

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JULY 20, 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

Lt. Roger Harrington

I. CALL TO ORDER

Chairman Sue called the meeting to order at 6:30 p.m.
(Attached to these Minutes is an item called Board Action containing all items on this agenda and those items are incorporated herein.)

II. INVOCATION/PLEDGE OF ALLEGIANCE

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. Huey Marshall, County Attorney, requested to add a Closed Session as Item IX-2. 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 Phillips moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

- A. **Minutes**
 - 1. **June 15, 2009 Regular Meeting Minutes**
 - 2. **July 6, 2009 Regular Meeting Minutes**
 - 3. **July 15, 2009 Agenda Meeting Minutes**
- B. **Tax**
 - 1. **March 2009 Motor Vehicle Valuation & Levy**
 - 2. **July 2009 Tax Releases**
 - 3. **June 2009 Collection Summary Report**
- C. **Finance**

General Fund	Sheriff's Department State Drug Seizure Revenue	104310-332900	Increase \$47,355
General Fund	Sheriff's Department State Drug Seizure Revenue	104310-459800	Increase \$47,355

The Sheriff's Department has collected under special circumstances \$47,355.12 in state drug seizure revenue that needs to be appropriated in the state drug seizure expenditure line item.

Fund	Description	Code	Increase	Decrease
Wastewater Reserve Fund	Transfer to Wastewater Capital Project	649800-498044	\$200,000	
Wastewater Reserve Fund	Reserve Shallotte Acquisition Funds	649800-464330	\$200,000	
Wastewater Capital Project Fund	Shallotte Acquisition Construction	448255-464000	\$200,000	
Wastewater Capital Project Fund	Transfer from Wastewater Capital Reserve	448255-398664	\$200,000	

Staff recommends approval of the above budget amendment to transfer \$200,000 from the wastewater capital reserve Shallotte Acquisition fund for the Shallotte Acquisition Wastewater Capital Project.

Approval of the associated capital project ordinance below is requested:

**County of Brunswick, North Carolina
Capital Project Ordinance
Shallotte Acquisition Wastewater Capital Project**

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 Wastewater Capital Projects Fund for the Shallotte Acquisition Wastewater Capital Project:

Project Cost	\$200,000
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Section 2. It is estimated that the following revenues will be available in the Brunswick County Wastewater Capital Projects Fund:

Contributions from Wastewater Capital Reserve \$200,000

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

Contribution to Wastewater Capital Project \$200,000

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

Current Funds Appropriated \$200,000

Section 5. This Capital Project Ordinance shall be entered into the minutes of the July 20, 2009 meeting of the Brunswick County Board of Commissioners.

D. Road Petition

Staff requests approval of a North Carolina Department of Transportation SR-2 Resolution for Jolly Roger Drive SW-SR1267, Six Pence Drive SW, S. Bluebeard Trail SW and Stoney Creek Lane.

E. NCACC Voting Delegate

Staff requests Designation of Chairman William Sue as the Voting Delegate to the North Carolina Association of County Commissioners Annual Conference in August.

F. CIS Parenting Education Program Report

Staff requests to receive the Parenting Education Program Report as information.

G. EMS Medical Director Contract

Staff requests approval of the Health Professional Contract for Medical Director of the Emergency Medical Services System.

H. Thomas & Hutton Change Order for Ocean Isle Beach Park

Staff requests to ratify Change Order to contract with Thomas & Hutton.

I. Brunswick Housing Opportunities

Brunswick Housing Opportunities requests approval to waive building inspection and/or septic permitting fees for affordable housing to be built upon 11 lots that were donated for this purpose.

VI. 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. Rural Operating Assistance Program Grant Application (Yvonne Hatcher)

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:33 p.m. and announced that the purpose of the hearing was to receive public input regarding the ROAP Grant Application and Associated Allocation.

Yvonne Hatcher, Brunswick Transit System Director, explained the following:

The FY09-10 Rural Operating Assistance Program (ROAP) consists of subsidy funds to be used for the transportation of elderly and disabled residents of Brunswick County, the transportation of those seeking employment transportation in Brunswick County, and to provide transportation to Brunswick County residents who are not human service agency clients. These are pass-through funds available to the County on an annual basis. The total funds to be received by Brunswick County are \$157,508: \$72,499 in EDTAP, \$16,475 in Employment, and \$68,534 in RGP. The Brunswick Transit System Board of Directors will suballocate a portion of the funds to other agencies in the county to support the transportation needs of their clients.

II. PUBLIC COMMENTS

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

III. ADJOURN

Commissioner Warren moved to close the Public Hearing at 6:34 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve FY 2009-2010 Rural Operating Assistance Program Grant Application and Associated Allocations. The vote of approval was unanimous.

VII. ADMINISTRATIVE REPORT

1. Public Housing-Section 8 Waiting List Closing (Pam Cheers)

Staff recommends approving the Closing of the Section 8 List.

Pam Cheers, Section 8 Coordinator, explained that pursuant to 24 CFR 982.206(c) – Closing Waiting List, the housing agency has determined that the existing waiting list contains an adequate pool for use of available funding. As of 5:00 p.m. today there were 1,014 applications with an anticipated wait of 24 to 36 months.

Staff requests that the Board of Commissioners approve closing of the waiting list with exception to citizens of Brunswick County who are determined to be elderly or disabled, or have been involuntarily displaced due to domestic violence, flood, fire or action by federal, state or local government that would require a family to vacate housing.

Commissioner Phillips moved to approve Closing of the Section 8 Waiting List. The vote of approval was unanimous.

2. Operation Services-Proposed Tipping Fee Increase (Stephanie Lewis)

Staff recommends to Schedule Public Hearing for August 3, 2009 at 6:30 p.m. pm the Tipping Fee Increase.

Stephanie Lewis, Operation Services Director, explained that current tipping fees for MSW, C&D, mobile homes, and asbestos are \$49/ton. The flat fee for mobile homes that do not fit on the scales is currently \$200 per single wide mobile home and tip fees for shingles are currently \$17 per ton. All of these materials except MSW are disposed of in the C&D landfill. Mobile homes average 4.5 tons per single wide, which is the number used to determine the flat fee for those that do not fit on the scales. Shingles typically have less volume than a C&D load per ton, which consumes less landfill space and therefore shingles are set at a reduced tip fee. New Hanover County has increased their tipping fee to \$55.65/ton for MSW and C&D and the current tip fee for shingles is \$24/ton, but they do not accept mobile homes. Columbus County has increased their tipping fee to \$56.76/ton for MSW, C&D, and shingles, but they do not accept mobile homes. The recommended tip fee for MSW and all C&D related materials falls in between the two neighboring counties fees and the recommended tip fee for shingles is double Brunswick County's current fee and also falls between neighboring county fees.

With a significant price difference in neighboring counties an enforcement issue with out of county waste coming into the landfill might occur without the increase. Considering Brunswick County's limited space available in the C&D landfill it is very important that we do not lose that space to out of county waste.

There is also concern with reduced revenue as a result of a continuing decline in material received at the landfill. C&D tonnage received at the landfill for FY2009 was 17.6% less than the tonnage received in FY2008, which resulted in a revenue shortfall in the amount of \$403,405.65. Solid Waste revenue generated from tip fees for FY2009 totaled \$1,320,848.80, which is approximately half of the amount generated two years ago in FY2007. The recommended tip fee, with no further decline in material received, projects an increase in revenue of approximately \$960,000. This revenue generation is also important considering the closure costs of the landfill in the near future, which is estimated to be \$7.5 million.

Commissioner Cooke moved to schedule a Public Hearing for August 3, 2009 at 6:30 p.m. The vote of approval was unanimous.

3. Parks & Recreation-Budget Transfer Request Dixie Debs (Jim Pryor)

Jim Pryor, Parks and Recreation Director, explained that on Tuesday, July 14, the Brunswick County Dixie Debs (16-17 years) Girls Fast-Pitch Softball team won the North Carolina State Championship and qualified for the World Series which will be held in Sumter, South Carolina on July 31 through August 5, 2009.

During this year's budget process, funding for sending State Championship teams to the World Series was eliminated and was to be requested on a per occasion basis.

Staff requests that \$5,000 be transferred into line 106131-423107 to cover the cost of the World Series trip for the Dixie Debs.

Mr. Pryor also informed that two other teams are playing tonight for the State Championship and could also be on their way to the World Series.

Chairman Sue moved to approve up to \$17,000 to cover costs of travel for the World Series games. The vote of approval was unanimous.

4. Finance-Period Ending June 30, 2009 Financial Reports (unaudited) (Ann Hardy)

Staff recommends approving the June 30, 2009 Financial Report as information.

Ann Hardy, Fiscal Operations Director, reviewed the Period Ending June 30, 2009 Financial Reports.

General Fund

Presented in the board packet is a PRELIMINARY schedule of revenues and expenditures-budget and actual and changes in fund balance for the General Fund for the period ended 6/30/2009 on the modified accrual basis with comparative actual amounts for the year ended June 30, 2008 and for the period ended 6/30/2008. Financial transactions related to FY 09 will continue to be posted to the accounting records for the FY 2008-09 thru August as the ledgers are closed and audited. An audited Comprehensive Annual Financial Report will be presented to the Board of Commissioners in October. The preliminary financial report is presented as for information.

Total revenues for the General Fund at 6/30/09 as of ledger postings made on July 14, 2009 are \$151.1 million compared to \$158 million at 6/30/08 for a decrease of (\$6.9) million or (4.37%). The County will receive the final sales tax revenue around August 15th which is estimated to total \$1.4 million as well as other reimbursement based revenues. Total revenues collected are currently 99.56% of the amended budget for the fiscal year. For further information and analysis, the original budget for FY 09 was \$157.8 million with the revenues collected to date at 95.75% of the original budget.

Total expenditures for the General Fund at 6/30/09 as of ledger postings made thru July 14, 2009 are \$152.2 million compared to \$145 million at 6/30/08 for an increase of \$7.2 million or 4.97%. Total expenditures are currently 95% of the amended budget for the fiscal year.

Net transfers to the County and Schools Capital Reserves and Capital Projects Funds of \$9.6 million are reported. Revenues and other financing sources are less than expenditures and other financing uses by \$10.7 million at June 30, 2009 resulting in a decrease in Fund Balance of 16.67% from \$64.2 million to \$53.5 million as of postings made thru July 14, 2009.

Water Fund

Presented in the board packet is a PRELIMINARY schedule of revenues and expenditures-budget and actual and changes in fund balance for the Water Fund for the period ended 6/30/2009 on the accrual basis with comparative actual amounts for the year ended June 30, 2008 and for the period ended 6/30/2008. Financial transactions related to FY 09 will continue to be posted to the accounting records for the FY 2008-09 thru August as the ledgers are closed and audited.

Total revenues for the Water Fund at 6/30/09 are \$19.3 million compared to \$20.3 million at 6/30/08 for a decrease of (\$1.0) million or (4.93%). Total revenues collected are currently 98.9% of the amended budget for the fiscal year.

Total expenditures for the Water Fund at 6/30/09 are \$12.4 million compared to \$13.5 million at 6/30/08 for a decrease of (\$1.1) million or (8.1%). Total expenditures are currently 81.3% of the amended budget for the fiscal year.

Net transfers to the Water Capital Reserve for Water Capital Projects of \$8.8 million are reported. Revenues and other financing sources are under expenditures and other financing uses by (\$1.9) million as of June 30, 2009.

Wastewater Fund

Presented in the board packet is a PRELIMINARY schedule of revenues and expenditures-budget and actual and changes in fund balance for the Wastewater Fund for the period ended 6/30/2009 on the accrual basis with comparative actual amounts for the year ended June 30, 2008 and for

the period ended 6/30/2008. Financial transactions related to FY 09 will continue to be posted to the accounting records for the FY 2008-09 thru August as the ledgers are closed and audited.

Total revenues for the Wastewater Fund at 6/30/09 are \$11 million compared to \$11.8 million at 6/30/2008 for a decrease of (\$0.8) million or (6.78%). Total revenues are currently 102% of the amended budget for the fiscal year.

Total expenditures for the Wastewater Fund at 6/30/09 were \$11.8 million compared to \$10.5 million at 6/30/08 for an increase of \$1.3 million or 12.4%. A substantial portion of the increase was due to the first year of debt service on the West Brunswick Plant Expansion. Total expenditures are currently 95.1% of the amended budget for the fiscal year.

Transfers of \$1.5 million from the wastewater reserve to the operating fund are reported. Revenues and other financing sources are greater than expenditures and other financing uses by \$0.7 million due to the transfer to the operating fund from the reserve fund.

Capital Project Funds and Capital Reserve Funds

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

Key Indicators of Revenues and Expenditures

The packet contains charts with actual history, current month, budget information and monthly projects for the remainder of the fiscal year for major revenues and expenditures in both the enterprise and general funds.

Cash and Investments

A Summary of Cash and Investments as of June 30, 2009 reports that the County has \$122.7 million of cash and investments in all funds including those accruing for outside agencies that the county performs collections plus \$27.7 million of capital project restricted debt proceeds. All cash and investments are earning an average yield of 0.98%. The total of cash as of June 30, 2009 was \$55 million General Fund, \$17.9 million in the Water Fund, \$1.3 million in the Wastewater Fund.

This information is presented for information and no action is requested.

VIII. BOARD APPOINTMENTS

1. Industrial Facilities & Pollution Control Authority (Districts 1 & 2)

Vice-Chairman Norris nominated John Dowless and Commissioner Cooke moved to table the District 2 appointment. Commissioner Warren moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Mr. Dowless and to table the District 2 appointment. The vote of approval was unanimous. John Dowless will fill the unexpired term of Vernon Ward (deceased) that will expire on October 1, 2009.

2. Tourism Development Authority (District 5 appointment)

Chairman Sue nominated Barry Eagle. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Mr. Eagle. The vote of approval was unanimous. Barry Eagle will fill the unexpired term of Clay Kuhnert (relocated) that will expire on October 1, 2009.

IX. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication Rice Creek Plantation Ph. 1 (Huey Marshall)

Huey Marshall, County Attorney, explained that these lines are ready for acceptance to the county system with a worth of \$853,887.13 for water lines and \$1,707,774.29 for sewer lines.

Commissioner Warren moved to approve the Deed of Dedication for Rice Creek Plantation Phase I. The vote of approval was unanimous.

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

At 6:58 p.m. Vice-Chairman Norris moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action. The vote of approval was unanimous.

The Chairman called a 5-minute recess.

Reconvened

At 7:50 p.m. Chairman Sue called the Open Session back to order and announced that the action taken in Closed Session will be revealed after an offer is made to the opposing parties.

Vice-Chairman Norris moved to authorize the county to accept the offer of the North Carolina Department of Transportation for the easement and right-of-way near Smithville Park on Highway 133 and accept their offer of \$20,219 along with a specification that the underground utilities will be moved at the NC DOT's expense. The vote of approval was unanimous.

X. OTHER BUSINESS/INFORMAL DISCUSSION

1. Community Relations Commission

Chairman Sue opened the discussion indicating that the Board had received Article III, Community Relations Commission in the packet to be discussed.

Commissioner Warren stated that he understands a similar commission is being picked up by the City of Wilmington and is also in Pender and other counties and in reading the Brunswick County Code of Ordinances he noted that the Community Relations Commission was initiated in 1980 but never activated. Mr. Marshall added that on December 18, 1980 the county commissioners created the Community Relations Commission.

Chairman Sue indicated that there was probably a need for such a commission at that time but a lot of change had happened since then and Vice-Chairman Norris stated that in reading Article III he noted a lot of material was outdated and a lot of changes had taken place since then and if the Board chooses to move forward with this commission he would hope to reword some of the sections such as the stipulation that one half of the members would be black since the cross section of our society had changed. Vice-Chairman Norris related that any problems in the county pertaining to relationships among individuals and groups of all kinds, (as stated in Sec.1-2-51) are usually brought before the Board and asked if it was necessary to have a commission to insulate the Board of Commissioner from the citizens and that he would rather have these issues worked out with the Board itself.

Commissioner Phillips indicated that there are different channels and people in place that currently meet the goals and purpose of the commission and in speaking with someone who was

associated with the Board at the time the commission was initiated, they were not sure why the commission was never activated.

Vice-Chairman Norris asked if Commissioner Warren had been contacted by anyone who wanted this commission to be revisited and Commissioner Warren informed that in speaking with the County Attorney learned that NCGS 160A-492 informs of human relations, community action and manpower development programs which enables these types of programs but does not mandate them.

Commissioner Cooke added that he is against any kind of discrimination and that society has changed in 30 years and that people are judged by the content of their character, not appearance and that this Board would stand against any such actions. Commissioner Cooke also added that we are a diverse society as we have department heads that are of different color and gender that would not have been the same 30 years ago.

Commissioner Warren asked if the Board would feel comfortable if a racial issue was brought before them or the County Manager and asked why other counties would still have these human relations departments that are funded by the tax payer if it wasn't still prevalent.

The Manager was asked how these situations were handled and Mr. Lawing answered that usually if an employee has a grievance based on discrimination it is initiated with their Department Head and/or Human Resources and then Management. Commissioner Cooke indicated that laws are in place now to prevent hate crimes and other laws that were not in effect in 1980. Maybe some of the other counties don't have a Board that is as engaged as this Board is, or have the diversity that this county has.

Commissioner Warren asked if two black department heads indicated diversity. Vice-Chairman Norris asked how the initiation of this commission would change that and feels that it is unnecessary as anyone who has a grievance or concern should feel free to contact the Board individually or as a Board. He felt that establishment of this commission would only isolate the Board.

The Attorney informed that with respect to the inquiry made by Commissioner Warren, the state law was first passed in 1971 and last submitted in 1989.

Chairman Sue informed that during his 14 year tenure, he had made Board Appointments that were diverse in the cross section of the county. Commissioner Phillips reminded that diversity is included in the Commissioner's Goals.

Chairman Sue asked Commissioner Warren if he wanted to make a motion at this time and Commissioner Warren indicated that he only wanted discussion.

Vice-Chairman Norris added that if there were other requests regarding this commission, the Board would gladly revisit the issue but due to the present economic conditions he felt it was not feasible.

The County Manager updated the Board regarding the refinancing of school bonds informing that there had been a savings of 4.27%.

Commissioner Cooke informed that the committee to determine use of the old hospital space, once the new hospital is occupied, had met and there were questions of a conflict of interest with Judge Marion Warren as an at-large member.

XI. ADJOURNMENT

Commissioner Phillips moved to adjourn the Regular Meeting at 8:15 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board