

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

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

ABSENT: Huey Marshall, County Attorney

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. The following adjustments were made:

1. Commissioner Warren requested to be removed from the Rural Transportation Advisory Committee as a Board Appointment Item VII-11.
2. The County Manager asked to add a Closed Session as Item VII-12.

Vice-Chairman Norris moved to approve the agenda as amended. 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

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

A. Minutes

1. February 3, 2009 Recessed Meeting
2. March 2, 2009 Regular Meeting Minutes

B. Tax

1. February 2009 Collection Summary Report
2. March 2009 Tax Releases & November 2008 Motor Vehicle Valuation & Levy

C. Finance

The Budget Amendments and Capital Project Ordinances are recommended for approval on the consent agenda of the Board of Commissioners.

Fund	Description	Code	Increase	Decrease
------	-------------	------	----------	----------

General Fund	JCPC State Revenues Restricted	105859-332000	\$5,000	
General Fund	JCPC Grant Subsidy	105859-465500	\$5,000	

The budget amendment above is to appropriate additional state revenues for the JCPC Brunswick County Boys & Girls Club Unit-Skill Building program. This new JCPC program seeks to reduce youths dropping out of school by providing the opportunities to engage in positive academic and social skills development programs.

Fund	Description	Code	Increase	Decrease
General Fund-Sheriff's Dept.	Sheriff's Dept. Gun Permits	104310-334800	\$1,860	
General Fund-Sheriff's Dept.	Misc Revenue	104310-383900	\$600	
General Fund-Sheriff's Dept.	Supplies & Materials	104310-426000	\$2,460	

The budget amendment above is to appropriate additional revenues in the Sheriff's Department budget to cover overages in the supplies and materials line item.

Fund	Description	Code	Increase	Decrease
General Fund-Parks & Rec.	Misc Rev – Dixie Youth	106131-383310	\$5,217	
General Fund-Parks & Rec.	Special Program –Dixie Youth	106131-423107	\$5,217	
General Fund-Parks & Rec.	Fitness Program Revenue	106131-383314	\$2,683	
General Fund-Parks & Rec.	Fitness Programs	106131-423117	\$2,683	

The budget amendment above is to appropriate additional revenues in the Dixie Youth program and Fitness program for use in the corresponding programs.

Fund	Description	Code	Increase	Decrease
General Fund-Cooperative Ext.	Master Gardener Fees	104950-335026	\$3,580	
General Fund-Cooperative Ext.	Postage	104950-432500	\$1,000	
General Fund-Cooperative Ext.	Master Gardner Program	104950-449948	\$1,580	
General Fund-Cooperative Ext.	Repair & Maint Vehicles	104950-435300	\$1,000	
General Fund-Cooperative Ext.	Educational Program Fees	104950-335032	\$1,092	
General Fund-Cooperative Ext.	Educational Program	104950-449947	\$1,092	
General Fund-Cooperative Ext.	4-H Club Fundraisers	104950-332031	\$2,908	
General Fund-Cooperative Ext.	4-H Club	104950-449952	\$2,908	
General Fund-Cooperative Ext.	Other Permits & Fees	104950-383958	\$1,526	
General Fund-Cooperative Ext.	Motor Fuels & Lubricants	104950-425100	\$1,526	

The budget amendment above is to appropriate additional revenues in the Cooperative Extension budget to cover overages and to move funds for use in the appropriate programs.

Fund	Description	Code	Increase	Decrease
General Fund	Urgent Repair Local Match	104907-449983		\$15,000
General Fund	Trans to Grant Fund	109800-498023	\$15,000	
Grant Fund	Trans from General Fund	238176-398110	\$15,000	
Grant Fund	Urgent Repair Rev 2009	238176-332079	\$75,000	
Grant Fund	Urgent Repair Exp 2009	238176-449983	\$90,000	

The budget amendment above is to appropriate 2009 Urgent Repair Grant award in the amount of \$75,000. The local match of \$15,000 was budgeted in the general fund and is requested to be moved to the grant fund to facilitate accounting of the grant project.

Fund	Description	Code	Increase	Decrease
Social Services Fund	Trans from General Fund	149800-398110		\$10,000
Social Services Fund	Medicaid Expenditures	145310-439801		\$10,000
General Fund-Transfers	Trans to Social Services	109800-498014		\$10,000
General Fund-Environmental Protection	Save our Sands	104999-465138	\$10,000	

The budget amendment above is to reduce Medicaid Expenditures in the Social Services fund due to the anticipated stimulus relief for Medicaid and for a contribution to the Save Our Sands Agency to gain approval to construct groins at the inlets.

Fund	Description	Code	Increase	Decrease
Social Services Fund	Trans from General Fund	149800-398110		\$298,500
Social Services Fund	Medicaid Expenditures	145310-439801		\$298,500
General Fund-Transfers	Trans to Social Services	109800-498014		\$298,500
General Fund-Sheriff's Dept.	Sheriff Salaries Regular	104310-412100	\$30,000	
General Fund-Sheriff's Dept.	Sheriff Salaries Overtime	104310-412200	\$166,000	
General Fund-Sheriff's Dept.	Sheriff Salaries Temp/Part	104310-412600	\$10,000	
General Fund-Sheriff's Dept.	Sheriff FICA	104310-418100	\$16,000	
General Fund-Sheriff's Dept.	Sheriff Retirement	104310-418200	\$17,000	
General Fund-Sheriff's Dept.	Sheriff Group Insurance	104310-418300	\$10,000	
General Fund	Sheriff Disability	104310-418400	\$1,000	
General Fund	NC Concealed Weapons	104310-466500	\$8,500	
General Fund	Detention State Criminal Alien Assist Program	104320-331006	\$20,566	
General Fund	Detention Misc Revenues	104320-383900	\$8,920	
General Fund	Detention Misc Jail Fees	104320-383962	\$6,514	
General Fund	Detention Salaries Overtime	104320-412200	\$76,000	

The budget amendment above is to reduce Medicaid Expenditures in the Social Services fund due to the stimulus relief funding and revenues received in excess of amounts budgeted in the Detention Center budget. The expenditure portion of the amendment is to properly record the budget for salary and wages for the Sheriff's Department and Detention Center budgets. The budget was developed and approved based on an 80 hour pay period and with adding \$288,827 for the scheduled overtime and double pay for holidays worked. The actual schedule worked is either 80, 86, or 100 hours per pay period depending on the employee with extra payment if a holiday is worked. In prior years, there was a history of a substantial number of vacancies and attrition occurring throughout the year which resulted in lapsed salaries at year end. An analysis of the salaries for the sheriff's department and detention center budget shows that overtime worked in 2007 was actually \$788,000. In analyzing the \$788,000 of 2007 overtime and increasing for 2 years of merit at 6% per year you arrive at the amount of overtime needed in 2009 of \$886,000. An analysis of regular wages for the sheriff's department and detention center budget shows that wages in 2007 were actually \$4,585,311 and has grown to an expected \$7,765,535 of which \$466,745 is due to cumulative merit raises and 50 new positions added in the prior 2 years at an average salary of \$45,000 including the scheduled overtime and holidays plus benefits.

Fund	Description	Code	Increase	Decrease
Water Reserve Fund	Transmission System Improvements	639800-464306		\$10,000
Water Reserve Fund	Transfer to Water Capital Project	639800-498041	\$10,000	
Water Capital Project Fund	Transfer from Water Reserve Fund	418248-398663	\$10,000	
Water Capital Project Fund	NW Water Plant Expansion – Arch/Eng/Legal	418248-464000	\$5,000	
Water Capital Project Fund	NW Water Plant Expansion – Arch/Eng/Legal	418248-464001	\$5,000	

The budget amendment above is to appropriate \$10,000 for start-up project costs for the planned expansion of the Northwest Plant. Approval of the associated capital project ordinance below is requested:

**County of Brunswick, North Carolina
Capital Project Ordinance
Northwest Water Plant Expansion Water Capital Project (418248)**

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 NW Water Plant Expansion Capital Project:

Project Cost \$353,000

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

Total Project \$353,000

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

Contribution to Wastewater Capital Project \$353,000

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

Current Funds Appropriated \$353,000

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

D. Operation Services Water Management Project

Staff requests approval of proposed water management project by mosquito control division for South Brunswick Islands Shrine Club Project with a total estimate of \$1,051.00.

E. No Discharge Zone Resolution

Staff requests approval of a Resolution to Petition the NCDENR to Petition the United States Environmental Protection Agency to Support the Designation of the Waters in Brunswick County as a No Discharge Zone.

F. Ocean Isle Beach Park Change Order for HadenStanziale

Staff requests approval of a Change Order for the Contract with HadenStanziale for planning and development of the Ocean Isle Beach Park in the amount of \$10,875.

G. Cellular Phone Stipend Plan for Additional Staff

Staff requests approval of the Cellular Phone Stipend Plan as presented.

VI. PRESENTATION

1. Citizen's Law Enforcement Academy (Commissioner Marty Cooke)

Commissioner Cooke recognized recent graduates of the Citizen's Law Enforcement Academy. The following graduates received a copy of the Resolution Brian M. Clemmons, Larry W. Clemmons, Belinda J. Dixon, Alice R. Fuller, Paula B. Garner, George R. Glass, Becky P. Howard, Elizabeth A. Jackowski, Joseph W. Koletar, Pasquale Lavacca, Darlene B. Leggett, Donna P. Maynor, Terry L. McAlister, Cheryl P. Miller, Alex P. Moskowitz, Genie E. Ostle, Jack S. Scarborough, Rosa A. Scarborough, Richard R. Seibel, Barbara K. Smith, Stuart R. Smith, William Sraver, Jr., Jack O. Todd, Marie E. Weisner, Dennis E. Wilson.

RESOLUTION PRAISING GRADUATES OF THE CITIZEN'S LAW ENFORCEMENT ACADEMY

WHEREAS, the conduct of law enforcement activities have always belonged to the public at large, with sworn officers to carry out the particular activities conducted to protect the peace, and to be responsible for the completion of certain duties, and

WHEREAS, an informed public is always an asset, and citizens informed about police procedures and practices will always assist peace officers in the execution of their duties, and

WHEREAS, the Brunswick County Sheriff's Office has conducted its first **CITIZEN'S LAW ENFORCEMENT ACADEMY**, and has graduated people that took part in the process to understand and more fully appreciate the function of law enforcement, whether dealing with neighborhood policing, maintenance of a jail, crime detection, police animal intervention, controlled substances, firearms, or domestic tranquility, and

WHEREAS, those citizens that participated are now more informed, and know not just the procedure after the police intervene, but what would be important to notice in everyday life that would alert those educated person to possible criminal behavior, and how to best report those activities that indicate that a criminal activity is taking place.

THEREFORE, the Brunswick County Commissioners, meeting in regular session, do recognize and cite those persons that completed the eight-week course conducted by the Brunswick County Sheriff's Office, that educated citizens to remain engaged in their community, to promote law and order, and to make it more difficult for law violators to go un-punished. The Commissioners praise the citizens that took the time to attend the classes and to learn what is best for the peace and progress of the County.

This the 16th day of March, 2009.

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

VII. ADMINISTRATIVE REPORT

1. EMS-Memorandum of Agreement between Brunswick County and Brunswick Community College (Randy Thompson)

Staff recommends approving Memorandum of Agreement between Brunswick County Emergency Services and Brunswick Community College to establish a functional medical support shelter.

Randy Thompson, EMS Director, explained that the purpose of the Memorandum of Agreement is to establish the responsibilities and relationships associated with the activation of a Functional Medical Support Shelter (FMSS) in the event of a declared state of emergency or a catastrophic natural or man-made event. Residents of Brunswick County have come to know, on any given day the area could face the threat of a catastrophic incident or major disaster. The most probable catastrophic event would be a strong category hurricane.

Brunswick County Emergency Services (BCES) coordinates the local response to any catastrophic incident or major disaster. BCES provides assistance and resources in response to public health and medical care needs following a major disaster or emergency, or during a developing potential medical situation.

The occurrence of a catastrophic event may cause widespread damage to the infrastructure and curtail emergency response capabilities of state and local governments. Such an event could result in local government becoming a victim of the disaster and therefore unable to adequately provide for the safety and welfare of the general public. This event could be of such magnitude that a large portion of the population of the affected area could on their own initiative or as a result of an evacuation order seeks shelter in an unaffected area of the state.

A Functional and Medical Support Shelter provides assistance to "populations requiring support," i.e., individuals with physical, cognitive, sensory, emotional, or other conditions (e.g., advanced age) that impacts their level of functioning, or individuals who have chronic medical or health conditions that require care, but not at the level of care that would require hospitalization. This population, our most vulnerable neighbors, lives at home and is cared for by family or they live in

long term care facilities such as Skilled Nursing Facilities, Group Homes, Mental Health Homes, and Hospice.

When a disaster is about to strike or has struck and an area must be evacuated the population requiring Functional and Medical Support can't just get in a car or climb on a bus and go to a motel or relocate to a General Population Shelter. Because they require medical support they either have to be moved to a hospital, hospitals which on a normal day are operating at 95% of capacity, go to a like facility, which may or may not be available or located too far away for safe transportation or they must be moved to a Functional and Medical Support Shelter.

In the event of a disaster Brunswick Community College may be activated to serve as a Functional Medical Support Shelter (FMSS) in the event of a declared state of emergency or a catastrophic natural or man-made disaster. This activation would be short term to allow for holding and transportation of these medically fragile citizens to a State supported FMSS.

Vice-Chairman Norris moved to approve the Memorandum of Agreement between Brunswick County Emergency Services and Brunswick Community College to establish a functional medical support shelter. The vote of approval was unanimous.

2. Engineering-Carolina Shores North Contract Award to Herring-Rivenbark, Inc. (Jeff Phillips)

Staff recommends to Award Construction Contract for Carolina Shores North Water Project to Herring-Rivenbark, Inc. in the amount of \$656,466.60.

Jeff Phillips, Director of Engineering Services, explained that on February 25, 2009, Thomas & Hutton Engineering supervised a bid opening for the Carolina Shores North Water Project. Staff received 19 bids with Herring-Rivenbark, Inc. of Kinston, NC being the low bidder with a total bid price of \$656,466.60

Commissioner Phillips moved to award the Construction Contract for Carolina Shores North Water Project to Herring-Rivenbark, Inc. in the amount of \$656,466.60. The vote was 4 ayes (Phillips, Sue, Norris and Cooke), 1 nay (Warren).

3. Utilities-Wastewater Pumping Station Guidelines (John Nichols)

Staff recommends approving the Wastewater Pumping Station Design Guidelines as presented.

John Nichols, Assistant Utilities Director, requested approval of the Wastewater Pumping Station Design Guidelines and permit staff to make minor revisions as necessary.

Brunswick County's consultant, McKim and Creed, has recently completed a system-wide electronic sewer model for high-pressure sewer force mains and pump stations. This sewer model will assist in troubleshooting system problems, evaluating existing capacity, planning for future expansion, and assisting designers with development projects. The Wastewater Pumping Station Design Guidelines provide guidance to the development community on use of the electronic sewer system model. Additionally, these Design Guidelines will streamline the development plan review process by promoting communication between developers and Brunswick County staff during the critical early phases of projects and providing specific direction to design engineers regarding submittal requirements.

A public meeting was held on January 7, 2009, to introduce the electronic sewer model, discuss specifics of the Wastewater Pumping Station Design Guidelines, and to solicit input from the public. The Design Guidelines were revised based on the comments from the public and then presented to the Utility Board for their review.

Chairman Sue moved to approve the Wastewater Pumping Station Design Guidelines. The vote of approval was unanimous.

4. Utilities-International Paper Tract Conservation Easement with GreenTrust Alliance (Jerry Pierce)

Staff recommends granting permanent Conservation Easement to GreenTrust Alliance and approving a permanent Maintenance Agreement with GreenTrust Alliance.

Jerry Pierce, Utilities Director, requested approval of a Conservation Easement on existing wetlands on the County-owned International Paper Tract to the GreenTrust Alliance and execute a maintenance agreement with the GreenTrust Alliance for maintenance of the conservation easement areas.

In the design of the effluent reuse facilities on the International Paper Tract and the Mercer Mill Tract and the construction of the Oak Island Force Main Phase I and II, the Consultants for the County determined that some impact to wetland areas would be unavoidable. To secure the permits from the U.S. Army Corps of Engineers and NC DENR for crossing the wetlands and impacting the wetlands, the County had to take steps to mitigate the impact of the disturbance in the wetlands.

One method of mitigating the wetlands is to provide a conservation easement on existing wetlands to preserve them from future development. The International Paper Tract owned by the County contains a significant amount of wetlands particularly near the Lockwood Folly River. The Corps of Engineers agreed to allow the County to place a conservation easement on those wetlands in lieu of construction of wetlands or payment into a wetlands bank for mitigation.

The Corps of Engineers does not accept conservation easements directly. The easements must be granted to an acceptable third party agent to ensure that the conservation easement is maintained. The GreenTrust Alliance has been accepted by the Corps of Engineers as the third party agent.

The proposed maintenance agreement obligates the GreenTrust Alliance to maintain the conservation easement. The County has to pay the GreenTrust Alliance a one-time fee of \$69,640 for the maintenance of the easement.

There was a short discussion regarding costs of this project.

Commissioner Phillips moved to grant a permanent Conservation Easement to GreenTrust Alliance and approve a permanent Maintenance Agreement with GreenTrust Alliance. The vote was 4 ayes (Warren, Phillips, Sue and Norris) 1 abstain (Cooke).

5. Utilities-Oak Island Force Main Phase I Contract Amendment with Earth Tech of NC, Inc. (Jerry Pierce)

Staff recommends Approving Contract Amendment with Earth Tech of North Carolina, Inc. for the Oak Island Force Main Phase I project.

Jerry Pierce, Utilities Director, requested approval of a contract amendment in the amount of \$5,375 with Earth Tech of North Carolina, Inc., additional design service associated with the Oak Island Force Main Phase 1 Project.

In FY 2006, the County entered into a contract with Earth Tech of North Carolina for the design of the Oak Island Force Main Project. The original design was for the force main to be constructed down Palm Street to a lot owned by Brunswick County. The County portion of the project ended at the County-owned lot. The Town of Oak Island was responsible for constructing the line from the island to the County-owned lot. In the process of design, the property ownership of the tract of land adjacent to the Intracoastal Waterway changed from the State of North Carolina to a private company. After some negotiation with the private company, the County evaluated other options for the force main routing. The County staff, Town of Oak Island staff and their consulting engineers determined that a new route was the most cost-effective approach. Staff has negotiated a new easement location and the property owners have indicated a willingness to grant the County an easement.

With the change to a new easement location, the County portion of the Oak Island Force Main Phase I project must be redesigned. The proposed contract amendment would extend the existing force main from its present terminus to the new easement location. The proposed contract amendment would increase the existing contract amount by \$5,375.

Commissioner Phillips moved to approve a Contract Amendment with Earth Tech of North Carolina, Inc. for the Oak Island Force Main Phase I project. The vote of approval was unanimous.

6. Finance-Financial Reports February 2009 (Unaudited) (Ann Hardy)

Staff recommends to Receive Financial Reports for Period Ended February 28, 2009 as presented.

Ann Hardy, Fiscal Operations Director, reviewed the February 2009 Financial Reports:

General Fund

Presented in the board packet is a schedule of revenues and expenditures-budget and actual and changes in fund balance for the General Fund for the period ended 2/28/2009 on the cash basis with comparative actual amounts for the year ended June 30, 2008 and for the period ended 2/28/2008. Total revenues for the General Fund at 2/28/09 are \$126.2 million compared to

\$128.1 million at 2/28/08 for a decrease of (\$1.9) million or (1.48%). Total revenues collected are currently 83.41% of the amended budget for the fiscal year.

Total expenditures for the General Fund at 2/28/09 are \$96.8 million compared to \$90.8 million at 2/28/08 for an increase of \$6 million or 6.61%. Total expenditures are currently 60.58% of the amended budget for the fiscal year.

Net transfers to the County and Schools Capital Reserves and Capital Projects Funds of \$10.6 are reported.

Revenues and other financing sources are greater than expenditures and other financing uses by \$18.9 million as of February 28, 2009 compared to \$34.6 million as of February 28, 2008.

Water Fund

Presented in the board packet is a schedule of revenues and expenditures-budget and actual and changes in fund balance for the Water Fund for the period ended 2/28/2009 on the cash basis with comparative actual amounts for the year ended June 30, 2008 and for the period ended 2/28/2008. Total revenues for the Water Fund at 2/28/09 are \$13.7 million compared to \$14.3 million at 2/28/08 for a decrease of (\$0.6) million or (4.2%). Total revenues collected are currently 70.2% of the amended budget for the fiscal year.

Total expenditures for the Water Fund at 2/28/09 are \$8.2 million compared to \$8.6 million at 2/28/08 for a decrease of (\$0.4) million or (4.7%). Total expenditures are currently 54% of the amended budget for the fiscal year.

Net transfers to the Water Capital Reserve for Water Capital Projects of \$8.8 million are reported. Revenues and other financing sources are under expenditures and other financing uses by \$3.3 million as of February 28, 2009 which appears on track with amounts budgeted as transfers from Retained Earnings to capital projects.

Wastewater Fund

Presented in the board packet is a schedule of revenues and expenditures-budget and actual and changes in fund balance for the Wastewater Fund for the period ended 2/28/2009 on the cash basis with comparative actual amounts for the year ended June 30, 2008 and for the period ended 2/28/2008. Total revenues for the Wastewater Fund at 2/28/09 are \$6.6 million compared to \$7.3 million at 2/28/2008 for a decrease of (\$0.7) million or (9.6%). Total revenues are currently 59.7% of the amended budget for the fiscal year.

Total expenditures for the Wastewater Fund at 2/28/09 were \$5.1 million compared to \$4.9 million at 2/28/08 for an increase of \$0.2 million or 4.1%. Total expenditures are currently 40% of the amended budget for the fiscal year.

Transfers of \$1.5 million from the wastewater reserve are reported. Revenues and other financing sources are greater than expenditures and other financing uses by \$3.1 million as of February 28, 2009 of which \$1.5 million is due to the transfer from the reserve fund for the reduction in expected reimbursement for debt service from the Town of Oak Island. The reimbursement is delayed until completion of the line to serve the town.

Capital Project Funds and Capital Reserve Funds

The packet contains grant and project life revenue and expenditure reports for major grants and capital projects and reports of the capital reserve fund balances and project designations for the County, Water, Wastewater, School and Special School Capital Reserve Funds.

Key Indicators of Revenues and Expenditures

The packet contains charts with actual history, current month and budget information on major revenues and expenditures in both the enterprise and general funds.

Cash and Investments

A Summary of Cash and Investments as of February 28, 2009 reports that the County has \$161.7 million of cash and investments in all funds including those accruing for outside agencies that the county performs collections for plus \$46.2 million of capital project restricted debt proceeds. All cash and investments are earning an average yield of 1.31%. The total of cash of February 28, 2009 was \$84.8 million General Fund, \$16.2 million in the Water Fund, \$3.3 million in the Wastewater Fund.

This information was presented for information. No action was taken.

7. Admin-Ocean Isle Beach Park Phase I Primary Construction Contract Award (Steve Stone)

Steve Stone, Assistant County Manager, informed that nine sealed bids were opened at 2:00 p.m. on Friday, March 13 and Weaver Construction submitted the lowest responsive bid in the amount of \$2,187,088.12 and asked that the Board award the primary construction contract for Phase I of the new Ocean Isle Beach Park to Weaver Construction.

The Ocean Isle Beach Park will be developed on 57 acres located on Old Georgetown Rd. donated 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 the project be completed 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. The initial grading and drainage contract that was awarded on 2/16/09 is making satisfactory progress and the work should be completed by the end of this month. Again, as was the case with the initial grading and drainage contract, this award request was without the specific recommendation in hand at the time of agenda preparation. Staff was confident that we can complete the necessary due diligence review of the bids between the bid opening and the meeting tonight. The Board was informed of the award recommendation at the time of presentation. Mr. Stone apologized for again asking for deviation from the normal operating procedures, but given the extremely tight funding source deadlines on this project, the project team is concerned that there will not be sufficient progress to retain the State grant unless the contract is awarded today.

Haden Stanziale is providing design services for the project and Thomas and Hutton is providing the civil engineering services. This construction contract is for development of roadways, parking areas, water and sewer infrastructure, 8 tennis courts, an amphitheatre, restrooms, picnic shelters, and a multipurpose field / festival area.

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

There was discussion regarding costs of the project.

Commissioner Cooke moved to award the Primary Construction Contract to Weaver Construction and authorize the Chairman to sign after review by the County Attorney. The vote was 4 ayes (Phillips, Sue, Norris and Cooke) 1 nay (Warren).

8. Admin-Commuting Vehicle Plan (Marty Lawing)

Marty Lawing, County Manager, explained that an Ad Hoc Committee consisting of Commissioner Marty Cooke, Commissioner Scott Phillips, Marty Lawing, County Manager, Steve Stone, Assistant County Manager, Ann Hardy, Director of Fiscal Operations and Huey Marshall, County Attorney held two meetings for the specific purpose of developing a Take Home Vehicle Plan for the county. The primary goals of the committee was to develop a plan that would keep the county and employees in compliance with IRS regulations, result in cost savings for the county, provide a county vehicle for those employees in positions that require frequent call out after normal working hours to respond to emergency situations and to uphold documented pre-employment agreements.

The plan as recommended would result in five (5) employees exclusive of law enforcement taking an assigned county vehicle home on a daily basis. One of these employees drives a qualifying vehicle in accordance with the IRS regulations and there is no tax liability for commuting use of the vehicle. The other four (4) are the Emergency Management Director and the Deputy Directors. These employees/positions may qualify for the commuting rule if the Board of Commissioners adopts a policy that would require the individuals in these positions to take the vehicle home citing a bona fide business use and prohibit personal use of the vehicle other than commuting. The vehicles must be clearly marked as emergency response vehicles. If such a policy is adopted, these positions may be eligible for the \$3.00/Day Commuting Rule and would be responsible for the tax liability and must keep a log of business and personal use. Based on the committees interpretation of the IRS rules we think that this would substantially reduce the county's liability/risk but there is no way to absolutely eliminate liability with allowing commuting use as it is always subject to interpretation by others.

The next category of employees that will be authorized to drive a county vehicle home is those that take a vehicle home only when they are assigned to emergency call out duty on a rotating basis. These positions are primarily in the water distribution and sewer collection divisions and the Instrumentation and Electrical division of the Public Utilities Department which includes Mechanics, Foremen and Locations Supervisor. The category also includes three (3) positions in Emergency Management that are required to take call-duty for after hours response and the Maintenance Foreman in Parks and Recreation. The aforementioned policy would need to require the people in these positions to take the vehicles home justified by a bona fide business purpose and prohibit any personal use other than commuting. These employees would be responsible for the tax liability only for the days they use the vehicle to commute when they are

on call and required to keep a log. The Instrumentation and Electrical Division personnel drive qualifying vehicles in the form of a service van with permanent shelves in the cargo area. Superintendents, operators and mechanics assigned to water and wastewater treatment plants would no longer take a vehicle home under this plan.

The next category of employees is those that had a written employment offer or pre-employment agreement that they would have an assigned county vehicle for take home purposes. The committee recommended that these employees be given a vehicle allowance in the amount of \$4,000 per year in lieu of taking the vehicle home on a daily basis. This includes the County Manager, Assistant County Manager, Public Utilities Director and the Parks and Recreation Director. These positions will have access to a county vehicle for county business. The Committee is recommending deferring the recommendation for the Health Director to the Board of Health as to whether he will continue to commute or receive an allowance.

Much thought and evaluation was put into this plan and many options were considered. Call out records and justifiable business purpose was evaluated for each employee that is currently or previously taken a vehicle home. This is a very conservative plan that eliminates most of the commuting of employees at all levels of the county organization up to and including department heads and should accomplish most of the goals established by the committee.

There was discussion regarding fairness to employees who will now have to drive their personal car to work.

Commissioner Phillips moved to approve the Commuting Use Policy with an effective date of April 1, 2009. The vote was 4 ayes (Phillips, Sue, Norris and Cooke) 1 nay (Warren).

9. Admin-Right-of-Way Encroachment Agreement – Columbus County Water Extension (Marty Lawing)

Staff recommends to Approve Three Party Right-of-Way Encroachment Agreement Application for the Columbus County – District IV Water System Extension.

Marty Lawing, County Manager, explained that in order to effectively develop the Brunswick-Columbus International Business Park water and sewer service will be required to serve the site. During the initial planning process for the development of the park it was determined that the most cost effective alternative to serve the park was for the Columbus County District IV Water System to provide the service across the county line. The encroachment agreement calls for the extension of approximately 950 linear feet of 12-inch water main along U.S. Highway 74/76 (Andrew Jackson Highway).

This is a typical Three Party Right-of-Way Encroachment Agreement of the North Carolina Department of Transportation; however, it is significant that this would give Columbus County the right to extend utility services into Brunswick County to provide the initial water service to the industrial park. Depending on the type and amount of industrial development in the park, additional service may need to be provided by the county or another provider in Brunswick County in the future.

In the absence of a formal agreement between Brunswick County and the Columbus County District IV it is important that the approval of this agreement be documented in the public record if approved by the Board

Commissioner Warren moved to approve the Three Party Right-of-Way Agreement Application for the Columbus County District IV Water System Extension. The vote of approval was unanimous.

10. County Manager Report

The County Manager reminded of the Board Retreat beginning tomorrow at 8:00 a.m.

11. Rural Transportation Advisory Committee (Added Under Adjustments to the Agenda)

Commissioner Warren asked for approval to be removed as a member of the Rural Transportation Advisory Committee. The vote of approval was unanimous.

The Clerk was directed to check with Don Eggert, Cape Fear Council of Government to see if someone, other than a Commissioner could fill the vacant slot.

12. Closed Session (Added Under Adjustments to the Agenda)

Commissioner Phillips moved to enter Closed Session at 7:37 p.m. pursuant to NCGS 143-318.11 (a) (3), (a) (4) and (a) (5) to prevent the disclosure of privileged information, to consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, to discuss matters relating to the location or expansion of business

in the area served by this body and to establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located on the Intracoastal Waterway at Ocean Isle Beach beside proposed boat ramp. The vote of approval was unanimous.

Reconvened 8:53 p.m.

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

Vice-Chairman Norris asked to be recused from action taken after Closed Session.

Chairman Sue moved to recuse Vice-Chairman Norris. The vote of approval was unanimous.

Commissioner Phillips moved to direct the County Attorney to appraise and initiate condemnation proceedings for the pump station and line extensions located within the Avalon Subdivision. The vote was 4 ayes (Warren, Phillips, Sue and Cooke). (Vice-Chairman Norris recused).

Commissioner Warren moved to declare in default, the developer known as Town and County Developers of Wilmington, Inc. in default of their obligations within the Avalon Subdivision and to demand cure of the default from the bonding company. The vote was 4 ayes (Warren, Sue, Norris and Cooke). (Vice-Chairman Norris recused).

IX. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

X. ADJOURNMENT

At 8:55 p.m. Vice-Chairman Norris moved to recess the Regular Meeting until 8:00 a.m. on March 17, 2009 to hold a Board Retreat in the Second Floor Conference Room. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board