

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JANUARY 5, 2009
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, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Phil Norris, Vice-Chairman
Commissioner J. Marty Cooke
Commissioner Charles Warren
Commissioner Scott Phillips
Commissioner William 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. Roger Harrington

I. CALL TO ORDER

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

Vice-Chairman Norris 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. There were no adjustments to the agenda.
Commissioner Cooke moved to approve the agenda. 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. There were no comments from the audience.

V. APPROVAL OF CONSENT AGENDA

Vice-Chairman Norris moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

1. December 1, 2008 Regular Meeting Minutes
2. December 9, 2008 Workshop Minutes
3. December 15, 2008 Regular Meeting Minutes

B. Tax

C. Finance

Fund	Description	Code	Increase	Decrease
Schools Capital Projects Fund	Investment Earnings	428213-383100	\$109,057	
Schools Capital Projects Fund	BB&T IP	428213-464118	\$109,057	
Schools Capital Projects Fund	Investment Earnings	428212-383100	\$171,419	
Schools Capital Projects Fund	BB&T IP	428212-464118	\$171,419	

The budget amendments above and the school capital project ordinances below are to appropriate investment earnings from debt proceeds to the school capital projects for which the funds were borrowed and must be expended in accordance with the debt agreement. Staff recommends the Board of Commissioners approve the investment earnings appropriation of \$109,057 to the Town Creek School Capital Project and \$171,419 to the Cedar Grove School Capital Project.

**County of Brunswick, North Carolina
Capital Project Ordinance
Town Creek Elementary School Capital Project (428213)**

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 Town Creek Elementary School Capital Project:

Project Cost \$16,045,957

Section 2. It is estimated that the following revenues will be available in the Brunswick County Schools Capital Projects Fund:

Debt Proceeds \$15,936,900
Investment Earnings 109,057
\$16,045,957

Section 3. This Capital Project Ordinance shall be entered into the minutes of the January 5, 2009 meeting of the Brunswick County Board of Commissioners.

County of Brunswick, North Carolina
Capital Project Ordinance
Cedar Grove Middle School Capital Project (428212)

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 Cedar Grove Middle School Capital Project:

Project Cost \$20,585,722

Section 2. It is estimated that the following revenues will be available in the Brunswick County Schools Capital Projects Fund:

ADM Funds	851,203
Debt Proceeds	19,563,100
Investment Earnings	<u>171,419</u>
	\$20,585,722

Section 3. This Capital Project Ordinance shall be entered into the minutes of the January 5, 2009 meeting of the Brunswick County Board of Commissioners.

Fund	Description	Code	Increase	Decrease
Health Fund	Health Supplies	135100-426000		\$30,000
Health Fund	Transfer to County Capital Project Fund	139800-498043	\$30,000	
County Capital Projects Fund	Transfer from Health Fund	438185-398113	\$30,000	
County Capital Projects Fund	DSS, Food Services, and Health HVAC-Construction	438185-464002	\$30,000	

The Health Department, with the approval of the Board of Health, requests approval of the above budget amendment and capital project ordinance below to reduce the supply budget and transfer funds from the Health Fund to the DSS, Food Services, and Health HVAC County Capital Project to cover the construction costs associated with the installation of cable trays for the Health HVAC capital project.

County of Brunswick, North Carolina
Capital Project Ordinance
DSS, Food Services, and Health HVAC County Capital Project (438185)

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 DSS, Food Services and Health HVAC County Capital Project:

Project Cost \$7,150,601

Section 2. It is estimated that the following revenues will be available in the Brunswick County Capital Projects Fund:

Contributions from General Fund	\$5,925,000
Contributions from Health Fund	530,001
Contributions from County Capital Reserve	<u>695,600</u>
	\$7,150,601

Section 3. The following amounts are hereby appropriated in the Brunswick County General Fund:

Contribution to County Capital Project	\$5,925,000
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Section 4. It is estimated that the following revenues will be available in the Brunswick County General Fund:

Current Funds Appropriated	\$5,925,000
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Section 5. The following amounts are hereby appropriated in the Brunswick County Health Fund:

Contribution to County Capital Project	\$530,001
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Section 6. It is estimated that the following revenues will be available in the Brunswick County Health Fund:

Current Funds Appropriated	\$530,001
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Section 7. The following amounts are hereby appropriated in the Brunswick County Capital Reserve Fund:

Contribution to County Capital Project	\$695,600
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Section 8. It is estimated that the following revenues will be available in the Brunswick County Capital Reserve Fund:

Current Funds Appropriated	\$695,600
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Section 9. This Capital Project Ordinance shall be entered into the minutes of the January 5, 2009 meeting of the Brunswick County Board of Commissioners.

Fund	Description	Code	Increase	Decrease
General Fund	ROAP Revenue	104251-332018	\$147,972	
General Fund	ROAP Grant Subsidy	104251-465500	\$147,972	
DSS Fund	ROAP Revenue	145310-332018		\$8,320
DSS Fund	Travel DOT ROAP	145310-431503		\$8,320

Staff recommends approval of the above budget amendment to appropriate the annual Rural Operating Assistance Program (ROAP) funds. These funds consist of subsidy funds to be used for transportation of elderly and disabled residents of Brunswick County. The total funds to be received by the county are \$163,590 with \$147,972 passed through the general fund to the Brunswick Transit System and \$15,618 going to DSS. DSS had budgeted \$23,938 so a budget decrease was needed while the other funds were not budgeted.

Fund	Description	Code	Increase	Decrease
DSS Fund	State Revenue Restricted	145310-332000	\$25,000	
DSS Fund	DSS-Crisis Intervention	145310-449904	\$25,000	

Staff recommends approval of the above budget amendment to appropriate additional funding received from the state for the DSS Crisis Intervention Program.

Fund	Description	Code	Increase	Decrease
General Fund	Non-Departmental Unemployment Insurance	104290-418304		\$13,960
General Fund	Walking thru the Door Grant - Social Security Tax	104307-418100	\$466	
General Fund	Walking thru the Door Grant - Retirement	104307-418200	\$5,020	
General Fund	Walking thru the Door Grant - Group Insurance	104307-418300	\$8,000	
General Fund	Walking thru the Door Grant - Disability Insurance	104307-418400	\$474	

The Governor's Crime Commission awarded a grant to Brunswick County to provide for a specially trained prosecutor and support staff person to work with our Domestic Violence Criminal Cases. The Department reports that during the past three years they have experienced an over 40% increase in Domestic Violence Cases and that the addition of a prosecutor and support staff has enabled staff to provide for speedier trials, referrals of families for needed services and training for officers who deal daily with these potentially dangerous situations. In the first five months of the grant the report they closed out over 250 cases. Staff recommends that county benefits are provided for the employees to be in compliance with retirement and health insurance policies.

Approval of Contract Amendment with Brunswick County Schools for SRO/DARE officer

After the FY 2008-09 School Resource Officer agreement between Brunswick County Schools and the Brunswick County Sheriff's office was executed, the school system received notification of federal funds available to hire an additional DARE officer. The Board of Commissioners approved creating the position in the sheriff's department after a written request from the school superintendent committing the funding to be provided entirely by the school system of which \$25,000 was reported as federal grant funds and \$25,000 school system funds. In order for the school system to utilize the federal funding a contract must be in place. The school system approved the attached amendment to the agreement on December 2, 2008 and requests approval for the Brunswick County Finance Officer to preaudit and the Brunswick County Sheriff to execute the SRO/DARE Officer Amendment to the Original Agreement for: School Resource Officer/DARE Officer for Brunswick County Schools and Brunswick County Sheriff's to include the salary and benefits for a DARE officer not included in the original contract.

Appointment of Local Fireman's Relief Trustees

The NC Rural Fire District's Report of Fire Conditions is required annually by N.C. G.S. 58-84-30. The fire departments have submitted the names of the following nominations to be appointed by the County Commissioners as Fireman's Relief Fund Trustees. Approval of the nominations is requested:

Shallotte Point VFD – Mike Potts and Joe Piggott

D. Appointment of Legislative Liaison to the NCACC

Staff requests to appoint Vice Chairman Phil Norris for the Legislative Liaison to the NCACC.

E. Planning – Whitlock Landing Change of Driveway Access

Staff requests approval for the Whitlock Landing Change of Driveway Access.

VI. PRESENTATION

1. 1.South Brunswick High School Football Team Proclamation

Commissioner Warren presented a Resolution in Honor of the 2008 South Brunswick High School Varsity Football Team who advanced to the Third Sectional Round of the NC 2008 Football Championships-2A Division.

**RESOLUTION IN HONOR OF THE 2008 SOUTH BRUNSWICK
HIGH SCHOOL VARSITY FOOTBALL TEAM**

Whereas, as all civilizations have known, the greatest battles testing the civility of the culture were won on the playfields of its schools, where the clash of sports teaches the greatest sportsmanship lessons, and so may the passing of one milestone highlight a significant team victory, where team played above individual, and

Whereas, the **SOUTH BRUNSWICK HIGH SCHOOL VARSITY FOOTBALL TEAM** completed a year of athletic achievement with 10 wins and three losses, and advanced to the Third Sectional Round of the North Carolina 2008 Football Championships – 2A Division, and

Whereas, this tight-knit family of young men has learned to play in the greatest sense of that word, where mentoring is honored and instructed, where the student can be the teacher, where discipline is a matter of trust, and each player knows that respect for the leaders, and especially Coach Walters, cannot be violated, not so much that it would be wrong, but it would bring dishonor to the team and its name, and

Whereas, as these young men move on with their lives, some will play in other arenas, but most are to continue at South, but they will all be part of the pride of the Cougars, as they now understand what it means to say, “Cougars Pride!”

Now therefore, the Brunswick County Commissioners, meeting in regular session, are hereby resolved to honor the achievements of the **SOUTH BRUNSWICK HIGH SCHOOL VARSITY FOOTBALL TEAM** as they represented Brunswick County well in the North Carolina State Playoffs, advancing for the first time as they did in the standings, and the **COMMISSIONERS** hereby charge the said team to hone their football skills as a new season is coming, and remember that Cougars survive by their skills as a team, and there is a lesson to be learned in that observation.

This the 5th day of January, 2009.

s/William M. Sue, Chair
Brunswick County Commissioners
Attest:
s/Deborah S. (Debby) Gore, CMC
Clerk to the Board

VII. PUBLIC HEARINGS

1. Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted Public Hearings in the Commissioners’ Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

1. **Planning – Proposed Unified Development Ordinance Text Amendment UDO-08-01**

CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:37 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed Unified Development Ordinance Text Amendment UDO-08-01.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 3, Review Procedures, Section 3.1.4. (A), Summary of Notice and Public Hearing Required as follows:

	NOTICE REQUIRED			PUBLIC HEARING REQUIRED			
	Published	Mailed	Posted	Board of Adjustment	Planning Board	Board of County Commissioners	
				BOA	PB	BOCC	
Text Amendment	✓				✓	✓	Section 3.11
Rezoning	✓	✓	✓		✓	✓	Section 3.12
Variance		✓	✓	✓	✓		Section 3.7
Subdivision- Preliminary Plat		✓			✓		Section 8.2.12
Site Plan- Major			✓	✓	✓		Section 3.2.2.B
Site Plan- Multifamily Developments			✓				Section 3.2.2.B
Planned Unit Development Review		✓	✓		✓		Section 4.8.5.L
Zoning Vested Right				✓	✓		Section 3.3
Special Exception Permit		✓	✓	✓	✓		Section 3.3
Appeal of Administrative Decision		✓	✓	✓			Section 3.9
Nonconforming Use Certificate		✓	✓	✓			Section 11.3

Item 2

Amend Article 3, Review Procedures, Section 3.3.10. (A), Effect of Approval as follows:

A. The applicant shall file the approved Special Exception Permit with the Brunswick County Register of Deeds prior to review of Final Plats. ~~or the special exception shall be deemed void.~~ If a Final Plat is not recorded in the specified timeframe per Article 3, Section 3.3.15., Expiration, then the Special Exception Permit will expire.

Item 3

Amend Article 3, Review Procedures, Section 3.9.3., Deadline for Submission of Application, as follows:

An appeal of an administrative decision shall be filed with the Zoning Administrator and Board of Adjustment within 30 days of receipt issuance of the decision.

Item 4

Amend Article 3, Review Procedures, Section 3.9.4., Notice and Public Hearings, add the following:

The County shall hold all required public hearings and give notice in accordance with Section 3.1.4., Notice and Public Hearings. Upon application of a Nonconforming Use Certificate, adjoining property owners shall be notified via both certified mail and first class mail. In addition to the mailed notice, the Zoning Administrator shall post a sign at the subject property or at a location generally visible to the traveling public indicating that an application has been submitted for a Nonconforming Use Certificate.

Item 5

Amend the Design Standards for Private Roads, Section 8.9.4.B.2.iii.-iv. of the Brunswick County Unified Development Ordinance by adding the following:

iii. Type II Roads: Private roads serving between six and ten lots in total (existing, created, or combination thereof). Type II Roads shall meet **or exceed** NCDOT Minimum Construction Standards for Subdivision Roads except for paving, and may instead be surfaced with a minimum of six inches of compacted stone.

iv. Type III Roads: Private roads serving more than ten lots in total lots (existing, created, or combination thereof). Type III Roads shall meet **or exceed** NCDOT Minimum Construction Standards for Subdivision Roads and must be paved.

Item 6

Amend Article 11, Nonconformities, Section 11.3.2.B, Nonconforming Use Certificates and Section 11.3.2.C., Appeal, as follows:

B. Nonconforming Use Certificates

1. It shall be unlawful to maintain or continue any nonconforming use until a Nonconforming Use Certificate has been issued. However, nonconforming uses existing as of the effective date of this Ordinance shall have a six month period from the time of notification by the Zoning Administrator of being a nonconformity to **apply for** ~~obtain~~ such Certificate.

2. **The Board of Adjustment is authorized to issue Nonconforming Use Certificates.**

3. If granted, a statement of the specific reason(s) or findings of fact that support the motion shall be made. Additionally, the Nonconforming Use Certificate shall indicate, the date on which the use will be discontinued, or that the use may be continued indefinitely according to terms and limitations of this Ordinance. **If denied, a statement of the specific reason(s) or findings of fact that support the motion shall be made.**

4. Upon application of a Nonconforming Use Certificate, adjoining property owners shall be notified via both certified mail and first class mail.

5. In addition to the mailed notice, the Zoning Administrator shall post a sign at the subject property or at a location generally visible to the traveling public indicating that an application has been submitted for a Nonconforming Use Certificate.

C. Appeal

An appeal by any person aggrieved by a final order, interpretation or decision of the Board of Adjustment may be filed with Superior Court.

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.

ADJOURN

Commissioner Cooke moved to adjourn the Public Hearing at 6:43 p.m. The vote of approval was unanimous.

There was discussion regarding non-conforming certificate requirements and the appeals process. Vice-Chairman Norris moved to approve with changes as attached. The vote of approval was unanimous.

2. Planning – Proposed Map Amendment Z-08-631 Second Reading and Adoption

CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:50 p.m. and announced that the purpose of the hearing was to receive comments on Proposed Map Amendment Z-08-631.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-631 - William A. Roach)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to C-LD (Commercial Low Density) would allow for commercial use for Tax Parcel 168GB023 located at Quilt Road (SR 1203) near Supply, NC.

This rezoning totals 3.73 acres.

Planning Staff recommends denial to C-LD (Commercial Low Density).

Planning Board recommends denial to C-LD (Commercial Low Density) [unanimous 7 to 0].

PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the Proposed Map Amendment. The following citizens addressed the Board:

1. Luke and Connie Stowers, residents of Quilt Road who previously presented a petition against the proposed rezoning, spoke on behalf of 11 neighbors who shared concerns of increased traffic, noise and lighting pollution with the proposed rezoning.

ADJOURN

Commissioner Warren moved to adjourn the Public Hearing at 6:52 p.m. The vote of approval was unanimous.

Commissioner Warren moved to approve the recommendation of the Planning Board to deny the rezoning request. The vote of approval was unanimous.

3. **Planning – Proposed Map Amendment Z-08-632 Second Reading and Adoption**

CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:53 p.m. and announced that the purpose of the hearing was to receive comments on Proposed Map Amendment Z-08-632.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-632 - Jeff and Maribeth Achterberg)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to NC (Neighborhood Commercial) would allow for commercial use for Tax Parcels 2430000602, 2430000610, 2430000611, and 2430000612 located at 1681 Buck Thorpe Road near Ocean Isle Beach, NC. An amendment to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to CC (Community Commercial) has been requested for Tax Parcels 2430000602, 2430000610, 2430000611, and 2430000612 located at 1681 Buck Thorpe Road near Ocean Isle Beach, NC.

This rezoning totals 2.67 acres.

Planning Staff recommends denial to NC (Neighborhood Commercial).

Planning Board recommends approval to NC (Neighborhood Commercial) [unanimous 7 to 0].

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to CC (Community Commercial) for Tax Parcels 2430000602, 2430000610, 2430000611, and 2430000612 located at 1681 Buck Thorpe Road near Ocean Isle Beach, NC [unanimous 7 to 0].

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. Jeff Achterberg, property owner, asked for approval of the rezoning to utilize a business.

ADJOURN

Vice-Chairman Norris moved to adjourn the Public Hearing at 6:56 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve the recommendations of the Planning Board for approval and approve the amendment to the Official Brunswick County CAMA Land Use Map. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. Planning – Proposed Map Amendment Z-08-633 (Leslie Bell)

Staff recommends approval of First Reading and set a Public Hearing on February 2, 2009 at 6:30 p.m. for Proposed Map Amendment Z-08-633.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-633 – Robert and Debbie Maggard)

Item 1 is a map amendment initiated by the property owner. This change from CI (Commercial Intensive) to C-LD (Commercial Low Density) would allow for less intensive commercial use for Tax Parcel 1850001004 located at 1605 Southport-Supply Road (NC 211) near Supply, NC.

This rezoning totals 1.70 acres.

Planning Staff recommends denial to C-LD (Commercial Low Density).

Planning Board recommends approval to C-LD (Commercial Low Density) [unanimous 7 to 0].

Commissioner Phillips moved to approve First Reading and set a Public Hearing for February 2, 2009 at 6:30 p.m. The vote of approval was unanimous.

2. Planning – Award Single Family Rehabilitation Program Loan Awards & Rehabilitation Contracts (Louise McGarva)

Staff recommends approval for the 2008 Single-Family Rehabilitation Program Loan Awards and Rehabilitation Contracts.

Louise McGarva, Community Development Administrator, explained that Brunswick County is in receipt of notification from the North Carolina Housing Finance Agency that the 2008 Single-Family Rehabilitation Program (SFR08) award was received for the rehabilitation of 9 residential units in the aggregate amount of \$400,000. The County has identified the initial 5 potential recipients for housing rehabilitation.

Staff requests award of the following loan awards and contracts to:

- 1) Charles Coleman, Inc. for Ruth Thomas, Longwood, NC in the amount of \$34,690.00
 - 2) Ronald Myers, Leland, NC in the amount of \$32,616.00
 - 3) Margaret James, Leland, NC in the amount of \$37,395.00
 - 4) Cary Godwin, Ash, NC in the amount of \$38,625.00
 - 5) Strickland Construction Co. for Larsenia Walker, Longwood, NC in the amount of \$36,719.00
- The \$180,045 total cost for the combined five (5) repair contracts will be paid from SFR08 grant funds.

Commissioner Cooke moved to approve the 2008 Single-Family Rehabilitation Program Loan Awards and Rehabilitation Contracts. The vote of approval was unanimous.

3. Governor's Crime Commission Grant (Glenda Ansley)

Staff recommends authorizing the submittal of a Governor's Crime Commission Grant Application and a Commitment for a Cash Match of \$15,000.00 upon Grant Award.

Glenda Ansley, Teen Court Administrator, explained that the Brunswick County Gang Task Force has been meeting since October, 2008 prior to the Juvenile Crime Prevention Council meetings. This Task Force has been conducting an informal survey on Gangs in our county and prevention needs. As a result the Task Force has agreed to focus educational opportunities county-wide with specific prevention efforts in the northern end of the county.

During the 2008 Legislative Session a bill was passed to provide \$10 million for the Governor's Crime Commission to award. Areas specifically targeted for Gang Prevention are rural areas next to urban areas with a strong gang presence. Brunswick County fits this profile and has had several serious gang related acts of violence in the past several years. As part of the grant strategies, a case manager/counselor would be housed at Leland Middle to work with specifically identified youth at risk of becoming gang involved or already in a gang and would provide counseling and referral to additional resources on a case by case basis. In addition to this gang counselor, a member of the Brunswick County Sheriff's office would be trained to conduct GREAT (Gang Resistance Education and Training) at Leland Middle and at Brunswick County

Academy. This officer would also conduct educational meetings throughout the county focusing on government agencies, non-profits, civic organizations and church groups to make the community aware of signs that a youth may be or are at risk of becoming gang involved. This education will specifically help to protect/inform county agencies who conduct home visits/studies on potential gang involvement. The Counselor and Officer will assist in mobilizing the community to use best practices such as OJJDP's Comprehensive Gang Model.

Staff requests approval of a letter of support to accompany the application for a Gang Prevention Grant through the Governor's Crime Commission for Brunswick County. Requirements include a 12.5% cash match by the county and a 12.5% in-kind match by the District Attorney's office, the Brunswick County Sheriff's office and Brunswick County Schools. Estimates for a cash match to be approved at a later date if the grant is awarded, would be approximately \$15,000.00.

Commissioner Cooke moved to authorize submittal of a Governor's Crime Prevention Grant Application and a Commitment for a Cash Match of \$15,000 upon Grant Award. The vote of approval was unanimous.

4. Health – Budget Amendment Transfer of Funds (Don Yousey)

Staff recommends approving use of Escrow Funds for the Health Department Roof Replacement and Reimbursement of Escrow Funds.

Don Yousey, Health Director, explained that during the installation of the new HVAC units for the Health Department, the contractors identified that the roof needed to be replaced. A very rough estimate of \$150,000 was given at the meeting. On 12/8/08, this issue was discussed in the Board of Health meeting and was approved unanimously to allow the Health Department to use up to \$150,000 from escrow to pay for the new roof and added the stipulation that the request to the Board of Commissioners include plans to recoup the money from end of year funds since there are no large ticket items planned for end of year money this year.

Fund	Description	Code	Increase	Decrease
Health Fund	Health Fund Escrow	135100-399101	\$150,000	
Health Fund	Transfer to County Capital Project	139800-498043	\$150,000	
County Capital Project Fund	Transfer from the Health Fund	438185-398113	\$150,000	
County Capital Project Fund	DSS, Food Services, & Health HVAC Project Construction	438185-464002	\$150,000	

Staff recommends approval of the above budget amendment to transfer funds from the county health fund escrow appropriations for construction costs associated with the new roof needed for the Health Department.

Approval of the associated capital project ordinance below is requested:

**County of Brunswick, North Carolina
Capital Project Ordinance
DSS, Food Services, and Health HVAC County Capital Project (438185)**

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 DSS, Food Services, and Health HVAC County Capital Project:

Project Cost	\$7,270,601
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Section 2. It is estimated that the following revenues will be available in the Brunswick County Capital Projects Fund:

Contributions from County Capital Reserve	\$695,600
Contributions from Health Fund	\$650,001
Contributions from General Fund	\$5,925,000

Section 3. The following amounts are hereby appropriated in the Brunswick County Capital Reserve Fund:

Contribution to County Capital Project	\$695,600
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Section 4. It is estimated that the following revenues will be available in the Brunswick County Capital Reserve Fund:

Current Funds Appropriated	\$695,000
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Section 5. The following amounts are hereby appropriated in the Brunswick County Health Fund:

Contribution to County Capital Project	\$650,001
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Section 6. It is estimated that the following revenues will be available in the Brunswick County Health Fund:

Current Funds Appropriated	\$650,001
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Section 7. The following amounts are hereby appropriated in the Brunswick County General Fund:

Contribution to County Capital Project	\$5,925,000
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Section 8. It is estimated that the following revenues will be available in the Brunswick County General Fund:

Current Funds Appropriated	\$5,925,000
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Section 9. This Capital Project Ordinance shall be entered into the minutes of the January 5, 2009 meeting of the Brunswick County Board of Commissioners.

5. Utilities – 211 New Raw Water Well Proposal/Skipper's Well Drilling (Jerry Pierce)

Staff recommends approving the Proposal of Skipper's Well Drilling and Pump Services for Design, Permitting, and Construction of a New Raw Water Well for the NC 211 Water Treatment Plant in the amount of \$201,000.

Jerry Pierce, Utilities Director, explained that funds were included in the FY 2009 Public Utilities budget for the construction of a new raw water well at the NC 211 Water Treatment Plant. For a variety of reasons, including loss of wells due to development and decrease in output from existing wells, the existing raw water wells that pump water to the NC 211 water treatment plant do not produce enough raw water from the plant to operate at its design flow. The proposed well

will increase the amount of raw water available to the NC 211 Water Treatment Plant so it can produce at a level near its design capacity.

Skipper's Well Drilling and Pump Service is the only company in eastern North Carolina with the knowledge of the existing County well field and geology to provide design, permitting, and construction services. The County solicited a proposal from Skipper's Well Drilling for a design build well drilling project and compared that cost to the conventional method of design by an engineering firm and then soliciting bids. After comparing the two methods, staff recommends approval of the proposal from Skippers' Well Drilling and Pump Service for the design, permitting, and construction of a new raw water well at the NC 211 Water Treatment Plant in the amount of \$201,000.

Commissioner Phillips moved to approve the proposal from Skipper's Well Drilling and Pump Services for design, permitting and construction of a New Raw Water Well for the NC 211 Water Treatment Plant in the amount of \$201,000. The vote of approval was unanimous.

6. Finance – Kronos Payroll Time-Keeping System License Agreement (Ann Hardy)

Staff recommends approving the Software License and Services Agreement with Kronos.

Ann Hardy, Fiscal Operations Director, explained that Brunswick County purchased and installed Kronos, an automated employee time-keeping system, in the Fiscal Year 2006-07. The system was implemented to insure compliance with the Fair Labor Standards Act, protect county resources and insure fairness to county employees.

The capital lease to purchase the system included 2 servers to run the software, time-keeping software, 14 biometric time keeping devices, staff training on the operation and maintenance of the administration of the software and hardware, 2 years of hardware and software support for a total cost of \$175,569.50 and a fixed price implementation not to exceed \$67,675. The Kronos time-keeping system was installed on schedule and fully operational for capturing time and payroll processing in June 2007. The Sheriff's Department was added to the system in the summer of 2008. The system is now utilized by all departments to capture and record employee time worked.

One module that was contracted for was not implemented. The "Leave" module is designed to capture leave time for those employees using Family Medical Leave. Upon further review of the module it was determined that it would not be efficient, time effective and warranting of the cost of annual maintenance support for the county due to the very small number of employees utilizing FMLA per year (less than 10 per year on average). The county was short in purchasing the number of "Employee" and other licenses needed. Kronos extended additional licenses at no cost during the implementation phase. Kronos allowed the county to use additional licenses in excess of the amount purchased and for which support was paid by 270 additional licenses. This has benefited the county a great deal since the implementation date. At this time, the county would need to purchase the additional employee licenses and the county does not currently have adequate licenses for those employees that manage and approve payroll.

Negotiations began between the Finance Officer and Kronos to exchange the Leave Licenses for the other licenses that would be beneficial to the county. An offer was made to provide the county with enough employee time-keeping and manager licenses so that the county will have the necessary licenses to process time and payroll for existing staff and growth that could be anticipated over the next 5-8 years.

The Leave module and associated support fees cost the county a total of \$27,937.53. Kronos offered the county 400 Time-keeper licenses with an original value of \$10,080, 400 accrual licenses with an original value of \$4,032, and 400 connect licenses with an original value of \$5,520. The timekeeper, accrual and connect licenses are required for all employees who capture time and are processed for payroll thru the Kronos system. Kronos offered the county 100 workforce employee licenses which enable exempt employees to use the desktop computer to record daily attendance. The original value of workforce was \$1,764. Kronos offered the county 75 additional Manager licenses with an original value of \$6,048. The manager license is used by those employees responsible for processing the department's time and attendance prior to submitting the information to the Finance Department for payroll processing. The total value of licenses offered by Kronos is \$27,444 with a difference of \$494 from the original 2006 purchase price. There is no additional cost to the County for product or maintenance costs for the Fiscal Year 2008-09.

Staff recommends the acceptance of the offer as proposed by Kronos. The agreement provides the County with needed software licenses and an amount for growth while holding to the original 2006 bid price. The offer forgoes cost to the County for the maintenance of the product used by the county in excess of amounts purchased since 2007. Staff recommends that the Board of Commissioners authorize the Chairman to execute the order form and agreement.

Chairman Sue moved to approve the Software License and Services Agreement with Kronos. The vote of approval was unanimous.

7. Finance – Cellular Stipends for County Employees (Ann Hardy)

Staff recommends approving Cellular Phone Stipend Option for County Employees Required to Maintain a Cell Phone for County Business Purposes.

Ann Hardy, Fiscal Operations Director, explained that on November 17, 2008 the Board of Commissioners approved a policy to prohibit personal use of county provided cellular telephones effective December 1, 2008. At the same meeting the commissioners approved for the county to transition to a stipend method of providing cellular phones to employees to reimburse the employee for conducting county business on a personal cell phone. On December 12, 2008 the Board of Commissioners authorized the County Manager to execute agreements to convert the county cellular telephones to the property of the employee and to assign the remainder of county contracts to the employee with the fully informed consent of the employee. At the same meeting the commissioners instructed staff to analyze and make a recommendation for cellular stipend payments to employees to reimburse the employee for the business use of their personal cellular telephone. The payment of a stipend does not require any documentation of phone calls or business use under IRS regulations and eliminates potential tax liability of around \$150,000 per year for the County and employees.

The county currently has 366 county provided cellular phones assigned to employees of which 131 are in the Sheriff's Department. At this time the Sheriff's Department prefers to maintain a county contract to provide cellular equipment, allow no personal use, and perform the documentation of calls as required by the Internal Revenue Service. The county currently pays cellular stipends to employees in the Tax, Revenue and DSS departments to compensate them for business use of a personal cellular telephone. The amount of the stipend in the tax and revenue departments is \$12 per bi-weekly pay period and the amount of the stipend in the DSS department is currently \$45 per quarter. There are 16 employees receiving the stipend in the tax and revenue departments and 48 employees receiving the stipend in DSS.

Departments were asked to provide cellular contract commitments and a recommendation for stipends to management. A summary of the various department stipend recommendations is provided as an attachment. After a review of all recommendations and the documentation of business use of cellular equipment reported by employees, staff submits the following 3 options that the Board of Commissioners may want to consider for cellular business use of employees personal phone compensation.

❖ Option 1-The payment of a stipend of \$25 per bi-weekly pay period to all employees required to maintain a personal cellular phone. The stipend is taxable income to the employee and the employee would be responsible for the employee payroll taxes. The same amount would apply to smart phones, high minute users and base cellular equipment and result in an annual stipend amount of \$650. There would be no additional payments for cellular equipment however the employee may take possession of the equipment they are currently using under the assignment agreement. The estimated annual cost, excluding the Sheriff's department phones, is \$164,435. The additional cost for the tax, revenue and DSS departments is \$31,108. The stipend eliminates any liability associated with personal use of the cell phones or inadequate documentation in the event of an audit.

❖ Option 2-The payment of a stipend of \$25 per bi-weekly pay period to all employees required to maintain a standard cellular phone and the payment of a stipend of \$40 per bi-weekly pay period to all employees required to maintain a smart cellular phone. The stipends are taxable income to the employee and the employee would be responsible for the employee payroll taxes. The smart phone stipend would be limited to the following individuals: County Manager, Assistant County Manager, Finance Officer, County Attorney, Planning/Community Development Director, Emergency Services Director, EM Deputy Director/Fire Marshal, EMS Deputy Director, Central Communications Deputy Director, Health Director, MIS Director, MIS network Administrator, Operations Services Director and Parks Director and result in an annual amount of \$1,040. There would be no additional payments for cellular equipment however the employee may take possession of the equipment they are currently using under the assignment agreement. The estimated annual cost, excluding the Sheriff's department phones, is \$170,313. The additional cost for the tax, revenue and DSS departments is \$31,108. The stipend eliminates any liability associated with personal use of the cell phones or inadequate documentation in the event of an audit.

❖ Option 3-The payment of stipends as recommended by the department to a maximum of \$25 per bi-weekly pay period to all employees required to maintain a standard cellular telephone and to a maximum of \$40 per bi-weekly pay period to all employees required to maintain a smart cellular phone. The stipends are taxable income to the employee and the employee would be responsible for the employee payroll taxes. There would be no additional payments for cellular equipment however the employee may take possession of the equipment they are currently using under the assignment agreement. The stipend eliminates any liability associated with personal use of the cell phones or inadequate documentation in the event of an audit.

Commissioner Cooke moved to approve Option 2 and add the Assistant County Attorney to the Smart Phone stipend list. The vote of approval was unanimous.

8. Administration – Chancel Construction Group Inc. Settlement Agreement (Marty Lawing)

Staff recommends approving the Settlement Agreement and Partial Release of Claims with Chancel Construction Group, Inc.

Marty Lawing, County Manager, explained that the County contracted with Chancel Construction Group, Inc. to construct the new Sheriff's Office and Phase I of the new 196 bed Detention Center in 2003. Construction was completed and the County accepted ownership of the facility in

May 2005. Subsequent to accepting ownership and occupying the facility a problem occurred with the masonry privacy walls in the shower and the toilet areas of one of the dayrooms. It appeared that the walls had inadequate anchoring and reinforcement at the base and where connected to the wall which resulted in the collapse of the walls. This problem has not been experienced with the walls in the other dayrooms.

Although not admitting that these problems were the result of defective workmanship, Chancel Construction has agreed to correct the problem at its sole expense by contracting with Bordeaux Construction Company, Inc. to complete the corrective work. By agreeing to the proposed arrangement for the repairs to be made, the County will release Chancel Construction from any and all claims and causes of action related to the design, construction or repair of the masonry walls in all of the dayrooms in the facility.

Vice-Chairman Norris moved to approve the Settlement Agreement and Partial Release of Claims with Chancel Construction Group, Inc. The vote of approval was unanimous.

9. Administration – NCACC/Living Well Data Transfer (Marty Lawing)

Staff recommends approving the Memorandum of Understanding between Brunswick County and the NCACC Health Insurance Trust.

Marty Lawing, County Manager, explained that the County entered into a Health Risk Agreement with Living Well Health in June 2008 to administer an employer wellness program. Under the agreement Living Well is to provide aggregate health risk reports on a de-identified basis and insurance claims impact statements to evaluate the effectiveness of the program. In the agreement the county agreed to assist Living Well in obtaining the information necessary to provide the reports from the NCACC Health Insurance Pool.

The NCACC Health Insurance Trust requires an agreement with counties that requires services outside of the Annual Participation Agreement. The agreement, in the form of a Memorandum of Understanding authorizes and directs the Pool to release information to Living Well so they can establish and track employee utilization trends and generate aggregate reports in full compliance with HIPAA. The MOU is intended to be a supplement to the Annual Participation Agreement. The Agreement requires the county to pay additional fees for the IT work required to provide the reports to Living Well electronically. The cost includes a one-time start up cost for custom programming for claims feed to Living Well and \$5,000 for ongoing annual fees to cover costs of creating and sending eligibility and claims feeds on a monthly basis to Living Well. Exhibit A was presented prior to the meeting and is attached in Board Action.

There was discussion regarding the proposed aggregate health risk reports being information only, and that no personal information would be shared, only information pertaining to how Living Well benefits the county's claim history and the Manager answered affirmative stating that he had presented a corrected MOU Exhibit A. Commissioner Warren asked questions regarding employee participation and opinions with the Living Well program. Mr. Lawing indicated that the initial sign up was approximately 75% and since November 2008 the last activity report indicated an increase.

Commissioner Phillips moved to approve the MOU between Brunswick County and the NCACC Health insurance Trust. The vote of approval was four ayes (Phillips, Sue, Norris and Cooke) 1 nay (Warren).

10. Administration – County Manager Informational Report (Marty Lawing)

The County Manager informed of the recent approval by the Insurance Commission of a Beach Plan that included a rate increase in surcharges and deductibles for coastal properties. Dare County and the Town of Nags Head are appealing the Beach Plan Insurance Rate Increase and asked the coastal counties and municipalities to also intervene as parties to the action and asked for a financial commitment as they have retained Attorney to represent them in the appeal process. There was discussion regarding the need for more specifics before a financial commitment was made.

Chairman Sue moved to direct the County Manager and County Attorney to gather more information regarding a financial commitment and come back with a recommendation at the next meeting. The vote of approval was unanimous.

The County Manager also informed that Jerry Pierce prioritized a list of “shovel-ready” projects to request funding from the proposed economic stimulus package and will present those at the next meeting. Mr. Lawing discussed the status of the Lower Lockwood Folly Aquatic Restoration Project and discussed the possibility of a Capital Improvement Project tour with the Board and Staff and asked the Clerk to check with each Commissioner to confirm a date and time in the near future.

IX. BOARD APPOINTMENTS

1. Parks & Recreation (1 appointment)

Chairman Sue nominated William Rabon. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Mr. Rabon. The vote of approval was unanimous. William Rabon was reappointed to serve another three-year term that will expire on January 1, 2012.

2. Alcoholic Beverage Control (1 appointment)

Vice-Chairman Norris nominated Mitchell Williams. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Mr. Williams. The vote of approval was unanimous. Mitchell Williams was reappointed to serve another three-year term that will expire on January 1, 2012.

3. Board of Health (3 appointments)

Vice-Chairman Norris nominated Phillip Tripp, Engineer, Chairman Sue nominated Charles Carroll, Public, Commissioner Warren nominated himself, Public, and Chairman Sue nominated Patricia Nutter, Nurse. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointments of Phillip Tripp and Patricia Nutter. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Charles Carroll. The vote of approval was 4 ayes (Sue, Norris, Phillips and Cooke) 1 nay (Warren). The Chairman did not call for a vote of approval for Charles Warren as Charles Carroll was approved unanimous for the Public slot. Phillip Tripp and Charles Carroll were reappointed to serve another three-year term that will expire on December 1, 2011. Patricia Nutter, RN will fill the expired term of Margery Leuschner, RN who had served three consecutive terms and that term will expire on December 1, 2010.

X. COUNTY ATTORNEY'S REPORT

1. Closed Session 8:04 p.m.

Commissioner Cooke moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (1) and (a) (6), to prevent the disclosure of privileged information and to consider the qualifications,

competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. The vote of approval was unanimous.

Reconvened 9:36 p.m.

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

XI. OTHER BUSINESS/INFORMAL DISCUSSION

There was discussion regarding the agenda process and the necessity of meeting deadlines in order to produce packets for timely distribution and not allowing anything to be added to the agenda unless it is extremely urgent.

Chairman Sue moved to include this on the next Regular Meeting agenda for approval. The vote of approval was 4 ayes (Sue, Norris, Cooke and Phillips) 1 nay (Warren).

Commissioner Phillips moved to change the next Regular Meeting date from January 20, 2009 to January 26, 2009 due to the absence of three commissioners (Cooke and Phillips are registered to attend Commissioner School in New Bern and Commissioner Warren plans to attend the Presidential Inauguration in Washington, D.C.) The vote of approval was unanimous.

XII. ADJOURNMENT

Commissioner Cooke moved to adjourn the Regular Meeting at 9:47 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board