

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
DECEMBER 1, 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 J. Martin Cooke

COMMISSIONERS ELECT:       Charles Warren  
  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  
  
                                  Lt. Roger Harrington

ABSENT:                    Commissioner Phil Norris, Vice-Chairman

**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. PRESENTATION OF COLORS AND PLEDGE OF ALLEGIANCE**

The Brunswick County Sheriff's Department Color Guard presented colors and led the Pledge of Allegiance.

Chairman Sue requested to adjust the agenda to add for approval, items 9-14 under Approval of Minutes. The vote of approval was unanimous.

**III. APPROVAL OF MINUTES**

1. May 19, 2008 Regular Meeting Minutes
2. June 16, 2008 Regular Meeting Minutes
3. July 21, 2008 Regular Meeting Minutes
4. August 4, 2008 Regular Meeting Minutes

5. August 18, 2008 Special Meeting
6. September 3, 2008 Recessed/Joint Planning Board Meeting
7. November 3, 2008 Regular Meeting Minutes
8. November 17, 2008 Regular Meeting Minutes  
(Added as Adjusted to the Agenda)
9. February 25, 2008 Board Retreat Minutes
10. February 26, 2008 Board Retreat Minutes
11. February 27, 2008 Board Retreat Minutes
12. May 22, 2008 Recessed Meeting/Budget Hearing Minutes
13. May 23, 2008 Recessed Meeting/Budget Hearing Minutes
14. June 9, 2008 Budget Workshop Minutes

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

#### **IV. PRESENTATION OF PLAQUES**

Commissioner Sue presented plaques in appreciation of years of service to Commissioner May Moore and Commissioner Tom Rabon. Debby Gore, Clerk to the Board presented roses to Jimmy Moore and Mattie Rabon for supporting their spouses during their tenure as County Commissioners.

Sheriff John Ingram and Chief Deputy Charlie Miller presented a Certificate of Appreciation to Commissioner Moore and Commissioner Rabon.

#### **V. COMMISSIONER COMMENTS**

Commissioner Moore stated that when she became a commissioner, she followed in the footsteps of some visionary and courageous people, who began building modern schools, created water systems, built Brunswick Community College and established planning and zoning in Brunswick County and hopes that she has contributed in her own way to that vision and that those who follow her will continue to meet the needs of the people of Brunswick County and love this county as much as she does.

Commissioner Rabon spoke the following; Tonight, I am reminded of the words spoken by President Kennedy during his inauguration almost half a century ago. Quote "the torch is passed to a new generation of Americans" Unquote. Here in Brunswick County a young man is replacing an older man. Shortly in Raleigh, a person will be sworn in as the first woman governor of our great state. Shortly thereafter in Washington, an African American will take the oath as President of these United States. As time goes on, more changes will occur. But tonight, I'd like to say a few words about the past. During my tenure here as a commissioner, I have determined that Brunswick County is blessed with a staff second to none. Their competence and education has allowed me to spend only a limited amount of time on the telephone answering complaints. Having served with a number of difference commissioners since 1992, I'm happy to say, without exception, that all have been honorable people and I have enjoyed working with every one of them. And last, but certainly not least, I would like to thank the citizens of Brunswick County for allowing my father to serve as county commissioner, for allowing my son to serve our county as a member of the General Assembly and finally, allowing me the opportunity to serve you for four terms. I feel honored to have served you, and will be eternally grateful for the privilege.

Commissioner Cooke thanked Commissioners Moore and Rabon for the opportunity to serve in a working relationship that seemed as a family and expressed appreciation for their wisdom and knowledge.

Chairman Sue thanked Commissioners Moore and Rabon for a great working relationship throughout the years.

**VI. RECESS**

Commissioner Moore moved to recess the meeting at 6:51 p.m. The vote of approval was unanimous.

Chairman Sue called a 5 minute recess.



**I. CALL TO ORDER**

Debby Gore, Clerk to the Board, called the meeting to order at 6:57 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. BRUNSWICK COUNTY COLOR GUARD/PRESENTATION OF COLORS**

The Brunswick County Sheriff's Department Color Guard presented colors.

**III. INVOCATION/NATIONAL ANTHEM**

Commissioner-Elect Scott Phillips gave the Invocation. Michael Clemmons, Sue Wescott and Anthony Clemmons sang the National Anthem.

**IV. OATH OF OFFICE/COMMISSIONERS**

Judge Napoleon Barefoot administered the Oath of Office to Commissioner Elect Charles Warren.

**OATH OF OFFICE  
BRUNSWICK COUNTY COMMISSIONER**

I, Charles Warren, do solemnly and sincerely swear (or affirm) that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I Charles Warren, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner of Brunswick County according to the best of my skill and ability, according to law; so help me God.

s/Charles Warren

Attestation:

Subscribed and sworn before me this the 1st day of December, 2008.  
s/Deborah S. Gore, CMC  
Clerk to the Board  
Brunswick County Commissioners

Judge Ola Lewis administered the Oath of Office to Commissioner William Sue, Commissioner J. Martin Cooke, and Commissioner Elect Scott Phillips.

**OATH OF OFFICE  
BRUNSWICK COUNTY COMMISSIONER**

I, William M. Sue, do solemnly and sincerely swear (or affirm) that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I William M. Sue, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner of Brunswick County according to the best of my skill and ability, according to law; so help me God.

s/William M. Sue  
Attestation:  
Subscribed and sworn before me this the 1st day of December, 2008.  
s/Deborah S. Gore, CMC  
Clerk to the Board  
Brunswick County Commissioners

**OATH OF OFFICE  
BRUNSWICK COUNTY COMMISSIONER**

I J. Martin Cooke, do solemnly and sincerely swear (or affirm) that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I J. Martin Cooke, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner of Brunswick County according to the best of my skill and ability, according to law; so help me God.

s/J. Martin Cooke  
Attestation:  
Subscribed and sworn before me this the 1st day of December, 2008.  
s/Deborah S. Gore, CMC  
Clerk to the Board  
Brunswick County Commissioners

**OATH OF OFFICE  
BRUNSWICK COUNTY COMMISSIONER**

I, Scott Phillips, do solemnly and sincerely swear (or affirm) that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the

government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I Scott Phillips, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner of Brunswick County according to the best of my skill and ability, according to law; so help me God.

s/Scott Phillips

Attestation:

Subscribed and sworn before me this the 1st day of December, 2008.

s/Deborah S. Gore, CMC

Clerk to the Board

Brunswick County Commissioners

#### **V. ELECTION OF CHAIRMAN**

Debby Gore, Clerk to the Board asked for nominations for Chairman. Commissioner Cooke nominated William Sue. Commissioner Cooke moved to close the nominations. The vote of approval was unanimous. Commissioner Cooke moved to approve the appointment of William Sue. The vote of approval was unanimous.

#### **VI. ELECTION OF VICE-CHAIRMAN**

Chairman Sue nominated Phil Norris. Chairman Sue moved to close the nominations. The vote of approval was unanimous. Commissioner Sue moved to approve the appointment of Phil Norris. The vote of approval was unanimous.

Catherine Cooke (wife of Commissioner Marty Cooke) sang The Lord's Prayer more beautiful than anyone has ever sung before.

#### **VII. APPROVAL OF REGISTER OF DEEDS BOND/OATH OF OFFICE**

Huey Marshall, County Attorney, informed that the Bond was received today and complies with the NC Statues. Commissioner Phillips moved to approve the Register of Deeds' Bond. The vote of approval was unanimous.

Judge Lewis administered the Oath of Office to Brenda Clemmons, Register of Deeds.

#### **OATH**

I, Brenda Clemmons, do solemnly and sincerely swear (or affirm) that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, Brenda Clemmons, do solemnly swear (or affirm) that I will faithfully and truly, according to the best of my skill and ability, execute the duties of the office of Register of Deeds for the County of Brunswick, in all things according to law; so help me, God.

s/Brenda Clemmons

Attestation:

Subscribed and sworn before me this the 1st day of December, 2008.

s/Deborah S. Gore, CMC  
Clerk to the Board  
Brunswick County Commissioners

### **VIII. APPROVAL OF CORONER BOND/OATH OF OFFICE**

Chairman Sue moved to approve the Coroner's Bond. The vote of approval was unanimous.

Judge Lewis administered the Oath of Office to Coroner Greg White.

#### **OATH**

I, Greg White , do solemnly and sincerely swear (or affirm) that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, Greg White , do swear (or affirm) that I will well and truly execute the duties of the office of Coroner of Brunswick County, according to the best of my skill and ability, according to law; so help me, God.

s/Greg White

Attestation:

Subscribed and sworn before me this the 1st day of December, 2008.

s/Deborah S. Gore, CMC  
Clerk to the Board  
Brunswick County Commissioners

### **IX. ADJUSTMENTS/APPROVAL OF THE AGENDA**

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

1. Chairman Sue requested to remove Item VI-I, Brunswick County Comprehensive Transportation Plan.

Commissioner Cooke moved to approve the agenda as amended. The vote of approval was unanimous. (4ayes)

### **X. 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 on the agenda. The following citizens addressed the Board:

1. Connie Stowers, Quilt Road resident, spoke in opposition of Proposed Map Amendment Z-08-631 and submitted a petition opposing the rezoning request stating that this had been brought before the Board last year and was denied.

### **XI. APPROVAL OF CONSENT AGENDA**

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

A. **Tax**

B. **Finance**

Fund	Description	Code	Increase	Decrease
General Fund	Transfer to Grant Fund	109800-498023	\$23,547	
General Fund	Planning - Salaries to Projects	104910-412990		\$19,000
General Fund	Planning – Fringe Benefits to Projects	104910-418900		\$4,547
Grant Fund	Transfer from General Fund	238170-398110	\$23,547	
Grant Fund	Contracted Services	238170-439900	\$23,547	

Staff recommends approval of the above budget amendment to transfer funds from the planning budget to the Local Crisis Housing Assistance Fund “CHAF” budget to cover ineligible grant expenditures. The Board of Commissioners authorized building a stick built home versus a mobile home and the difference in cost is ineligible from grant funds in the amount of \$23,422. In addition storage fees in the amount of \$125 were denied stating that only three months of storage and not four are eligible. A percentage of salaries and benefits in the planning department are being charged to the CHAF Grant and should offset the ineligible amounts.

Fund	Description	Code	Increase	Decrease
General Fund	Board Authorized Legal Fees	104150-419200	\$40,000	
General Fund	Contingency	109910-499100		\$40,000

Staff recommends approval of the above budget amendment to transfer funds from Commissioners’ Contingency to the Legal Department Budget for contracted legal fees as authorized by the commissioners in the amount of \$40,000.

Fund	Description	Code	Increase	Decrease
General Fund	Misc Revenue	104950-383958	\$400	
General Fund	Motor Fuels & Lubricants	104950-425100	\$400	
General Fund	Educational Program Revenues	104950-335032	\$808	
General Fund	Educational Program Expenditures	104950-449947	\$808	
General Fund	4-H Program Revenues	104950-335031	\$4,537	
General Fund	4-H Program Expenditures	104950-449952	\$4,537	

Staff recommends approval of the above budget amendment to appropriate Cooperative Extension program revenues collected in excess of budget amounts for program related expenditures.

C. **Southeastern Mental Health**

Staff requests that the Board approve a Resolution to Delegate Hiring Authority for an Area Director to the Southeastern Center for Mental Health, Developmental Disability, and Substance Abuse Services Area Board.

**D. Legislative Conference Voting Delegate**

Staff requests that the Board designate Commissioner Phil Norris as Voting Delegate for the Legislative Goals Conference to be held January 15-16, 2009.

**E. Operation Services**

Staff requests that the Board approve water management projects by the mosquito control division for 815 Meadow Lane, 1591 Morgan Road, and 1540 Gate One SW.

**XII. ADMINISTRATIVE REPORT**

**1. Brunswick County Comprehensive Transportation Plan (Earline Thomas)  
(Removed Under Adjustments to the Agenda)**

**2. Planning – Unified Development Ordinance Text Amendment UDO-08-01 (Leslie Bell)**

Staff recommends scheduling a Public Hearing for Text Amendment UDO-08-01 for January 5, 2009 at 6:30 p. m.

Commissioner Phillips moved to schedule a Public Hearing for Proposed Text Amendment UDO-08-01 on January 5, 2009 at 6:30 p.m. The vote of approval was unanimous.

**3. Planning – Map Amendment Z-08-631 First Reading Set PH (Leslie Bell)**

Staff recommends scheduling a Public Hearing for Map Amendment Z-08-631 for January 5, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

**Item 1** (Map Amendment Z-631 - William A. Roach)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to C-LD (Commercial Low Density) would allow for commercial use for Tax Parcel 168GB023 located at Quilt Road (SR 1203) near Supply, NC.

This rezoning totals 3.73 acres.

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

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

Commissioner Phillips moved to schedule a Public Hearing for Proposed Map Amendment Z-08-631 on January 5, 2009 at 6:30 p.m. The vote of approval was unanimous.

**4. Planning – Map Amendment Z-08-632 First Reading Set PH (Leslie Bell)**

Staff recommends scheduling a Public Hearing for Map Amendment Z-08-632 for January 5, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

**Item 1** (Map Amendment Z-632 - Jeff and Maribeth Achterberg)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to NC (Neighborhood Commercial) would for commercial use for Tax Parcels 2430000602, 2430000610, 2430000611, and 2430000612 located at 1681 Buck Thorpe

Road near Ocean Isle Beach, NC. An amendment to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to CC (Community Commercial) has been requested for Tax Parcels 2430000602, 2430000610, 2430000611, and 2430000612 located at 1681 Buck Thorpe Road near Ocean Isle Beach, NC.

This rezoning totals 2.67 acres.

Planning Staff recommends denial to NC (Neighborhood Commercial).

Planning Board recommends approval to NC (Neighborhood Commercial) [unanimous 7 to 0].

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to CC (Community Commercial) for Tax Parcels 2430000602, 2430000610, 2430000611, and 2430000612 located at 1681 Buck Thorpe Road near Ocean Isle Beach, NC [unanimous 7 to 0].

Commissioner Warren moved to schedule a Public Hearing for Proposed Map Amendment Z-08-632 on January 5, 2009 at 6:30 p.m. The vote of approval was unanimous.

**5. Utilities – Fields Operation Center Notice of Award (Jerry Pierce)**

Staff recommends approving the Award of Construction Contract for Public Utilities Field Operations Center Project to John S. Clark Company in the amount of \$4,591,574 and approve the associated budget amendment and capital project ordinance.

Commissioner Cooke moved to Award the Construction Contract for the Public Utilities Field Operations Center Project to John S. Clark Company in the amount of \$4,591,574 and the associated budget amendment and capital project ordinance contingent upon review by the County Attorney. The vote of approval was unanimous.

**6. Engineering-Change Order No. 1 Bordeaux Construction Company (Jeff Phillips)**

Staff recommends the approval for Change Order No. 1 to the contract of Bordeaux Construction Company Inc.

Commissioner Cooke moved to approve Change Order No. 1 to the contract of Bordeaux Construction Company. The vote of approval was unanimous.

**7. Finance – Cell Phone Employee Contract (Ann Hardy)**

No recommendation given.

Commissioner Phillips moved to approve the transfer of cellular telephone equipment and contract obligations to employees with their consent and for to staff to develop a cell phone stipend plan for approval by the Board as soon as possible, to compensate employees that use their personal cell phones for county business. The vote of approval was unanimous.

**8. Economic Development-Two County Industrial Park (Jim Bradshaw)**

Staff recommends approving the Articles of Incorporation and Bylaws for the Non-Profit Corporation for the Two-County Industrial Park.

Commissioner Cooke moved to approve the Articles of Incorporation and Bylaws for the Non-Profit Corporation Two-County Industrial Park. The vote of approval was unanimous.

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

1. **Cedar Grove School and Park Land Access Purchase (Jana Berg)**

Commissioner Phillips moved to approve the purchase of the required right of way areas as shown on the provided map and legal description and approved to expend funds for the Land Access Purchase for Cedar Grove School and Park. The vote of approval was unanimous.

2. **Deed of Dedication – Sunset Quarters Development (Huey Marshall)**

Chairman Sue moved to approve the Deed of Dedication for Sunset Quarters Development with a worth of \$300,000.00 for sewer lines. The vote of approval was unanimous.

3. **NC Geodetic Survey to Establish County Lines (Huey Marshall)**

Commissioner Cooke moved to conduct a public hearing and adopt a Resolution appointing a Boundary Commissioner and requesting the NC Geodetic Survey to survey the Brunswick/Columbus County line. The vote of approval was unanimous.

#### **RESOLUTION TO ASK FOR ASSISTANCE TO ESTABLISH THE BRUNSWICK/COLUMBUS COUNTY LINE**

**WHEREAS**, County boundaries are a matter of importance to both citizens and counties, as many determinations are based upon the County of location or origin, and

**WHEREAS**, the General Statutes provide for the establishment of county boundaries, and

**WHEREAS**, the North Carolina Geodetic Survey will assist Counties in establishing county boundaries, and

**WHEREAS**, holding a public hearing on this matter would promote citizen involvement and open the process for greater public input, and

**WHEREAS**, a Boundary Commissioner will be needed to assist in the survey.

**THEREFORE**, the **Brunswick County Commissioners**, meeting in public session, establish that public hearing be conducted on this issue, and that the County will consider, after the Public Hearing, to appoint a Boundary Commissioner to assist in establishing the Brunswick/Columbus county line.

This the 1<sup>st</sup> day of December, 2008.

s/William M. Sue, Chair

Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, CMC

Clerk to the Board

### **XIV. OTHER BUSINESS/INFORMAL DISCUSSION**

1. **Commissioner Appointments**

The Board discussed potential membership on the county boards. There was no action taken and it was consensus of the Board to review bylaws and meeting schedules before taking action at the next meeting.

2. **Calabash Wastewater Collection System Project Discussion**

There was discussion regarding a request from the Town of Calabash to “delay” the Calabash Wastewater Collection System project for six months in order to provide time for the Town to further explore additional grants and funding assistance. No action was taken.

The County Manager briefed the Board regarding a Northeast Brunswick Regional Wastewater matter and suggested to hold a Workshop regarding an Interbasin Transfer Permit.

**XV. ADJOURNMENT**

Commissioner Cooke moved to recess the meeting until December 9, 2008 at 2:00 p.m. to hold a Workshop regarding the Interbasin Transfer Plan in the Commissioners Chambers at the complex. 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