

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
MARCH 1, 2010
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

Lt. Mark Trull

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sue asked if there were any adjustments to the agenda. There were no adjustments.

Vice-Chairman Norris moved to approve the agenda. 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. Two Commissioners from the Town of Carolina Shores voiced concerns with secondary road maintenance and construction especially in the Shingletree area and questioned where one might find alternatives to these problems. The Chairman asked members of the Department of

Transportation that were in attendance to advise them of alternative means and provide contact information.

2. Mayor Walter Futch and Mayor James Knox indicated that their councils had passed a Resolution Requesting that the Brunswick County Commissioners Drop or Settle the Lawsuit Against Brunswick Regional Water and Sewer H2GO stating that growth will stop if they are prevented from building a sewer plant and this is not the time to stop growth. Mayor Futch provided a copy of the Resolution.

V. APPROVAL OF CONSENT AGENDA

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

A. Minutes

1. February 15, 2010 Regular Meeting Minutes

B. Tax

C. Finance

General Fund:

Revenues:

Federal Revenues	104280-331000	\$25,000
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Expenditures:

Chemicals	104280-421300	\$25,000
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The County received additional federal funding from the Army Corp of Engineers for the mosquito control program in the amount of \$25,000. Staff requests appropriation of the funds for the purchase of chemicals.

General Fund:

Revenues:

Insurance Proceeds	100000-383913	\$2,500
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Expenditures:

Major Operating Equipment	104280-426200	\$2,500
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The above budget amendment is requested to appropriate insurance proceeds received in the amount of \$2,500 for the replacement of a stolen mower.

DSS Fund:

Revenues:

Daycare Revenue	145310-332066	\$881,871
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Expenditures:

Daycare Expense	145310-449935	\$881,871
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The Brunswick County Department of Social Services has received additional state funding in the amount of \$881,871 restricted to the daycare program. DSS Staff requests appropriation of the entire amount due to the current need and believes the entire amount will be expended and reimbursed.

General Fund:

Revenues:

Gifts & Memorials	104310-383303	\$1,116
Insurance Proceeds	104310-383913	\$23,613

Expenditures:

Capital Outlay - Vehicles on the Road	104310-454000	\$23,613
Travel Subsistence	104310-431200	\$1,116

The above budget amendment is requested to appropriate insurance proceeds received in the amount of \$23,613 for replacement of a 2009 Dodge Charger in the Sheriff's Department. The amendment request includes appropriation of a donation made to the sheriff's department for K-9 Training Travel Expenditures in the amount of \$1,116.

Health Fund:

Revenues:

State Revenue Restricted	135150-332000	\$316
State Revenue Restricted	135173-332000	\$18,000

Expenditures:

Miscellaneous Expense	135150-449900	\$316
Travel-Mileage	135173-431100	\$4,000
Travel-Subsistence	135173-431200	\$5,000
Travel-Registration	135173-431500	\$2,000
Supplies & Materials	135173-426000	\$6,000
Dues	135173-449100	\$1,000

The above budget amendment request is to appropriate additional state revenues in the amount of \$18,000 for the Diabetes Program and \$316 for the Minority Infant Mortality Task Force Grant Program.

D. Juvenile Crime Prevention Council Revised Funding Allocation

Staff requests approval of 2009-2010 Revised Funding Allocation Grid for JCPC.

E. EMS-Memorandum of Agreement and Amendment with New Hanover Regional Medical Center for FY 2009-2010 ASPR Grant

Staff requests approval of Contract and Amendment No. 1 with New Hanover Regional Medical Center for the FY 2009-2010 ASPR Grant.

F. NCDOT Bridge Replacement Water & Sewer Main Relocation Agreement

Approve Use and Occupancy Agreements with NC Department of Transportation for utility relocation.

G. Operation Services-Water Management Projects

Staff requests approval of Water Management Projects as presented.

H. Safeco Insurance Company of America Takeover Agreement

Staff request approval of Agreement with Safeco Insurance Company of America.

VI. PRESENTATION

1. EMS-National Telecommunicators Week Proclamation (Commissioner Cooke)

Commissioner Cooke thanked the Brunswick County Telecommunicators for their dedication and exceptional service to the citizens of our county and recognized the week of April 11-17, 2010 as National Communicator Week. Commissioner Cooke recognized Tom Rogers, 911 Deputy Director, for his leadership and professionalism.

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. NC Department of Transportation Secondary Roads Program Annual Statement (Anthony Law)

I. CALL TO ORDER

Chairman Sue called the hearing to order at 6:45 p.m. and announced that the purpose of the hearing was to receive input regarding the NC Department of Transportation Secondary Roads Program.

Mr. Anthony Law, District Engineer, reviewed and discussed the Secondary Road Construction Program for Brunswick County.

II. PUBLIC COMMENTS

Chairman Sue asked if there was anyone in the audience who wished to address the Board regarding the program.

1. Shelia Rivenbark voiced concerns with subdivisions that were established prior to 1975 and questioned the process of being included in the Secondary Road Program. Dave Thomas, NC DOT representative offered explanations and spoke with the concerned citizens after the hearing.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 6:54 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve the NC Department of Transportation's Secondary Road Program. The vote of approval was unanimous.

2. Proposed Map Amendment Z-10-652 (Leslie Bell)

Planning Board recommends approval to Rural Residential 5 to 1. (Dr. Flythe opposing)

Planning Staff recommends approval to Rural Residential.

I. CALL TO ORDER

Chairman Sue called the hearing to order at 7:00 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-10-652.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-652 – O’Neil Caison)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Medium Density Residential) and R-6000 (High Density Residential) to RR (Rural Residential) would allow for residential use of Tax Parcels 2160000701, 2160000703, 2160000705, 21600008, 21600009, 21600083, 21600130, 21600085, 21600088, 21600089, 216000801, 216000803, 2160008303, 2160008305, 2160008309, 2160008310, 2160008311, 2160008313, 2160008401, 2160008404, 2160008801, 2160000901, 2160000902, 2160000903, 2160000904, 2160000905, 2160000906, 2160008901, 2160008902, 2160009103, 2160009110, 2160009111, 2320001901, 231CA002, 232CA00203, 23200018, 23200019, 23200036, and 23200037 located off Stanbury Road SW (SR 1124), Old Ferry Connection SW (SR 1115), Sabbath Home Road SW (SR 1120), Destiny Catilyn Avenue SW, Ocean Station Road SW, and Iona Lane SW near Holden Beach, NC.

This rezoning totals approximately 279.88 acres.

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. Donna Lynn Ennis Hewett, spoke in favor of the rezoning indicating that she is speaking for the majority of the audience.

III. ADJOURN

Commissioner Phillips moved to close the hearing at 7:05 p.m. The vote of approval was unanimous.

Vice-Chairman Norris moved to approve Second Reading and Adoption of Map Amendment Z-10-652 as recommended by the Planning Board. The vote of approval was unanimous.

3. Proposed Map Amendment Z-10-653 (Leslie Bell)

Planning Board recommends approval to Commercial-Low Density, unanimous.

Planning Staff recommends approval to Commercial-Low Density.

I. CALL TO ORDER

Chairman Sue called the hearing to order at 7:06 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-10-653.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-653 – HBC (H. Burkert & Co. [%Heather Burkert])

Item 1 is a map amendment initiated by the property owner. This change from RR (Rural Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 1680004402 located off Swain Creek Trail NW and Ocean Highway W. (US 17) near Supply, NC. An amendment to the Official Brunswick County

CAMA Land Use Map has been requested from LDR (Low Density Residential) to Commercial for Tax Parcel 1680004402 located off Swain Creek Trail NW and Ocean Highway W. (US 17) near Supply, NC.
This rezoning totals 15.31 acres.

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. Heather Burkert spoke in support of the rezoning.

III. ADJOURN

Commissioner Warren moved to close the hearing at 7:08 p.m. The vote of approval was unanimous.

Commissioner Cooke moved to approve Second Reading and Adoption of Map Amendment Z-10-653 as recommended by the Planning Board. The vote of approval was unanimous.

4. **Proposed Map Amendment Z-10-654 (Leslie Bell)**
Planning Board recommends approval to Rural Residential, unanimous.
Planning Staff recommends approval to Rural Residential.

I. CALL TO ORDER

Chairman Sue called the hearing to order at 7:09 p.m. and announced that the purpose of the hearing was to receive input regarding Proposed Map Amendment Z-10-654.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-654 – Planning Staff)

Item 1 is a map amendment initiated by staff. This change from R-7500 (Medium Density Residential) to RR (Rural Residential) would allow for residential use of Tax Parcels 2290001402, 2290001301, 22900012, and 2290001202 located at 5399 Oak Tree Lane SW and off Hale Swamp Road SW (SR 1154) near Shallotte, NC.

This rezoning totals 88.76 acres.

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 from the audience.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 7:11 p.m. The vote of approval was unanimous.

Commissioner Warren moved to approve Second Reading and Adoption of Map Amendment Z-10-654 as recommended by the Planning Board. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

**1. Operation Services Proposed Construction and Demolition Debris Siting Study
(Stephanie Lewis)**

Staff recommends approval of Agreement for Engineering Services with Dewberry to Conduct a Siting Study for the C&D Landfill Expansion and the associated capital project ordinance and budget amendment.

Stephanie Lewis, Operation Services Director, explained that Brunswick County operates a Construction and Demolition Debris (C&D) landfill that is reaching its ultimate capacity. The current permit for the landfill expires on March 28, 2014 and the county is considering a new site for a new C&D landfill. This new site is county-owned land located north of and adjacent to the existing landfill, currently used for wastewater effluent disposal via a drip irrigation system. The county is planning to utilize the land making up zones 10, 11, and 13 of the drip irrigation system for a C&D landfill. Dewberry prepared a report entitled "Municipal Solid Waste Landfill Site Evaluation Brunswick County, North Carolina" dated March 1999 which evaluated the suitability of this site for use as a landfill labeled as Tract 1 in the report. The analysis identified critical factors and a preliminary ranking of the land with regard to geotechnical, geological, hydro geological, and seismic criteria, engineering, environmental, social and political criteria. This land, the existing C&D landfill, and the limits of the Siting Study are identified in Attachment G of the proposal.

Since the land being considered for expansion has been used as a drip-irrigation site, additional historical data review work is anticipated to be required as part of the hydro geological report. This is intended to document the effect (temporary or otherwise) of the application of wastewater effluent to this land has had on groundwater levels and the seasonal high water table. These additional requirements will be addressed as part of this Siting Study. In addition, water quality may be of concern to the NC Division of Water Quality or other regulatory agencies. As the scope of constituents that may be in questions are not known at this time, additional water quality sampling and analysis have been included in additional services.

Based on various interpretations from the Division of Waste Management, Dewberry has been requested to prepare a Siting Study based on Rule .0536 of the January 2007 legislation. The Siting Study will present a characterization of the land, incorporating various investigations and requirements pertinent to suitability of a C&D landfill site. The following components will be addressed in the Siting Study: Characterization Study, Proposed Facility Plan, Site Hydro geologic Report, Floodplain Location Restrictions, Wetlands Location Restrictions, Unstable Area Location Restrictions, Cultural Resources Restrictions, State Nature and Historic Preserve Location Restrictions, Water Supply Watersheds Location Restrictions, Endangered and Threatened Species Location Restrictions, Local government approvals for C&D landfills, and Traffic Study.

After the Siting Study has been accepted and approved by the Division of Waste Management, further evaluations and design work is required prior to obtaining a permit to construct for the new facility. The Division of Waste Management requires an Operations Plan, a Design Hydro geologic Report, an Engineering Plan, Construction Quality Assurance Plan, Closure and Post-Closure Plan, Monitoring Plan, and Financial Assurance. In addition, permits from NC Department of Environment and Natural Resources, NC Division of Water Quality, and the US Army Corps of Engineers will be required.

Dewberry and subcontractors will provide these services based on the following fee breakdown. The Master Agreement with Brunswick County states that the markup on sub-consultants of Dewberry is 15%. Due to the unique nature of Task 9, they have reduced their markup on sub-

consultants from 15% to 10%. The following services will be provided on a lump sum basis unless otherwise noted and certain services are shown as an Hourly Estimate (Hourly) since time associated with these tasks is beyond the control of Dewberry.

A. Siting Study

Dewberry	\$174,500
MACTEC Engineering and Consulting, Inc. (Hydrogeologic, Geotechnical, SHWT, and T&E Species) (Soil Boring/Well Installation)	\$77,000 \$24,200 Hourly
Avioimage Mapping Services, Inc.	\$12,700
Cultural Resources Assessment Group: Archaeology, LLC	\$7,200
Total for Siting Study	\$295,600

B. Report

Report Preparation	\$15,000
Response to Comments	\$15,000 Hourly
Total for Report	\$30,000

C. Meetings

Meetings	\$18,000 Hourly
Total for Meetings	\$18,000
Total (Siting Study + Report + Meetings)	\$343,600

Dewberry recommends that the following contingencies be budgeted to cover additional work that may be required. These allowances take into consideration the Division of Waste Management review process and other issues that may arise as part of the Siting Study. These allowances will be provided on an Hourly Estimate (Hourly).

Surveying	\$10,000
Cultural Resources Assessment Group: Archaeology, LLC (Task A, Subtask 7, Page 7 – Site Survey)	\$10,000
Cultural Resources Assessment Group: Archaeology, LLC (Task A, Subtask 7, Page 7 – Additional Research)	\$10,300
Total Allowances	\$30,300

County Capital Reserve Fund:

Revenues:

Capital Reserve Fund Balance	269800-399100	\$50,000
Appropriated		

Expenditures:

Design & Engineering Study-Landfill	269800-464205	\$(350,000)
Transfer to County Capital Project	269800-498043	\$400,000

County Capital Project Fund:

Revenues:

Transfer from County Capital Reserve	438196-398226	\$400,000
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Expenditures:

Engineering	438196-464001	\$375,000
Contingency	438196-499100	\$25,000

**County of Brunswick, North Carolina
Landfill Closure Project 438196**

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 County Landfill Closure Project:

County Capital Project Fund:

Revenues:

Transfer from County Capital Reserve	\$400,000
Total County Capital Project Fund Revenues	\$400,000

Expenditures:

Engineering	\$375,000
Contingency	\$25,000
Total County Capital Project Fund Expenditures	\$400,000

Section 2. The following amounts are hereby appropriated in the Brunswick County Capital Reserve Fund:

Contributions to the Capital Project	\$400,000
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Section 3. It is estimated that the following revenues will be available in the Brunswick County Capital Reserve Fund:

Current Funds Appropriated	\$400,000
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Section 4. This Capital Project Ordinance shall be entered into the minutes of the March 1, 2010 meeting of the Brunswick County Board of Commissioners.

The above budget amendment and capital project ordinance are to appropriate funds in the amount of \$400,000 for engineering expenditures.

Commissioner Phillips moved to approve the Agreement for Engineering Services with Dewberry to conduct a Siting Study for the C&D Landfill Expansion and the associated capital project ordinance and budget amendment. The vote of approval was unanimous.

2. Finance-Resolution Authorizing Financing Contract for Leland Library and Schedule a Public Hearing (Ann Hardy)

Staff recommends approval of Resolution authorizing negotiation of an installment financing contract for Leland Library not to exceed \$1,072,000 and schedule a Public Hearing for March 15, 2010 at 6:30 p.m.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

Brunswick County Commissioners approved for the County to make application to use the County's Recovery Zone Economic Development Allocation to finance the expansion of the Leland Library.

Current Status

The library is a general government project with the most economical method of financing being an installment financing contract given the plan to use the County's 2/3rd General Obligation Capacity for the assumption of the debt on the Boiling Spring Lakes Water System.

Bond Counsel prepared the documents necessary for the County to negotiate the contract, make application to the LGC, Retail Special Counsel and Placement Agent and hold a public hearing.

Chairman Sue moved to approve the Resolution authorizing the negotiation of an installment financing contract for the Leland Library not to exceed \$1,072,000 and to schedule a Public Hearing for March 15, 2010 at 6:30 p.m. The vote of approval was unanimous.

3. Finance-Resolution Authorizing Application to Local Government Commission for Assumption of Boiling Spring Lakes USDA General Obligation Bond and Schedule a Public Hearing (Ann Hardy)

Staff recommends approval of Resolutions, introduction of bond orders, sworn statement of debt, certification of financing letter to the USDA and schedule a Public Hearing for March 15, 2020 at 6:30 p.m.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

Brunswick County and the City of Boiling Spring Lakes are in agreement to transfer the City's water system to the County and for the County to assume the existing USDA general obligation debt. A County may issue up to 2/3rd's of the amount of General Obligation Bonds retired in the previous fiscal year as General Obligation Bonds without a referendum of the public. General Obligation Bonds provide for repayment thru the pledge of the taxing power of the issuer. General Obligation Bonds do not require that tax revenues be used to repay the debt. Water revenues may be used to repay the debt on the Boiling Spring Lakes water system if a general obligation debt is authorized and issued/assumed.

Current Status

The County has general obligation 2/3rd's debt capacity of \$4.45 million in fiscal year 2009-2010. The USDA assumption requires the County to utilize General Obligation 2/3rd's capacity or hold a referendum since the existing debt is general obligation.

Bond Counsel prepared the documents necessary for the County to issue and assume the debt that includes a resolution for the commissioners' consideration that authorizes the Director of Fiscal Operations to make application to the LGC for the financings and a resolution finding that the bonds are necessary and expedient, that the amounts are adequate, that the County's debt management, budgetary and fiscal management policies have been carried out in compliance with law and that the schedule for issuing the bonds does not require a property tax increase. Also a bond order and calling of a public hearing for March 15, 2010 for the commissioners'

consideration that authorizes the issuance of not to exceed \$4,450,000 of General Obligation bonds for the assumption of the USDA Rural Development City of Boiling Spring Lakes water system debt and a Sworn Statement of Debt executed by the Director of Fiscal Operations filed with the Brunswick County Clerk to the Commissioners and a letter to provide to USDA Rural Development that the County is unable to obtain other feasible financing terms for the City of Boiling Spring Lakes.

Recommendation

Staff recommends approval of the resolutions provided, introduction of bond orders, sworn statement of debt, certification of financing letter to the USDA and the setting of public hearings for the two matters on March 15, 2010.

Commissioner Phillips moved to approve the Resolution authorizing an application to the Local Government Commission for approval of the assumption of the Boiling Spring Lakes USDA General Obligation Bond not to exceed \$4,450,000 with the Brunswick County's 2/3rd General Obligation Bonds, approve the Resolution making certain findings of fact regarding the assumption of the Boiling Spring Lakes USDA General Obligation, approve the Resolution to introduce bond order and schedule a Public Hearing for March 15, 2010 at 6:30 p.m. and approve issuance of sworn statement of debt and certification to USDA Rural Development. The vote of approval was unanimous.

4. County Manager's Report (Marty Lawing)

Marty Lawing, County Manager, informed that the next Census Committee Meeting will be held on March 11, 2010 at 5:30 p.m. and discussed the House Addressing Ordinance indicating that he had appointed Steve Randone, GIS/MIS Director as Addressing Administrator.

Mr. Lawing discussed the annual Municipal Breakfast and it was consensus of the Board to schedule the breakfast for April 1, 2010 at 8:00 a.m. with a possible location change from the Cooperative Extension Conference Room to the Cafeteria.

There was discussion regarding the annual "Free Dump Week" and it was consensus of the Board to offer this service again this year during the week of April 12, 2010.

IX. BOARD APPOINTMENTS

1. Utility Board (St. James appointment)

Commissioner Warren nominated Jim Donnelly. Commissioner Phillips moved to close the nominations. The vote of approval was unanimous. Commissioner Warren moved to approve the appointment of Mr. Donnelly. The vote of approval was unanimous.

Jim Donnelly was appointed to fill the unexpired term of Robert Morrow (resigned) that will expire on January 1, 2011.

2. Economic Development Commission (District 1, 4, and 5 appointments)

Vice-Chairman Norris nominated Dianne McRainey, Commissioner Phillips nominated Donald Ray Long, and Chairman Sue nominated Zack Miller. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Commissioner Warren moved to approve the appointments of Ms. McRainey, Mr. Long and Mr. Miller. The vote of approval was unanimous. Dianne McRainey and Donald Ray Long were reappointed to serve another three-year term that will expire on March 1, 2013. Zack Miller was appointed to fill the expired term of Walter Futch that will expire on March 1, 2013.

3. Brunswick Senior Resources Inc. Board (District 3 appointment)

Commissioner Warren nominated Judy Gordon. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Commissioner Warren moved to approve the appointment of Ms. Gordon. The vote of approval was unanimous. Judy Gordon was appointed to fill the unexpired term of Elsie Hinkhouse (resigned) that will expire on July 1, 2011.

X. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication for Reserve Development Co. LLC (Huey Marshall)

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$33,140 for water lines and \$19,208 for sewer lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for Reserve Development Co. LLC. The vote of approval was unanimous.

2. Closed Session

Commissioner Warren moved to enter Closed Session at 7:41 p.m. pursuant to NCGS 143-318.11 (a) (3) (a) (4) and (a) (6) 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, to discuss matters relating to the location or expansion of business in the area served by this body, to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. The vote of approval was unanimous.

The Chairman called a 10-minute break.

Reconvened

Chairman Sue called the Open Session back to order at 10:22 p.m. and announced that the action taken in Closed Session cannot be disclosed until response from the other party.

XI. OTHER BUSINESS/INFORMAL DISCUSSION

Vice-Chairman reminded the Board of an invitation from the International Affairs Council to meet with the Mayor of Samarra, Iraq to learn about economic development, good governance and city services in the United States. Chairman Sue volunteered the two senior Commissioners to attend this meeting and Commissioners Warren and Cooke indicated that they would like to attend also. The Board directed the Manager to inquire about meeting time and place and inform the Board.

XII. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 10:27 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board