

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
OCTOBER 6, 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 May Moore  
Commissioner Tom B. Rabon, Sr.  
Commissioner Phil Norris, Vice-Chairman  
Commissioner J. Martin Cooke

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

**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**

Commissioner 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. Debby Gore, Clerk to the Board, requested to add as Item VI-3, Presentation of the CIS 2007-2008 Annual Report by Patsy Thrift and to remove Items VII-3, VII-5, and VII-6 to be heard as Items VIII-1, VIII-2 and VIII-3 for First Reading and setting a Public Hearing.

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

**IV. PUBLIC COMMENTS**

Chairman Sue asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. There were no comments from the audience.

1. Tracy Hobgood voiced concerns regarding Industrial Land Use, specifically a cement factory located next to her home in Lake Tree Shores subdivision that her family has to deal with as a result of what she feels was an improper decision made by the Planning Department. Ms. Hobgood gave questionable supporting evidence to a non-conforming certificate through handouts and explained the history of the property in question dating back to the 1990's. Ms. Hobgood voiced concerns with noise pollution from numerous trucks going to and from the cement factory, the constant noise from back up beepers and the cement factory itself and suggested to apply certain conditions such as hours of operation.

**V. APPROVAL OF CONSENT AGENDA**

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

A. **Minutes**

1. September 15, 2008 Regular Meeting Minutes

B. **Tax**

1. 2008 Tax Administration Records Retention Schedule Amendments

C. **Finance**

Fund	Description	Increase	Decrease
Health Fund	Temporary Food Establishment Fees	\$2,000	
Health Fund	Supplies	\$2,000	

The Health Department received notification from the State of NC that the temporary food establishment fees collected may be retained by the department. The fees will partially offset the cost of the Temporary Food Establishment program. The total temporary food establishment fees collected fiscal year to date is \$500. The annual budget recommended is \$2,000. Staff recommends approval of the above budget amendment to appropriate \$2,000 of fees for program supplies.

Fund	Description	Increase	Decrease
Health Fund	State Revenues	\$48,000	
Health Fund	Pharmaceuticals	\$30,000	
Health Fund	Travel Mileage	\$16,000	
Health Fund	Major Operating Equipment	\$2,000	

The Health Department received additional State restricted funding for the General Administration in the amount of \$48,000. Staff recommends approval of the above budget amendment to appropriate \$48,000 of State funds for pharmaceuticals, mileage and major operating equipment in the Health Department General Administration program.

Fund	Description	Increase	Decrease
Health Fund	Health Escrow Fund Balance	\$1,250	
Health Fund	Healthy Carolinians Special Programs	\$1,250	

On March 12, 2007, the Board of Health approved collaboration funding with New Hanover County, the University of North Carolina at Wilmington and the Kate B. Reynolds Foundation for the Healthy Carolinians program for the next three years through 2010. The board and the department request to utilize \$1,250 from the Health Escrow fund balance for the Healthy Carolinians Special Programs. Staff recommends approval of the above budget amendment to appropriate \$1,250 of Health Escrow funds for Healthy Carolinians special program materials.

Fund	Description	Increase	Decrease
General Fund	Dixie Youth Revenues Collected	\$2,252	
General Fund	Dixie Youth Program Expenditures	\$2,252	

The Dixie Youth Program collected \$2,252 in revenue greater than amounts budgeted this fiscal year. Staff recommends approval of the above budget amendment to appropriate \$2,253 of revenues for Dixie Youth Program expenditure.

Fund	Description	Increase	Decrease
General Fund	State Revenue from Grant	\$75,000	
General Fund	Cultural & Recreation – 2008 Recreational Trails Program	\$75,000	

Dr. Terry Boldt of the Coastal Events Center Committee received notification that the NC Department of Environment and Natural Resources awarded Brunswick County a grant in the amount of \$75,000 to renovate 5.6 miles of existing trails (\$47,500), constructing 1 mile of new trail (\$25,500) and acquiring trail signs (\$2,000). All components have an estimated date of completion of December 2009. The grant requires a local in-kind match of \$20,000 for volunteer labors from the Brunswick County Horseman’s Association to assist in general trail clearing and grooming (\$2,700), Brunswick County staff to provide additional trail construction connection paths and maintenance (\$5,200), Brunswick County to assist in developing new parking area and turn lanes (\$2,100), volunteers to assist in providing electricity to parking and meeting area (\$3,000), Brunswick County to donate undercutting

equipment for mowing between trees and bulldozer for grading parking area and backhoe to remove trees in riding paths (\$2,000), and Brunswick County to provide 50 loads of crush and run for the parking area surface (\$5,000). A copy of the grant contract is included in the agenda packet. Staff recommends the Board of Commissioners authorize the chairman to execute the Grant Contract Number 1830 and approval of the above budget amendment to appropriate the grant revenue of \$75,000 for grant expenditures.

Fund	Description	Increase	Decrease
General Fund	General Fund Balance	\$45,000	
General Fund	Transfer to Grant Fund	\$45,000	
Grant Fund	Transfer from General Fund	\$45,000	
Grant Fund	State Revenue Restricted	\$90,000	
Grant Fund	Advertising	\$750	
Grant Fund	Supplies	\$1,000	
Grant Fund	Professional Services	\$3,250	
Grant Fund	Contracted Services	\$130,000	

Brunswick County received notification of the award of a Housing Preservation Grant from The USDA Rural Development Center in the amount of \$90,000 with an expiration date of August 30, 2010. The funds and the required county match of \$45,000 must be used to repair homes for 15 very low income families. The average cost per house is \$8,400 and rental properties are excluded from the program. A copy of the grant agreement that was executed on August 4, 2008 is included in the agenda packet. Staff recommends the Board of Commissioners approve the above budget amendment to appropriate the grant revenue of \$90,000 and appropriation from General Fund balance of \$45,000 for grant expenditures totaling \$130,000.

Fund	Description	Increase	Decrease
General Fund	School Resource Officer Reimbursement		\$125,920
General Fund	Overtime		\$125,920

On August 12, 2008 the Brunswick County Board of Education approved extending the School Resource Officer Agreement for Brunswick County Schools and Brunswick County Sheriff's Department for the term July 1, 2008 through June 30, 2009. A copy of the agreement is included in the agenda packet. The agreement requires the Sheriff's Department to employ not less than 8 school resource officers (SROs) and bill the school system on a monthly basis for the reimbursement of aggregate salary, benefits and relevant fixed costs including duly authorized overtime pay not to exceed \$635,815.57 per year. The sheriff's department will agree to provide vehicles, fuel and equipment. Staff recommends the Board of Commissioners authorize the Brunswick County Director of Fiscal Operations to preaudit the contract and the Brunswick County Sheriff to execute the agreement on behalf of Brunswick County. The original budget of \$761,736 in the SRO department budget was amended by \$50,000 for a Brunswick County Schools DARE officer, \$70,000 for a Charter Day School DARE/SRO officer bringing the current appropriation to \$881,736. Since this amount exceeds the contract total of \$635,816 plus the additional amounts for the DARE officer of \$50,000 and charter school officer of \$70,000 totaling \$755,816, staff is recommending a budget amendment in the amount of \$125,920 to reduce the overtime budget so that the total budget agrees with the contractual commitments of the schools.

**D. 4-H Week Proclamation**

Request approval to Proclaim October 5-11, 2008 as National 4-H Week in Brunswick County.

**E. Operation Services**

Staff requests approval to waive tipping fees at the Brunswick County Landfill for the non-profit organization, Onelife and Shell Point Baptist Church.

**F. Health Department**

Staff requests approval to utilize escrow funds and the associated budget amendment.

**G. Health Department**

Staff requests approval to utilize escrow funds for Environmental Health Program and the associated budget amendment.

**H. Parks and Recreation-Online Credit Card Service**

Staff requests approval to implement credit card payment option for Parks and Recreation Department registration fees through official payments.

**I. Parks and Recreation-Sports Lighting System Agreement**

Staff requests approval of an Agreement between Brunswick County and the Brunswick County Board of Education for the provision, installation and use of a sports lighting system at Shallotte Middle School.

**J. Parks and Recreation-By-Laws**

Staff requests approval of an Amendment to Parks and Recreation Advisory Board By-Laws regarding Appointment and Composition of the Board.

**K. Community Development-Grant Administrative Guidelines and Policies**

Staff recommends Adoption of the CDBG Infrastructure Hook-Up 2007 Grant Administrative Guidelines and Policies.

**L. NC Beach, Inlet and Waterway Association-\$1,000 Sponsorship**

Staff requests approval of \$1,000 sponsorship for the NCBIWA 2008 Annual Conference "Shaping the Future of Coastal North Carolina" from Commissioners Membership Fees and Dues.

**VI. PRESENTATION**

**1. Citizens Board Member Award (Neal Lewis)**

Neal Lewis, Past President of the NC Recreation and park Association recognized Cynthia Tart for receiving the 2008 Raburn "Rip" Jackson award presented at the 2008 Citizen Board Member Conference at Greensboro in August. This award is the highest honor given by the NC Recreation & Park Association to an individual citizen board member who has enhanced a community's parks and recreation program. Ms. Tart thanked the Board for their continued support throughout the county.

**2. Brunswick County Schools Test Scores (Darryl Cheers)**

Terry Chestnutt, Assistant Superintendent of Schools, introduced Darryl Cheers, Director of Testing who reviewed the Brunswick County Schools testing results. Shirley Babson, Chairman of the Board of Education thanked the Board for continued support.

**3. Communities in Schools 2007-2008 Annual Report (Patsy Thrift)  
(Added under Adjustments to the Agenda)**

Patsy Thrift, CIS, presented the Communities in Schools 2007-2008 Annual Report and gave an update on the Parenting Education Program. Ms. Laura Saunders addressed the Board regarding the positive effect the Communities in Schools had on her son and her family and thanked the Board for support of such a wonderful program.

**VII. PUBLIC HEARING**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted Public Hearings in the Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.**

**1. BITS-Rural Operating Assistance Program (Kim Smith)**

**I. CALL TO ORDER**

Chairman Sue called the Public Hearing to order at 7:17 p.m. and announced that the purpose of the hearing was to receive public input regarding FY 2008-2009 Rural Operating Assistance Program Grant Application.

Kim Smith, BITS Administrative Assistant, explained that the FY08-09 Rural Operating Assistance Program (ROAP) consists of subsidy funds to be used for the transportation of elderly and disabled residents of Brunswick County, those seeking employment transportation, and those who are not human service agency clients. These are pass-through funds available to the County on an annual basis. The total funds to be received by Brunswick County are \$163,590: \$72,739 in EDTAP, \$15,618 in Employment, and \$75,233 in RGP. The Brunswick Transit System Board of

Directors will suballocate a portion of the funds to other agencies in the county to support the transportation needs of their clients.

## **II. PUBLIC COMMENTS**

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the Rural Operating Assistance Program Grant Application. There were no comments from the audience.

## **III. ADJOURN**

Vice-Chairman Norris moved to close the Public Hearing at 7:19 p.m. The vote of approval was unanimous.

### **2. CDBG Scattered Site Grant Program Close-out (Louise McGarva)**

#### **I. CALL TO ORDER**

Chairman Sue called the Public Hearing to order at 7:19 p.m. and announced that the purpose of the hearing was to receive public input regarding the Community Development Block Grant Program Close-out.

#### **II. PUBLIC COMMENTS**

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the CDBG Scattered Site Grant Program Close-out. There were no comments from the audience.

#### **III. ADJOURN**

Commissioner Rabon moved to adjourn the Public Hearing at 7:20 p.m. The vote of approval was unanimous.

### **3. Planning-Proposed Map Amendment Z-08-628 (Leslie Bell)**

#### **I. CALL TO ORDER**

Chairman Sue called the Public Hearing to order at 7:20 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed Map Amendment Z-08-628.

Leslie Bell, Planning Director, explained the following:

**Item 1** (Map Amendment Z-628 – Carolina Aircraft Recovery, LLC (%Brent Adkins)

Item 1 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) and RR (Rural Residential) to C-LD (Commercial Low Density) would allow for commercial use of Tax Parcel 2050001102 located at 6010 Anchor Village Lane off River Road (NC 133) near Southport, NC.

This rezoning totals 5 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density).

Planning Board recommends approval to C-LD (Commercial Low Density) [unanimous 7 to 0].

#### **II. PUBLIC COMMENTS**

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding Proposed Map Amendment Z-08-628. There were no comments from the audience.

#### **III. ADJOURN**

Commissioner Moore moved to adjourn the Public Hearing at 7:21 p.m. The vote of approval was unanimous.

Commissioner Moore moved to approve Second Reading and Adoption of Map Amendment Z-08-628 as recommended by the Planning Board. The vote of approval was unanimous.

## **VIII. ADMINISTRATIVE REPORT**

### **1. Planning-Proposed Map Amendment Z-08-627 (Leslie Bell)**

Staff requests approval of First Reading and set a Public Hearing for November 3, 2008 at 6:30 p.m.

Vice-Chairman Norris requested to be recused from this item. Commissioner Moore moved to recuse Vice-Chairman Norris from Proposed Map Amendment Z-08-627. The vote of approval was unanimous.

Leslie Bell, Planning Director, explained the following:

**Item 1** (Map Amendment Z-627 - William Barber)

Item 1 is a map amendment initiated by the property owners. This change from R-7500 (Low Density Residential) to ~~C-LD (Commercial Low Density)~~ NC (Neighborhood Commercial) would allow for neighborhood commercial use for Tax Parcels 2250002913 and 22500028 located on Hickman Road (SR 1303) and Green Pastures Lane near Carolina Shores, NC. An amendment to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial has been requested for Tax Parcels 2250002913 and 22500028 located on Hickman Road (SR 1303) and Green Pastures Lane near Carolina Shores, NC.

This rezoning totals 9.97 acres.

Planning Staff recommends approval to NC (Neighborhood Commercial).

Planning Board recommends approval to NC (Neighborhood Commercial) [4 to 3 with Mrs. Gilbert, Mrs. Henry, and Mr. Jordan opposing].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Plan Map from LDR (Low Density Residential) to Commercial has been requested for Tax Parcels 2250002913 and 22500028 located on Hickman Road (SR 1303) and Green Pastures Lane near Carolina Shores, NC.

Commissioner Cooke moved to approve First Reading and set a Public Hearing for November 3, 2008 at 6:30 p.m. to receive public input regarding Proposed Map Amendment Z-08-627. The vote of approval was unanimous (4 ayes). (Vice-Chairman Norris recused).

## **2. Planning-Proposed Map Amendment Z-08-629 (Leslie Bell)**

Staff requests approval of First Reading and set a Public Hearing for November 3, 2008 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

**Item 1** (Map Amendment Z-629 - Darius Stanaland)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) and C-LD (Commercial Low Density) to C-LD (Commercial Low Density) would allow for commercial use for Tax Parcel 21000010 located at 8551 Ocean Highway (US 17) near Carolina Shores, NC.

This rezoning totals 7.42 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density).

Planning Board recommends approval to C-LD (Commercial Low Density) [unanimous 7 to 0].

Vice-Chairman Norris moved to approve First Reading and set a Public Hearing for November 3, 2008 at 6:30 p.m. to receive public input regarding Proposed Map Amendment Z-08-629. The vote of approval was unanimous.

## **3. Planning-Proposed Map Amendment Z-08-630 (Leslie Bell)**

Staff requests approval of First Reading and set a Public Hearing for November 3, 2008 at 6:30 p.m.

Commissioner Moore requested to be recused from this item. Chairman Sue moved to recuse Commissioner Moore from Proposed Map Amendment Z-08-630. The vote of approval was unanimous.

Leslie Bell, Planning Director, explained the following:

**Item 1** (Map Amendment Z-630 - Barry Adkins)

Item 1 is a map amendment initiated by the property owner. This change from R-6000 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use for Tax Parcel 221HE045 located at 4876 Coastal Drive off Long Beach Road (NC 133) near Southport, NC. An amendment to the Official Brunswick County CAMA Land Use Map from MDR (Medium Density Residential) to Commercial for Tax Parcel 221HE045 located at 4876 Coastal Drive off Long Beach Road (NC 133) near Southport, NC.

This rezoning totals 0.23 acres.

Planning Staff recommends denial to C-LD (Commercial Low Density).

Planning Board recommends approval to C-LD (Commercial Low Density) [unanimous 7 to 0].

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from MDR (Medium Density Residential) to Commercial for Tax Parcel 221HE045 located at 4876 Coastal Drive off Long Beach Road (NC 133) near Southport, NC. [unanimous 7 to 0].

Commissioner Cooke moved to approve First Reading and set a Public Hearing for November 3, 2008 at 6:30 p.m. The vote of approval was unanimous (4 ayes). Commissioner Moore recused.

#### **4. EMS-NIMS (Randy Thompson)**

Staff recommends approval of a Resolution for the Adoption of the National Incident Management System.

Randy Thompson, EMS Director, explained that the President of the United States signed a Homeland Security Directive (HSPD-5), directing the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State and Local governments to work together more efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity.

Brunswick County has aggressively established a plan for countywide implantation of NIMS. Currently there are several certified instructors within the county teaching the new incident management system and the old countywide management plan has been revised to reflect the existing environment in the form of a standard operating procedure. The timeline met the federal mandate for compliance and the first Resolution was adopted in October 2005. This serves as the renewal and commitment to adopt NIMS as recommended by National guidance.

Commissioner Cooke moved to approve a Resolution for the Adoption of the National Incident Management System. The vote of approval was unanimous.

#### **RESOLUTION FOR THE ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM**

**WHEREAS**, the President of the United States in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity and;

**WHEREAS**, the collective input and guidance from all Federal, State, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS, and;

**WHEREAS**, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management and;

**WHEREAS**, to facilitate the most efficient and effective incident management it is critical that Federal, State, local and tribal organizations utilize standardize terminology, standardize organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters and;

**WHEREAS**, the NIMS standardize procedures for managing personnel, communications, facilities and resources will improve the County's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes and;

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the County as required by the Brunswick County Emergency Operations Plan and;

**WHEREAS**, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

**NOW THEREFORE**, the Brunswick County Board of Commissioners, do hereby establish the National Incident Management System as the local standard for the management of routine and catastrophic emergencies in Brunswick County.

This is the 6<sup>th</sup> day of October, 2008.

s/William M. Sue, Chairman  
Brunswick County Commissioners

Attest:

s/Debby Gore, Clerk to the Board

#### **5. EMS-MOA Medical Ambulance (Randy Thompson)**

Staff recommends approval of a Memorandum of Agreement with the Department of Crime Control and Public Safety and the associated budget amendment.

Randy Thompson, EMS Director, explained that this agreement will allow Brunswick County to purchase a Patient Transport/Medical Ambulance/Evacuation/Triage Vehicle. Staff also requests to appoint the Emergency Services Director as the Designated Agent and Point of Contact for this grant and approve the necessary budget amendment. No additional county funds are required, all matching funds are in-kind or already budgeted funds associated with medical equipment and training.

This year the EMS department participated in a grant opportunity to increase the medical surge capacity should it be challenged to evacuate patients or special needs individuals. The Brunswick County Emergency Services Department has been approved for a \$324,162.00 grant award to assist with the purchase of a Medical Transport Bus. The bus would be utilized for the transport of mass casualty victims, special needs transports during disaster evacuations and assist with patient relocation from fixed facilities within the region. We are receiving the grant award as a way to build partnerships regionally with a needed resource for this area.

This resource will be the only one of its type on the east coast of North Carolina. Currently, only Raleigh and Charlotte possess such a valuable resource. Staff is pleased to have won approval of this award, in a very competitive process. The Emergency Services Department has been very successful over the years with acquiring grant funding; to date we have exceeded two million dollars for readiness and preparedness activities. Our staff is recognized as one of the leaders in grant development in the area of Homeland Security.

All requirements related to in-kind matching funds have been met. No additional funds are requested to ensure grant acceptance.

Commissioner Rabon moved to approve the Memorandum of Agreement with the Department of Crime Control and Public Safety and the associated budget amendment. And to appoint the Emergency Services Director as the Designated Agent and Point of Contact. The vote of approval was unanimous.

**6. EMS-Duke Endowment (Randy Thompson)**

Staff recommends approval of a Duke Endowment EMS Toolkit Grant and the associated budget amendment.

Randy Thompson, EMS Director, explained that Brunswick County Emergency Services has received a grant from the Duke Endowment in the amount of \$31,000 to develop, implement, and monitor five EMS Response Time Policies.

- Dispatch Center Time Policy
- EMS Chute Time Policy
- EMS Turn Around Time Policy
- EMS Vehicle Maintenance Policy
- EMS Documentation Policy

The EMS Division will use this money to purchase a vehicle for the second operations supervisor, and additional equipment for the MARVLIS project. Staff also requests approval of a budget amendment in the amount of \$31,000.

Fund	Description		Increase	Decrease
General Fund	State Revenues		\$31,000	
General Fund	Vehicle		\$24,000	
General Fund	Equipment less than \$500		\$2,850	
General Fund	Major operating equipment greater than \$500 and less than \$5,000		\$4,150	

The above amendment is to appropriate State grant funds for the purchase of a vehicle and other equipment.

Vice-Chairman Norris moved to approve the Duke Endowment EMS Toolkit Grant and the associated budget amendment. The vote of approval was unanimous.

**7. Utilities-Tetra Tech, Inc. Contract-Interbasin Transfer Permit Application Process (Jerry Pierce)**

Staff recommends approval of Professional Services Agreement with Tetra Tech, Inc. for the Phase II portion of the Interbasin Transfer Permit Application Process and the associated budget amendment.

Jerry Pierce, Utilities Director, explained that Brunswick County plans to expand the Northwest Water Treatment Plant to meet the potable water needs of current and future water customers throughout the County. Under NC Department of Environment and Natural Resources (NC DENR) regulations, the County is divided into three river basins: the Cape Fear River, Shallotte River, and Waccamaw River. The Northwest Water Treatment Plant uses water withdrawn from the Cape Fear River and pumps it into all three river basins for use by water customers within those basins. The NC DENR requires a permit to transfer water from one river basin to another river basin. In 2006, the County transferred approximately 5.69 mgd on an average day and 10.6 mgd on the peak day.

As the County's Northwest Water Treatment Plant was existing prior to the effective date of these regulations, the County was grandfathered for the amount of water that was being pumped across the river basin boundaries at the time of approval of the regulations. With the expansion of the Northwest Plant, the amount of water transferred will exceed the grandfathered amount, so an Interbasin Transfer Permit must be obtained for the additional flow to be transferred from one basin to another.

Tetra Tech, Inc., prepared the Phase I analysis of the Interbasin Transfer Permit and outlined the processes that the County must take to obtain the permit. They have successfully prepared Interbasin Transfer Permits for other utilities and have the experience needed by the County to guide it through this process. The proposed contract includes all of the work necessary to determine the scope of the required Environmental Impact Statement. It also includes coordination with the NC DENR Water Resources Division and Environmental Management Commission. The estimated contract amount based upon the Scope of Work is \$124,073.

Vice-Chairman Norris moved to approve the Professional Services Agreement with Tetra Tech, Inc. for the Phase II portion of the Interbasin Transfer Permit Application Process and the associated budget amendment. The vote of approval was unanimous.

#### **IX. BOARD APPOINTMENTS**

**1. Library Board (District 1 appointment)**

Vice-Chairman Norris nominated Shelia Umbricht. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointment of Ms. Umbricht. The vote of approval was unanimous. Shelia Umbricht will serve the unexpired term of Philip Olson (resigned) that will expire on July 1, 2010.

#### **X. COUNTY ATTORNEY'S REPORT**

**1. Deed of Dedication Ocean Ridge Plantation Ph. 4, Section 5**

Huey Marshall, County Attorney explained that these lines are ready for acceptance into the system with a worth of \$130,707.70 for water lines and \$89,505.90 for sewer lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for Ocean Ridge Plantation Phase 4, Section 5. The vote of approval was unanimous.

**2. Deed of Dedication-Fire Lines for Building T11, Beacon Townes at Carolina Shores ....**

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the system with a worth of \$1,000.00 for water lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for Fire Lines for Building T11, Beacon Townes at Carolina Shores. The vote of approval was unanimous.

**3. Subdivision Interlocal Agreement with Town of Leland**

Chairman Sue requested recusal from this item. Commissioner Moore moved to recuse Chairman Sue. The vote of approval was unanimous. Vice-Chairman Norris was acting Chairman.

Huey Marshall, County Attorney, explained that two parcels lying on either side of the Leland town limits are to be subdivided by the owners and the resultant parcels will straddle the town limits. To avoid jurisdictional issues the property owners request would be better solved by jurisdictional agreement and the new parcels will be annexed into the town limits after the subdivision.

Vice-Chairman Norris moved to approve the Interlocal Agreement with the Town of Leland. The vote of approval was unanimous (4 ayes). Chairman Sue recused.

**4. Closed Session 7:39 p.m.**

Vice-Chairman Norris moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) (a) (4) and (a) (6) to consult with the attorney to protect attorney-client privilege, to discuss matters relating to the location or expansion of business in the area served by this body and to hear or investigate a complaint, charge, or grievance by or against a public officer or employee. The vote of approval was unanimous.

**Reconvened 10:20 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 authorize staff to acquire three lots in Sunset Beach (parcel numbers 256OC022, 256OQ021 and 225BB002) by whatever means for use by the Utility Department for sewer installation. The vote of approval was unanimous.

Commissioner Moore moved to acquire the Hankins property, located west of the complex for installation of a road which will be located at the east perimeter of the Governmental Complex to connect the Operation Service Center and School Bus Garage with Old Ocean Highway by whatever means. The vote of approval was unanimous.

Chairman Sue moved to acquire by whatever means, property in the Sunset Harbor area for facilitation of sewer line that will be used in that area for both current and future works now owned by Phil Boling and the W. D. Boling Trust. The vote of approval was unanimous.

Vice-Chairman Norris moved to authorize staff to employ Parker, Poe, Adams and Bernstein to assist with an issue in the development regulation that the county maintains with a cap of \$40,000.

**XI. OTHER BUSINESS/INFORMAL DISCUSSION**

**1. Discussion regarding Gross Receipts Tax on Short Term Rentals**

The Board and Staff discussed applying property tax to heavy equipment rented on a short-term basis by replacing the property tax on this equipment with a tax on the gross receipts from renting the equipment. It was consensus of the Board to receive additional information before taking any action.

The Board also discussed a request for funding for beach renourishment from the Town of Ocean Isle Beach, Town of Holden Beach and the Town of Oak Island. It was consensus of the Board to direct the County Manager to hold a joint meeting as soon as possible with these Towns for further negotiations and bring this item back to the Board for consideration.

There was no other business to discuss.

**XII. ADJOURNMENT**

Commissioner Moore moved to adjourn the Regular Meeting at 10:32 p.m. The vote of approval was unanimous.

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William M. Sue, Chairman

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Deborah (Debby) Gore, Clerk to the Board