

BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
January 18, 2022
6:00 P.M.

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:00 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Randy Thompson, Chairman
Commissioner Mike Forte, Vice-Chairman
Commissioner J. Martin Cooke
Commissioner Pat Sykes
Commissioner Frank Williams

STAFF: Randell Woodruff, County Manager
Bob Shaver, County Attorney
Steve Stone, Deputy County Manager
David Stanley, Deputy County Manager
Aaron Smith, Finance Director
Daralyn Spivey, Clerk to the Board
Meagan Kascsak, Communications Director
Neal Galloway, IT
Raquel Perez, Executive Assistant
Lt. Tate Bond Sheriff's Office

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 Thompson called the meeting to order at 6:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Cooke gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Thompson asked for adjustments to the agenda. No adjustments were requested.

Commissioner Sykes moved to approve the agenda as presented. The motion was seconded by Commissioner Williams and passed unanimously (5 to 0).

IV. PUBLIC COMMENTS

1. No comments were received.

V. APPROVAL OF CONSENT AGENDA

Commissioner Williams moved to approve the Consent Agenda as presented. The motion was seconded by Commissioner Cooke and passed unanimously (5 to 0). See individual items for approval status:

1. Administration – Financial Advisory Services Phase Three (3) School Obligation Bonds – Approved

The Board of Commissioners approved the agreement with Stifel, Nicolaus & Company, Inc. to serve as the county's financial advisor for the upcoming phase three (3) general obligation bonds issue of \$51,500,000.

2. Administration – Surplus Property Offers for Upset Bid Process - Approved

The Board of Commissioners accepted, subject to the upset bid process, offers that have been submitted for surplus parcels that meet the value parameters previously established by the Board.

3. Clerk to the Board – JCPC Board Appointment – Approved

The Board of Commissioners appointed Vice- Chairman Mike Forte to the JCPC Board.

4. Clerk to the Board – Meeting Minutes – December 6, 2021 - Approved

The Board of Commissioners approved the draft minutes from the December 6, 2021 Regular Meeting.

5. Code Administration – Request a Public Hearing be Scheduled to Consider Specifying a Residential ADA Access Ramp Fee - Approved

The Board of Commissioners approved the scheduling of a Public Hearing during the February 21, 2022 Commissioners Meeting to consider adding a Residential ADA Access Ramp Fee into the Fee Schedule.

6. County Attorney – Meridian Forest Subdivision Deed of Dedication- Approved

The Board of Commissioners accepted the Deed of Dedication for water and sewer infrastructure for the Meridian Forest Subdivision.

7. County Attorney – Somerset Subdivision DOD - Approved

The Board of Commissioners accepted the Deed of Dedication for water infrastructure Somerset Subdivision.

8. County Attorney – Temporary Easement for the Town of Belville - Approved

The Board of Commissioners granted a temporary construction easement over the Belville Elementary property for the construction of a multi-purpose path.

9. Engineering – Courthouse Addition & Renovation – Monteith Construction Contract Change Order (4) - Approved

The Board of Commissioners reviewed and approved Change Order #4 with Monteith Construction Corporation for the courthouse addition and renovation project in the amount of \$101,082.00 and fifteen (15) additional contract construction days.

10. Finance - Fiscal Items - Approved

The Board of Commissioners approved the following Budget Amendments, Capital Project Ordinances and Fiscal Items of a routine nature:

-Brunswick Waterway Park Improvement Budget Amendment and CPO

Transfer \$126,127 from the county capital reserve to the Brunswick Waterway Park project for expenditures to date which are not grant eligible due to the project not being complete. The term of the grant has expired with no additional grant extensions eligible.

-Airport Grant 36244.58.13.1 Additional Funds Budget Amendment and CPO

Appropriate \$31,272 of additional state grant funds and \$3,475 of local match for grant modification to grant 36244.58.13.1 as approved by NCDOT-Division of Aviation.

-Ocean Ridge Reclaimed Water Main Budget Amendment and CPO

Transfer \$10,000 from the wastewater capital reserve to the Ocean Ridge Reclaimed Water Main project for expenses outside the scope of the engineering contract such as appraisals.

-Register of Deeds Additional Revenues Budget Amendment

Appropriate Register of Deeds Excise Tax revenue in the amount of \$2,500,000 and corresponding expenditure lines due to the State fees associated with revenue collected.

-DSS Low-Income Household Water Assistance Program Budget Amendment

Appropriate \$177,276 of federal revenues awarded by Department of Health and Human Services to Brunswick County for the Low-Income Household Water Assistance Program for service months December 2021 through May 2022.

-Occupancy Tax Budget Amendment

Appropriate Occupancy Tax revenue of \$750,000 and corresponding expenditures for projected Occupancy Tax thru June 30, 2022.

-Financial Reports for November 2021 and December 2021 (unaudited)

Included are Summary Information for General and Enterprise Funds, key indicators of Revenues and Expenditures and Cash and Investments. All reports provided at: <http://brunswickcountync.gov/finance/reports>

11. Fire Marshall – Appropriation of Funding Inspection Software – Approved

The Board of Commissioners approved the appropriation of funding for new inspection software for the Fire Marshall's office in the amount of \$22,031.00 for a one-time fee and recurring annually of \$16,296.00.

12. Governing Body – Regular Meeting Schedule FY 2022-2023 – Approved

The Board of Commissioners adopted the Regular Meeting schedule for FY 2022-2023.

13. Health and Human Services – Social Services – Southeastern Community and Family Services Inc. Community Service Block Grant Application FY 2022-2023 – Approved

The Board of Commissioners reviewed and approved the provided information on Southeastern's Community Service Block Grant refunding application for FY 2022-2023 and authorized the Clerk to sign the provided documentation form.

14. Health and Human Services – WARM 2022 Urgent Repair Program Support Request – Approved

The Board of Commissioners approved an application and 20% funding match up to a maximum of \$20,000 for the 2022 Urgent Repair Program to be submitted by the Wilmington Area Rebuilding Ministry, Inc. (WARM) for their housing rehabilitation activities in Brunswick County.

15. Human Resources – Temporary Advancement of Sick Leave Policy – Approved

The Board of Commissioners approved the Temporary Advancement of Sick Leave Policy.

16. Planning – Blueprint Brunswick Additional Services Contract for Municipalities – Approved

The Board of Commissioners approved a contract related to the Blueprint Brunswick Project for additional planning services for the participating Municipalities. The contract will be based on the attached scope of services and will be executed subject to approval by the County Attorney.

17. Planning – NC Map Review Officer Resolution Update – Approved

The Board of Commissioners approved the North Carolina Map Review Officers Resolution that amends the list of NC Map Review Officers designated within Brunswick County. The Resolution reads as follows:

**RESOLUTION AMENDING REVIEW OFFICER DESIGNATION FOR
MAPS AND PLATS**

WHEREAS, North Carolina General Statute §47-30.2 has been enacted into law by the General Assembly of 1997, and pursuant to that statute, the Brunswick County Commissioners have designated certain persons as review officers, and

WHEREAS, there has been a change in the personnel of Brunswick County, and

WHEREAS, it is the intent of Brunswick County Commissioners to provide that there are an adequate number of review officers to prevent patrons unnecessarily waiting and to avoid customer delay in recording maps or plats.

NOW THEREFORE, the Brunswick County Commissioners hereby amend the Map Review Officer Resolution dated September 15, 1997, to add the names of and hereby charge Garrett Huckins and Robert Lewis to execute the duties and obligations of that office, as proscribed in the above-named General Statute. Further, the Commissioners hereby amends the said Resolution to delete the names of Jennifer Dickinson, Miranda Garmenn, and Brandon Hackney. Except as Amended herein, the previous Resolution of

September 15, 1997, remains in full force and effect. This instrument shall be duly executed and then filed in the Brunswick County Register of Deeds Office, indexed in the Grantor Index in the name of the Review Officer named above.

This the 18th day of January 2022.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board (SEAL)

18. Tax Administration – January 2022 Releases – Approved

The Board of Commissioners approved the January 2022 releases.

19. Utilities – McKim & Creed On-Call Engineering Task Order #1 - Approved

The Board of Commissioners approved a budget amendment in an amount not to exceed \$20,000 and ratify the First Amendment to Task Order No. 1 with McKim & Creed, P.A. signed by the County Manager to extend the duration of the Task Order and include the additional funds.

20. Utilities – Navassa Grant Mapping Task Order – Dewberry – Approved

The Board of Commissioners approved the proposed On-Call Contract Task Order No. 2 with Dewberry Engineers in the amount of \$21,567 and On-Call Contract Task Order No. 3 in the amount of \$30,413 to provide engineering services associated with the mapping of the Navassa water and sewer systems respectively.

21. Utilities – SynaGro Sludge Contract Renewal – Approved

The Board of Commissioners approved a contract renewal with SynaGro Central LLC for residuals dewatering at the Northwest Water Treatment Plant for an estimated \$667,000.

VI. PRESENTATION

1. Clerk to the Board – Presentation – Community Services Block Grant Program and Family Empowerment Self-Sufficiency Project

The Board of Commissioners received an opportunity to inquire regarding the Consent Item V.13 titled Health and Human Services – Social Services – Southeastern Community and Family Services Inc. Community Service Block Grant Application FY 2022-2023. The Board posed no questions or comments

2. Health and Human Services – Presentation – COVID-19

The Board of Commissioners received an update on the Coronavirus (COVID-19).

3. Utilities - Project Updates

The Board of Commissioners received information regarding the status of various key Utilities projects.

VII. OTHER BUSINESS/INFORMAL DISCUSSION

1. **Departure of Current County Manager:** The Board of Commissioners offered their well wishes for a happy and healthy retirement for Mr. Randell Woodruff as this is his last meeting.

2. **New County Manager, Finance Officer and IT Director:** The Board of Commissioners welcomed Steve Stone, former Deputy Manager, promoted to County Manager, Aaron Smith, former Deputy Finance Officer, promoted to Finance Officer and Cindy Hewett as the newly hired Information Technology Director.

VIII. CLOSED SESSION

The Board of Commissioner entered into closed session pursuant to G.S. § 143-318.11(a)(1) to approve closed session minutes, G.S. § 143-318.11(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege, and G.S. § 143-318.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on

behalf of the public body in negotiating the price and other material terms of a proposed contract for the acquisition of real property.

Mr. Shaver noted the above statutory requirements and that these were noted in the agenda.

Commissioner Williams made the motion to enter Closed Session at 6:44 p.m. with Commissioner Cooke seconding and all in favor (5 to 0).

Chairman Thompson called the Regular Session to order at 7:17 p.m.

The following statement was made by Mr. Shaver: The Board, in Closed Session, voted unanimously to approve a settlement of the case of Plantation Building of Wilmington, D.R. Horton and others versus Brunswick County, superior court case number 19-CVS-647.

This case was a class action lawsuit to recover utility capital recovery fees paid during a period from March 5, 2016 through June 30, 2018. This suit, patterned like many others across the state, followed in the aftermath of the State Supreme Court's ruling in *Quality Built Homes v. Town of Carthage*, which called into question the legal authority of local governments and utilities to require such fees.

The terms of the settlement require the County to pay a total amount of \$15,250,000 into a common settlement fund, which will then be administered to the class by an administrator approved by the Court. The County's payment will represent the County's entire payment obligation under the settlement agreement, meaning that any administrative expenses or attorney's fees or other awards come out of that one settlement amount.

The size of the class in this class action consists of 957 individuals, builders, developers, and other entities. The County's payment represents a refund of amounts paid by the class members during the period in question. The funds will be paid out of existing enterprise fund reserves, not out of general fund tax dollars.

X. ADJOURNMENT

Commissioner Sykes moved to adjourn the meeting at 7:20 p.m. The motion was seconded by Commissioner Williams and passed unanimously (5 to 0).

Randy Thompson, Chairman
Brunswick County Board of Commissioners

Attest:

Daralyn Spivey, NCCCC
Clerk to the Board