides funds as a supplement to home owners approved in the buy-out program. These supplemental funds may be used to assist the home owner in the purchase of a comparable home to his/her previous home originally approved in the buy-out program. County funds are not involved.

We ask the Boards concurrence to amend the FY 2001-2002 accordingly.

## **VI. PRESENTATIONS**

1) Jerry Thrift - Brunswick Community College

Mr. Thrift explained that BCC was granted a “wireless cable” license, open only to educational systems and is being facilitated by Wave Tel, a subsidiary of CT Communications. Mr. Thrift requested approval to mount antennas on the County water tower located within the Leland Industrial Park with Wave Tel bearing the installation costs. Secondly, Mr. Thrift requested approval to utilize one electrical circuit (110 volt) to power the radio equipment at this site with the cost being absorbed by the County until commercial operations begin and permission to mount antennas on other County water towers and communications towers as necessary for booster signals at no cost to Brunswick Community College. Before implementing any commercial applications, Wave Tel will work with the County to negotiate lease agreements.

Commissioner Sue moved to give permission to negotiate with Staff and initial permission for use restricted to the Leland Tower. The vote of approval was unanimous.

**(Exhibit Book 27, Attachment #16)**

## **VII. ADMINISTRATIVE REPORT**

**1. Planning – Proposed Zoning for Southeast Brunswick Sanitary District – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving second reading and adoption of Proposed Zoning for Southeast Brunswick Sanitary District as recommended by the Planning Board.

Vice-Chairman Moore moved to accept the Planning Board recommendation and approve the Proposed Zoning for Southeast Brunswick Sanitary District. The vote of approval was unanimous.

**2. North Carolina Local Government Debt Setoff Program – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving a Memorandum of Understanding and Resolution authorizing Brunswick County to participate in the NC Local Government Debt Setoff Program.

Commissioner Sue moved to approve the Memorandum of Understanding and Resolution authorizing Brunswick County to participate in the Debt Setoff Program and to appoint the Brunswick County Revenue Collector, Nancy Moore as the acting agent. The vote of approval was unanimous.

**NC LOCAL GOVERNMENT DEBT SETOFF PROGRAM**

**WHEREAS**, NCGS Chapter 105A, Setoff Debt Collection Act, authorizes the North Carolina Department of Revenue to cooperate in identifying debtors who owe money to local governments and who qualify for refunds from the Department of Revenue; and

**WHEREAS**, the law authorizes the setting off of certain debts owed to local governments against tax refunds; and

**WHEREAS**, the North Carolina Association of County Commissioners and the North Carolina League of Municipalities have jointly established a clearinghouse to submit debts on behalf of Brunswick County, as provided by law; and

**NOW, THEREFORE, BE IT RESOLVED** by the Brunswick County Board of Commissioners that the County will participate in the debt setoff program and hereby designates the Brunswick County Tax Collector as the person to hold hearings and conduct necessary proceedings.

The Chair and County Manager are hereby authorized to execute such documents and agreements as necessary to participate in the debt setoff program.

This the 17<sup>th</sup> day of December 2001.

Brunswick County Board of Commissioners  
s/Donald E. Warren, Chairman

Attest:

s/Debby Gore, Clerk to the Board

**3. Adult Care Home Beds – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving a resolution authorizing the submittal of a request to the Division of Facility Services for the licensing of 96 additional adult care home beds in Brunswick County.

Mr. Jeff Dickerson of Kernersville addressed the Board and explained that until December 31, 2001 the current General Statutes permit the Local Board of Commissioners to determine substantial need and specify number of beds for an Adult Care Facility.

There was concern from the Board that there was not enough back up information indicating the need for such a facility and questions of endorsement.

Commissioner Sandifer moved to deny the resolution. The vote of approval was unanimous.

**4. Engineering – Northeast Wastewater Treatment Facilities – Contract Addendum – (*Jeff Phillips*) (Deleted under Adjustments to the Agenda)**

Staff recommends that the Board of Commissioners consider approving the addendum to the Engineering Services Agreement with WK Dickson for the Construction and Closeout Phase of the Northeast Regional Wastewater Project in the amount not to exceed \$211,600.00.

**5. Lockwood Folly River – (*Leslie Bell*)**

Staff recommends that the Board of Commissioners consider approving the resolution in support of reconstructing the flow of the Lockwood Folly River as drafted.

Mr. Leslie Bell, Planning Director explained the project that will remove tidal bars and sediment in channels to improve tidal circulation and aquatic habitation.

Vice-Chairman Moore moved to approve the resolution of support subject to the addition of 65%-35% match and local responsibility for maintenance. The vote of approval was unanimous.

**RESOLUTION IN SUPPORT OF RECONSTRUCTING THE FLOW OF THE  
LOCKWOOD FOLLY RIVER**

**WHEREAS**, the Lockwood Folly River serves as the primary drainage point for approximately 15% of the land area of Brunswick County; and

**WHEREAS**, the Lockwood Folly drain basin has experienced development that is about three times the rate of the remainder of North Carolina; and

**WHEREAS**, time and interference has taken their toll on the flow of the Lockwood Folly River, and being a tidal river, the rate of flow has never been constant or powerful enough to remove the dross of thoughtless or uncaring people that either do not know or do not care about the importance of the river; and

**WHEREAS**, this project is designed to remove tidal bars that block or impede the normal water flow from the marsh flats that surround the river and serve as its spawning grounds and its natural filters, purposes that have been frustrated in recent years because of the sand accretion; and

**WHEREAS**, there is now a rare opportunity to reconstruct the flow of the Lockwood Folly River, to let this ancient river breathe again to allow the river's life to regain a degree of normalcy.

**NOW, THEREFORE**, the Brunswick County Board of Commissioners are hereby resolved to support the reconstructive dredging in the near future for the Lockwood Folly River; and are willing for Brunswick County to serve as the non-Federal sponsor of the project, utilizing 65% Federal funding and 35% non-Federal funding, and hereby agree to maintain the said channel way to continue to harvest the benefits into the future, and

**BE IT THEREFORE FURTHER RESOLVED** that this resolution is to be published to its Federal and State legislative delegations.

This the 17<sup>th</sup> day of December 2001.

Brunswick County Board of Commissioners  
s/Donald E. Warren, Chairman

Attest:  
s/Deborah S. (Debby) Gore

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

#### **1. Traffic Control and Safety Measures on NC 133 and 211.**

To consider resolution supporting traffic lights and additional lanes on NC Hwy 133 and Hwy 211.

Vice-Chairman Moore moved to approve the resolution of support of traffic control on NC 133. The vote of approval was unanimous.

### **RESOLUTION IN SUPPORT OF TRAFFIC CONTROL ON NC 133/211**

**WHEREAS**, the singular route connecting the Old Southport-Supply Road and the Southport portion of Smithville Township to the areas of Caswell Beach, Oak Island, the Brunswick County Airport and the North Carolina Baptist Assembly is NC 133, and

**WHEREAS**, being the only route connecting those areas, the traffic is correspondingly heavy, and in the summer season, when thousands of like-minded people come to appreciate one of the most beautiful locations on earth, the traffic becomes an even heavier burden as those people, and the local residents, attempt to procure victuals and refreshments, and the resulting vehicle congestion at the centers of commerce is both frustrating and dangerous, and

**WHEREAS**, there are known measures that can help coordinate traffic flow, and

**WHEREAS**, though those measures might not reduce the volume of vehicles using the area, those measures can reduce congestion by traffic light sequencing and lessening traffic interruption and employing additional lanes for turning.

**THEREFORE**, the Brunswick County Commissioners, meeting in regular session, do resolve to support any measures that reduce the hazards of traffic on NC 133 and NC 211 in Smithville Township and do specifically support the sequencing of traffic lights and additional lanes to accommodate all traffic using the Southport-Supply Road and the Long Beach Road. This Resolution is to be published to all interested parties and specifically to the North Carolina Board of Transportation.

This the 17<sup>th</sup> day of December 2001.

s/Donald E. Warren, Chairman  
Brunswick County Commissioners

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

**2. Closed Session**

**7:16 p.m.** Commissioner Sandifer moved to enter into Closed Session pursuant to GS 143.318-11 (a) (3) & (6). The vote of approval was unanimous.

**Recess** - Chairman Warren called for a ten minutes recess.

**Reconvened - 7:59 p.m.**

Chairman Warren called the Open Session back to order and announced that no action was taken in Closed Session.

**IX. OTHER BUSINESS AND INFORMAL DISCUSSION**

Commissioner Sandifer moved to approve compensation for 60 hours of compensatory time for the Clerk to the Board. The vote of approval was unanimous.

**X. ADJOURNMENT**

Commissioner Sandifer moved to adjourn the Regular Meeting at 8:00 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board