

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
DECEMBER 18, 2006
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, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner William Sue, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner Phil Norris

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

ABSENT: Steve Stone, Assistant County Manager

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS/APPROVAL OF AGENDA

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

1. Vice-Chairman Sue requested to add a District 5 appointment to the Utility Operations Board as item IX-2.

Commissioner Moore moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer 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. Franklin Randolph of Bolivia voiced concerns about the Piney Grove Head Start facility that the Health Department has condemned due to a failing sewer system. Mr. Randolph stated that the Head Start program has an income of approximately \$500,000 per year and with this condemnation the program is spending \$2500 per month to have the system pumped so they can continue with the Head Start classes. Mr. Randolph asked for the Board's support for a solution to their problem.

V. APPROVAL OF CONSENT AGENDA

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

A. Minutes

B. Tax Matters

1. August 2006 Motor Vehicle Valuation & Levy
2. December 2006 Tax – Fire Fee Releases
3. November 2006 Collection Report

C. Finance

- 1) General Fund Amendment 51-Increase \$30,195

The District Attorney's Office had unexpended funds of \$30,195 as of June 30, 2006. The funds rolled into fund balance at the end of the fiscal year. The department requested and staff

recommends that the funds of \$30,195 be appropriated for Salaries and Wages \$9,960, Salaries and Wages-Temporary and Part-time \$1,426, FICA \$1,615, Office Supplies & Materials \$4,883, Operating Equipment \$1,200, Supplies \$3,108, Travel \$1,500, \$2,712, Miscellaneous \$1,092, Capital Outlay-Data \$746, Contributions \$1,953

2) County Capital Project Amendment 8-Increase \$75,000

The County received \$75,000 from the Felburn Foundation for the Rourk Library Capital Project. Staff recommends appropriation of \$75,000 for construction expenditures and amendment the capital project ordinance.

3) General Fund Amendment 52-Increase \$111,466

The Coastal Watershed Management Grant Fund had unexpended funds of \$111,466 as of June 30, 2006. The budget expired at the end of the fiscal year. Staff recommends appropriation of the funds of \$111,466 in the current fiscal year as originally appropriated for office supplies and materials \$5,000, Computer Software \$7,500, Miscellaneous Supplies \$12,000, Travel-subsistence \$6,215 and Contract Services \$80,751.

4) General Fund Amendment 53-Transfer \$15,000 from contingency to Governing Board

Staff recommends appropriation of \$15,000 of contingency funds for expenses of the ordinance books.

D. Tri Beach Volunteer Fire Department Resolution

Staff requests approval of a Resolution associated with a Financing Agreement for the Tri-Beach Volunteer Fire Department Inc. of up to \$913,000.00 for the Fire Department Building (Station #3) Project.

E. Social Services – Position Reclassification

Staff request approval of a position reclassification from Child Support Agent II to Social Worker III due to case load growth with an annual salary difference increase of \$6,339.00.

F. Abandonment Chadwick Way (SR 1233) & Village Point Road (SR 1145)

The North Carolina Department of Transportation has submitted requests for roadway abandonment from adjacent property owners on a section of Chadwick Way (SR 1233) and a section of Village Point Road (SR 1145).

G. Abandonment of Sommersett Road (SR 1161)

The North Carolina Department of Transportation has submitted requests for roadway abandonment from adjacent property owners on a section of Sommersett Road (SR 1161).

H. Interlocal Agreements with North Carolina Association of County Commissioners

Staff recommends that the Board of Commissioners approve providing additional signed copies of the updated Interlocal Agreements with NCACC.

I. Clerk Compensaton

Request approval for compensation of 39 hours for Clerk compensatory time.

VI. PRESENTATION

1. Operation Services – Oyster Shell Recycling Program (Jennifer Whitley)

Ms. Sabrina Varnam, Regional Recycling Coordinator, NC Division of Marine Fisheries, gave a “Trash to Treasure” power point presentation, explaining the process of oyster shell recycling and its benefits to our coastal waters in eastern North Carolina. Ms. Varnam explained that recycle bins are located throughout the county for convenient disposal of oyster shells.

VIII. ADMINISTRATIVE REPORT

1. Operation Services – Dewberry & Davis, Inc. C&D Landfill Contract (Stephanie Lewis)

Staff recommends that the Board of Commissioners approve agreements with Dewberry & Davis, Inc. for Professional Services related to expansion/relocation of the County’s C&D Landfill.

Stephanie Lewis, Operation Services Assistant Director explained that in July of this year, staff released a Request for Proposals for professional services to assist in the management of the C&D waste stream and in the expansion/relocation of our C&D landfill. Five firms submitted proposals. A staff team of six evaluated the proposals and selected two firms for interviews. At this time, staff recommends to engage Dewberry & Davis, Inc. to provide the needed services. The proposed contract addresses the first task order of the scope of work, which is a Feasibility

Study and includes: hauling cost evaluation, transfer station economic analysis, area 6C expansion, and the expansion onto adjacent property.

Subsequent task orders for additional services will be submitted for the Board's approval as the project progresses.

Commissioner Moore moved to approve Agreements with Dewberry & Davis, Inc. for Professional Services related to Expansion/Relocation of the County's C&D Landfill. The vote of approval was unanimous.

2. Engineering – Water & Sewer Availability Fee (Jeff Phillips)

Staff recommends that the Board of Commissioners amend the mandatory connection ordinance to eliminate the one year waiting period for charging the availability fee.

Jeff Phillips, Engineering Services Director explained that currently there is a one year waiting period before property owners are charged the availability fee. Since the fire protection begins immediately, the Utility Operations Board feels that the charge should begin immediately. Also, with property ownership changing frequently, it is difficult for staff to keep up with billing charges, therefore, the UOB voted on December 5, 2006 to make a recommendation that the Board of Commissioners approve the water and sewer availability fee will begin at the commencement of operation of water lines or wastewater lines.

Vice-Chairman Sue moved to amend the Mandatory Connection Ordinance to eliminate the one year waiting period for charging the availability fee. The vote of approval was unanimous.

ORDINANCE OF MANDATORY CONNECTION, AMENDED

THE BRUNSWICK COUNTY COMMISSIONERS,

meeting in Regular Session on the 18th day of December, 2006, do hereby adopt and establish the following Ordinance to expand the customer base of the County's water system, promote uniformity in the provision of water service throughout the County of Brunswick, and attempt to anticipate and meet the future needs of the water service customers of the County:

With the passage of this amended Ordinance, along all existing water lines or wastewater lines and all water lines or wastewater lines hereafter constructed and placed into operation, all owners of developed property within Brunswick County on which there are situated one or more residential dwelling units or commercial establishments served or to be served by a water line or sewer collection line owned or operated by Brunswick County or on behalf of Brunswick County shall be required to connect said owner's premises with the water line or sewer collection line, respectively, owned or operated by Brunswick County or on behalf of Brunswick County. Brunswick County may fix the charges for these connections. These charges shall be set according to a fixed schedule of fees as determined by the Brunswick County Utility Operations Board, subject to the approval of the Brunswick County Board of Commissioners. A fixed schedule of fees as approved shall be maintained in the Office of the Clerk to the Board of Commissioners and in the Office of the Clerk to the Utilities Operations Board. All owners of any improved property that would qualify for the issuance of a building permit for the construction of one or more residential dwelling units or commercial establishments that is served by a water line or a wastewater line or a combination thereof directly available to the property shall be required to pay a periodic availability charge and to connect to the said system, either water or sewer, or both. Said availability charge shall be set by the Utilities Operations Board, subject to the approval of the Brunswick County Board of Commissioners, and shall not exceed the minimum periodic service charge required of properties that are so connected.

This the 18th day of December, 2006.

s/David R. Sandifer, Chair
Brunswick County Commissioners

Attest:

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

3. Engineering – Award Contract T.A. Loving Company 2005 Water System Improvement Project (Jeff Phillips)

Staff recommends that the Board of Commissioners award contract to T.A. Loving Company for water system improvements in the amount of \$926,670.

Jeff Phillips, Engineering Services Director explained that this project titled "Brunswick County Water System Improvements" includes the furnishing of the labor, materials, and equipment, and the construction of 12, 8, and 6 inch waterlines in various locations including Canna Place, Stanley Road, Lott Street, Nags Head Road and River Road totaling approximately 26,000 linear feet of waterlines, service connections, fire hydrants and other appurtenances.

The project was bid on November 14, 2006. Seven bids were received with T.A. Loving submitting the lowest bid. HDR Engineering, Inc of the Carolinas certified the bid tabulations and recommended that T.A. Loving be awarded the project.

Vice-Chairman Sue moved to award a contract to T.A. Loving Company for water system improvements in the amount of \$926,670 and the associated budget amendment. The vote of approval was unanimous.

4. Engineering – Approve Contract with McKim & Creed for 2006 Water System Improvement Projects Design (Jeff Phillips)

Staff recommends that the Board of Commissioners approve agreement with McKim & Creed and the associated budget amendment.

Jerry Pierce, Utilities Director explained that the Commissioners approved for the 2006-2007 budget, two millions dollars to be used for Capital Improvements to the water system. Based on the 2006 priority list of petitions, the top five subdivisions will be designed and begin construction in this fiscal year. The projects will consist of approximately 59,869 linear feet of water main located in five separate subdivisions in the County. These subdivisions include Lakewood Estates Phase 2, Wood Duck Retreat, Evans Circle, River Run Plantation and Lakeview.

Staff recommends that the Brunswick County Board of Commissioners to approve a contract with McKim & Creed for the design of the 2006 Water System Improvement Projects. Seven proposals for this project were received on November 6, 2006. A selection committee of three staff members and one County Commissioner reviewed the proposals and chose McKim & Creed as the best firm for the project. On December 5, 2006, the Utility Operations board voted to recommend that Persimmon Road near Calabash be added to this project. Water service is on each end of Persimmon Road and connecting the ends will create a loop which will aid in chlorination and water pressure.

Commissioner Norris moved to approve an Agreement with McKim & Creed for the design of the 2006 Water System Improvement Projects and the associated budget amendments. The vote of approval was unanimous.

5. Utilities – Septage Receiving Operating Plan Rules (Jerry Pierce)

Staff recommends that the Board of Commissioners approve the Septage Receiving Operating Plan, Rules, Fees, and Charges and set a Public Hearing on Fees Schedule for January 3, 2007 at 6:30 p.m.

The Grand Strand Water and Sewer Authority in Horry County, South Carolina, has notified companies that haul waste from septic tanks that they will no longer accept waste generated outside of Horry County. A number of firms that haul waste from septic tanks located in Brunswick County had been using the Grand Strand Water and Sewer Authority facility.

A number of septic tank cleaning firms expressed concern to the County staff that they had no alternate location to haul septic tank waste when this facility would no longer accept waste from Brunswick County. The County has authorized McKim and Creed to design a septic receiving facility at the West Brunswick Water Reclamation Facility. However, the design will not be completed until January 2007. With the time required for permitting and construction, the septage facility at the West Brunswick WRF will not be completed until March 2008.

County staff consulted with the NC DENR Wilmington Regional Office about potential options. The best option for treating septic waste in the short term was determined to be the Shallotte Wastewater Treatment Plant. The County has requested approval from NC DENR to accept waste at the Shallotte Wastewater Treatment Plant.

To receive septic waste, we need to adopt rules governing what types of wastes can be received, the hours of operation, a permitting system to govern who can bring waste to the plant, and provide guidance on how waste will be received at the plant. We have developed a Septage Receiving Operating Plan that provides guidance and rules for Septage Haulers. Each firm will receive a copy of the approved plan and be required to sign a form indicating that they have received the form.

The Public Utility Fee Schedule must be revised to include cost for disposal of septage waste at the County-owned facility. The proposed rates are \$100.00 per truck per year and \$50.00 per load for up to 2,000 gallons. For larger trucks the fees would be \$100.00 per load.

County staff recommends approval of the Septage Receiving Operating Plan and the associated Public Utility Fees and Charges Amendment and to set a Public Hearing for the Fee Schedule.

Vice-Chairman Sue moved to approve Septage Receiving Operating Plan, Rules, Fees and Charges and schedule a Public Hearing on January 3, 2007 at 6:30 p.m. to receive public input regarding the Fees Schedule. The vote of approval was unanimous.

6. Utilities – Carolina Shores Elevated Water Tank (Jerry Pierce)

Staff recommends that the Board of Commissioners declare 165,000 gallon Carolina Shores elevated water tank surplus property.

With the conversion of the Carolina Shores water system from a well based system to the County water system, the existing elevated water storage tank located in Carolina Shores is no longer needed. The elevation of the Carolina Shores tank overflow is substantially lower than the elevated water storage tank located in Calabash. As a result, the Carolina Shores tank will not cycle properly and the County staff would have to waste the water in the elevated tank on a regular basis.

We have had interest expressed by two local utilities in removing the tank and re-erecting the tank within their utility. County staff recommends that the Board declare the existing Carolina Shores Elevated Water Tank surplus and authorize the County Manager to seek proposals from utilities located within Brunswick County for the sale and removal of the tank.

Vice-Chairman Sue moved to declare the 165,000 gallon Carolina Shores Elevated Water Tank as Surplus Property. The vote of approval was unanimous.

7. Utilities – St. James Wastewater Treatment Plant Budget Amendment (Jerry Pierce)

Staff recommends that the Board of Commissioners approve the budget amendment for the removal of the St. James Wastewater Treatment Plant in the amount of \$58,182.00.

In the agreement with the developer of St. James, the County agreed to remove the existing St. James Wastewater Treatment Plant after the construction of the pump station required to pump wastewater from St. James to the West Brunswick Water Reclamation Facility. The construction of the pump station has been completed and has been in service since January.

County staff has attempted to sell the facility and has had several inquiries but to date has not received a bona fide offer for the plant. To meet the deadlines contained in the agreement with the St. James developer, we must begin removal of the wastewater treatment plant. We have received two proposals for the removal of the plant with the lowest proposal being \$58,182. It will take the contractor approximately one month to remove the steel structural portion of the plant.

County staff recommends that the Board approve a budget amendment to fund the removal of the steel portion of the St. James Wastewater Treatment Plant.

Vice-Chairman Sue moved to approve a budget amendment for the removal of the St. James Wastewater Treatment Plant in the amount of \$58,182.00. The vote of approval was unanimous.

8. Parks & Recreation BSC Rice Associates Town Creek and Nature Park Access Site Consultant Services (George Page)

Staff recommends that the Board of Commissioners approve agreement with BSC Rice Associates for Planning and Design Services.

George Page, Parks and Recreation Director explained that there were six different firms that submitted proposals for these two projects. After staff received the proposals Kirstie Dixon (Planning), Leslie Bell (Planning), Steve Stone (Administration) and George Page reviewed all proposals and decided that BSC Rice was the firm thought to best represent Brunswick County for these projects. Brunswick County was awarded a North Carolina Coastal Management Grant this year for both project sites. Earmarked in the grant is \$48,400.00 for planning and design consultant services for first phase development. By creating these two county owned passive recreation parks, the unique qualities of the land will be preserved for future generations to enjoy. The two parks will provide a place for all county residents and visitors to recreate, unwind, and appreciate the natural resources while minimizing the environmental impact to this coastal community.

Commissioner Rabon moved to approve and Agreement with BSC Rice Associates for Planning and Design Services for Town Creek Nature Park (911) acre site and Town Creek Access Site on Highway 17. The vote of approval was unanimous.

9. Administration Detention Center Phase II Change Orders (Marty Lawing)

Staff recommends that the Board of Commissioners approve Change Order No. 2 for the contract of Bordeaux Construction Company, Inc. for the Detention Center Phase II Project.

Marty Lawing, County Manager explained that Change Order No. 2 consisting of seven (7) different change proposals presented by the contractor and architect totaling \$145,925.00. A description and explanation of each change proposal follows:

Item 1. GC-11 – The County's MIS / Computer Services Department has requested 16 additional telecommunications outlets with stub outs above the ceiling at an additional cost of \$1,384.00.

Item 2. GC-12 – The 10-inch sanitary sewer line serving Phase II needs to be redesigned and relocated to avoid a conglomeration of underground utilities in the vicinity of the pump station to

include two water mains, stormwater lines, electric and telecommunications lines and the campus sewer force main and the electric panel for the pump station. In addition to the aforementioned lines the pump station is located within the fenced area of refuge for inmates should the building need to be evacuated. The fence and some concrete will need to be removed and reinstalled. Constructing this sewer service line as proposed will serve Phase III and will not require another connection to the pump station. Total cost \$35,635.00.

Item 3. GC-13 – This change is recommended with future expansion in mind. Relocation of the 8-inch water line to an area outside of the proposed footprint for Phase III will eliminate the need to relocate the line when and if Phase II is constructed. This is an optional expense at this time but one that is fairly priced and makes sense not to construct a line and demolish or relocate it in the future. The new route will be across the area where the old lagoons were located and is consistent with GC-15 regarding relocating the loop road. Total cost \$3,169.00.

Item 4. GC-14 – This change requires nine additional precast concrete beams to support the hollowcore panels for the second floor mezzanine cell area consisting of approximately 62.33 linear feet. These beams were omitted from the initial structural drawings and not detected until the shop drawing phase. Total cost \$12,123.00.

Item 5. GC-15 – This change would involve the relocation of the loop road originally planned to be constructed closer to the building. Relocating the road outside of the footprint for Phase III as proposed would eliminate demolition in the future. Another reason that relocation is recommended at this time is that to construct the road in the initial location will likely cost \$50,000.00 additional due to the poor soils encountered. The soils consultant/engineer recommended an undercut of 36 inches and fill with structural fill or a 12-inch undercut, structural fill, a reinforcing fabric layer and additional 6 inches of structural fill for the road to withstand vehicle traffic. Soils in the new proposed route are expected to be better but still may require some additional undercut and back fill that is not included in the total cost of \$52,998.00.

Item 6. GC-16 – This change involves changes to the electrical design and generator for main and emergency power and providing separate connections for portable generators for emergency power. This change also anticipates future expansion of the facility and eliminates the need for additional permanent generators. The original design included a generator that would only back up the emergency power needs for Phase II. This design complied with all building codes but once understood was not acceptable to the planning committee and the Sheriff's Office. This would leave areas outside of the actual detention space without power in an outage situation. In addition to providing back up power for all (normal and emergency) power for Phase II this change would also handle emergency power for Phase I and future Phase III. By taking emergency power off of the campus generator for Phase I there will be available capacity on the campus generator to handle normal and emergency power for future Phase III. No additional generator will be needed to back up Phase III normal power requirements. An additional separate connection for portable generators is also included for emergency power if the project generator and the campus generators fail. Total cost \$32,531.00.

Item 7. GC-17 – This change to provide two (2) 4-inch underground conduits for future telecommunications requirements as requested by the MIS Department. This would connect the existing electrical room for Phase I with the security electronics closet of Phase II. Total cost \$8,085.00.

The total cost for this change order is \$145,925.00. A project ordinance budget amendment will be required and the recommended source of the funds is the County Capital Reserve Fund

Commissioner Moore moved to approve Change Order No. 2 for the contract of Bordeaux Construction Company, Inc. for the Detention Center Phase II Project and the associated project budget amendment. The vote of approval was unanimous.

10. Administration – Proposed Floor Plan for the new Administration Building (Marty Lawing)

Staff recommends that the Board of Commissioners approve floor plan and design for the new Administration Building.

The County Manager explained that Hemphill-Randel Associates has worked with staff and two Commissioners on the Space Needs Committee for the past year defining and refining the administration building plans. The floor plans incorporate approximately 34,000 square feet.

The first floor will house the Commissioners Chamber, the Clerk to the Board, and most of Tax. The second floor will house Finance and a central work session / training room, and the third floor will be the home to Administration, Human Resources, and Legal. Estimated time for construction is 12 months from notice to proceed.

Commissioner Moore moved to approve the Floor Plan and Design for the New Administration Building. The vote of approval was unanimous.

IX. BOARD APPOINTMENTS

1. Utility Operations Board (1 appointment, St. James)

Commissioner Moore nominated Robert Morrow, Vice-Chairman Sue nominated E. G. Dale. Commissioner Norris moved to close the nominations. The vote of approval was unanimous. Commissioner Norris moved to approve the appointments of Morrow and Dale. The vote of approval was unanimous. Robert Morrow, St. James appointment, was reappointed to serve another two-year term that will expire on January 1, 2009. Robert Morrow, District 5 appointment, was reappointed to serve another two-year term that will expire on December 1, 2008.

X. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication Cobblestone Village Sewer Lines

Huey Marshall, County Attorney explained that these lines are ready for acceptance into the County system. Commissioner Norris moved to approve the Deed of Dedication from Niblock Development Corp for Cobblestone Village Sewer Lines. The vote of approval was unanimous.

2. Deed of Dedication Lift Station #2 Riversea Plantation

The County Attorney explained that these lines are ready for acceptance into the County system. Commissioner Norris moved to approve the Deed of Dedication from LR Riversea, LLC for Pump Station #2 at Riversea Plantation. The vote of approval was unanimous.

3. Deed of Dedication Ocean Ridge

The County Attorney explained that these lines are ready for acceptance into the County system. Commissioner Norris moved to approve the Deed of Dedication from MAS Properties, LLC, Coastal Communities at Ocean Ridge Plantation, Inc., Ocean Ridge Plantation Golf, Inc. and Ocean Ridge Properties, Inc. for Wastewater Treatment Facility at Ocean Ridge Plantation. The vote of approval was unanimous.

4. Closed Session 7:36 p.m.

Vice-Chairman Sue moved to enter Closed Session pursuant to NCGS 143-318.10 (a) (3) attorney/client privilege to discuss confidential matters. The vote of approval was unanimous.

Reconvened 8:27 p.m.

Chairman Sandifer called the Open Session back to order and announced that no action was taken in Closed Session.

XI. OTHER BUSINESS/INFORMAL DISCUSSION

Commissioner Norris moved to declare surplus, 5 acres of land as shown on the attached survey and authorize Staff to negotiate an offer with upset bid with Brunswick Electric Membership Corporation. The vote of approval was unanimous.

Vice-Chairman Sue moved to authorize the Fiscal Operations Director to disperse as an enticement for continued employment the payment of those wage taxes associated with vehicle use as outlined by the Internal Revenue Service for the 44 employees who have vehicles at their disposal for county uses, further that the County reinforces to it's employees, the requirement according to NCGS 14-247 that no county vehicle whatsoever, be used for any private purpose, whatsoever. This enticement will continue to be paid annually to those employees described above. The vote of approval was unanimous.

XII. ADJOURNMENT

Vice-Chairman Sue moved to adjourn the Regular Meeting at 8:30 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board