

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
AUGUST 17, 2015  
5:45 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 5:45 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center Bolivia, North Carolina.**

**PRESENT:** Commissioner Scott Phillips, Chairman  
Commissioner Pat Sykes, Vice-Chairman  
Commissioner J. Martin Cooke  
Commissioner Frank Williams  
Commissioner Randy Thompson

**STAFF:** Ann Hardy, County Manager  
Steve Stone, Deputy County Manager  
Bryan Batton, Acting County Attorney  
Julie Miller, Finance Director  
Margie Stephenson, Clerk to the Board  
Captain Mark Trull

**Board Action, containing all items in this set of minutes, is filed within the Clerk to the Board's Office.**

**I. CALL TO ORDER**

Chairman Phillips called the meeting to order at 5:45 p.m.

**II. CLOSED SESSION**

A motion to enter Closed Session was made by Commissioner Frank Williams and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.  
At 5:47 p.m. Commissioner Williams moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3) consult with attorney, (a) (5) purchase of property. The vote of approval was unanimous.

**III. INVOCATION/PLEDGE OF ALLEGIANCE**

Chairman Phillips called the Open Session back to order at 6:30 p.m.  
Commissioner Randy Thompson gave the Invocation and led the Pledge of Allegiance.

**IV. ADJUSTMENTS/APPROVAL OF AGENDA**

A motion to Approve was made by Commissioner Randy Thompson and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Commissioner Williams requested moving item VII 2 Presentation Sheriff's Office - Recognize 911 Dispatchers to be heard at the beginning of the meeting due to the employees being recognized actually having to work the 911 center after the presentation.

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

Lt. Todd Coring recognized Brunswick County Sheriff's Office 911 staff Jonathan Talley, Ashley Parker, Debbie Carr, Jennifer Johnson and Jennifer Hatley for exemplary service in handling 911 calls during the recent shark attacks. It was noted that Ms. Hatley took both shark attack calls.

Mr. Coring explained that the NC911 Board has been recognizing telecommunicators across the State, who do exemplary work in the handling of 911 calls from the public for many years. Telecommunicators from the Brunswick County Sheriff's Office 911 center have been receiving kudos on the state and national level for their handling of the recent shark attacks at Oak Island on 6/14/2015. BCSO 911 Staff Jonathan Talley, Ashley Parker, Debbie Carr, Jennifer Johnson and Jennifer Hatley were recognized on July 31st at 10am at the NC911 board meeting in Raleigh. Board members spoke highly of the care and compassion as well as the professional and "text book" dealings of both calls where two teens were bit by sharks and critically injured.

Chief Deputy Miller read the award they had received earlier. The audience stood and applauded all recipients. Chairman Phillips spoke on behalf of all board members thanking Mr. Talley, Ms. Parker, Ms. Carr, Ms. Johnson and Ms. Hatley for all work that they perform daily.

#### V. PUBLIC COMMENTS

Chairman Phillips 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. Karen Mosteller, presented the Commissioners with a recent resolution from the City of Southport against the Seismic testing offshore, and a handout from her personally with her opposition thoughts on the Seismic Surveying and Offshore Exploration and Drilling issue. Ms. Mosteller stated she was grateful the commissioners were considering a resolution that would supersede the July 6 decision.
2. Dwight Willis, requested the Board to consider a new resolution to supersede the Resolution that was passed on July 6th in support of Seismic Surveying and Offshore Exploration and Drilling pointing out that 74 coastal communities in North Carolina, South Carolina and Virginia had taken positions against drilling, but the only county that had supported it so far is Brunswick County and asked the board to reconsider their previous vote.
3. Peter Key, resident of Oak Island has studied dolphin behavior, whale behavior and the impacts that man can have on both. Mr. Key's passion is to keep our beaches clean and requested the board to reconsider their decision and vote no and stand up against big oil. Mr. Key mentioned the movie "The Cove" about Japanese slaughter of dolphins, fishermen banging lead pipes in the water to herd dolphins, explaining that the sound of lead pipes is nothing compared an acoustic blast that would be used in seismic testing.
4. Albert Eckel, of the North Carolina Energy Forum, spoke in favor of the Boards decision from July 6, 2015. Mr. Eckel stated that in his opinion it is important to know what's out there, further saying that seismic surveys have shown and are known to be safe.
5. Carol Wilson, spoke in opposition of the resolution passed on July 6th stating that she has fished off shore of Long Beach & Holden Beach with her father since the 1970's commenting that she is so pleased to see baby Spanish, and many other fish that she has not seen in years coming back and is afraid that by doing seismic testing will harm all sea life. She requested that the board reconsider their decision and let nature take its course and keep our beaches clean.
6. Donna Giles, a Brunswick County resident for twelve years made emphasis on the fact that she moved here for our clean beaches with no oil rigs in sight off shore and believes that residents' lives are enhanced by our clean beaches.
7. Ethan Alexander, a sixteen year old announced that he loves Brunswick County growing up on Holden Beach with his mother. His earliest memories are of the good times he has spent on the clean beach there. His concern and reason for speaking was to ask the commissioners to reconsider their earlier decision for his children and his grandchildren so that they too will have clean beaches to grow up with. Swimming in a clean ocean, enjoying the pelicans and other shore birds and enjoying the delicious local seafood is a concern asking the board if they could guarantee that his children would have the pleasures he mentioned if off shore drilling is allowed. Mr. Alexander speaking on behalf of his generation pleaded to the board not to deny the beauty and the lifestyle that makes Brunswick County a great place to live.
8. Jennifer Fontaine had a different take on the issue commenting that in fact she agreed with commissioners looking into the future for energy solutions but we should harness the sun for solar power and windmills using wind power not drilling for oil and taking the chance of an oil spill in the future. Ms. Fontaine used the phrase "If we drill, it will spill and she had never seen a solar or wind spill."
9. Bobby Greer, of Wilmington spoke in favor of the Boards previous decision saying that federal government studies have not shown harm to animals by seismic surveying. Mr. Greer a strong supporter of Veterans said that it is important for our country not to rely on other countries for oil. We should find out what is out there offshore.
10. Joshua Reece, spoke against the resolution passed on July 6th stating that in his opinion taking a chance with offshore drilling is not worth the risk in case of a spill pointing out that it is not if a spill will occur but when a spill will occur.

**VI. APPROVAL OF CONSENT AGENDA**

A motion to Approve was made by Commissioner Frank Williams and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams. The following items were approved:

**1. Administration - Schedule a Public Hearing to Adopt County Utility Rates in the Caswell Beach Service Area as of October 1, 2015**

Request that the Board of Commissioners schedule a public hearing to be held on September 8, 2015 at 6:30 pm to receive comments from the public regarding adopting county utility rates and fees in the Caswell Beach service area.

**2. Engineering - Apollo Street Water Main Extension**

Request that the Board of Commissioners approve adding Apollo Street to the FY16 Enterprise Water Main Top (7) project for design, permitting, and construction of a new eight inch water main.

**3. County Attorney - Schedule a Public Hearing to Consider a Road Closure**

Request that the Board of Commissioners consider approving a Resolution declaring the intent to close a portion of Plantation Road (SR 1529) between NC 133 and Orton Road (SR 1530) and scheduling a Public Hearing for September 21, 2015 to receive public comments.

**4. Designation of ABC Official**

To adopt the resolution appointing the County Attorney as the designated official for Brunswick County to make recommendations for ABC applications.

**5. Finance-Fiscal Items**

Request that the Board of Commissioners approve Budget Amendments, Capital Project Ordinances and Fiscal Items of a routine nature presented on the consent agenda.

Request that the Board of Commissioners ratify the County Manager's decision to approve 3 year lease agreement with Reliant Monitoring for GPS Inmate Tracking Device monitoring services due to approval needed prior to the August 17, 2015 meeting. Renewal of contract was negotiated at a decrease of 0.15 cents per day in pricing for each deployed unit.

Request that the Board of Commissioners ratify the County Manager's decision to approve and execute the ePlus Group Lease Proposal and sign the contract agreement after legal review for the Vesta 911 Geo-Ready E9-1-1 Phone System solution in the amount of \$8,934.09 per month for 60-months. Recommend Board of Commissioners authorize the County Manager to sign the associated contracts upon approval of the county attorney and finance officer.

**Mattress Recycling Grant Budget Amendment**

This budget amendment appropriates State revenues of \$13,763 for use in the Mattress Recycling Area Grant approved at the June 1, 2015 Board Meeting.

**2015 Mercury Products Recycling Grant Budget Amendment**

This budget amendment appropriates State revenues of \$5,500 for use in the Mercury Products 2015 Recycling Grant approved at the June 15, 2015 Board Meeting.

**Solid Waste Grant Match Budget Amendment**

Reduce the fund balance appropriation \$25,000 for grant match budget for marine debris removal from National Oceanic and Atmospheric Administration. Brunswick County did not receive the NOAA Marine Debris Removal Grant.

**2015 Urgent Repair Program Grant Award Budget Amendment**

This budget amendment and grant ordinance appropriates State revenues of \$100,000 and transfers the \$20,000 budgeted grant match to the grant fund for the 2015 Urgent Repair Program Grant administered by WARM approved at the June 15, 2015 Board Meeting.

**JCPC FY16 Providence Home Grant Budget Amendment**

Appropriate State Revenues Restricted of \$15,000 for JCPC Providence Home as awarded by the Juvenile Crime Prevention Council from the NC Department of Public Safety.

**NC Education Lottery Funds Budget Amendment**

Appropriate NC Education Lottery funds of \$1,038,144 for payment of FY2015-16 Limited Obligation Bond debt service as approved by the Public Schools of North Carolina.

**Close Airport Grant 36237.45.13.2 Budget Amendment and Capital Project Ordinance**

Reduce federal revenues and expenditures \$943,115 for the close of the 36237.45.13.2 Airport grant.

**6. Human Resources - Amendment to Section II Policy 280 of the Brunswick County Personnel Manual**

Request that the Board of Commissioners approve an amendment to Section II Policy 280 of the Brunswick County Personnel Manual, specifically section 2.4 as it relates to the Hatch Act.

**7. Operation Services - Integrated Supply Agreement**

Request that the Board of Commissioners enter into an Integrated Supply Agreement with Brantley's Central Auto Parts, Inc (d/b/a NAPA Auto Parts).

**8. Operation Services - Fire Alarm Panel for Detention Center**

Request that the Board of Commissioners consider approving the replacement of a malfunctioning fire alarm panel in the detention center and related budget amendment.

**9. Sheriff's Office - Motorcycle Purchase**

Request that the Board of Commissioners approve the purchase of two (2) motorcycles from Beach House Harley Davidson. Funds to be transferred from vehicle capital outlay in the amount of \$34,469.40

**10. Operation Services - Building F and H Roof Replacement**

Request that the Board of Commissioners award a contract to replace the roofs on Building F and Building H to DLT Roofing, Inc. in the amount of \$190,067.

**11. Sheriff's Office - Declare Vehicle Surplus and Trade for New Vehicle**

Request that the Board of Commissioners approve declaring a vehicle surplus and replacing Sheriff's vehicle with a new vehicle.

**12. Engineering - E911 Call Center- Chancel Builders Change Order #4**

Request that the Board of Commissioners approve Chancel Builders' Change Order #4 for an additional twelve days of construction time.

**13. Operation Services - Tip Fee Exemption Request**

Request that the Board of Commissioners approve a tip fee exemption at the Brunswick County Landfill for Saint Peter Lutheran Church and New Creations Gospel Fellowship.

**14. Health And Human Services - Request Approval of the 2015-2016 Energy Outreach Plan**

Request that the Board of Commissioners approve the 2015-2016 Energy Outreach Plan.

**15. Health And Human Services - Request Approval of Carolina Healthcare Contract**

Request that the Board of Commissioners approve the nurse midwife care contract to assist in the delivery of health services.

**16. Planning - Approval of Revised 2015 URP Assistance and Procurement Policies**

Request that the Board of Commissioners approve revised Assistance and Procurement policies for the 2015 Urgent Repair Program grant based on comments from the NC Housing Finance Agency.

**17. Health And Human Services - BSRI - Approval of Cape Fear Council of Governments Grant Agreement Brunswick Senior Resources**

Request the Board of Commissioners approve a grant agreement with the Council of Governments and Brunswick Senior Resources Inc. (BSRI)

**18. Tax- FY 2014-2015 Settlement Report**

Receive the FY 2014-2015 Collection settlement report.

**19. Resolution Requesting NCDOT to Conduct a Study of the I-74/Us-74 Corridor**

Request that the Brunswick County Board of Commissioners adopt a resolution requesting that the North Carolina Department of Transportation (NCDOT) conduct a study of the I-74/US-74 corridor in Brunswick and Columbus Counties.

**A RESOLUTION REQUESTING NCDOT TO STUDY THE I-74/US-74 CORRIDOR  
IN BRUNSWICK AND COLUMBUS COUNTIES**

**WHEREAS**, the Cape Fear Rural Transportation Planning Organization (RPO) was established to facilitate the coordination of transportation planning efforts between the North Carolina Department of Transportation (NCDOT) and local officials in the Cape Fear RPO planning boundary; and

**WHEREAS**, the Rural Transportation Advisory Committee (RTAC) is the duly established transportation planning policy board for the Cape Fear RPO; and

**WHEREAS**, the US-74/I-74 corridor is identified as Corridor "H/U" in NCDOT's Strategic Transportation Corridors Network, the core network of multimodal transportation corridors moving large volumes of people and freight throughout the state and connecting centers of economic activity considered to be of statewide and regional significance; and

**WHEREAS**, Governor McCrory's *25-Year Vision for North Carolina: Mapping Our Future* identifies the improvement of US-74 to interstate standards from Charlotte to Wilmington as a needed infrastructure solution; and

**WHEREAS**, Governor Easley's Logistics Task Force *Final Report* recommended upgrading I-74 from Charlotte to Wilmington, including: (1) Upgrade all of US 74/76 to interstate standard; (2) Completion of the Monroe Bypass; (3) Reroute I-74 design (from the Green Swamp route) to connect to the I-140 bypass; and (4) US 74/76 short-term improvements (right of way/access management/grade separations); and

**WHEREAS**, the North Carolina Maritime Strategy identifies the US-74 corridor as a key route to enhance freight mobility for waterborne truck freight; and

**WHEREAS**, the NCDOT 2040 Plan identifies the upgrade of I-74 from Wilmington to Charlotte as a transportation priority for the Port of Wilmington; and

**WHEREAS**, the Cape Fear RPO Rural Transportation Advisory Committee (in 2003 and again in 2013) and the Wilmington MPO Transportation Advisory Committee (in 2013) each adopted resolutions encouraging the construction of I-74 to the Wilmington Bypass (I-140)

**NOW THEREFORE**, be it resolved, that the Brunswick County Board of Commissioners hereby requests NCDOT conduct a corridor study of the I-74/US-74 corridor in Brunswick and Columbus Counties.

This is the 17th day of August, 2015.

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Scott Phillips, Chairman  
Brunswick County Commissioners

Attest:

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Marjorie C. Stephenson, NCCCC  
Clerk to the Board

**20. Administration - State Aid to Public Libraries**

Request that the Board of Commissioners approve and authorize the chairman to sign the Application for State Aid to Public Libraries.

**21. Administration - NCACC Annual Conference Voting Delegate**

Request that the Board of Commissioners appoint Commissioner Frank Williams as voting delegate to represent Brunswick County at the North Carolina Association of County Commissioners Annual Conference and to execute the Voting Delegate Designation form.

**22. Clerk to the Board of Commissioners - Meeting Minutes**

Request that the Board of Commissioners consider approving the August 11, 2015 Agenda Meeting Minutes, July 28, 2015 Special Called Meeting Minutes, July 20, 2015 Regular Meeting Minutes, July 14, 2015 Agenda Meeting Minutes, July 6, 2015 Regular Meeting Minutes, June 30, 2015 Agenda Meeting Minutes, June 26, 2015 Special Called Meeting Minutes, April 20, 2015 Regular Meeting Minutes, April 8, Budget Workshop Meeting Minutes, and the April 6, 2015 Regular Meeting Minute Minutes.

**23. St. James Plantation DOD**

Consider accepting the Deed of Dedication for water and sewer infrastructure in St. James Plantation, Seaside IIC, lots 1-16 and 43-70.

A motion to Approve was made by Commissioner Frank Williams and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

**VII. PRESENTATION**

**1. Health And Human Services - Request Approval of Ebola Preparedness Budget Amendment (David Stanley, Executive Director of Health & Human Services)**

Request that the Board of Commissioners approve additional restricted state funds for the Bioterrorism Public Health Preparedness Program.

A motion to Approve was made by Commissioner Marty Cooke and the motion result was passed.  
Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Bob Campbell, Health & Human Services explained that the State of North Carolina is providing Brunswick County additional Public Health Preparedness funds. These funds that are restricted for use in planning our response to an Ebola outbreak. Funds in the amount of \$20,000.00 are to be placed in account 135186-332000 Revenue and 135186-423104 Special Projects. This funding will be used to further formulate Ebola operational plans including isolation and quarantine, personal protective equipment, and risk communication. Staff recommends the acceptance of these funds to support Ebola response plan development.

**2. Overview of Cape Fear Transportation 2040 & Resolution Adopting Plan (Ms. Suraiya Rashid, Wilmington MPO)**

Request that the Board of Commissioners receive an overview presentation of the Cape Fear Transportation 2040 plan and approve a resolution adopting the plan.

A motion to Approve was made by Commissioner Frank Williams and the motion result was passed.  
Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Suraiya Rashid, Senior Transportation Planner with the Wilmington MPO, and David Hollis, Leland Town Manager provided a brief overview of the plan. Ms. Rashid explained that the Wilmington MPO began work on preparation of the Cape Fear Transportation 2040 plan in 2013. The plan is a product of a multi-modal, 3-C transportation planning process, compatible with the Wilmington MPO's long range vision. Public comments were solicited at regular intervals during the planning process and a 30-day public comment period was held to receive comments on the plan. A public open house to review the draft plan was conducted on April 16th at the Leland Town Hall to inform residents and receive their comments.

**RESOLUTION ADOPTING THE CAPE FEAR TRANSPORTATION 2040 PLAN**

**WHEREAS**, the Wilmington Urban Area Metropolitan Planning Organization (Wilmington MPO) provides transportation planning services for the City of Wilmington, Town of Carolina Beach, Town of Kure Beach, Town of Wrightsville Beach, Town of Belville, Town of Leland, Town of Navassa, New Hanover County, Brunswick County, Pender County, Cape Fear Public Transportation Authority and the N.C. Board of Transportation; and

**WHEREAS**; the Wilmington MPO is federally required to update the metropolitan transportation plan (MTP) every five years; and

**WHEREAS**, the Wilmington MPO began development of the Cape Fear Transportation 2040 plan in 2013 to satisfy the requirements of the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) as well as other federal, state and local laws for a continuing, cooperative and comprehensive transportation planning process; and

**WHEREAS**, the Cape Fear Transportation 2040 plan is a product of a multi-modal, 3-C transportation planning process, compatible with the Wilmington MPO's long range vision; and

**WHEREAS**, the Cape Fear Transportation 2040 plan is fiscally constrained; and

**WHEREAS**, the Cape Fear Transportation 2040 plan was developed by the Wilmington MPO's Citizen Advisory Committee in coordination with the Technical Coordinating Committee and the Transportation Advisory Committee, local elected and appointed officials, local municipal and county staff, service organizations, and the general public; and

**WHEREAS**, public comments were solicited at regular intervals during the planning process and a 30-day public comment period was held to receive comments on the plan; and

**WHEREAS**, the Wilmington MPO's Transportation Advisory Committee requests adoption of the Cape Fear Transportation 2040 Plan by the MPO's local member jurisdictions.

**NOW THEREFORE**, be it resolved that the Brunswick County Board of Commissioners hereby adopts the Cape Fear Transportation 2040 plan.

This is the 17th day of August 2015.

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Scott Phillips, Chairman  
Brunswick County Commissioners

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Marjorie C. Stephenson, NCCCC  
Clerk to the Board

## VIII. **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. **Administration - Request Public Hearing To Amend the Sewer Use Ordinance and the Utility Policy (Ann Hardy, County Manager)**

Request that the Board of Commissioners hold a Public Hearing to receive comments on a proposed amendment to the Sewer Use Ordinance and the Utility Policy to extend the reimbursement period for Water Transmission Reimbursements and Sewer Reimbursements for a period of ten (10) years, from fifteen (15) years to twenty-five (25) years.

A motion to Approve was made by Chairman Scott Phillips and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

### **CALL TO ORDER**

Chairman Philips called the public hearing to order at 7:20 p.m. and announced that the purpose of the hearing was to receive input regarding amending the Sewer Use Ordinance and the Utility Policy.

County Manager, Ann Hardy explained that on July 1, 2013, the Board of Commissioners amended the Sewer Use Ordinance and the Utility Policy to extend the reimbursement period for Water Transmission Reimbursements and Sewer Reimbursements from ten (10) years to fifteen (15) years. Due to the slow economic recovery, staff recommends extending the reimbursement period for an additional ten (10) years for a maximum reimbursement period of twenty-five (25) years from the date of execution of the original agreement.

### **PUBLIC COMMENTS**

Chairman Phillips asked if there were any members of the audience who wished to address the Board regarding amending the Sewer Use Ordinance and the Utility Policy. There were no comments from the audience.

### **ADJOURN**

Commissioner Williams moved to close the hearing at 7:23 p.m. The vote of approval was unanimous.

Commissioner Phillips moved to approve the amendments to the Sewer Use Ordinance and the Utility Policy reimbursement from fifteen to twenty five years. The vote of approval was unanimous.

### 2. **Planning - Rezoning Public Hearing (Z-15-729) (Kirstie Dixon, Planning)**

Request that, following the Public Hearing, the Board of Commissioners approve First and Second Readings of the proposed amendment to the Unified Development Ordinance (Z-15-729) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) and the related Land Use Plan amendment.

A motion to Approve was made by Commissioner Frank Williams and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

**CALL TO ORDER**

Chairman Phillips called the public hearing to order at 7:23 p.m. and announced that the purpose of the hearing was to receive input regarding First and Second Readings of the proposed amendment to the Unified Development Ordinance (Z-15-729) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) and the related Land Use Plan amendment.

Mike Hargett, Planning Director explained that this proposed rezoning from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of two Tax Parcels 22800012 and 2120001911 located at 650 Ocean Isle Beach Road SW (SR 1184). This rezoning totals approximately 48.17 acres.

A proposed amendment to the Official Brunswick County CAMA Land Use Plan Map for the subject property from LDR (Low Density Residential) to Commercial for Tax Parcels 22800012 and 2120001911 classification accompanies the proposed rezoning. This proposed land use plan map amendment also totals 48.17. Mr. Hargett said that at the Planning Board meeting, Don Mizelle, engineer with the firm Withers & Ravenel, addressed the Board on behalf of CGS Land Holdings LLC (Tax Parcel 22800012). Mr. Mizelle stated that upon approval of the rezoning, the UDO would be reviewed to determine the highest and best use for the site. He also mentioned that a shopping center had been discussed as the potential use. Also, Mr. Michael Norton, Compass Pointe Engineering, addressed the Board on behalf of Tina Axelsson (Tax parcel 2120001911). Mr. Norton said wetlands have been delineated and the conceptual site plan avoids the need for mitigation measures. There were no comments from the public at the Planning Board meeting. Staff recommends approval of the rezoning and land use plan amendment.

**PUBLIC COMMENTS**

Chairman Phillips asked if there were any members of the audience who wished to address the Board regarding the proposed Rezoning (Z-15-729). The following citizens addressed the Board:

1. Don Mizelle, engineer with the firm Withers & Ravenel, representing one of the property owners (CGS Land Holdings LLC), stated that Mr. Hargett did a great job summarizing his request, the Planning Board did recommend approval and asked the Board if they had any questions. There were no questions from the Board.
2. Michael Norton, Compass Pointe Engineering, addressed the Board representing Ms. Tina Axelsson the Petitioner and asked the Board if they had any questions. There were no questions from the Board.

**ADJOURN**

Vice Chairman Sykes moved to close the hearing at 7:26 p.m. The vote of approval was unanimous.

Commissioner Williams moved to approve and read the following statement:

Governing Board Action (per N.C.G.S. 153A-341) Zoning Map Amendment No. Z-729  
Description: Change in Zoning District from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcels 22800012 and 2120001911. This rezoning totals approximately 48.17 acres.

An amendment to the Official Brunswick County CAMA Land Use Plan Map has been requested from LDR (Low Density Residential) to Commercial for Tax Parcels 22800012 and 2120001911. This land use amendment totals approximately 48.17 acres.

- I. The rezoning described above is not consistent with the Brunswick County Cama Land Use Plan, but an amendment has been requested.
- II. The rezoning described above is reasonable and in the public interest based on the following:

There is commercial zoning adjacent to the subject property and the property abuts an intersection.



Therefore, on the basis of all the information provided including the foregoing, Commissioner Williams moved to approve the Rezoning as presented and to amend the CAMA Land Use Plan First and Seconds Readings. The vote of approval was unanimous.

## **IX. ADMINISTRATIVE REPORT**

### **1. Utilities - Request For Approval of Agreement for Wastewater Treatment and Disposal between the Town Of Oak Island and County Of Brunswick (Jerry Pierce, Director of Public Utilities)**

Request that the Board of Commissioners approve an "Agreement for Wastewater Treatment and Disposal between the Town of Oak Island and the County of Brunswick."

A motion to Approve was made by Vice-Chairman Pat Sykes and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Jerry Pierce, Public Utilities Director explained that wastewater collected in the Caswell Beach sewer system is presently sent to a Town of Oak Island wastewater treatment plant for treatment and disposal. As a part of the assumption of the operational responsibilities of the Town of Caswell Beach sewer system, the county has to enter into an agreement with the Town of Oak Island so the Town of Oak Island will continue to accept wastewater from the Caswell Beach sewer system after the county assumes ownership of the Caswell Beach sewer system. The county staff drafted an "Agreement for Wastewater Treatment and Disposal between the Town of Oak Island and the County of Brunswick." On July 21, 2015, the agreement was formally submitted to the Town for their consideration. The Town Council of the Town of Oak Island has approved the agreement and returned it to the county for execution. County staff requests that the Board of Commissioners approve an "Agreement for Wastewater Treatment and Disposal between the Town of Oak Island and the County of Brunswick" and that the chairman be authorized to execute the agreement on behalf of the county.

### **2. Utilities - Request For Approval of Water and Sewer Service Agreement with the Town of Caswell Beach (Jerry Pierce, Director of Public Utilities)**

Request that the Board of Commissioners approve a Water and Sewer Service Agreement with the Town of Caswell Beach whereby the county assumes ownership and operational responsibility of the Caswell Beach Water and Sewer System effective October 1, 2015.

A motion to Approve was made by Vice-Chairman Pat Sykes and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Jerry Pierce, Public Utilities Director explained that the Town of Caswell Beach submitted a request to the county to submit a proposal to the Town whereby the county would assume ownership and operational responsibility of the Caswell Beach Water and Sewer System. On April 6, 2015, the Board of Commissioners approved submitting a proposal to the Town of Caswell Beach for the county to assume ownership and operational responsibility of the Caswell Beach Water and Sewer System. The town indicated an initial acceptance of the county's proposal.

A Water and Sewer Service Agreement was drafted by the County submitted to the town for their consideration. After some minor modifications, the Caswell Beach Board of Commissioners has approved the Water and Sewer Service Agreement. County staff requests that the Board of Commissioners approve a Water and Sewer Service Agreement with the Town of Caswell Beach whereby the county assumes ownership and operational responsibility of the Caswell Beach Water and Sewer System effective October 1, 2015, and that the chairman be authorized to execute the agreement on behalf of the County.

### **3. Utilities - Request for Approval of Enterprise Funded Sewer Main Extensions Policy (Jerry Pierce, Director of Public Utilities)**

Request that the Board of Commissioners approve an Enterprise Funded Sewer Main Extensions Policy.

A motion to Approve was made by Commissioner Marty Cooke and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Jerry Pierce, Public Utilities Director explained that one hundred thousand dollars (\$100,000) was included in the FY 2016 Capital Improvement Plan for the design of sewer main extensions using Sewer Enterprise Funds. At the Board of Commissioners' Goals Retreat, Public Utilities staff outlined the procedures that would be used to rank and to prioritize the streets that would be designed using these funds.

The policy outlines the procedures that will be used to create the list of streets to be ranked and the criteria by which the ranking would be done. The rating system is similar to the method that has been successfully used to rank the Enterprise Funded Water Main Extensions.

The major differences between the Water Main Extensions Policy and the Sewer Main Extensions Policy are as follows:

1. Staff determines the streets on the list based upon connection to existing mains.
  2. Potential payback is included as a rating criteria.
  3. Vacant lot owners and lots with improvements will be surveyed to determine if they will connect if the main is run.
  4. Thirty-three percent (33%) of the property owners surveyed will have to indicate that they will connect for the street to be included on the final priority list.
- County staff recommends approval of the Enterprise Funded Sewer Main Extensions Policy.

**4. Economic Development – Innovate NC Team Participation - (Kelly Stuart, Assistant Director of Economic Development)**

Request that the Board of Commissioners Receive Information about the Innovate NC Grant Submittal and provide direction to staff regarding participation.

A motion to Approve was made by Commissioner Frank Williams and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Kelly Stuart, Assistant Director of Economic Development explained that county staff received contact from Gary Vidmar, Economic & Community Development Director, of the Town of Leland regarding an Innovate NC group. Roger Johnson, City of Wilmington Assistant to the City Manager for Development, Beth Schrader, New Hanover County Chief Strategy Manager, and Dr. Ron Vetter, Associate Provost for Research, Dean of UNCW's graduate school and Interim Director UNCW, CIE are involved in a collaboration on an RFP.

The City of Wilmington would be a lead applicant for a grant submittal. The organizing committee plan to emphasize the current innovative ecosystem clusters on which this area could build, to include life sciences, clinical research and digital content creation (film). It is likely these areas will be a critical component in the application, as well as, the foundation for building a better innovation ecosystem in the region.

The committee may also consider mariner biotechnology. Brunswick County has been asked to participate as a partner in the group. The application was submitted by the Town of Leland and they have requested from Brunswick County a letter of support. Ms. Stuart stated that the letter of support has been drafted and is included in the packet for review and approval.

There was discussion among board members. Chairman Phillips verified that all that is being requested is to submit a letter of support from the commissioners.

Commissioner Williams moved to approve and the chairman to sign the letter as presented in the packet. The vote of approval was unanimous.

**5. Operation Services - Access Security System - Stephanie Lewis, Operation Services Director**

Request the Board of Commissioners consider awarding a service contract to Tyco Integrated Security for a web based, software as a service, access security management system for facilities at the government center.

A motion to Approve was made by Commissioner Frank Williams and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Stephanie Lewis, Operation Services Director explained that as part of the budget planning process and in part due to concerns voiced in the Emergency Planning Committee meetings, Operation Services has worked with MIS to evaluate and select a web based access control and security management service. Five proposals were received and evaluated, it was determined that a web based service was preferred over a

server based system. The low bid for a web based service was \$90,912 including \$7,503 recurring annual maintenance cost, funds are budgeted in 104280-426010 for FY16.

In order to be most cost effective, quotes were only requested for the less secure buildings on site, which will be phase 1 of the access security system. Phase I to be installed in FY16 includes the following buildings: D, E, F, G, H, I, L, M, N. A card reader/card swipe system will be added to each external door and is expected to provide the following benefits: reduce locksmith cost when there is a change in employment status; provide real time access control administration of facilities from any location at any time; provides a log of every entry, activity logs and reports; does not require software installation, dedicated PC's or servers; is fully accessible from any web browser, notifications of alarms can be sent via email, pager, phone or text.

**6. Parks & Recreation-Contract for Construction Plans/Engineering of Smithville Park (Aaron Perkins, Parks & Recreation Director)**

Request that the Board of Commissioners consider approval of contract in the amount of \$340,000 with Benesch for Design, Engineering and Construction Management for Phase 1 at Smithville Park.

A motion to Approve was made by Vice-Chairman Pat Sykes and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Aaron Perkins, Parks & Recreation Director explained that Benesch was the selected firm which completed a Site Master Plan for the renovation of Smithville Park. Staff is proposing to continue our relationship with them for construction design, engineering, and management. The general agreement for design, engineering, surveying and construction management services has been negotiated to roughly 7.5% of the estimated construction costs. It is estimated that the full project will cost about \$9.4 million while Phase 1 is projected to be \$4.5 million. Compass Pointe Engineering and Bobby Long and Associates of Shallotte will be working in partnership with Benesch providing engineering and surveying services.

**7. Engineering -Carolina Shores North Sewer SAD #29- W. K. Dickson Contract (James Murray, Engineering)**

Request that the Board of Commissioners approve the professional services contract with W. K. Dickson & Co., Inc. for engineering services in the amount of \$220,000 for the Carolina Shores North sewer SAD #29.

A motion to Approve was made by Commissioner Randy Thompson and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

James Murray, Engineering explained that on June 24, staff received permission to begin negotiations with W.K. Dickson & Co., Inc. on a professional services contract for SAD #29 as the company was the first choice of the selection committee at its June 23rd meeting. Subsequently, staff was able to agree to terms on a scope and fee. The contract will include examination of several different means of sewer collection and transmission, as well as the required surveying, design, and observation, engineering certification, and as built record drawings for the project. Staff recommends award of the professional services contract with W. K. Dickson & Co., Inc., in the amount of \$220,000.00.

**8. Administration - Information on Seismic Testing & Offshore Oil Exploration – (Steve Stone, Deputy County Manager)**

Request that the Board of Commissioners receive information with regard to seismic testing and offshore oil exploration.

Commissioner Williams moved to be recused from the item Administration - Information on Seismic Testing & Offshore Oil Exploration. The vote of recusal was unanimous.

Commissioner Williams cited Conflict of Interest being the reason for his recusal from the entire process on the subject.

Steve Stone, Deputy County Manager explained at the 7/6/15 meeting the Board considered and approved a resolution in support of seismic testing and offshore oil exploration in coastal NC waters. Subsequently, at the 7/20/15 meeting, a number of residents spoke at public comment and expressed concerns that the Board may not have taken into account all relevant information about the matters, and that no public input had been solicited prior to the original resolution adoption. Staff was directed to gather additional

information about the subjects, and to share information with the Board at the next meeting. A new draft resolution that adopts a more neutral stance on these issues until more definitive information has been provided for the board's consideration.

Mr. Stone said there is a wealth of publicly available information on these subjects, but much of it appears to come from organizations that have already adopted a firm "pro" or "con" stance, perhaps bringing into question the objectivity of some of the information presented. No accurate determination of the amount of oil available exists because the last seismic surveys were performed 30 years ago. One thing that has been updated, was the buffer zone created to protect the coastline. The majority of the oil identified in the old surveys is now included in the no-drilling area of the buffer zone. Under current federal law, there is no guarantee any revenues from oil drilling of North Carolina's coast would come back to the state, and the potential for economic gain for North Carolina and the southeastern states is unknown without the seismic surveys.

Mr. Stone stated that both the resolution that was approved on July 6th is included in the packet along with a new draft resolution for neutral tone until there is more information on the issue for consideration and if the board wishes a future workshop can be scheduled to discuss further.

Chairman Phillips asked Mr. Stone has there been any formal request for a county stance on this issue from State or Federal Government. Mr. Stone, replied no not to his knowledge.

Commissioner Thompson moved to approve the new resolution taking a neutral position on seismic surveys and oil drilling replacing the original resolution that was done on July 6, 2015. Mr. Thompson said that additional information continues to come to this board, making a stance one way or the other without knowing which direction the state is going and additional information coming in from the federal level that it would be prudent to take some type of neutral stance at this particular time till we have information that clears the path to ensure that any type of study or work that is done does not create a hazard.

Commissioner Cooke stated that he would be voting against the neutral resolution. The people asked us to sit on the board to make decisions, not sit on the fence further stating he is in full support of the original position on seismic studies.

Commissioner Sykes stated that she is not opposed and not for, basically the county is split on the decision for direction. Mrs. Sykes stated that she is concerned that the county has not been asked by any government agency what their decision should be. The cities and towns in the county should have a part in whatever decision is made because all cities and towns are on the water. Commissioner Sykes said she would like to hold off and make it neutral until they are requested to do so.

Chairman Phillips stated that ultimately this is not going to be a decision that's made at this local level, but at some point the county has to take a stand on the issue. Commissioner Phillips thanked both Ms. Mosteller and Ms. Moffitt and all who spoke on the issue and for all the information brought forward. Mr. Phillips commented that earlier a gentlemen during Public Comments stated that we (the county) need to be in the game, Mr. Phillips said the way he viewed the comment from a county perspective and from a state perspective and municipalities is that if the government is going to come in here and do something and if we show opposition up front we may not be in the game or at the table to look out for our resources and our communities.

Commissioner Phillips said that this board has already taken action on July 6, 2015 and he stands in favor of the original resolution.

Chairman Phillips stated that a motion is on the floor. Commissioner Thompson moved to approve the draft resolution for a neutral stance.

Ayes: Sykes, Thompson

Nayes: Phillips, Cooke

Chairman Phillips announced to the audience with the vote ending in a tie (two ayes and two nayes) the original resolution will stand.

**X. BOARD APPOINTMENTS****XI. COUNTY ATTORNEY'S REPORT****1. Palm Street Bid Offer - (Bryan Batton, Acting County Attorney)**

To consider offer to purchase property on Palm Street in Sunset Harbor that is currently owned by the County.

A motion to Approve was made by Vice-Chairman Pat Sykes and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Bryan Batton, Acting County Attorney explained that in 2007, the County was deeded Lot 2, Addition Number 3 in Sunset Harbor Development. The County has been the owner since that time. A citizen has approached the County with an offer to purchase the property for the tax value of said property. General Statutes say that the sale must be advertised, and there is a bid period that must be offered by the County to maximize its recovery potential. It is recommended that the Board choose an Offer and Upset Bid process.

Commissioner Sykes moved to accept the offer to purchase the property. The vote of approval was unanimous.

**2. Easement Enlargement for ATMC/ASC - (Bryan Batton, Acting County Attorney)**

To consider granting ATMC/ASC a forty-five foot easement in place of the twenty foot easement on the 420 acre tract off Sunny Point Road, which the County is in the process of selling to the State of North Carolina.

A motion to Approve was made by Commissioner Frank Williams and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

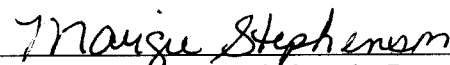
Bryan Batton, Acting County Attorney explained that ATMC (now Atlantic Seawinds Communications, LLC) currently has a 20' wide access and utility easement across the property and they would like to increase it to a 45' wide access easement. The easement is located on the 420 acre tract off Sunny Point Road (Parcel ID# 1890000214), which the County is in the process of selling to the State of North Carolina. All parties have been informed of the modification and no objection has been made.

**XII. OTHER BUSINESS/INFORMAL DISCUSSION****XIII. ADJOURNMENT**

A motion to Approve was made by Vice-Chairman Pat Sykes and the motion result was passed. Ayes: Cooke, Phillips, Sykes, Thompson, Williams.

Commissioner Sykes moved to adjourn at 8:08 p.m. The vote of approval was unanimous.

  
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 Scott Phillips, Chairman  
 Brunswick County Board of Commissioners

  
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 Margie Stephenson, Clerk to the Board