

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
DECEMBER 7, 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. Martin Cooke
Commissioner Charles Warren
Commissioner Scott Phillips
Commissioner William M. Sue, Chairman

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

1st Sgt. Tommy Tolley

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Vice-Chairman Norris gave the Invocation and led the Pledge of Allegiance.

III. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

Debby Gore, Clerk to the Board, opened the floor for nominations of Chairman. Commissioner Phillips nominated William Sue. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of William Sue as Chairman. The vote of approval was unanimous.

Commissioner Cooke nominated Phil Norris for Vice-Chairman. Commissioner Phillips moved to close the nominations. The vote of approval was unanimous. Commissioner Phillips moved to approve the appointment of Phil Norris as Vice-Chairman. The vote of approval was unanimous.

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 as Item IX-11, approval of Land Purchase and Sale, Budget Amendments and Capital Project Ordinances for Lots 13 and 14, Frink and Herring Subdivision, Oak Island.
2. Marty Lawing, County Manager, requested to add as Item IX-12, a Final Adjusting Change Order to Caldwell Tanks for the Waccamaw Water Tank project to be presented by Jeff Phillips. Commissioner Phillips 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.

V. APPROVAL OF CONSENT AGENDA

Vice-Chairman Norris moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

- A. **Minutes**
 - 1. **November 9, 2009 Recovery Zone Bond Workshop Minutes**
 - 2. **November 16, 2009 Regular Meeting Minutes**
 - 3. **December 2, 2009 Agenda Meeting Minutes**

B. **Tax**

C. **Finance**

General Fund- Register of Deeds:

Revenues:

ROD-Deed Fees Cultural Resources	104180-334101	\$8,000
ROD-D/T Fees State GF	104180-334102	\$34,000
Fund Balance Appropriated	100000-399100	<u>\$(6,160)</u>
Total		\$35,840

Expenditures:

ROD-Deed Cultural Resources	104180-466004	\$7,840
ROD-D/T State GF	104180-466005	<u>\$28,000</u>
Total		\$35,840

The above amendment is to appropriate new State fees imposed for recording Deeds and Deeds of Trust/Mortgages. The State imposed a new fee of \$5 per recorded Deed and required the amount to be collected by the Registrar with \$4.90 of that amount sent to the Department of Cultural Resources monthly effective October 1, 2009. The estimated amount that Brunswick County will collect for the partial fiscal year period is \$8,000 with \$7,840 remitted to the Department of Cultural Resources.

The State also imposed an increase in the fee for recording Deeds of Trust and Mortgages of \$6 going from \$22 to \$28 and required that the Registrar forward \$5 per Deed of Trust/Mortgage to the State Treasurer's General Fund effective October 1, 2009. The estimated amount that Brunswick County will collect for the partial fiscal year period is \$34,000 with \$28,000 remitted to the State Treasurer. Due to the additional projected revenue that the county may retain from the new fees, the above amendment reduces the annual fund balance appropriation by \$6,160.

Health Fund- Immunizations:

Revenues:

State Revenue Restricted	135126-332000	\$30,825
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Expenditures:

Travel Mileage	135126-431100	\$3,000
Postage	135126-432500	\$1,325
Contracted Services	135126-439900	<u>\$26,500</u>
Total		\$30,825

The above amendment is to appropriate a funding authorization from the State of North Carolina providing an additional \$30,825. The funds are provided for the immunization program to increase the number of school age children vaccinated for seasonal influenza.

Health Fund- WIC Program:

Revenues:

State Revenue Restricted	135169-332000	\$25,920
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Expenditures:

Supplies & Materials	135169-426000	\$5,920
Contracted Services	135126-439900	<u>\$20,000</u>
Total		\$25,920

The above amendment is to appropriate a funding authorization from the State of North Carolina providing an additional \$25,920. The funds are provided for the WIC program to increase the client base.

Wastewater Fund- Sewer Administration:

Revenues:

Insurance Proceeds	627210-383913	\$6,803
<u>Expenditures:</u>		
Repair & Maintenance-Equipment	627290-435200	\$5,603
Repair & Maintenance-Instrumentation	627290-435203	<u>\$1,200</u>
Total		\$6,803

The above budget amendment is to appropriate insurance proceeds for repairs resulting from a lightning strike at the Southwest Regional Wastewater Facility.

County Capital Reserve Fund:

<u>Expenditures:</u>		
Airport Certification Designated	269800-464254	\$(20,000)
Transfer to County Capital Reserve	269800-498043	<u>\$20,000</u>
Total		\$0

The above budget amendment is to transfer \$20,000 from the County Capital Reserve to the Avalon Capital Project as an advance in anticipation of receiving funds from the bonding company to complete the project. The funds that are being held in the capital reserve fund for the Airport grant advance which does not appear to be needed by the Airport at this time.

County Capital Project Fund- Avalon:

<u>Revenues:</u>		
Trans from County Capital Reserve	438193-398226	\$20,000
<u>Expenditures:</u>		
Legal and Engineering Professional Fees	438193-464001	\$20,000

The above amendment and capital project ordinance below are to appropriate funds from the County Capital Reserve Fund identified above for the Avalon Capital Project in anticipation of replenishment from the bonding company.

**County of Brunswick, North Carolina
Avalon Project 438193**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Projects Fund and County Wastewater Capital Reserve Fund and the County Capital Reserve Fund for the Avalon Project:

County Capital Project Fund:

<u>Revenues:</u>	
Transfer from County Capital Reserve	<u>\$150,000</u>
Total County Capital Project Fund Revenues	<u>\$150,000</u>

<u>Expenditures:</u>	
Legal and Engineering Professional Fees	\$50,000
Land	<u>\$100,000</u>
Total County Capital Project Fund Expenditures	<u>\$150,000</u>

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 7, 2009 meeting of the Brunswick County Board of Commissioners

General Fund-JCPC:

<u>Revenues:</u>			
Teen Court-ARRA Stimulus Debt/Grant Proceeds	105846-331008		\$14,970
Coastal Horizons-ARRA Stimulus Debt/Grant Proceeds	105859-331008		<u>\$25,000</u>

Total **\$39,970**

Expenditures:

Teen Court-ARRA JCPC Youth 105846-449998 \$14,970
Gang Grant

Coastal Horizons-ARRA JCPC 105859-449998 \$25,000
Youth Gang Grant

Total **\$39,970**

The JCPC Program was awarded a community-based youth gang violence prevention grant from the NC Department of Juvenile Justice and Delinquency Prevention in the amount of \$39,970 awarded to Communities in Schools Teen Court Program and Coastal Horizons Teen Intervention Program.

The following amendments are to ratify corrections made by the finance officer of budget amounts estimated near the fiscal year ending June 30, 2009 once actual amounts were known. The amendments did not authorize any additional expenditures.

Water Capital Reserve Fund:

Revenues:

Fund Balance Appropriation **639800-399100** **\$(24,082)**

Expenditures:

Water System Improvements **639800-464301** **\$(24,082)**

The fund balance was over estimated at 6/30/2009. The water system improvements were recorded in the CIP as \$1,000,000 so the amendment is to correct the over appropriation of fund balance by reducing the excess of \$24,082 placed in the system improvements.

General Fund:

Revenues:

Fund Balance Appropriation **106131-399100** **\$(2,310)**

Expenditures:

Parks & Recreation – **106131-423108** **\$(2,310)**
Cheerleading

The original rollover budget amendment was for \$17,730, but \$2,310 of the invoices associated with this program was paid in fiscal year 2009 reducing the original rollover by \$2,310 to \$15,420.

County Capital Reserve Fund:

Expenditures:

Building N Roof 269800-464332 \$1,000

Transfer to General Fund 269800-498010 \$(1,000)

Total **\$0**

General Fund:

Revenues:

Transfer from County Capital Reserve **109800-398226** **\$(1,000)**

Expenditures:

COL- Buildings **104950-458000** **\$(1,000)**

The County received a \$1,000 discount on the Cooperative Extension Roof because two roofs were contracted at one time leaving an additional \$1,000 in the reserve fund

General Fund:

Revenues:

Fund Balance Appropriated **100000-399100** **\$(109,991)**

Expenditures:

Transfer to Health Fund 109800-498013 \$(19,404)

Transfer to DSS Fund 109800-498014 \$(90,587)

Total **\$(109,991)**

The above budget amendment is a revision to the DSS and Health fund rollovers. General fund balance is replenished and the fund balances of those funds are appropriated since those balances have now been determined to be sufficient.

General Fund-Sheriff's Department:

J. Administration-Letter of Agreement with NC Department of Corrections for Lease Reimbursement

Staff requests approval of the Letter of Agreement with the North Carolina Department of Correction for Lease Reimbursement.

VI. PRESENTATION

1. Utility Operations - NC American Waterworks Association/Water Environment Association-Walter J. Courman Safety Award- (Jerry Pierce)

Jerry Pierce, Utility Operations Director, explained that at the recent North Carolina American Waterworks Association/Water Environment Association Conference in Raleigh, Brunswick County Public Utilities was awarded the Walter J. Courman Safety Award in recognition of the safety programs, policies, employee efforts, and safety record. The Walter J. Courman Safety Award was established February 05, 2002, upon request of the North Carolina AWWA-WEA Safety Committee in honor of Walter J. Courman for his many years of service in the NC AWWA-WEA. The purpose of this award is to encourage an active and effective safety program in municipal and industrial water facilities and to stimulate the collecting and reporting of injury data. The documented and illustrated safety program and safety records of the facility for the preceding calendar year are the primary criteria for the award.

Glenn Walker, Water Resources Superintendent, prepared the application and submitted the documentation needed to be considered for the award. With over 2,500 municipal, county and privately owned water systems in North Carolina, the employees of the Brunswick County Public Utilities are proud of the recognition of their efforts to promote a safe work environment. The County Public Utilities Staff is proud to present the award to the Board of Commissioners. Mr. Pierce thanked the Board for their continued support and the Board congratulated the Utilities Department for their efforts and dedication.

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

I. CALL TO ORDER

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

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 1 – Planning Staff recommends approval.

Item 1 - Planning Board recommends approval with the noted revisions regarding adding a broad definition for flea markets, and add language stating the Board of Adjustment may extend the hours and/or days of operation, and reword Item 6 to say “Buffering must be provided at 0.6 opacity consistent with the requirements outlined in Section 7.2.9.B. ‘Buffer Alternatives’ of the UDO for any side of the property abutting or across the street from a residential district and/or use.” [unanimous 6 to 0, with Mr. Loyack and Mrs. Gilbert being absent].

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.

Item 2 – Planning Staff has some long-term concerns. However, staff recommends that if this proposed text amendment is approved, to do so in its entirety, at minimum. Additionally, staff

recommends that the proposed text amendment be approved with all proposed standards and Planning Board's additional language included.

Item 2 - Planning Board recommends approval with the noted revisions to allow one (1) Stand-Alone Residential/Personal/Non-Commercial Storage Structure for lots up to one (1) acre, two (2) Stand-Alone Residential/Personal/Non-Commercial Storage Structures for lots greater than one (1) acre up to ten (10) acres and one (1) additional Stand-Alone Residential/Personal/Non-Commercial Storage Structure for each additional ten (10) acres of lot size beyond ten (10) acres. This is consistent with Section 4.8.4.C. of the UDO that allows multiple structures in the RR District. [unanimous 6 to 0, with Mr. Loyack and Mrs. Gilbert being absent].

II. PUBLIC COMMENTS

Chairman Sue asked if there were any citizens who wished to address the Board regarding the Proposed Amendment. There were no comments from the audience.

III. ADJOURN

Commissioner Cooke moved to close the hearing at 6:47 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve Second Reading and Adoption of Items 1 and 2, UDO Text Amendment UDO-09-09 as recommended by the Planning Board. The vote of approval was unanimous.

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

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 6:47 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-09-650.

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.

Planning Staff recommends approval to NC (Neighborhood Commercial).

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

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from MDR (Medium Density Residential) to CC (Community Commercial) for Tax Parcels 1390004205 (Requested by Applicant), and 1390004206 and 1390004207 (Request by Staff) located off Old Ocean Highway (Old US 17), N. Piney Grove Road (SR 1445) and Thomasine Lane NE near Bolivia, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from MDR (Medium Density Residential) to CC (Community Commercial) for Tax Parcels 1390004205 (Requested by Applicant), and 1390004206 and 1390004207 (Request by Staff) located off Old Ocean Highway (Old US 17), N. Piney Grove Road (SR 1445) and Thomasine Lane NE near Bolivia, NC [unanimous 6 to 0].

II. PUBLIC COMMENTS

Chairman Sue asked if there were any citizens who wished to address the Board regarding the Proposed Amendment. There were no comments from the audience.

III. ADJOURN

Commissioner Cooke moved to close the hearing at 6:49 p.m. the vote of approval was unanimous.

Commissioner Phillips moved to approve Second Reading and Adoption of Map Amendment Z-09-650 and approve changes to the Official Brunswick County CAMA Land Use Map as recommended. The vote of approval was unanimous.

3. **Proposed Term Limits for Board Appointments (Huey Marshall)**

I. CALL TO ORDER

Chairman Sue called the hearing to order at 6:49 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Term Limits for Board Appointments.

Huey Marshall, County Attorney, explained that the Resolution on page 102A had been revised since the packet was sent out and the last paragraph should read as follows:

Now therefore, the Brunswick County Commissioners are resolved and do hereby limit the number of terms for all board appointments made by the County Commissioners to two full consecutive terms to the Board of Equalization and Review, the Brunswick County Marine Fisheries Advisory Board, the Brunswick County Library Board, the Brunswick County Parks & Recreation Board, the Brunswick County Tax Task Force Committee, the Brunswick County Planning Board, and the Brunswick County Utilities Board, unless otherwise superseded by North Carolina state law.

Mr. Marshall informed that the commissioners have absolute authority to make appointments and set terms for those Boards included in the Resolution and that other Boards that the commissioners make appoints to have their terms determined by outside agencies.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any citizens who wished to address the Board regarding the Proposed Term Limits. The following citizens addressed the Board:

1. Ray Gilbert, spoke in favor of term limits stating that he thought term limits would allow more community involvement and asked that the Board look further and limit terms of commissioners as well.

III. ADJOURN

Commissioner Cooke moved to close the hearing at 6:51 p.m. The vote of approval was unanimous.

There was discussion regarding putting some boards in jeopardy with limited terms as some of the appointed members acquire a lot of knowledge and are familiar with the by-laws and functions of the boards that they serve and in limiting their terms would put someone with less experience and familiarity and may not be as dependable and efficient.

Further discussion included constant requests from citizens that want the opportunity to serve on a board but are unable to due to so many reappointments.

Commissioner Phillips moved to disapprove the Resolution Requiring Term Limits. The vote of approval was 4 ayes (Phillips, Sue, Norris, Cooke) 1 nay (Warren).

After discussion, staff was directed to look into advertising Board vacancies and accepting applications for these vacancies and offer recommendations as soon as possible.

VIII. ADMINISTRATIVE REPORT

1. **Planning-Proposed UDO Text Amendment UDO-09-10 (Leslie Bell)**

Staff recommends to Schedule Public Hearing on Text Amendment UDO-09-10 for January 4, 2010 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 12, Definitions, amend Article 5, Permitted Uses, Section 5.2.3., Use Table, and add Section 5.3.5.Z., Electronic Gaming Operation to allow 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.

Commissioner Warren moved to approve First Reading and schedule a Public Hearing for January 4, 2010 at 6:30 p.m. The vote of approval was unanimous.

2. Planning-Proposed Map Amendment Z-09-651 (Leslie Bell)

Staff recommends to Schedule Public Hearing on Proposed Map Amendment Z-09-651 for January 4, 2010 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-651 – Edmund Wong) [AMENDED]

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcels 1890000112 and 1890000114 located at 7271 River Road SE (NC 133) near Boiling Spring Lakes, NC.

This rezoning totals ~~5.08~~ 4.00 acres.

Commissioner Cooke moved to approve First Reading and schedule a Public Hearing for January 4, 2010 at 6:30 p.m. The vote of approval was unanimous.

3. Planning-Urgent Repair Grant Application 2010 (Louise McGarva)

Staff recommends authorizing the submittal of a 2010 Urgent Repair Program Grant through the North Carolina Housing Finance Agency.

Louise McGarva, Community Development Administrator, explained that the North Carolina Housing Finance Agency has announced the availability of funds under the FY10 funding cycle of the Urgent Repair Program (URP) funded by the North Carolina Housing Trust Fund. The Urgent Repair Program objectives are: (1) to assist very low income homeowners with special needs (elderly 62 years of age and older), handicapped or disabled, single parent, large households (five or more), or households with children who have elevated lead blood levels, (2) to serve households with urgent repair needs which cannot be met through other state or federally funded housing assistance programs, and (3) to enable frail elderly homeowners, and others with physical disabilities, to remain in their homes by providing essential accessible modifications. Eligible recipient households will be eligible to receive a maximum of \$5,000 per owner occupied dwelling. As a unit of local government, we are eligible to apply for up to \$75,000 under the program. With approval to apply for these funds, staff requests a match of (\$15,000) from local government to demonstrate support of our application. If the application is approved, the local government match will be used for “hard costs only” at the discretion of the contract administrator.

Brunswick County received Urgent Repair Program grants in the amount of \$75,000 with the local match in 2004, 2006 and 2009, which will have assisted a total of 67 homeowners with urgent repair needs. In an attempt to sustain continuity in the housing rehabilitation efforts staff is applying for the 2010 Urgent Repair Program funds and have designated the entire County as the target Service Area. Applications are due in Raleigh by December 14, 2009.

Vice-Chairman Norris moved to authorize the submittal of a 2010 Urgent Repair Program Grant through the North Carolina Housing Finance Agency. The vote of approval was unanimous.

4. Planning-CDBG Scattered Site Housing Grant and Funding Agreements and Adoption of Administration Guidelines and Policies (Louise McGarva)

Staff recommends approving Administration Guidelines and Policies for the 2009 Community Development Block Grant (CDBG) Scattered Site Housing Grant.

Louise McGarva, explained that the Brunswick County Planning and Community Development Department was awarded a FY2009 CDBG Scattered Site Housing Grant (SSH) in the amount of \$400,000 to assist low income homeowners with replacement of their substandard homes. Under joint participation with interested municipalities, three (3) owner, occupied, low income homeowners were preselected as beneficiaries of this grant. Additionally, six (6) eligible homeowners were preselected as alternate recipients. A requirement of the funding is the adoption of the Administrative Guidelines and Policies pursuant to the 2009 CDBG Scattered Site Housing Grant #09-C-1984 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 Scattered Site Housing Grant Program.

1. Administration Condition
2. Use of Experienced Administrator
3. Section 504 Plan

4. Signature Authorization Resolution
5. Fair Housing Plan
6. Fair Housing Policy
7. Code of Conduct Policy
8. Local Economic Benefit Plan (Section 3)
9. Equal Employment and Procurement Policy
10. Residential Anti-displacement and Relocation Plan
11. Performance Based Contract Condition
12. Request for Release of Funds
13. Amendment Condition
14. Relocation Guidelines
15. Clearance Guidelines
16. Rehabilitation Guidelines
17. Optional Relocation Plan
18. Complaint Procedure
19. Financial Management

Grant Fund-CDBG Scattered Site #09-C-1984:

Revenues:

Federal Revenues	238181-331000	\$400,000
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Expenditures:

Contracted Services	238181-439900	\$400,000
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Commissioner Cooke moved to approve the Administration Guidelines and Policies for the 2009 Community Development Block Grant Scattered Site Housing Grant. The vote of approval was unanimous.

5. Planning-Urgent Repair Contracts (Louise McGarva)

Staff recommends awarding Four (4) Urgent Repair Contracts as presented.

Louise McGarva, 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. The County has identified 4 more recipients for housing rehabilitation, in addition to the 2 recipients already assisted.

Staff recommends the following contracts be awarded to:

Davie Smith for Ola Jane Smith, Ash, NC in the amount of \$3,450.00;

Dean Siler Home Improvement for Mary Gore, Ocean Isle Beach, NC in the amount of \$4,890.00;

Unique Homes for Wilhelmina Hewett, Ocean Isle Beach, NC in the amount of \$4,005.00;

Billy Johnson for Dinah Lewis Butler, Ocean Isle Beach, NC in the amount of \$5,000.00.

Vice-Chairman Norris moved to approve the Award of Four Urgent Repair Contracts as presented. The vote of approval was unanimous.

6. Engineering-Recovery Zone Projects Reimbursement Resolutions and Contract Award (Jeff Phillips)

Staff recommends approving the Award of Engineering Contracts to Bowman Design and Engineering Services and Tripp Engineering and approve a Reimbursement Resolution for the 2010 Recovery Zone Bond Capital Projects.

Jeff Phillips, Director of Engineering Services, explained the following:

The engineering firms chosen for the 2009-2010 Water System Improvement Project were asked to submit proposals for the design of three additional waterline projects within Brunswick County. Shingletree Acres, Randolphville Road and Mt. Zion Church Road were selected as Recovery Zone Projects.

Bowman Design submitted the following:

Shingletree Acres	\$58,000
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Randolphville Rd	\$33,800
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Mt. Zion Church Rd	\$17,800
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Tripp Engineering submitted the following:

Shingletree Acres	\$63,000
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Randolphville Rd \$29,750
 Mt. Zion Church Rd \$5,250

HDR Engineering submitted the following:

(If awarded only one project)

Shingletree Acres \$87,400
 Randolphville Rd \$54,400
 Mt. Zion Church Rd \$27,500

(If awarded more than one project)

Shingletree Acres & Randolphville Rd. \$111,500
 Shingletree Acres & Mt. Zion Church Rd \$91,200
 Randolphville Rd & Mt. Zion Church Rd. \$58,200

(If awarded all three projects)

Shingletree Acres, Randolphville Rd, & Mt. Zion Church Rd. \$115,300

The recommended contracts are as follows:

Bowman Engineering portion of the project consists of Shingletree Acres. The total compensation for services is \$58,000.

Tripp Engineering portion of the project consists of Mt. Zion Church Road for a fee of \$5,250.

It is also recommended to award design of Randolphville Road to Tripp Engineering for a fee of \$29,750 plus an alternate design to extend this water line under Highway 17 to Galloway Road for a fee of \$3.50 per linear foot for a cost of \$11,200.

These recommendations are based on the best price as chosen among each proposal.

Finance recommends approval of the budget amendment, capital project ordinance and reimbursement resolution attached. The reimbursement resolution provides for the County to reimburse itself from debt proceeds for all expenditures made in advance of the issuance of the debt.

Water Capital Project Fund- 2010 Recovery Zone Projects:

Revenues:

Transfer from Water Capital Reserve 418255-398663 \$104,200

Expenditures:

Legal and Engineering Professional Fees 418255-464001 \$104,200

Water Capital Project Fund- 2010 Recovery Zone Projects:

Revenues:

SAD #20 639800-383215 \$26,000

Expenditures:

Misc Water Project 639800-464235 \$(78,200)
 Trans to Water Capital Project 639800-498041 \$104,200

The above amendment and capital project ordinance below are to appropriate funds from the Water Capital Reserve identified above for the 2010 Recovery Zone Water Capital Project.

**County of Brunswick, North Carolina
 2010 Recovery Zone Project 418255**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Water Capital Projects Fund for the 2010 Recovery Zone Project:

Water Capital Project Fund:

Revenues:

Transfer from Water Capital Reserve \$104,200

Total Water Capital Project Fund \$104,200

Revenues

Expenditures:

Legal and Engineering Professional Fees \$104,200

Total Water Capital Project Fund **\$104,200**

Expenditures

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 7, 2009 meeting of the Brunswick County Board of Commissioners

Vice-Chairman Norris moved to Award the Engineering Contracts to Bowman Design and Engineering Services and Tripp Engineering in this manner due to the urgency in compliance of the Mini Brooks Act and approve the Reimbursement Resolution for the 2010 Recovery Zone Bond Capital Projects and the associated budget amendment and capital project ordinance. The vote of approval was unanimous.

7. Finance-US Treasury Allocations for Recovery Zone Economic Development Bonds (Ann Hardy)

Staff recommends approving Recovery Zone Declaration Resolution, Notice of Intent to Issue Recovery Zone Bonds, Identify Recovery Zone Bond Projects and Authorize Request for Reallocation of Funds from the Department of Commerce in the amount of \$24,165,000 for the Northwest Water Plant Expansion and Sunset Beach Island Sewer Collection System Projects.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

Allocations of Recovery Zone Economic Development 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 repayment period. 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 County has not found an entity interested in the Facility Bonds.

Current Situation

The first step to issue the Economic Development bonds is for the Board of Commissioners to designate a "recovery zone". 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 and citing the factors that support the designation is attached for the commissioners' consideration of approval. The designation is required no later than December 15, 2009 to utilize the County's allocation.

The second step is for the County to file the attached form with Commerce before 12/15/09 identifying project(s), waiving some or all of allocation and if applicable, identifying projects for waived allocations. At the November 9, 2009 Board of Commissioner Workshop the following projects were identified: Highway 74-76 Sewer Line to Joint Industrial Park \$200,000, Shingle Tree Acres Water Service Lines \$938,000, Mt. Zion Church Road Water Service Line \$100,000, Randolphville Road Water Service Line \$500,000 and Leland Library Expansion \$1,072,000.

There is also an application process to request additional allocations of the Recovery Zone Bonds. The County has plans to construct improvements to the Northwest Water Treatment plant and the Sunset Beach Island Sewer Collection System with debt issues estimated at \$10,610,000 and \$13,555,000, respectively. Both of the projects will qualify as Recovery Zone Economic Development projects if the other criteria are met. The attached resolution and applications are to request an additional allocation to Brunswick County for those projects.

The form includes the waiver of the Facility Bond allocation.

The process to issue RZEDBs is the same as any other governmental debt in NC and must be approved by the Local Government Commission. Ms. Hardy informed that a Resolution that would allow the Recovery Zone Facility Bonds to be transferred to Bladen County in the amount of \$4,215,000 for the Bladen County Smithville Packing Company, Bladen Bluffs Regional Surface Water Sewer System Project.

Commissioner Phillips moved to approve the Recovery Zone Declaration Resolution, Notice of Intent to Issue Recovery Zone Bonds, Identify Recovery Zone Bond Projects and Authorize Request for Reallocation of Funds from the Department of Commerce in the amount of \$24,165,000 for the Northwest Water Plant Expansion and Sunset Beach Island Sewer Collection System Projects and to decline the Facility Bonds but transfer them to Bladen County. The vote of approval was unanimous.

8. Administration-Appointment of 2010 Census Complete Count Committee Discussion (Marty Lawing)

Staff recommends to Discuss Complete County Committee for Brunswick County.

Marty Lawing, County Manager, explained that staff has met with regional census officials on two occasions to discuss the 2010 Census process. The Census results are extremely important to municipal and county governments because various sources of federal and state funding are based on the population of their jurisdictions. Brunswick County's response during the 2000 Census was very low in comparison to the state and national response percentages. In 2000, while the response rate from those receiving census forms at their residence was 64% for the State of North Carolina and 67% nationally, Brunswick County's response was approximately 47%. This low response rate may be attributed to forms being sent to addresses of absentee owners. Nonetheless, it appears that there is room for improvement in the initial response percentage. Census forms will be mailed to all residents with a physical mailing address in March 2010. Completed questionnaires are to be returned by April 1, 2010 which has been designated as Census Day. Forms will not be mailed to residents that use a Post Office Box. These residents will be visited.

Census Officials have requested that the Brunswick County Commissioners appoint a Complete County Committee to educate residents and promote the Census through a local and targeted outreach and promotion effort. The Complete County Committee is a vehicle to coordinate a cooperative effort between local governments, communities and the Census Bureau. The logic behind the Complete County Committee is that local residents appointed to the committee will use their local knowledge and influence to educate and encourage residents to participate in the census process. The appointed committee members work together as a team with the assistance of local census officials to implement an awareness campaign.

There will not be complete count committees established by municipalities, however it is strongly recommended that at least one representative from each municipality be appointed to the committee. There is not limit to the number of committee members and no specific qualifications except interest in promoting the 2010 Census and knowledge of the community and influence to encourage people to participate and cooperate with census takers. Early involvement is the key. If a committee can be appointed before the end of the year and training scheduled for January 2010 the committee can develop the work plan.

Commissioner Warren asked about the possibility of a stipend for these volunteers. After a short discussion staff was directed to provide more information after some research and present a recommendation at the next meeting.

9. Administration-Interim Sewer Agreement/Ocean Isle Palms LLC (Marty Lawing)

Staff recommends approval of the Interim Sewer Agreement with Ocean Isle Palms LLC.

Marty Lawing, County Manager, explained that the developer of Ocean Isle Palms has requested an Interim Sewer Agreement with the County. The purpose of the agreement is to address the type of sewer collection system that would be constructed and utilized initially within the development and to provide for the issuance of building permits to allow the developer to construct new homes prior to the sewer collection system being completed for which certificates of occupancy would be contingent.

The agreement would allow the developer to install a low pressure sewer collection system within the currently platted and recorded sections of the Ocean Isle Palms development and Phases 7 and 11 which are not currently platted or recorded and a sewer force main from Ocean Isle Palms to an existing sewer pump station at Ocean Ridge no later than December 1, 2010. The County would allow the developer to defer the construction of a primary pump station for the Ocean Isle Palms development until such time as a total of 300 residential units are constructed or by October 1, 2020, whichever occurs first. The pump station may be constructed sooner than the transition date if economic conditions permit. The developer will provide a performance bond in the total amount of 125% of the estimated cost of the pump station. The opinion of probable cost for the pump station must be certified and sealed by a professional engineer. No homes constructed under this agreement may be sold to a third party by Ocean Isle Palms, LLC until the

performance bond is provided to the County. No certificates of occupancy will be issued for any homes constructed under this agreement until construction of the force main is completed. The developer plans to meet the bonding requirement for the pump station.

Since the primary pump station will be deferred and the individual grinder pumps will pump into the force main, a maintenance provision is included in the agreement. The developer will install connection points to the force main to accommodate flushing on a prescribed schedule related to the number of residential units constructed. The developer will post a sum of \$9,000 to be held in escrow to cover flushing costs incurred by the county if the developer fails to complete the flushing in accordance with the agreement.

There was discussion regarding the inclusion of an Escalator Clause and issues with flushing the system if necessary and the associated costs. Ms. Elaine Jordan, Counsel for the Coastal Companies, was present and indicated that the Escalator Clause would be addressed in the Bonding documents and would address the flushing issues also.

Mr. Pierce commented that there would be additional costs if the flushing were not addressed adequately but conceded that only \$9,000 would be posted as guarantee of these costs.

Vice-Chairman Norris moved to approve the Interim Sewer Agreement with Ocean Isle Palms LLC contingent upon inclusion of an Escalator and Opinion Clause, Probably Cause of the Pump Station and the Infrastructure for Section 2 a, b and c as long as the financial back up is there. The vote of approval was unanimous.

10. Utility Operations-Boiling Spring Lakes Draft Water and Sewer Service Agreement (Jerry Pierce)

Staff recommends authorizing the Submittal of the Draft Water and Sewer Service Agreement to the City of Boiling Spring Lakes.

Jerry Pierce, Utility Operations Director, explained that on April 20, 2009, the Board of Commissioners approved submission of a proposal containing three options for providing sewer service within the commercial corridor of the City of Boiling Spring Lakes. In October, the County received written notification of acceptance of one of the options presented subject to agreement on a Water and Sewer Service Agreement.

Under the terms of the accepted proposal, Brunswick County would be responsible for the construction of a 100,000 gpd wastewater treatment plant on County-owned property and construction of a pump station and transmission main. The County would also construct a wastewater collection system within the commercial corridor; however, the property owners receiving benefit from the collection system would be assessed their proportionate share of the project. The City of Boiling Spring Lakes would transfer all water system assets to the County in exchange for the construction of the sewer system. County staff has prepared a Draft Water and Sewer Service Agreement that reflects the conditions outlined in the proposal. The draft agreement is very similar to the agreement between the Town of Sunset Beach and Brunswick County.

Staff recommends that the Board of Commissioners tentatively approve the draft Water and Sewer Service Agreement and direct staff to submit the agreement to the City of Boiling Spring Lakes for their consideration. After both parties agree to a final version of the Water and Sewer Service Agreement, the document will be submitted to the Board of Commissioners for approval and execution by the Chairman and Clerk to the Board.

Commissioner Phillips moved to Authorize Submittal of the Draft Water and Sewer Service Agreement to the City of Boiling Spring Lakes. The vote of approval was unanimous.

11. Land Purchase and Sale Budget Amendments and Capital Project Ordinances for Lots 13 and 14, Frink and Herring Subdivision (Added Under Adjustments to the Agenda) (Huey Marshall)

Huey Marshall, County Attorney, explained that Brunswick County negotiated the purchase of Lots 13 and 14 Frink & Herring Sub., Oak Island, NC from John P. Narcise for a contract sales price of \$200,365.75 with settlement charges of \$200.00 to Serra Law Firm, PLLC for closing fees, \$550.00 to Serra Law Firm, PLLC for Attorney Fee and document preparation, \$351.50 for Title Insurance, \$25.00 for recording fees and \$403.00 for revenue stamps for a total cost of \$201,895.25. The settlement date is 12/8/09 and the county would wire funds of \$201,895.25 to the Serra Law Firm trust account on that date.

Brunswick County negotiated the sale of Lots 13 and 14 Frink & Herring Sub., Oak Island, NC to Brunswick County Airport Commission for a contract sales price of \$202,985.25. Brunswick County is to make payment to itself on behalf of the airport using funds that the county advanced to the Airport. The county recently appropriated funds in the Brunswick County Airport Grant Capital Project and will make a request for reimbursement of the expenditures from the FAA Grant at such time the grant is approved. If the grant and/or expenditure are not approved by the DOT, then the county may need to seek an alternative method of repayment of the advanced funds. However, DOT officials sent the attached email in support of the acquisition. The amount that the county will pay on the behalf of the airport is the contract sales price of \$202,895.25, \$100.00 to Serra Law Firm, LLC for closing fee, \$100.00 to Serra Law Firm for document preparation, \$177.25 to Southern Title Insurance Company, \$25.00 Recording Fees and \$406.00 Revenue Stamps totaling \$203,703.50. The county will reimburse the county capital project from the proceeds received from the sale of the land to the Brunswick County Airport Commission. The settlement date is 12/23/09 and the county would wire funds of \$203,703.50 to the Serra Law Firm on 12/22/09. The Serra Law Firm would make payment to the County of \$203,895.25 on 12/23/09.

Staff requests the Board of Commissioners approve the land purchase and sale contracts, budget amendments, capital project ordinance and authorize the finance officer to make payments for the closings and accept funds from the closing proceeds.

Infrastructure Improvement County Capital Project

438169-383901 Sale of Land \$202,895.25
 438169-464011 Purchase of Land \$202,895.25

To appropriate \$202,895.25 for the purchase of Lots 13 and 14 Frink & Herring Subdivision, Oak Island, NC 28465.

To appropriate receipt of \$202,895.25 for the sale of Lots 13 and 14 Frink & Herring Subdivision, Oak Island, NC 28465.

**County of Brunswick, North Carolina
 Infrastructure Improvements 438169**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Projects Fund for the purchase of land and the sale of land:

County Capital Project Fund:

Revenues:

Sale of Land to Airport Commission \$202,895.25

Expenditures:

Land \$202,895.25

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 7, 2009 meeting of the Brunswick County Board of Commissioners

Commissioner Warren moved to approve the land purchase and sale contracts, budget amendments, capital project ordinance and authorize the Finance Officer to make payment for the closings and accept funds from the closing proceeds. The vote of approval was unanimous.

12. Waccamaw Water Tank Project-Final Adjusting Change Order (Added Under Adjustments to the Agenda) (Jeff Phillips)

Staff recommends approval of a final adjusting change order for Caldwell Tanks, Inc.

Jeff Phillips, Director of Engineering Services, explained that the 300,000 gallon elevated water storage tank located on the Waccamaw School site was put in service on June 29, 2009. The contract included an allowance of \$2,000 for the removal and replacement of unsuitable soils.

There were no unsuitable soils on the site; therefore, a credit of \$2,000 is due to Brunswick County.

Vice-Chairman Norris moved to approve the Caldwell Tanks, Inc. Final Adjusting Change Order for the Waccamaw Water Tank Project. The vote of approval was unanimous.

IX. BOARD APPOINTMENTS

1. Coastal Resources Commission Nomination

Commissioner Warren nominated Marvin Martin. Commissioner Warren moved to close the nominations. The vote of approval was unanimous. Commissioner Warren moved to submit the nomination of Marvin Martin to the Coastal Resources Commission. The vote of approval was unanimous.

2. ABC Board (1 appointment)

Chairman Sue nominated David Kelly. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Mr. Kelly. The vote of approval was unanimous. David Kelly was reappointed to serve another three-year term that will expire on January 1, 2013.

3. Commissioner Board Appointments

After discussion it was consensus that the appointments remain the same except that Vice-Chairman Norris will serve on the Communities in Schools Board and Commissioner Phillips will serve on the Marine Fisheries Advisory Board.

Vice-Chairman Norris moved to approve the Commissioner Board Appointments as stated. The vote of approval was unanimous.

X. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication Bedford Springs (Sea Walk)

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$51,400 for water lines and \$16,040 for sewer lines.

Vice-Chairman Norris requested to be recused.

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

Commissioner Cooke moved to approve the Deed of Dedication for Bedford Springs (Sea Walk). The vote of approval was 4 ayes (Warren, Phillips, Sue, Cooke) Vice-Chairman Norris recused.

2. Deed of Dedication Sweet Bay Village, LLC-Villages of Mariner's Point

Huey Marshall, County Attorney explained that these lines are ready for acceptance into the county system with a worth of \$56,900 for water lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for Sweet Bay Village, LC – Villages of Mariner's Point. The vote of approval was unanimous.

3. Closed Session

Vice-Chairman Norris moved to enter Closed Session at 8:04 p.m. pursuant to NCGS 143-318.11 (a) (3) and (a) (4) to consult with the attorney, to protect attorney-client privilege, to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action and to discuss matters relating to the location or expansion of business in the area served by this body. The vote of approval was unanimous.

The Chairman called a ten-minute break.

Reconvened

Chairman Sue called the open session back to order at 9:25 p.m. and announced that directions given in closed session will be disclosed upon response from the opposing party.

XI. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XII. ADJOURNMENT

Commissioner Warren moved to recess the meeting at 9:26 p.m. until December 14, 2009 at 4:00 p.m. to hold a Workshop. The vote of approval was unanimous.
(Note: This Workshop was later cancelled.)

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board