

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
DECEMBER 15, 2008
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

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

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

Captain Brian Sanders

ABSENT: Jana Berg, Assistant County Attorney

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS/APPROVAL OF AGENDA

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

1. Commissioner Warren requested to add as item VII-8, Resolutions Supporting a Tax Task Force from the Town of Northwest and the City of Southport for discussion.
2. Commissioner Warren requested to add as Item X-1, discussion of Employee Merit.
3. Commissioner Cooke requested to move Item VII-5, Public Housing Director position, under IX-1 Closed Session for discussion.
4. Chairman Sue requested to add as VII-1, a Resolution Regarding a NCDOT Road Intersection issue involving Mt. Olive Church and realign the remaining items.

5. Marty Lawing, County Manager requested to add as Item VII-9, approval to authorize the Chairman to certify the NC Rural Center Building Reuse and Restoration Grant Program Application.

Vice-Chairman Norris moved to approve the agenda as amended. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sue asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Anthony Clemmons, Pastor of Mt. Olive Church spoke in support of the Resolution regarding a proposed change involving the intersection near his church and thanked the Board for their support in this effort to maintain access for congregation members and visitors.

V. APPROVAL OF CONSENT AGENDA

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

A. Minutes

B. Tax

1. Monthly Tax Collection Report
2. December 2008 Releases

C. Finance

Fund	Description	Code	Increase	Decrease
General Fund	Unemployment Insurance	104290-418304		\$14,863
General Fund	Transfer to DSS Fund	109800-498014	\$14,863	
Social Services Fund	Transfer from General Fund	149800-398110	\$14,863	
Social Services Fund	Unemployment Insurance	145310-418304	\$14,863	

The practice of the County is to budget the majority of unemployment insurance costs in the General Fund non-departmental budget for governmental funds since there is no way to anticipate which department or fund will incur the expenditure. The budget is then transferred to the department incurring the actual expenditure during the year. Since the funds are budgeted in the General Fund and the expenditures occurred in the Social Services Fund, a budget amendment between the funds can only be made with the approval of the Board of Commissioners. Staff recommends approval of the above budget amendment to transfer funds from non-departmental for unemployment insurance expenditures in the Social Services Fund.

Fund	Description	Code	Increase	Decrease
General Fund	Commissioner's Contingency	109910-499100		\$8,770

General Fund	Contaminated Soil Removal	104799-465137	\$8,770	
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Staff recommends approval of the above budget amendment to transfer funds from the Commissioner's Contingency fund to the Environmental Protection Department for Environmental Services, Inc. to oversee the contaminated soil excavation and backfill at 6 Stone Chimney Road SE.

VI. PRESENTATION

1. Sheriff's Department Citizens Academy Resolution (Commissioner Cooke)

Commissioner Cooke thanked the participants of the first Citizen's Law Enforcement Academy and recognized them through a Resolution approved by the Board. The following citizens received diplomas and copies of the Resolution:

Diane H. Mesaris, Richard P. Mesaris, Pam L. Graber, Richard D. McKeithan, Russell B. Kennedy, Walter A. Carolus, Jennifer Johnson, Mark D. Mason, , John Martin Cooke, Jr., Brenda Joyce, Dickie Joyce, Charles Allison, Judy Allison, Stephen Richards, Beverly G. Bishop. Christopher D. Fries, Tatnall Hurtt, Nicholas M. Smith and Rebecca A. Hucks.

**RESOLUTION PRAISING GRADUATES OF THE
CITIZEN'S LAW ENFORCEMENT ACADEMY**

WHEREAS, the conduct of law enforcement activities have always belonged to the public at large, with sworn officers to carry out the particular activities conducted to protect the peace, and to be responsible for the completion of certain duties, and

WHEREAS, an informed public is always an asset, and citizens informed about police procedures and practices will always assist peace officers in the execution of their duties, and

WHEREAS, the Brunswick County Sheriff's Office has conducted its first **CITIZEN'S LAW ENFORCEMENT ACADEMY**, and has graduated people that took part in the process to understand and more fully appreciate the function of law enforcement, whether dealing with neighborhood policing, maintenance of a jail, crime detection, police animal intervention, controlled substances, firearms, or domestic tranquility, and

WHEREAS, those citizens that participated are now more informed, and know not just the procedure after the police intervene, but what would be important to notice in everyday life that would alert those educated person to possible criminal behavior, and how to best report those activities that indicate that a criminal activity is taking place.

THEREFORE, the Brunswick County Commissioners, meeting in regular session, do recognize and cite those persons that completed the eight-week course conducted by the Brunswick County Sheriff's Office, that educated citizens to remain engaged in their community, to promote law and order, and to make it more difficult for law violators to go un-punished. The Commissioners praise the citizens that took the time to attend the classes and to learn what is best for the peace and progress of the County.

This the 15th day of December, 2008.

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

2. Southeastern Center for Mental Health Report (Vicki Steele)

Vicki Steele presented the Southeastern Center for Mental Health, Developmental Disabilities and Substance Abuse Services Financial Statement and Supplementary Information for the Year Ending June 30, 2008. The Board received as information.

VII. ADMINISTRATIVE REPORT

1. Resolution Concerning US 17 Intersection (Added Under Adjustments to the Agenda)

Chairman Sue moved to approve the Resolution regarding a road intersection issue that included US 17, Galloway Road, Landfill Road, Business 17 and the new Brunswick Community Hospital that affects Mount Olive Baptist Church. The vote of approval was unanimous.

Whereas, the founders of our Country brazenly declared that “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; . . . or the right of the people peaceably to assemble, and to petition the government for a redress of grievances,” and

Whereas, the Religious Land Use and Institutionalized Persons Act of 2000 set forth that “No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution (a) is in furtherance of a compelling governmental interest; and (b) is the least restrictive means of furthering that compelling governmental interest,” and

Whereas, growth in Brunswick County has become routine, and the measures that will complement the quality of life issues here have become more complex; likewise, the measures to satisfy both growth and quality of life must be more inventive, and when a body of believers builds a new sanctuary, having outgrown the old, and makes choices to foster new attendees, those choices, though not strictly violated as above, have been impacted negatively, and the letter from Mount Olive Baptist Church is as fine example as can be found to demonstrate the beauty of our democratic republic, if nothing else but to say, “Come, let us reason together,” and

Whereas, it is the test of any government to hear from the governed, that a solution to this complex road intersection issue could be, as Luther stated, “If you look at something as simple as a leaf, long enough, you will be overcome with wonder.”

Now therefore, the Brunswick County Commissioners are hereby resolved that the road intersection issue concerning US 17, Galloway Road, Landfill Road, Business 17, and the new Brunswick Community Hospital must be more carefully examined in the light, and the concerns of all should be addressed with the minimum of negative impacts.

This the 15th day of December, 2008.

s/William M. Sue, Chair
Brunswick County Commissioners

Attest:

s/Debby Gore, CMC
Clerk to the Board

2. Social Services-Carolina Rehabilitation, Inc. Contract (Jamie Orrock)

Staff recommends approving contract with Carolina Rehabilitation, Inc.

Vice-Chairman Norris moved to approve the Contract with Carolina Rehabilitation, Inc. the provider of comprehensive functional capacity evaluations for clients receiving work first services from Brunswick County DSS. The vote of approval was unanimous.

3. Social Services-Coastal Horizons, Inc. Contract (Jamie Orrock)

Staff recommends approving contract with Coastal Horizons, Inc.

Commissioner Warren moved to approve the Contract with Coastal Horizons, Inc. a provider of random drug screening for parents and children receiving services from Brunswick County DSS. The vote of approval was unanimous.

4. EMS-NC Department of Transportation MOA (Randy Thompson)

Staff recommends approving the Annual Memorandum of Agreement between Brunswick County and the North Carolina Department of Transportation.

Commissioner Cooke moved to approve the Memorandum of Agreement between Brunswick County and the NC Department of Transportation concerning the emergency removal of debris during declared disasters. The vote of approval was unanimous.

5. Public Housing-Public Housing Director Position Elimination (Steve Stone)

Staff recommends approving the Elimination of the Position of Director of Public Housing. (This Item was moved to Closed Session for discussion under Adjustments to the Agenda)

6. Financial Reports Ending November 30, 2008 (Ann Hardy)

Staff recommends receiving Financial Reports for period ending November 30, 2008 as information.

Ann Hardy, Fiscal Operations Director reviewed Financial Reports for the period ending November 30, 2008 and the Board received as information.

7. Brunswick Community College Funding Request (Stephen Greiner)

Staff recommends approving funding for the start-up of the new Fitness and Aquatics Center at Brunswick Community College in the amount of \$120,000 and the Associated FY 2008-2009 Budget Amendment.

Fund	Description	Code	Increase	Decrease
General Fund	Commissioner's Contingency	109910-499100		\$120,000
General Fund	BCC Current Expense-Education	105921-465200	\$120,000	

The above budget amendment is available for approval at the discretion of the Board of Commissioners to appropriate funding to the Brunswick Community College. The amendment is to appropriate \$120,000 from the Commissioner's Contingency Fund to BCC for start-up operational costs associated with new college facilities.

After a short discussion, Commissioner Cooke moved to approve \$120,000 for the start-up cost for operations and staffing for the first six months and the associated budget amendment. The vote of approval was unanimous.

8. Town of Northwest/City of Southport Resolutions (Added Under Adjustments to the Agenda)

Commissioner Warren discussed the possibility of forming a Tax Task Force to study the property tax system as requested in Resolutions received from the Town of Navassa, Town of Calabash and the City of Southport.

There was a short discussion and it was consensus of the Board that Commissioner Warren recruit members to create framework.

9. NC Rural Center Building Reuse and Restoration Grant Program Application (Jim Bradshaw)

(Added Under Adjustments to the Agenda)

Jim Bradshaw, Economic Development Director, requested approval to apply for a Rural Center Grant for new Italian restaurant to be known as Patronie's Pizza locating at 2625 Holden Beach Road in Supply. The grant will be used to rehabilitate an existing structure and at least four new jobs will be created. Matching grant contribution from Brunswick County will be an in-kind contribution from the economic development commission or, if need be, from the business itself. No cost will be incurred by the county. This is a grant under the Building Reuse and Restoration Program and would be the second of its type that the county has certified if approved.

Vice-Chairman Norris moved to authorize the Chairman to certify the NC Rural Center Building Reuse and Restoration Grant Program Application for Patronie's Pizza contingent upon receipt of a letter from the Developer committing to pay all cash match requirements and repay all costs associated with the four jobs if not maintained. The vote of approval was unanimous.

VIII. BOARD APPOINTMENTS

1. Utility Operations Board (At Large, District 5, District 1 & St. James appointment).....

Vice-Chairman Norris nominated Rick Tompkins and Earl Andrews. Chairman Sue nominated Thomas Warren. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointments of Tompkins, Andrews and Warren. The vote of approval was unanimous. Rick Tompkins was reappointed to serve another two year term that will expire on December 1, 2010. Earl Andrews was reappointed to serve another two year term that will expire on December 1, 2010. Thomas Warren will fill the expired term of E.G. Dale and serve a two year term that will expire on December 1, 2010.

There was a short discussion regarding the St. James appointment and how it was established. Chairman Sue moved to approve the recommended appointment of Robert Morrow. The vote of approval was unanimous. Robert Morrow was reappointed to serve another two year term as the St. James representative that will expire on January 1, 2011.

2. Airport Commission (1 appointment)

Commissioner Warren nominated Carolyn Price. Commissioner Cooke nominated Willie Gore. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue asked for approval of the appointment of Carolyn Price. The vote of approval was aye (Warren) and nay (Phillips, Sue, Norris and Cooke). Chairman Sue asked for approval of the appointment of Willie Gore. The vote of approval was aye (Phillips, Sue, Norris and Cooke) nay (Warren). Willie Gore was reappointed to serve another four year term that will expire on December 15, 2012.

3. Town of Carolina Shores (Planning/Zoning ETJ appointment)

Vice-Chairman Norris nominated Ron Capps. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the recommended appointment of Ron Capps to as the ETJ representative on the Town of Carolina Shores Planning and Zoning Board. The vote of approval was unanimous.

4. Commissioners Appointments

The following Board appointments were approved unanimously:

Council of Government	William M. Sue
Health	J. Martin Cooke
Parks & Recreation	Scott Phillips
Planning	Charles Warren
Southeastern Economic Development. Comm.	Scott Phillips
Southeastern Center Area Board	Charles Warren
Utility Operations	William Sue
Partnership for Children Board of Directors	Phil Norris
Cape Fear Resources Conservation & Development Council	Phil Norris
Greater Wilmington Area Transportation Advisory Board	William Sue
Communities in Schools (CIS)	J. Martin Cooke
Social Services Board	Tom Rabon
Criminal Justice Partnership	J. Martin Cooke
Brunswick County Marine Fisheries Advisory Board	J. Martin Cooke
Hope Harbor Home	J. Martin Cooke
BITS	William Sue
Rescue Squads Capital Expenditure Committee	J. Martin Cooke, Scott Phillips
School Liasion Committee	Scott Phillips, William Sue
Rural Transportation Advisory Committee	Scott Phillips, Charles Warren
Brunswick Senior Resources Inc.	J. Martin Cooke

IX. COUNTY ATTORNEY'S REPORT

1. Closed Session 7:51 p.m.

Vice-Chairman Norris moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) and (a) (6) to Consult with the Attorney to protect attorney-client privilege and to consider the qualifications, competence, performance, condition of appointment of a public officer or employee or prospective public officer or employee. The vote of approval was unanimous.

Chairman Sue called a 5 minute break.

Reconvened 8:36 p.m.

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

Vice-Chairman Norris moved to accept as a gift from James Jeffries Jr., parcels 0860002701 and 0860002801 as parcels to be placed under a conservation easement in the name of the county. The vote of approval was unanimous.

Commissioner Phillips moved to start the process regarding a request for closing a road between Lots 18 & 19, addition 3 in Sunset Harbor development and Lot 17A and Lot 18 also in that development requiring posting, setting a Public Hearing and advertisements. The vote of approval was unanimous.

X. OTHER BUSINESS/INFORMAL DISCUSSION

1. Employee Merit (Added Under Adjustments to the Agenda)

Commissioner Warren stated that in listening to the presentation by the County Manager in an earlier meeting regarding merit alternative, he feels that a lump sum would be more beneficial with the current economic conditions.

The County Manager explained the tax consequences with a lump sum merit payment and the budgetary concerns for next fiscal year on the county and on employees.

After a short discussion Commissioner Cooke moved to continue the merit system as is with all employees to understand the possibility of a reduction in the next year. The vote of approval was 4 ayes (Phillips, Sue, Norris and Cooke) 1 nay (Warren).

There was no other business to discuss.

XI. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 8:49 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board