

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
ANNUAL MEETING
DECEMBER 4, 2017
3:00 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 3:00 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

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

STAFF: Ann Hardy, County Manager
Steve Stone, Deputy County Manager
Bob Shaver, County Attorney
Julie Miller, Finance Director
Andrea White, Clerk to the Board
Amanda Hutcheson, PIO
Capt. Mark Trull, 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 Williams called the meeting to order at 3:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Vice-Chairman Thompson gave the Invocation and led the Pledge of Allegiance.

III. ELECTION OF CHAIRMAN – COUNTY ATTORNEY

Bob Shaver, County Attorney, explained the process of election of the Chairman and opened the floor for nominations.

Commissioner Sykes moved to nominate Commissioner Randy Thompson as Chairman. Mr. Shaver opened the floor for discussion. Commissioner Thompson declined the nomination.

Due to Commissioner Thompson's declination, Commissioner Sykes withdrew her motion.

Commissioner Forte moved to nominate Commissioner Frank Williams as Chairman. Mr. Shaver opened the floor for discussion. Hearing none, Mr. Shaver called the question. The motion was approved by a vote of 4 to 1. (Ayes - Commissioner Williams, Commissioner Thompson, Commissioner Cooke, Commissioner Forte. Nays - Commissioner Sykes).

IV. ELECTION OF VICE-CHAIRMAN – CHAIRMAN

Chairman Williams moved to nominate Commissioner Thompson as Vice-Chairman and opened the floor for discussion. Hearing none, Chairman Williams called the question. The vote of approval was unanimous.

V. APPROVAL OF BONDS

1. Administration - Resolution to Approve the Bonding of County Officials

Request that the Board of Commissioners approve a Resolution to approve the bonding of county officials.

Chairman Williams asked Mr. Shaver to address the bonds. Mr. Shaver explained that the approval of bonds is part of the annual procedures and the resolution includes the statutes and offices where the bond is required.

Commissioner Sykes moved to approve the Resolution approving the bonding of county officials. The vote of approval was unanimous.

RESOLUTION TO APPROVE THE BONDING OF COUNTY OFFICIALS

WHEREAS, North Carolina General Statute § 105□349(c) requires the Tax Collector to provide a performance bond in an amount prescribed by this Board; and

WHEREAS, NCGS §159□29(a) requires the Finance Officer to provide a performance bond with sufficient sureties in an amount to be fixed by this Board but not less than \$50,000; and

WHEREAS, NCGS §161□4 requires the Register of Deeds to provide a performance bond with sufficient surety to be approved by this Board, in an amount of not less than \$10,000 nor more than \$50,000; and

WHEREAS, NCGS §162□8 requires the Sheriff to provide a performance bond of any amount to be determined by this Board but not to exceed \$25,000; and

WHEREAS, NCGS §58□72□55 requires the Clerk to the Board to record in the proceedings the names of those Commissioners who are present at the time of approval of official bonds and who voted for such approval; and

WHEREAS, NCGS §58□72□55 further provides that any Commissioner may cause his or her written dissent to an official bond to be entered into the record of this Board.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Brunswick as follows:

1. That this Board hereby accepts and approves bonds for public officials as follows:
 - a. Jeff Niebauer, Tax Collector, \$500,000.00 with Travelers Insurance;
 - b. Julie Miller, Finance Director, \$250,000.00 with Western Surety Company;
 - c. Brenda Clemmons, Register of Deeds, \$10,000.00 with Travelers Insurance;
 - d. John Ingram, V, Sheriff, \$25,000.00 with Western Surety Company;

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2. That pursuant to NCGS 58□72□55, the Clerk is hereby instructed to record the names of all Commissioners present at this meeting who vote in favor of this resolution.
3. That pursuant to NCGS 58□72□55, any Commissioner who votes against this resolution may cause his or her written dissent to be entered into the record of the Board.
4. That this resolution shall be effective upon its adoption.

APPROVED AND ADOPTED this the 4th day of December 2017.

Frank Williams, Chair
Brunswick County Board of Commissioners

ATTEST:
Andrea White, NCCCC
Clerk to the Board

VI. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Williams asked if there were any adjustments to the agenda.

Commissioner Cooke moved to approve the agenda as presented. The vote of approval was unanimous.

VII. PUBLIC COMMENTS

Chairman Williams briefly reviewed the Public Comments Policy and called those who had signed up to speak during Public Comments. The following individuals addressed the Board:

1. Mr. Paul Denny shared his concerns regarding the following:
 - a. Wind and Hail Insurance – asked that the Board of Commissioners look into insurance practices/cost.
 - b. Battleship Safety – asked that the Board of Commissioners consider a traffic light or other alternate solution to provide safe accessibility.
 - c. School Lunches – asked that the Board of Commissioners look into nutrition for the students.
 - d. H2GO – asked that the Board of Commissioners do what they have to do to get the plant issue resolved.
2. Mr. Rick Schoch, resident of Leland, shared his concerns regarding the negative impact on property values that could be caused by the delay in improving the water quality.
3. Mr. Greg McEvoy, shared his concerns regarding the toxic chemicals polluting the Cape Fear River and spoke in favor of reverse osmosis. Mr. McEvoy requested that the Board of Commissioners consider partnering with H2GO to provide water.
4. Mr. Steve Hosmer, resident of Compass Pointe, spoke in favor of the H2GO plan to use aquifer water as a resource and to remove contaminants using reverse osmosis.
5. Ms. Joy Cranidiotis, shared her concerns with the quality of water and spoke in favor of aquifer water and reverse osmosis. She also urged the County Commissioners to meet with

Belville and H2GO to discuss the possibilities of the reverse osmosis facility moving forward.

6. Ms. Sue Tiano spoke in favor of the reverse osmosis system.

VIII. APPROVAL OF CONSENT AGENDA

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

1. **Administration - Cancellation of the March 5, 2018 Regular Meeting**
Cancelled the March 5, 2018 regular meeting.
2. **Attorney - Easement Request**
Granted a landowner an easement along the path on parcel #16900004 for the removal of timber from his property.
3. **Clerk to the Board - Meeting Minutes**
Approved the draft minutes from the November 6, 2017 and the November 20, 2017 regular meetings.
4. **Health and Human Services - Health Services - Medicaid Cost Settlement**
Reviewed and approved the final Medicaid Cost Settlement and authorized staff to issue payment to the Office of the Controller (DHHS) in the amount of \$184,402.00.
5. **Operation Services - Donation of Surplus Brick**
Declared as surplus and approved a donation of brick inventory to Bolivia Volunteer Fire Department.

RESOLUTION APPROVING CONVEYANCE OF SURPLUS PROPERTY TO BOLIVIA VOLUNTEER FIRE DEPARTMENT PURSUANT TO G.S. 160A-274

WHEREAS, Brunswick County possesses surplus brick inventory from past park projects;
and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, Brunswick County has determined that it is in the best interest of the county to convey 12 bundles of brick (500 bricks per bundle) to Bolivia Volunteer Fire Department and deems it wise to do so for no consideration.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Brunswick County that:

1. Brunswick County hereby authorizes conveyance to Bolivia Volunteer Fire Department 12 bundles of brick (500 bricks per bundle).
2. The property herein described shall be conveyed for no consideration.

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3. The County Manager of Brunswick County is authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

This the 4th day of December, 2017.

Frank Williams, Chair
Brunswick County Commissioners

Attest:
Andrea White, NCCCC
Clerk to the Board

6. **Utilities - Rural Economic Development Grant Agreement**
Approved the Rural Economic Development Grant Agreement with the Department of Commerce for reimbursement of \$216,000 costs associated with the Raw Water Main Repair.

IX. PRESENTATION

1. **Utilities - Large Water Distribution System of the Year Award (John Nichols, Director of Public Utilities)**
Request that the Board of Commissioners receive the Large Water Distribution System of the Year Award from the North Carolina American Water Works Association and the North Carolina Water Environment Association (NC AWWA-WEA) presented to Brunswick County Public Utilities at the recent annual conference.

Mr. John Nichols, Director of Public Utilities, explained that Brunswick County's public utilities distribution system has over 1,000 miles of water lines and is one of the largest systems in the region. The system consists of multiple pressure zones, multiple booster pump stations, 10 wholesale customers and a host of certified operators that are dedicated to ensuring that the system operates properly. Mr. Nichols presented the Board of Commissioners with the Large System Distribution of the Year Award for the 5th year in a row and recognized Mr. Bob Tweedy, CIP Manager; Mickey Thompson, Distribution Superintendent; and Cory Sumner, Construction Superintendent. Mr. Nichols added that Brunswick County competes with large systems such as Charlotte/Mecklenburg, Raleigh and other large cities across the state.

X. ADMINISTRATIVE REPORT

1. **Administration - NCHIP Resolution to Participate (Ann Hardy, County Manager)**
Request that the Board of Commissioners receive information on the NCHIP Employee Health Insurance Program and adopt a resolution of intent to participate beginning FY 19.

County Manager Ann Hardy explained that staff, along with the consultant, Gallagher Benefit Services, Inc., have been looking for opportunities to save money and determine if the County could extend health benefits to include spouses of employees. Mrs. Hardy introduced Mr. Jeff Ries, Area Vice President of Gallagher Benefit Services, Inc.

Mr. Ries presented information on the North Carolina Health Insurance Pool (NCHIP), a pool of other governments, administered by Blue Cross Blue Shield for health insurance. He explained the structure of the NCHIP to include current clients, non-clients evaluating NCHIP, and vendor partners, as well as the benefits to Brunswick County, 5-year projections and plan considerations to include employee spousal coverage.

Following the presentation, Mrs. Hardy asked that the Board consider a resolution authorizing staff to continue to pursue this program.

Vice-Chairman Thompson moved to adopt the resolution with the intent to participate in the NCHIP. The vote of approval was unanimous.

RESOLUTION AUTHORIZING THE PARTICIPATION IN THE NORTH CAROLINA HEALTH INSURANCE POOL

WHEREAS, North Carolina local governments, including any North Carolina county, city, or housing authority, may enter into contracts or agreements under Article 23 of Chapter 58 of the North Carolina General Statutes (the “Local Government Risk Pool Act”) to establish pools providing for life or accident and health insurance for their employees on a cooperative or contract basis with one another;

WHEREAS, Brunswick County anticipates the creation of the North Carolina Health Insurance Pool (NCHIP), a pool providing for accident and health insurance for employees of North Carolina local governments in accordance with the Local Government Risk Pool Act; and

WHEREAS, Brunswick County wishes to become a member of the NCHIP on certain conditions;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Brunswick, as follows:

SECTION 1 If the conditions described in Section 2 of this Resolution are satisfied, Brunswick County, as of July 1, 2018, will become a Member of the North Carolina Health Insurance Pool (NCHIP), an intergovernmental cooperative to pool health insurance risks with other North Carolina local governments.

SECTION 2 Brunswick County will participate in NCHIP effective July 1, 2018, only if the following conditions are satisfied no later than May 31, 2018:

- (A) NCHIP is properly formed under the laws of the State of North Carolina and the provisions of the Local Government Risk Pool Act and a board of trustees meeting the requirements of N.C.G.S. § 58-23-10 is properly empaneled.
- (B) The board of trustees of NCHIP adopts bylaws and/or a form of agreement or contract that meets the requirements of N.C.G.S. § 58-23-15 and other applicable provisions of the Local Government Risk Pool Act.
- (C) The NCHIP risk pool includes commitments for participation on July 1, 2018, from local governments that together will consist of no fewer than two thousand five hundred (2,500) lives in the risk pool.

The terms and conditions of membership in NCHIP will be such terms and conditions as are imposed by the board of trustees of NCHIP in the acceptance motion, and the contractual obligations under the terms of the contract and by-laws of NCHIP as such document is adopted by the board of trustees of NCHIP and as it may be amended in accordance with its terms.

SECTION 3 If, on May 31, 2018, all of the conditions identified herein are satisfied, then, in accordance with N.C.G.S. § 58-23-5(e), the County Manager of Brunswick County, or such other officer, as shall be authorized, is directed to give notice (or cause notice to be given) to the North Carolina Commissioner of Insurance no later than June 1, 2018, in a form prescribed by the Commissioner that Brunswick County intends to participate in NCHIP as of July 1, 2018.

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SECTION 4 If, on May 31, 2018, all of the conditions identified herein are satisfied, then, the County Manager of Brunswick County, or such other officer, as shall be authorized, is directed to execute any documents necessary to complete the membership of the local government in NCHIP.

SECTION 5 This Resolution shall be in full force and effect upon its passage, approval and publication in pamphlet form, if required by law.

Passed this 4th day of December, 2017.

Frank Williams, Chair
Brunswick County Board of Commissioners

ATTEST:
Andrea White, NCCCC
Clerk to the Board

2. **Administration - Water and Wastewater System Development Fee Study (Ann Hardy, County Manager)**

Request that the Board of Commissioner approve a proposal from Raftelis Financial Consultants, Inc. for a Water and Wastewater System Development Fee Study in the amount of \$23,960.

Mrs. Hardy explained that HB 436 requires the County to review its water and wastewater system development fees, sometimes referred to as capital recovery fees or impact fees, to ensure that it complies. In the past, Raftelis Consultants have compared the independent third-party reviews used to issue revenue bonds. A contract was negotiated for Raftelis to review the capital improvement plan, fixed asset information and determine the most appropriate method to calculate water and wastewater system development fees and to ensure that the County is in compliance. The work must be completed by March 1, 2018 so that any necessary changes may be incorporated into the budget.

Commissioner Forte moved to approve the proposal from Raftelis. The vote of approval was unanimous.

3. **Attorney - Resolution to Declare and Abate a Public Nuisance Regarding the Manufacture and Distribution of Opioids (Bob Shaver, County Attorney)**

Recommend that the Board of Commissioners adopt a Resolution to Declare and Abate a Public Nuisance Regarding the Manufacture and Distribution of Opioids.

Mr. Shaver explained that most of the recent methods for addressing the opioid crisis have focused on the individual toll it takes on families and members of the community. The focus nationwide and within North Carolina is now trying to determine whether there are legal remedies that can address the causes of the opioid crisis. Lawsuits have been filed across the country and in North Carolina pursuing remedies against manufacturers and distributors of opioids for not following required regulations. Staff presented a resolution to consider declaring and abating a public nuisance regarding the manufacture and distribution of opioids. The resolution authorizes staff to engage counsel to pursue legal remedies and attempt to recover some of the costs that will continue as resources will be needed to address the many impacts that the opioid crisis has created.

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Commissioner Forte moved to approve a resolution to declare and abate a public nuisance regarding the manufacture and distribution of opioids. The vote of approval was unanimous.

RESOLUTION OF THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS TO DECLARE AND ABATE A PUBLIC NUISANCE REGARDING THE MANUFACTURE AND DISTRIBUTION OF OPIOIDS

WHEREAS, the Brunswick County Board of Commissioners has the authority to define, prohibit, or abate public nuisances and conditions detrimental to the health, safety, or welfare of its citizens pursuant to N.C.G.S. § 153A-121; and

WHEREAS, the improper diversion of legally produced controlled substances into the community causes or contributes to a serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality in Brunswick County (also referred to hereafter as “the opioid crisis”); and

WHEREAS, Brunswick County has one of the highest opioid-related overdose death rates in North Carolina and an opioid prescription rate that is among the highest in the nation; and

WHEREAS, the Brunswick County Board of Commissioners believes that the manufacturers and wholesale distributors of opioid controlled substances distributed in Brunswick County may have violated Federal and/or State laws and regulations that were enacted to prevent the diversion of legally produced controlled substances into the illicit market; and

WHEREAS, the violation of any laws of the State of North Carolina, or of the United States of America controlling the distribution of a controlled substance is inimical, harmful, and adverse to the public welfare of the residents and citizens of Brunswick County and constitutes a public nuisance; and

WHEREAS, the opioid crisis is having an extended and far reaching impact on the public, health, and safety, of residents and citizens of Brunswick County and must be abated; and

WHEREAS, Brunswick County has expended, is expending, and will continue to expend in the future, County funds to respond to the serious public health and safety crisis involving opioid abuse, addiction, morbidity, and mortality within Brunswick County.

NOW, THEREFORE, BE IT RESOLVED that the Brunswick County Board of Commissioners hereby declares the opioid crisis to be a public nuisance which must be abated for the benefit of Brunswick County and its residents and citizens, and hereby authorizes the Chair or County Manager, or their designee, to take all action necessary to abate this public nuisance, including retaining legal counsel to pursue remedies against the parties who have caused or contributed to the public nuisance created by the opioid crisis.

APPROVED AND ADOPTED this the 4th day of December 2017.

Frank Williams, Chair
Brunswick County Board of Commissioners

ATTEST:
Andrea White, NCCCC
Clerk to the Board

4. **Utilities - Wells Brothers Final Adjusting Change Order No. 1 and Agreement with Town of Boiling Spring Lakes (John Nichols, Director of Public Utilities)**

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Request that the Board of Commissioners approve Final Adjusting Change Order No. 1 with Wells Brothers Construction for the 2016 Enterprise Funded Sewer Extension Project increasing the contract from \$770,499.50 to \$792,251.62 for an increase of \$22,252.12 and approve an agreement with the Town of Boiling Spring Lakes providing compensation valued at \$18,610 for street repaving.

Commissioner Cooke stepped out of the meeting, unexcused, at 4:06 p.m.

Mr. Nichols explained that the increase in the contract is mostly due to adjustments in the depth of gravity sewer as well as utility conflicts. The utility paving issue was a result of the work in the area. The Town of Boiling Spring Lakes would like to resurface the streets in that area and it was determined that resurfacing would be a better use of the funds than patchwork.

Commissioner Forte moved to approve the Final Adjusting Change Order No. 1 with Wells Brothers Construction and an agreement with the Town of Boiling Spring Lakes for street repaving. The vote of approval was unanimous (Commissioner Cooke's vote was counted in the affirmative as he was out of the room during the vote and not excused from voting.)

5. **Utilities - Engineering Services to Provide Water Treatment Improvement Options (John Nichols, Director of Public Utilities)**

Request that the Board of Commissioners receive information on engineering services to provide water treatment improvement options for the Northwest Water Treatment Plant.

Commissioner Cooke returned to the meeting at 4:08 p.m.

Mr. Nichols provided information and gave an update on the County's treatment efforts. A Request for Proposals for engineering assistance was recently advertised to help determine the best treatment methodologies to implement at the Northwest Water Treatment Plant. Proposals are due by January 5, 2018 with selection of a firm to follow. The study will include determining which contaminants are difficult to eradicate and which methodologies are effective. It will also conduct pilot studies using studies by Cape Fear Public Utility Authority (CFPUA) along with additional studies from Brunswick County. Mr. Nichols also reviewed the timeline for the study to include the draft study with options and cost estimate being presented in March 2018 and a final report in April 2018.

XI. BOARD APPOINTMENTS

1. **Brunswick County Board of Commissioners Board Seat Assignments for Calendar Year 2018**

Request that the Board of Commissioners consider appointing members to fill the Calendar Year 2018 Board of Commissioners Board Seat listing.

Commissioner Forte moved to keep the Board Seat assignments as presented. The vote of approval was unanimous.

The approved seat assignments are as follows:

Brunswick Business & Industry Development - Chairman (Frank Williams) / Vice-Chairman (Randy Thompson)

Brunswick-Columbus Industrial Park - Chairman (Frank Williams)

Cape Fear Council of Government - Randy Thompson

Cape Fear Rural Planning Organization Transp. Adv Committee - Frank Williams / Mike Forte* / Randy Thompson (alternate)*

Fire Commission - Pat Sykes* / Mike Forte*

Grand Strand MPO Transportation Advisory Committee - Pat Sykes / Randy Thompson / Kirstie Dixon (alternate)

Greater Wilmington Metro Transportation Advisory Committee - Frank Williams / Mike Forte (alternate)

Human Services Advisory Committee - Pat Sykes

Juvenile Crime Prevention Council - Mike Forte

Local Emergency Protection Committee - Marty Cooke

Lower Cape Fear Water and Sewer Authority - Frank Williams

Trillium Regional Board - Pat Sykes

Southeastern Economic Development Commission - Marty Cooke

**Not expiring*

XII. CLOSED SESSION

1. Closed Session - Consult with Attorney and Approve Closed Session Minutes

Request that the Board of Commissioners enter into Closed Session pursuant to G.S. 143-318.11(a)(1) to approve Closed Session Minutes and G.S. 143-318.11(a)(3) to consult with its attorney.

Commissioner Cooke moved to enter into closed session at 4:28 p.m. The vote of approval was unanimous.

Chairman Williams called the regular meeting back to order at 4:47 p.m. and asked the County Attorney if there was anything to report from closed session.

Mr. Shaver stated there was nothing to report.

XIII. OTHER BUSINESS/INFORMAL DISCUSSION

Chairman Williams announced the upcoming National Association of Counties Legislative Conference and asked the Board to provide any items for consideration to Mrs. Hardy.

XIV. ADJOURNMENT

Commissioner Sykes moved to adjourn the Annual Meeting at 4:48 p.m. The vote of approval was unanimous.

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Frank Williams, Chairman
Brunswick County Board of Commissioners

Attest:

Andrea White, NCCCC
Clerk to the Board