

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
NOVEMBER 2, 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 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. Mark Trull

ABSENT: Commissioner J. Marty Cooke

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. Chairman Sue informed that Commissioner Cooke would not be present tonight due to the passing of his step-father.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sue asked if there were any adjustments to the agenda. The following adjustments were made:

1. Commissioner Warren requested to table Item VIII-2, Southport Planning Board, ETJ appointment.

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. The following citizens addressed the Board:

1. Jim Bradshaw, Economic Development Director, announced that Brunswick County's newest industry, Caraustar, plans to be open by December 1, 2009 creating 10 jobs initially with plans of expanding in the future. Caraustar will distribute paper tubes from their new facility to International Paper and other regional plants that need paper products.

V. APPROVAL OF CONSENT AGENDA

Huey Marshall, County Attorney asked to amend October 19, 2009 Regular Meeting Minutes under Item IX-1 by adding (a) (4) to discuss matters relating to the location or expansion of business in the area served by this body after NCGS 143-318.11 (a) (3). The Clerk noted that this change had been made.

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

- A. **Minutes**
 - 1. **October 14, 2009 Agenda Meeting Minutes**
 - 2. **October 19, 2009 Landfill Workshop Minutes**

3. **October 19, 2009 Regular Meeting Minutes**

B. **Tax**

1. **November Tax Releases**

C. **Finance**

Water Fund- Water Distribution:

Revenues:

Educational Program Fees	617140-335032	\$500
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Expenditures:

Miscellaneous Expense	617140-449900	\$500
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The above amendment is to appropriate Educational Program Fees in the Water Distribution Budget for expenses associated with the educational program scheduled for November 5, 2009 to be held at the Brunswick County Complex.

Health Fund- Bioterrorism Preparedness:

Revenues:

State Revenue Restricted	135186-332000	\$20,000
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Expenditures:

Special Program Materials	135186-423100	\$20,000
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The above amendment is to budget a funding authorization from the State of North Carolina providing an additional \$20,000 over the original allocation of \$60,000 for a total of \$80,000. The funds are provided for planning expenses in preparation for H1N1 vaccine distribution.

D. **Operation Services-Mosquito Control Proposed Water Management Projects**

Staff requests approval of a proposed water management project by the Mosquito Control Division for the Edna M. Gause Project in Ash and the Town of Belville Project.

E. **Social Services-Carolina Rehabilitation Inc. Contract**

Staff requests approving contract with Carolina Rehabilitation Inc. for work first services.

F. **Town of Shallotte Interlocal Agreement**

Staff requests approving proposed Interlocal Agreement with the Town of Shallotte.

G. **Planning – Proposed Resolution In Support of Annexing the Hazard Mitigation Plan of the City of Southport with the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan**

Staff requests approving the Resolution In Support of Annexing the Hazard Mitigation Plan of the City of Southport with the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan.

RESOLUTION IN SUPPORT OF ANNEXING THE HAZARD MITIGATION PLAN OF THE CITY OF SOUTHPORT WITH THE BRUNSWICK COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, the Federal Emergency Management Agency and the North Carolina Division of Emergency Management require each county and municipality to adopt a Community Based Hazard Mitigation Plan or participate in a Multi-Jurisdictional Hazard Mitigation Plan to develop Hazard Mitigation Strategies that are appropriate for the county or municipality, and;

WHEREAS, Brunswick County adopted a Multi-Jurisdictional Hazard Mitigation Plan on October 4, 2004 to comply with federal and state requirements, and;

WHEREAS, the plan adopted by the City of Southport will expire on November 8, 2009 and must be updated for the municipality to continue to be eligible for federal and state assistance in the event of a disaster, and;

WHEREAS, the Federal Emergency Management Agency and the North Carolina Division of Emergency Management has expressed a desire to eliminate or reduce the number of individual Hazard Mitigation Plans and for individual municipalities to participate in Multi-Jurisdictional Hazard Mitigation Plans, and;

WHEREAS, the Federal Emergency Management Agency and the North Carolina Division of Emergency Management have reviewed and approved the Hazard Mitigation Plan of the City of Southport, and that municipality has stated a desire to annex with the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan;

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of Brunswick County are hereby resolved to allow the Hazard Mitigation Plan of the City of Southport to be annexed with the Brunswick County Multi-Jurisdictional Hazard Mitigation Plan.

This the 2nd day of November, 2009.

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

VI. PUBLIC HEARING

1. Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted Public Hearings in the Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

1. Proposed Map Amendment Z-09-646

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 public input regarding Proposed Map Amendment Z-09-646.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-646 – Tim Farmer Landscaping, Inc. [%Timothy D. Farmer])
Item 1 is a map amendment initiated by the property owner. This change from R-6000 (High Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcels 243IB017 and 243IB018 located at 6913 and 6917 Robinson Street SW (SR 1876) near Ocean Isle Beach, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested from MDR (Medium Density Residential) to Commercial for Tax Parcels 243IB017 and 243IB018 located at 6913 and 6917 Robinson Street SW (SR 1876) near Ocean Isle Beach, NC.

This rezoning totals approximately 0.22 acres.

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

Planning Board recommends approval to C-LD (Commercial Low Density) [unanimous 6 to 0].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from MDR (Medium Density Residential) to Commercial for Tax Parcels 243IB017 and 243IB018 located at 6913 and 6917 Robinson Street SW (SR 1876) near Ocean Isle Beach, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from MDR (Medium Density Residential) to Commercial for Tax Parcels 243IB017 and 243IB018 located at 6913 and 6917 Robinson Street SW (SR 1876) near Ocean Isle Beach, NC [unanimous 6 to 0]

II. PUBLIC COMMENTS

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

III. ADJOURN

Commissioner Phillips moved to close the hearing at 6:37 p.m. The vote of approval was unanimous.

Commissioner Warren moved to approve Second Reading and Adoption of Map Amendment Z-09-646 as recommended by the Planning Board. The vote of approval was unanimous.

2. Proposed Map Amendment Z-09-647

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:37 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed Map Amendment Z-09-647.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-647 – Thomas & Hutton Eng. Co., [%Jack Reel]) [AMENDED]
Item 1 is a map amendment initiated by the property owner. This change from RR (Rural Low Density Residential) to I-G (Industrial General) would allow for industrial use of ~~Tax Parcel 01400001~~ for that portion of Tax Parcel 01400001 located south of the railroad line on Andrew

Jackson Highway (US 74/76), ~~Northwest Road NE (SR 1419), and Port Royal Road NE (SR 1420)~~ near Navassa, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested from Conservation to Industrial for Tax Parcel 01400001 for that portion of Tax Parcel 01400001 located south of the railroad line on Andrew Jackson Highway (US 74/76); ~~Northwest Road NE (SR 1419), and Port Royal Road NE (SR 1420)~~ near Navassa, NC. This rezoning totals approximately 1,124.87 ~~1,140.87~~ acres.

Planning Staff recommends approval to I-G (Industrial General) that portion of Tax Parcel 01400001 located south of the railroad line on Andrew Jackson Highway (US 74/76) near Navassa, NC.

Planning Board recommends approval to I-G (Industrial General) that portion of Tax Parcel 01400001 located south of the railroad line on Andrew Jackson Highway (US 74/76) near Navassa, NC [unanimous 6 to 0].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from Conservation to Industrial for that portion of Tax Parcel 01400001 located south of the railroad line on Andrew Jackson Highway (US 74/76) near Navassa, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from Conservation to Industrial for that portion of Tax Parcel 01400001 located south of the railroad line on Andrew Jackson Highway (US 74/76) near Navassa, NC [unanimous 6 to 0].

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. Jim Bradshaw, Economic Development Director, informed that the developer was present to answer any questions.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 6:38 p.m. The vote of approval was unanimous.

Commissioner Phillips moved to approve Second Reading and Adoption of Map Amendment Z-09-647 as recommended by the Planning Board. The vote of approval was unanimous.

3. Proposed Map Amendment Z-09-648

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:39 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed Map Amendment Z-09-648.

Leslie Bell, Planning Director, explained the following:

Item 1

(Map Amendment Z-648 – Jonathan W. Washburn)

Item 1 is a map amendment initiated by the property owner. This change from R-6000 (High Density Residential) to NC (Neighborhood Commercial) would allow for commercial use of Tax Parcel 038JA036 located on Blackwell Road SE (SR 1551) near Belville, NC.

This rezoning totals approximately 7.70 acres.

Planning Staff recommends approval to NC (Neighborhood Commercial).

Planning Board recommends approval to NC (Neighborhood Commercial) [unanimous 6 to 0].

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. Attorney Jonathan Washburn, requested approval of the proposed rezoning.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 6:41 p.m. The vote of approval was unanimous.

Commissioner Warren moved to approve Second Reading and Adoption of Map Amendment Z-09-648 as recommended by the Planning Board. The vote of approval was unanimous.

Commissioner Warren moved to recuse Chairman Sue from the next Public Hearing and to allow Vice-Chairman to substitute as Chairman. The vote of approval was unanimous.

4. Proposed Map Amendment Z-09-649

I. CALL TO ORDER

Vice-Chairman Norris called the Public Hearing to order at 6:42 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed Map Amendment Z-09-649.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-649 – William M. Sue)

Item 1 is a map amendment initiated by the property owner. This change from NC (Neighborhood Commercial) to R-6000 (High Density Residential) would allow for residential use of Tax Parcel 029GB003 located at 1512, 1508, and 1506 Lincoln Road NE (SR 1455) and Post Office Road NE (SR 1486) near Leland, NC.

This rezoning totals approximately 0.54 acres.

Planning Staff recommends approval to R-6000 (High Density Residential).

Planning Board recommends approval to R-6000 (High Density Residential) [5 to 1 with Dr. Flythe opposing].

II. PUBLIC COMMENTS

Vice-Chairman Norris asked if there were any members of the audience who wished to address the Board regarding the proposed amendment. There were no comments.

III. ADJOURN

Commissioner Warren moved to close the hearing at 6:42 p.m. The vote of approval was unanimous.

Commissioner Phillips moved to approve Second Reading and Adoption of Map Amendment Z-09-649 as recommended by the Planning Board. The vote of approval was 3 ayes (Warren, Phillips, Norris) (Chairman Sue recused)

Vice-Chairman moved to allow Chairman Sue to act as Chairman for the remainder of the meeting. The vote of approval was unanimous.

5. Proposed No Wake Zone for Part of the Lockwood Folly River

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:43 p.m. and announced that the purpose of the hearing was to receive public input regarding a Proposed No Wake Zone for Part of the Lockwood Folly River.

Huey Marshall, County Attorney explained that the North Carolina Wildlife Resources Commission, through its rule-making authority, will create and designate waterways as No Wake Zones upon completion of a public process and approval of a Resolution from the Board requesting that the Commission promulgate regulations fully implementing the Uniform Waterway Marker System.

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. Gerard Konecny presented a power point presentation of the proposed No Wake Zone.
2. Fred Loepp, Winding River resident, expressed concerns with boat wakes that cause damage to floating docks and shoreline in this area of the river and supports the proposed No Wake Zone.
3. Robert Duke, Winding River resident, stated that depth has gone from 31 feet to 11 feet due to erosion of the river bank caused by boat wakes and supports the No Wake Zone.
4. Joe Taylor, Sunset Harbor resident, opposes the No Wake Zone as presented stating that the area is too long for idle speed and would create additional boat traffic problems especially in summer months.
5. An unidentified citizen who was a Coast Guard Auxiliary member, agreed that a problem does exist in this area in that some boaters exercise courtesy and some do not and agrees that the area is too long for a No Wake Zone.

The County Attorney indicated that the previous success of No Wake Zones in the Davis Canal area was at no expense to the county as the petitioners had agreed to pay for the signs. The Board asked if the petitioners had agreed to pay for the No Wake signs and the Attorney indicated that he had no knowledge of this.

III. ADJOURN

Commissioner Warren moved to close the hearing at 6:58 p.m. The vote of approval was unanimous.

Commissioner Warren moved to adopt the Resolution for a No Wake Zone.

There was discussion regarding the amount of wetlands and unbuildable areas involved in the request and concerns if the Wildlife Resources Commission would take this into consideration. There was also discussion regarding the petitioners agreeing to pay for the required signage.

Commissioner Warren moved to approve the Resolution provided that the petitioners pay for signage.

There was more discussion regarding specifying certain areas for No Wake Zones and the Attorney indicated that the Wildlife Resources Commission would receive the recommended request from the Board of Commissioners.

Vice-Chairman Norris moved to recommend by the Resolution to the Wildlife Resources Commission that they consider this area for a No Wake Zone stipulated by this Board that the petitioners pay for signage.

There was more discussion regarding to possibly table this matter and allow the petitioner to come back with more specific No Wake Zone designation or that the Board should make those designations.

Chairman Sue moved to recommend that the Wildlife Resources Commission establish 4 No Wake Zones on the river according to Exhibit A, a map with areas designated by the Board provided that signage will be paid for by the petitioners. The vote of approval was unanimous.

VII. ADMINISTRATIVE REPORT

1. Comprehensive Transportation Plan Resolution (Marty Lawing)

Staff recommends approving the Resolution Adopting a Comprehensive Transportation Plan for Brunswick County.

Marty Lawing, County Manager, explained that North Carolina General Statute 136-66.2 authorizes counties, with the cooperation of the Department of Transportation to develop a comprehensive transportation plan which may be adopted by both the governing body of the county and the Department of Transportation. The North Carolina Department of Transportation provided technical assistance in the development of the plan which was initiated in February of 2006. A CTP Steering Committee consisting of County officials and representatives from the municipalities within the county guided the process. Several public drop-in sessions were held to receive public input into the plan and a public hearing was held at the Board of Commissioners meeting on October 20, 2008. The plan was on the December 1, 2008 Board agenda for approval, but the item was removed from the agenda. Commissioners had expressed concerns regarding provisions for a dedicated four-lane limited access corridor to address the impact of the proposed NC International Terminal. This issue is addressed in a note on Page 3 of the plan.

The NCDOT has reported that all of the municipalities within the county have approved the proposed plan. The proposed Comprehensive Transportation Plan includes recommended freeways, expressways, boulevards, major and minor thoroughfares that are anticipated to help meet travel demands in the county over the next 30 years based on the best information currently available regarding population growth, economic conditions and prospects, and patterns of land development.

This Comprehensive Transportation Plan includes projects for which there has been no funding source identified or project schedule developed with the exception of projects currently included in the Transportation Improvement Plan.

Chairman Sue moved to approve the Resolution Adopting a Comprehensive Transportation Plan for Brunswick as presented. The vote of approval was unanimous.

RESOLUTION ADOPTING A COMPREHENSIVE TRANSPORTATION PLAN FOR BRUNSWICK COUNTY, NORTH CAROLINA

WHEREAS, Brunswick County, the Municipalities of Brunswick County, and the Transportation Planning Branch, North Carolina Department of Transportation actively worked to develop a comprehensive transportation plan for Brunswick County; and

WHEREAS, the County, the Municipalities and the Department of Transportation are directed by North Carolina General Statutes 136-66.2 to reach an agreement for a transportation system that will serve present and anticipated volumes of traffic in and around the county; and

WHEREAS, it is recognized that the proper movement of traffic within and through Brunswick County is a highly desirable element of the comprehensive plan for the orderly growth and development of the county; and

WHEREAS, after full study of the plan, and following a public hearing, the Brunswick County Board of Commissioners feels it to be in its best interest to adopt a plan pursuant to General Statutes 136-66.2;

NOW THEREFORE, BE IT RESOLVED: that the Brunswick County Comprehensive Transportation Plan, as shown on a map dated November 5, 2007, be approved and adopted as a guide in the development of the transportation system in Brunswick County and the same is hereby recommended to the North Carolina Department of Transportation for its subsequent adoption.

Adopted this the 2nd day of November, 2009.

s/William M. Sue, Chair

Brunswick County Commissioners

Attest:

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

2. Planning – Proposed Map Amendment Z-09-650 First Reading (Leslie Bell)

Staff recommends approval of First Reading of Map Amendment Z-09-650 and schedule a Public Hearing for December 7, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-650 – Kendra Brookins)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Medium Density Residential) to NC (Neighborhood Commercial) would allow for commercial use of Tax Parcels 1390004205 (Requested by Applicant), 1390004206 and 1390004207 (Added by Staff) located off Old Ocean Highway (Old US 17), N. Piney Grove Road (SR 1445) and Thomasine Lane NE near Bolivia, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested from MDR (Medium Density Residential) to CC (Community Commercial) for Tax Parcels 1390004305 (Requested by Applicant), 1390004206 and 1390004207 (Added by Staff) located off Old Ocean Highway (Old US 17), N. Piney Grove Road (SR 1445) and Thomasine Lane NE near Bolivia, NC.

This rezoning totals 2.10 acres.

Chairman Sue moved to approve First Reading of Map Amendment Z-09-650 and schedule a Public Hearing for December 7, 2009 at 6:30 p.m. The vote of approval was unanimous.

3. Planning – Proposed UDO Ordinance Text Amendment UDO-09-09 First Reading (Leslie Bell)

Staff recommends approval of First Reading of UDO Ordinance Text Amendment UDO-09-09 and schedule a Public Hearing for December 7, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 5, Limited Use Standards, Section 5.2.3., Use Table and add Section 5.3.5.Y., Flea Market to allow flea markets as a Special Exception Permissible by the Board of Adjustment in the C-LD (Commercial Low Density), C-I (Commercial Intensive), and I-G (Industrial General) Zoning Districts.

Item 2

Amend Article 5, Permitted Uses, Section 5.2, Use Table to include Residential/Personal/Non-Commercial Storage Structure with Limited Use Standards; Article 12, Definitions, to add a definition for “residential/personal/non-commercial storage structure”; and amend Article 5, Permitted Uses, add Section 5.3.3.L., Residential/Personal/Non-Commercial Storage Structure. Additional to the proposed text amendment, staff would also like to add a Commentary to Section 5.4., Accessory Structures and Uses, referencing Section 5.3.3.L., Residential/Personal/Non-Commercial Storage Structure.

Chairman Sue moved to approve First Reading of Unified Development Ordinance Text Amendment UDO-09-09 and schedule a Public Hearing for December 7, 2009. The vote of approval was unanimous.

4. Planning – 2009 Community Development Block Grant (CDBG) Capacity Building Administrative Guidelines and Policies (Louise McGarva)

Staff recommends approving the 2009 Community Development Block Grant Capacity Building Administrative Guidelines and Policies as presented.

Louise McGarva, Community Development Administrator, explained that the Brunswick County Planning and Community Development Department applied and was awarded a CDBG Capacity Building Grant in the amount of \$75,000 on behalf of Countywide Community Development Corporation (CDC). The Capacity Building Funds will support a project that will primarily benefit low and moderate-income citizens of Brunswick County. A requirement of the funding is the adoption of the Administrative Guidelines and Policies pursuant to the 2009 CDBG Capacity Building Grant #09-C-1951 program.

Staff recommends that the Board of Commissioners resolve to collectively adopt the following resolutions, guidelines, plans and policies, and resolves that they be utilized during the administration of Brunswick County's 2009 CDBG Capacity Building Grant Program:

1. Assurance Condition
2. Signature Authorization Resolution
3. Section 504 Plan
4. Request for Release of Funds
5. Fair Housing Plan
6. Fair Housing Policy
7. Residential Anti-displacement and Relocation Plan
8. Local Economic Benefit Plan (Section 3)
9. Equal Employment and Procurement Policy
10. Code of Conduct Policy
11. Work Plan Condition
12. Performance Based Contract Condition

Vice-Chairman Norris moved to approve the 2009 Community Development Block Grant Capacity Building Administrative Guidelines and Policies as presented. The vote of approval was unanimous.

5. Planning – Urgent Repair Contract Award to Northwest Construction Company & DTM Construction (Louise McGarva)

Staff recommends approving the award of two Urgent Repair Contracts to Northwest Construction Company in the amount of \$3,900.00 and DTM Construction in the amount of \$2,800.00.

Louise McGarva, Community Development Administrator, explained that Brunswick County has been awarded \$75,000 from the North Carolina Housing Finance Agency for the 2009 Urgent Repair Program (URP09) with a \$15,000 County match for the rehabilitation of 20 residential units. This funding will provide urgent housing repair needs to low and very low income households in addressing housing conditions which pose imminent threats to their life and/or safety. Eligible applicants reside within Brunswick County and own and occupy the home in need of repair.

Staff recommends awarding the following contracts to:

Northwest Construction Co. for Helen McGee, Leland, NC in the amount of \$3,900.00.

DTM Construction for Mary Bernard, Bolivia, NC in the amount of \$2,800.00.

Commissioner Warren moved to approve the award of two Urgent Repair Contracts to Northwest Construction Company in the amount of \$3,900.00 and DTM Construction in the amount of \$2,800.00. The vote of approval was unanimous.

6. Parks & Recreation – Lease Extension for Leland Dixie Youth Baseball (Jim Pryor)

Staff recommends approving the Lease Extension for Leland Park Property with Leland Dixie Youth Baseball, Inc.

Jim Pryor, Parks and Recreation Director and Bobby Child, Leland Dixie Youth President, explained that on October 2, 1995 the County entered into a lease agreement with Leland Dixie Youth Baseball regarding the County owned building (formerly the Leland Library Building) that resides on the property of Leland Park. The lease agreement was for the term of 20 years with an expiration date of October 2, 2015. Leland Dixie Youth Baseball uses this building as their administrative offices and has been responsible for the upkeep and maintenance of the facility through the agreement. Recently, the roof of the building has experienced failure and the facility is in dire need of a new roofing system. Leland Dixie Youth has received quotes for a new roof ranging from \$12,000-\$20,000.

Leland Dixie Youth Baseball has offered a proposal to the County that they will incur the costs of the new roof, if the County is willing to extend their lease agreement another 30 years. This proposal extension would set the expiration date of the lease to October 2, 2045.

The Parks & Recreation Advisory Board reviewed the request at their October 20, 2009 meeting and unanimously recommended approval of the lease extension as requested. Staff does not anticipate immediate use of the building itself or the area of the park in which the building exists over the foreseeable future.

Commissioner Phillips moved to approve the Lease Extension for Leland Park Property with Leland Dixie Youth Baseball, Inc. The vote of approval was unanimous.

7. Parks & Recreation – Proposal from BARK to Construct a Dog Park at Shallotte Park (Jim Pryor)

Staff recommends approving the request of BARK to fund the construction of a Dog Park at Shallotte Park.

Jim Pryor, Parks and Recreation Director, explained that the Parks & Recreation Comprehensive Master Plan (adopted June 1, 2009) indicated that a demand in the County existed for Dog Park facilities. The plan made recommendations that this type of facilities would be an asset to the park system in both existing parks and future parks.

After the adoption of the Comprehensive Plan, staff was approached by BARK, a local organization that promotes the benefits of canine care, regarding a partnership with the County to construct dog parks. Such facilities are in future master plans for Cedar Grove Park, Ocean Isle Beach Park and potentially in the Smithville Park expansion projects. However, BARK wanted to see if there was potential to add a dog park facility to some of our existing parks. The existing parks of Shallotte Park, Town Creek Park, Brunswick River Park, and Northwest Park were considered for opportunities for potential dog park areas. BARK was informed that at the present time, the County did not have Capital money planned for such a project and anything that could be done would require a financial contribution.

Through fundraisers and donations, BARK has raised nearly \$6000 for the purpose of building a dog park. Out of all the options reviewed, they felt the best location was in the front left corner area of Shallotte Park. Staff met with BARK at Shallotte Park in September to stake out an area and draft a plan for the dog park. The plan and measurements were also to ensure that they had enough funding to complete the project to the standards of the County.

Dog Parks are a relatively new concept but have experienced tremendous success. The rise of multi-family dwellings, increase of dog ownership, and more stringent leash laws has led the drive for controlled recreation areas for dogs to run off leash. This concept has become very popular for socialization of dogs as well as people at the Dog Parks. The demand definitely exists in Brunswick County. Shallotte Park is the most used park and presently there is a lot of canine activity in the park. Staff agrees that a facility in this location will be a great recreational benefit to the park system and if approved, this facility will generate great interest and funding support through BARK for the addition of future facilities throughout the County.

The Parks & Recreation Advisory Board considered the proposal from BARK at their October 20, 2009 meeting and unanimously supported the proposal.

With this proposal, staff requests that if approved, the official name of the facility be “Bark Park at Shallotte Park”.

Commissioner Phillips moved to approve request from BARK to fund the construction of a Dog Park at Shallotte Park. The vote of approval was unanimous.

8. Parks & Recreation – Proposed Amendment & Update to Volunteer Background Check Policy (Jim Pryor)

Staff recommends approving the amendments to the Volunteer Background Check Policy of the Parks & Recreation Department.

Jim Pryor, Parks and Recreation Director, explained that on April 2, 2007 the County Commissioners formally adopted a Volunteer Background Check policy proposal. This policy evolved from a much needed national trend of aiming to protect youth, especially in sports programs, from those volunteers with criminal backgrounds. The original policy in Brunswick County was based primarily on recommendations from the National Recreation & Parks Association.

Presently, such a policy still remains a vital tool to help ensure safety of participants and offer quality programs. However, after recent review, staff determined that the original policy adopted

in 2007 had some items that have become outdated as well as some of the operational practices that have changed over the years making it very tough operationally to manage the policy. Over the past 2 months, Parks & Rec staff, the Parks & Recreation Advisory Board and County Attorney Huey Marshall have reviewed and amended the policy to current standards. The intent of the policy has not changed. The primary changes exist in the clarification of which volunteers will be checked, the specifics of the offenses have been better clarified, and the appeals process clearly defined.

Staff recommends approval of the amended document to help with management of the policy and still provide the duty of security needed to attempt to offer quality programs.

The Parks & Recreation Advisory Board reviewed the proposed amendments to the policy at their October 20, 2009 meeting. The Board unanimously recommended approval of the amended document.

Commissioner Phillips moved to approve Amendments to the Volunteer Background Check Policy of the Parks & Recreation Department. The vote of approval was unanimous.

9. Utility Operations-Proposed AECOM Contract Amendment (Jerry Pierce)

Staff recommends approving an amendment to the AECOM Contract for water storage tank improvements in the amount of \$17,400 and the associated budget and capital project ordinance amendments.

Jerry Pierce, Utility Operations Director, explained that on the original contract for the design of the raising of the Rampage Tank and construction of a new elevated water storage tank in the Southwest section of the County, the consultant was to design the foundation for only one style of tank. During the design process, it was determined that the cost of composite-style tanks had decreased significantly. Composite-style tanks were now determined to be competitive with the multi-legged steel tanks. The composite-style tank required a different foundation design than a multi-legged steel tank so the consultant had to design two different foundation systems.

When the bids were opened the composite-style tank was determined to be the lowest responsive bid. Due to use of concrete instead of steel for a major portion of the tank the long-term maintenance cost of the tank will be reduced when compared to a multi-legged steel tank. Also the original contract did not include wetlands delineation and wetlands permitting. The site chosen for the tank was adjacent to wetlands and limits of the wetlands had to be determined and shown on the plans submitted for regulatory approval.

Staff recommends approval of the contract amendment for the design of the composite tank foundation system and wetlands delineation and permitting in the amount of \$17,400.

Vice-Chairman Norris moved to approve the amendment to the AECOM Contract for water storage tank improvements in the amount of \$17,400 and the associated budget and capital project ordinance amendments. The vote of approval was unanimous.

10. Utility Operations-Proposed Contract with AECOM Technical Services for the Design of FY 2010 Water Transmission System Improvements for NC 211, Grey Bridge Road, and Service Road (Jerry Pierce)

Staff recommends approving the Contract with AECOM Technical Services in the amount of \$110,250 and the associated budget amendment and capital project ordinance.

Jerry Pierce, Utility Operations Director, explained that funds have been included in the FY 2010 Capital Improvement Budget for the construction of water transmission system improvements in three areas: NC 211, Grey Bridge Road, and Service Road. Construction of the water mains in these locations will improve fire flow and water quality in those areas. It will also provide redundancy to ensure reliable and constant water service in case of a water main break.

The improvements include construction of a 16" water main in the right-of-way of NC 211 from Midway Road to Sunset Harbor Road and a 12" water main in the right-of-way of NC 211 from Sunset Harbor Road to Camarosa Boulevard, construction of a 12" water main in Grey Bridge Road from Tar Landing Road to Shell Point Road and construction of an 8" water main on Service Road from No. 5 School Road to North Middleton Drive, which will provide a second feed into Brunswick Plantation.

The County solicited proposals from 8 engineering firms. Staff received proposals from 6 firms and AECOM was selected as the most qualified firm for the work. The County staff has negotiated a final scope of work and final fee based upon that scope of work. The final scope includes the design of the improvements outlined above and the associated construction administration and construction observation of the construction contract. The contract does include the survey of an easement across the property of South Shore Realty near the new Oak

Island Bridge. The easement would facilitate NC DOT permitting and construction of the project near Midway Road.

Staff recommends approval of the proposed contract with AECOM Technical Services in the amount of \$110,250.

Water Capital Reserve Fund:

Expenditures:

Grey Bridge to Tar Landing to Shellpoint	639800-464328	\$(110,250)
Transfer to Water Capital Project	639800-498041	\$110,250

Water Capital Projects Fund-FY 10 Transmission Improvements:

Revenues:

Transfer from Water Capital Reserve	418254-398663	\$110,250
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Expenditures:

Engineering	418254-464001	\$110,250
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The above amendment and capital project ordinance below are to appropriate funds in the FY 10 Transmission Improvements Project.

**County of Brunswick, North Carolina
FY 10 Transmission Improvements Project 418254**

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 and County Water Capital Reserve Fund for the FY 10 Transmission Improvements Project:

Water Project Fund:

Revenues:

Transfer from Water Capital Reserve	<u>\$110,250</u>
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Total Water Capital Project Fund	<u>\$110,250</u>
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Revenues

Expenditures:

Engineering	<u>\$110,250</u>
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Total Water Capital Project Fund	<u>\$110,250</u>
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Expenditures

Section 2. This Capital Project Ordinance shall be entered into the minutes of the November 2, 2009 meeting of the Brunswick County Board of Commissioners

Vice-Chairman Norris moved to approve Contract with AECOM Technical Services in the amount of \$110,250 and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

11. Utility Operations- CATLIN Engineers and Scientists Proposal (John Nichols)

Staff recommends approving the Proposal from CATLIN Engineers and Scientists for the Geotechnical work for the Northwest Water Treatment Plan Upgrade and the associated budget and capital project ordinance amendment and purchase order in the amount of \$15,600.

John Nichols, Utility Operations Assistant Director, explained that on July 6, 2009, the Board of Commissioners approved a contract with Hazen and Sawyer for work associated with the design of upgrades to the Northwest Water Treatment Plant. These upgrades include 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. The geotechnical work needed for this design was not part of Hazen and Sawyer's contract. Proposals were solicited from three geotechnical firms and Catlin Engineers was selected to perform the work. A

scope of work is included that outlines the work consisting of over ten soil borings to a depth of 100 feet, laboratory analysis, and recommendations. The fee for this work is \$15,600.

Commissioner Warren moved to approve Proposal with CATLIN Engineers and Scientists for the Geotechnical work for the Northwest Water Treatment Plan Upgrade and the associated budget and capital project ordinance amendment and Purchase Order in the amount of \$15,600. The vote of approval was unanimous.

12. Utility Operations-Final Adjusting Change Order w/Ralph Hodge Construction Company (John Nichols)

Staff recommends approving the Final Adjusting Deduct Change Order with Ralph Hodge Construction Company for the Booster Pump Station #6 Water Main Interconnection in the amount of \$12,218.47.

John Nichols, Utility Operations Assistant Director, explained that this change order reflects both additions and deductions to the total project scope of work. The final Monthly Estimate within the Final Pay Application indicates which items increased and decreased. Deductions are mainly due to removal of an 8" stub-out, under-run of a gate allowance, and under-run of a materials testing allowance.

Chairman Sue moved to approve the Final Adjusting Deduct Change Order with Ralph Hodge Construction Company for the Booster Pump Station #6 Water Main Interconnection in the amount of \$12,218.47. The vote of approval was unanimous.

13. Engineering Services-Bordeaux Construction Company Change Order #6 (Jeff Phillips)

Staff recommends approving Change Order Number 6 with Bordeaux Construction Company, Inc. for the DSS and Kitchen Expansion Project as presented.

Jeff Phillips, Engineering Services Director, explained Change Order Number 6:

GC-42 – Replace decking, credit insulation, replace wet insulation - \$2,160

The drawings for the original kitchen building indicated a type of light weight insulation concrete on the lower roof area. The light weight insulation concrete was never installed or was at some time replaced with tapered foam plastic insulation. In an effort to control costs it was decided to re-use the existing insulation that is in sound condition rather than replace with new. This change order also covers the cost of replacing wet or deteriorated insulation with new and replacing rusted metal roof decking with new.

GC-43 – Miscellaneous change order proposals in existing kitchen \$1,954

The existing stainless steel wall panels located under the existing kitchen exhaust hood behind a stove and fryer were worn and dented over time. Since this area is now open to the public in the serving area it was decided to replace the stainless steel wall panels with new and maintain the ease with which this wall area is cleaned. Add VCT to storage room D16 in the existing kitchen. The room finish schedule in the drawings should have shown this room to receive VCT but did not. Fire dampers were added where ductwork passes through a fire rated corridor wall separating the new kitchen addition from the existing building. This is a code requirement that should have been included in the drawings. No work had to be torn out to accommodate the fire dampers.

GC-44 – Elevator machine room changes \$1,434

An exhaust fan and heat detector were added to the elevator machine room per the state elevator inspector's requirements.

GC-46 – Gas disconnects \$ 390

A new fryer and griddle in the serving area were provided with casters to allow easy cleaning under and around the equipment. The local inspector required all equipment on casters that has a gas connection be provided with a quick disconnect.

GC-47 – Credit epoxy floor allowance \$ 0

An allowance was created at the beginning of the project for the epoxy flooring in the kitchen. At the time the true cost was not known nor were any bids received. This change order request taps that allowance to pay for the epoxy floor and this change order credits the remainder of the allowance back to the County.

GC-48 – Add fire alarm strobes to file rooms per fire marshal. \$700

The local fire marshal required one fire alarm strobe be added to each of two file rooms located in the DSS building. This is required in the event of a fire and a deaf employee happens to be in that room.

GC-49 – Credit owner's training for hardware -\$300

The hardware manufacturers used on this project were the same as used in the law enforcement center and administration building projects. Training had already been provided to County maintenance personnel twice for those projects and it was decided they did not need a third training session.

GC-50 – Dumpster allowance from 5/11/09 through project completion	\$3,093
GC-51 – Haul masonry rubble	\$1,000
Hauled away two remaining loads of masonry rubble as part of allowance 2A-1	
Credit the remaining epoxy floor (Dexotex) allowance	-\$21,350
Credit the remainder of all remaining contingency allowances	-\$47,210
TOTAL CREDIT BACK TO THE OWNER	\$62,449

Chairman Sue moved to approve Change Order Number 6 with Bordeaux Construction Company, Inc. for the DSS and Kitchen Expansion Project as presented. The vote of approval was unanimous.

14. Operation Services- Solid Waste Landfill Fining Agreement (Stephanie Lewis)

Staff recommends approving Administrative Consent Agreements and Settlement and Penalty Payment in the amount of \$12,995 and the associated budget amendment.

Stephanie Lewis, Operations Services Director, explained that Brunswick County C&D Landfill received an annual Comprehensive Audit by NCDENR on March 5th, 2009. Several violations were noted during the audit and are summarized along with the corrective actions below.

1. Brunswick County is in violation of Section .0542(c)(2) in that asbestos containing pipes, tiles and bagged waste were being stored adjacent to the slope of the C&D area without being covered.

The uncovered asbestos was considered to be non-friable and therefore did not pose a threat to human health as it was stored away from any public or human activity. The asbestos was not covered immediately due to the fact that a new cell had just been started at the time the asbestos was received and the landfill supervisor did not have an area to cover the asbestos in that he felt would not be disturbed by future landfill activities. The acceptance of asbestos in the Construction and Demolition landfill has been a normal operation since permitted on 12/31/1997. The C&D landfill is in its twelfth year of operation and has always complied with state regulations. This was a one time violation and was immediately corrected during the audit as noted on the audit report. One of the conditions for compliance was a written contingency plan to prevent future occurrences of uncovered asbestos waste, which has been completed.

2. Brunswick County is in violation of Section .0542(e)(15) in that bulk source treated lumber and creosote posts were being accepted and stored at the facility.

Creosote poles were received prior to this rule becoming effective January 1, 2007. Contrary to the Project Supervisors statement, the poles were accepted as part of a commingled load with the majority of the load being poles. A rail yard renovated loading docks and ramps for rail cars and creosote poles were a major part of the demolition of the old docks and ramps. These poles were separated and stock piled after the other material was removed as to avoid damaging the compactor and other equipment on the working face of the landfill. The landfill staff was trying to find a cost effective, creative means of controlling wind blown paper by using some of the poles as a type of barrier. These poles have been on site during the last several audits and were never noted before. One of the conditions for compliance was to dispose of all CCA and creosote treated lumber at a facility permitted to accept this kind of waste, which as noted on the follow-up audit April 27, 2009, has been completed.

3. Brunswick County is in violation of Section .1406(3) in that compost is being stored in a low area, which contains areas of ponded water contiguous with the piles.

The County's violation of this rule was inadvertent in that the pump which normally keeps this area free of ponded water froze. Once it thawed and was turned back on, the water was immediately drained and no longer contiguous with the piles. One of the conditions for compliance was to provide positive drainage to the compost area to eliminate the collection of storm water and generation of leachate, which as noted on the follow-up audit April 27, 2009, has been completed.

A follow up audit was conducted on April 27th, 2009, no violations were noted during this audit and it was documented on the audit report that "The Notice of Violation issued March 13, 2009 has been resolved." A Compliance Order with Administrative Penalty was received on May 27th, 2009 regarding the violations from the March audit. An informal conference with NC DENR was held concerning this compliance order on June 10th, 2009. At this conference, the Remission Request was presented and discussed. At the conclusion of this conference I was verbally told by Dennis Shackelford, Eastern District Supervisor for NCDENR that the penalty would be reduced from \$13,500 to \$12,000 plus investigative costs of \$994.56.

General Fund- Solid Waste:

Revenues:

Local Options Sales Tax-Article 44 100000-323401 \$12,995

Expenditures:

Fines 104720-449300 \$12,995

The above amendment is to appropriate local option sales tax article 44 in excess of amounts budgeted for the payment of the solid waste fine.

Commissioner Phillips moved to approve Administrative Consent Agreements and Settlement and Penalty Payment in the amount of \$12,995 and the associated budget amendment. The vote of approval was unanimous.

15. Finance – Board of Education Request Lottery Fund Application (Ann Hardy)

Staff recommends approving the submittal of applications to the Public School Building Capital Fund for the use of North Carolina Education Lottery Funds as presented.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

Brunswick County Schools has approximately \$2.4 million of lottery funds held by the NCDPI. The funds may be accessed for qualifying projects upon the submittal of an application by both the Board of Education and the County Commissioners. The boards approved the request to expend \$1.1 million of that amount for the middle school window replacement projects leaving a balance of \$1.3 million available for other school capital projects.

Current Situation

The Board of Education Operations Committee directed staff to place the attached project applications forms on the consent agenda of the November 3rd Board of Education meeting for approval. Freyja Cahill, Executive Finance Officer of Brunswick County Schools, requested the applications be approved by the County Commissioners on November 2nd subject to approval by the Board of Education.

The applications are for the following projects as described by the school system:

Fire Alarm System Update and Replacement-West Brunswick and South Brunswick High Schools

The systems at the two high schools have been pieced together over time, through various additions/renovations and repairs. The systems are not fully addressable and have malfunctioning components and conductors, which result in a high number of false alarms. The proposed project will consist of the installation of new conductors, addressable devices, control panels and enunciators ensuring the integrity of the system's ability to detect dangerous conditions and report same.

South Brunswick Middle School Traffic Improvements

The current situation allows for the unsafe stacking of traffic on Cougar Drive, including the stacking back of waiting vehicles onto Highway 87. Traffic moving from South Brunswick High School to the middle school causes traffic to back up inhibiting safe egress from the high school. The proposed project is to add new traffic lanes and storm water control measures. The project would increase stacking on the middle school property, and add a traffic circle to facilitate safe and orderly traffic flow, reducing the potential for harm to students, staff and visitors.

West Brunswick High School Traffic Improvements

The current situation allows for the unsafe stacking of traffic on Highway 130 and onto exit ramps of Highway 17. The proposed project is to add new traffic lanes and storm water control measures to shift vehicle stacking onto the site. Student pick-up and student-parking vehicles would access the site from a new entrance located at the rear of the property, reducing the potential for harm to students, staff and visitors.

Recommendation

Staff recommends that the Board of Commissions approval for the Chairman to execute the applications for the use of lottery funds for the projects described above.

Commissioner Phillips moved to approve the submittal of applications to the Public School Building Capital Fund for the use of North Carolina Education Lottery Funds. The vote of approval was 3 ayes (Phillips, Sue, Norris) 1 nay (Warren)

16. Finance – Recovery Zone Bonds (Ann Hardy)

Staff recommends receiving report on Recovery Zone Bonds and providing direction to staff regarding potential eligible projects.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

Allocations of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds were released by the U.S. Treasury on June 12, 2009. These bonds are authorized under the American Recovery and Reinvestment Act of 2009 (ARRA) adopted by the U.S. Congress on February 17, 2009. Brunswick County's allocations are \$2,810,000 of Recovery Zone Economic Development Bonds and \$4,215,000 of Recovery Zone Facility Bonds.

As authorized by ARRA, the RZEDBs (Economic Development Bonds) may be used by governments to finance capital expenditures for property located in the recovery zone or expenditures for infrastructure or public buildings located in the recovery zone. The bonds are subject to tax rules similar to Build America Bonds (BABS) but entitle the government to a 45% credit on interest paid on the bonds rather than the 35% BAB credit. Taxable bonds would be issued by the County and the County would receive a 45% credit of the interest paid over the years. The County would need to determine if there are savings over a traditional tax exempt financing which is already available to the County before proceeding with issuing RZEDBs. The RZEDBs can be used to finance nearly any capital expenditures that promote economic development or economic activity in the recovery zone including roads, water, sewer, schools, public buildings, industrial parks. The bonds must be issued by December 31, 2010, proceeds must be expended within 3 years, are not subject to refunding in the future, Davis-Bacon applies and semi-annual filings are required for the term of the bonds.

The RZFBs (Facility Bonds) are a private activity bond similar to industrial development bonds that can be used to finance recovery zone property in a recovery zone for qualifying businesses which are any trade or business other than residential rental property or certain specific excluded businesses. The property must be a capital investment. County industrial facilities and pollution control financing authorities now have the power to issue such bonds and loan the proceeds to qualifying businesses that have eligible projects in a recovery zone. Examples of qualified businesses are shopping centers, manufacturing, distribution warehouse facilities, hotels, restaurants and office buildings. The County itself does not issue these bonds.

The recovery zone means: (1) any area designated by the county as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the issuer as economically distressed by reasons of the closure or realignment of a military installation and (3) any area for which a designation as empowerment zone or renewal community is in effect as of February 17, 2009. The RZFBs allow the private sector to borrow at a tax exempt rate.

Current Situation

Determine Recovery Zone

The Board of Commissioners must designate a "recovery zone" before any actions or steps are taken toward investing in economic development or recovery zone property or issuing these bonds. The County Commissioners have broad discretion to designate a zone "in any reasonable manner as it shall determine in good faith in its discretion" and may designate an entire county as a recovery zone. A resolution designating the recovery zone citing the factors that support the designation is required no later than December 15, 2009.

Designate Allocation by December 15, 2009

If the County desires to use the allocation, then a resolution stating the project(s) must be made no later than December 15, 2009. If the County does not desire to use the initial allocation that allocation may be reallocated by the State. A county can designate a city or town within the county to use the allocation without going back to the State, but cannot transfer the allocation to a governmental unit outside the county.

Identify Project(s) December 15, 2009

The County must file forms with Commerce before 12/15/09 identifying project(s), waiving some or all of allocation and if applicable, identifying projects for waived allocations. If bonds are not issued and no form is received on or before 12/15/09 allocation will be deemed waived for reallocation by the State.

Obtain approval of LGC for bond issue no later than April 2010

The process to issue RZEDBs is the same as any other governmental debt in NC and must be approved by the Local Government Commission.

The process for RZFBs that finance private entities thru bonds issued by the county industrial facilities and pollution control financing authority requires that the county holding public hearings and adopt approval in principal resolution. The private company arranges for the private placement or for letter of credit to support the bonds. The private company must be able to qualify for the loan with LGC approval required.

Recommendation

Staff requests that the Board of Commissioners receives the information and provide direction to staff regarding the recovery zone designation, allocation designation and project identification.

Ms. Hardy presented a handout with a list of Potential Recovery Zone Economic development Projects.

Chairman Sue moved to receive the report on Recovery Zone Bonds as information and direct staff to schedule a workshop next week to consider potential eligible projects. The vote of approval was unanimous.

17. Connection Fee Deferral Policy (Marty Lawing)

Staff recommends approving the Interim Capital Recovery and Transmission Capital Recovery Fee Deferral Policy.

Marty Lawing, County Manager, explained that the Homebuilders Association and individual contractors have indicated that the deferral of County water and sewer capital recovery fees and transmission fees to the point of receiving a certificate of occupancy instead of requiring the payment of the fees prior to receiving a building permit would encourage more new home starts. The County currently charges water Capital Recovery Fee of \$860, a Water Transmission Capital Recovery Fee of \$290, a Sewer Capital Recovery Fee of \$3,000 and a Sewer Transmission Capital Recovery Fee of \$1,000 for each residential equivalent Unit served by the county's water and sewer systems. The builder of a unit to be serviced by County water and sewer currently pays \$5,150 in additional to any tap fees or grinder pump installation fees prior to receiving a building permit.

The proposed policy, if approved, would become effective immediately and expire on December 31, 2010 unless repealed earlier by the Board of Commissioners. The policy would be voluntary and apply to single and multi-family residential and commercial construction permitted by the County and applies only to the areas which the county has jurisdiction to issue permits and conduct inspections which includes all of the unincorporated areas and the municipalities of Bolivia, Varnamtown and St. James.

Individuals or contractors that have delinquent accounts with Brunswick County for utilities, building permits or inspection fees or real and personal property taxes will not be eligible for the deferral. The deferral would be for the construction period until the final inspection prior to the County issuing a certificate of occupancy or a maximum of one year one year whichever is shorter.

After one year, if a certificate of occupancy has not been requested or issued, the county will notify the permittee and payment shall be due within 30 days. If payment in full is not made, the County will initiate collection using all remedies available under North Carolina Law to include a lien upon the real property and possible foreclosure.

Vice-Chairman Norris moved to approve Interim Capital Recovery and Transmission Capital Recovery Fee Deferral Policy. The vote of approval was unanimous.

18. Probation & Parole Office Space Lease (Marty Lawing)

Staff recommends authorizing staff to negotiate with the State or Current Lessor to comply with Senate Bill 202 (G.S. 15-209).

Marty Lawing, County Manager, explained that historically, the North Carolina General Statutes have required counties to provide office space for Probation Parole Officers and the legislature provided the Department of Probation and Parole with funds to lease office space for Intensive Probation Officers and administrative staff. During the 2009 Legislative Session the North Carolina General Assembly Budget, Senate Bill 202 included a special provision that reduces the Department of Correction, Division of Community Corrections budget in lease payments for office space for probation offices and shifts the funding responsibility to the counties for all Probation Officers. The special provision is as follows:

G.S. 15-209 Accommodations for Probation Offices

(a) The County Commissioners in each county in which a probation office exists shall provide, in or near the courthouse, suitable office space for those probation officers assigned to the county who have probationary caseloads and their administrative support. The requirement does not include management staff of the Department of Correction, non probation staff, or other Department of Correction Employees.

(b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Department of Correction lease space for the probation office and receive reimbursement from the county for the leased space. If a county fails to reimburse the Department for such leased space, the Secretary of Correction may request that the Administrative Office of the Courts transfer the unpaid amount to the Department from the County's court and jail fee remittances.

In 1999 when space became an issue at the Brunswick County Courthouse, the Probation staff was moved from the courthouse to three different locations in the county. The county currently leases 1200 square feet of office space at 112-I Village Road in Leland for \$1,301.15 per month and a lease expiration date of July 31, 2010. The County leases 800 square feet at 800 North Howe Street in Southport for \$750 per month on a month to month basis. The County also leases 957 square feet at 5300 Main Street in Shallotte for \$1,024.94 per month on a year to year basis.

The State of North Carolina currently leases 2943 square feet at 5300-1 Main Street in Shallotte for \$2697.75 per month from South Brunswick Investments, Inc. The lease expiration date is September 2013; however the lease contains a non-appropriation clause. Under the provisions of the new legislation, the county could accept assignment of the lease from the State, negotiate new terms of the lease with the owner or request that the Department of Correction continue to lease the property and receive reimbursement from the County for an agreed upon pro rated portion of the space to accommodate the probation officers.

Current Lease Costs for Probation Office Space

Leland	1200 sq.ft.	\$1,301.15 / Month	\$15,613.80 / Year
Shallotte	957 sq.ft.	1,024.94 / Month	\$12,299.28 / Year
Southport	800 sq.ft.	750.00 / Month	\$9,000.00 / Year

Based on the current leases, the county is paying \$36,843.08 for probation office space. The addition of the 2943 square feet at Shallotte currently leased by the State would add approximately \$32,373 annually.

A goal for the future would be to bring all of the probation officers (26) and staff (2) to the Complex when suitable space is available. Consideration must be given to the compatibility of the probation program with other county departments.

Vice-Chairman Norris moved to authorize Staff to negotiate with the State or Current Lessor to comply with Senate Bill 202 (G.S. 15-209) and request that the Department of Correction lease space for the probation office and receive reimbursement from the county for the leased space. The vote of approval was unanimous.

VIII. BOARD APPOINTMENTS

1. Parks and Recreation Advisory Board (District 4)

Commissioner Phillips nominated Morry Watkins. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Mr. Watkins. The vote of approval was unanimous. Morry Watkins was reappointed to serve another three-year term that will expire on November 1, 2012.

2. Southport Planning Board (ETJ appointment) (Tabled Under Adjustments to the Agenda)

IX. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication for Summerwoods Phase 2 (Huey Marshall)

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$134,470 for water lines and \$213,666 for sewer lines.

Commissioner Warren moved to approve the Deed of Dedication for Summerwoods, Phase 2. The vote of approval was unanimous.

2. Deed of Dedication for Crow Creek Waterline Extension (Huey Marshall)

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$32,350 for water lines.

Commissioner Warren moved to approve the Deed of Dedication for Crow Creek Waterline Extension. The vote of approval was unanimous.

3. Deed of Dedication for Sawgrass Village Subdivision (Huey Marshall)

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$38,000 for water lines.

Commissioner Warren moved to approve the Deed of Dedication for Sawgrass Village Subdivision. The vote of approval was unanimous.

4. Deed of Dedication for Water Lines to Brunswick Regional Water & Sewer (Huey Marshall)

Huey Marshall, County Attorney, explained that there were previous agreements with the District to swap water lines to help both local governments better serve their respective clients. The County will retain a 24" line constructed by the District and the District will retain an 8" water line which will facilitate both entities' delivery of water to their respective customers.

Chairman Sue moved to approve the Deed of Dedication for Water Lines to Brunswick Regional Water & Sewer, H2Go contingent upon completion of the transfer of water customers. The vote of approval was unanimous.

5. Closed Session

Commissioner Phillips moved to enter Closed Session at 8:25 p.m. pursuant to NCGS 143-318.11 (a) (3), (a) (4) and (a) (5) to consult with the Attorney to protect the Attorney-Client privilege, to consider and give instructions concerning a potential or actual claim administrative procedure, or judicial action, to consider and give instructions concerning a judicial action, to discuss matters relating to the location or expansion of business in the area served by this body, and establish or instruct the staff or agent concerning the negotiation of the price and terms of a contract concerning the acquisition of real property located off Graywater Road in the Lockwood Folly Township. The vote of approval was unanimous.

The Chairman called a ten minute break.

Reconvened

Chairman Sue called the Open Session back to order at 10:38 p.m. and announced that the Commissioners will take the following action and no other action was taken in Closed Session.

Vice-Chairman Norris moved to direct staff to enter the mediated settlement that was obtained in the settlement conference with the TARA Group on October 22, 2009. The vote of approval was unanimous.

Commissioner Warren moved to direct staff to prepare for the appeal for the Luther Britt Property Tax Commission case. The vote of approval was unanimous.

X. OTHER BUSINESS/INFORMAL DISCUSSION

1. Code of Ethics Training (Charles Warren)

Commissioner Warren informed that counties will be required to adopt a Code of Ethics and Board members will be required to attend classes. There was a short discussion and staff was directed to check all the requirements and present to the Board at a later date.

XI. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 10:47 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board