

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
May 4, 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
 Debby Gore, Clerk to the Board
 Ann Hardy, Fiscal Operations Director

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

Commissioner Phillips 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. Marty Lawing, County Manager, requested to add Change Order #1 to the contract of John S. Clark for the Field Operations Center and the associated budget amendment as item VIII-16.
2. Huey Marshall, County Attorney, requested a Closed Session as Item X-3 to discuss economic incentives and referred to a handout of the rewrite of the Resolution to Secure the Abandoned Right of Way, Bricklanding Road, informing that the Resolution had not changed, only clarified as to the portion of the road that is petitioned.
3. Commissioner Warren requested to add under Other Business, consideration to allow different clergy through the county to offer the Invocation at the Commissioners Regular Meetings.

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

A. Minutes

1. March 19, 2009 Board Retreat Revised Minutes
2. April 6, 2009 Regular Meeting Minutes
3. April 20, 2009 Regular Meeting Minutes

B. Tax

C. Finance

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

Fund	Description	Code	Increase	Decrease
Health Fund	Miscellaneous Revenues	135176-383900	\$135	
Health Fund	Special Program Material	135176-423100	\$89	
Health Fund	Travel Subsistence	135176-431200	\$46	

The Health Department received a performance bonus of \$135 for use in the Smart Start Program and requested appropriation of the funds for program materials and travel subsistence.

Staff requests approval of a

Fund	Description	Code	Increase	Decrease
Health Fund	Miscellaneous Revenues	134380-383970	\$1,664	
Health Fund	Supplies & Materials	134380-426000	\$1,664	

The Health Department earned \$1,664 in the Animal Control Program in excess of amounts budgeted and requested appropriation of the funds for supplies and materials in the program.

D. Elder Abuse Awareness Resolution

Resolution to recognize June as Elder Abuse Awareness Month.

2009 ELDER ABUSE AWARENESS RESOLUTION

WHEREAS, Elder Abuse is the broad term used to identify mistreatment of elder and disabled adults, and abuse and neglect of elderly and disabled adults is one of most under-recognized and under-reported social problems in this country, and,

WHEREAS, The magnitude of the problem is likely to increase for several reasons, especially with the anticipated rise in the number of elderly population, and

WHEREAS, Mistreatment can take many forms: Physical Abuse; Emotional Abuse; Sexual Abuse; Neglect by Caretaker; Self-Neglect; and Exploitation; Financial Exploitation, and,
WHEREAS, Between 500,000-5 million people suffer Elder Abuse every year, and,
WHEREAS, It is estimated that approximately one out of every 14 cases of Elder Abuse is reported, and,

WHEREAS, Elder Abuse is preventable:

NOW THEREFORE BE IT RESOLVED, that the Brunswick County Board of Commissioners recognizes the month of June as Elder Abuse Awareness Month and encourages all residents and other jurisdictions to become more aware of this problem and join in the prevention of Elder Abuse.

This is the 4th day of May, 2009.

s/William M. Sue, Chairman

Attest:

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

E. JCPC Annual Plan & Certification

Staff requests approval of the 2009-2010 Annual Plan for the Brunswick County Juvenile Crime Prevention Council to include the Annual Plan, Funding Allocations and Certification.

F. JCPC 2009-2019 Program Agreements

Staff requests approval of Juvenile Crime Prevention Council Agreements for FY 2009-2010.

G. Social Services – American Med Labs Contract

Staff requests approval of Contract with American Med Labs, LLC d/b/a AccuDiagnostics for random drug screenings.

H. Operation Services-Tipping Fee Exemption Little Macedonia Baptist Church

Staff request approval of Tipping Fee Exemption for Little Macedonia Baptist Church.

I. Operation Services – Tipping Fee Exemption Sharon United Methodist Church

Staff requests approval of Tipping Fee Exemption for Sharon United Methodist Church.

J. Sheriff's Department – Contract Amendment

Staff requests approval of the Amendment to the School Resource Officer Agreement with Roger Bacon Academy Charter Day School.

K. Parks & Recreation Change Order Ocean Isle Park

Staff requests approval of Change Order No. 1 to the contract of Phillips & Jordan, Inc. for the Ocean Isle Beach Park Project in the amount of 17,135.35.

VI. PRESENTATION

1. Wilmington MPO (Mike Roberts)

Mike Roberts, representative of Wilmington MPO was unable to attend the meeting.

VII. PUBLIC HEARING

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 Map Amendment Z-09-634 (Leslie Bell)

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:36 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-09-634.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-634 – Mike Brown)

Item 1 is a map amendment initiated by the property owner. This change from IG (Industrial General) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcels 02200024 and 0280000101 located on Andrew Jackson Highway (US 74/76) near Leland, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested for Tax Parcels 02200024 and 0280000101 located on Andrew Jackson Highway (US 74/76) near Leland, NC.

This rezoning totals 177.56 acres.

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

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

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from Industrial to Commercial for Tax Parcels 02200024 and 0280000101 located on Andrew Jackson Highway (US 74/76) near Leland, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from Industrial to Commercial for Tax Parcels 02200024 and 0280000101 located on Andrew Jackson Highway (US 74/76) near Leland, NC. [unanimous 7 to 0].

II. PUBLIC COMMENT

Chairman Sue asked if there were any members of the audience who wished to address the Board.

The following addressed the Board:

1. Mike Brown, representing the Trask family, spoke in support of the rezoning.

III. ADJOURN

Commissioner Cooke moved to adjourn the Public Hearing at 6:41 p.m. The vote of approval was unanimous.

Commissioner Warren moved to approve the recommendations of the Planning Board and Planning Staff of Second Reading and Adoption of Map Amendment Z-09-634 and approve changes to the Brunswick County CAMA Land Use Map. The vote of approval was unanimous.

2. Planning-Proposed Map Amendment Z-09-637 (Leslie Bell)

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:41 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-09-637.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-637 – Gary Bullis)

Item 1 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 243IC024 located at 1700 Ocean Haven Road (SR 1183) and off Beach Drive (NC 179) and 14th Street near Ocean Isle Beach, NC.

This rezoning totals 1.29 acres.

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

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

II. PUBLIC COMMENT

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

1. Gary Bullis, property owner, spoke in support of the rezoning.

III. ADJOURN

Commissioner Cooke moved to adjourn the Public Hearing at 6:44 p.m. The vote of approval was unanimous.

Commissioner Phillips moved to approve the recommendations of the Planning Board and Planning Staff for Second Reading and Adoption of Map Amendment 09-637. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. Planning-Proposed Map Amendment Z-09-636 (Leslie Bell)

Staff recommends approval of First Reading and set a Public Hearing for June 1, 2009 at 6:30 pm for Proposed Map Amendment Z-09-636.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-636 – Compass Pointe Engineering, PA [%Michael Norton])

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 a portion of Tax Parcel 24400007 located on Beach Drive (NC 179) near Ocean Isle Beach, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested for a portion of Tax Parcel 24400007 located on Beach Drive (NC 179) near Ocean Isle Beach, NC.

This rezoning totals 0.28 acres.

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

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

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for a portion of Tax Parcel 24400007 located on Beach Drive (NC 179) near Ocean Isle Beach, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for a portion of Tax Parcel 24400007 located on Beach Drive (NC 179) near Ocean Isle Beach, NC.

Commissioner Cooke moved to approve First Reading and set a Public Hearing for June 1, 2009 at 6:30 pm for Proposed Map Amendment Z-09-636. The vote of approval was unanimous.

2. Planning-Proposed Map Amendment Z-09-638 (Leslie Bell)

Staff recommends approval of First Reading and set a Public Hearing for June 1, 2009 at 6:30 pm for Proposed Map Amendment Z-09-638.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-638 – Malpass Engineering P.C. [%Jeff Malpass])

Item 1 is a map amendment initiated by the property owner. This change from RR (Rural Residential) to R-7500 (Low Density Residential) would allow for residential use of Tax Parcel 01600024 located on Mt. Misery Road (SR 1426) near Leland, NC.

This rezoning totals 18.28 acres.

Planning Staff recommends approval to R-7500 (Low Density Residential).

Planning Board recommends approval to R-7500 (Low Density Residential) [5 to 2 with Commissioner Warren and Dr. Flythe opposing]

Vice-Chairman Norris moved to approve First Reading and set a Public Hearing for June 1, 2009 at 6:30 p.m. The vote of approval was unanimous.

3. Planning- Proposed UDO Text Amendment UDO-09-03 (Leslie Bell)

Staff recommends approval of First Reading and set a Public Hearing for June 1, 2009 at 6:30 pm for Proposed UDO Text Amendment UDO-09-03.

Item 1

Amend Article 5, Permitted Uses, Section 5.3.4.N., Wireless Telecommunication Facility (WTF) and create Section 5.3.4.O., Amateur Wireless Facility.

Item 2

Amend Article 5, Permitted Uses, Section 5.3.5.B.3.iii.(b), Internal Street Standards, to reduce internal street width requirements in Campgrounds.

Item 3

Amend Article 4, Zoning Districts, Section 4.8.5.G.2., PUD Perimeter Compatibility, to eliminate Limitations on Housing Types for the outermost lots in a PUD Dimensional.

Planning Staff recommends approval.

Planning Board recommends approval (unanimous 7 to 0).

Commissioner Phillips moved to approve First Reading a schedule a Public Hearing for June 1, 2009 at 6:30 p.m. The vote of approval was unanimous.

4. Planning-Revised Brunswick Nature Park MOU (Leslie Bell)

Staff recommends approving revisions to the Brunswick Nature Park MOU between Brunswick County and the NC Clean Water Management Trust Fund.

Leslie Bell, Planning Director, explained that this Memorandum of Understanding (MOU) has been revised to be consistent with the Multi-phase Brunswick Nature Park Master Plan adopted by the Board of Commissioners on October 1, 2007. This revised MOU replaces the previous MOU approved by the Board of Commissioners on September 7, 2004 between Brunswick

County, the North Carolina Coastal Land Trust, and the North Carolina Clean Water Management Trust Fund and prior to approval of the Brunswick Nature Park Master Plan. Briefly, the attached MOU includes the following revisions:

Added specific language requiring the floating boat ramp to be handicap accessible. This includes adding that the boat ramp will have sliding rails and two (2) handicap parking spaces;

Clarified the location, number, and size of parking lots permitted throughout the park;

Specified allowable equestrian related uses/structures including a multi-use parking lot for horse trailers and troughs;

Added dimensional standard for pedestrian foot bridges;

Clarified the size and number of picnic shelters permitted; and

Re-worded the MOU for clarity based upon input from attorneys at the North Carolina Coastal Land Trust and Brunswick County.

The complete Brunswick Nature Park Summary Report will be available once the Board of Commissioners makes a decision on the revised MOU

Vice-Chairman Norris moved to approve the revisions to the Brunswick Nature Park MOU between Brunswick County and the NC Clean Water Management Trust Fund. The vote of approval was unanimous.

5. Planning-Urgent Repair Program Documentation and Policies (Louise McGarva)

Staff recommends approving 2009 Urgent Repair Program Post Approval Documentation, Policies & Resolution Authorizing Execution of Documents.

Louise McGarva, Community Development Administrator, explained that Brunswick County is in receipt of notification from the North Carolina Housing Finance Agency that the 2009 Urgent Repair Program (URP09) award was received for the rehabilitation of 20 residential units in the amount \$75,000 with a \$15,000 County match. A requirement of the funding is the adoption of the Post Approval Documentation and Policies pursuant to the County's 2009 NCHFA-URP program.

Staff recommends that the Board of Commissioners adopt the following resolutions, guidelines, plans and policies that will be utilized during the administration of Brunswick County's 2009 NCHFA Urgent Repair Program:

1. Post-Approval Documentation
2. Program Assistance Policy
3. Procurement & Disbursement Policy
4. Resolution for Execution of Document

Commissioner Phillips moved to approve the 2009 Urgent Repair Program Post Approval Documentation, Policies and Resolution Authorizing Execution of Documents. The vote of approval was unanimous.

5A. CJPP Additional Funds for Treatment Programs (Kim Layne)

Kim Layne, CJPP Coordinator, explained that all funds for the Criminal Justice Partnership Program / Drug Treatment / Domestic Violence Programs have been exhausted. There are approximately 14 individuals who have been ordered into a specific treatment program and failure to complete the programs as ordered could possibly result in those individuals being placed back in jail for failing to follow orders of the court. CJPP is requesting \$27,100 to continue the treatment programs through June 30, 2009 so that everyone presently receiving substance abuse counseling or domestic violence counseling may continue to do so.

Fund	Description	Code	Increase	Decrease
General Fund	Fund Balance Appropriated	100000-399100	\$27,100	
General Fund	CJPP Substance Abuse Program	104314-439901	\$13,550	
General Fund	CJPP Violence Program	104314-439902	\$13,550	

The budget amendment above is to appropriate General Fund Balance to be used to provide services for substance abuse and violence counseling in the Criminal Justice Partnership Program thru June 30, 2009.

Samuel Causey and Arlin Johnson spoke regarding their experience in Drug Court stating that their lives had significantly changed and that they are now a part of their community and not just in the community. Mr. Causey and Mr. Johnson credited this change to the efforts of Drug Court and urged the Board to continue funding for this program to help others as it had helped them.

Commissioner Phillips moved to approve the additional funding in the amount of \$27,100 to come from the general fund and the associated budget amendment. The vote of approval was unanimous.

6. Utilities – TARA Group Final Changer Order (John Nichols)

Staff recommends approving the Final Adjusting Change Order for the contract of the TARA Group of Lumberton, Inc. for the Phase I of Shallotte Sewage Lift Station Project.

John Nichols, Utility Operations Assistant Director, requested approval of the final adjusting change order with The TARA Group of Lumberton, Inc., for the Phase 1 – Shallotte Sewage Lift Station Project. The change order is deductive in the amount of \$52,844.99. The change order reduces the original contract value of \$1,799,400.00 to the final contract value of \$1,746,555.01. The original engineer’s estimate was \$1,800,000.

This change order reflects both additions and deductions to the total project scope of work. A complete list of these additions and deletions with associated values are included in the Change Order form. Of note is a deduction for a Lagoon Headworks that will be deducted from this contract and included as part of a separate contract with a different contractor.

Vice-Chairman Norris moved to approve the Final Adjusting Change Order with the TARA Group of Lumberton, Inc. for the Phase 1 Shallotte Sewage Lift Station Project. The change order is deductive in the amount of \$52,844.909. The vote of approval was unanimous.

7. Utilities – Contract Award Phillips & Jordan Shallotte WWTP Liner Repair (John Nichols)

Staff recommends approval of Bid Award for Shallotte Wastewater Treatment Plant. Rewards to Phillips & Jordan, Inc. in the amount of 76,325.00 and the Associated Capital Project Ordinance.

John Nichols, Utility Operations Assistant Director, requested approval of a Bid Award with Phillips & Jordan, Inc., and associated capital project ordinance in the amount of \$76,325.00 for construction services associated with the Shallotte Wastewater Treatment Plant lagoon headworks and liner replacement.

During construction of the Phase 1 – Shallotte Sewage Lift Station Project being performed by The TARA Group of Lumberton, Inc., it was discovered that a liner in the wastewater facultative lagoon was damaged and in need of repair. The scheduled work to be performed by The TARA Group included installing a pipe and headwall into the lagoon through the liner and required damming and dewatering of the construction area within the pond. The damaged liner would require the removal of pond sludge and the installation of approximately 80,000 square feet of repair liner to be welded over the existing liner. In order to avoid the costly operation of dewatering the lagoon twice, the pipe and headwall work was removed from the TARA Group's contract and combined with the liner repair work. Bids were received from four contractors and the contractor with the lowest, responsive bid, Phillips & Jordan, Inc., was selected to perform the work as they have previous experience with liner repairs.

The total capital project ordinance is currently \$6,429,256 with revenues comprised of bond proceeds from the 2004A and 2008A revenue bonds and interest earnings thereon. Expenditures to date total \$5,394,102.04. Current contract obligations of an additional \$602,652.48 result in an uncommitted balance in the capital project ordinance of \$432,501.48. In addition the bond proceeds have earned an additional \$90,015.54 of interest that has not been appropriated. The result is that there is currently \$522,517.02 of uncommitted project funds in addition to the proposed deductive change order of \$52,844.99 for a total of \$575,362.01 that may be used in this project, another county wastewater project or to make debt service interest payments.

Chairman Sue moved to approve the Bid Award with Phillips & Jordan, Inc. and the associated capital project ordinance in the amount of \$76,325.00 for construction services associated with the Shallotte Wastewater Treatment Plant lagoon headworks and liner replacement. The vote of approval was unanimous.

8. Utilities – BEMC Well Agreement (Jerry Pierce)

Staff recommends approving Encroachment Agreement between Brunswick County and Brunswick Electric Membership Corporation.

Jerry Pierce, Utility Operations Director, explained that the County is in the process of permitting the construction of a new well located on the NC 211 Water Plant property. The NC DENR requires that the County either own or have assurances that all property owners within 100 feet of the proposed well will not take action that would result in damage to the well. BEMC owns a small portion of the property contained within the 100-foot radius of the well.

The proposed agreement would allow the County to construct the well and BEMC agrees not to perform any activities within the affected area that would conflict with the NC DENR Regulations. The County would agree to hold BEMC harmless from any damage associated with the construction or use of the well.

Vice-Chairman Norris moved to authorize the Chairman and Clerk to the Board to execute an Encroachment Agreement with Brunswick Electric Membership Corporation for the new NC 211 Water Plant Well. The vote of approval was unanimous.

9. Utilities – PISCES Award (Jerry Pierce)

Staff recommends accepting PISCES Award.

Jerry Pierce, Utility Operations Director, informed that in 2002, Brunswick County and the Town of Holden Beach entered into a Sewer Service Agreement for the construction of a regional wastewater treatment plant to be constructed on NC 211 in the Supply area. The West Brunswick Regional Water Reclamation Facility was designed and constructed to meet the wastewater treatment needs of Brunswick County and the Town of Holden Beach. The total wastewater treatment capacity of the plant is 3.0 mgd.

As a part of securing financing for the project, Brunswick County made application to the NC DENR Construction Grants and Loans Section for a low interest loan to cover a portion of the cost of constructing the plant, effluent disposal system, and regional wastewater transmission system. The County was successful in obtaining a \$30,000,000 State Revolving Loan from the NC DENR Construction Grants and Loans Section. The low interest loan helped lower the overall project cost for Brunswick County and the Town of Holden Beach.

The Environmental Protection Agency recognizes successful projects that are constructed using State Revolving Loan Funds. The NC Construction Grants and Loans Section nominated the West Brunswick Project for recognition by the US EPA. Brunswick County was awarded the 2008 PISCES Award by the US EPA in recognition of the County's "Innovate and Effective Use" of State Revolving Loan Funds for creating environmental success. The County Public Utilities Staff is proud to present the award to the Board of Commissioners and Town of Holden Beach. We also would like to thank the staff of NC DENR Construction Grants and Loans for nominating Brunswick County for this award.

The Board accepted the PISCES Award for the West Brunswick Water Reclamation Facility from the U.S. Environmental Protection Agency and thanked Mr. Pierce for the hard work and dedication put into this project.

10. Utilities – Regional Wastewater Pump Station Development Policy (John Nichols)

Staff recommends approving Regional Wastewater Pump Station Development Policy.

John Nichols, Utility Operations Assistant Director, explained that Brunswick County Public Utilities operates a sewer force main transmission system with multiple pump station connections that pumps sewer substantial distances before entering Wastewater Treatment Plants. Each pump station that connects directly to a sewer transmission force main results in an increase in pipeline pressure and corresponding decrease in available force main capacity. Minimizing the amount of pump stations directly connected to the sewer transmission force main system ultimately reduces the amount and magnitude of future transmission system upgrades to meet wastewater demands. The *Regional Wastewater Pump Station Development Policy* addresses the need to minimize direct connections to high pressure sewer transmission force mains by providing guidance on warrants, location, design requirements, and cost sharing between the developer and Brunswick County. There are relatively few Regional Wastewater Pump Stations in the existing system; most pump stations connect directly to the sewer force main transmission system resulting in the need for larger more expensive pumps, higher energy costs, and meeting ultimate capacity sooner. Under the Regional Wastewater Pump Station concept, multiple smaller, less costly

pump stations pump into each Regional Wastewater Pump Station that pumps sewage into the sewer transmission system and ultimately to the Wastewater Treatment Plant. In addition to reducing overall infrastructure costs, Regional Wastewater Pump Stations have the added benefit of allowing for sewer system expansion into areas that would otherwise be too distant from existing facilities to pump wastewater without excessive pressures.

A public meeting was held on January 7, 2009, to discuss specifics of the *Regional Wastewater Pump Station Development Policy* and to solicit input from the public. The *Regional Wastewater Pump Station Development Policy* was revised based on the comments from the public and then presented to the Utility Operations Board for their review on January 26, 2009. Based on comments from the January 26 meeting, the *Regional Wastewater Pump Station Development Policy* was further revised and finally approved at the April 13, 2009, meeting of the Utility Operations Board.

Commissioner Phillips moved to approve the recommendations of the Utility Operations Board to approve the Regional Wastewater Pump station Development Policy. The vote of approval was unanimous.

11. Eng. – Contract Award LM McLamb & Son (Jeff Phillips)

Staff recommends approving Contract for RiverSea Plantation Phase IV Project to L.M. McLamb & Sons in the amount of 479,512.00 and approve the associated Capital Project Ordinance and Budget Amendment.

Jeff Phillips, Engineering Services Director, explained that on April 22, 2009, Tripp Engineering supervised a bid opening for the RiverSea Plantation Phase IV Project. Twelve bids were received with L.M. McLamb & Son being the low bidder with a total bid price of \$479,512.00. The County exercised the 125% bond to finish this project after the developer left before completion. The county received \$542,371.94 and appropriated \$10,000 for engineering and related costs on February 2, 2009 leaving a balance of \$532,371.94 for the project.

Fund	Description	Code	Increase	Decrease
County Capital Project Fund	Riversea Phase 4 – Performance Bonds	438191-385000	\$532,372	
County Capital Project Fund	Riversea Phase 4- Construction	438191-464002	\$479,512	
County Capital Project Fund	Riversea Phase 4- Contingency	438191-499100	\$52,860	

The budget amendment above is to appropriate the remainder of payment/performance bonds recovered revenues in the Riversea Phase 4 County Capital Project for construction and project contingency. The county previously appropriated \$10,000 of the recovered revenues on February 2, 2009 for engineering in the amount of \$7,200 and other related costs.

**County of Brunswick, North Carolina
Capital Project Ordinance (Amended)
Riversea Phase 4 County Capital Project (438191)**

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 Riversea Phase 4 County Capital Project:

Project Cost \$542,372

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

Performance Bonds \$542,372

Section 3. This Capital Project Ordinance shall be entered into the minutes of the May 4, 2009 meeting of the Brunswick County Board of Commissioners.

Vice-Chairman Norris moved to Award the Contract for RiverSea Plantation Phase IV Project to L.M. McLamb & Son in the amount of \$479,512.00 and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

12. Finance-Report of Fire Fee Collections FY 08-09 (Ann Hardy)

Staff recommends approving Shortfall Recovery Proposal to Reduce Prior Years Collections.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

Brunswick County collects fire fees for fire departments within the county. Each year a budget is established and approved by the Board of Commissioners based on fire fee rates and collection percentages. The fire departments are paid one quarter of the approved budget at the beginning of each quarter. The fire departments are paid any actual collections received for prior year fire fees collected in addition to their quarterly advance of current year fire fees.

Current Status

Fire fee collections are currently \$484,662.53 less than the annual budget with 2 months remaining in the fiscal year. The current collection rate is 95%. The prior year collections were 99% achieved at June 30, 2008. At this time it appears that collections will be under budget in the range of \$365,000 with approximately 96% rate of collections. The current shortfall for each department is presented in the table below. The shortfall in prior years was minimal and was captured by reducing prior year collections in the next fiscal year

2009 Fire Department	Budget	Received as of 4/24/09	% of Budget Collected	Current Balance
BSL	\$354,865.70	\$341,413.40	96%	\$(13,452.30)
Bolivia	152,255.04	138,726.50	91%	(13,528.54)
Calabash	851,320.00	820,841.13	96%	(30,478.87)
Civietown	294,191.80	255,486.50	87%	(38,705.30)
Grissettown	279,149.73	252,855.77	91%	(26,293.96)
Leland	1,224,250.00	1,205,011.45	98%	(19,238.55)
Oak Island	930,723.64	921,061.36	99%	(9,662.28)
OIB	631,026.53	605,421.89	96%	

				(25,604.64)
Navassa	72,832.27	63,924.26	88%	(8,908.01)
Northwest	205,300.00	176,450.80	86%	(28,849.20)
Shallotte	472,520.00	429,582.20	91%	(42,937.80)
Shallotte Point	286,717.76	265,033.16	92%	(21,684.60)
Southport	582,034.44	551,975.45	95%	(30,058.99)
St James	59,160.00	53,010.52	90%	(6,149.48)
Supply	304,130.00	258,317.81	85%	(45,812.19)
Sunset Beach	832,309.02	810,952.36	97%	(21,356.66)
Sunset Harbor	276,007.74	249,917.09	91%	(26,090.65)
Tri Beach	795,898.56	794,568.30	100%	(1,330.26)
Waccamaw	169,593.80	143,836.85	85%	(25,756.95)
Winnabow	224,492.02	210,479.42	94%	(14,012.60)
Yaupon	116,235.90	114,732.70	99%	(1,503.20)
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Totals	<u>\$9,115,013.95</u>	<u>\$8,663,598.92</u>	95%	<u>\$(451,415.03)</u>

Recommendation

This information is provided to the Board of Commissioners for information and approval to reduce prior years' collections that the departments will receive in FY 2009-10 for the amount of the actual budget shortfall experienced in FY 2008-09. If the collections are not reduced the county will have a deficit that will require an appropriation and the departments will receive double the funding of the fees collected as delinquent amounts are collected.

Chairman Sue moved to receive the Fire Fee Collection Report as information and approve the Shortfall Recovery Proposal to Reduce Prior Years. The vote of approval was unanimous.

13. Finance-General Obligation Refunding of Series 2001 (Ann Hardy)

Staff recommends approving Resources Authorizing the Refunding of Series 2001 General Obligation Bonds.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

Brunswick County issued General Obligation Series 2001 bonds to fund school construction under the 1999 School Bond Referendum. The bonds' to be refunded mature from 2012 thru 2021 with coupons ranging from 4.75 to 5.0% and a par total amount of \$23.5 million. Bonds maturing in 2010 and 2011 would not be refunded because there would be no savings in doing so.

The county previously planned to refund the bonds as a part of the 2007 Community College Bond Issue. On June 18, 2007, Brunswick County resolved certain statements of fact concerning refunding this proposed bond refunding issue, resolved to introduce a bond refunding order and adopted the bond refunding order and resolved to direct publication of notice of the bond refunding order. Subsequent to the actions by the Board of Commissioners, the savings deteriorated and the refunding did not occur.

Current Status

It appears that the refunding may result in savings at this time. Based upon a recent analysis of the bond market it appears the cumulative savings may be as much as \$665,700. Estimated costs to refund the bonds are deducted in calculating the potential savings to the County. The annual savings are in the range of \$69,000 per year. If the savings of approximately \$69,000 per year are obtained, that amount would be available to the county and the school system under the funding agreement. The underwriter's fees and bond counsel fees are contingent upon the refunding closing. The county would be responsible for rating agency fees incurred.

Recommendation

Staff recommends that the Board direct the County Manager and Finance Officer to proceed with the necessary steps to refund the General Obligation Series 2001 bonds maturing from 2012 through 2021 which include preparation of actions for the Board of Commissioners, application to the Local Government Commission, Engaging Bond Counsel, Ordering Rating Agency Analysis and Engaging Banc of America as Underwriter.

Commissioner Phillips moved to approve the Resources Authorizing the Refunding of Series 2001 General Obligation Bonds. The vote of approval was unanimous.

14. Administration-FY-08-09 Goals & Objectives 3rd Quarter Report (Marty Lawing)

Marty Lawing, County Manager updated the Third Quarter Progress Report on FY 2008-2009 Major Goals and Objectives.

Commissioner Phillips asked staff to look into establishing a permanent county recycling site for household hazardous waste and the certification process.

15. Planning-CDBG Grant Application (Louise McGarva)

Staff recommends scheduling a Public Hearing for June 1, 2009 and July 6, 2009 at 6:30 p.m. to receive input regarding the application of a Community Development Block Grant Scattered Site Housing Grant Application.

Louise McGarva, Community Development Administrator, explained that the Brunswick County Planning and Community Development is applying for a FY 2009 Community Development Block Grant Scattered Site Housing Program (SSH) grant in the amount of \$400,000 to assist low income homeowners. No local match is required.

Staff requests approval to set the two Public Hearings required for this application submittal. The purpose of the public hearings will be to present the description of the proposed project activities and cost to be carried out in the Community Development Block Grant Scattered Site Housing Program.

Vice-Chairman Norris moved to schedule a Public Hearing for June 1, 2009 and July 6, 2009 at 6:30 p.m. The vote of approval was unanimous.

16. Utilities-Field Operations Center Change Order No. 1 John S. Clark Contract (Jerry Pierce) Added Under Adjustments to the Agenda

Jerry Pierce, Utility Operations Director, explained that during the construction of the site work associated with the Public Utilities Field Operations Center, the contractor encountered soil that was not suitable. A number of methods were employed by the contractor to improve the soil conditions including constructing perimeter ditches to lower the ground water table. After completion of the methods, the soil conditions were still not suitable for construction of the building and paved area.

The architect, soils consulting firm, and contractor then evaluated a number of methods to resolve the poor soils conditions. The cost of the options ranged from \$600,000 to excavate all of the material to \$122,613.88 plus the cost of the sand to raise the site. After reviewing all options, County staff agreed with the option to raise the site.

The original contract with John S. Clark contained an allowance of \$46,000 for removal and replacement of unsuitable soils. The proposed change order No. 1 from John S. Clark is for the hauling and placement of the fill and raising the drainage structure to the new elevation. The County is responsible for providing the fill material. Based upon soils testing some of the existing material excavated from the wastewater treatment plant project can be used for the structural fill. The County will need to purchase additional structural fill material. The existing material excavated from the wastewater treatment plant will be used for the nonstructural fill. The net cost of the change order to John S. Clark is \$76,613.88. The County will have to purchase 10,000 cubic yards of structural fill at a cost of \$30,000.

Staff recommends approval of change order No. 1 with John S. Clark and the associated budget amendment and capital project ordinance.

Fund	Description	Code	Increase	Decrease
Water Capital Project Fund	2007 Subdivision Petition Project	418246-398663		\$57,000
Water Capital Project Fund	2007 Subdivision Petition Project	418246-499100		\$57,000
Water Capital Reserve Fund	Transfer to Project	639800-498041		\$57,000
Water Capital Reserve Fund	Utility Operations Center	639800-464239	\$57,000	
Water Capital Project Fund	Transmission System Improvements	418247-398663		\$50,000
Water Capital Project Fund	Transmission System Improvements	418247-464002		\$50,000
Water Capital Reserve Fund	Transfer to Project	639800-498041		\$50,000
Water Capital Reserve Fund	Utility Operations Center	639800-464239	\$50,000	
Water Capital Reserve Fund	Transfer to Water Cap Project	639800-498041	\$107,000	
Water Capital Reserve Fund	Utility Operations Center	639800-464239		\$107,000
Water Capital Project Fund	Transfer from Water Capital Reserve	418242-398663	\$107,000	

Water Capital Project Fund	Utility Operations Center Construction	418242-464002	\$107,000	
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The above budget amendments are to transfer \$57,000 currently budgeted in the 2007 Petition Project Contingency and \$50,000 current budgeted in the Transmission System Improvement Project to the water capital reserve fund and designate those funds for the Utility Operations Center. The budget amendment then transfers the funds from the Capital Reserve Fund to the Utility Operations Center Capital Project for a total additional appropriation of \$107,000 to fund the requested action.

The associated capital project ordinances follow.

**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 \$5,193,979

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 \$5,193,979

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

Contribution to Water Capital Project \$5,193,979

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

Current Funds Appropriated \$5,193,979

Section 5. This Capital Project Ordinance shall be entered into the minutes of the May 4, 2009 meeting of the Brunswick County Board of Commissioners.

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

2007 Subdivision Petition Water Capital Project (418246)

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 2007 Subdivision Water Capital Project:

Project Cost \$1,334,380

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 \$1,334,380

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

Contribution to Water Capital Project \$1,334,380

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

Current Funds Appropriated \$1,334,380

Section 5. This Capital Project Ordinance shall be entered into the minutes of the May 4, 2009 meeting of the Brunswick County Board of Commissioners.

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

Transmission System Improvements Water Capital Project (418247)

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 Transmission System Improvements Water Capital Project:

Project Cost \$1,020,000

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 \$1,020,000

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

Contribution to Water Capital Project \$1,020,000

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

Current Funds Appropriated \$1,020,000

Section 5. This Capital Project Ordinance shall be entered into the minutes of the May 4, 2009 meeting of the Brunswick County Board of Commissioners

After a short discussion, Mr. Pierce asked for Board representation on the Field Operations Center Construction Committee. Commissioner Phillips volunteered to serve and Mr. Pierce offered to make the meeting schedule flexible to Commissioner Phillips work schedule. Commissioner Warren offered to be the back-up representative if Commissioner Phillips could not be at these meetings.

Mr. Pierce also asked for Board representation on the West Regional Plant Construction Committee and Commissioner Warren volunteered to serve in this capacity.

Vice-Chairman Norris moved to approve Change Order No. 1 increasing the contract of John S. Clark in the amount of \$76,613.88 and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

IX. BOARD APPOINTMENTS

1. Board of Health (1 appointment)

Commissioner Warren nominated Dr. Saunders to fill the public slot as he owns his own practice and is the Medical Director of Shallotte Nursing Home. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Dr. Saunders. The vote of approval was 2 ayes (Warren and Norris) 3 nays (Phillips, Sue and Cooke). Commissioner Cooke nominated Robert Smith as recommended by

the Board of Health. Commissioner Phillips moved to close the nominations. The vote of approval was unanimous. Commissioner Cooke moved to approve the appointment of Mr. Smith. The vote of approval was 3 ayes (Phillips, Sue and Cooke) 2 nays (Warren and Norris). Robert Smith was appointed to fill the unexpired term of William Sizemore (resigned) that will expire on December 1, 2009.

X. COUNTY ATTORNEY'S REPORT

1. Resolution Securing Abandoned Right of Way - Bricklanding Road (Huey Marshall) ..
Huey Marshall, County Attorney, explained that occasionally the NC DOT discontinues the use of the ends of certain public roads. The County would benefit by receiving the distal end of Bricklanding Road. A Petition process initiates the transfer of old road beds to other owners. A Petition signed by the Board will initiate the process. The very end of Bricklanding Road ends in the AIWW and is impassable. The County is attempting to acquire that property to assist it in water access.

Vice-Chairman Norris moved to approve the Resolution to Secure the Abandoned Right of Way of Bricklanding Road (SR 1143). The vote of approval was unanimous.

RESOLUTION IS SUPPORT OF BRUNSWICK COUNTY SECURING THE ABANDONED RIGHT-OF-WAY OF BRICKLANDING ROAD (SR 1143)

Whereas, most Americans live within 100 miles of an Ocean or the Gulf of Mexico, and are frequent users of land-water interfaces such as docks, quays, landings or ramps, which are often used to move people from the land to the sea, or from the sea to the dry land, and

Whereas, the record number of Brunswick County boaters, both commercial and recreational, have strained to the limits the capacity of these facilities, which indicates that there aren't enough of the facilities present in the County to meet peak demands, and

Whereas, there is a history of County and State cooperation in finding solutions to stresses and strains, including the stress of over-utilized boat docking and landing facilities, and the County sees no reason that a further extension of County and State mutual assistance will not aid the County in meeting a need for its citizens, and

Whereas, the State of North Carolina, through its Department of Transportation has a right-of-way at the extreme end of SR 1143 (Bricklanding Road) that is no longer of use to the state, and the closure of the said right-of-way will not deprive any property owner of access to any known conveyances.

Now therefore, the Brunswick County Commissioners are hereby resolved to inquire of the State that the North Carolina Department of Transportation close the end of SR 1147 (Bricklanding Road) south of the intersection of Devane Road in favor of Brunswick County, and pass the abandoned roadbed to the County to assist the County with the provision of Atlantic Intracoastal Water Way access.

This the 4th day of May, 2009.

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

2. Termination of DuPont de Nemours Property Lease

Huey Marshall, County Attorney, requested termination of a Lease between E. I. DuPont de Nemours and Brunswick County for a parcel used as a recreational facility so that the City of Navassa could lease the property as a recreational facility for the city.

This property was leased to Brunswick County in 1981 and the use has fluctuated between constant use and no use, and Navassa now wants to take over the Lease for its purposes.

Chairman Sue moved to approve termination of the Lease between E.I. DuPont deNemours and Brunswick County. The vote of approval was unanimous.

3. 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 (1) (4) to discuss matters relating to the location or expansion of business in the area served by this body. The vote of approval was unanimous.

The Chairman called a 10 minute break.

Reconvened 8:04 p.m.

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

XI. OTHER BUSINESS/INFORMAL DISCUSSION

Commissioner Warren asked for discussion to invite clergy from around the county to offer the Invocation at the Commissioners Regular Meetings (Added Under Adjustments to the Agenda) adding that he thinks it is important to include the community in the meetings. After discussion Chairman Sue called for a vote. The vote for approval to invite county clergy to the Regular Meetings to offer the Invocation was 4 nays (Cooke, Norris, Sue and Phillips) 1 aye (Warren).

XII. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 8:12 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board