

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
NOVEMBER 16, 2009
6:30 P.M.**

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

PRESENT: Commissioner Phil Norris, Vice-Chairman
 Commissioner J. 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
 Debby Gore, Clerk to the Board
 Ann Hardy, Fiscal Operations Director

Sgt. Mark Trull

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Phillips 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. Huey Marshall, County Attorney, indicated that Tom Davis had completed certification requirements and asked for approval to remove "Interim" from the job title of Tax Administrator as Item IX-5.

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. Owen Metts, spoke on behalf of Randolphville Road residents and thanked the Board for adding the community to the county water system and asked that information regarding the associated costs of this project be provided to the residents.

V. APPROVAL OF CONSENT AGENDA

Commissioner Phillips moved to approve the Consent Agenda. The following items were approved:

- A. **Minutes**
 - 1. **October 28, 2009 Agenda Meeting Minutes**
 - 1. **November 2, 2009 Regular Meeting Minutes**
 - 2. **November 10, 2009 Agenda Meeting Minutes**

- B. **Tax**
 - 1. **Tax Releases November 2009**
 - 2. **Motor Vehicle Valuation & Levy July 2009**
 - 3. **Monthly Tax Collection Report October 2009**

C. **Finance**

General Fund- Rescue Squads:

Revenues:

Fund Balance Appropriated	100000-399100	\$9,000
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Expenditures:

Leland VRS	104370-465071	\$9,000
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The above amendment is to appropriate the fourth quarter fiscal year 2009 Leland Volunteer Rescue Squad earnings that were held at the end of the fiscal year until the financial reporting guidelines were met. The financial reporting has now been made and staff recommends providing the funding to the Leland VRS.

General Fund- Emergency Management:

Revenues:

Miscellaneous Revenue	104330-383900	\$2,040
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Expenditures:

Miscellaneous Expense	104330-449900	\$2,040
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The above amendment is to appropriate miscellaneous revenues received from National Association of Counties as a reimbursement for travel.

Health Fund- Bioterrorism Preparedness:

Revenues:

State Revenue Restricted	135186-332000	\$301,601
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Expenditures:

Special Program Materials	135186-423100	\$301,601
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The above amendment is to appropriate a funding authorization from the State of North

Carolina providing an additional \$301,601 over the current allocation of \$80,000. The funds are provided for implementation expenses in preparation for H1N1 vaccine distribution.

Wastewater Fund- Sewer Administration:

Expenditures:

Professional Services-Legal	627210-419200	\$100,000
Capital Outlay-Avalon Improvements	627210-459000	\$(100,000)

Total **\$0**

The above budget amendment is to both transfer an appropriation for easements and fees from the Sewer Fund to the Capital Project Fund for amounts association with Avalon and to appropriate funds for legal fees association with the H2GO issue.

County Capital Reserve Fund:

Expenditures:

Airport Certification Designated	269800-464254	\$(65,116)
Undesignated Funds	269800-464299	\$(54,884)
Transfer to County Capital Reserve	269800-498043	\$120,000

Total **\$0**

The above budget amendment is to transfer \$120,000 from the County Capital Reserve to the Avalon Capital Project as an advance in anticipation of receiving funds from the bonding company to complete the project. \$54,884 of undesignated funds are recommended and \$65,116 of funds that were held for the Airport which do not appear to be needed by the Airport at this time are recommended as the source of the transfer.

County Capital Project Fund- Avalon:

Revenues:

Trans from County Capital Reserve	438193-398226	\$120,000
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Expenditures:

Legal and Engineering Professional Fees	438193-464001	\$20,000
Land	438193-464011	\$100,000

Total **\$120,000**

The above amendment and capital project ordinance below are to appropriate funds the funds from the County Capital Reserve Fund identified above for the Avalon Capital Project in anticipation of replenishment from the bonding company.

**County of Brunswick, North Carolina
Avalon Project 438193**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section

13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Capital Projects Fund and County Wastewater Capital Reserve Fund and the County Capital Reserve Fund for the Avalon Project:

County Capital Project Fund:

Revenues:

Transfer from County Capital Reserve	\$130,000
Total County Capital Project Fund Revenues	<u>\$130,000</u>

Expenditures:

Legal and Engineering Professional Fees	\$30,000
Land	<u>\$100,000</u>
Total County Capital Project Fund Expenditures	<u>\$130,000</u>

Section 2. This Capital Project Ordinance shall be entered into the minutes of the November 16, 2009 meeting of the Brunswick County Board of Commissioners

County Capital Reserve Fund:

Expenditures:

Building Renovations	269800-464214	\$(4,000)
Transfer to General Fund	269800-498010	\$4,000
Total		\$0

General Fund-Operation Services:

Revenues:

Transfer from County Capital Reserve	109800-398226	\$4,000
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Expenditures:

Capital Outlay-Buildings	104280-458000	\$4,000
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The above amendment is to transfer funds from the County Capital Reserve for improvements to Building H.

- D. **EMS-MOU Emergency Services NC Office of EMS for State Medical Assistance Team**
Staff requests approving Memorandum of Agreement between the Department of Health and Human Services and Brunswick County.
- E. **Mental Health Court-Grant Application for S.T.O.P. Program**
Staff requests approving the submittal of the Grant Application.
- F. **Finance-Governmental Finance Officers Association Budget Presentation**

Staff requests the authorization for the Submittal of the FY 2009-2010 Budget for the Government Finance Officers Association Distinguished Budget Presentation Awards Program.

VI. PRESENTATION

1. Brunswick Botanical Garden Award and Master Gardener Recognition (Commissioner Cooke)

Commissioner Cooke informed that the Brunswick Botanical Garden received First Prize in the Third Annual Madeline Collier Landscape Garden Design Competition (Category B: Large Programs) presented at the 2009 North Carolina Master Gardener Conference on October 6, 2009. This award, which included a \$250 cash prize, is sponsored by the North Carolina Master Gardener Volunteer Association and Ms. Susan Wyatt of the Wake County Master Gardeners. Since 2004, Brunswick County Master Gardeners have invested over \$40,000 in private funds and over 10,000 volunteer hours in support of the development and maintenance of the garden. Commissioner Cooke presented a plaque to Al Hight, Cooperative Extension Director and Ms. Shirley Wagner-Eisenman, Master Gardener Association, President.

2. Master Gardener Volunteer Lifetime Achievement Award (Al Hight)

Al Hight, Cooperative Extension Director, recognized Ms. Shirley Wagner-Eisenman who received the lifetime Achievement Award for Outstanding Volunteer for 2008 with sixteen years of dedicated service to the Brunswick County Master Gardener Program Past-President of the NC Master Gardener Volunteer's Association and current president of the Brunswick County Master Gardener Association.

VII. ADMINISTRATIVE REPORT

1. Tax-2011 Tax Revaluation Appraisal Contract with Ferriss Appraisal (Tom Davis)

Staff recommends approving 2011 Countywide Revaluation Contract with Ferriss Appraisal Inc.

Tom Davis, Tax Administrator requested approval of a contract with Ferriss Appraisal Inc. to assist with the 2011 Tax Revaluation in the amount of \$70,000.

Commissioner Phillips moved to approve a Countywide Revaluation Contract with Ferriss Appraisal Inc. The vote of approval was unanimous.

2. Finance-NC Local Government Debt Setoff Clearinghouse Participation-Utility Customer Service (Ann Hardy)

Staff recommends approval of the Resolution and Memorandum of Understanding Authorizing Brunswick County to Participate in the NC Local Government Debt Setoff Clearinghouse Program.

Ann Hardy, Fiscal Operations Director, explained the following:

Background Information

The NC Local Government Debt Setoff Clearinghouse was established as a result of the Setoff Debt Collection Act of the NC General Statutes which authorized the NC Department of Revenue and claimant agencies to cooperate in identifying debtors who owe money to State and local governments and who qualify for State income tax refunds. The Clearinghouse submits delinquent debts on behalf of a county and the clearinghouse submits those debts to the NCDOR to recover those amounts owed from State income tax refunds or lottery winnings due to the debtors.

In 2009 to date, 334 NC participating governments submitted claims thru the clearinghouse and recovered over \$21,236,000 in amounts owed. Since 2002, they have collected over \$77 million for NC governments. To participate in the program, Brunswick County would execute a Memorandum of Understanding with the NC Local Government Debt Setoff Clearinghouse and approve a resolution to participate in the program.

Current Status

If the Board of Commissioners approve the program, the Utility Billing Office Supervisor and Revenue Collector would subscribe to the Locate Plus database service for the purpose of obtaining the social security number of a delinquent taxpayer or account holder prior to submittal to the Clearinghouse. To maintain the confidentiality and security of the social security numbers and insure adherence to the red flag rules, the social security number would only be maintained long enough to enter into the Clearinghouse database and kept strictly confidential with access limited to the supervisors. Any written or printed social security number would be shredded immediately after entry into the database. The fee for Locate Plus is \$1 per request with a \$15 monthly minimum.

The proposed procedure is to notify a customer of the delinquent balance on their utility monthly statement or if taxes are owed a letter would be mailed to the property owner. If the balance is delinquent for a minimum of 60 days, a letter would be sent by regular mail informing the customer/taxpayer that if they do not satisfy the debt, the county will attempt to collect the debt through NCDOR tax refunds or the lottery. If the debt is not satisfied within 30 days of the mailing of the notification letter, the customer service supervisor or revenue collector will submit the debt to the NC Clearinghouse for collection. There is no charge to the county for the Clearinghouse service. The debtor is charged \$20 of which \$5 is provided to the NCDOR and \$15 is retained by the Clearinghouse.

The letters for all current delinquent utility customers would be mailed by the end of November and those continuing to be delinquent would be submitted to the Clearinghouse by December 31, 2009. The approval at the November Board of Commissioners meeting would facilitate the county's ability to recover amounts owed from any 2009 tax refunds that may be due to county utility debtors.

The Board of Commissioners would need to appoint a hearing officer or body to hear disputed claims filed by customers and taxpayers.

Recommendation

Staff recommends that the Board of Commissioners authorize the Chairman, Clerk and Finance Officer to execute the Memorandum of Understanding and Agreement NC Local Government Debt Setoff Clearinghouse Program and Resolution, Authorize the Finance Officer to submit application to the Local Plus service and name the hearing officer for implementation of the program in the Utility Customer Service and Revenue Collector departments.

Commissioner Phillips moved to approve the Resolution and Memorandum of Understanding Authorizing Brunswick County to Participate in the NC Local Government Debt Setoff Clearinghouse Program. The vote of approval was unanimous.

3. Finance-Unaudited Financial Report Ending October 31, 2009 (Ann Hardy)

Staff recommends to Receive October 31, 2009 Financial Report as Information.

Ann Hardy, Fiscal Operations Director, presented the following Financial Report ending October 31, 2009 as information.

General Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual for the General Fund for the period ended 10/31/09 on the cash basis with comparative actual amounts for the period ended 10/31/08.

Total revenues for the General Fund at 10/31/09 are \$30.6 million compared to \$32.3 million at 10/31/08 for a decrease of (\$1.7) million or (5.3%). Total revenues collected are currently 21.1% of the amended budget for the fiscal year.

Total expenditures for the General Fund at 10/31/09 are \$45.4 million compared to \$48.5 million at 10/31/08 for a decrease of (\$3.1) million or (6.4%). Total expenditures are currently 29.9% of the amended budget for the fiscal year.

Net other financing sources and transfers to reserve funds of \$0.1 million are reported. Revenues and other financing sources are less than expenditures and other financing uses by (\$14.8) million at 10/31/09 as compared to (\$17.4) million at 10/31/08. The overall result for the first quarter of FY 10 is an improvement of \$2.6 million or 14.9% as compared to the first quarter of FY 09. The improvement is due to reductions in expenditures greater than reductions in revenues and reductions in transfers to reserve funds for projects.

Water Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual and changes in fund balance for the Water Fund for the period ended 10/31/09 on the cash basis with comparative actual amounts for the period ended 10/31/08.

Total revenues for the Water Fund at 10/31/09 are \$7.3 million compared to \$8.5 million at 10/31/08 for a decrease of (\$1.2) million or (14.1%). Total revenues collected are currently 40.9 % of the amended budget for the fiscal year.

Total expenditures for the Water Fund at 10/31/09 are \$4.3 million compared to \$4.2 million at 10/31/08 for an increase of \$0.1 million or 2.3%. Total expenditures are currently 27.7% of the amended budget for the fiscal year.

Net transfers to the Water Capital Reserve for Water Capital Projects of (\$0.5) million are reported. Revenues and other financing sources are greater than expenditures and other financing uses by \$2.5 million as of 10/31/09 as compared to \$4.4 million at 10/31/08. The overall result for the first quarter of FY 10 is a decline of (\$1.9) million or (43.2%) as compared to the first quarter of FY 09. The decline is due to declining retail, wholesale and industrial mainly due to the PPI rate decrease, taps/connections, transmission, capital recovery fees and investment revenues along with an increase in transfers to capital projects.

Wastewater Fund

Presented on the Brunswick County Government website is a schedule of revenues and expenditures-budget and actual for the Wastewater Fund for the period ended 10/31/09 on the cash basis with comparative actual amounts for the period ended 10/31/08.

Total revenues for the Wastewater Fund at 10/31/09 are \$3.7 million compared to \$4.0 million at 10/31/08 for a decrease of (\$0.3) million or (7.5%). Total revenues are currently 29.6% of the amended budget for the fiscal year.

Total expenditures for the Wastewater Fund at 10/31/09 were \$3.2 million compared to \$3.1 million at 10/31/08 for an increase of \$0.1 million or 3.2%. Total expenditures are currently 23.7 % of the amended budget for the fiscal year.

Net transfers to the Wastewater Fund from the Wastewater Capital Reserve and Wastewater Capital Projects of \$1.5 million are reported. The transfers were to replenish the operating fund from debt proceeds received for capital projects. The project advances were for the Sunset and Calabash collection systems. Revenues and other financing sources are greater than expenditures and other financing uses by \$2.0 million as of 10/31/09 as compared to \$1.3 million at 10/31/08. The overall result for the first quarter of FY 10 is an improvement of \$0.7 million or 53.9% as compared to the first quarter of FY 09. The improvement is due to the receipt of the debt proceeds to replenish the operating fund project advances made in prior years.

Key Indicators of Revenues and Expenditures

Presented on the Brunswick County Government website are charts with actual history, current month actual amounts and annual budget information for major revenues and expenditures in both the enterprise and general funds.

Cash and Investments

A Summary of Cash and Investments is presented on the Brunswick County Government website as of 10/31/09 reports that the County had \$107.3 million of unrestricted cash and investments in all funds including those accruing for outside agencies that the county performs collections plus \$22.4 million of capital project restricted cash from debt proceeds. All cash and investments are earning an average yield of 0.89%. The total of cash balances per fund as of 10/31/09 was \$40.5 million General Fund, \$12.0 million County Capital Reserve Fund, \$19.5 million in the Water Fund, \$2.8 million in the Wastewater Fund and \$3.1 million in the Wastewater Capital Reserve Fund.

Capital Reserve Funds

A report of the budget and actual amounts for all capital reserve reports is presented on the Brunswick County Government website.

Grants and Capital Project Funds

A report of all grant and capital project funds is presented on the Brunswick County Government website.

The various unaudited and interim financial reports are presented for information and no action is requested.

VIII. BOARD APPOINTMENTS

1. Voluntary Agricultural District Board (1 appointment)

Vice-Chairman Norris nominated David Knox. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the recommended appointment of David Knox. The vote of approval was unanimous. Mr. Knox will serve as the at-large appointment previously held by Donald Ray Long (resigned) and his term will expire on January 15, 2011.

2. Board of Health (3 appointments)

Commissioner Cooke nominated Joey Galloway, Haywood Miller and Robert Smith. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Chairman Sue moved to approve the appointments of Galloway, Miller and Smith. The vote of approval was

unanimous. Joey Galloway, Pharmacist, Haywood Miller, Public, and Robert Smith, Public, were re-appointed to serve another three year term that will expire on December 1, 2012.

IX. COUNTY ATTORNEY'S REPORT

Chairman Sue moved to recuse Vice-Chairman Norris from Item IX-1. The vote of approval was unanimous.

1. Deed of Dedication Ruffin's River Landing

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$176,611.00 for water lines and \$496,419.70 for sewer lines.

Chairman Sue moved to approve the Deed of Dedication for Ruffin's River Landing. The vote of approval was 4 ayes (Warren, Phillips, Sue, Cooke) (Vice-Chairman Norris recused).

2. Deed of Dedication Universal Health Care

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$65,510.00 for water lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for Universal Health Care. The vote of approval was unanimous.

3. Deed of Dedication Windsor Park Sections 3-10 and 13

Huey Marshall, County Attorney, explained that these lines are ready for acceptance into the county system with a worth of \$411,000.00 for water lines.

Vice-Chairman Norris moved to approve the Deed of Dedication for Windsor Park, Sections 3-10 and 13. The vote of approval was unanimous.

4. Schedule Public Hearing for December 7, 2009 on Term Limits for Advisory and Delegated Boards that Conduct the County's Business

Huey Marshall, County Attorney, indicated that the Board has discussed processes that will bring more community members into the deliberation and advisory functions that assist the County in the conduct of its business and requested to schedule a Public Hearing for December 7, 2009 at 6:30 p.m. to receive input regarding limiting term limits for Advisory and Delegated Boards that conduct the County's business. Mr. Marshall will provide a list of boards that will be subject to this proposed change.

Commissioner Cooke moved to schedule a Public Hearing on December 7, 2009 at 6:30 p.m. The vote of approval was unanimous.

5. Tax Supervisor (Added Under Adjustments to the Agenda)

Huey Marshall, County Attorney, explained that Interim Tax Administrator Tom Davis has met certification requirements and requested that he serve as Tax Administrator for the rest of his term.

Commissioner Phillips moved to allow Tom Davis to serve as Tax Administrator for the rest of his appointed term. The vote of approval was unanimous.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discussion.

XI. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 7:03 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board