

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
DECEMBER 19, 2011
6:00 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:00 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Phil Norris, Vice-Chairman
Commissioner J. Marty Cooke
Commissioner Charles Warren
Commissioner Scott Phillips
Commissioner William Sue, Chairman

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

Chief Deputy Charlie Miller
1st Sgt. Todd Coring

I. CALL TO ORDER

Chairman Sue called the meeting to order at 6:00 p.m. Commissioner Phillips moved to enter Closed Session at 6:00 p.m. pursuant to NCGS 143-318.11 (a) (3) and (a) (4) 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.

Chairman Sue called the Regular Session to order at 6:41 p.m. and the Attorney announced that the action taken in Closed Session will be revealed upon response from the opposing party. (Attached to these Minutes is an item called Board Action containing all items on this agenda and those items are incorporated herein.)

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Cooke gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

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

1. The Fiscal Operations Director requested to add a budget amendment appropriating a \$7,000 contribution to Economic Development from the Manager's Contingency under V-C.
2. Commissioner Warren requested to add an appointment to the Southeastern Mental Health Board as Item VIII-5.

3. The County Attorney requested to remove Item VII-3, Proposed Building Inspections Agreement with the Town of Sunset Beach as the intended actions are not reflected. This item will be heard at the January 17, 2012 Regular Meeting.
 4. The Clerk to the Board provided copies of page 003 of the packet (amended December 5, 2011 Workshop Minutes) and requested approval as amended.
 5. The Clerk requested to add as Item V-F, a request to schedule a Public Hearing for intent to request CDBG Infrastructure funds for sewer service in Dutchman Acres for January 17, 2012 at 6:30 p.m.
 6. The Assistant Manager requested to add as Item V-G, a request to Transfer Equipment Ownership to the City of Northwest.
 7. Vice-Chairman Norris requested to table Item VIII-3, Nursing Home Advisory Committee appointment.
 8. Commissioner Phillips requested to add as Item X-1, discussion of the incidents occurring around the DSS Board.
- Vice-Chairman Norris moved to approve the agenda as amended. The vote of approval was unanimous.

Commissioner Warren asked for more specifics on the DSS Board discussion that was added to the agenda. Chairman Sue answered that the reason it was added was for discussion. Commissioner Warren asked to discuss what? Chairman Sue answered to discuss the activities that have been going on with the DSS Board for the last few months.

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. Jenny Quaglia, wanted to make the public and press aware of the language in the Social Services Handbook explaining the circumstances under which the Board of Commissioners has the authority to remove Commissioner Warren as a member of the DSS Board in which he currently serves as Chairman in defiance of the Code of Conduct and Code of Ethics, which basically says that all Commissioners must remove themselves from the all but State mandated Boards. Commissioner Warren has been censured and the public has asked for this resignation to no avail. Ms. Quaglia indicated that she has attended several DSS Board meetings and that now Commissioner Warren has gone so far as to threaten a Board member and a member of the press with unlawful arrest, has tried to wrongly suspend a Board member in which he does not have authority to do so, has broken Open Meeting Law and has conducted himself in a most despicable manner. Copies of the language from the Social Services Handbook were provided and Ms. Quaglia read a few short paragraphs aloud.

Commissioner Warren asked if he could respond and the Chairman answered not at this time, this is the Public Comment Section. Commissioner Warren stated “she addressed me directly in Public Comment”. The Chairman answered that this was the Public Comments section and a response would be allowed during the DSS discussion under Other Business. Commissioner Warren answered back that he wanted to respond “in public” and the Chairman answered that he could respond when we get to that part of the agenda.

2. C. G. Robertson apologized to the Board and to the voters of Brunswick County in that this was the first time in 12 years that he had bothered to attend to a Regular Meeting, derelict of his own duty and feels that Commissioner Warren is a disgrace as Commissioner and as Social

Services Board Chairman. Mr. Robertson indicated that he has read the newspapers and is aware that you should not believe everything in the papers but when several different articles, written by several different people, bring forth the same kind of malfeasance in office, then there's reason to believe there's truth there. Mr. Robertson indicated that there is enough truth that it is beyond belief that the other four Commissioners allow Commissioner Warren to continue on the DSS Board and that they are derelict in their duty if they do not remove him just as much as he is guilty of all the malfeasance that has happened with his conduct as Chairman of that Board.

3. Bernest Hewett voiced concerns regarding the Resolution for Voter ID and reminded that a man was just accused of trying to sell a seat and received a 13-year sentence and the news report said that there was 5% voter fraud in that particular state and North Carolina has less than 3%. Mr. Hewett asked the Board to look into this before making a decision indicating that this Board is governed by State Statutes and if he continuously disrupted a meeting, he would be put out of the meeting and these statutes were made to govern Boards so business could be conducted legally. Mr. Hewett asked the Board to pull the Minutes of the DSS meeting and investigate before making a decision because you can't satisfy everyone. Mr. Hewett said that when an investigation is done it will be found that Ms. Sykes was disruptive 99% of the time and if she wants to discuss it with the Commissioners it's fine, but to carry it to the community and he reads in the paper that someone said it was a disgrace, the facts need to be found.

4. Ed Rapp, agreed with Mr. Hewett that an investigation by this Board needs to be done regarding the DSS Board meetings. Mr. Rapp voiced concerns with voter integrity and voter ID as he was part of the voter integrity move in the past two elections and received calls from poll observers regarding irregularities and he personally investigated the situation before it was taken to the Board of Elections. Mr. Rapp indicated that there were a number of irregularities, such as, one person voted twice in two different precincts because he had two different addresses, and reminded that people were caught in Wake County also. Mr. Rapp stressed that it is not easy to catch someone because a picture ID is not required but you can't get a job without a picture ID, you can't buy Sudafed without a picture ID so a lot of people are being disenfranchised because they can't buy Sudafed without an ID. Mr. Rapp indicated that there are ways to take care of people who do not have a picture ID and it would be money well spent. Anyone can go to the Department of Motor Vehicles and get a picture ID and there are private agencies that would probably provide funds to needy people to ensure that our vote counts and our most sacred right, the right to vote, is taken care of.

5. Katheryn Lawler, President of the Brunswick County Republican Women informed that thousands of signed petitions were collected last year in support of voter ID. The Legislature passed the bill and vetoed by the Governor and the Republican Women have spoke with local representatives and asked for their support to override the Governor's veto of House Bill. Ms. Lawler requested approval of the Resolution supporting Voter ID.

6. Lewis Dozier, asked for clarification of voter ID or picture ID because in working the polls during an election, a picture taken 20 years ago does not identify the person that a poll worker is standing in front of on election day. Mr. Dozier felt that the present law, based on statistics, is not worth the change with all the new technology that we have today that confirms if a person is registered to vote and identifies that person in the system. Mr. Dozier feels that our legislators have more important things they should be working on.

7. Lundia Washington, a retired teacher from California who grew up in Georgia has been in the county for about one year marched in Washington in 1965 for voters right for African Americans and feels that we're going backwards when an individual is denied the right to vote without an

ID. This country has given everyone an equal opportunity to vote and by giving a mandate that says you must have an ID to vote, it takes away from those who do not have an ID. Ms. Washington read from an article from The Republic that stated that the Voter Laws would likely be struck down as unconstitutional and any effort by State Legislators to make citizens show photo ID before voting by passing legislation that applies to some counties but not others would likely be unconstitutional according to the top Deputy of Attorney Roy Cooper.

8. Joe Quaglia, completely agrees that every legal citizen in the United States should have the right to vote but at no time in our history have we had more illegal's in this country and therefore, it only makes sense to have reasonable rules in fair elections and requiring voter ID would move us in that direction.

Commissioner Warren asked again to address Ms. Quaglia and the Chairman reminded that he would have the opportunity when it comes up on the agenda. Commissioner Warren stated that he wanted to do it now and did not want to wait, and the Chairman explained that this is not a debate, this is the Public Comment section of the agenda and when we get to that part of the agenda Commissioner Warren could address this issue.

Commissioner Warren stated this has been what is going on at DSS, it's been a debate the whole time, since you appointed Sykes it's been a debate the whole time. Chairman Sue informed Commissioner Warren that he was out of order and Commissioner Warren answered "I'm out of order now, that's what I've been telling her (Sykes) all along". Again, the Chairman reminded Commissioner Warren again that he was out of order.

V. APPROVAL OF CONSENT AGENDA

Vice-Chairman Norris moved to approve the Consent Agenda. The vote of approval was 4 ayes (Norris, Sue, Cooke, Phillips) 1 nay (Warren).

The following items were approved:

- A. **Minutes**
 - 1. **December 5, 2011 Regular Meeting Minutes**
 - 2. **December 5, 2011 Workshop Minutes**

- B. **Tax**
 - 1. **November 2011 Tax Collection Report**
 - 2. **December 2011 Tax Releases**
 - 3. **August 2011 Motor Vehicle Valuation & Levy**

C. Finance

Manager approved budget transfer of \$4,400 from Environmental Health Food & Lodging-Capital Outlay-Vehicles on the road to Animal Services-Contracted in the Health Fund.

General Fund: (Added under Adjustments to the Agenda)

Expenditures:

County Manager's Contingency	109910-499100	\$(7,000)
EDC-Contributions	104920-465100	\$7,000

The budget amendment above is to transfer \$7,000 from commissioner's contingency to increase the Economic Development Contribution.

General Fund:

Revenues:

Miscellaneous Revenue	100000-383900	\$4,750
-----------------------	---------------	---------

Expenditures:

Rent of Equipment	104290-441400	\$4,750
-------------------	---------------	---------

Food Services Fund:

Revenues:

Miscellaneous Revenue	124265-383900	\$4,750
-----------------------	---------------	---------

Expenditures:

Rent of Equipment	124265-441400	\$4,750
-------------------	---------------	---------

The budget amendments above are to appropriate \$9,500 received from CopyPro as a buyout provision of a lease for new copier/scanners for the Tax Administration Department. CopyPro paid the county for the majority of the remaining payments on leased Xerox equipment upon installation of the new machines in the tax department. The Xerox equipment is being re-located to Food Services and the central mailroom. The \$9,500 received from CopyPro is requested to be appropriated for the future lease payments.

General Fund:

Revenues:

Fund Balance Appropriated	100000-399100	\$21,983
---------------------------	---------------	----------

Expenditures:

Transfer to Health Fund	109800-498013	\$21,983
-------------------------	---------------	----------

Health Fund:

Revenues:

Transfer from General Fund	139800-398110	\$21,983
----------------------------	---------------	----------

Expenditures:

COL-Vehicles on the Road	135100-454000	\$21,983
--------------------------	---------------	----------

The budget amendment above is to rollover vehicle fund escrow funds received in FY 11 that were not expended as of 06/30/2011 for use in the program for FY2012. The vehicle escrow funds are accumulated through savings from operating county owned vehicles rather than paying employees the IRS rate when driving their personal vehicles for county business purposes.

Health Fund:

Revenues:

State Revenues Restricted	135186-332000	\$(4,363)
---------------------------	---------------	-----------

Expenditures:

Uniforms	135186-421200	\$(410)
Special Program	135186-423100	\$(97)
Supplies & Materials	135186-426000	\$(91)
Equipment less than \$500	135186-426100	\$(465)
Travel-Mileage	135186-431100	\$(400)
Travel-Subsistence	135186-431200	\$(484)
Travel-Registration	135186-431500	\$(175)
Telephone	135186-432100	\$(1,389)
Training Expense	135186-439500	\$(852)

The budget amendment above is to reduce the appropriate for the Bioterrorism Program due to a reduction in State Funding.

Health Fund:

Revenues:

Gifts & Memorials	135162-383303	\$150
-------------------	---------------	-------

Expenditures:

Special Projects	135162-423104	\$150
------------------	---------------	-------

The budget amendment above is to appropriate gifts & memorials received for the Christmas Family Fund. This fund helps to provide toys and other items for needy families for Christmas.

DSS Fund:

Revenues:

State Revenues Restricted	145310-332000	\$114,745
---------------------------	---------------	-----------

Expenditures:

DSS LIEAP	145310-449906	\$114,745
-----------	---------------	-----------

The budget amendment above is to appropriate additional state funding awarded for use in the new (LIEAP) Low Income Energy Assistance Program in the amount of \$114,745.

General Fund-Legal:

Revenues:

Fund Balance Appropriated	100000-399100	\$95,000
---------------------------	---------------	----------

Expenditures:

Professional Services-Legal	104150-419200	\$95,000
-----------------------------	---------------	----------

The budget amendment above is to appropriate fund balance for professional services legal.

General Fund-GCC Gang Grant:

Revenues:

ARRA Grant Proceeds	104308-331008	\$3,768
---------------------	---------------	---------

Expenditures:

Salaries & Wages-Part time	104308-412600	\$3,500
FICA	104308-418100	\$268

The budget amendment above is to appropriate ARRA Grant Proceeds received for the closing of the GCC Gang Grant.

General Fund-Teen Court:

Revenues:

Fund Balance Appropriated	100000-399100	\$6,205
---------------------------	---------------	---------

Expenditures:

Salary & Wages	104306-412600	\$658
Fica	104306-418100	\$24
Retirement	104306-418200	\$39
Cell Phone Reimbursement	104306-432150	\$650
Miscellaneous Expense	104306-449900	\$4,834

The budget amendment above is to rollover teen court State grant funds received in FY 11 that were not expended as of 06/30/2011 for use in the program for FY2012.

General Fund-Sheriff's Department:

Revenues:

Gifts & Memorials	104310-383303	\$10,093
-------------------	---------------	----------

Expenditures:

Canine Expenses	104310-429201	\$5,518
Contracted Services	104310-439900	\$480
Miscellaneous Expense	104310-449900	\$3,075
Supplies & Materials	104310-426000	\$1,020

The budget amendment above is to appropriate gifts and memorials received in the Sheriff's Department in the amount of \$10,093 as requested by the Sheriff.

General Fund:

Expenditures:

Unemployment Insurance	104140-418304	\$9,090
Unemployment Insurance	104141-418304	\$3,360
Unemployment Insurance	104150-418304	\$5,586
Unemployment Insurance	104159-418304	\$1,207
Unemployment Insurance	104180-418304	\$263
Unemployment Insurance	104280-418304	\$5,902
Unemployment Insurance	104310-418304	\$18,107

Unemployment Insurance	104320-418304	\$24,864
Unemployment Insurance	104332-418304	\$13,130
Unemployment Insurance	104375-418304	\$8,653
Unemployment Insurance	104910-418304	\$46
Unemployment Insurance	104950-418304	\$685
Unemployment Insurance	106130-418304	\$9,808
Unemployment Insurance	106131-418304	\$11
Unemployment Insurance	106134-418304	\$631
Transfer to Food Services	109800-498012	\$5,500
Transfer to Health Fund	109800-498013	\$7,682
Unemployment Insurance	104290-418304	\$(114,525)

Food Services Fund:

Revenues:

Transfer from General Fund	129800-398110	\$5,500
----------------------------	---------------	---------

Expenditures:

Unemployment Insurance	124265-418304	\$5,500
------------------------	---------------	---------

Health Services Fund:

Revenues:

Transfer from General Fund	139800-398110	\$7,682
----------------------------	---------------	---------

Expenditures:

Unemployment Insurance	135169-418304	\$4,640
Unemployment Insurance	135181-418304	\$3,042

The budget amendments above are to transfer funds centrally budgeted for unemployment insurance in the non-departmental budget to the departments that occurred the actual expenditures as billed annually by the NC Employment Security Commission.

Northwest Water Plant Expansion Capital Project Fund

Revenues:

Proceeds 2010 RZEDB	418248-395004	\$(850,000)
Transfer from Wastewater Fund	418248-398661	\$(450,000)

Expenditures:

Construction	418248-464002	\$(1,300,000)
--------------	---------------	---------------

Water Capital Reserve Project Fund

Revenues:

Transfer from Water Fund	419800-398661	\$450,000
--------------------------	---------------	-----------

Expenditures:

Undesignated Funds 419800-464299 \$450,000

The Northwest Water Plant capital project is nearing completion with funds remaining in excess of expenditures needed for the project. The budget amendments above are to return \$450,000 to the Water Capital Reserve Undesignated Fund and appropriate debt proceeds of \$850,000 to the Grey Bridge/Hwy 211 Water Extension Capital Project. The associated capital project ordinance is below.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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 Project Fund for the **Northwest Water Plant Expansion Project:**

Water Capital Project Fund:

Revenues:

Proceeds 2010 RZEDB-Ent System \$11,146,392

Total Water Capital Project Fund Revenues \$11,146,392

Expenditures:

Salary & Wages Reimbursements \$36,000

Fringe Benefits Reimbursement \$11,800

Administration \$175,000

Arch/Eng/Legal \$1,272,010

Construction \$9,651,582

Total Water Capital Project Fund Expenditures \$11,146,392

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 19, 2011 meeting of the Brunswick County Board of Commissioners.

Brickland Wastewater Capital Project Fund

Revenues:

Transfer from Wastewater Fund 448262-398662 \$(363,200)

Expenditures:

Contingency 448262-499100 \$(363,200)

Wastewater Capital Reserve Project Fund

Revenues:

Transfer from Wastewater Fund 449800-398662 \$363,200

Expenditures:

Undesignated Funds 449800-464299 \$363,200

The Bricklanding Wastewater Capital Project is projected to have excess funds over what is needed to complete the project. The county used excess debt proceeds from another project to fund the Bricklanding project. The budget amendments above are to return an initial project advance of \$363,200 to the Wastewater Capital Reserve Undesignated Fund for future projects. The associated capital project ordinance is below.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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

Section 1. The following amounts are hereby appropriated in the Brunswick County Wastewater Capital Project Fund for the **Bricklanding WWTP Project**:

Wastewater Capital Project Fund:

Revenues:

Investment Earnings	\$104,212
Proceeds 2008A Revenue Bond Debt	<u>\$960,337</u>
Total Wastewater Capital Project Fund Revenues	\$1,064,549

Expenditures:

Salary & Wages Reimbursements	\$6,500
Fringe Benefits Reimbursement	\$2,000
Administration	\$1,500
Arch/Eng/Legal	\$64,977
Construction	\$735,557
Land	\$18,500
Contingency	<u>\$235,515</u>
Total Wastewater Capital Project Fund Expenditures	\$1,064,549

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 19, 2011 meeting of the Brunswick County Board of Commissioners.

HWY 74/76 Industrial Park Wastewater Line Capital Project Fund

Revenues:

Investment Earnings	448257-383100	\$678
Proceeds 2010 RZEDB	448257-395004	\$(14,941)
Transfer from Wastewater Fund	448257-398662	\$(113,000)

Expenditures:

Salary & Wages Reimbursement	448257-412990	\$(1,373)
Fringe Benefits Reimbursement	448257-418900	\$(228)

Administration	448257-464000	\$(7,338)
Arch/Eng/Legal	448257-464001	\$(4,608)
Construction	448257-464002	\$(103,601)
Contingency	448257-499100	\$(10,115)

Wastewater Capital Reserve Project Fund

Revenues:

Transfer from Wastewater Fund	449800-398662	\$113,000
-------------------------------	---------------	-----------

Expenditures:

Undesignated Funds	449800-464299	\$113,000
--------------------	---------------	-----------

The Hwy 74/76 wastewater capital project is complete. The budget amendments above are to return \$113,000 to the Wastewater Capital Reserve Undesignated Fund and \$14,941 of the 2010 RZEDB debt proceeds to Sunset Beach Wastewater Project. The associated capital project ordinances are below.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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

Section 1. The following amounts are hereby appropriated in the Brunswick County Wastewater Capital Project Fund for the **Hwy 74/76 Industrial Park WW Line Wastewater Project:**

Wastewater Capital Project Fund:

Revenues:

Investment Earnings	\$678
Proceeds 2010 RZEDB Revenue Bond Debt	<u>\$872,674</u>
Total Wastewater Capital Project Fund Revenues	\$873,352

Expenditures:

Salary & Wages Reimbursements	\$14,627
Fringe Benefits Reimbursement	\$4,772
Administration	\$9,662
Arch/Eng/Legal	\$108,392
Construction	\$669,849
Land	<u>\$66,050</u>
Total Wastewater Capital Project Fund Expenditures	\$873,352

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 19, 2011 meeting of the Brunswick County Board of Commissioners.

Sunset Beach Wastewater Capital Project Fund

Revenues:

Proceeds 2010 RZEDB Revenue Bond Debt	448249-395004	\$14,941
---------------------------------------	---------------	----------

Expenditures:

Contingency	448249-499100	\$14,941
-------------	---------------	----------

The budget amendment above is to close the 74/76 Industrial Park WW Line Wastewater Project and move the unexpended funds of \$14,941 to Sunset Beach Wastewater Capital Project Fund.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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

Section 1. The following amounts are hereby appropriated in the Brunswick County Wastewater Capital Project Fund for the **Sunset Beach Wastewater Project**:

Wastewater Capital Project Fund:

Revenues:

ARRA Grant Proceeds	\$2,000,000
ARRA Stim Debt/Interest Subs	\$675,679
Investment Earnings	\$32,000
Proceeds 2009 RBC Revenue Bonds	\$10,786,000
Proceeds 2010 RZEDB Bonds	\$9,334,901
Proceeds 2010 ARRA Debt Proceeds	<u>\$2,000,000</u>
Total Wastewater Capital Project Fund Revenues	\$24,828,580

Expenditures:

Salary & Wages Reimbursements	\$86,000
Fringe Benefits Reimbursement	\$29,500
Professional Services-Legal	\$5,000
Postage	\$28
Administration	\$237,178
Arch/Eng/Legal	\$2,246,718
Construction	\$18,559,453
Capitalized Interest	\$1,697,447
Land	\$400,199
Contingency	<u>\$1,567,057</u>
Total Wastewater Capital Project Fund Expenditures	\$24,828,580

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 19, 2011 meeting of the Brunswick County Board of Commissioners.

Randolph/Zion/Shingletree Water Line - Capital Project Fund

Revenues:

Investment Earnings	418255-383100	\$862
Proceeds 2010 RZEDB	418255-395004	\$(146,578)

Expenditures:

Salary & Wages Reimbursement	418255-412990	\$(1,134)
Fringe Benefits Reimbursement	418255-418900	\$(251)
Administration	418255-464000	\$(37,085)
Arch/Eng/Legal	418255-464001	\$(38,492)
Construction	418255-464002	\$(68,754)

The water line project is complete. The budget amendment above is to close the project and transfer unexpended 2010 RZEDB debt proceeds funds of \$146,578 to the Grey Bridge/Hwy 211 Extension Project. The associated capital project ordinance is below.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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 Project Fund for the **Randolph/Zion/Shingletree Water Line Water Project:**

Water Capital Project Fund:

Revenues:

Investment Earnings	\$862
Proceeds 2010 RZEDB Revenue Bond Debt	<u>\$1,026,342</u>
Total Water Capital Project Fund Revenues	\$1,027,204

Expenditures:

Salary & Wages Reimbursements	\$866
Fringe Benefits Reimbursement	\$249
Administration	\$12,915
Arch/Eng/Legal	\$115,708
Construction	<u>\$897,466</u>
Total Water Capital Project Fund Expenditures	\$1,027,204

Section 2. This Capital Project Ordinance shall be entered into the minutes of the December 19, 2011 meeting of the Brunswick County Board of Commissioners.

Grey Bridge and Hwy 211 Extension - Capital Project Fund

Revenues:

Transfer from Water Fund	418254-398661	\$(1,363,108)
Proceeds 2010 RZEDB	418254-395004	\$996,578

Expenditures:

Arch/Eng/Legal	418254-464001	\$(9,641)
Construction	418254-464002	\$(356,889)

Grey Bridge and Hwy 211 Extension - Capital Project Fund

Revenues:

Transfer from Water Fund	419800-398661	\$1,363,108
--------------------------	---------------	-------------

Expenditures:

Undesignated Funds	419800-464299	\$1,363,108
--------------------	---------------	-------------

The budget amendments above are to appropriate 2010 RZEDB debt proceeds in the amount of \$996,578 that are recommended to be closed from the Randolph/Zion/Shingletree and the Northwest Water Plant capital projects to the Grey Bridge/Hwy 211 water line project. The Grey Bridge/Hwy 211 project is complete and the budget amendments above are to close that project and use the debt proceeds so that county funds of \$1,363,108 may be returned to undesignated funds in the water capital reserve fund. The associated capital project ordinance is below.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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 Project Fund for the **Grey Bridge and Hwy 211 Water Line Water Project:**

Water Capital Project Fund:

Revenues:

Transfer from Water Fund	\$290,442
Transfer from Water Capital Reserve Fund	\$190,250
Proceeds 2010 RZEDB Revenue Bond Debt	<u>\$996,578</u>
Total Water Capital Project Fund Revenues	\$1,477,270

Expenditures:

Arch/Eng/Legal	\$128,609
Construction	\$1,296,661
Land	<u>\$52,000</u>
Total Water Capital Project Fund Expenditures	\$1,477,270

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

Contributions to the Capital Project Fund	\$290,442
---	------------------

Section 3. It is estimated that the following revenues will be available in the Brunswick County Water Fund:

Current Funds Appropriated **\$290,442**

Section 4. The following amounts are hereby appropriated in the Brunswick County Water Capital Reserve Fund:

Contributions to the Capital Project Fund **\$190,250**

Section 5. It is estimated that the following revenues will be available in the Brunswick County Water Capital Reserve Fund:

Current Funds Appropriated **\$190,250**

Section 6. This Capital Project Ordinance shall be entered into the minutes of the December 19, 2011 meeting of the Brunswick County Board of Commissioners.

County Capital Reserve:

Revenues:

Trans from General Fund 439801-398110 \$(150,000)

Expenditures:

Landfill Cell 1 439801-464336 \$(150,000)

C&D Landfill Expansion Cell 1 County Capital Project Fund:

Revenues:

Transfer from General Fund 438183-398110 \$150,000

Expenditures:

Professional Services-Legal 438183-419200 \$75,000

Arch/Eng/Legal 438183-464001 \$75,000

The budget amendments above are to appropriate funding in the C&D Landfill Expansion Cell 1 Capital project in the amount of \$150,000 for legal fees and engineering fees. The associated capital project ordinance is below.

**County of Brunswick, North Carolina
Brunswick County Capital Project Fund**

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 Project Fund for the **C&D Landfill Expansion Cell 1 Project:**

County Capital Project Fund:

Revenues:

Transfer from General Fund \$2,066,413

Proceeds from 2010 RBC RZEDB IP \$442,300

Total County Capital Project Fund Revenues **\$2,508,713**

Expenditures:

Professional Services-Legal \$200,000

Administration	\$1,200
Arch/Eng/Legal	\$655,535
Land	<u>\$1,651,978</u>
Total County Capital Project Fund Expenditures	\$2,508,713

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

Contributions to the Capital Project Fund	\$2,066,413
---	--------------------

Section 3. It is estimated that the following revenues will be available in the Brunswick County General Fund:

Current Funds Appropriated	\$2,066,413
----------------------------	--------------------

Section 4. The following amounts are hereby appropriated in the Brunswick County Capital Reserve Fund:

Contributions to the Capital Project Fund	\$442,300
---	------------------

Section 5. It is estimated that the following revenues will be available in the Brunswick County Capital Reserve Fund:

Current Funds Appropriated	\$442,300
----------------------------	------------------

Section 6. This Capital Project Ordinance shall be entered into the minutes of the December 19, 2011 meeting of the Brunswick County Board of Commissioners.

D. Proposed Piedmont Natural Gas Company, Inc. Grant of Easement

Staff requests approval of an Easement as the Sutton Plant in Wilmington is converting from coal to natural gas and a conveyance for the natural gas is necessary to maintain electric production capabilities.

E. November 2011 Financial Report

Staff requests to receive the November 2011 Financial Report as information.

F. Community Development (Added under Adjustments to the Agenda)

Staff requests to schedule a Public Hearing on January 17, 2012 at 6:30 p.m. to receive input regarding the intent to request CDBG Infrastructure funds for sewer service in Dutchman Acres in Southport.

G. Parks & Recreation (Added under Adjustments to the Agenda)

Staff requests approve to transfer ownership of equipment (John Deere 650 tractor) to the City of Northwest.

Commissioner Warren interrupted again requesting an Attorney that would represent him and wanted to add that to the agenda. Chairman Sue explained that the Adjustments to the Agenda had already been made and approved and that was when Commissioner Warren had the opportunity to make any additions and now we are acting on the the agenda as approved.

VI. PRESENTATION

1. Southeastern Center for Mental Health (Foster Norman, Director)

Foster Norman, SEMH Director, presented a power point presentation explaining the Creation of a new Regional MH/DD/SA Entity explaining reasons for the merger, Medicaid waiver and how it operates, requirements and merger efforts.

VII. ADMINISTRATIVE REPORT

1. Human Resources-Proposed Retirement Policy Revision (Debbie Barnes)

Debbie Barnes, Human Resources Officer, requested approval for a revision to Brunswick County Retirement Policy which will allow the county to control future cost of retiree health insurance by establishing new parameters for eligibility. Decisions to be made will be whether to increase length of service with Brunswick County to receive retirement medical, to require potential cost sharing same as active employees based on future need or to not provide medical health insurance at all. Those already retired from Brunswick County will not be impacted. Current active employees will remain under the current policy and will not be impacted. Changes will be for anyone hired or rehired after January 1, 2012.

Ms. Barnes informed that the current Retirement Policy does not allow the county to adapt to changing or future needs and limits the county's ability to take actions to reduce or better manage health care costs. With continued rising costs of healthcare, it is essential that this policy be revised. The proposed revisions will provide an opportunity to better manage retiree health care costs and reduce what could be viewed as a tremendous future liability. The changes requested are as follows:

- 1) Remove statement regarding exceptions to the policy; the changes are designed to clearly define parameters for eligibility for retiree health insurance.
- 2) Change eligibility for retiree health insurance for future hires and rehires by only recognizing service with Brunswick County
- 3) Do not provide retiree medical insurance.

Ms. Barnes explained that the original policy states, "retiree's own health insurance coverage will be provided at no cost to the retiree". The original policy for active employee health insurance states, "The County Commissioners will approve for each fiscal calendar year, the medical and dental insurance plan provisions and premiums. Based on this decision, the county may pay all or a portion of the medical premiums for all active, eligible employees". To include this same provision for retiree health insurance; retiree health premium charges will be consistent with whatever is in place for active employees.

Ms. Barnes discussed to institute the option for cost sharing of Medicare Supplement Coverage; this can be kept open or provide the structure of the cost sharing to reward retirees based on length of service. Current policy does not require prescription supplement coverage although it is being provided. If continued, this supplement would be on a cost sharing basis as well.

2.6 For employees hired/rehired on or after 1/1/2012 (option 1)

2.6.1 An eligible employee who retires from Brunswick County through regular retirement with at least ten (10) years of continuous creditable service with Brunswick County or fifteen (15) years of total creditable service with Brunswick County; or who through disability retirement has at least five (5) years of continuous creditable service with Brunswick County may continue his or her own health insurance coverage until age 65.

For example, an eligible employee works for Brunswick County for eight (8) years and their employment with the County terminates (either through RIF or in pursuit of a better opportunity) and they later return to work for Brunswick County for an additional eight (8) years; they will be credited with 16 years of creditable service with Brunswick County.

2.6.2 The cost of the health insurance to be paid by the retiree will be consistent with active employee premiums; the county reserves the right to review on an annual basis the health insurance premiums required at the time of plan renewal as it does with active employees.

(Option B regarding Medicare supplement)

A Medicare Supplement shall be available to eligible retirees who are 65 or older. The County will share in the cost of this benefit based on retiree's years of service with Brunswick County as follows:

- 25+ years of service – 100% paid by the County
- 15 – 24 years of service – 75% paid by the County
- 10 – 14 years of service – 50% paid by the County

Retiree must satisfy requirements for retiree health insurance to qualify for this benefit.

2.6.4 Employees who are over age 65 should consult the Human Resources Department regarding certain options they may have with medical benefits and Medicare.

After much discussion, Commissioner Phillips moved to approve Option 1. The vote of approval was 4 ayes (Phillips, Warren, Sue, Cooke) 1 nay (Norris).

Commissioner Cooke moved to approve Option A and revisit later and then retracted the motion.

Commissioner Warren moved to approve Option B, The vote of approval was 3 ayes (Sue Phillips, Warren) 2 nays (Norris, Cooke).

2. Animal Services – Board of Health Recommended Position (David Stanley)

Respectfully request the County Commissioners to fill one frozen Animal Control Officer Position already funded in this current budget year.

David Stanley, Health Director, explained that Brunswick County Animal Services is currently understaffed as a result of two Animal Control Officer positions being deleted or frozen from the Reduction In Force Plan. The Brunswick County Board of Health unanimously voted to recommend to the Board of Commissioners hiring for one vacant Animal Control Position to prevent further service level reductions to the public. Request for services have increased over the last several years as well as overtime hours worked by staff. The position is not a new position and is already funded in the current budget. A Justification for Vacant Animal Control Officer Position to be Filled was provided in the packet.

There was discussion involving figures that were presented by the Health Director and figures that were provided prior to the meeting.

Commissioner Warren stated that he did not feel there is a conflict with Commissioner Cooke being on the Health Board and he should not vote on this item because it is a total conflict.

Commissioner Cooke informed that he is recused from voting on Health Board issues that will be brought before the Board of Commissioners so he has not previously voted on this issues.

After much discussion Commissioner Cooke moved to fill the position as recommended by the Board of Health. The vote of approval was 1 aye (Cooke) 4 nays (Sue, Norris, Warren, Phillips).

Commissioner Phillips moved to appropriate \$19,000 to the end of the year for contract service and revisit this request during budget discussion. The vote of approval was 2 ayes (Phillips, Cooke) 3 nays (Sue, Norris, Warren).

**3. Building Inspections-Proposed Town of Sunset Beach Agreement (Delaney Aycock)
(Removed under Adjustments to the Agenda)**

4. Utilities – Proposed Amendment No. 1 to the Engineering Contract with AECOM NC, Inc. for the Carolina Shores Wastewater Treatment Plant Improvement Project in the amount of \$95,172.50 (John Nichols)

Staff recommends approving Amendment No. 1 to the Contract of AECOM-North Carolina for the Carolina Shores Wastewater Treatment Plant Improvements.

Approved Amendment No. 1 to the Engineering Contract for the Carolina Shores Wastewater Treatment Plant Improvements with AECOM - North Carolina in the amount of \$95,172.50 for services not included in the original scope of w

During the course of the design of the Carolina Shores Wastewater Treatment Plant (WWTP) Improvements, a number of unforeseen issues arose that require additional engineering services. These are outlined in the attached Supplemental Request and include amounts for additional Construction Administration, additional work based on unforeseen North Carolina Department of Transportation (NCDOT) Encroachment requirements, the design of some Preliminary Engineering Report (PER) Phase II items in Phase I, a driveway to the WWTP from Highway 17 at the request of the Town of Carolina Shores, additional easements, necessary SCADA tower upgrades, and additional force main tie-ins for operational flexibility during construction.

During the original scoping, a construction administration time of 270 days was assumed. Based on the necessity to maintain operations during the entire construction period, it was determined during design that a phased construction plan would be needed that required a construction time of 455 days. This additional construction administration is valued at \$22,900.

Some items identified in the Preliminary Engineering Report as Phase II items can be designed and bid as an alternate in Phase I to take advantage of the current construction values. After receiving bids, county staff can determine if the bid prices present a good enough value to include in the construction contract. This includes the scum pump station replacement, clarifier valves, and sludge holding tank valve replacements. This design work is valued at \$20,500.

Design of the driveway and highway improvements for the new WWTP costs \$8,250; SCADA tower design is valued at \$4,000; NCDOT required additions cost \$5,175; additional survey and easements cost \$5,847.50; addition of alternates is valued at \$8,700; additional filter rehabilitation cost is \$6,000; and additional force main work cost is \$13,800. The Supplemental Request further documents each specific item.

Staff recommends approval of Amendment No. 1 to the Engineering Contract for the Carolina Shores Wastewater Treatment Plant Improvements increasing the contract amount by \$95,172.50

Vice-Chairman Norris moved to approve Amendment No. 1 to the Contract of AECOM-North Carolina for the Carolina Shores Wastewater Treatment Plant Improvements in the amount of \$95,172.50. The vote of approval was unanimous.

5. Utilities – Proposed Final Adjusting Changer Order No. 3 with Wharton Smith, Inc. for the Northwest Water Treatment Plant Improvements Phase 1 (John Nichols)

Staff recommends approving Final Adjusting Change Order to the Contract of Wharton-Smith, Inc. for Phase I of the Northwest Water Treatment Plant Improvements.

John Nichols, Utility Operations Assistant Director, explained that this change order reflects multiple additions and deductions to both lump sum and unit price items that adjust the total project scope of work. A complete list of these additions and deductions with associated values is

provided on the Change Order form. The net result is deductive in the amount of \$558,140.80. Previous change orders had reduced the contract value by \$912,603.18

Chairman Sue moved to approve the Final Adjusting Change Order No. 3 with Wharton-Smith, Inc., for the Northwest Water Treatment Plant Improvements deductive in the amount of \$558,140.80 reducing the contract value from \$9,935,196.82 to \$9,377,056.02. The vote of approval was unanimous.

6. Utilities – Proposed AECOM Technical Services of NC, Inc Contract Amendment No. 1 for the NC 211 Wetlands Remediation Project in the amount of \$79,408.00 (Jerry Pierce)

Staff recommends approving Amendment No. 1 to the Contract of AECOM Technical Services of NC, Inc. and the associated budget amendment.

Jerry Pierce, Utility Operations Director, explained that during the beginning stages of operating the NC 211 Water Treatment Plant, lime water plant sludge was discharged to the adjacent wetlands during unusual operating conditions such as heavy rainfall events. Based upon North Carolina Department of Environment and Natural Resources (NC DENR) reports, the lime sludge has been in the wetlands for more than 10 years. The NC DENR is now requiring removal of water plant sludge from the wetland adjacent to the NC 211 Water Treatment Plant. The county hired AECOM to develop a scope of work to remove the sludge from the wetlands. The scope of work has been reviewed and approved by NC DENR.

The proposed contract amendment includes the preparation of plans and specifications based upon the NC DENR approved scope of work. Due to the complex nature of the work, the contractor for this project will be prequalified and proposals will be received from qualified contractors. Due to the NC DENR requirements, the county will have to have qualified inspectors with wetland remediation experience on the job site during the construction period. The NC DENR also requires monitoring after the construction is completed.

County staff recommends approval of Contract Amendment No. 1 with AECOM for the design, construction inspection, construction administration, and wetland monitoring for the wetlands remediation project adjacent to the NC 211 Water Treatment Plant in the amount of \$79,408.00 and the associated budget amendment

Water Fund:

Revenues:

Water Sales-Irrigation	617110-371319	\$80,000
------------------------	---------------	----------

Expenditures:

COL-Water Projects	617130-459017	\$80,000
--------------------	---------------	----------

Commissioner Warren moved to approve Contract Amendment No. 1 with AECOM Technical Services of NC, Inc., for design, construction inspection, construction administration, and wetland monitoring for the wetlands remediation project adjacent to the NC 211 Water Treatment Plant in the amount of \$79,408.00 and the associated budget amendment. The vote of approval was unanimous.

7. Utilities – Proposed Revised Sewer Service Agreement Amendment with the City of Northwest (Jerry Pierce)

Staff recommends approving Sewer Service Agreement Amendment with the City of Northwest.

Jerry Pierce, Utility Operations Director, informed that the City of Northwest submitted a request to reduce their capacity in the proposed expansion of the Northeast Brunswick Regional Wastewater System from 133,650 gpd to 45,000 gpd. At their November 7, 2011, meeting, the Board of Commissioners agreed to allow the City of Northwest to reduce their requested capacity by 88,650 gpd. The county offered the additional capacity to all of the other utilities that contribute wastewater to the Northeast Brunswick Regional Wastewater System and none of the utilities expressed an interest in the additional capacity. At their November 7, 2011, meeting, the Board of Commissioners agreed to assume the responsibility for the additional wastewater treatment capacity.

A revised Sewer Service Agreement Amendment was provided to the City of Northwest that reduced their allocation in the expansion of the Northeast Brunswick Regional Wastewater System from 133,650 gpd to 45,000 gpd. The revised amendment has been signed by the Mayor on behalf of the City of Northwest and returned to the county. County staff recommends authorizing the Chairman and Clerk to the Board to execute the revised Sewer Service Agreement Amendment on behalf of the county.

Vice-Chairman Norris moved to approve the Sewer Service Agreement Amendment with the City of Northwest reducing the collocated capacity in the NE Brunswick Regional Wastewater System from 133,650 to 45,000 gpd. The vote of approval was unanimous.

8. Finance-Resolution Making Certain Statement of Fact Concerning Proposed Bond Issue-Bond Order (Ann Hardy)

Staff recommends approving Resolutions, Bond Order and Plan to Reduce the Term of the Boiling Spring Lakes Debt.

Background Information

The county is in the process of refunding (refinancing) outstanding general obligation bonds of the county where cost savings are 3% or greater. The county adopted resolutions and bond orders on 12/5/11 for \$8,820,000 principal debt owed on the 2003 School General Obligation Bonds and \$4,285,000 principal debt owed on the 2005 Boiling Spring Lakes General Obligation Water Bonds.

Current Situation

The market has improved and it now appears that the county can also refund the 2004 School GO Bonds which fully mature in 2021. The 2004 bonds are projecting possible gross savings of \$258,298 which equates to present value savings of \$235,643 after deducting all fees. The term of the bonds is not extended.

In performing additional analysis of the 2005 Boiling Spring Lakes GO Bonds, it appears that it is worthwhile to use approximately \$75,000 of the annual debt service savings that the county will achieve in refunding the 2004 Revenue Bonds to further shorten the term. By paying an additional \$75,000 per year and refinancing from an average rate of 4.25% to an estimated rate of 3.13%, the county can eliminate 15 years of debt service for gross savings of \$2,199,773 which equates to present value savings of \$970,130 after deducting all fees. The bonds would fully mature in 2031 rather than 2046.

In summary, the refunding of all the general obligation bonds that are proposed for refunding thru the issuance of the Series 2012 General Obligation Bonds the estimated savings is 8.5%. The gross cash savings after deducting fees and the additional principal payments on the Boiling

Spring Lake debt is \$2,882,947 with a present value of \$1,702,307. Total fees are estimated at \$198,529.

Bond Counsel prepared the Resolution for the Board of Commissioners to consider which makes certain findings of fact that must be presented to the Local Government Commission to make certain determinations as set forth in Article 4 of the General Statutes, Section 52. The highlights of the findings are that refunding is necessary to lower debt service costs to the county, that the amount of the bonds is adequate and not excessive, that the county has good debt and budget management policies and carries them out in compliance with the laws, that no property tax increase is required for the refunding and names the financing team to include the County Manager, Director of Fiscal Operations, advice of County Attorney, Parker Poe Adams & Bernstein, Robert W. Baird & Co. and McGuire Woods. BB&T has been selected to act as a co-manager on all of the bond refunding. The co-manager will assist the underwriter with marketing the bonds and receives commissions at the same rate as the underwriter.

Bond Counsel prepared the Bond Order authorizing the issuance of not to exceed \$7.8 million General Obligation Refunding Bonds that authorizes for the issuance of the bonds and gives notice that a sworn statement of debt has been provided to the County Clerk and directing the Clerk to publish a notice of adoption.

Recommendation

Staff recommends that the commissioners consider approval of the Resolution and Bond Order and authorize the Clerk to publish the bond order in the local media. Staff recommends that the commissioners consider approval of the plan to reduce the term of the Boiling Spring Lakes bonds by 15 years to achieve additional savings

Commissioner Phillips moved to approve the Resolutions, Bond Order and Plan to Reduce the Term of the Boiling Spring Lakes Debt. The vote of approval was unanimous.

9. Administration-Hospital Negotiations Update (Marty Lawing)

Staff recommends reviewing and discussing the Revised Hospital Purchase Proposal of Crown Management Group, LLC.

Marty Lawing, County Manager, explained that the county has solicited bids / proposals for the purchase of the former Brunswick Community Hospital property. One proposal was received by the established deadline of November 15, 2011. Crown Management Group, LLC submitted a proposal of \$500,000. The Board of Commissioners decided at their regular meeting on November 21, 2011 that an acceptable purchase price should be in the \$2.5 million range.

Additional negotiations have been held with Crown Management and they agreed to submit a revised proposal for the Board's consideration in the amount of \$1,500,000. Under the upset bid method of property disposition, if the offer is acceptable, the offeror would be required to post a deposit equal to five percent (5%) of the bid with the Clerk who shall publish a notice of the offer. Within 10 days any person may raise the bid by not less than ten percent (10%) of the first \$1,000.00 and five percent (5%) of the remainder.

Chairman Sue moved to direct staff to proceed with the bid process. The vote of approval was unanimous.

(Note: A check in the amount of \$75,000 was received on December 29, 2011 from Crown Management Group, LLC for a 5% deposit on the former Brunswick Community Hospital property.)

10. Administration – Proposed Resolution Requesting the Legislative Delegation to introduce a Local Bill requiring voter identification prior to voting in local elections (Marty Lawing)

Staff recommends considering Resolution.

Marty Lawing, County Manager, requested approval of a Resolution Requesting the Legislative Delegation to Support the Gubernatorial Veto Override of House Bill 351 or Introduce a Local Bill Requiring Voter Identification Prior to Voting in Local Elections.

Marty Lawing, County Manager, explained that House Bill 351, “An Act to Restore Confidence in Government by Requiring that Voters Provide Photo Identification before Voting” was adopted in the 2011 Session of the General Assembly, but vetoed by the Governor. Subsequent to the Governor’s veto, a number of counties have adopted resolutions requesting that their legislative delegation introduce legislation to require photo identification at the county level. The idea was for multiple local bills to be enacted across the state that would not be subject to veto by the Governor. However, a recent N.C. Attorney General opinion indicates that there may be equal protection and constitutional issues with this approach that make this approach impractical or not feasible.

A Resolution has been drafted for the Board’s consideration that requests the Brunswick County legislative delegations support for the override of a gubernatorial veto of House Bill 351 or to introduce a similar bill providing for a statewide photo ID requirement for voters in future elections. A copy of the resolution and the Attorney General opinion were provided along with a ratified copy of House Bill 351 that was vetoed by the Governor.

Commissioner Phillips clarified that if an individual does not have a valid Driver’s License or photo ID, the Board of Elections would provide a voter ID.

Commissioner Warren stated that related to businesses coming to Brunswick County, things such as Voter ID and Immigration Laws and what had happened in the State of Alabama, that has Voter ID Laws and Immigration Laws, an immigrant was stopped by Law Enforcement and he didn’t have the proper ID and word got back to the company in Germany and now they are boycotting all of Alabama so the Governor is trying walk that back, those laws that have been passed. Commissioner Warren indicated that we can jump out and do things and not really think about it, as far as we stand here in Brunswick County, we don’t have any businesses, and when we do have some coming from forth, if we’re going to have all these strict laws being enforced by Law Enforcement which is going to create a back lash when it comes to business moving into this county. Commissioner Warren stated that he is not in favor of just passing laws just to pass laws and pass Resolutions, just to be passing Resolutions and if we really think about this, we might wind up getting in the same position as Alabama and businesses may end up going down to South Carolina and it may also happen to them pretty soon so he does not support this issue.

Commissioner Cooke indicated that the two demographics mentioned were the elderly, indicating that his mother is 85 years old and she does have an ID, and the other was college students and he has one child in college that is required to have an ID and that a lot of the time, the people who are disenfranchised are the individuals who are basically helpless and unable to be able to substantiate certain things. Sometimes the elderly are being taken advantage of when someone comes in without an ID. Although we only have 3%, we don’t entirely know because based on the way they purge the records in NC, conceivably a person could be deceased and can still “vote” so unless we have some means to validate who these individuals are, other than just looking at them and them stating their name. We need to make sure that these freedoms that

we've worked so hard to maintain will be instilled and continued and believes very strongly that this should be passed.

Commissioner Warren indicated that a study has been done by the NAACP and different other groups to prove that basically the elderly, the blacks, Hispanics, the low income whites and college students, are going to be the ones that will be disenfranchised. We're always talking about encouraging people to vote and here we are passing a resolution that is going to disenfranchise them. A lot of college students say their college ID will not be accepted. If you have elderly people who can't get to the Board of Elections, and they have to do absentee ballots or either get someone to take them to the polls and they don't have an ID, it's just a form of disenfranchise, that's where I stand and I'm in favor of people being able to go and cast that one vote. Today, when you go to the polls they ask for your name and your address and put it into the computer and the system tells you who it is and they ask you is this your address and you say yes and if I lie and I vote, then I could be arrested but the idea is, based on the number of people that have fraudulently voted, it's a non-entity, there's nothing there. With 3% fraudulent voting, there are a whole lot of other pressing issues in Brunswick County than to be dealing with this but it's the Board's prerogative.

Commissioner Cooke moved to approve the Resolution Requesting the Legislative Delegation to Support the Gubernatorial Veto Override of House Bill 351 or Introduce a Local Bill Requiring Voter Identification Prior to Voting in Local Elections. The vote of approval was 4 ayes (Cooke, Norris, Sue, Phillips) 1 nay (Warren).

VIII. BOARD APPOINTMENTS

1. Commissioner Board Appointments

Commissioner Phillips moved that the appointments remain the same in 2012. The vote of approval was unanimous.

2. Child Fatality Prevention Team Recommended Appointment

Vice-Chairman Norris moved to approve the recommended appointment of Holly Locklear as the Law Enforcement Officer representative from the Sheriff's Office. The vote of approval was unanimous.

3. Nursing Home Community Advisory Committee (District 1) (Tabled under Adjustments to the Agenda)

4. Coastal Resources Commission (2 appointments)

Chairman Sue nominated Commissioner Cooke as the At-Large appointment to the Coastal Resources Commission. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the nomination of Commissioner Cooke. The vote of approval was unanimous.

5. Southeastern Mental Health (Added under Adjustments to the Agenda)

Commissioner Warren nominated Lundia Washington. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Commissioner Warren moved to approve the appointment of Ms. Washington. The vote of approval was 4 ayes (Warren, Phillips, Norris, Cooke) 1 nay (Sue).

IX. COUNTY ATTORNEY'S REPORT

There were no items at this time.

X. OTHER BUSINESS/INFORMAL DISCUSSION

1. DSS Board Discussion (Added under Adjustments to the Agenda)

Chairman Sue explained that within the past year and lot of activity has happened in regards to the DSS Board meetings. During the past few meetings the activity seems to have escalated and the Board feels the need for discussion.

Chairman Sue moved to set a Hearing for January 17, 2012 for the purpose to determine cause for the removal of Commissioner Warren from the DSS Board. At that time, Commissioner Warren and the other Commissioners may furnish witnesses who have first-hand knowledge of the DSS meetings and will determine if there are grounds for removal.

The following is a verbatim account of the remainder of the DSS Board Discussion.

Warren: I just have a question on that, I'm trying to figure out why is this, give me some information about why the hearing is. Tell me why there's a hearing, you said a hearing.

Sue: There's a hearing because of your behavior on the Board over there, Mr. Warren. Number 1, you have suspended a member of the DSS Board who was appointed by this Commission and you do not have that authority. We appointed them and we're the only ones that can take them off.

Warren: I didn't say I took her off, I suspended her.

Sue: You suspended her, there's no difference. She cannot represent us.

Warren: There is a big difference. Well, let me explain to you, all right, I'll tell you this right out here in the, because, this whole thing is nothing but political. When she was appointed to this Board, that was done through politics. The reason that every meeting that she comes up, her and Jenny Quaglia, every meeting that they come to, they're asking for my resignation. All right, that's politics because you is the one that is constantly pushing this as the Chairman so now, the resolution, and it goes back, this is not the first thing, I'm going to give yall a litany of things that have happened that has been to the point that you thought that you was gonna... I was gonna do something so that you could have somebody to run against me and win. Number 1, when you came up and you made the recommendation and a motion that we support the megaport, all right, now in my district, we had Bald Head Island, we had Southport, we had Caswell, we had Oak Island, we had St. James, we had Boiling Spring Lakes, all had voted against a resolution, but you go to two black towns, you go down into Navassa and Northwest and have them to pass a resolution in support of it, looking for me to go ahead on and vote with you guys so that I can get challenged in the election, that's number 1.

Number 2 is, Mr. Phillips indicated that it was brought up because of the emails that he had received, is the reason he made it. There was only 3 emails period, that I've seen that anybody made any statement at all regarding this, that DSS transaction which came from the same people, basically that stand up here and always calling for my resignation. Now, we have 107,000 peoples in Brunswick County and we get 3 emails and we here taking some action on 3 emails. All right, to me I feel that this whole thing from Sykes, from Aquilla (Quaglia) to even the members of this Board is nothing but a bunch of racists. I'm calling you all out because this whole thing have been going on for 6 months. Sykes has been constantly disrespecting this Chair. Sykes has constantly, ever since she been on the Board, I ask her to raise her right hand, put her right hand on the Bible and raise her, no, put her left hand on the Bible and raise her right

hand, she put her right hand on the Bible and raise her left hand. She has been defiant, constantly interrupt, constantly trying to tell other people about how to do. I gave her the opportunity for 6 months to change her behavior, we even sent her up to, went up to Hickory, NC to a Board training and she came back last month and she was worse than she were before she even went to the training so now you telling me that it's me, all right.

Sue: Mr. Warren...

Warren: No, I haven't finished, listen I'm, they got up and they talked, so I'm talking, so just give me time, all right.

Norris: Just let him finish

Sue: All right, finish your story.

Warren: Secondly, she came in that meeting with her same crew, the same tea partiers, they all came in the meeting together, all they do is come in and create chaos, so they walk into this meeting and I'm always being insulted in front of DSS Board, insulted in front of this Board, all right, so, it's just a regular routine and I have constantly given her every opportunity to get in line and to follow the rules. Now you talking about an embarrassment, for 6 months it's been an embarrassment every time we go to a meeting with everything that she does and also, she's always going to the media and what the DSS Board is about is serving the citizens of Brunswick County, all right. That's why it's over there, to serve the people, it's not there to serve her political agenda, its not there to serve your political agenda, neither one of yall. So I'm just telling you, today is the day, all right. And if you want to move forward with it, I mean we can come to the hearing, I can deal with it but the idea is, it's just, I have been constantly and I'm not upset, I'm not angry, I just want people to treat people the way that they would want to be treated in the same situation, you know, I'm a God fearing man, all right, God leads me, okay and I follow him, so whatever you want to do, you do it, I don't have a problem with it.

Sue: Are you through?

Warren: Yes sir, thank you.

Sue: Now, you made the statement that I had gone to Navassa and Northwest and asked them to pass resolutions in favor of the port. I would like for you to provide me with the individual I talked to and when I talked to them because, I can tell you, I have never talked to any of the about a resolution in favor of the port.

Warren: Well, you told me that Bill Rabon was pushing this and Frank Iler had voted for it.

Sue: No, I said he was pushing a Feasibility Study. That's what our resolution was for, a Feasibility Study.

Warren: When I spoke to the young lady from the US Ports, she said Rabon wouldn't return her calls, nor Frank Iler. So, now...

Sue: You've changed the subject Mr. Warren.

Warren: No, you changed the subject.

Sue: You made the statement that I'd gone over there for political reasons and talked to people at Navassa and Northwest to get them to pass a resolution in favor of the port.

Warren: yes sir.

Sue: And I never did it, you're lying.

Warren: No, you're lying.

Sue: No, you bring the witnesses, you're going to have the opportunity to bring those witnesses that I told them to pass a resolution at Navassa and Northwest and that will be on the 17th.

Warren: Sounds great. I'll bring a bus load. That's not the only lie that you told me in public comments, I mean you told me other lies about one thing that came here from the Health Department, you know, well, we got to make these appointments, Scott Phillips and you, we have to make 2 appointments in order for us to have a quorum. Now when I asked the County Attorney about how many people was on the Health Board, there was 11, so how would 2 not being appoint is going to keep them from having a meeting.

Sue: I don't know but I was told that by a Health Department employee.

Warren: Well, I guess they lied.

Sue: Well, again, we'll have the hearing to determine whether or not we have cause to remove you from the DSS Board.

Warren: Thank you sir.

Norris: We have to vote on it.

Sue: We'll vote on it, that's the motion, any more discussion,

Norris: Mr. Chairman, if I may, Mr. Warren, I don't appreciate you calling me a racist, I voted to put you on the DSS Board, as did the rest of these Commissioners, with faith in you that you would do your job. The only reason this has happened, pick up a newspaper..

Warren: Well, somebody...

Norris: Now, it's my turn to talk.

Warren: All right, we pick up newspapers all the time..

Norris: It's my turn to talk..

Sue: Mr. Warren, you're out of order

Warren: Yea, so what, Sykes is always out of order.

Sue: So what, you are out of order, be quiet, you've had your say, I asked you if you were through and you said yes.

Warren: Well, don't tell me to be quiet, well you don't tell me. Call the Sheriff and take me out, arrest me.

Sue: I can do that, I have that authority and if you don't be quiet, I will.

Warren: Well, you do it then,

Sue: Are you going to be quiet and let him talk, you've had your say.

Warren: No sir, no, I'm not going to be quiet.

Sue: Well, if you speak up again, I'm going to have the Sheriff take you out. Mr. Norris you have the floor.

Warren: Well, and one other thing we talking about,

Sue: Sheriff would you remove Mr. Warren.

Warren: The whole Code of Ethics was a fraud designed to

Marshall: Mr Chairman prior to removal, under 318.17 there has to be an order to remove.

Sue: Mr. Warren are you going to be quiet?

Warren: Go ahead, make your order, no, I'm not going to be quiet.

Sue: Well, I'm going to order you to remove yourself from the chambers.

Warren: Well, I'm not leaving, so then let the Sheriff come and take me.

Sue: OK, Sheriff. Now, will you complete your statement (Norris).

Norris: Well, I think Mr. Warren has already completed it for me. I have nothing else to say.

Warren: I glad I got two Sheriff's here, make sure the media's got this, I got two Sheriff's, no I got three, hey, you know I'm a danger to society.

Sue: All in favor of the motion to set the hearing for just cause for removal

Warren: (unintelligible)

Marshall: Mr. Warren has to be presented with a statement as to why he is being removed and there has to be publication for the setting of the hearing.

Warren: Merry Christmas.

Staff presented a statement that will be sent to Commissioner Warren that he is being challenged for removal for the abuse of his discretion as DSS Chair by removing members and media representatives from open meetings and threatening members of the DSS Board with suspension. The Clerk will post that to Mr. Warren and the hearing will be advertised.

After a short discussion, Chairman Sue moved to approve to schedule a Hearing for January 17, 2012 at 6:30 p.m. and instruct the Clerk to send notification to Mr. Warren that he is being challenged for removal from the Department of Social Services Board for the abuse of his discretion as DSS Chair by removing members and media representatives from open meetings and threatening members of the DSS Board with suspension. The vote of approval was 4 ayes (Sue, Norris, Cooke, Phillips) (Commissioner Warren absent).

XI. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 9:18 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, NCCCC
Clerk to the Board