

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
FEBRUARY 16, 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 Marty Cooke
Commissioner Charles Warren
Commissioner Scott Phillips
Commissioner William M. Sue, Chairman

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director
Margie Stephenson, Deputy Clerk

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 made to the agenda.
Commissioner Warren 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. The following citizens addressed the Board:

1. John Hutchinson, Sunset Beach resident, voiced concerns over the process that is being used in determining sewer costs for Sunset Beach residents and expressed the need for communication with the progress and status of the project.
2. Carol Scott, Sunset Beach resident, spoke in opposition to item IX-1 asking the Board to deny this request. Ms. Scott also voiced concerns regarding sewer assessments and the availability of a payment plan.
3. Joe Taylor, Sunset Harbor resident, thanks the Board for their support in opposing the proposed Beach Plan, insurance increase and urged everyone to contact the Legislators regarding this matter.
4. Steve Foster, Oak Island resident, spoke in support of a terminal groin.

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. January 26, 2009 Regular Meeting
 2. February 2, 2009 Regular Meeting

B. Tax

1. **Annual Report of Unpaid Real Tax Liens**
2. **Monthly Tax Collection Report**
3. **Motor Vehicle Valuation & Levies for August, September & October 2008**
4. **Tax & Vehicle Releases for February 2009**

C. Finance

The Budget Amendments are recommended for approval on the consent agenda of the Board of Commissioners.

Fund	Description	Code	Increase	Decrease
General Fund	State Revenues – Restricted	106110-332000	\$1,950	
General Fund	Gifts	106110-383303	\$650	
General Fund	Major Operating- Equip \$500-\$4,999	106110-426200	\$2,600	

The budget amendment above is to appropriate grant revenues in the amount of \$1,950 from the Bill and Melinda Gates Foundation for the purchase of new public access computers. The \$650 match has been provided by the Friends of the Leland Library so there are no additional county funds needed.

Fund	Description	Code	Increase	Decrease
General Fund	Permits and Fees	104310-383958	\$51,653	
General Fund	Salaries - Regular	104310-412100	\$51,653	

The budget amendment above is to appropriate seized video poker funds for use in the salaries line item in the sheriff's department to cover anticipated overages.

Fund	Description	Code	Increase	Decrease
DSS Fund	State Revenues – Restricted	145310-332066	\$518,260	
DSS Fund	Daycare Expenses	145310-449935	\$518,260	

The budget amendment above is to appropriate additional state revenues in Social Services Daycare Program.

D. Procedural Rule for Agenda Packet Formulation

Staff requests review of the amended agenda procedure approved on January 26, 2009.

E. Operation Services

Staff requests that the Board of Commissioners approve Water Management Projects by the Mosquito Control Division for Mark Holden Project, 1423 Russtown Rd. NW Ocean Isle Beach.

F. Operation Services

Staff requests that the Board of Commissioners approve the donation request of Crushed Concrete for /Hope Harbor Home Inc. a non-profit organization.

G. Operation Services

Staff requests approving Resolution designating Stephanie Lewis, Operation Services Director as the official to sign papers representing Mosquito Control.

H. Proposed Southeastern Center Remittance

Staff requests that the Board of Commissioners grant the concurrence with New Hanover County returning \$2,000,000 to Southeastern Center for the provision of mental health services.

VI. PRESENTATION

1. Proposed No Wake Zone Southport Old Yacht Basin (Dale McPherson)

Dale McPherson, Southport resident, asked for support with replacing “No Wake” signs around the Old Yacht Basin. Mr. McPherson stated that legislation has been passed but there is no enforceability without an application. The Board directed the County Attorney to proceed with a Resolution to help establish No Wake Zones with exemption for barge and tug boats and that Commissioner Warren take the resolution when he visits legislators in Washington in March.

2. Preliminary Design Report for the Lower Lockwood Folly River Aquatic Restoration Project (Bill Forman)

Bill Forman, Coastal Science and Engineering, gave a power point presentation informing of the Scope of Work, Dredged Material Disposal, Dredging and Disposal Costs, Regulatory

Requirements and Preliminary Schedule for the Lower Lockwood Folly River Aquatic Restoration Project.

VII. ADMINISTRATIVE REPORT

1. Planning – Unified Development Ordinance Text Amendment UDO-09-01 (Leslie Bell)

Staff recommends approving First Reading and setting Public Hearing for March 2, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following;

Item 1

Amend Article 6, Design and Performance Standards, Section 6.1.6.A.3, Minimum Required Parking (Overnight Accommodations) as follows:

~~4.25~~ 1.15 per room + 1 per 100 SF conference/banquet/restaurant

Planning Staff recommends approval.

Planning Board recommends approval (unanimous 7 to 0).

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

2. Parks & Recreation – Elite Homes Contract Proposal for Cedar Grove Park Field House Building (Jim Pryor)

Staff recommends approving Contract with Elite Homes to Construct Field House at Cedar Grove Park.

Jim Pryor, Parks and Recreation Director, explained that construction began in September, 2008 for Cedar Grove Park. In the construction contract, the elements of Sports Lighting and construction of the Field House building were to be contracted separately. The Field House building consists of concessions, restrooms, meeting room, and maintenance garage. Elite Homes has constructed similar Field House buildings for the county at Leland and Smithville Parks and a very similar plan is being used for Cedar Grove Park. The project is at the construction point where the site is prepared for the building. The total cost of the proposal is \$293,000 and is budgeted in the Capital Project Ordinance for Cedar Grove Park (438187-464002).

Commissioner Cooke moved to approve the contract with Elite Homes to construct the Field House at Cedar Grove Park. The vote of approval was unanimous.

3. Administration – Proposed Ocean Isle Beach Park Site Preparation Contract (Steve Stone)

Time Sensitive Matter - Management will have recommendation/documentation prepared prior to meeting.

Staff requests that the Board of Commissioners consider awarding a contract for initial site preparation work at the new Ocean Isle Beach Park to Phillips and Jordan, Inc. in the amount of \$99,500.

Steve Stone, Assistant County Manager, explained that the Ocean Isle Beach Park will be developed on 57 acres located on Old Georgetown Rd. that were donated to the county by the Town of Ocean Isle Beach. The project is funded in part by a Parks and Recreation Trust Fund (PARTF) grant of \$500,000. The period of performance for the grant expires on 7/31/09, so it is critical that we get the project underway as soon as possible. There have been numerous regulatory delays on this project, primarily related to conditions on the site and changes in the applicable regulations during the planning phase. An extension of the PARTF grant is possible, but only if there is substantial progress on the ground by 5/1/09. Hence, staff is making this award request without the specific recommendation in hand at the time of agenda preparation but will have a specific recommendation by February 16, 2009.

Staff received 20 bids on 2/13/09. The bid from the apparent low bidder, Angarai International, does not meet contractual and statutory requirements and their bid document contained material errors. Angarai International has agreed to withdraw their bid. Therefore, staff recommends award to the next lowest bidder, Phillips and Jordan, Inc. in the amount of \$99,500.

Haden Stanziale is providing design services for the project and Thomas and Hutton is providing the civil engineering services. This initial construction contract is for clearing, grubbing and drainage system installation on about 17 acres of the site. The estimated period to complete this contract is 28 days from notice to proceed. Bidding for the major construction contract for the site will be complete within 30 days, but those major contract activities cannot be begun until these initial activities are completed.

The construction contract will be submitted to the County Attorney for review before it is submitted to the Chairman for execution.

Fund	Description	Code	Increase	Decrease
County Capital Reserve Fund	Ocean Isle Beach Park	269800-464218		\$2,395,000
County Capital Reserve Fund	Transfer Reserve Funds to County Capital Projects	269800-498043	\$2,395,000	
County Capital Projects Fund	State Revenue Restricted	438184-332000	\$500,000	
County Capital Projects Fund	Transfer from County Capital Reserve to Capital Project	438184-398226	\$2,395,000	
County Capital Projects Fund	OIB Park – Construction	438184-464002	\$2,895,000	

The budget amendments above and the capital project ordinance below are to transfer reserve funds from the county capital reserve Ocean Isle Beach Park designated line item to the Ocean Isle Beach Park Capital Project for engineering and construction costs.

**County of Brunswick, North Carolina
Capital Project Ordinance
Ocean Isle Beach Park Capital Project (438184)**

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 Ocean Isle Beach Park County Capital Project:

Project Cost \$3,145,850

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

PARTF Grant Revenues \$500,000
Contributions from County Capital Reserve 2,645,850
Project Cost \$3,145,850

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

Contribution to County Capital Project \$2,645,850

Section 4. It is estimated that the following revenues will be available in the Brunswick County Reserve Fund:

Current Funds Appropriated \$2,645,850

Section 7. This Capital Project Ordinance shall be entered into the minutes of the February 16, 2009 meeting of the Brunswick County Board of Commissioners.

Vice-Chairman Norris moved to award a contract for initial site preparation work at the new Ocean Isle Beach Park to Phillips and Jordan, Inc. in the amount of \$99,500 and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

4. Finance – Board of Education Application Request for Lottery & Medicaid Swap Proceeds (Ann Hardy)

Staff recommends approving the Submittal of Applications for Lottery Proceeds and the Medicaid Swap.

Ann Hardy, Fiscal Operations Director, explained that the Board of Education currently has a balance of \$1,412,499 on account with the State derived from lottery proceeds designated for Brunswick County. In addition, the Board of Education currently has a balance of \$372,871 on account with Brunswick County as a result of the recent Medicaid swap legislation. Prior to expenditure of these funds, the Board of Education and Brunswick County must make application to the Public School Building Capital Fund for approval of the projects. Per NCGS 115C-546.2 the funds may only be expended for school construction or to retire indebtedness incurred for school construction projects incurred on or after January 1, 2003. The funds may only be expended for instructional and related purposes and not for central administration, maintenance or other facilities.

On February 2, 2009 the Liaison Committee met and discussed the proposed projects and the funding request that would be considered by the Board of Education that evening. Ms. Freyja Cahill, Brunswick County Schools Finance Officer informed me that the Board of Education voted to request funding for renovations at the middle schools to include replacement of windows and exterior doors; upgrade of the fire separation and above ceiling electrical work; and parking/driveway and building access issue improvements. The Board of Education is requesting approval to submit an application to the Public School Building Fund to utilize \$1,117,296 of lottery proceeds and \$372,871 of Medicaid swap funds. There are no local matching funds required for the use of lottery proceeds. The proposed local match of \$325,648 for the Medicaid swap funds is the remaining project funds from a recently closed classroom addition project at Belville Elementary School that were derived from excess ad Valorem tax revenue (Special School Capital Reserve Funds).

The Board of Education provided their Capital Improvement Plan thru the year 2013 which includes 2 new schools and over \$39 million in renovations and improvements. The majority of the funds that are being requested in this current request for approval are State funds. There have been instances when the State withdrew or withheld funds. The options are to save all resources for the highest priority need with the knowledge that a possibility exists that the funds could be held by the State or expend funds now as requested by the Board of Education.

The Board of Education requests approval for the Chairman to execute approval of the applications for approval of the projects and the transfer of any remaining local project funds from Belville Elementary School for the middle school projects as outline. If the applications are submitted and approved, a budget amendment will be brought to the Board of Commissioners for consideration of appropriating the funds.

Commissioner Warren moved to approve the submittal of Applications for Lottery Proceeds and the Medicaid Swap as requested by the Board of Education. The vote of approval was unanimous.

5. Finance – General Fund Balance Transfer (Ann Hardy)

Staff recommends approving exception to the Budget Policy by not requiring transfer to the Capital Reserve Fund.

Ann Hardy, Fiscal Operations Director, explained that on May 23, 2008, the Brunswick County Board of Commissioners approved a budget policy that included the following: “the Board of County Commissioners shall maintain an unreserved General Fund Balance equal to at least twenty percent (20%) of General Fund Type expenditures. Upon completion of the annual audit, undesignated and unreserved General Fund Balance greater than 20% of the new budget year’s general fund type expenditures shall be transferred to the county capital reserve fund to be used for pay-as-go capital funding or unforeseen events.”

The Comprehensive Annual Financial Report Balance Sheet-Governmental Funds Exhibit C as of June 30, 2008 reports the unreserved and undesignated General Fund Balance as \$37,862,364. The Fiscal Year 2008-09 total general fund expenditure original budget was \$158,238,278 with 20% of that amount being \$31,647,656. Per policy \$6,200,000 is to be transferred to the county capital reserve fund for capital funding or unforeseen events. The budget amendment provided is to transfer the funds according to the policy.

Staff recommends that the Board of Commissioners consider delaying or forgoing the transfer this fiscal year due to the anticipated shortfalls in several revenue categories and in light of the significant budgeted fund balance transfer to the reserve of \$11.9 million. The concern is that the County should take steps to insure that the fund balance minimum policy threshold of 20% is maintained to protect future bond ratings.

Chairman Sue moved to approve an exception to the Budget Policy by not requiring transfer to the Capital Reserve Fund. The vote of approval was unanimous.

6. Finance – Financial Reports (unaudited) for period ending January 31, 2009 (Ann Hardy)

Staff recommends receiving FY 2008-09 Financial Reports for period ending January 31, 2009 as presented.

The Board received the Financial Reports as information.

7. Utilities – Budget Amendment in the amount of \$70,000 Public Utilities Field Operations Center (Jerry Pierce)

Staff recommends approving the Budget Amendment and Capital Project Ordinance Amendment as presented.

Jerry Pierce, Utilities Director, requested approval of a Budget Amendment in the amount of \$70,000 for the purchase of materials for installation of water and sewer to the Public Utilities Field Operations Center and testing services.

Mr. Pierce explained that in the design of the Public Utilities Field Operations Center building, the decision was made for Public Utilities crews to install the water and sewer main extensions needed to serve the Field Operations Center to reduce the potential cost of the project. For the Public Utilities crews to construct the improvements, materials must be purchased for the projects such as fire hydrants, manholes, valves, and meters. The estimated cost of materials is \$30,000.

Under NCAC building regulations, the Owner of the building must be responsible for the testing. The County will contract directly with a testing firm instead of having the contractor be responsible for paying the testing firm. The estimated cost of the testing services is \$40,000.

Approval of the budget amendment and capital project ordinance provided below is requested

Fund	Description	Code	Increase	Decrease
Water Reserve Fund	Transfer to Water Cap Project	639800-498041	\$70,000	
Water Reserve Fund	2008 Priority Extension Projects	639800-464319		\$70,000
Water Capital Project Fund	Transfer from Water Capital Reserve	418242-398663	\$70,000	
Water Capital Project Fund	Utility Operations Center Construction	418242-464002	\$70,000	

The above budget amendment is to transfer funds from the water capital reserve fund that were designated for 2008 Priority Extension projects to the water capital projects for construction costs as detailed above associated with the Utilities Operations Center Capital Project.

The associated capital project ordinance is below.

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

Utilities Operations Center Water Capital Project (418242)

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Water Capital Projects Fund for the Utilities Operation Center Water Capital Project:

Project Cost \$5,086,979

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

Contributions from Water Capital Reserve \$5,086,979

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

Contribution to Water Capital Project \$5,086,979

Section 4. It is estimated that the following revenues will be available in the Brunswick County Water Capital Reserve Fund:

Current Funds Appropriated \$5,086,979

Section 5. This Capital Project Ordinance shall be entered into the minutes of the February 16, 2009 meeting of the Brunswick County Board of Commissioners.

Commissioner Phillips moved to approve a budget amendment and capital project ordinance in the amount of \$70,000 for the purchase of materials for installation of water and sewer to the Public Utilities Field operations Center and testing services. The vote of approval was unanimous.

8. Administration – Interlocal Development Agreement for Brunswick-Columbus Business Park (Marty Lawing)

Staff recommends approving the Interlocal Development Agreement for the Brunswick-Columbus Business Parks.

Marty Lawing, County Manager, explained that Brunswick County and Columbus County have been working together to develop a Two County Industrial Park on a 1200 acre tract of land located on US 74/76 that straddles the county line. Approximately one third of the acreage lies in Columbus County and approximately two-thirds lies in Brunswick County. The primary benefit of the project is to provide a prime park that will be classified as Tier 1 for job tax credit purposes which should make the site attractive for industrial prospects.

The Boards of Commissioners from Brunswick and Columbus have previously approved the Bylaws for the Non-Profit Corporation charged with marketing the park. The next agreement required is an Interlocal Agreement between the two counties and the non-profit corporation to invoke the Tier 1 status in Brunswick County and to outline the terms and conditions as to how the three parties will work together to develop one or more business parks in the region and to share the burdens and benefits of the undertaking. If this agreement is approved the next step in the process is for the Non-Profit corporation currently known as the Brunswick-Columbus International Park, Inc. to enter into an agreement with the landowner / developer.

Highlights of the proposed Interlocal Agreement include:

- The agreement provides for the development of the initial park and the potential for the parties to develop additional parks that include a minimum of 100 acres.
- Outlines the intent of the parties that the responsibility for developing the initial Business Park will be one or more private developers with regard to developing the plans and constructing all of the internal infrastructure.
- The Non-Profit's obligations shall include working with the counties and private developers to obtain grants for water and sewer utilities to serve industrial / business park sites and may include acquiring land and other actions necessary to develop maintain and operate development sites.
- Each County Economic Developer will retain the primary responsibility to market the parks within their respective counties but will communicate regularly with the Non-Profit and participate in joint marketing efforts.
- The parties do not anticipate the need for the Non-profit to collect or distribute funds with respect to the development of the Initial Business Park, however on subsequent parks the Non-Profit may establish separate bank accounts and funds necessary to carry out its responsibilities under the agreement and report all deposits and disbursements to the Counties at least annually.
- Each County is obligated to disburse directly to the other County the amounts equal to fifty percent (50%) of the incremental tax receipts on real and personal property (exclusive of motor vehicle taxes) located in the parks. This amount may be offset by incentive agreements made by one county.
- The Non-Profit may incur debt however the debt shall not constitute an obligation of the counties and the counties will not be responsible for debt service payments unless the County's Board agrees to assume debt payments.
- If it is determined that the Non-Profit needs a budget, the counties will contribute to the capital and operation and maintenance budget on a 50 / 50 basis unless the parties agree on different proportions.
- The Non-Profit shall provide a written report of the activities of the prior calendar year by January 1 of each year and shall promptly at the end of each fiscal year conduct at its own cost an independent annual audit of its books and records if it has any funds on deposit at any time during the fiscal year in question.
- Each county retains the authority or discretion to proceed unilaterally on other development projects within its jurisdiction that are not subject to the terms and conditions of this agreement.
- The Non-Profit must have supermajority approval to distribute funds to counties in excess of \$10,000 within a 90 day period, borrow money in any amount, accept an in-kind contribution from a county, terminate or discontinue a project, make decisions negatively impacting the Non-Profit's 501(c)(3) status or distribute assets on dissolution.
- Parties will work together to develop restrictive covenants to govern subsequent park development but each county will retain its authority to apply its own land use, appearance and development regulations.
- Upon dissolution of the Non-Profit at a time while it is the owner of any portion of any site, any portion of any site must be offered to the host county for cash at the fair market value as determined by a supermajority of the Non-Profit Board. If the host county declines the opportunity then the property shall be offered to the other county at the same price. If the other county declines the purchase, the property will be sold and the proceeds divided equally between the counties. Any remaining cash or investments shall be distributed on a 50 / 50 basis.
- The parties agree to exercise best efforts and cooperate to procure passage of any amendments to the General Statutes to obtain the advantageous economic tier status for subsequent parks.

- The term of the agreement is 20 years and the parties may agree in writing to extend the agreement for 20 additional years. The parties may by unanimous consent at any time terminate the agreement.
- Any party may at its sole discretion withdraw from the agreement which shall be effective on the second July 1 from the date that the notice is received however the withdrawing county retains its primary liabilities and responsibilities under the agreement.

Commissioner Cooke moved to approve the Interlocal Development Agreement for the Brunswick-Columbus Business Park. The vote of approval was unanimous.

VIII. BOARD APPOINTMENTS

1. Sunset Beach ETJ Planning Board (1 recommended appointment)

Commissioner Phillips nominated Sybil Kesterson. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the recommended appointment of Sybil Kesterson to serve as an extraterritorial member of the Sunset Beach Planning Board. The vote of approval was unanimous.

2. Economic Development Commission (District 2, District 5, At Large appointments)

Commissioner Cooke nominated Dwight Willis, Chairman Sue nominated Michael Reaves and Leonard Jenkins. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointments of Willis, Reaves and Jenkins. The vote of approval was unanimous. Dwight Willis, Michael Reaves and Leonard Jenkins were reappointed to serve another three-year term that will expire on March 1, 2012.

3. Tax Task Force (1 appointment)

Commissioner Warren informed that Tim Davis resigned from the newly formed Tax Task Force. Commissioner Warren nominated William Davis. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Mr. Davis. The vote of approval was unanimous. William Davis was appointed to fill the position of Tim Davis (resigned).

4. Board of Health (1 appointment)

Commissioner Cooke nominated Dr. Flint King. Commissioner Phillips moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve ht appointment of Dr. King. The vote of approval was unanimous. Dr. Flint King was appointed to serve the unexpired term of Dr. Sage Humphries (resigned) that will expire on December 1, 2010.

IX. COUNTY ATTORNEY'S REPORT

1. Agreement to Initiate Legislative Changes in Beach Sediment Management (Huey Marshall)

Huey Marshall, County Attorney, explained the proposed agreement would create an entity that will have as its purpose, attention to and focusing on changing the laws in NC in respect to current legislation affecting beach sediment management at ocean inlets. This will make an entity that the county and other groups could join and that group will be responsible for keeping up with the ethics in government and lobbying rules, Chapters 138A and Chapter 120C. The focus would be for those purposes of lobbying and seeking attention to and perhaps changes in the rules governing what local governments can do with respect to beach sediment in the inlets. It will not make the county subject to the ethics rules or the lobbying rules. Mr. Marshall recommended that if this goes forward, this group should apply for a tax ID number so it would be distinct from the county and that the county would act as the finance officer for the group using this separate ID.

Commissioner Cooke moved to approve the agreement to authorize participation in a lobbying effort to the NC General Assembly on rules affecting beach sediment management at ocean inlets. The vote of approval was unanimous.

2. Closed Session 8:19 p.m.

Commissioner Cooke moved to enter Closed Session pursuant to 143-318.11 (a) (1) and (a) (3) to prevent the disclosure of privileged information and consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, ACS matter. The vote of approval was unanimous.

Reconvened 9:51 p.m.

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

X. OTHER BUSINESS/INFORMAL DISCUSSION

1. County Managers Report

Marty Lawing, County Manager, informed and discussed the following:

1. In October 2008, the Board approved \$556,282 for Shallow Draft River Inlet Dredging for Shallotte and Lockwood Folly Inlets. Phase I of Lockwood Folly Inlet is complete and an invoice in the amount of \$305,000 was received \$250,000 less than committed.

2. The Stimulus Bill has been approved and there could be a request for the Board to amend the shovel ready projects due to the "shovel ready" definition. Sewer funding will come from Construction Grants and Loans and the Utility Director has 4 projects that are shovel ready that include the Sunset Beach Mainland Sewer Collection System (\$6.7 million) Calabash Wastewater Collection System (over \$5 million) Oak Island Wastewater Pump Station (\$2.5 million) and Carolina Shores Interconnection Project (\$350,000). A letter of intent is due February, 20, 2009 and the Manager asked for permission to send those letters.

3. The Board had requested ear-marked projects to send applications to Congressman McIntyre and Senators Burr and Hagen. The Manager recommended \$250,000 for Calabash Sewer Collection System, \$250,000 for the Leland Senior Center and a Resolution for a No Wake Zone in Southport as requested earlier.

4. The Municipal Breakfast will be held on March 13, 2009 at 8am in the Cooperative Extension Conference Room. The Beach Plan Insurance Rate Increase and Interbasin Transfer will be topics of discussion if possible.

5. Deadline for House Bills is March 18, 2009.

6. Litter Sweep will be held on February 28, 2009 and the Manager has letters for the Commissioners to sign regarding participation.

7. The Manager stated that the financial reports become bleaker every day and recommended to eliminate all staff and employee travel that requires overnight stays, effective tomorrow. Mr. Lawing stated that there is \$347,000 dedicated to travel, training, subsistence and registrations that has not been spent and feels that a substantial amount of that can be saved if travel is restricted. One day meetings or travel covered by grants could be approved as long as a county vehicle is used for travel. Commissioner Phillips questioned the fact that certain employees have required certifications, re-certifications, and continuing education and feels that these should be met and asked that these be exempt. The Manager answered that in looking at what other cities and counties are doing some are saying that certifications will have to wait and others are making arrangements. Commissioner Phillips voiced opposition to this. The Manager stated that it could probably be managed effectively but with exceptions on a case by case basis, it becomes a slippery slope. It was consensus of the Board to make an exception to exempt those who are working towards certification, re-certification or continuing education.

8. The Interbasin Transfer letter of intent is ready for the Chairman to sign and a public hearing will be held on April 16, 2009 in the Chambers at 6:00 p.m., April 21, 2009 at 6:00 p.m. at Leland Town Hall and April 23, 2009 at 6:00 p.m. at Carolina Shores Town Hall and April 28, 2009 at 6:00 p.m. at Elizabethtown Council Chambers.

Commissioner Cooke moved to approve the entire previous requests presented by the Manager. The vote of approval was unanimous.

Jayne Matthews, Volunteer Coordinator, explained that Brunswick Family Assistance is running out of food and asked for support to place bins with signage at 65-75 locations throughout the county such as libraries, churches, senior centers, business and retail outlets and golf courses.

Commissioner Cooke moved to endorse this effort to help stop hunger in collecting food for Brunswick Family Assistance. The vote of approval was unanimous.

XI. ADJOURNMENT

Commissioner Cooke moved to adjourn the Regular Meeting at 10:10 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board