

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JULY 6, 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
Julie Miller, Fiscal Operations Deputy Director

Deputy Chris Powell

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. Debby Gore, Clerk to the Board, requested to remove Item VI-2 as requested by the Wilmington Regional Association of Realtors.

Commissioner Cooke 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. The following citizens addressed the Board:

1. Don Yousey, Health Director, presented a handout and updated the Board on the recent tuberculosis outbreak in the Brunswick County jail.

2. Joe Taylor, Sunset Harbor resident, expressed concerns with the increased costs of homeowners insurance including wind and hail and flood insurance that is affecting the coastal counties with the so-called Beach Plan. Mr. Taylor was concerned that the Insurance Commission was not looking out for coastal residents and questioned how the surplus money was being used as Brunswick County has not had a major hurricane in several years. There was discussion and Commissioner Cooke informed that he has been attending the Coastal Resources Commission meetings and also traveled to Raleigh last week to voice concerns against the rising costs of homeowner insurance.

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:

General Fund	General Fund Balance Appropriation	106131-383311	Increase \$17,730
General Fund	Parks & Recreation-Cheerleading Expenditures	106131-423108	Increase \$17,730

Cheerleading registrations and fee collections began in April to cover the June Summer camp and the fall season. Due to the large number of participants it was necessary to reschedule the camps for July. Staff recommends appropriation of \$17,730 of the cheerleading registrations unexpended as of June 30, 2009 to FY 2010.

School Capital Reserve Fund	School Reserve Fund Balance Appropriation	279800-399100	Increase \$156,861
School Capital Reserve Fund	Transfer to School Capital Outlay	279800-498042	Increase \$156,861
School Capital Outlay Fund	Transfer From School Capital Reserve	428006-398227	Increase \$156,861
School Capital Outlay Fund	School Central Office Roof Replacement	428006-464016	Increase \$156,861

Brunswick County School requested appropriation of \$156,861 of funds accumulated on the School Capital Reserve Fund from sales tax proceeds for the replacement of the school administration office building roof. The association capital ordinance below is to appropriate the additional fund below and record the carryover of the balance remaining as of 6/30/09.

County of Brunswick, North Carolina
School Category 1 Capital Project Ordinance (Amended)

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 School Category 1 Capital Projects Fund for the School Capital Projects:

Project Cost Rolled Over FY 09	\$3,354,095.55
Project Cost FY 10	\$918,794.00
Project Cost Appropriated FY 10	\$156,861.00
Total	\$4,429,750.55

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

Contributions from School Capital Reserve	\$3,212,946.93
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Section 3. The following amounts are hereby appropriated in the Brunswick County School Capital Reserve Fund:

Contribution from School Special Capital Reserve	\$725,357.24
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Section 4. It is estimated that the following revenues will be available in the Brunswick County Special Capital Project Fund:

Current Funds Appropriated Medicaid Swap	\$372,871
Current Funds Appropriated NC Education Lottery	\$118,575.38
Total	\$491,446.38

Section 5. This Capital Project Ordinance shall be entered into the minutes of the July 6, 2009 meeting of the Brunswick County Board of Commissioners.

Lottery Application

Approval of Submittal of Public School Building Capital Fund North Carolina Education Lottery in the amount of \$60,000 for Middle School Renovations to windows, doors and electrical upgrades at Shallotte Middle School, South Brunswick Middle School and Leland Middle School Renovations. The Board of Education requests approval for Chairman Sue to execute the application on behalf of the County.

D. Rural Operating Assistance Program

Staff requests to schedule a Public Hearing for July 20, 2009 at 6:30 p.m. to receive input regarding the Rural Operating Assistance Program.

E. JCPC Revised Program Agreements for Providence Home & Teen Court Fund Decrease

Staff requests to approve the Revised Program Agreements for Providence Home & Teen Court indicating the decrease in funding.

F. Operation Services

Staff requests approval to exempt First Tee from tipping fees at the Brunswick County Landfill.

G. Cape Fear Public Transportation Authority and Brunswick County Interlocal Agreement

Staff requests to approve the Interlocal Agreement for Funding the Brunswick Connector.

H. Southeastern Brunswick Sanitary District Fee Adjustment

Staff requests to approve Water billing Adjustment for the Southeast Brunswick Sanitary District.

I. Brunswick County Sheriff’s Substation Lease – Funston Land & Timber, LLC.

Staff requests to approve Lease Agreements with Funston Land & Timber, LLC.

J. Community Development Corporation Capacity Building Grant Public Hearing

Staff requests to schedule Public Hearing for CDBG Capacity Building Grant for August 3, 2009 at 6:30 p.m.

VI. PRESENTATION

1. Tax Supervisor, Tax Collector and Deputy Tax Collector Oaths and Order

Commissioner Warren moved to appoint Tom Davis as Acting Tax Supervisor for a one-year term ending July 6, 2010. The vote of approval was unanimous.

Huey Marshall, County Attorney, administered the Oath to Tom Davis.

OATH OF TAX ADMINISTRATOR

I, Thomas M. Davis, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, Thomas M. Davis, will faithfully discharge the duties of my Office as Tax Administrator and Assessor of the County of Brunswick, North Carolina, and that I will not allow my actions as Tax Administrator and Assessor to be influenced by personal or political friendship or obligations, so help me, God.

This the 6th day of July, 2009.

s/Thomas M. Davis
Tax Administrator, Brunswick County
North Carolina
Brunswick County

Notary

Vice-Chairman Norris moved to appoint Ken Perry as Tax Collector for another one-year term that will expire July 6, 2010 and issue the Order to Collect FY 2009-2010 Tax Receipts. The vote of approval was unanimous.

Huey Marshall, County Attorney, administered the Oath and Order to Ken Perry.

OATH OF OFFICE

I, Kenneth D. Perry, do solemnly swear that I will support and maintain the Constitution and Laws of the United States, and the Constitution and Laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my Office as Tax Collector of the County of Brunswick, North Carolina, and that I will not allow my actions as Tax Collector to be influenced by personal or political friendship or obligations, so help me, God.

This is the 6th day of July 2009.

s/Kenneth D. Perry, Revenue Collector

ATTEST:

Deborah S. Gore, Notary
My Commission expires _____

ORDER OF TAX COLLECTION

State of North Carolina
County of Brunswick

To the Tax Collector of the County of Brunswick:

You are hereby authorized, empowered, and commanded to collect the taxes and file judgments as set forth in the tax records filed in the office of the Tax Administrator of Brunswick County and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Brunswick and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law. Witness my hand and official seal, this 6th day of July, 2009.

s/William M. Sue, Chair
Brunswick County Commissioners
s/Kenneth D. Perry
Tax Collector
Attest:
s/Deborah S. (Debby) Gore
Clerk to the Board

Commissioner Phillips moved to appoint Heather Hardee as Deputy Tax Collector for a one-year term ending July 6, 2010. The vote of approval was unanimous. Huey Marshall, County Attorney, administered the Oath to Heather Hardee.

OATH OF DEPUTY TAX COLLECTOR

I, Heather L. Hardee, do solemnly and sincerely swear that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, Heather L. Hardee, will faithfully discharge the duties of my Office as Deputy Tax Collector of the County of Brunswick, North Carolina, and that I will not allow my actions as Deputy Tax Collector to be influenced by personal or political friendship or obligations, so help me, God.

This the 6th day of July, 2009.

s/Heather L. Hardee
Deputy Tax Collector of Brunswick County
North Carolina
Brunswick County

Sworn to and subscribed before me this the 6th day of July, 2009

Huey Brant Marshall, Notary Public
My Commission expires September 8, 2012.

2. Coastal Insurance Issues (Kathleen Riely) (Removed Under Adjustments to the Agenda) (Wilmington Regional Association of Realtors Governmental Affairs Director)

3. Shallotte Partners LLC (Jim Myers)

Jim Myers of Shallotte Partners, LLC informed that he plans to develop a mixed use development in Calabash called Calabash Town Center. The project will include an affordable housing component targeting both the 60% and 80% of the median income level. Mr. Myers requested approval to pay the water and sewer capital recovery fees over a 15 year period at a 3% interest rate as well as other considerations to help make the project a reality.

There was discussion and the Board asked Mr. Myers to contact Jim Bradshaw, Economic Development Director and directed staff to review these requests and offer recommendations.

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 UDO Text Amendment 09-04 (Leslie Bell)

Planning Staff recommends approval.

Planning Board recommends approval (5 to 2 with Mr. Long and Mr. Lewis opposing).

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 7:14 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed UDO Text Amdnemtn 09-04.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 5, Permitted Uses, Section 5.3.5.B.iii. (d), Internal Street Standards to clarify specific paving requirements in Campgrounds.

Planning Staff recommends approval.

Planning Board recommends approval (5 to 2 with Mr. Long and Mr. Lewis opposing).

II. PUBLIC COMMENTS

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

1. Tom Shepler, owns Anchor Mobile Home Park and hopes to convert it to a Recreational Vehicle Park. Mr. Shepler spoke in opposition to the proposed amendment.

There was discussion regarding low impact design alternates and fire code requirements.

III. ADJOURN

Commissioner Cooke moved to close the hearing at 7:29 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to table this item to allow staff to consult with the Fire Marshall and come back with recommendations. The vote of approval was unanimous.

2. Planning – Proposed Map Amendment Z-09-639 (Leslie Bell)

Planning Staff recommends denial to NC (Neighborhood Commercial).

Planning Board recommends denial to NC [6 to 1 with Dr. Flythe opposing].

I. CALL TO ORDER

Chairman Sue called the hearing to order at 7:31 p.m. and announced that the purpose of the hearing was to receive public input regarding the proposed map amendment.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-639 – North Brunswick Sanitary District)

Item 1 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to NC (Neighborhood Commercial) would allow for commercial use of Tax Parcel 04700002 located on Old Lanvale Road NE (SR 1700) and Buckeye Road NE (SR 1415) near Leland, NC.

This rezoning totals 2.83 acres.

Planning Staff recommends denial to NC (Neighborhood Commercial).

Planning Board recommends denial to NC (Neighborhood Commercial) [6 to 1 with Dr. Flythe opposing].

II. PUBLIC COMMENTS

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

1. Bob Jones, Director of Brunswick Regional Water and Sewer formerly North Brunswick Sanitary District, asked for approval of the rezoning as a vault is located near Buckeye Road where water is received from the county and this site would be used for a boost pump station and storage tank.

2. Dave Holden, lives in this area and is concerned that neighborhood wells could be affected if this rezoning is approved as most of the residents have shallow wells. Mr. Holden requested that if this request was approved, to approve under the condition that there would not be any high capacity well located on the property.

3. Jim Janovetz, lives on adjoining property and opposes the rezoning stating that there are numerous native trees over 100 year old in this residential neighborhood and the beauty of the neighborhood would be upset with the location of huge water tanks.

There was discussion regarding the extended search for a site by Brunswick Regional Water and Sewer buffers and possible effects on neighborhood wells.

III. ADJOURN

Commissioner Warren moved to close the hearing at 7:42 pm. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve Second Reading and Adoption of Map Amendment Z-09-639 to Neighborhood Commercial. The vote of approval was 4 ayes (Phillips, Sue, Norris and Cooke) 1 nay (Warren).

3. Planning - Community Development Block Grant Scattered Site Housing Grant Application (Louise McGarva)

I. CALL TO ORDER

Chairman Sue called the hearing to order at 7:45 p.m. and announced that the purpose of the hearing was to receive public input regarding the CDGB Scattered Site Housing Grant Application.

Louise McGarva, Community Development Administrator, explained the following: 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 that the Brunswick County Board of Commissioners conduct the second Public Hearing required for this application submittal. The purpose of this public hearing is to present the description of the proposed project activities and cost to be carried out in the Community Scattered Site Housing Community Development Block Grant application and to allow citizens the opportunity to express their views and proposals prior to the completion and submission of the application.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the application. There were no comments.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 7:46 p.m. the vote of approval was unanimous.

4. Planning - CDBG Water Hook-Up Grant Application (Louise McGarva)

I. CALL TO ORDER

Chairman Sue called the hearing to order at 7:46 p.m. and announced that the purpose of the hearing was to receive public input regarding the Community Development Block Grant Water Hook-Up Grant Application.

Louise McGarva, Community Development Administrator, explained the following: The Brunswick County Planning and Community Development is applying for a Community Development Block Grant in the amount of \$75,000 to assist low income persons hook-up to existing water lines.

Staff requests that the Brunswick County Board of Commissioners conduct the first Public Hearing required for this application submittal. The purpose of the public hearing is to allow citizens the opportunity to express their views and proposals prior to the completion and submission of the Community Development Infrastructure Hook-up Grant application.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the application. There were no comments.

III. ADJOURN.

Commissioner Warren moved to close the hearing at 7:47 p.m. The vote of approval was unanimous.

VI. ADMINISTRATIVE REPORT

1. Planning – Community Development Community Development Block Grant Scattered Site Housing Grant Application (Louise McGarva)

Staff recommends approving the FY 2009 CDBG Scattered Site Housing Program Grant Application.

Vice-Chairman Norris moved to approve FY 2009 Community Development Block Grant Scattered Site Housing Grant Application in the amount of \$400,000. The vote of approval was unanimous.

2. Planning – Urgent Repair Program 2009 Grant Award & Agreements (Louise McGarva)

Staff recommends approving the 2009 Urgent Repair Program Grant Award and Funding Agreement with the NC Housing Finance Agency.

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 of \$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 resolve to execute the Funding Agreement for the URP09 \$75,000 grant from NCHFA and appropriate funds in the amount of \$90,000 (\$75,000 URP and \$15,000 County match) for program expenditures. The funds are already budgeted in 238176-332079 Grant Revenue \$75,000 and 238176-398110 Local Match Transfer from General Fund \$15,000 for expenditures totaling \$90,000 in 238176-449983.

Commissioner Warren moved to approve the 2009 Urgent Repair Program Grant Award and Funding Agreement with the NC Housing Finance Agency. The vote of approval was unanimous.

3. Planning – Map Amendment Z-09-640 First Reading (Leslie Bell)

Staff recommends scheduling Public Hearing for August 3, 2009 at 6:30 p.m.

Item 1 (Map Amendment Z-640 – Harold Miller)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to IG (Industrial General) would allow for industrial use for Tax Parcel 2290006402 located on Pigott Road SW (SR 1152) near Shallotte, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested from LDR (Low Density Residential) to Industrial for Tax Parcel 2290006402 located on Pigott Road SW (SR 1152) near Shallotte, NC.

This rezoning totals 4.55 acres.

Planning Staff recommends approval to IG (Industrial General).

Planning Board recommends approval to IG (Industrial General) [unanimous 7 to 0].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Industrial for Tax Parcel 2290006402 located on Pigott Road SW (SR 1152) near Shallotte, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Industrial for Tax Parcel 2290006402 located on Pigott board SW (SR 1152) near Shallotte, NC.

Commissioner Warren moved to approve First Reading of Proposed Map Amendment Z-09-640 and schedule a Public Hearing for August 3, 2009 at 6:30 p.m. The vote of approval was unanimous.

4. **Planning – UDO-09-03 Text Amendment Clarification (Leslie Bell)**

Staff requests clarification regarding Unified Development Ordinance Text Amendment UDO-09-03 for Section 4.8.5.G.2., Limitation on Housing Types

Leslie Bell, Planning Director, explained that at the Board of Commissioners June 1, 2009 Regular Meeting, staff presented a proposed text amendment to delete Section 4.8.5.G.2., Limitation on Housing Types. Section 4.8.5.G.2. requires that land usage at the periphery in proposed residential PUDs be either lots sized at the conventional square footage or additional buffer. Flexibility in lot size is allowed in PUDs with density of development and land usage being the controlling factor for the total number of lots approved in each respective zoning district.

Staff and Planning Board recommended that this section be deleted citing that the quasi-judicial process for the approval of a Planned Unit Development (PUD) would allow for Planning Board approval with reasonable conditions specific to each proposed PUD.

Proposed Amendment by Planning Board Staff and Planning Board

~~4.8.5.G.2. Limitations on Housing Types~~

~~When adjoining an RR, R-7500, R-6000, or SBR-6000 Zoning District, the outermost lots in a PUD shall include only additional buffer or single family detached units constructed using the conventional development dimensional standards of the underlying zoning districts.~~

Additionally, current Unified Development Ordinance Text (Section 4.8.5.G.1.ii.) requires a thirty foot (30') periphery buffer between any land usage (including commercial) of a proposed PUD and the existing property. The proposed text amendment does not change the requirement.

4.8.5.G.1.ii. [No Change]

- ii. A project boundary buffer with a minimum opacity of 0.6 shall be required along all boundaries of a PUD except portions of the project located adjoining a street or roadway. This project boundary buffer may not be reduced in width below 30 feet.

At the Board of Commissioners' June 1, 2009 Public Hearing, Bill Gordon commented that he felt that proposed commercial development as part of a PUD should not be allowed next to existing residential use. Following Mr. Gordon's comments and the Board of Commissioners' meeting, staff drafted text thought to be consistent with Mr. Gordon's comments and provided an opportunity for Mr. Gordon to review this text to ensure proper interpretation. Following Mr. Gordon's reviews with staff, it was understood that Mr. Gordon has suggested that the draft text appears to "water down" his comments. Additionally, there may be uncertainty as to how the Board of Commissioners interpreted Mr. Gordon's comments and its subsequent vote at that meeting, therefore, staff requests clarification.

After lengthy discussion Commissioner Cooke moved to table this item for further consideration and asked staff to offer recommendations at a later date. The vote of approval was unanimous.

5. **Utilities – Seaside Utilities Change Order #3 (John Nichols)**

Staff recommends approving Change Order No. 3 to the Contract of Seaside Utilities, Inc.

John Nichols, Public Utilities Assistant Director, requested approval of Change Order No. 3 with Seaside Utilities to add a pump stand for the alkalinity tank recirculation pump and revisions to the foul air piping as required by ATAD manufacturer and credit for deletion of a floor drain in the blower building and changing the pipe material in a duct bank from galvanized pipe to rigid PVC for a net addition of \$13,037.02

With the construction of the alkalinity feed system, it was determined that the pump would operate more effectively and be less prone to damage if the pumps were raised above the floor. The proposed change is to add stands for the two pumps. The plans called for a floor drain in the Blower Building and it was determined that a floor drain was not needed so a credit was provided.

Due to staff's concern about odors from the ATAD system, the ATAD manufacturer recommended changes to the foul air piping system designed to reduce odors. The proposed change would be to implement the recommendations of the manufacturer. The plans called for galvanized pipe to be used in duct banks. The contract has agreed to a deduct of \$1,433.69 for changing to rigid PVC.

Staff recommends approval of Change Order No. 3 with Seaside Utilities in the amount of a net increase of \$13,037.02

Commissioner Phillips moved to approve Change Order No. 3 to the contract of Seaside Utilities, Inc. The vote of approval was unanimous.

6. Utilities – Hazen & Sawyer Contract (John Nichols)

Staff recommends approving contract for Professional Engineering Services for Design of Northwest Water Treatment Plant Improvements with Hazen and Sawyer, P.C.

John Nichols, Public Utilities Assistant Director, requested that the Board authorize the Chairman to execute a contract with Hazen and Sawyer, P.C., for the design of the Phase 1 Improvements at the Northwest Water Treatment Plant which include construction of a new 4 million gallon clearwell, flash mix improvements, and chemical storage and feed system improvements. The total contract amount including sub-consultants is \$445,874.

Funds have been included in the FY 10 Capital Improvement Program for the construction of a new 4 million gallon clearwell, flash mix improvements, additional chemical storage, and chemical feed system improvements. The improvements are needed to make sure the Northwest Water Treatment Plant can produce and distribute its 24 mgd permitted capacity on a consistent basis. All of the improvements in Phase 1 are needed as a part of the expansion of the plant treatment capacity to 36 mgd in the next 5-10 years. The improvements have also been located so they will not interfere with improvements constructed during the Phase II part of the project.

The County solicited proposals from 11 engineering firms and received proposals from 6 firms. Hazen and Sawyer was selected as the most qualified firm for the work. County staff has negotiated a final scope of work and final fee based upon that scope of work.

Commissioner Phillips moved to authorize the Chairman to execute a contract with Hazen and Sawyer, P.C. for design of the Northwest Water Treatment Plant Improvements with Hazen and Sawyer, P.C. in the amount of \$445,874.00. The vote of approval was unanimous.

7. Administration – Office Space Allocation/Assignment (Marty Lawing)

Staff recommends approving Space allocation in Building H for the Brunswick County Board of Elections and Parks and Recreation for Exercise and Multi-Purpose and permit Brunswick Senior Resources, Inc. to occupy a portion of Building E.

Marty Lawing, County Manager, explained that the Space Needs Assessment Committee met June 25, 2009 to review two requests for office space allocations for Building H. Building H formerly housed the Tax Administration and Revenue Departments prior to their move to the new Administration Building last September. The Living Well Health Solutions Employee Health Clinic is currently the only occupant in the building. The large vault is used to store Finance Department Records that were recently moved from the warehouse to provide space for the storage staging and testing of voting machines.

Requests were received from the Board of Elections and Parks and Recreation. The Board of Elections currently occupies approximately 1521 square feet in Building F. The department stores approximately 320 voting machines at the county warehouse. The Board of Elections has five employees and inadequate space for Board meetings, the increasingly popular One-stop early voting and public viewing of election results. Parks and Recreation submitted a request for space to conduct group exercise programming for county employees, Lunch and Learn sessions and possibly dance lessons, fitness classes, summer camp programs etc.

The committee has recommended that the front portion of Building H be allocated to the Brunswick County Board of Elections and the rear portion of the building adjacent to the employee health clinic be designated for use by Parks and Recreation for multi-purpose/exercise. Due to the demolition work in the cafeteria, which generated noise, dust and power interruptions, Brunswick Senior Resources, Inc. staff was relocated on a temporary basis to Building E in the location formerly occupied by the Finance Department. This location has provided them with more space than they have previously occupied in Building D adjacent to the Cafeteria and created a better work environment. Jim Russell of BSRI submitted a request for the agency to be allowed to remain in Building E on a long-term basis. The space requested was previously allocated to Code Enforcement and the mailroom with a small amount square footage uncommitted. Since additional space will become available over the next year, the committee decided to recommend that BSRI be permitted to remain in Building E.

Commissioner Warren moved to approve space allocation in Building H for Brunswick County Board of Elections and Parks and Recreation and allow Brunswick Senior Resources, Inc. to occupy a portion of Building E. The vote of approval was unanimous.

8. Administration – Organizational Structure of Code Enforcement and Zoning Enforcement (Marty Lawing)

Staff recommends approving Code Enforcement Division Assumption of Certain Zoning Enforcement Functions and Remain as a Separate Division Reporting to the County Manager.

Marty Lawing, County Manager, explained that when the Code Enforcement Administrator position became vacant in April 2009, staff took the opportunity to look at various options to reorganize or consolidate some similar services. For the last three years, Code Enforcement has been a separate division, with the Code Enforcement Administrator reporting directly to the County Manager. Consideration was given to consolidating code enforcement, solid waste enforcement and zoning enforcement. Due to a considerable amount of time consumed by solid waste enforcement on tarp violations and landfill issues it was decided that that service should remain separate at this time. However, there is much potential for code enforcement officers to cross train and handle post-development zoning enforcement activities since the vacant Zoning Enforcement Officer position was deleted from the FY 2009-2010 budget. The Code Enforcement Officers will cross train and become familiar with the Unified Development Ordinance and document ordinance violations observed in the field. The Zoning Administrator may delegate other zoning enforcement functions to the Code Enforcement Officers or Administrator, but shall remain responsible for any final actions. Code Enforcement would not be involved with administration of the zoning regulations for new development projects.

Staff also looked at the option of making Code Enforcement a division of the Building Inspections Department reporting to the Chief Building Inspector and reclassifying the Code Enforcement Administrator position to a Code Enforcement Supervisor. This was determined to be a viable option that could be employed in the future if the recommended option is not successful.

The recommended option is for Code Enforcement to remain a separate division, recruit for and fill the Code Enforcement Administrator position and take on additional responsibilities related to zoning enforcement. If the Code Enforcement Administrator position is filled internally with one of the existing Code Enforcement Officers, their position would remain vacant in the short term

Vice-Chairman Norris moved to approve the recommendations from staff regarding the organizational structure of Code Enforcement and Zoning Enforcement. The vote of approval was unanimous.

9. Water Capital Projects for FY 2009-2010 (Marty Lawing)

Staff recommends to Select Water capital Projects to Include in Request for Proposals for Engineering Design.

The County Manager explained that the FY 2009-2010 Enterprise Fund Capital Improvement Plan includes \$1,000,000 for water main extension projects. At the time of adoption staff had not identified projects to recommend to the Board. Staff has developed a list of nine (9) projects for the Boards consideration. The projects include:

<u>PROJECT</u>	<u>CONSTRUCTION COST</u>
Ash-Little River Road / Etheridge Road	\$1,181,100
Old Shallotte Road	919,170
Ocean Forest Development off of Calabash Road	700,000
Mulligan Way and Cox’s Landing located off of Sunset harbor Road	168,720
Sea Castles Subdivision	179,437
Smithtown Road off of Highway 211	138,000
Hewettown Road off of Highway 211	109,000
Old Ferry Connection from Stanbury Rd. to Stone Chimney Rd.	108,130
Stanley Road from Mt. Pisgah Rd. to Hewett Road	74,560
	<hr/>
	\$3,578,117

Mr. Lawing presented a handout with a breakdown of the Ash-Little River Road/Etheridge Road Project and explained that the county has experienced a very low connection rate to new lines constructed over the last five years. The goal team will develop some incentives to recommend for Board approval in the next couple of months in an effort to increase connections.

The total preliminary construction cost for all nine projects is \$3,578,117. In order to determine the level of interest for each project staff recommends that a survey be sent to all developed lots along each street or road and ask property owners to express their level of interest in connecting should a line be constructed. Since the engineering selection process, design and permitting can

take the better part of one year it is possible that these selected projects may not be contracted for construction until FY 2010-2011.

There was discussion concerning sending a survey and RFP simultaneously to expedite the projects and/or determining which one is most feasible and affordable for low income citizens located in these areas. It was consensus to delay decisive action until a later date when definitive selection could be made to prioritize the list.

10. Engineering – Contract Award for FY 2008-09 Water System Improvement Projects (Marty Lawing)

Staff recommends to Award Contract for FY 2008-09 Water System Improvement Projects to McArthur Construction, Inc.

Marty Lawing, County Manager, explained that on June 16, 2009, HDR Engineering supervised a bid opening for the 2008-2009 Water Service Area System Improvements Project. The base bid work covers water line installation along Longwood Road from U.S. 17 to NC 130, along Lewis Loop Road and along Peakwood Drive. The lowest base bid was \$1,887,716.25. Alternate Bid 1 covers water line installation along Pea Landing Road from Jessie Mae Monroe Elementary School to Longwood Road. McArthur Construction bid for Alternate 1 was \$218,727.32. Alternate Bid 2 covers water line installation along Ash-Little River Road from Hickman Road to No. 5 School House Road. The low bid for Alternate 2 was \$353,008.12. The base bid plus Alternate Bid 1 and 2 lowest bidder was McArthur Construction Co. with a total of \$2,459,451.69.

Water Capital Reserve Fund	Reserve Funds Designated for Longwood Road	639800-464318	Decrease \$2,587,200
Water Capital Reserve Fund	Transfer to Longwood Road Water Capital Project Fund	639800-498041	Increase \$2,587,200
Water Capital Project Fund	Carolina Shores North Transfer From Water Reserve Fund	418252-398663	Decrease \$400,000
Water Capital Project Fund	Carolina Shores North Construction	418252-464002	Decrease \$400,000
Water Capital Reserve Fund	Transfer to Water Carolina Shores North Capital Projects	639800-498041	Decrease \$400,000
Water Capital Reserve Fund	Reserve Fund Designated for Longwood Road Water Capital Project	639800-464318	Increase \$400,000
Water Capital Project Fund	Longwood Road, Pea Landing, Ash-Little River Water Capital Project	418249-398663	Increase \$2,587,200
Water Capital Project Fund	Longwood Road, Pea Landing, Ash-Little River Water Capital Project	418249-464001	Increase \$2,587,200

The above budget amendments are to transfer \$2,187,200 of funds set aside in the Water Capital Reserve to the Longwood Road Capital Project and to transfer \$400,000 of uncommitted excess funds in the Carolina Shores North Capital Project to the Longwood Road Capital Project. The total amount transferred to the Longwood Road, Pea Landing, Ash-Little River Waterline Capital Project of \$2,587,200 will provide for the above contract and a 5% construction contingency. The total project budget including engineering of \$312,800 will be \$2,900,000 upon approval by the Board of Commissioners. The associated capital project ordinance is below.

**County of Brunswick, North Carolina
Water Capital Project Ordinance (Amended)**

Longwood Road, Pea Landing, Ash-Little River Water Capital Project (438249)

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 Water County Capital Projects Fund for the 2008-09 Waterline Extension Capital Project:

Project Cost	\$2,900,000
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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	\$2,900,000
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Section 3. The following amounts are hereby appropriated in the Brunswick County Water Capital Reserve Fund:

Contribution to Water Capital Project	\$2,900,000
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Section 4. It is estimated that the following revenues will be available in the Brunswick County Capital Reserve Fund:

Current Funds Appropriated	\$2,900,000
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Section 5. This Capital Project Ordinance shall be entered into the minutes of the July 6, 2009 meeting of the Brunswick County Board of Commissioners.

Chairman Sue moved to award a contract to McArthur Construction, Inc. for the 2008-2009 Water Service Area System Improvements Project and approve the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

VII. BOARD APPOINTMENTS

1. Region O Area Agency on Aging Advisory Council (4 appointments)

Commissioner Phillips moved to approve the recommended appointments of Kathy Doyle, Jan Hartlaub, Yvonne Hatcher and Jim Roach to serve a three year term that will expire on June 30, 2012. Commissioner Phillips also moved to receive recommendations from Brunswick Senior Resources Inc. and the Cape Fear Council of Governments Area Agency on Aging in the future as this is a council that does not require appointments from the Board of Commissioners. The vote of approval was unanimous. Ms. Doyle, Hartlaub, Hatcher and Mr. Roach will serve in place of Linda Bordner (resigned) Irene Hankins (resigned) Elizabeth Chessare (resigned) and Sallie Johnston and will serve a three year term that will expire on June 30, 2012.

2. City of Southport Zoning Board of Adjustment ETJ (1 appointment)

Commissioner Warren nominated Joe Pat Hatem. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the recommended appointment of Mr. Hatem. The vote of approval was unanimous. Joe Pat Hatem was appointed to the Southport Zoning Board of Adjustments as a full ETJ member as recommended by the Southport Board of Aldermen.

3. Town of Calabash Request for Removal of 3 Ineligible ETJ Planning & Zoning Board/Board of Adjustment appointments

Vice-Chairman moved to approve the recommendations from the Town of Calabash to removed Mildred Demarco and Alton Watts from the Calabash Planning and Zoning Board and Charles Daniels from the Calabash Board of Adjustment to be effective July 1, 2009 as they are now residents of the Town of Calabash and are no longer eligible to represent the Calabash ETJ on these boards. The vote of approval was unanimous.

4. Town of Calabash ETJ Board of Adjustment (1 appointment)

Vice-Chairman Norris moved to approve the recommended appointment of Derek Ezzell to the Calabash Board of Adjustment as a regular ETJ member.

VIII. COUNTY ATTORNEY'S REPORT

1. Brunswick –Columbus Industrial Park Building Permit Agreement (Huey Marshall)

The County Attorney informed that the Brunswick-Columbus Industrial Park wants to address the issues dealing with building permits for buildings that may straddle the county line and explained the agreement.

Commissioner Warren moved to approve the Brunswick-Columbus Industrial Park Building Permit Agreement. The vote of approval was unanimous.

2. Deed of Dedication The Landing at Ocean Isle Beach, Phase 1 (Huey Marshall)

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$103,876.00 for water lines and \$155,278.00 for sewer lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for The Landing at Ocean Isle Beach, Phase I. The vote of approval was unanimous.

3. Deed of Dedication St. James Plantation, The Reserve, Bridgewater Lots 47-56 & 77-103 (Huey Marshall)

The County Attorney explained that these lines are ready for acceptance into the system with a worth of \$67,393.00 for water lines and \$45,645.00 for sewer lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for St. James Plantation, The Reserve, Bridgewater Lots 47-56 and 77-103. The vote of approval was unanimous.

4. Franchise Ordinance and Agreements with County Rescue Providers Public Hearing Request (Huey Marshall)

The County Attorney requested to schedule a Public Hearing to receive public input regarding the Franchise Ordinance and Agreements with County Rescue Providers.

Chairman Sue moved to set a Public Hearing for July 20, 2009 at 6:30 p.m. The vote of approval was unanimous.

5. Proposed Brunswick County Tax Task Force Resolution

Huey Marshall, County Attorney informed that the Brunswick County Tax Task Force has presented and requested approval of a Resolution requesting amendment to the North Carolina Tax Laws.

Whereas, the cost of operation of local governments in North Carolina has always fallen to the local populations for funding, and

Whereas, there has been some relief granted for elderly and disabled citizens in the payment of these costs, habitual residence has not heretofore constituted any reasons for tax relief, either partial or full, in the same manner as income has qualified some persons for tax relief, and

Whereas, in order to acknowledge the consistent payment of local ad valorem taxes, the system of taxation for property tax in North Carolina should be amended to allow partial or complete tax forgiveness upon attaining residency standards.

Now therefore, the Brunswick County Tax Task Force is hereby resolved to promote that the tax laws of North Carolina be amended to allow, on their primary residence, those persons that have lived in any county for twenty continuous years, and has attained the age of sixty-five, then that taxpayer shall be allowed a twenty-five percent deduction of ad valorem tax; that any person that shall have lived in any county for twenty continuous years, and has attained the age of seventy, then that taxpayer shall be allowed a fifty percent deduction for ad valorem tax, and if any person shall have lived in any county for twenty continuous years, and shall have attained the age of seventy-five, then that taxpayer shall be allowed a seventy-five deduction, and any taxpayer that has live in any county for twenty continuous years, and shall have attained the age of eighty, then that taxpayer shall be afforded a one hundred percent deduction of any ad valorem taxes. The above deductions are in addition to and not supplemental to current exemptions and deductions available under North Carolina law. The said Tax Task Force advocates that the constitution and laws of North Carolina be so amended to provide the above deductions for ad valorem tax, and the same Tax Task Force advocates that the State examine sales tax revenues if any compensatory measures are required.

This the 19th day of June, 2009.

s/Charles A. Warren, Chairman
Brunswick County Tax Task Force

Attest:

s/Thomas M. Davis, Clerk

Commissioner Warren moved to approve the Resolution. The vote of approval was 3 ayes (Warren, Phillips and Norris) 1 nay (Sue) and Commissioner Cooke abstained.

6. Resolution Addressing Magistrate Appointments in Brunswick County

The County Attorney informed that a request had been received for additional magistrates in Brunswick County and presented the following Resolution.

Chairman Sue moved to approve the Resolution in Support of Additional Magistrates for Brunswick County. The vote of approval was unanimous.

RESOLUTION IN SUPPORT OF ADDITIONAL MAGISTRATES

Whereas, the Constitution of both the United States and that of North Carolina guarantee to all the right of due process, and for anyone accused of any offense, that process usually begins in front of a Magistrate, where bonds are set, and the conditions of release are determined by a Magistrate, and in addition to that function, Magistrates conduct Small Claims Court, and

Whereas, Brunswick County has seen significant growth in the recent past, now projected to be in excess of 100,000 in population, but the number of Magistrates in the County has remained constant, and

Whereas, the vital function that Magistrates provide cannot be ignored or compromised, but are a requirement of equal justice under the law, insuring that the accused are aware of the charges against them, and must have an appearance before a judicial officer within 96 hours of their arrest, and

Whereas, Brunswick County has been in need of an increased number of Magistrates for years, and at certain times of the year, as now, the resources of the County are strained to accommodate the residents of the County and our visitors, and the requirements of equal justice under law cannot be violated.

Now therefore, the Brunswick County Commissioners are hereby resolved to ask of the General Assembly and the Administrative Office of the Courts an assignment of additional Magistrates to Brunswick County, so as not to frustrate the ends of justice, and that we rightly pledge in our pledge of allegiance to the flag, "One nation, under God, with liberty and justice for all."

This the 7th day of July, 2009.

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

7. Closed Session

At 9:03 p.m. Commissioner Cooke moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) and (a) (6) to consult with the Attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action and to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. The vote of approval was unanimous.

The Chairman called a five minute break.

Reconvened

Chairman Sue called the Open Session back to order at 10:06 p.m. and announced that the action taken in Closed Session requires notification of the opposing parties for their agreement or refusal and will be released at that time.

IX. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

X. ADJOURNMENT

Commissioner Cooke moved to adjourn the Regular Meeting at 10:07 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board