

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
DECEMBER 15, 2003
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 David Sandifer, Chairman
 Commissioner Phil Norris, Vice-Chairman
 Commissioner May Moore
 Commissioner Tom B. Rabon, Sr.
 Commissioner William M. Sue

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

 Tony Cummings, Chief Deputy

I. CALL TO ORDER

Chairman Sandifer 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 Sandifer asked if there were any adjustments to the agenda.

1. The County Attorney requested to table Item #1 under County Attorney's report – ACC Cable Communications FL-VA, LLC until receipt of further information.
2. Commissioner Sue requested to adjust Item #1 on page 10 of the December 1, 2003 Minutes to read as a four to one vote.
3. Commissioner Moore requested to adjust Item #5 on page 11 of the December 1, 2003 Minutes to read that the vote of approval was unanimous.

Commissioner Moore moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer 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.

There were no comments from the audience.

V. APPROVAL OF CONSENT AGENDA

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

A. Minutes

1. December 1, 2003 Public Hearing Minutes 5:30 p.m.
2. December 1, 2003 Public Hearing Minutes 5:45 p.m.
3. December 1, 2003 Public Hearing Minutes 6:00 p.m.
4. December 1, 2003 Regular Meeting Minutes

B. Finance (Exhibit Book 38, Attachment #1)

We are in receipt of the following FY 2002-2003 budget amendment requests:

1) Health - Family Planning

\$ 1,875 Increase State Revenue - Restricted

This budget amendment represents an increase in State revenue for the Family planning program administered by the Health Department. These funds will be used to procure additional drugs for the program. County funds are not involved.

2) Health - Bio-terrorism Program

\$66,478 Increase State Revenues - Restricted

This amendment also represents an increase in State revenue for the Bio-Terrorism program administered by the Health Department. The Health director has requested to use these additional revenue for various operation needs of the program with the biggest expense for the procurement of a new vehicle. County funds are not involved.

3) School Bond Capital Projects

\$331,225 Increase Sales Tax Refund

This amendment represents the amount we have received regarding the sales taxes paid on various school projects with the largest being for the South Brunswick High School Capital Project in the amount of \$142,647 and the smallest for the Leland Middle School Capital Project in the amount of \$2. These funds must be amended to the project for which they were initially spent. County funds are not involved.

We ask the Board concurrence to amend the FY 03-04 Budget Ordinance, North Brunswick High School, South Brunswick High School, West Brunswick High School, West Area Elementary School, Leland Middle School, Lincoln Primary School, Union Elementary School and Waccamaw Elementary School Capital Project Ordinances accordingly.

C. Clerk Compensatory (Exhibit Book 38, Attachment #2)

1. Request approval for compensation of 18 hours compensatory time for the Clerk to the Board.

VI. ADMINISTRATIVE REPORT

1. Emergency Services – Fire Inspection Services – (Scott Garner)

Staff recommends that the Board of Commissioners consider approving an Interlocal Agreement authorizing the County to provide fire inspection services for municipalities within Brunswick County.

Scott Garner, Fire Marshall, explained that several municipalities have requested fire inspection services. This agreement allows the County to charge the owner/occupant for the inspection service just as in the unincorporated areas. Staff requested to change the effective date to a continue till cancelled timeframe to reduce renewing the contract each year with a possible delay in inspection services. There will be a 60 day cancellation by either party in the contract.

Commissioner Sue moved to approve the Interlocal Agreement authorizing the County to provide fire inspection services for municipalities within Brunswick County. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #3)**

2. Emergency Services – County Fire Prevention and Protection Ordinance - (Scott Garner)

Staff recommends that the Board of Commissioners consider approving amendments to the Fire Prevention and Protection Ordinance as presented.

Scott Garner, Fire Marshall, requested to update the Fire Prevention and Protection Ordinance to:

Better define residential structures (multi-family) and to show the exclusion of one and two family dwellings which the fire code is not applicable.

Amend fees charged on residential occupancies to a flat fee based on the footprint of the building.

Amend fees charged for tent permits to the same fee as a small plan review since they are similar.

Amend the open burning regulations and remove the distance from the property lines to allow residents to burn on their property as long as they control and prevent the fire from spreading.

Commissioner Sue moved to approve the amendment to the Fire Prevention and Protection Ordinance. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #4)**

3. Emergency Services – Memorandum of Agreement – (Randy Thompson)

Staff recommends that the Board of Commissioners consider approving a Memorandum of Agreement with the NC Division of Emergency Management and appoint Randy Thompson as the designated agent and point of contact.

Randy Thompson, Emergency Services Director, explained that Brunswick County will be provided with a total of \$225,137 from the US Department of Homeland Security funds for terrorism and weapons of mass destruction preparedness. This Memorandum of Agreement is an agreement between the State and Brunswick County to provide said funding. The County will purchase the equipment and submit receipts to the State for reimbursement. The EMS Department will utilize these funds to enhance communications capabilities and create a mobile command unit for on-scene use by public safety agencies. No matching funds are required. Staff also requested to appoint Randy Thompson, Emergency Services Director, as the Designated Agent and Designated Point of Contact for this project.

Commissioner Sue moved to approve the Memorandum of Agreement with the NC Division of Emergency Management and to appoint Randy Thompson as the designated agent. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #5)**

4. Administration - Surplus Telephone Equipment – (Steve Stone)

Staff recommends that the Board of Commissioners consider declaring the Mitel phone system as surplus and authorize staff to negotiate the sale.

Steve Stone, Assistant County Manager explained that the sale of the old phone equipment will generate miscellaneous revenue of \$11,000.

Commissioner Rabon moved to declare the old Mitel phone system as surplus and authorize staff to negotiate the sale. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #6)**

5. Finance – Law Enforcement/Detention Facility Financing Resolution - (Lithia Brooks)

Staff recommends that the Board of Commissioners consider approving a Resolution authorizing the negotiation of an installment financing contract for the financing of the Law Enforcement/Detention Center and schedule a Public Hearing for January 20, 2004 at 5:45 p.m.

Lithia Brooks, Fiscal Operations Director, explained that the Law Enforcement/Detention Center financing will be certificates of participations that will be finalized in March 2004. Pricing on this financing is scheduled for February 18, 2004 with closing to occur on March 4, 2004 with BB&T underwriting the transaction and Parker, Poe, Adams and Bernstein representing the County as Bond Counsel. Staff requests adoption of a Resolution Authorizing the Negotiation of an Installment Financing Contract, Directing the Publication of Notice with Respect Thereto and Providing for Certain Other Related Matters Thereto for the Law Enforcement/Detention Center and to schedule a Public Hearing for January 20, 2004 at 5:45 p.m.

Commissioner Sue moved to approve the Resolution and set a Public Hearing for January 20, 2004 at 5:45 p.m. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #7)**

6. Finance – County Schools Resolution – General Obligation Bonds – (Lithia Brooks)

Staff recommends that the Board of Commissioners consider adopting the General Obligation School Bond Resolution and the Disclosure Resolution related to the proposed \$13,880,000 issuance.

The Fiscal Operations Director explained that the sale date for these bonds is scheduled for January 13, 2004 with closing to occur on February 3, 2004.

Vice-Chairman Norris moved to adopt the “Resolution Providing for the Issuance and Sale of General Obligation School Bonds of Brunswick County, North Carolina, Heretofore Authorized, in the Principal Amount of \$13,880,000 and Providing for the Form, Details and Payment Thereof” and a “Resolution Approving Brunswick County’s Initial and Continuing Disclosure with respect to its Proposed \$13,880,000 General Obligation School Bonds, Series 2003B” and the appropriate Budget Amendment. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #8)**

7. Administration – Brunswick County Schools – HVAC Engineer – (Marty Lawing)

Staff recommends that the Board of Commissioners consider approving a Memorandum of Understanding authorizing the employment of an HVAC Engineer to be funded from School Bond Proceeds.

Marty Lawing, County Manager, explained that the Board of Education determined that a full-time Engineer is needed to supervise Heating, Ventilation and Air Conditioning work associated with the construction and renovation projects funded as part of the 1999 School Bond Construction Program. The position will be filled in January 2004. Salary and benefits will be funded until completion of the construction projects, estimated to be one and one-half to two years. The source of funding is bond proceeds.

Commissioner Sue moved to approve the MOA authorizing the employment of a HVAC Engineer and the appropriate budget amendment. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #9)**

8. Administration – Reuse Water Agreement – St. James – (Marty Lawing)

Staff recommends that the Board of Commissioners consider approving a Reuse Water Agreement between the Members Club at St. James Plantation, LLC, St. James Development Co., LLC and Brunswick County.

Commissioner Sue moved to approve the Reuse Water Agreement between the Members Club at St. James Plantation, LLC, St. James Development Co., LLC and Brunswick County. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #10)**

VII. COUNTY ATTORNEY'S REPORT

1. ACC Cable Communications FL-VA, LLC (tabled under Adjustments to the Agenda)

To approve second reading of resolution extending current franchise for one year.

2. Resolution to create Special Assessment #21

To expand water service delivery to Gray Bridge Road and surrounding areas.

The County Attorney explained that the Board resolved to assist water delivery problems on Gray Bridge Road, Little Shallotte River Estates and along A.I. Clemmons Road. The most straightforward method of expanding water service in this area is a Special Assessment District.

Commissioner Sue moved to approve the preliminary resolution to create the Special Assessment. The vote of approval was unanimous. **(Exhibit Book 38, Attachment #11)**

3. Closed Session

7:10 p.m. Commissioner Rabon moved to enter Closed Session pursuant to N.C.G.S. 143-318.10 (a) (3) consult with Attorney over pending and potential litigation. The vote of approval was unanimous.

8:46 p.m. Chairman Sandifer called the Open Session back to order and announced that no action was taken.

VIII. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

IX. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 8:47 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board