

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS**  
**REGULAR MEETING AGENDA**  
**September 18, 2017**  
**6:00 PM**

**I. Call to Order**

**II. Invocation/Pledge of Allegiance**

**III. Adjustments/Approval of Agenda**

**IV. Public Comments**

**V. Approval of Consent Agenda**

1. Administration - Proposed Addition to the State Roadway System

Request that the Board of Commissioners approve a request from the NC Department of Transportation for the addition of Randy St SW and Isley Ct SW of the Waterway Acres subdivision to the North Carolina Department of Transportation Roadway Maintenance System (SR-2 Resolution).

2. Administration - Organization of Clerk to the Board Staff

Request that the Board of Commissioners approve the classifications of Deputy Clerk I (Grade 64) and Deputy Clerk II (Grade 68) for current FTE and align the reporting structure of both positions to fall under the Clerk to the Board of Commissioners/Executive Administrative Assistant within County Administration.

3. Board Appointment - Juvenile Crime Prevention Council (JCPC) Membership List

Request that the Board of Commissioners approve the Brunswick County Juvenile Crime Prevention Council's membership list.

4. County Attorney - Refund Request for Excise Tax

Request that the Board of Commissioners direct a refund requested for excise taxes charged in error in the amount of \$846.00

5. District Attorney - Communities in Schools Agreement

Request that the Board of Commissioners approve an Independent Contractor Agreement with Communities in Schools for Teen Court and other program services in the amount of \$40,000.

6. Emergency Services- Agreement with Southeast Brunswick Sanitary District

Request that the Board of Commissioners approve a Wastewater User Agreement with Southeast Brunswick Sanitary District for sewer service for EMS Base 4 at 4280 Committee Drive, Southport.

7. 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.

-Adult Day Care Additional Funding

Appropriate \$11,500 of federal revenue, \$10,481 of state revenue and transfer \$3,140 of professional services funds for county match for additional funding authorization for the Adult Day Care program of \$25,121.

-Budget Document for Fiscal Year 2018

Included is the County of Brunswick Fiscal Year 2017-2018 Formal Budget Document submitted to the Government Finance Officers Association for

consideration of the Distinguished Budget Award. Formal Budget document provided at:

<http://www.brunswickcountync.gov/wp-content/uploads/2015/02/BrunswickCountyBudgetDocument2017-2018.pdf>

- SFR14 De-obligation

Reduce the 2014 Single Family Rehab grant appropriation by \$10,725 for the de-obligation of unused funds for the Pigott project. NC Housing Finance Agency increased original award for an amount up to \$20k for the Pigott project due to unforeseen repairs required by the unit. \$15,249 was appropriated at the 10/3/2016 board meeting (with \$4751 of unspent funds from initial award). A formal de-obligation is not required by NCHFA.

-Sheriff's Office Insurance Proceeds Budget Amendment

Appropriate \$10,097 of insurance proceeds to capital outlay vehicles for replacement of vehicles.

8. Health and Human Services - Health Services-Tate Contractor Certification for Community Health Grant

Request that the Board of Commissioners review, approve, and execute the State Contractor Certification pursuant to G.S. 133-32 and Executive Order No. 24.

9. Human Resources - Policy Revisions

Request that the Board of Commissioners adopt revisions to County Personnel Policies: #205 Recruitment and Employment; #210 Nepotism; #560 Drug and Alcohol Free Work Place.

10. Tax - September 2017 Releases

Request that the Board of Commissioners approve the September 2017 tax releases.

11. Tax - September 2017 MV Discovery Valuation & Levy for August 2017

Request that the Board of Commissioners approve the September 2017 motor vehicle valuation and levy discoveries created in August 2017.

## **VI. Presentation**

1. Winyah Rivers Foundation/Waccamaw Riverkeeper Presentation (Cara Schildtknecht, Waccamaw Riverkeeper)

Request that the Board of Commissioners receive a presentation from the Waccamaw Riverkeeper.

## **VII. Public Hearing**

1. Engineering - Water Special Assessment District -- Marsh Bay Estates Subdivision - -Final Assessment Resolution and Public Hearing (Amy Aycock)

Request that the Board of Commissioners conduct a public hearing, approve the Final Assessment Resolution, and authorize staff to issue an RFQ for surveying, design, and permitting services for new water mains for Marsh Bay Estates subdivision.

2. Planning - Rezoning Public Hearing Z-17-753 (Kirstie Dixon, Planning Manager)

Request that, after the Public Hearing, the Board of Commissioners approve First and Second Readings of the proposed amendment to the Brunswick County Unified Development Ordinance (Z-17-753) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density).

3. Planning - Rezoning Public Hearing - Z-17-754 (Kirstie Dixon, Planning Manager )  
Request that, after the Public Hearing, the Board of Commissioners approve First and Second Readings of the proposed amendment to the Brunswick County Unified Development Ordinance (Z-17-754) from Undesignated to R-7500 (Medium Density Residential).

#### **VIII. Administrative Report**

1. Administration - Financial Advisor for School General Obligation Bond Issue (Ann Hardy, County Manager)  
Request that the Board of Commissions accept the proposal from Stephens Inc. for \$25,000 to serve as the county's financial advisor for the upcoming phase 1 general obligation bond issue of \$52,950,000 and authorize the County Manager to negotiate and sign the contract after legal review.
2. Utilities - Sunset Harbor Water Main (John Nichols, Director of Public Utilities)  
Request that the Board of Commissioners approve the agreement with Cape Fear Engineering, Inc. in the amount of \$68,580 for engineering services associated with the design of the Sunset Harbor water main to improve fire flow and redundancy.

#### **IX. Other Business/Informal Discussion**

#### **X. Adjournment**



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**From:**  
Andrea White

**Action Item # V. - 1.**

Administration - Proposed Addition to the State Roadway System

**Issue/Action Requested:**

Request that the Board of Commissioners approve a request from the NC Department of Transportation for the addition of Randy St SW and Isley Ct SW of the Waterway Acres subdivision to the North Carolina Department of Transportation Roadway Maintenance System (SR-2 Resolution).

**Background/Purpose of Request:**

A letter was received from the North Carolina Department of Transportation requesting consideration of the addition of Randy St SW and Isley Ct SW to the state roadway maintenance system. These streets are located within the Waterway Acres subdivision in Brunswick County. A petition from the property owners, a plat map, and a locator map were received as well.

The NCDOT requests that the Board of Commissioners consider approving the request and an SR-2 Resolution to add Randy St SW and Isley Ct SW to the NCDOT Roadway Maintenance System.

**Fiscal Impact:**

Not Applicable

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend Request that the Board of Commissioners approve a request from the NC Department of Transportation for the addition of Randy St SW and Isley Ct SW of the Waterway Acres subdivision to the North Carolina Department of Transportation Roadway Maintenance System (SR-2 Resolution).

**ATTACHMENTS:**

Description

- ☐ DOT Letter and SR-1 Petition
- ☐ GIS Memo & Map
- ☐ SR-2 Resolution



RECEIVED

AUG 18 2017

BRUNS. CO. ADMIN.

STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

JAMES H. TROGDON, III  
SECRETARY

August 14, 2017

Mrs. Andrea White Clerk to the Board  
Brunswick County Commissioners  
P. O. Box 249  
Bolivia, NC 28422

Subject: Proposed Addition to the State System of Highways

Dear Ms. Gore:

This office is considering the addition of Randy Street SW and Isley Ct SW located within Waterway Acres subdivision in Brunswick County (Div. File No. 1164-B) to the state roadway maintenance system. After the Board's consideration please furnish this office with the current county resolution and official road name for our further handling.

If you need further assistance, please contact me at (910)-251-2655.

Thank you,

A handwritten signature in dark ink, appearing to read "John Diaz".

John Diaz  
Engineer Technician Advanced

Attachments: copy of petition, plat map and locator map

DISTRICT 3

JUL 30 2015

RECEIVED

JUL 28 2015

North Carolina Department of Transportation  
Division of Highways  
Petition for Road Addition

Brunswick County  
Maintenance

**ROADWAY INFORMATION:** (Please Print/Type)

County: Brunswick Road Name: Randy St. - Waterway Acres  
(Please list additional street names and lengths on the back of this form.)

Subdivision Name: Waterway Acres Length (miles): \_\_\_\_\_

Number of occupied homes having street frontage: \_\_\_\_\_ Located (miles): \_\_\_\_\_

miles N ☐ S ☐ E ☐ W ☐ of the intersection of Route \_\_\_\_\_ and Route \_\_\_\_\_  
(Check one) (SR, NC, US) Randy St. (SR, NC, US)

We, the undersigned, being property owners and/or developers of Waterway Acres in Brunswick County, do hereby request the Division of Highways to add the above described road.

**CONTACT PERSON:** Name and Address of First Petitioner. (Please Print/Type)

Name: Faye Osburn Phone Number: 910-842-5658

Street Address: 2997 Ice Ct. SW

Mailing Address: Supply, NC 28462

**PROPERTY OWNERS**

Name Mailing Address Telephone

Robert & Jay Osburn	2997 Ice Court SW	910-842-5658
Ronald & Sherry King	2411 Randy St SE	704-756-5469
Jane Johnson	2420 Randy St. SW	910-850-0411
Eddie L. Johnson - Nancy Johnson	2993 Randy St.	
Jimmy Pittman + Betty Pittman	2981 Iowa Court	910-628-8465
William & Sharon Martin	2988 Iowa Court	919-775-9499
Wilbur F. Caw Jr.	2993 Ivy Court	910-470-3754
Deborah P. Aiken	2989 Ivy Court	704-224-6019

INSTRUCTIONS FOR COMPLETING PETITION:

1. Complete Information Section
2. Identify Contact Person (This person serves as spokesperson for petitioner(s)).
3. Attach four (4) copies of recorded subdivision plat or property deeds, which refer to candidate road.
4. Adjoining property owners and/or the developer may submit a petition. Subdivision roads with prior NCDOT review and approval only require the developer's signature.
5. If submitted by the developer, encroachment agreements from all utilities located within the right of way shall be submitted with the petition for Road addition. However, construction plans may not be required at this time.
6. Submit to District Engineer's Office.

FOR NCDOT USE ONLY: Please check the appropriate block

☐ Rural Road    ☒ Subdivision platted prior to October 1, 1975    ☐ Subdivision platted after September 30, 1975

### REQUIREMENTS FOR ADDITION

If this road meets the requirements necessary for addition, we agree to grant the Department of Transportation a right-of-way of the necessary width to construct the road to the minimum construction standards of the NCDOT. The right-of-way will extend the entire length of the road that is requested to be added to the state maintained system and will include the necessary areas outside of the right-of-way for cut and fill slopes and drainage. Also, we agree to dedicate additional right-of-way at intersections for sight distance and design purposes and execute said right-of-way agreement forms that will be submitted to us by representatives of the NCDOT. The right-of-way shall be cleared at no expense to the NCDOT, which includes the removal of utilities, fences, other obstructions, etc.

General Statute 136-102.6 (see page 29 for Statute) states that any subdivision recorded on or after October 1, 1975, must be built in accordance with NCDOT standards in order to be eligible for addition to the State Road System.

[illegible]

TO ROAD 1137-0.4 MI. TO HOLDEN BEACH  
SEASHORE ROAD - RD. NO. 1139

SCALE: 1" = 100'

# MAP OF WATERWAY ACRES

18 LOTS LAID OUT IN PROPERTY OWNED BY  
MR. & MRS. D.D. MATTHEWS  
IN BOONE'S NECK - LOCKWOODS FOLLY TWP  
BRUNSWICK COUNTY, N.C.

STATE OF NORTH CAROLINA  
BRUNSWICK COUNTY

The foregoing certificate of Notary Public Michael Anderson  
for the State of North Carolina, is hereby certified to be correct  
on the 6 day of May A. D. 1963  
Michael Anderson  
Notary Public for South Carolina

I, C. B. BERRY, CERTIFY THAT  
THIS MAP WAS DRAWN FROM AN  
ACTUAL SURVEY MADE BY ME;  
THAT THE ERROR OF CLOSURES  
AS CALCULATED BY LATITUDES  
AND DEPARTURES IS 1:10000;  
THAT THIS MAP WAS PREPARED  
IN ACCORDANCE WITH G.S. 47-30  
AS AMENDED.

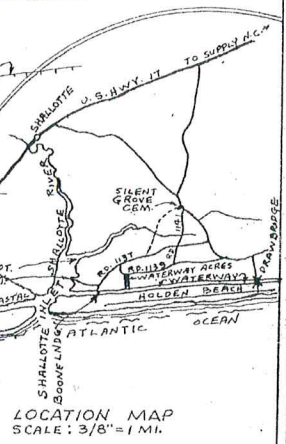
WITNESS MY HAND AND SEAL  
THIS 12TH DAY OF APRIL 1963.  
C. B. Berry (SEAL)  
SURVEYOR - S.C. 2075

SOUTH CAROLINA  
HORRY COUNTY  
PERSONALLY APPEARED BEFORE  
ME C. B. BERRY, REGISTERED LAND  
SURVEYOR, WHO BEING SWORN  
SAYS THAT THIS MAP IS TRUE AND  
CORRECT TO THE BEST OF HIS  
KNOWLEDGE AND BELIEF AND IS  
THE RESULT OF AN ACTUAL  
SURVEY MADE BY HIM.  
SWORN BEFORE ME THIS  
12TH DAY OF APRIL 1963.

Michael Anderson (SEAL)  
NOTARY PUBLIC FOR SOUTH CAR.  
MY COMMISSION EXPIRES AT THE  
PLEASURE OF THE GOVERNOR.

Filed for registration on the 6  
day of May, 1963  
at 9 o'clock AM, and duly registered in  
the office of Register of Deeds of Brunswick  
County, N. C. in Book No. 7, Page 16  
H. J. Cook  
Register of Deeds

MEASURED TRACK  
METER

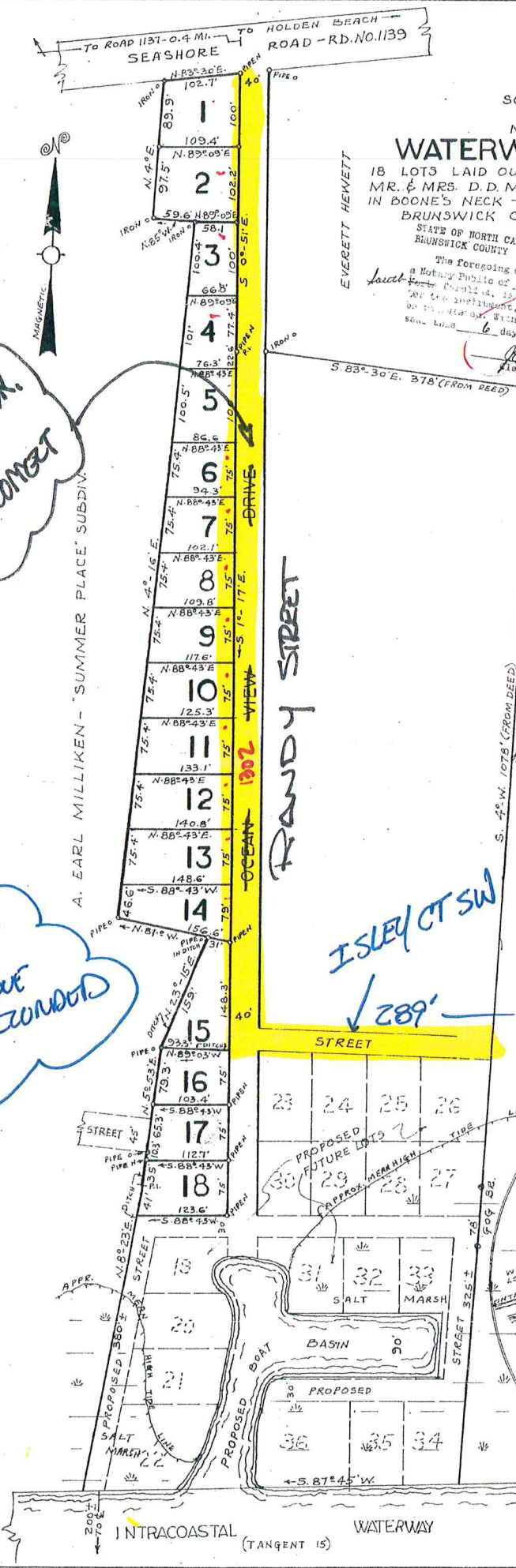


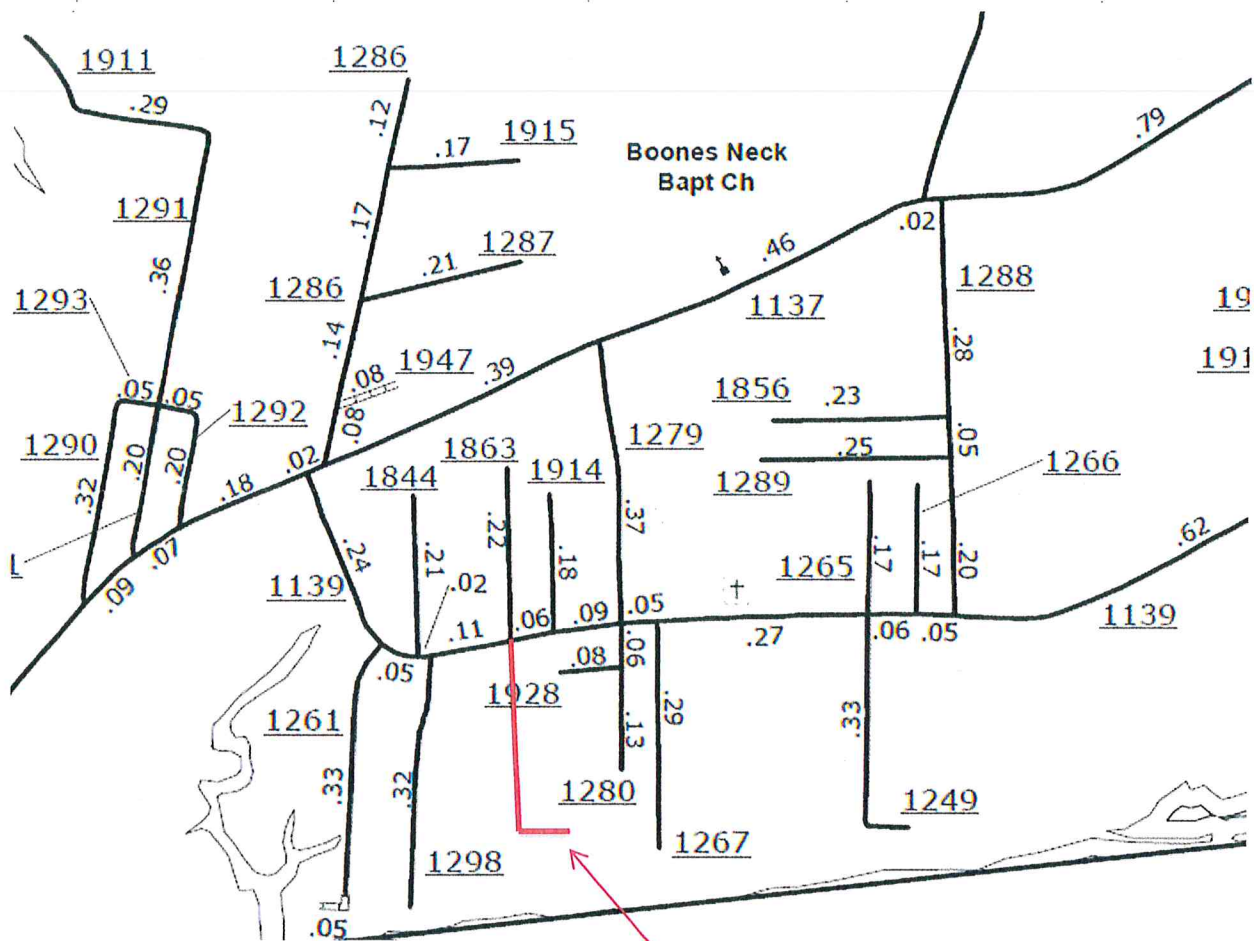
OCEAN VIEW DR.  
INCOMPLETE

A. EARL MILLIKEN - "SUMMER PLACE" SUBDIV.

FDS THAT  
QUALIFY FOR  
TO YEAR RECORDS

ISLEY CT SW  
289'







**County of Brunswick**  
**OFFICE OF THE TAX ADMINISTRATOR**  
PO Box 269, BOLIVIA, NC 28422  
910-253-2829 TELEPHONE  
910-253-2861 FAX  
[TAXADMIN@BRUNSCO.NET](mailto:TAXADMIN@BRUNSCO.NET) - EMAIL  
[WWW.BRUNSWICKCOUNTYNC.GOV](http://WWW.BRUNSWICKCOUNTYNC.GOV)

**JEFFERY P NIEBAUER**  
TAX ADMINISTRATOR

**TONY MASIERO**  
ASSIST TAX ADMINISTRATOR

**MELINDA ORE**  
DEPUTY TAX COLLECTOR

Date: September 11, 2017

To: Andrea White, Clerk to the Board  
County Administration

From: Jan Clemmons, Address Administrator  
GIS

RE: SR-1 Petition: Randy St SW  
Isley Ct SW

The referenced petition, as shown above, is suitable for passage insofar as the Geographic Information Systems Department is concerned. Please let me know if I can be of any further assistance.

/jc



Date: 9/11/2017



1 inch = 125 feet



Brunswick County assumes no legal responsibility for nature of, contents of or accuracy of any information contained on this map. This map may not be accurate or up-to-date. All map information must be verified by recipient. Grid based on NC State Plane Coordinates, NAD 83 datum, feet.

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM**

**NORTH CAROLINA**

**COUNTY OF BRUNSWICK**

**ROAD DESCRIPTION:** Randy St SW and Isley Ct SW

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**WHEREAS**, the attached petition has been filed with the Board of County Commissioners of the County of Brunswick requesting that the above described road, the location of which has been indicated in red on the attached map, be added to the Secondary Road System, and

**WHEREAS**, the Board of County Commissioners is of the opinion that the above described road should be added to the Secondary Road System, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System.

**NOW, THEREFORE**, be it resolved by the Board of County Commissioners of the County of Brunswick that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

**CERTIFICATE**

The foregoing resolution was duly adopted by the Board of Commissioners of the County of Brunswick at a meeting on the       day of       , 2017.

**WITNESS** my hand and official seal this the       day of       , 2017.

**Official Seal**

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Clerk, Board of Commissioners  
County of Brunswick

**PLEASE NOTE:**

**Forward direct with request to the Division Engineer, Division of Highways**



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # V. - 2.**

**From:**  
Ann Hardy, County Manager

Administration - Organization of Clerk to the Board Staff

**Issue/Action Requested:**

Request that the Board of Commissioners approve the classifications of Deputy Clerk I (Grade 64) and Deputy Clerk II (Grade 68) for current FTE and align the reporting structure of both positions to fall under the Clerk to the Board of Commissioners/Executive Administrative Assistant within County Administration.

**Background/Purpose of Request:**

The Mail Room Clerk/Senior Office Assistance currently reports within the Human Resources department. The Human Resources Department recently became fully staffed and no longer requires the assistance of 50% of the FTE's time. The position has been serving at least 50% of their time in support of the clerk and the governing body and the remaining 50% performing duties associated with the county mail delivery, receipt and sorting.

There is no change recommended for the Deputy Clerk other than to change the title to Deputy Clerk II and retain a grade of 68. The grade differential is a reflection of full time clerk duties and only back up mailroom functions.

Both position descriptions are attached.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve the classifications of Deputy Clerk I (Grade 64) and Deputy Clerk II (Grade 68) for current FTE and align the reporting structure of both positions to fall under the Clerk to the Board of Commissioners/Executive Administrative Assistant within County Administration.

**ATTACHMENTS:**

Description

- ☐ Deputy Clerk I
- ☐ Deputy Clerk II

<b>Brunswick County, NC - Classification Description</b>			
<b>Classification Title:</b>	Deputy Clerk to the Board I	<b>Pay Grade:</b>	64
<b>Department:</b>	GOVERNING BODY	<b>FLSA:</b>	Non-Exempt - Compensatory time Earned
<b>Date:</b>	9/2017	<b>Position Control Number:</b>	

### **GENERAL STATEMENT OF JOB**

Under general supervision, work involves managing Board appointments, updating the official minute book, website content, managing travel for the Board of Commissioners, receives, sorts and distributes incoming mail, assists and backs-up the Clerk and the Deputy Clerk to the Board of County Commissioners. Must be a certified notary public. Work involves sorting, metering, copying, faxing, scanning, ordering supplies, tracking certified mail and performing mailroom related work daily. Reports to the Clerk to the Board of County Commissioners.

### **SPECIFIC DUTIES AND RESPONSIBILITIES**

#### **ESSENTIAL JOB FUNCTIONS**

Provides technical support of the audio and visual system in preparation for Board of Commissioner meetings and other meetings held in the Chambers.

Manage web site content and provides assistance to the PIO for information distribution.

Manage and maintain Board and Committee appointments.

Utilizes various computer software programs including Microsoft Office, Laserfische, Novus, to enter, store, and/or retrieve and format information as requested or otherwise necessary.

Assists the general public, answer all calls for the Brunswick County Commissioners office.

Update the official minute book.

Make schedules and travel arrangements for Commissioners and staff to include airlines, hotels, car rentals, etc.

Manage calendars for the 2<sup>nd</sup> floor training room and 3<sup>rd</sup> floor conference room of the Administration Building.

Prepares letters, correspondence, resolutions and other types of data for staff.

Assumes duties of the Deputy Clerk II and Clerk to the Board in their absence.

Greets visitors, answers phone, forwards calls, provides information for customers and employees, etc.

Receives and reviews contracts, public information notice, action item agenda, petitions, invoices,

## **DEPUTY CLERK TO BOARD**

correspondence, forms, mail, etc.

Refers to policy and procedure manuals, codes/laws/regulations/ordinances, exhibit books, etc.

Picks up and delivers USPS mail from local postal office. Sorts incoming mail for County into complex system for in house mailboxes, ensures the proper delivery and retrieval of mail via the United States postal system. Ensures distribution of express, insured, certified and all accountable mail deliveries. Sorts and posts all incoming mail for the detention center/jail inmates. Sorts and posts bio-hazardous mail for various departments. Ensures proper labels are affixed for postage.

Meters mail and enters the data by correct County codes and accounts. Maintains file and record of departmental transactions. Computes amounts of postage required for all outgoing mail according to weight, size and classification.

Properly prepares mail for processing through postage machine.

Makes copies for various County Departments, assists employees in usage of copies, services and repairs, clears jams, replenishes supplies for copies, paragon mailing and fax machines. Orders clerical supplies for replenishment. Orders forms for various different forms of accountable mail.

Answers all questions about postage and the mailroom function.

Prepares year-end reports and cost allocation plan for number of copies made and number of pieces of metered mail.

Operates a vehicle and a variety of office equipment and tools, including a computer, copier, telephones, calculator, fax machine, etc.

Interacts and communicates with the immediate supervisor, other County department employees, co-workers, Board of Commissions, department heads, news media, municipalities and towns, County personnel, various outside professionals and agencies, and the general public.

### **ADDITIONAL JOB FUNCTIONS**

Assists in the preparation of County social functions.

Backs up the Deputy Clerk to the Board of Commissioners as needed.

Performs other related work as required.

### **MINIMUM TRAINING AND EXPERIENCE**

Associate's degree with one to two years of experience in clerical-administrative work, preferably in administrative programs; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities.

Notary Public Certification required.

### **MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

## DEPUTY CLERK TO BOARD

**Physical Requirements:** Must be physically able to operate a variety of automated office machines including computers, typewriters, calculators, copiers, facsimile machines, etc. Must be able to exert up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Sedentary work involves sitting most of the time, but may involve walking or standing for periods of time.

**Data Conception:** Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar to or divergent from obvious standards) or data, people or things.

**Interpersonal Communications:** Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving instructions, assignments or directions from superiors.

**Language Ability:** Requires the ability to read a variety of correspondence, reports, personnel records, invoices, applications, surveys, procedure manuals, forms, etc. Requires the ability to prepare correspondence, reports, personnel records, schedules, checks, insurance forms, logs, etc. Requires the ability to speak to people with poise, voice control and confidence.

**Intelligence:** Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.

**Verbal Aptitude:** Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including personnel and insurance industry terminology.

**Numerical Aptitude:** Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; utilize decimals and percentages.

**Form/Spatial Aptitude:** Requires the ability to inspect items for proper length, width and shape.

**Motor Coordination:** Requires the ability to coordinate hands and eyes rapidly and accurately in using automated office equipment.

**Manual Dexterity:** Requires the ability to handle a variety of items, office equipment, control knobs, switches, etc. Must have minimal levels of eye/hand/foot coordination.

**Color Discrimination and Visual Acuity:** Requires the ability to differentiate colors and shades of color; requires the visual acuity to determine depth perception, night vision, peripheral vision, inspection for small parts; preparing and analyzing written or computer data, etc.

**Interpersonal Temperament:** Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

**Physical Communication:** Requires the ability to talk and/or hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear). Must be able to communicate via telephone.

## **DEPUTY CLERK TO BOARD**

**DISCLAIMER: This job description is not an employment agreement or contract. Management has the exclusive right to alter this job description at any time without notice.**

<b>Brunswick County, NC - Classification Description</b>			
<b>Classification Title:</b>	Deputy Clerk to the Board II	<b>Pay Grade:</b>	68
<b>Department:</b>	GOVERNING BODY	<b>FLSA:</b>	Non-Exempt - Compensatory time Earned
<b>Date:</b>	9/2017	<b>Position Control Number:</b>	

### **GENERAL STATEMENT OF JOB**

Under general supervision, assists and backs-up the clerk to the Board of County Commissioners. Must be a certified notary public, must obtain certified municipal clerk certificate through the institute of government of the University of North Carolina at Chapel Hill that apply towards certification by the International Institute of Municipal clerks. Work involves creating, coordinating, and maintaining a permanent record of board actions including historical and current official records. Researches, interprets, and analyzes various reports and activities. Reports to the Clerk to the Board of County Commissioners.

### **SPECIFIC DUTIES AND RESPONSIBILITIES**

#### **ESSENTIAL JOB FUNCTIONS**

Assists Clerk to the Board of Commissioners daily and as necessary. Prepares agenda for Board meetings, gathering information for meeting, agenda packets, and notifying commissioners, appropriate County staff, news media, and the general public. Assistance provided includes word processing, creating reports, copying, assembly and distribution, and research for the Board packets.

Maintains code of ordinance and prepares for codification. Prepares letters, correspondence, resolution, etc. Makes schedules and travel arrangements.

Utilizes various computer software programs including Microsoft Office, Laserfische, Novus, to enter, store, and/or retrieve and format information as requested or otherwise necessary.

Sorts and dates incoming mail. Assists in the coordination of banquets, dinners, etc.

Assists the general public, answer all calls for the Brunswick County Commissioners office.

Attends Board meetings, hearings, workshops, etc. and compose minutes giving an accurate account of all actions taken for legal evidence of actions taken by the governing body. Collects other County Boards and Committee's minutes.

Indexes minutes for public inspection. Prepares follow-up to notify departments and other individuals of actions taken and required by the Board.

Maintains code of ordinance and prepares for codification.

Prepares letters, correspondence, resolutions and other types of data for staff.

## **DEPUTY CLERK TO BOARD**

Make schedules and travel arrangements for Commissioners and staff to include airlines, hotels, car rentals, etc.

Schedules Chamber meeting room for use by department and the Board calendar.

Provides information to persons regarding secondary road petitions. Assists in completion of petition, forward to GIS for road name check and copies petitions for inclusion in Board 's agenda packets. Forward letters of approval and petition to the Department of Transportation.

Assumes duties of the Clerk to the Board in the absence of the Clerk.

Greets visitors, answers phone, forwards calls, provides information for customers and employees, etc.

Readies meeting room for Board meetings. Ensures adequate supply of materials for Board meetings. Coordinate meals for Commissioners prior to Board meetings.

Attends conferences and maintains certification for Clerks to Boards.

Receives and reviews contracts, public information notice, action item agenda, petitions, invoices, correspondence, forms, mail, etc.

Refers to policy and procedure manuals, codes/laws/regulations/ordinances, exhibit books, etc.

Operates a vehicle and a variety of office equipment and tools, including a computer, copier, telephones, calculator, fax machine, etc.

Interacts and communicates with the immediate supervisor, other County department employees, co-workers, Board of Commissions, department heads, news media, municipalities and towns, County personnel, various outside professionals and agencies, and the general public.

### **ADDITIONAL JOB FUNCTIONS**

Provide Board packets to the Board of Commissioners.

Assists in the preparation of County social functions.

Backs up mail room duties as needed.

Performs other related work as required.

### **MINIMUM TRAINING AND EXPERIENCE**

Associate's degree with three to five years of experience in clerical-administrative work, preferably in administrative programs; or any equivalent combination of training and experience which provides the required knowledge, skills and abilities.

North Carolina School of Government County Clerk certification required within one year of appointment; International Institute of Municipal Clerk Certification desired; Notary Public

## DEPUTY CLERK TO BOARD

Certification required.

### **MINIMUM QUALIFICATIONS OR STANDARDS REQUIRED TO PERFORM ESSENTIAL JOB FUNCTIONS**

**Physical Requirements:** Must be physically able to operate a variety of automated office machines including computers, typewriters, calculators, copiers, facsimile machines, etc. Must be able to exert up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Sedentary work involves sitting most of the time, but may involve walking or standing for periods of time.

**Data Conception:** Requires the ability to compare and/or judge the readily observable, functional, structural, or composite characteristics (whether similar to or divergent from obvious standards) or data, people or things.

**Interpersonal Communications:** Requires the ability to speak and/or signal people to convey or exchange information. Includes receiving instructions, assignments or directions from superiors.

**Language Ability:** Requires the ability to read a variety of correspondence, reports, personnel records, invoices, applications, surveys, procedure manuals, forms, etc. Requires the ability to prepare correspondence, reports, personnel records, schedules, checks, insurance forms, logs, etc. Requires the ability to speak to people with poise, voice control and confidence.

**Intelligence:** Requires the ability to apply rational systems to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists; to interpret a variety of instructions furnished in written, oral, diagrammatic, or schedule form.

**Verbal Aptitude:** Requires the ability to record and deliver information, to explain procedures, to follow oral and written instructions. Must be able to communicate effectively and efficiently in a variety of technical or professional languages, including personnel and insurance industry terminology.

**Numerical Aptitude:** Requires the ability to utilize mathematical formulas; to add and subtract; multiply and divide; utilize decimals and percentages.

**Form/Spatial Aptitude:** Requires the ability to inspect items for proper length, width and shape.

**Motor Coordination:** Requires the ability to coordinate hands and eyes rapidly and accurately in using automated office equipment.

**Manual Dexterity:** Requires the ability to handle a variety of items, office equipment, control knobs, switches, etc. Must have minimal levels of eye/hand/foot coordination.

**Color Discrimination and Visual Acuity:** Requires the ability to differentiate colors and shades of color; requires the visual acuity to determine depth perception, night vision, peripheral vision, inspection for small parts; preparing and analyzing written or computer data, etc.

**Interpersonal Temperament:** Requires the ability to deal with people beyond giving and receiving instructions. Must be adaptable to performing under stress and when confronted with persons acting under stress.

## **DEPUTY CLERK TO BOARD**

**Physical Communication:** Requires the ability to talk and/or hear: (Talking: expressing or exchanging ideas by means of spoken words. Hearing: perceiving nature of sounds by ear). Must be able to communicate via telephone.

**DISCLAIMER:** This job description is not an employment agreement or contract. Management has the exclusive right to alter this job description at any time without notice.



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**From:**  
Andrea White

**Action Item # V. - 3.**  
Board Appointment - Juvenile Crime Prevention Council (JCPC)  
Membership List

**Issue/Action Requested:**

Request that the Board of Commissioners approve the Brunswick County Juvenile Crime Prevention Council's membership list.

**Background/Purpose of Request:**

Previously, the Juvenile Crime Prevention Council (JCPC) approved any non-Board of Commissioner appointee membership by position, not person. A recent interpretation of the NC Administrative Code, Section 143B-846, and JCPC policies resulted in a change in the approval process for membership. The interpretation states that each member, as well as each designee, must be approved by the Commissioners of Brunswick County.

The JCPC has presented an updated membership list for approval by the Brunswick County Board of Commissioners.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**County Attorney's Recommendation:**

**Advisory Board Recommendation:**

Recommended by JCPC.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve the Brunswick County Juvenile Crime Prevention Council's membership list.

**ATTACHMENTS:**

Description

- JCPC Membership List 9/1/2017

**BRUNSWICK COUNTY JCPC MEMBERSHIP LIST**  
**As of 09/01/2017**

<b>Member</b>	<b>Position</b>	<b>Designee (if applicable)</b>
Mike Forte	County Commissioner	n/a
Catherine Lytch	Director DSS or designee	Valarie Price, Social Worker Supervisor
Leza Wainwright	AMG/DD/SA or designee	Amy Horgan, System of Care Coordinator
Gina Essey	Juvenile Defense Attorney	n/a
John Ingram	Brunswick County Sheriff or designee	T. K. Nowell, Sergeant
Lance Britt	Chief Court Counselor or designee	Joey Todd, Court Counselor Supervisor
Scott Ussery	Chief District Judge or designee	Pauline Hankins
David Stanley	Local Health Director or designee	Cherie Browning, Nursing Director
Victoria Bellamy	Member of Business Community	n/a
Rudy Ramphal	Member of Faith Community	n/a
Jon David	DA Officer or designee	Jamie Deusing
Resea Willis	Representative of Non-Profit	n/a
Melinda Johnson	Representative of Parks & Rec	n/a
Lesle Tubb	School Superintendent or designee	Meredith Lloyd, School Counselor Specialist
VACANT	Substance Abuse Professional	n/a
Bradford Shirley	Chief of Police or designee	
Ann Hardy	County Manager or designee	Rich Ohmer, Health Services
Erin Rutkowski	County Commissioner Appointee	n/a
Bonnie Jordan	County Commissioner Appointee	n/a
Sharon Flucker	County Commissioner Appointee	n/a
Olaf Thorsen	County Commissioner Appointee	n/a
Maxine Elliott	County Commissioner Appointee	n/a
Chanda Franck	County Commissioner Appointee	n/a
Daphne Green	County Commissioner Appointee	n/a
VACANT	Youth Member	n/a
VACANT	Youth Member	n/a



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # V. - 4.**

**From:**

Bryan Batton, Asst. County Attorney

County Attorney - Refund Request for Excise Tax

**Issue/Action Requested:**

Request that the Board of Commissioners direct a refund requested for excise taxes charged in error in the amount of \$846.00

**Background/Purpose of Request:**

Per North Carolina law, a tax is paid on the transfer of property to the Register of Deeds in the amount of \$1 for every \$500 of value. Pursuant to NCGS 105-228.37, the Law Office Of Jeffrey W. Porter, P.C. has requested a refund in the amount of \$846.00. The property conveyed is in Pender County and the deed was mistakenly recorded in Brunswick County. A notice of the correction has been filed with the Register of Deeds.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**County Attorney's Recommendation:**

Recommend that the Board of Commissioners authorize a refund requested for excise taxes charged in the amount of \$846.00.

**Advisory Board Recommendation:**

The Register of Deeds recommends that the Board of Commissioners authorize a refund requested for excise taxes charged in the amount of \$846.00.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners authorize a refund requested for excise taxes charged in the amount of \$846.00.

**ATTACHMENTS:**

Description

- ☐ Recorded Deed
- ☐ Refund Request & Corrective Instrument



BOOK:3931 PAGE:1077

07/13/2017 E  
15:41:13.000  
Page 1 of 2

Brenda M. Clemmons, Brunswick County Register of Deeds

Brenda M. Clemmons, Brunswick County Register of Deeds  
07/13/2017 15:41:13.000 NC REVENUE STAMP: \$864.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$ 864.00

Parcel Identifier No. 3205-73-1055-0000 & 3205-73-1359-0000 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: Jeffrey W. Porter, Law Office of Jeffrey W. Porter, PC, 711 Princess Street, Wilmington, NC 28401

This instrument was prepared by: Law Office of Jeffrey W. Porter, PC, 711 Princess Street, Wilmington, NC 28401

Brief description for the Index: LOT 3 & 4, SEC I, Scott Farms

THIS DEED made this 7th day of July, 2017, by and between

GRANTOR

Edward C. Andersen and wife, Sara R. Andersen  
17920 Piedmont Rd  
Stewartstown, PA 17363

GRANTEE

Christy Carter Meeks, Jr. and wife, Tina Moran Meeks  
308 Scott Road  
Rocky Point, NC 28457

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Rocky Point, Township, Pender County, North Carolina and more particularly described as follows:

The property is commonly known as 308 and 256 Scott Road, Rocky Point, NC 28457, and is more completely described as: BEING all of Lots 3 and 4, Section I, Scott Farms, as shown on a map recorded in Map Book 37, Page 87 of the Pender County Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3442 page 333.  
All or a portion of the property herein conveyed X includes or \_\_\_\_\_ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book 37 page 87.

Page 1 of 2

Submitted electronically by Jeffrey W. Porter  
in compliance with North Carolina statutes  
governing recordable documents and  
the terms of the submitter agreement with  
the Brunswick County Register of Deeds.

This instrument prepared by Jeffrey W. Porter,  
a North Carolina licensed attorney.  
Delinquent taxes, if any, to be paid by the  
closing attorney to the county tax collector  
upon disbursement of closing proceeds.



TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:  
Restrictive covenants recorded in Book 2434, Page 140, and Book 2864, Page 232, and Book 3099, Page 326, Pender County Registry.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

(Entity Name) \_\_\_\_\_  
By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_  
By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_  
By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_  
By: \_\_\_\_\_  
Print/Type Name & Title: \_\_\_\_\_

Edward C. Andersen (SEAL)  
Print/Type Name: Edward C. Andersen  
Sara R. Andersen (SEAL)  
Print/Type Name: Sara R. Andersen

State of De - County or City of New Castle  
I, the undersigned Notary Public of the County or City of New Castle and State aforesaid, certify that  
Edward C. Andersen and wife, Sara R. Andersen personally appeared before me this day and acknowledged the due  
execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 7 day of  
July, 2017  
My Commission Expires: 9-16-17  
(Affix Seal)

Jason M. Raab  
Notary Public  
Notary's Printed or Typed Name

Jason M. Raab  
Notary Public  
#2013081600023  
Commission Expires 9/16/2017

State of \_\_\_\_\_ - County or City of \_\_\_\_\_  
I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that  
\_\_\_\_\_ personally appeared before me this day and acknowledged the due  
execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.  
My Commission Expires: \_\_\_\_\_  
(Affix Seal)

\_\_\_\_\_  
Notary Public  
Notary's Printed or Typed Name

State of \_\_\_\_\_ - County or City of \_\_\_\_\_  
I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that  
\_\_\_\_\_ personally came before me this day and acknowledged that  
\_\_\_\_\_ of \_\_\_\_\_, a North Carolina or  
\_\_\_\_\_ corporation/limited liability company/general partnership/limited partnership (strike through the  
inapplicable), and that by authority duly given and as the act of such entity, \_\_\_\_\_ he signed the foregoing instrument in its name on its  
behalf as its act and deed. Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My Commission Expires: \_\_\_\_\_  
(Affix Seal)

\_\_\_\_\_  
Notary Public  
Notary's Printed or Typed Name

**Law Office of  
Jeffrey W. Porter, P.C.**

711 Princess Street  
Wilmington, NC 28401

Telephone (910)763-2417  
Facsimile (910)763-5395  
Email: Jeff@Jeffreywporter.com

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September 8, 2017

Brunswick County Commissioners

Re: Request for refund of excise taxes incorrectly paid – deed recorded in wrong county  
Deed Book 3931, Page 1077, Brunswick County Registry

Commissioners:

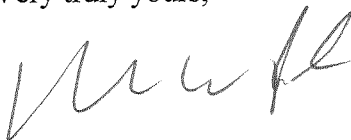
Please consider this letter a request for a refund of the excise tax paid when the above deed was recorded accidentally in the Brunswick County Register of Deeds (the property is in Pender County).

The amount of excise tax paid was \$864.00. The deed was from Edward C. Andersen and wife, Sara R. Andersen to Christy Carter Meeks, Jr. and wife, Tina Moran Meeks, and was recorded July 13, 2017, in Deed Book 3931, Page 1077, Brunswick County Registry.

A "Corrective Instrument/Deed Recorded in Wrong County" was recorded in Deed Book 3956, Page 1113, Brunswick County Registry (copy attached).

Please refund the amount of \$864 to the Law Office of Jeffrey W. Porter, PC.

Very truly yours,



Jeffrey W. Porter



Prepared by Law Office of Jeffrey W. Porter, PC

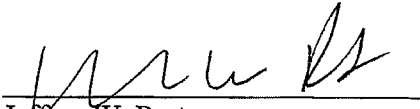
RETURN TO LAW OFFICE OF  
JEFFREY W. PORTER, P.C.

**CORRECTIVE INSTRUMENT  
DEED RECORDED IN WRONG COUNTY**

The following deed was accidentally recorded in the Brunswick County Register of Deeds, and \$864 in excise taxes were paid. Because the deed was recorded in the wrong county, NO TAXES were owed. This instrument is being filed in accordance with NCGS 105-228.37.

**GRANTOR:** Edward C. Andersen and wife, Sara R. Andersen  
**GRANTEE:** Christy Carter Meeks, Jr. and wife, Tina Moran Meeks

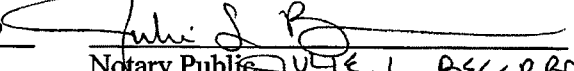
Recorded July 13, 2017, in **Deed Book 3931, Page 1077**, Brunswick County Registry

  
Jeffrey W. Porter

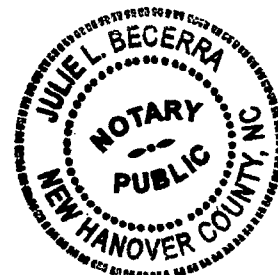
STATE OF NORTH CAROLINA  
COUNTY OF NEW HANOVER

I, Julie L Becerra, a Notary Public of said County and State do certify that Jeffrey W. Porter personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this 6<sup>th</sup> day of September, 2017.

My commission expires: 07/07/20   
Notary Public JULIE L BECERRA

Submitted electronically by Jeffrey W. Porter  
in compliance with North Carolina statutes  
governing recordable documents and  
the terms of the submitter agreement with  
the Brunswick County Register of Deeds.





**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # V. - 5.**

**From:**  
Julie Miller

District Attorney - Communities in Schools Agreement

**Issue/Action Requested:**

Request that the Board of Commissioners approve an Independent Contractor Agreement with Communities in Schools for Teen Court and other program services in the amount of \$40,000.

**Background/Purpose of Request:**

Communities in Schools provides an alternative justice system which encourages youth to take responsibility for their actions and correct their mistakes in partnership with the Brunswick County District Attorney's Office. Services not to exceed \$40,000 for FY18.

**Fiscal Impact:**

Pre-Audit Certification Required, Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve an Independent Contractor Agreement with Communities in Schools for Teen Court and other program services in the amount of \$40,000.

**ATTACHMENTS:**

Description

▣ FY18 CIS Agreement

**NORTH CAROLINA**  
**BRUNSWICK COUNTY**

**INDEPENDENT CONTRACTOR AGREEMENT**

**THIS AGREEMENT** is made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 2017, by and Communities in Schools of Brunswick County, Inc. and, hereinafter referred to as "Contractor" and the County of Brunswick, a body politic and political subdivision of the State of North Carolina, hereinafter "County";

**WITNESSETH:**

WHEREAS, the County is a political subdivision of the State of North Carolina; and

WHEREAS, Contractor is engaged non-profit services such as Teen Court and Peer Court programs, hereinafter "services"; and

WHEREAS, the County desires to enter into this Agreement with Contractor, for Contractor to provide such services, expertise, and knowledge to the youth of Brunswick County; and

WHEREAS, Contractor desires to enter into this Agreement with respect to providing services to the County, upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the parties hereto agree as follows:

1. The County shall retain Contractor and Contractor shall provide services to the County upon the terms and conditions hereinafter set forth.
2. Contractor Services. Contractor will provide an alternative justice system which encourages youth to take responsibility for their actions and correct their mistakes in partnership with the Brunswick County District Attorney's Office.
3. Fees to Contractor. For services rendered July 1, 2017 through June 30, 2018 by Contractor to County in connection with this Agreement County shall pay Contractor funds up to \$40,000 as services are invoiced.
4. Relation of the Parties. Contractor is an Independent Contractor. The County shall not withhold, from sums becoming payable to Contractor hereunder, any amounts for State or Federal Income Tax, or for FICA (Social Security) Taxes, during the term of this Agreement. Contractor shall be free to dispose of such portions of his/her entire time, energy and skill as he/she is not obligated to devote hereunder to the County in such manner as he/she deems advisable. Contractor shall not be considered as having an employee status or as being entitled to participate in any plans, arrangements or distributions by the County pertaining to or in connection with any pension, stock, bonus, profit sharing or other benefit extended to the County's employees.

5. Income Tax Designation. In the event that the Internal Revenue Service should determine that the Contractor is, according to I.R.S. guidelines, an employee subject to withholding and social security contributions, the Contractor shall acknowledge, as the Contractor acknowledges herein, that all payments to the Contractor are gross payments, and the Contractor is responsible for all income taxes and social security payments thereon.

6. No Agency. Nothing contained in this agreement shall be construed to constitute the Contractor as an agent of the County or to create an agency relationship, nor shall either party have any authority to bind the other in any respect.

7. Assignment. Contractor may not assign any rights or delegate any duties hereunder without the express prior written consent of County.

8. Entire Agreement. This writing contains the entire agreement between the parties. No representations were made or relied upon by either party other than those that are expressly set forth. This agreement may not be amended or modified except in a subsequent written agreement duly executed by each of the parties.

9. Controlling Law. The validity, interpretation, and performance of this agreement shall be controlled by and construed under the laws of the State of North Carolina.

10. Waiver. The failure of either party to this agreement to object to or to take affirmative action with respect to any conduct of the other which is in violation of the terms of this agreement shall not be construed as a waiver thereof or of any future breach or subsequent wrongful conduct.

11. Notices. All notices pertaining to this agreement shall be in writing and shall be transmitted either by personal hand delivery or through the facilities of the United States Post Office addressed in each case to the last known mailing address of the party involved.

12. Binding Effect. This agreement shall extend to and be binding upon the parties hereto, their successors and assigns.

13. Headings. The headings in this agreement are for convenience of reference only and shall not define or limit any of the terms or provisions hereof.

14. Severability. Any provision of this agreement which is prohibited or unenforceable in any jurisdiction, shall as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof, and any such prohibition or unenforceability shall not invalidate or render unenforceable any such provision in any other jurisdiction.

15. Counterparts. This agreement may be executed in one or more counterparts, each of which shall be deemed an original.

16. E-Verify. Pursuant to G.S. 143-48.5 and G.S. 147-33.95(g), the undersigned hereby certifies that the Contractor named below, and the Contractor's subcontractors, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal E-Verify system." E-Verify System Link: [www.uscis.gov](http://www.uscis.gov).

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

BRUNSWICK COUNTY

CONTRACTOR

\_\_\_\_\_  
Chairman, Frank Williams

  
\_\_\_\_\_  
Communities in Schools of Brunswick County, Inc.

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

  
\_\_\_\_\_  
Julie A. Miller, Finance Director

Brunswick County, North Carolina

*Approved as to Form,*

  
\_\_\_\_\_  
Asst. County Attorney



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**From:**  
Brian Watts

**Action Item # V. - 6.**

Emergency Services- Agreement with Southeast Brunswick  
Sanitary District

**Issue/Action Requested:**

Request that the Board of Commissioners approve a Wastewater User Agreement with Southeast Brunswick Sanitary District for sewer service for EMS Base 4 at 4280 Committee Drive, Southport.

**Background/Purpose of Request:**

EMS Base 4 was constructed in 1999 and currently has a septic system. There is an easement onto the adjacent property for septic lines and it was recently learned that a caveat to the easement was that Brunswick County would convert to commercial sewer when it became available. This request is for the Board of Commissioners to approve the Wastewater User Agreement, and to provide a budget amendment for the installation and associated impact fees. Cost are broken down as follows:

- Application Fee: \$ 200.00
- Impact Fee: \$ 16,000.00
- Tap Installation (BCPU) \$ 4,000.00
- Additional Plumbing (OPS) \$ 500.00
- **Total \$ 20,700.00**

**Fiscal Impact:**

Budget Amendment Required, Pre-Audit Certification Required, Reviewed By Director of Fiscal Operations  
Budget amendment is to appropriate \$20,700 in contingency funds for the associated tap and connection fees.

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve a Wastewater User Agreement with Southeast Brunswick Sanitary District for sewer service for EMS Base 4 at 4280 Committee Drive, Southport.

**ATTACHMENTS:**

Description

- ☐ Emergency Services-Wastewater User Agreement
- ☐ Emergency Services-Wastewater Permit
- ☐ Emergency Services -Wastewater Application
- ☐ 170918 Budget Amendment SBSD Wastewater Agreement.pdf

## **SCHEDULE 1**

### **WASTEWATER USER AGREEMENT SOUTHEAST BRUNSWICK SANITARY DISTRICT**

#### **1. GENERAL:**

The Southeast Brunswick Sanitary District, Brunswick County, North Carolina (DISTRICT) has been created under the General Statutes of North Carolina for the purpose of preserving and promoting the public health and sanitary welfare of the users of the sanitary system inside and outside of the corporate limits of the DISTRICT. In order to carry out its functions both now and in the future, all users are required to enter into an agreement to acknowledge this purpose.

This AGREEMENT, made and entered into between the DISTRICT, owner and operator of the wastewater system, and County of Brunswick, North Carolina (Print Customer's Name), user of wastewater system, hereinafter referred to as "USER".

#### **WITNESSETH**

WHEREAS, the USER desires to discharge wastewater to the DISTRICT and to enter into a Wastewater User Agreement as required by the DISTRICT.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and agreements herein contained, it is hereby understood and agreed upon by the parties as follows:

The DISTRICT shall collect and treat, subject to the limitations set forth in its Rules and Regulations or Sewer Use Ordinances now in force or as hereinafter amended, wastewater discharge by USER.

The USER hereby grants to the DISTRICT, its successors, and assigns a perpetual easement in, over, under, and upon the USER's land at such point as wastewater service connection or lateral tap is made available by the DISTRICT or its representative and ten (10) feet in all directions therefrom for the exclusive purpose of providing a wastewater service line connection by the USER to the wastewater collection system of the DISTRICT including right of ingress and egress for the operation, inspection, repair, maintenance, replacement, and removal purposes (grinder pumps are not included).

#### **2. CURRENT COLLECTION SYSTEM:**

The USER shall install and maintain, at his/her own expense, a service line and grinder pump, if needed, that shall begin at the right-of-way line or lateral tap and extend to the dwelling or point of use. Such line is the responsibility of the USER and should be installed according to any County and/or State codes and rules and regulations.

The DISTRICT shall have final authority in determining the location of a service line connection or lateral tap to its wastewater collection and may terminate service to a USER who allows a connection or extension to be made of his or her service line for the purpose of supplying to another USER. Each USER shall have a separate and distinct service connection to the DISTRICT's wastewater collection system. Any USER found to be in non-compliance with the DISTRICT's Sewer User Ordinance may have wastewater service(s) terminated, if deemed necessary by the DISTRICT.

The USER agrees to comply with and be bound by the Sewer Use Ordinance adopted by the DISTRICT, now in force, or as hereinafter duly and legally supplemented, amended, or changed. The USER also agrees to pay for wastewater at such rates, time, and place as shall be determined by the DISTRICT and agrees to the imposition of such penalties for non-compliance as are now set forth in the Sewer Use Ordinance, or which may be hereinafter adopted and imposed by the DISTRICT.

The USER shall connect USER's service line to the DISTRICT's wastewater collection system within 90 days of the date that wastewater service is available to the USER by the DISTRICT. Wastewater charges to the USER shall commence on the date connection is made or on the 91<sup>st</sup> day from the time on the day that service is made available, regardless of whether or not the USER connects to the system.

The USER agrees to pay a tap and impact fee as described in the rate schedule now in force or as hereinafter amended.

3. **TERMINATION:**

USER acknowledges that Brunswick County, at the request of the DISTRICT, has the right to terminate Brunswick County-provided water service and the removal of its water meter for any violations of the DISTRICT Sewer Use Ordinance, including non-payment of the DISTRICT's wastewater bill by the USER.

Any reconnection shall be in accordance with the rate schedule in force at the time of the reconnection. Outstanding payments for wastewater collection and treatment and all other charges/fees and deposits shall be paid in full by the USER to the DISTRICT prior to reconnection of USER's water and wastewater service.

The above referenced penalties and service charges may be appealed by the USER, in writing, if so desired. To do so, the USER must submit a completed Water User's Appeal to the DISTRICT. Upon receipt, the appeal shall be reviewed by DISTRICT staff. A decision shall be rendered to the USER within fifteen (15) working days. This decision shall be final.

I, the USER, agree to pay DISTRICT monthly charges for wastewater collection and treatment as computed by the rate schedule in force at the time of usage and all connection fees, including Impact and Tap fees in force at the time of connection.

In WITNESS WHEREOF, the parties hereto executed this Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

USER'S BILLING ADDRESS

County of Brunswick NC

PO Box 249

Bolivia NC, 28422

USER'S SERVICE ADDRESS

Brunswick County EMS Base 4

4280 Committee Drive

Southport NC 28461

\_\_\_\_\_  
USER / OWNER SIGNATURE

\_\_\_\_\_  
DISTRICT OFFICIAL SIGNATURE

(Fees Non-Refundable)

SCHEDULE 8  
SEWER COMPLIANCE PERMIT (SCP) APPLICATION  
SOUTHEAST BRUNSWICK SANITARY DISTRICT

(Permits Valid for 90 days)

Sewer Hook-Up Control Number \_\_\_\_\_  
Residential N/A (Single-Family Home; Duplex; Triplex; Quadplex; Condo/Townhouse; Other)  
Number of Bedrooms N/A Number of Bathrooms N/A  
Commercial: (List Type of Business) Antique Book # of Employees 2 # of Bathrooms 2  
Site Plan Required for Commercial \_\_\_\_\_

Date 03/21/17 Tax Parcel # 2040005803 Lot # \_\_\_\_\_ Phase # \_\_\_\_\_ Subdivision/Development \_\_\_\_\_

Applicant (Builder) County of Brunswick Financ. Services Mail Address PO Box 249

City Belvin State NC Zip 28127 Phone 910-253-5383 (Current Information)

Owner Same Mail Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone \_\_\_\_\_ (Current Information)

Property Location (Physical Street Address) 4280 Committee Drive, St James NC

Check One: \_\_\_\_\_ Building Permit \_\_\_\_\_ Remodel X Other (Description) Moving From Septic to Sewer

Application Fee \$100.00

Tap Fee \$ \_\_\_\_\_ Impact Fees \$ 16,500 Total Due \$ 16,600.00 Pmt. Date \_\_\_\_\_

Check # \_\_\_\_\_ Cash Receipt # \_\_\_\_\_ Money Order # \_\_\_\_\_

Tap/Impact Credit in Lieu of Impact Fee \$ \_\_\_\_\_ (Applicable if Impact Fees Have Been Paid by Developer or Previous Owner)

Name of Developer or Previous Owner Pertaining to Impact Credit \_\_\_\_\_

WASTEWATER USER AGREEMENT SIGNED? YES X NO ISSUANCE WITHOUT SIGNED AGREEMENT

WATER QUALITY PERMIT NUMBER \_\_\_\_\_ (Provided by District)

**SCP APPLICANT NOTICE AND CERTIFICATION**

By signing this application for a Sewer Compliance Permit (SCP), the applicant certifies that he or she is authorized to make this application personally or on behalf of any business-entity applicant(s), that the information provided is true and correct to the best of the applicant's knowledge and belief, and that the applicant expressly understands and agrees to each and every of the following stipulations as material terms and conditions of this application:

1. Applicant is responsible for any damages to the sewer lines caused by any construction or other activities on the property described above (property) and must reimburse the Southeast Brunswick Sanitary District (the District) for all costs associated with the labor, materials, and equipment required to repair such damages.
2. Applicant is responsible for contacting the responsible building inspections department (the Department), satisfying all requirements necessary for obtaining a building permit, and requesting and setting up all inspections necessary to hook-up the sewer lines and timely commence sewer services.
3. Applicant is authorized to grant, and does grant, permission to the Department and the District to enter the property as may be necessary for all such purposes.
4. Applicant is responsible for payment of all sewer bills until the property owner takes occupancy under a valid certificate of occupancy.
5. Applicant must provide the District a valid certificate of occupancy once obtained and, if applicant is a builder or contractor, applicant is responsible for ensuring that the property owner provides the same and completes all other requirements necessary to timely commence sewer billing to the property owner.
6. Failure to meet any of the conditions for approval of this application, or a violation of any applicable law, ordinance, or regulation concerning applications for or the granting of such services, shall invalidate any permits based upon this application and may also result in the imposition of any applicable fines or penalties.
7. All SCPs are subject to a 90-day period of validity, of which applicant is specifically advised and expressly accepts as follows: **Any SCP issued under this application is valid for no more than 90 days from the date of its issuance, and no part of the application fee or the impact fee paid is refundable. Should the applicant fail to obtain a valid building permit within that 90-day period of time, any SCP issued under this application is void, and the applicant must file a new application for a new SCP and pay a new application fee along with any other fees or charges that may apply at the time of such re-filing.**

Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

After consideration and review of the Sewer Compliance Permit (SCP) Application and receipt of a signed Wastewater User Agreement, I have determined that the applicant is in compliance with all District ordinances and regulations which relate to structures erected or situated within the Southeast Brunswick Sanitary District.

SBSD Official \_\_\_\_\_ Date \_\_\_\_\_

NOTES: \_\_\_\_\_

SOUTHEAST BRUNSWICK SANITARY DISTRICT  
4240 COMMITTEE DR.  
SOUTHPORT, NORTH CAROLINA 28461  
910-457-0006 FACSIMILE 910-457-4755

SBSD NEW SERVICE / RESALE APPLICATION  
\$100 APPLICATION FEE

EFFECTIVE DATE	_____ - _____ - _____	(REAL ESTATE CLOSING DATE OR DATE APPLYING FOR BUILDING PERMIT)
PREVIOUS OWNER'S NAME	_____	BUILDER'S NAME _____
APPLICANT NAME: LAST	<u>County of Brunswick - EMS</u>	FIRST _____
APPLICANT'S SOCIAL SECURITY # XXX-XX-	_____	DRIVERS LICENSE# _____ STATE _____
SERVICE ADDRESS	<u>4280 Committee Drive</u>	CITY <u>St James</u> STATE <u>NC</u> ZIP <u>28461</u>
BILLING ADDRESS (IF DIFFERENT FROM SERVICE ADDRESS)	<u>County of Brunswick - EMS PO Box 249</u>	
CITY	<u>Bolivia</u>	STATE <u>NC</u> ZIP <u>28422</u>
BRUNSWICK COUNTY TAX PARCEL#	<u>2040005803</u>	SUBDIVISION _____ PHASE _____ LOT _____
CURRENT PHONE NUMBER	_____ - _____ - _____	CELL # _____ - _____ - _____
APPLICANT'S EMPLOYER	_____	EMPLOYER'S PHONE _____ - _____ - _____
NAME OF PERSONAL REFERENCE (NOT A FAMILY MEMBER)	_____	
REFERENCE PHONE#	_____ - _____ - _____	

PROPERTY DESCRIPTION

VACANT LOT	YES _____	NO _____
EXISTING HOME	YES _____	NO _____
EXISTING WATER METER	YES _____	NO _____
RENTAL PROPERTY	YES _____	NO _____

NAME OF RENTER (IF APPLICABLE) \_\_\_\_\_

CUSTOMER STATEMENT

I HEREBY MAKE APPLICATION FOR SEWER SERVICE AT THE PREMISE INDICATED. I AGREE TO COMPLY WITH THE APPLICABLE ORDINANCES OF SOUTHEAST BRUNSWICK SANITARY DISTRICT REGARDING THE PROVISION OF WASTEWATER TREATMENT SERVICES INCLUDING THOSE RELATING TO SBSD DEPOSITS AND FEES. I FURTHER UNDERSTAND THAT THE INFORMATION IN THIS APPLICATION WILL BE VERIFIED AND IF DETERMINED TO BE INACCURATE MAY RESULT IN TERMINATION OF SEWER / WATER SERVICES WITHOUT PRIOR NOTIFICATION.

CUSTOMER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

FOR OFFICE USE ONLY

IMPACT FEE	\$ _____	AGENT _____	CHECK# _____	CASH RECEIPT# _____
TAP FEE	\$ _____			
NEW / RESALE FEE	\$ _____	ACCOUNT# _____	METER# _____	RT/SEQ _____
COMPLIANCE FEE	\$ _____			
TOTAL PAID	\$ _____			

Request Info	
Type	Budget Amendment
Description	SBSD Wastewater Agreement
Justification	Board Meeting 9/18/2017-Transfer \$20,700 of contingency funding to EMS for Base 4 tap and connection fees.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
104332	449900	Emergency Medical Services	Miscellaneous Expense	20700	Increase	Debit
109910	499100	Contingency	Contingency	-20700	Decrease	Credit

Total	
Grand Total:	0



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # V. - 7.**

Finance - Fiscal Items

**From:**

Julie A. Miller

**Issue/Action Requested:**

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

**-Adult Day Care Additional Funding**

Appropriate \$11,500 of federal revenue, \$10,481 of state revenue and transfer \$3,140 of professional services funds for county match for additional funding authorization for the Adult Day Care program of \$25,121.

**-Budget Document for Fiscal Year 2018**

Included is the County of Brunswick Fiscal Year 2017-2018 Formal Budget Document submitted to the Government Finance Officers Association for consideration of the Distinguished Budget Award. Formal Budget document provided at:

<http://www.brunswickcountync.gov/wp-content/uploads/2015/02/BrunswickCountyBudgetDocument2017-2018.pdf>

**- SFR14 De-obligation**

Reduce the 2014 Single Family Rehab grant appropriation by \$10,725 for the de-obligation of unused funds for the Pigott project. NC Housing Finance Agency increased original award for an amount up to \$20k for the Pigott project due to unforeseen repairs required by the unit. \$15,249 was appropriated at the 10/3/2016 board meeting (with \$4751 of unspent funds from initial award). A formal de-obligation is not required by NCHFA.

**-Sheriff's Office Insurance Proceeds Budget Amendment**

Appropriate \$10,097 of insurance proceeds to capital outlay vehicles for replacement of vehicles.

**Background/Purpose of Request:**

**Fiscal Impact:**

Budget Amendment Required, Capital Project/Grant Ordinance Required, Pre-Audit Certification Required, Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**County Manager's Recommendation:**

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

**ATTACHMENTS:**

Description

- ▣ 170918 Budget Amendment Adult Day Care
- ▣ 170918 Attach Adult Day Care Funding Authorization
- ▣ SFR14 Completion - De-obligation
- ▣ SFR14 CPO
- ▣ 170918 Budget Amendment Sheriff Insurance Proceeds

Request Info	
Type	Budget Amendment
Description	Adult Day Care Additional Funding
Justification	Board Meeting 9/18/2017-Appropriate \$11,500 of federal revenue, \$10,481 of state revenue and transfer \$3,140 of professional services funds for county match for additional funding authorization for the Adult Day Care program of \$25,121.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
145310	331000	DSS-Administration	Federal Revenues	11500	Increase	Credit
145310	332000	DSS-Administration	State Revenues - Restricted	10481	Increase	Credit
145310	419900	DSS-Administration	Prof Ser-Other	-3140	Decrease	Credit
145310	449934	DSS-Administration	Special Assistance	25121	Increase	Debit

Total	
Grand Total:	43962

Needs Budget  
Amendment

**FUNDING AUTHORIZATION**  
**SFY 2017- 2018**  
**AUTHORIZATION #1**

County: BRUNSWICK

	<u>145310</u>	<u>-</u>	<u>331000</u>	<u>332000</u>	<u>419900</u>	<u>449934</u>
Program (CFDA)	Federal Funds	State Funds	County Funds	Total Funds		
* Adult Day Care Fund (93.667)	\$11,500	\$10,481	\$3,140	\$25,121		
State In-Home Fund (93.667)	\$5,032	\$-	\$719	\$5,751		
Adult Home Specialist Fund (93.778)	\$4,214	\$2,107	\$2,107	\$8,428		
Adult Protective Services (93.667)	\$-	\$-	\$-	\$-		

Obligations incurred and expenditures made under this advice are subject to limitation published by federal and state agencies and the availability of funds.

*Suzanne P. Merrill*

Division of Aging & Adult Services

August 9, 2017  
Date

Accepted by: \_\_\_\_\_  
County Director Signature

\_\_\_\_\_  
Date

Please mail or email a completed signed copy to:  
Kent Woodson, Budget Officer  
NC Division of Aging & Adult Services  
2101 Mail Service Center  
Raleigh, NC 27699-2101  
[kent.woodson@dhhs.nc.gov](mailto:kent.woodson@dhhs.nc.gov)

## Christina Kennedy

---

**From:** Mark Lindquist <mwlinquist@nchfa.com>  
**Sent:** Friday, September 08, 2017 7:18 AM  
**To:** Christina Kennedy  
**Cc:** Chuck Dopler; Mike Hargett  
**Subject:** RE: SFRLP1402

Christina

This project is complete and no further actions are required, except submitting your financial report when it is due.

Thanks

### Mark Lindquist

Sr. Program Compliance Coordinator  
Strategic Investment  
Phone: 919-501-4263  
Fax: 919-877-5599  
NC Housing Finance Agency  
3508 Bush Street  
Raleigh, NC 27609



*As a self-supporting public agency, our mission is to create affordable housing opportunities for North Carolinians whose needs are not met by the market.*

---

**From:** Christina Kennedy [mailto:christina.kennedy@brunswickcountync.gov]  
**Sent:** Thursday, September 07, 2017 4:56 PM  
**To:** Mark Lindquist <mwlinquist@nchfa.com>  
**Cc:** Chuck Dopler <jcdopler@nchfa.com>; Mike Hargett <Mike.Hargett@brunswickcountync.gov>  
**Subject:** SFRLP1402

Good Afternoon Mark,

I hope you are doing well. We received the closeout letter for the SFRLP1402 grant and wanted to verify if anything was required by NCHFA to de-obligate any unused funds for the project. I have attached a letter from NCHFA dated September 22, 2016 increasing funds for the Pigott project for up to \$20,000. Although, this is a cost reimbursement grant and the letter states "up to" \$20,000, we wanted to ensure nothing else was needed and all compliance was met before starting our internal closeout procedures.

Thanks again for all your help and support throughout this project.

Christina

**Christina Kennedy**

Brunswick County Finance Department

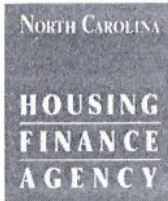
910-253-2040 (**Direct**)

910-253-8342 (**Fax**)

[christina.kennedy@brunswickcountync.gov](mailto:christina.kennedy@brunswickcountync.gov)

This email and any files transmitted with it may contain confidential information and are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify the sender and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing, or taking any action in reliance on the contents of this information is strictly prohibited.

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September 22, 2016

A self-supporting  
public agency

A Robert Kucab  
Executive Director

Mr. Michael L. Hargett, Director  
Economic Development and Planning  
Brunswick County  
75 Courthouse Drive, Building I  
Bolivia, NC 28422

PO Box 28066  
Raleigh, NC  
27611-8066

Dear Mr. Hargett:

Currently the North Carolina Housing Finance Agency (NCHFA) has accepted and approved the set-up amounts for the following units for Brunswick County's SFRLP 2014 (SFRLP1402) Project.

3508 Bush Street  
Raleigh, NC  
27609-7509

<u>IDIS ID</u>	<u>Activity Name</u>	<u>Funded</u>
26053	Davis, Marie	\$ 55,645
26054	Milligan, Andrew	\$ 54,136
26088	Pigott, Jimmy	\$ 55,470
		<hr/>
		\$ 165,251
<u>Additional Request</u>		
26088	Pigott, Jimmy	\$ 20,000
Total		<hr/>
		\$ 185,251

TEL. 919-877-5700  
FAX. 919-877-5701  
www.nchfa.com

Brunswick County recently requested an increase in Hard Costs of up to \$20,000 for IDIS ID# 26088, the unit for Jimmy Pigott, due to unforeseen repairs required for the unit. This letter shall serve as the approval of that request, with the adjusted amount shown above. The increase of the award is permissible in accordance with the Funding Agreement dated April 14, 2014 between Brunswick County and NCHFA per Section 2 of the contract. This Funding Agreement shall remain in effect until the close-out of Brunswick County's SFRLP1402. If you have any further questions please do not hesitate to contact me at 919-981-5008 or [jcdopler@nchfa.com](mailto:jcdopler@nchfa.com).

Sincerely,

Chuck Dopler  
Housing Rehabilitation/Supportive Housing Officer

cc: Ms. J. C. Scane, Wilmington Area Rebuilding Ministry



CONNIE-  
PLEASE COPY FOR  
OUR FILE AND  
FORWARD ORIGIN  
to Julie Miller.

Thank you,  
All

August 25, 2017

A self-supporting  
public agency

Scott Farmer  
Executive Director

PO Box 28066  
Raleigh, NC  
27611-8066

3508 Bush Street  
Raleigh, NC  
27609-7509

Tel. 919-877-5700  
Fax. 919-877-5701  
www.nchfa.com

Mr. Michael Hargett,  
Director of Economic Development and Planning  
Brunswick County  
PO Box 249  
Bolivia, NC 28422-0249

Dear Mr. Hargett:

According to our records, Brunswick County has met all requirements to close out its 2014 Single-Family Rehabilitation Program project (Funding Agreement SFRLP1402).

The three dwelling units rehabilitated with Program funds will enhance the lives of the occupants and the appearance of their communities. We congratulate you on this accomplishment.

No additional SFR reporting is required for this project. However, SFR awards are funded with Federal funds from the HOME Investment Partnerships Program; therefore, you will be required to remit and/or report specific financial information as referenced in the Financial Audit Requirements section of the Program Guidelines (PG 3.8). Accompanying this letter please find the informational sheet regarding financial audit reporting requirements. To help assure audit reporting compliance, please forward this information to the person who coordinates your annual audit.

Additionally, please note that Program records must be retained for at least five years from the date of this project closeout letter. Therefore, please retain the Program records until at least August 25, 2022 (PG 3.6).

Thank you for your part in the success of the Single-Family Rehabilitation Program.

Sincerely,

Michael Handley  
Manager of Housing Rehabilitation

cc: Ms. J. C. Lyle, Executive Director, Wilmington Area Rebuilding Ministry  
Mr. Chip Bartlett, AICP, Program Administrator, Holland Consulting Partners  
Mr. David Stanley III, MPH, REHS, Health and Human Services Executive  
Director

## **Federal and State Audit Regulations**

(Please keep this page for your records)

### **Please forward this to your Chief Administrative Official.**

The 2014 Single Family Rehab Program (SFR14) is funded with federal funds from the HOME Investment Partnerships Program from the US Department of HUD, CFDA # 14.239. North Carolina Housing Finance Agency is the pass-through for these funds.

Federal and State Regulations may change at any time. Refer to the applicable websites for any updates. Your organization will be responsible for complying with any new regulations or statutes as they occur.

- **Websites for regulations:**  
[www.whitehouse.gov/omb/circulars/](http://www.whitehouse.gov/omb/circulars/) - OMB Circular A-133 - "*Audits of States, Local Governments, and Non-Profit Organizations*".
- **For Non-Profit Organizations only:**  
[www.ncgrants.gov](http://www.ncgrants.gov) – N.C. State General Statute 143C-6-23 – "*Use of State Funds by Non-State Entities*" (State funds include federal funds that flow through the State.) The reports required by this Statute must to be submitted electronically to [www.ncgrants.gov](http://www.ncgrants.gov). Please refer to their website for instructions.
- **For Local Government Organizations:**  
[www.treasurer.state.nc.us](http://www.treasurer.state.nc.us) – NC State General statute 159-34 – Audit Requirements of "*The Local Government Budget and Fiscal Control Act*".

### **Audit confirmations should be sent to:**

Amanda Paige  
NCHFA  
PO Box 28066  
Raleigh, NC 27611-8066  
919-877-5705  
919-877-5703 – fax

Brunswick County  
Grants and Capital Projects  
Project To Date  
Project Origination Through September 2017

Project: 238195      2014 Single Family Rehab

Ledger: GL Status: A

		Project Ordinance				Actual Revenues/Expenditures		Project Balance	
		Ordinance	Amendments	Ordinance Final	Prior Period	Current Period	Encumbrance	Project To Date	Actual Over (Under) Ordinance
		6/30/2017	7/1/2017-9/30/2017	9/30/2017	6/30/2017	7/1/2017-9/30/2017	9/30/2017	9/30/2017	9/30/2017
<b>Revenues:</b>									
331000	Federal Revenues	185,249.00	0.00	185,249.00	174,523.50	0.00	0.00	174,523.50	-10,725.50
<b>Total Revenues</b>		185,249.00	0.00	185,249.00	174,523.50	0.00	0.00	174,523.50	-10,725.50
<b>Expenditures:</b>									
464002	Construction	185,249.00	0.00	185,249.00	174,523.50	0.00	0.00	174,523.50	10,725.50
<b>Total Expenditures</b>		185,249.00	0.00	185,249.00	174,523.50	0.00	0.00	174,523.50	10,725.50
Net Revenues Over(Under) Exp:					0.00	0.00	0.00	0.00	0.00

**COUNTY OF BRUNSWICK, NORTH CAROLINA**  
**GRANT ORDINANCE**  
**2014 Single Family Rehab**  
**238195**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Grants Fund:

**2014 Single Family Rehab**

Revenues:

Federal Revenues Restricted

174,524

**Total Grant Fund Revenues**

**\$ 174,524**

Expenditures:

Construction

174,524

**Total Grant Fund Expenditures**

**\$ 174,524**

Section 2. This Grant Ordinance shall be entered into the minutes of the September 18, 2017 meeting of the Brunswick County Board of Commissioners.

Request Info	
Type	Budget Amendment
Description	Sheriff Insurance Proceeds
Justification	Board Meeting 9/18/2017-Appropriate \$10,097 of insurance proceeds to capital outlay vehicles for replacement of vehicles.
Originator	Tiffany Rogers

Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr	
104310	383913	Sheriff's Office	Insurance Refund	10097	Increase	Credit	
104310	454000	Sheriff's Office	Cap Outlay-Vehicle on Road	10097	Increase	Debit	

Total	
Grand Total:	20194



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**From:**  
David Stanley

**Action Item # V. - 8.**

Health and Human Services - Health Services-Tate Contractor  
Certification for Community Health Grant

**Issue/Action Requested:**

Request that the Board of Commissioners review, approve, and execute the State Contractor Certification pursuant to G.S. 133-32 and Executive Order No. 24.

**Background/Purpose of Request:**

Recently, Brunswick County Health Services was awarded a one-time grant of \$16,000 from the North Carolina Office of Rural Health to assist with the costs of administering the Maternal Health program. The funding will help to assure access to primary care and preventive care for vulnerable, underserved and medically indigent patients in the state.

A completed and signed contractor certification form is required prior to the administration of funds per G.S. 133-32 and Executive Order No. 24. The contractor certification form was approved as to form by the Assistant County Attorney on September 6, 2017.

Staff recommends approval and execution of the contractor certification form.

**Fiscal Impact:**

Pre-Audit Certification Required, Reviewed By Director of Fiscal Operations  
Funds budgeted during budget process.

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve the State Contractor Certification pursuant to G.S. 133-32 and Executive Order No. 24.

**ATTACHMENTS:**

Description

- ☐ State Contractor Certifications\_CH Grant

## State Certifications

### Contractor Certifications Required by North Carolina Law

**Instructions:** The person who signs this document should read the text of the statutes and Executive Order listed below and consult with counsel and other knowledgeable persons before signing. The text of each North Carolina General Statutes and of the Executive Order can be found online at:

- Article 2 of Chapter 64: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter\\_64/Article\\_2.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_64/Article_2.pdf)
- G.S. 133-32: <http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=133-32>
- Executive Order No. 24 (Perdue, Gov., Oct. 1, 2009): <http://www.ethicscommission.nc.gov/library/pdfs/Laws/EO24.pdf>
- G.S. 105-164.8(b): [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_105/GS\\_105-164.8.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_105/GS_105-164.8.pdf)
- G.S. 143-48.5: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_143/GS\\_143-48.5.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-48.5.html)
- G.S. 143-59.1: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_143/GS\\_143-59.1.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.1.pdf)
- G.S. 143-59.2: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_143/GS\\_143-59.2.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143/GS_143-59.2.pdf)
- G.S. 143-133.3: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_143/GS\\_143-133.3.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_143/GS_143-133.3.html)
- G.S. 143B-139.6C: [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter\\_143B/GS\\_143B-139.6C.pdf](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/BySection/Chapter_143B/GS_143B-139.6C.pdf)

### Certifications

- (1) **Pursuant to G.S. 133-32 and Executive Order No. 24 (Perdue, Gov., Oct. 1, 2009)**, the undersigned hereby certifies that the Contractor named below is in compliance with, and has not violated, the provisions of either said statute or Executive Order.
- (2) **Pursuant to G.S. 143-48.5 and G.S. 143-133.3**, the undersigned hereby certifies that the Contractor named below, and the Contractor's subcontractors, complies with the requirements of Article 2 of Chapter 64 of the NC General Statutes, including the requirement for each employer with more than 25 employees in North Carolina to verify the work authorization of its employees through the federal E-Verify system." E-Verify System Link: [www.uscis.gov](http://www.uscis.gov)
- (3) **Pursuant to G.S. 143-59.1(b)**, the undersigned hereby certifies that the Contractor named below is not an "ineligible Contractor" as set forth in G.S. 143-59.1(a) because:
- (a) Neither the Contractor nor any of its affiliates has refused to collect the use tax levied under Article 5 of Chapter 105 of the General Statutes on its sales delivered to North Carolina when the sales met one or more of the conditions of G.S. 105-164.8(b); **and**
- (b) [check **one** of the following boxes]
- ☐ Neither the Contractor nor any of its affiliates has incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001; **or**
- ☐ The Contractor or one of its affiliates **has** incorporated or reincorporated in a "tax haven country" as set forth in G.S. 143-59.1(c)(2) after December 31, 2001 **but** the United States is not the principal market for the public trading of the stock of the corporation incorporated in the tax haven country.
- (4) **Pursuant to G.S. 143-59.2(b)**, the undersigned hereby certifies that none of the Contractor's officers, directors, or owners (if the Contractor is an unincorporated business entity) has been convicted of any violation of Chapter 78A of the General Statutes or the Securities Act of 1933 or the Securities Exchange Act of 1934 within 10 years immediately prior to the date of the bid solicitation.
- (5) **Pursuant to G.S. 143B-139.6C**, the undersigned hereby certifies that the Contractor will not use a former employee, as defined by G.S. 143B-139.6C(d)(2), of the North Carolina Department of Health and Human Services in the administration of a contract with the Department in violation of G.S. 143B-139.6C and that a violation of that statute shall void the Agreement.
- (6) The undersigned hereby certifies further that:
- (a) He or she is a duly authorized representative of the Contractor named below;
- (b) He or she is authorized to make, and does hereby make, the foregoing certifications on behalf of the Contractor; and
- (c) He or she understands that any person who knowingly submits a false certification in response to the requirements of G.S. 143-59.1 and -59.2 shall be guilty of a Class I felony.

Contractor's Name: \_\_\_\_\_

Contractor's  
Authorized Agent: Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

Witness: Signature \_\_\_\_\_ Date \_\_\_\_\_

Printed Name \_\_\_\_\_ Title \_\_\_\_\_

The witness should be present when the Contractor's Authorized Agent signs this certification and should sign and date this document immediately thereafter.

Approved as to Form

  
\_\_\_\_\_  
County/Assistant County Attorney

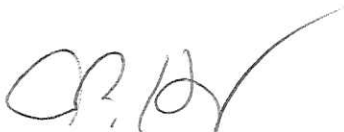
9/6/17  
\_\_\_\_\_  
Date

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

By:   
\_\_\_\_\_  
County Finance Officer

9/6/17  
\_\_\_\_\_  
Date

**IN WITNESS WHEREOF**, the parties hereto have caused the execution of the foregoing instrument, by the authority duly given and in duplicate originals, effective the day and year first above written.

By:   
\_\_\_\_\_  
County Manager

9/6/17  
\_\_\_\_\_  
Date

By: \_\_\_\_\_  
County Commissioners (If required)

\_\_\_\_\_  
Date



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # V. - 9.**

Human Resources - Policy Revisions

**From:**

Melanie Turrise, Human Resources  
Director

**Issue/Action Requested:**

Request that the Board of Commissioners adopt revisions to County Personnel Policies: #205 Recruitment and Employment; #210 Nepotism; #560 Drug and Alcohol Free Work Place.

**Background/Purpose of Request:**

Request that the Board of Commissioners adopt revisions to County Personnel Policies:

#205 Recruitment and Employment - Proposed updates to the policy include additional recruitment options and requirements, and guidance on pre-employment checks.

#210 Nepotism - Employment of Relatives (Nepotism) - Update to clarify the immediate family member definition to align with standard state practice.

#560 Drug and Alcohol Free Workplace - Update to provide guidance on additional employee responsibilities.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners adopt revisions to County Personnel Policies: #205 Recruitment and Employment; #210 Nepotism; #560 Drug and Alcohol Free Work Place.

**ATTACHMENTS:**

Description

- ☐ Proposed policy #205
- ☐ Proposed policy #210
- ☐ Proposed policy #560

## **SECTION II                    EMPLOYMENT POLICIES**

### **Policy #205                    Recruitment and Employment (*proposed revisions 9/2017*)**

#### **PURPOSE/SCOPE:**

Brunswick County recognizes the importance of effective hiring practices. Our goal is to obtain the best selection of candidates with job-related qualifications, to ensure that all job candidates receive fair treatment, and to provide opportunities for current employees. All requests to fill vacant positions should be in accordance with this policy. This policy applies to all current and future employees.

#### **Statement of Equal Employment Opportunity**

It is the policy of the County to maintain a systematic, consistent recruitment program, to promote equal employment opportunity, and to identify and attract the most qualified applicants for all present and future vacancies. Equal employment opportunities are allowed without regard to race, color, religion, gender (including pregnancy), national origin or non-disqualifying handicap.

#### **POLICY:**

##### **1. Recruitment**

- 1.1 Department Head submits position/advertising vacancy requisition to Human Resources for approval. Once approved, Human Resources will notify the Department Head and assist in the recruitment process.
- 1.2 Human Resources will post positions for a minimum of five (5) working days.
- 1.3 Optional recruiting publicity may be carried out through media appropriate to the position, as decided by the Department Head and Human Resources. Recruiting announcements shall include information pertinent to the position/work involved, and assurance of Equal Employment compliance.
- 1.4 In some circumstances where a situation warrants internal recruitment, the external posting requirement may be waived with the approval of the County Manager.
- 1.5 Exceptions to posting requirements may be requested by the Department Head. The request not to recruit will include a legitimate business need and may be authorized only by the County Manager. Examples include, but are not limited to:

- Management reorganization
- Lateral transfers for effective use of current resources

- Disciplinary transfers or demotions
- Prevention of work delays
- Legally binding settlement agreements
- Temporary positions
- Reinstatement within 30 days of separation or transfer

## **2. Application for Employment**

- 2.1 The acceptable application for all position listings shall be the electronic Applicant Online Application. Applications shall be accepted only for positions currently posted on Applicant Online.
- 2.2 The receipt of any employment inquiries from persons and/or sources shall normally be forwarded to the Human Resources Department for further action, as required.

## **3. Application Tracking**

- 3.1 The Human Resources Office shall be responsible for oversight of all job announcements, including posting and closing dates, all optional referral sources utilized during the recruitment process, and maintaining the specifics on the pool of applicants considered for each vacancy.
- 3.2 The specifics shall include all applicants for each job vacancy including age, gender and racial or ethnic group, according to requirements for recording applicant information for EEO reporting purposes. To the extent that it is practical, these records shall be reviewed periodically in connection with the county's overall selection procedures, to ensure that equal consideration is given to all qualified applicants.

## **4. Interviewing of Candidates**

- 4.1 Department Heads participating in the selection interview process are responsible for coordinating and maintaining the interview schedule and ensuring the interviewing staff follows appropriate guidelines. A representative from Human Resources shall participate on interview panels, unless prior approval is obtained from the County Manager.
- 4.2 The following are a few of the guidelines to be used in an interview:
  - Questions asked during the interview must be job related.
  - Questions may not be asked about the applicant's personal life.
  - Questions may not be asked of a woman that would not be asked of a man, nor of a man that would not be asked of a woman.
  - No oral or written inquiry will be made of an applicant for employment with regard to date of birth, marital status, financial status, number of children or child care arrangements, disability, pregnancy, garnishments, nor will such information be used regarding any employment decision.

## **5. Merit Principle/Qualified Standards**

- 5.1 All applicants considered for employment or promotion, shall meet the employment qualifications established by the job description relating to the position to which the application is being made.
- 5.2 All hiring decisions shall be made on the basis of merit and qualifications and without regard to politics, age, race, gender, color, non-disqualifying handicap, religious affiliation, or national origin.
- 5.3 Brunswick County complies with U.S. law (E-Verify) that requires employment of only individuals who may legally work in the United States – either U.S. citizens, or foreign citizens who have the necessary authorization. The employee must furnish a completed I-9 Form and provide the appropriate documentation before commencing work.
- 5.4 Based on the qualification weaknesses of applicants submitted, the County may hire an applicant in a training capacity who does not meet all minimum qualifications for a particular job. In this instance, the deficiencies may be eliminated through orientation, certification, and/or on-the-job training.

## **6. Selection**

- 6.1 Each department will review applications and interviews will be granted to the most qualified candidates.
- 6.2 Department Head may discuss salary requirements with the candidate but may not extend an offer until approved by Human Resources, Finance, and the County Manager or their delegate.
- 6.3 Once approved, the Department Head will contact the selected candidate, make a contingent offer, dependent upon satisfactory results of all background checks and pre-employment testing and collect the appropriate consent forms.
- 6.4 Upon receipt of applicant's consent, Human Resources will conduct a background check and the selected candidate will be required to submit to a pre-employment drug test. Other tests may also be required depending on the Department.
- 6.6 Upon receipt of successful completion of tests, Human Resources will notify the Department Head and/or hiring manager. The hiring manager or Human Resources may contact the selected candidate and arrange for a suitable start date. The preferred start date for external hires occur on Monday and internal hires occur the first Monday of a pay period. All other candidates shall be informed by Human Resources of their status after the completion of the selection process.

- 6.7 If the duties of the position involve operation of county owned/insured vehicles, the Department Head shall request that Human Resources review the driving record of the selected candidate.

## **7. Promotion of an employee to fill a vacancy (internal department career ladder progression)**

- 7.1 Candidates for promotion shall be determined on the basis of their qualifications and their work records without regard to age, gender, race, color, creed, religion, political affiliation, national origin, or non-disqualifying handicap. Performance appraisals and work records for all personnel being considered for promotion meeting minimum qualifications for the position shall be carefully examined when opportunities for positions in higher classifications occur. If a posting for the opportunity is required, then the posting period must still be held in accordance with Section 1.2 of this policy.

## **8. Pre-Employment Testing and Pre-Employment Checks**

- 8.1 The Department Head or the hiring manager should make it clear to the applicant that the offer and acceptance of a job are contingent upon satisfactory completion of job-related pre-employment procedures.
- 8.2 Pre-employment requirements may vary by department.
- 8.3 Reference checking is the responsibility of the Department Head in cooperation with Human Resources.
- 8.4 If the background check reveals any convictions or other negative background information it does not mean the applicant will not be offered employment. The following criteria shall be taken into consideration for employment decisions:
- The nature and gravity of the offense.
  - The length of time that has elapsed since the offense occurred.
  - The age of the person at the time of the conviction.
  - Whether the offense is reasonably related to the duties and responsibilities of the employment sought by the applicant.
  - Any information pertaining to the degree of rehabilitation that may have taken place in the applicant.
- 8.5 If a candidate being considered for employment fails the pre-employment drug test, he/she is disqualified from being considered for hire and he/she cannot apply to the County for the next three years.

## **9. Probationary Period of Employment**

- 9.1 All newly hired or re-hired full-time regular employees selected for a new position through a promotion, demotion or transfer will serve a probationary period for a minimum of three

(3) months, but not to exceed nine (9) months. Any employee serving a probationary period may be dismissed at any time with or without cause. Employees dismissed during the probationary period have no appeal rights.

- 9.2 Any Brunswick County employee selected for a new position through a promotion, demotion or transfer will comply with 9.1 above with the exception that existing benefits shall remain in effect.
- 9.3 Employees completing the probationary period will be considered regular employees and notification of such from the department head will be placed in the employee's personnel file.

## **10. Exclusions**

- 10.1 The Sheriff Office and Register of Deeds are exempt from this policy but not from Federal or State laws. For example, pursuant to NCGS Sec. 153A-103, the appointment by the Sheriff or Register of Deeds of a relative by blood or marriage of nearer kinship than first cousin or of a person who has been convicted of a crime involving moral turpitude requires prior approval of the Board of Commissioners. Employees for these groups are not exempt from other requirements such as E-verify, I-9 or hiring start dates.
- 10.2 Where still in existence, Competitive Services employees should utilize the State Personnel Act.
- 10.3 Nothing contained in this policy shall prohibit the transfer, rehire, promotion, demotion or other action with respect to an employee incident or to effect the settlement of an employee grievance or lawsuit.

## **11. Employment of Minors**

- 11.1 Persons under the age of 18 are considered to be minors.
- 11.2 Provisions of federal and state laws regarding wages, hours, working conditions of minors, including but not limited to overtime work, operation of machinery, night shift work, lunch periods, schooling, and other working conditions, shall be strictly followed.
- 11.3 Persons from age 14 to 17 may be hired under the following conditions:
- Birth certificate will be furnished and age verification entered on the applicant's official record.
  - Work permits will be furnished as required by state law and verification of work permits entered on the applicant's official record.

## SECTION II                      EMPLOYMENT POLICIES

### Policy #210    Employment of Relatives (Nepotism) *(proposed revision 9/2017)*

**PURPOSE:** Brunswick County recognizes that ~~circumstances such as hiring immediate~~employing members of the same family and/or relatives of current County employees and/or elected officials may present concerns of favoritism or conflict of interest, and therefore represent situations that require special rules and regulations.

**SCOPE:** This policy applies to all potential and current employees. It sets forth procedures to be followed and rules governing nepotism. These procedures are to be followed in addition to those set forth in Personnel Policy # 205, Recruitment and Employment, except the Sheriff and Register of Deeds are not subject to Policy # 205.

#### **POLICY:**

##### **1.        EMPLOYMENT OF IMMEDIATE FAMILY AND/OR RELATIVES**

- 1.1 ~~The term “Immediate Family” applies primarily to, a relative by blood or marriage of nearer kinship than first cousin (husband, wife, parent, child, grandparent, grandchild, brother, sister). It may also apply to other relatives when it is determined the relationship might prove contrary to the best interest of the County.~~
- ~~1.2 Members of an immediate family will not be employed at the same time if such employment would result in an employee directly supervising a member of his or her immediate family. Hiring immediate family and relatives of current employees may appear to involve nepotism and be detrimental to morale. To avoid any possibility of favoritism and to prevent other practices or situations which may be detrimental to the County and its employees, special rules have been developed regarding the hiring and placement of relatives.~~
- 1.2 The term “Immediate Family” is defined for the purpose of this section as wife, husband, mother, father, daughter, son, sister, brother, grandmother, grandfather, granddaughter, and grandson. It also includes step, half, and in-law relationships based on the listing in this section. It may also apply to other relatives when it is determined the relationship might prove contrary to the best interest of the County.
- 1.3 Immediate family and relatives of employees may be considered for placement within the organization. However, under no circumstances is a person to be hired simply because of a relationship with a current employee or elected official. Also, employees or elected officials may not attempt to influence placement decisions on behalf of relatives.
- 1.4 In addition to the prohibition on direct supervision of an immediate family member, immediate family members shall not work together in the same department unless separation can occur through department divisions and/or shifts.; ~~immediate family and/or relatives cannot be in a reporting relationship with each other.~~

# **BRUNSWICK COUNTY PERSONNEL MANUAL**

## **SECTION V        PERSONAL CONDUCT**

### **Policy #560        Drug and Alcohol Free Work Place (*proposed revisions 9/2017*)**

**PURPOSE:** Brunswick County is committed to the goal of a drug and alcohol free workplace. This commitment is based on the belief that it is the County's responsibility to maintain a safe and healthy working environment for employees and a productive, effective workforce for the citizens of the County. This policy is intended to comply with all applicable federal and state laws governing anti-drug and alcohol programs, including those adopted by the U.S. Department of Transportation (DOT), and is designed to safeguard employee privacy to the fullest extent of the law.

**SCOPE:** This policy applies to all employees and includes the County's philosophy regarding substance abuse and sets forth regulations, responsibilities, and penalties for noncompliance. Under federal guidelines, certain classes of employees are subject to special actions, such as random drug testing. Brunswick County views certain classes as safety sensitive. The safety sensitive positions include, but are not limited to, sworn law enforcement officers; detention center officers; employees who are responsible for testing and treatment of water, raw sewage or wastewater; employees who handle hazardous materials in large quantities; employees that consistently and frequently operate, repair or maintain heavy equipment; a position that requires a CDL to operate a vehicle; employees that administer patient care; emergency medical services positions; employees that may independently work closely with or transport children; other positions as determined on a case-by-case basis. The Human Resources Director will provide a list of those designated positions upon request.

#### ***POLICY AND PROCEDURE:***

1.        **Brunswick County will strive to provide education on:**
  - 1.1      Dangers of alcohol and drug abuse;
  - 1.2      Brunswick County Drug and Alcohol Free Workplace;
  - 1.3      Availability of treatment and counseling for employees who voluntarily seek such assistance;
  - 1.4      Sanctions the County will impose for violations of its drug and alcohol free workplace policy.
2.        **This policy prohibits:**
  - 2.1      Reporting to work or performing work while impaired by or under the influence of alcohol, illegal drugs or non-prescribed drugs on County premises or any County work area, in County vehicles or while on County business (which includes the presence of any detectable amount found in the body).

- 2.2 The unauthorized use, consumption, possession, dispensation, distribution, manufacture or sale of alcohol, controlled substances, illegal drugs or drug paraphernalia by employees on County premises or any County work area, in County vehicles, during work hours, or while the employee is on duty, official County business, or stand-by duty.
- 2.3 Conviction of selling illegal drugs or of possession with intent to sell illegal drugs at any time or place.
- 2.4 Failure to notify the County of any arrest or conviction under any criminal drug or alcohol statute by the next working day following the arrest or conviction.
- 2.5 Refusal to immediately submit to an alcohol and/or drug test when requested by a supervisor, in accordance with the policy.
- 2.6 Tampering with or obstruction of a drug or alcohol test being administered by or for the County.

### **3. RESPONSIBILITIES**

- 3.1 The Human Resources Director, in conjunction with the Risk Manager, will administer this policy.
- 3.2 Alcohol and drug free workplace matters in the Sheriff's Office will be administered by the Sheriff.
- 3.3 Department directors are responsible for the application of this policy within their department.
- 3.4 Employees are responsible for and expected to report to work fit for duty and free of any adverse effects of alcohol, illegal drugs and prescription medication. This policy does not prohibit the lawful use and possession of prescribed medications. Employees must, however consult with their doctors about the medicine's effect on their fitness for duty and the ability to work safely, and they must promptly disclose any work restrictions to their supervisor.
- 3.5 An employee who voluntarily reveals a substance abuse problem to a supervisor before being notified to be tested, before testing positive for substance abuse and before other discovery of a substance abuse problem, may voluntarily enroll in a drug or alcohol rehabilitation program and is encouraged to use the Employee Assistance Program (EAP) to do so. An employee who voluntarily notifies their supervisor of a dependency may be granted leave in accordance with the County policy on leaves of absence.

### **4. TESTING PROCEDURES**

- 4.1 Pre-Employment: Applicants who have been offered employment with the County will be required to undergo a drug screening test as part of the hiring process. The County will

withdraw an offer of employment made to any applicant whose drug screen test reveals the presence of illegal drugs or prescription drugs without a valid prescription.

- 4.2 Job Changes: Employees accepting a promotion, demotion or transfer to any position will be required to submit to a test before the personnel action can be completed, just as applicants are subject to pre-employment testing.
- 4.2 Reasonable Suspicion: Employees may be required to submit to a test if reasonable suspicion of illegal drug use or alcohol use/abuse exists. Reasonable suspicion is a belief based on objective facts sufficient to lead a reasonable person to suspect an employee is impaired and incapable of satisfactorily and safely performing their assigned duties. Facts supporting a reasonable suspicion could include, but are not limited to, direct observation of prohibited drug or alcohol use; slurred speech; irregular or unusual speech patterns; impaired judgement; marijuana or alcohol odor; uncoordinated walking or movement; unusual behaviors such as hyperactivity, hostility, aggressiveness; a report of alcohol or drug use by an employee while at work by a credible source. The employee will be placed on a leave without pay or take annual leave until results are received. Sick leave cannot be used while awaiting results. If a negative test is received the employee will have the leave time used while awaiting the results reinstated or receive back pay.
- 4.3 Random: Employees in designated safety-sensitive positions and employees that are required to maintain a commercial driver's license will be subject to random, unannounced drug and alcohol screening. The rate of the random selection for drug and alcohol testing will be a percentage of an annual average employee base. Every employee in the pool has an equal chance of being chosen each time a random selection is made. When an employee is required to submit to a random testing, s/he will be notified by their supervisor. Employee will continue to work in a normal capacity pending the results of the test.
- 4.4 Post-Accident: Employees will be tested following an on-the-job accident or other occurrences that involve one or more of the following events: a fatality, a serious injury to an employee or other individual; when there is motor vehicle damage as a result of an accident to the extent that a vehicle must be towed; when there is a motor vehicle accident, the employee receives a citation under state or local law for a moving violation arising from the accident. Following an accident, an employee must notify their supervisor immediately. Post-accident testing will be administered as soon as possible, ideally no more than eight (8) hours after the accident. An alcohol test should be administered within two (2) hours of an accident. If unable to test within two (2) hours, the supervisor must document the reasons for the delay.
- 4.5 Return to Duty: Employees who have voluntarily removed themselves from their job duties and have voluntarily undergone and successfully completed treatment for drug or alcohol abuse must submit to and furnish a negative test result prior to returning to their duties.

## **5. DISCIPLINARY PROCEDURES**

- 5.1 Any violation of this policy may result in disciplinary procedures up to and including dismissal.

- 5.2 Employees may appeal disciplinary actions resulting from violations of this policy in accordance with Policy# 610 Appeal/Adverse Action Procedure.



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # V. - 10.**

**From:** Tax - September 2017 Releases  
Jeffery P Niebauer

**Issue/Action Requested:**

Request that the Board of Commissioners approve the September 2017 tax releases.

**Background/Purpose of Request:**

Approval of the tax releases for September 2017. A summary of the releases is listed below.

**County** personal property release value \$1,618,649 (32 releases)

**Smithville** personal property release value \$459,799 (10 releases)

**Bald Head Island** personal property release value \$5,054 (1 release)

**Belville** personal property release value \$159,691 (2 releases)

**Carolina Shores** personal property release value \$8,012 (2 releases)

**Caswell Beach** personal property release value \$1,455 (1 release)

**Leland** personal property release value \$15,750 (3 releases)

**Shallotte** personal property release value \$17,519 (2 releases)

**Southport** personal property release value \$129,451 (4 releases)

**County VTS** August 2017 release value 384,314 (34 releases)

**Smithville VTS** August 2017 release value \$70,897 (5 releases)

**Boiling Spring Lakes VTS** August 2017 release value \$3,545 (2 releases)

**Calabash VTS** August 2017 release value \$18,430 (1 release)

**Holden Beach VTS** August 2017 release value \$1,121 (1 release)

**Leland VTS** August 2017 release value \$136,799 (10 releases)

**Oak Island VTS** August 2017 \$12,478 (2 releases)

**Shallotte VTS** August 2017 \$25,017 (1 release)

**Southport VTS** August 2017 \$50,472 (2 releases)

**Sunset Beach VTS** August 2017 \$2,974 (1 release)

For information purposes only

**Boiling Spring Lakes** fire district \$62.50 (1 release)

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve the September 2017 tax releases.

**ATTACHMENTS:**

## Description

- ▣ Tax Releases September 2017
- ▣ Fire Fee Releases for September 2017 (For information purposes only)
- ▣ Motor Vehicle Release VTS September 2017 Processed August 2017 (NCDMV Tax & Tag)

## Tax Releases for September 2017

### BUSINESS PERSONAL RELEASES

Release Number	Release Date	Tax Payer Name	Bill Number (Year)	Account Number	City	Parcel Number	Township	Amount Released	Value Released	Release Reason
046484	9/1/2017	SUPPLY XVII LLC	138935 (2017)	50715860		1850001003	LOCKWOOD FOLLY	\$1523.21-C	\$314,064.00	Clerical Error/DE Error
046485	9/1/2017	BARNHILL CONTRACTING CO	007846 (2017)	50037328		182009204	LOCKWOOD FOLLY	\$3120.29-C	\$643,359.00	Clerical Error/DE Error
046486	9/1/2017	TALAY THAI AND SUSHI LLC	139801 (2017)	80022171	BELVILLE	0470003632	TOWN CREEK	\$357.93-C \$66.42-BEL	\$73,799.00	Duplicate Listing
046487	9/1/2017	TALAY THAI AND SUSHI LLC	303139 (2016)	80022171	BELVILLE	0470003632	TOWN CREEK	\$416.58-C \$41.66-LL \$77.30-BEL \$7.73-BELLL	\$85,892.00	Duplicate Listing
046488	9/1/2017	PDL PROPERTIES LLC	108444 (2017)	80054167		22100042	SMITHVILLE	\$176.56-C \$14.56-SM	\$36,405.00	APPEAL JUSTIFIED WITH IN 30 DAY NOTICE
046489	9/5/2017	K AND B SYSTEMS INC	075164 (2017)	30600920		205KB017	SMITHVILLE	\$1349.51-C \$111.30-SM	\$278,250.00	Duplicate Listing
046490	9/5/2017	CIT FINANCE LLC	027203 (2017)	50141610	SHALLOTTE	NULL	LOCKWOOD FOLLY	\$1.55-C \$1.12-SHA	\$319.00	Clerical Error/DE Error
046491	9/5/2017	BAXTER HEATHCARE CORP	008644 (2017)	50037380	SHALLOTTE	NULL	LOCKWOOD FOLLY	\$60.20-SHA	\$17,200.00	Not Within City Limits
046492	9/5/2017	CANON FINANCIAL SERVICES INC	022864 (2017)	60126960	OAK ISLAND	NULL	SMITHVILLE	\$23.94-C \$1.97-SM	\$4,936.00	Clerical Error/DE Error
046493	9/5/2017	STATE FARM MUTUAL AUTOMOBILE INS CO	134767 (2017)	80004169		NULL	LOCKWOOD FOLLY	\$19.37-C	\$3,994.00	Clerical Error/DE Error

## Tax Releases for September 2017

### PERSONAL RELEASES

Release Number	Release Date	Tax Payer Name	Bill Number (Year)	Account Number	City	Parcel Number	Township	Amount Released	Value Released	Release Reason
046494	9/5/2017	CORBETT JOHN MONROE	031113 (2017)	80007984		350003402	TOWN CREEK	\$46.66-C	\$9,620.00	Did Not Own January 1
046495	9/5/2017	CATHCART W JOHN JR	025018 (2017)	80008439	BALD HEAD ISLAND	NULL	SMITHVILLE	\$24.51-C \$2.02-SM \$33.67-BHI	\$5,054.00	Adjusted Per Purchase Price
046496	9/5/2017	PITZER WILLIAM EDWIN	110968 (2017)	80059610	SOUTHPORT	NULL	SMITHVILLE	\$59.11-C \$5.91-LL \$4.87-SM \$0.48-LSM \$36.02-SP \$3.60-SPLL	\$12,187.00	Adjusted Per Purchase Price
046497	9/5/2017	THE GARTNER MARINE GROUP INC	141358 (2017)	80036323	OCEAN ISLE BEACH	244PC015	SHALLOTTE	\$295.24-C	\$60,874.00	Did Not Own January 1
046498	9/5/2017	BYRD PAUL RAY	021433 (2017)	20957550		1260002401	TOWN CREEK	\$53.30-C	\$10,990.00	Duplicate Listing
046499	9/5/2017	COOK JACK B	030600 (2017)	80025804	CASWELL BEACH	NULL	SMITHVILLE	\$7.06-C \$0.58-SM \$3.49-CAS	\$1,455.00	Adjusted Per Purchase Price
046500	9/5/2017	LUFF DONALD G	087077 (2017)	80012134		233IA067	LOCKWOOD FOLLY	\$8.70-C	\$1,794.00	Adjusted Per Purchase Price
046501	9/5/2017	SMITH NEAL M ETUX ANNA A	130657 (2017)	65058970		244HB044	SHALLOTTE	\$23.94-C	\$4,937.00	Did Not Own January 1
046502	9/5/2017	CAISON DONALD ERIC	021823 (2017)	80009449	LELAND	059BI001	TOWN CREEK	\$4.47-LEL	\$2,128.00	Not Within City Limits
046503	9/6/2017	BENNA MATTHEW JOSEPH	010355 (2017)	80038643	SOUTHPORT	NULL	SMITHVILLE	\$39.35-SM \$290.79-SP	\$98,373.00	Not Within City Limits
046504	9/6/2017	KIRKLEY ROANLD J ETUX MARIA C	078073 (2017)	53237714		233EE053	LOCKWOOD FOLLY	\$12.74-C	\$2,627.00	Did Not Own January 1
046505	9/6/2017	STEPHENS WILLAIM FOREST II	135956 (2017)	80016827	OAK ISLAND	NULL	SMITHVILLE	\$20.60-C \$1.70-SM	\$4,248.00	Adjusted Per Purchase Price

## Tax Releases for September 2017

### PERSONAL RELEASES

Release Number	Release Date	Tax Payer Name	Bill Number (Year)	Account Number	City	Parcel Number	Township	Amount Released	Value Released	Release Reason
046506	9/6/2017	MARTIN JERALD LAWRENCE	090392 (2017)	80044896	CAROLINA SHORES	NULL	SHALLOTTE	\$13.77-C \$2.89-CS	\$2,840.00	Did Not Own January 1
046507	9/6/2017	NEAL LESLIE WILLIAM III	101957 (2017)	23066140	BOILING SPRING LAKES	1270A004	TOWN CREEK	\$25.08-C \$10.86-CS	\$5,172.00	Did Not Own January 1
046508	9/6/2017	TUCKER LARRY	145517 (2017)	80023828		216JB081	LOCKWOOD FOLLY	\$4.85-C	\$1,000.00	Did Not Own January 1
046509	9/6/2017	MAGGART LON ELBERT	088469 (2017)	80013334	SOUTHPORT	234GC009	SMITHVILLE	\$81.28-C \$6.70-SM \$49.54-SP	\$16,758.00	Did Not Own January 1
046510	9/6/2017	FOOTE STEPHEN C	048330 (2017)	80059663	SOUTHPORT	NULL	SMITHVILLE	\$10.35-C \$0.85-SM \$6.31-SP	\$2,133.00	VALUE INCLUDED THE TRAILER
046511	9/6/2017	DILLMAN DOUGLAS ALLEN JR	039059 (2017)	80012746	LELAND	NULL	TOWN CREEK	\$23.90-LEL	\$11,380.00	Not Within City Limits
046512	9/6/2017	COLEY MARVIN C ETUX CHRISTINE (LT)	029669 (2017)	51608731		231ID03701	LOCKWOOD FOLLY	\$21.66-C	\$4,465.00	Did Not Own January 1
046513	9/6/2017	BESSETE KEVIN	011236 (2017)	80010678	LELAND	047HB018	TOWN CREEK	\$10.87-C \$4.71-LEL	\$2,242.00	Did Not Own January 1
046514	9/6/2017	LINES DANIEL J	084353 (2017)	80011859		048KB041	TOWN CREEK	\$23.33-C	\$4,810.00	Did Not Own January 1
046515	9/6/2017	BULLARD CARLA	020007 (2017)	20899000		111LA006	TOWN CREEK	\$21.23-C	\$4,378.00	Did Not Own January 1
046516	9/6/2017	BULLARD CARLA	301106 (2016)	20899000		111LA006	TOWN CREEK	\$22.35-C \$2.24-LL	\$4,608.00	Did Not Own January 1
046517	9/6/2017	BULLARD CARLA	301793 (2015)	20899000		111LA006	TOWN CREEK	\$23.52-C \$2.35-LL	\$4,850.00	Did Not Own January 1
046518	9/6/2017	BULLARD CARLA	302455 (2014)	20899000		111LA006	TOWN CREEK	\$22.83-C \$2.28-LL	\$5,159.00	Did Not Own January 1
046519	9/6/2017	BULLARD CARLA	019218 (2013)	20899000		111LA006	TOWN CREEK	\$24.03-C	\$5,430.00	Did Not Own January 1

## Release Category Codes

Release Code	Release Type	Release Code	Release Type
BHI	BALD HEAD ISLAND	BHILL	BALH HEAD ISLAND LATE LIST
BEL	BELVILLE	BELLL	BELVILLE LATE LIST
BSL	BOILING SPRING LAKES	BSLLL	BOILING SPRING LAKES LATE LIST
BOL	BOLIVIA	BOLLL	BOLIVIA LATE LIST
CAL	CALABASH	CALLL	CALABASH LATE LIST
CS	CAROLINA SHORES	CSLL	CAROLINA SHORES LATE LIST
CAS	CASWELL BEACH	CASLL	CASWELL BEACH LATE LIST
C	COUNTY	FF	FIRE FEE
HB	HOLDEN BEACH	HBLL	HOLDEN BEACH LATE LIST
INT	INTEREST	LL	LATE LIST PENALTY
LSM	LATE LIST SMITHVILLE	LEL	LELAND
LELLL	LELAND LATE LIST	LB	LONG BEACH
LBLL	LONG BEACH LATE LIST	NAV	NAVASSA
NAVLL	NAVASSA LATE LIST	NW	NORTHWEST
NWLL	NORTHWEST LATE LIST	OI	OAK ISLAND
OILL	OAK ISLAND LATE LIST	OIB	OCEAN ISLE BEACH
OIBLL	OCEAN ISLE BEACH LATE LIST	SAD24	SAD 24
SAD25	SAD 25	SAD27	SAD 27

## Release Category Codes

Release Code	Release Type
--------------	--------------

SAD28	SAD 28
SCLL	SANDY CREEK LATE LIST
SHA	SHALLOTTE
SM	SMITHVILLE HOSPITAL
SPLL	SOUTHPORT LATE LIST
SJ	ST JAMES
SB	SUNSET BEACH
T	TOTAL TAX
VARLL	VARNAMTOWN LATE LIST
YPLLL	YAUPON BEACH LAST LIST

Release Code	Release Type
--------------	--------------

SC	SANDY CREEK
SBSD	SE BRUNSWICK SAN DIST
SHALL	SHALLOTTE LATE LIST
SP	SOUTHPORT
SAD	SPECIAL ASSESSMENT DISTRICT
SJLL	ST JAMES LATE LIST
SBLL	SUNSET BEACH LATE LIST
VAR	VARNAMTOWN
YP	YAUPON BEACH

## September 2017 Fire Fee RELEASES

Release Number	Release Date	Tax Payer Name	Bill Number (Year)	Account Number	City	Parcel Number	Township	Amount Released	Value Released	Release Reason
046483	8/9/2017	PRITCHET TOMMY	113084 (2017)	54082700	Brunswick County	233ED01601		\$62.50-BSLF	\$0.00	Clerical error/DE error

## Release Category Codes

Release Code	Release Type	Release Code	Release Type
BHI	BALD HEAD ISLAND	BHILL	BALH HEAD ISLAND LATE LIST
BEL	BELVILLE	BELLL	BELVILLE LATE LIST
BSL	BOILING SPRING LAKES	BSLLL	BOILING SPRING LAKES LATE LIST
BOL	BOLIVIA	BOLLL	BOLIVIA LATE LIST
CAL	CALABASH	CALLL	CALABASH LATE LIST
CS	CAROLINA SHORES	CSLL	CAROLINA SHORES LATE LIST
CAS	CASWELL BEACH	CASLL	CASWELL BEACH LATE LIST
C	COUNTY	FF	FIRE FEE
HB	HOLDEN BEACH	HBLL	HOLDEN BEACH LATE LIST
INT	INTEREST	LL	LATE LIST PENALTY
LSM	LATE LIST SMITHVILLE	LEL	LELAND
LELLL	LELAND LATE LIST	LB	LONG BEACH
LBLL	LONG BEACH LATE LIST	NAV	NAVASSA
NAVLL	NAVASSA LATE LIST	NW	NORTHWEST
NWLL	NORTHWEST LATE LIST	OI	OAK ISLAND
OILL	OAK ISLAND LATE LIST	OIB	OCEAN ISLE BEACH
OIBLL	OCEAN ISLE BEACH LATE LIST	SAD24	SAD 24
SAD25	SAD 25	SAD27	SAD 27

## Release Category Codes

Release Code	Release Type
--------------	--------------

SAD28	SAD 28
SCLL	SANDY CREEK LATE LIST
SHA	SHALLOTTE
SM	SMITHVILLE HOSPITAL
SPLL	SOUTHPORT LATE LIST
SJ	ST JAMES
SB	SUNSET BEACH
T	TOTAL TAX
VARLL	VARNAMTOWN LATE LIST
YPLLL	YAUPON BEACH LAST LIST

Release Code	Release Type
--------------	--------------

SC	SANDY CREEK
SBSD	SE BRUNSWICK SAN DIST
SHALL	SHALLOTTE LATE LIST
SP	SOUTHPORT
SAD	SPECIAL ASSESSMENT DISTRICT
SJLL	ST JAMES LATE LIST
SBLL	SUNSET BEACH LATE LIST
VAR	VARNAMTOWN
YP	YAUPON BEACH

# VTs RELEASES PROCESSED AUGUST 2017

Adjust ment #	Abstract #	Name-Last, First, Middle	Tag #	Year	Make	B- Val	New Value	Diff.	City	Twp.	Override %	Override Value	Override Status	Acquisition Cost	Acquisition Year	Dep Sch	xempt Typ	Notes	Date	Code	Code Description
603616	38692215	YORASCHEK RYAN RICHARD	DMH5587	2010	FORD	13,260	-	13,260									MILITARY	HOR-FL	08/16/17	4	Military Exempt
605849	38776105	WYATT PATRICK ALLEN	9N55DV	2016	FORD	40,626	-	40,626	21	3							DISABLED VETERAN		08/22/17	13	Exempt - Disabled Veterans - Service connected Disability Equip
605570	32089533	OWENS MARC ANTHONY	DKY7115	2015	DODGE	15,230	-	15,230	31								DISABLED VETERAN		08/22/17	13	Exempt - Disabled Veterans - Service connected Disability Equip
605520	38519156	WILLIAMS BOBBY LEE SR	CK15316	2007	PAMA	4,010	929	3,081						1,574	2007	B-20		ADJ TO RMV SALES PRICE	08/22/17	15	TEC Value Issue
602214	38396061	ROBINSON DONALD LARRY	CK15308	2013	COMB	8,210	896	7,314				\$ 896						5X10 TL ADJ TO \$100FT & \$100AXLE DEP @5%	08/11/17	15	TEC Value Issue
602227	38070773	FELTS EDWARD GLENN	CJ55501	2016	HOMS	12,540	2,043	10,497	14	3		\$ 2,043						6X10 ENCLOSED TL ADJ TO \$200FT & \$100 AXLE DEP @5%	08/21/17	15	TEC Value Issue
602234	18465037	ROBB NICHOLAS ANVIL FRANKLIN	CAF4686	2003	DODGE	3,690	3,274	416	20									STATE INSPECTION	08/21/17	12	High Mileage/Condition
602262	38574182	TICKLE DANIEL MONROE	CB53774	2006	CAON	3,600	626	2,974	11			\$ 626						5X10 TL ADJ TO \$100FT & \$100AXLE DEP @5%	08/21/17	15	TEC Value Issue
602282	32462737	PRICE DOUGLAS CRAIG II	CH67380	2014	HALK	10,251	2,304	7,947		3				2,618	2014	B-20		BOS 2014=\$2,618	08/21/17	15	TEC Value Issue
602307	36948396	LEVITAN JOANNE LINDA	EDR4703	2005	ACUR	7,670	5,983	1,687	31									STATE INSPECTION	08/21/17	12	High Mileage/Condition
602354	38119555	WHITE PATRICIA ANN	PFK9494	2015	CHRY	29,360	25,025	4,335										ADJ TO NADA 25,025 BOUGHT AT TRADE IN VALUE ON BOS FOR 40,500	08/21/17	15	TEC Value Issue
602361	31942694	DUSTIN DONALD LEE SR	YVM7669	2014	CHRY	18,430	-	18,430	19									NOT IN CITY LIMITS OF CALABASH	08/21/17	8	Not with in City Limits
603617	33955747	GOMEZ NANCY SCOGGINS	EFA6259	2012	NISS	11,360	8,075	3,285			95	\$ 8,075	TEMP					ADJ TO RMV SALES PRICE 2016=\$8,500	08/21/17	1	Adjusted per Purchase Price
598279	38518187	WILLIAMS BOBBY LEE SR	BS59618	2007	PAMA	4,010	929	3,081						1,574	2007	B-20		RMV SALES PRICE 2007=\$1,574	08/21/17	15	TEC Value Issue
602948	33998853	WARREN RICKEY STEVEN	CH61730	2007	COMB	3,810	621	3,189						1,150	2007	B-20		ADJ TO RMV SALES PRICE 2007- \$1,150	08/21/17	15	TEC Value Issue
603759	28464390	LEWIS JOEL STEPHEN III	DKW5402	2008	CHEV	8,480	-	8,480	31								MILITARY	HOR-GA TTS 9/26/2020	08/21/17	4	Military Exempt
603761	37985546	LEWIS JOEL STEPHEN III	5T9159	2012	BMW	7,800	-	7,800	31								MILITARY	HOR-GA TTS 9/26/2020	08/21/17	4	Military Exempt
603765	37937178	LEWIS JOEL STEPHEN III	EEC5914	2014	SUBA	11,790	5,895	5,895	31								MILITARY	HOR-GA TTS 9/26/2020	08/21/17	4	Military Exempt
604905	32011609	JONES GAYLE ANNE	PAY8305	2007	AUDI	8,693	5,564	3,129	20									STATE INSPECTION MILEAGE 240,366	08/21/17	12	High Mileage/Condition
605060	36892988	HAM MARGARET TYLER	EDD9785	2015	HYUN	16,010	14,250	1,760	31		95	\$ 14,250	TEMP					RMV SALES PRICE 2016=\$15,000 DEP @5%	08/21/17	1	Adjusted per Purchase Price
604419	38027644	ROBERTS MICHAEL JOSEPH	ELW1358	1970	CHEV	18,000	9,000	9,000									MILITARY	HOR-WA 50% EXEMPT FATHER IS COSIGNER	08/17/17	4	Military Exempt
601179	37524610	LEE RONNIE GAY	EDD9104	1982	BUIC	23,400	775	22,625				\$ 775						VALUED INCORRECT VEHICLE	08/10/17	2	Clerical Error
600841	38605398	OLIVER MICHAEL WADE	CF65367	2015	TRIT	10,720	874	9,846	21	3				950	2015	B-20		ADJ TO ORIGINAL BOS 2015=\$950	08/08/17	15	TEC Value Issue
600623	38600991	MURRAY TODD L	DDL1134	2017	CHEV	31,410	-	31,410	31								MILITARY	HOR-NY	08/08/17	4	Military Exempt
600009	378445	BROWN BOBBY DEAN	PINGEYE	2007	CHEV	11,210	10,089	1,121	13									MILEAGE 179,116 INSPECTED BY V.WALKER	08/07/17	12	High Mileage/Condition
599115	38535151	WILLETTs JAMES ALLEN	CK15281	2014	ARII	9,390	1,000	8,390				\$ 1,000						4X7 WHEELCHAIR TL ADJ TO BOS 1,000	08/03/17	15	TEC Value Issue
598826	38197211	HINSON SHERWOOD FOREST JR	CK15243	2018	LOAD	15,120	700	14,420				\$ 700						JET SKI TL BOS 2017-\$700	08/02/17	15	TEC Value Issue
598872	38069223	PEDERSON MICHAEL	CJ80924	2017	FORR	29,629	-	29,629	31								MILITARY	HOR-WA	08/02/17	4	Military Exempt
597988	37433403	KIRKLAND JOSHUA KENNETH	EKM4631	2010	CHEV	22,977	11,489	11,488	31								MILITARY	HOR-FL 50% EXEMPT COSIGNER IS STEP DAD	08/01/17	4	Military Exempt
598022	38335248	GRAY DANIEL ADAM	FAL1438	2017	DODGE	23,420	-	23,420	31								MILITARY	HOR-FL	08/01/17	4	Military Exempt
V02260	2016-800289	SPENCER OWEN TAYLOR	PCM3348	2014	MAX	22,386	-	22,386										NEW BILL # 2017-800029	08/03/17	2	Clerical Error
608455	9080035	COASTAL MACHINE & WELDING INC	ME2875	2000	STLG	25,017	-	25,017	22									BODY PICKED UP THROUGH BPP	08/30/17	2	Clerical Error
607606	27658855	CROCKER KENT LEWIS	BBY4285	2012	TOYT	12,380	10,399	1,981	14	3								STATE INSPECTION MILEAGE 104,064	08/28/17	12	High Mileage/Condition
607674	37042297	MARTIN LEROY ALLEN	EDK1255	2014	BUICK	17,150	5,985	11,165			95	\$ 5,985	PERM					ADJ TO RMV SALES 2016=\$6,300 TOTALLOSS VEHICLE	08/28/17	15	TEC Value Issue



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # V. - 11.**

**From:**  
Jeffery P Niebauer

Tax - September 2017 MV Discovery Valuation & Levy for  
August 2017

**Issue/Action Requested:**

Request that the Board of Commissioners approve the September 2017 motor vehicle valuation and levy discoveries created in August 2017.

**Background/Purpose of Request:**

To accept the value and charge the Tax Collector with the levy as specified for each tax jurisdiction.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve the September 2017 motor vehicle valuation and levy discoveries created in August 2017.

**ATTACHMENTS:**

Description

- ☐ September 2017 MV Val & Levy Memo (August 2017)
- ☐ September 2017 (August 2017) MV Val & Levy Discovery Totals



**County of Brunswick**  
**OFFICE OF THE TAX ADMINISTRATOR**  
PO Box 269, BOLIVIA, NC 28422  
910-253-2829 TELEPHONE  
910-253-2861 FAX  
WWW.BRUNSWICKCOUNTYNC.GOV

**JEFFERY P NIEBAUER**  
TAX ADMINISTRATOR

**TONY MASIERO**  
ASST TAX ADMINISTRATOR

**MELINDA ORE**  
DEPUTY TAX COLLECTOR

**MEMORANDUM**

**TO:** Brunswick County Board of Commissioners

**FROM:** Jeffery P Niebauer, Tax Administrator

**DATE:** September 5, 2017

**SUBJECT:** August 2017 Motor Vehicle Discovery Valuation & Levy

Attached please find the August 2017 motor vehicle discovery valuation and levy effective September 1, 2017 for motor vehicle discoveries in Brunswick County and related municipalities and Doshier Hospital District.

Please accept these valuations and charge the county tax collector with the levy as specified for each taxing jurisdiction per said attachment.

Thank you and if you have any questions, please contact me at your convenience.

cc: Julie Miller, Director of Fiscal Operations

Aug-17

## DMV Monthly Discovery

9/1/2017

#	Unit Names	Tax Amt	Appr Value	Spec Eq Val	# Bills	Rate
25	BELVILLE	-	-	-	-	0.0900
20	BOILING SPRING LAKES	-	-	-	-	0.2100
23	BOLIVIA	-	-	-	-	0.0500
19	CALABASH	-	-	-	-	0.0875
18	CAROLINA SHORES	-	-	-	-	0.1016
16	CASWELL BEACH	-	-	-	-	0.2400
13	HOLDEN BEACH	-	-	-	-	0.2200
31	LELAND	-	-	-	-	0.2100
14	OAK ISLAND	19.15	6,873	-	4	0.3100
24	NAVASSA	-	-	-	-	0.2000
28	NORTHWEST	-	-	-	-	0.2400
12	OCEAN ISLE BEACH	-	-	-	-	0.1875
26	SANDY CREEK	-	-	-	-	0.2500
22	SHALLOTTE	-	-	-	-	0.3500
21	SOUTHPORT	-	-	-	-	0.2956
11	SUNSET BEACH	-	-	-	-	0.1600
27	VARNA MTOWN	-	-	-	-	0.0500
17	VILLAGE OF BHI	-	-	-	-	0.6663
29	ST JAMES	-	-	-	-	0.0500
	BRUNSWICK COUNTY	129.55	28,038	-	18	0.4850
30	DOSHER HOSPITAL	2.75	6,873	-	4	0.0400
Total all Cities		19.15	6,873	-	4	
Total all Units		151.45	41,784	-	26	

Aug-17

## DMV Discovery - LESS THANS TOTAL

9/1/2017

#	Unit Names	Tax Amt	Appr Value	Spec Eq Val	# Bills	Rate
25	BELVILLE	-	-	-	-	0.0900
20	BOILING SPRING LAKES	-	-	-	-	0.2100
23	BOLIVIA	-	-	-	-	0.0500
19	CALABASH	-	-	-	-	0.0875
18	CAROLINA SHORES	-	-	-	-	0.1016
16	CASWELL BEACH	-	-	-	-	0.2400
13	HOLDEN BEACH	-	-	-	-	0.2200
31	LELAND	-	-	-	-	0.2100
14	OAK ISLAND	-	-	-	-	0.3100
24	NAVASSA	-	-	-	-	0.2000
28	NORTHWEST	-	-	-	-	0.2400
12	OCEAN ISLE BEACH	-	-	-	-	0.1875
26	SANDY CREEK	-	-	-	-	0.2500
22	SHALLOTTE	-	-	-	-	0.3500
21	SOUTHPORT	-	-	-	-	0.2956
11	SUNSET BEACH	-	-	-	-	0.1600
27	VARNA MTOWN	-	-	-	-	0.0500
17	VILLAGE OF BHI	-	-	-	-	0.6663
29	ST JAMES	-	-	-	-	0.0500
	BRUNSWICK COUNTY	-	-	-	-	0.4850
30	DOSHER HOSPITAL	-	-	-	-	0.0400
Total all Cities		-	-	-	-	
Total all Units		-	-	-	-	



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # VI. - 1.**

**From:**

Andrea White

Winyah Rivers Foundation/Waccamaw Riverkeeper Presentation  
(Cara Schildtknecht, Waccamaw Riverkeeper)

**Issue/Action Requested:**

Request that the Board of Commissioners receive a presentation from the Waccamaw Riverkeeper.

**Background/Purpose of Request:**

The Waccamaw Riverkeeper Program is a program of Winyah Rivers Foundation. The Foundation's mission is to protect, preserve, monitor and revitalize the lands and waters of the greater Winyah Bay Watershed. The Waccamaw Riverkeeper is a full-time, paid advocate for the Waccamaw River watershed and implements education and advocacy programs focused on the 1,640 square mile watershed in North and South Carolina.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Not Applicable

**Advisory Board Recommendation:**

Not Applicable

**County Manager's Recommendation:**

Request that the Board of Commissioners receive a presentation from the Waccamaw Riverkeeper.

**ATTACHMENTS:**

Description

▣ Presentation



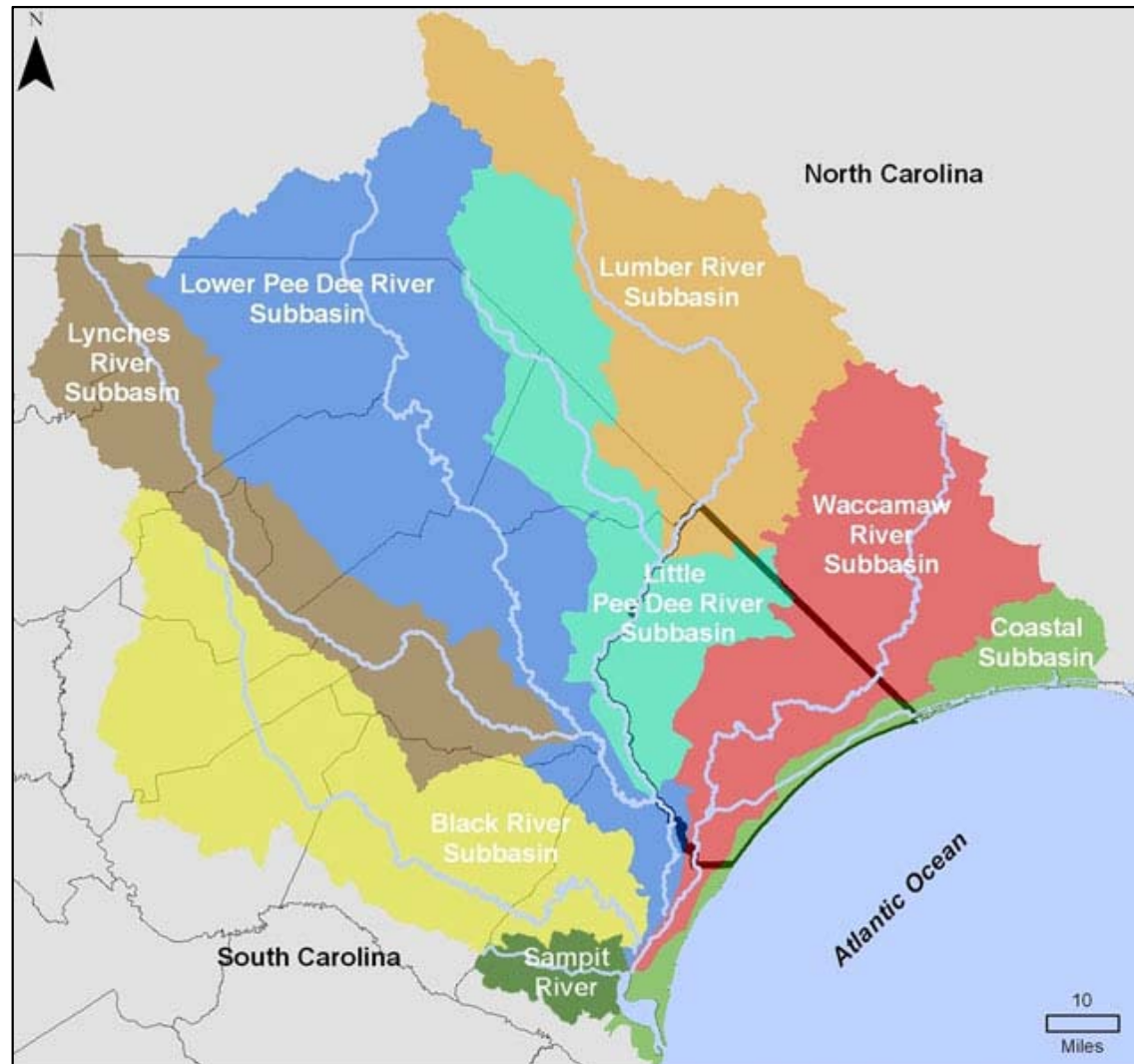
# Winyah Rivers Foundation

Our work in Brunswick County, North Carolina

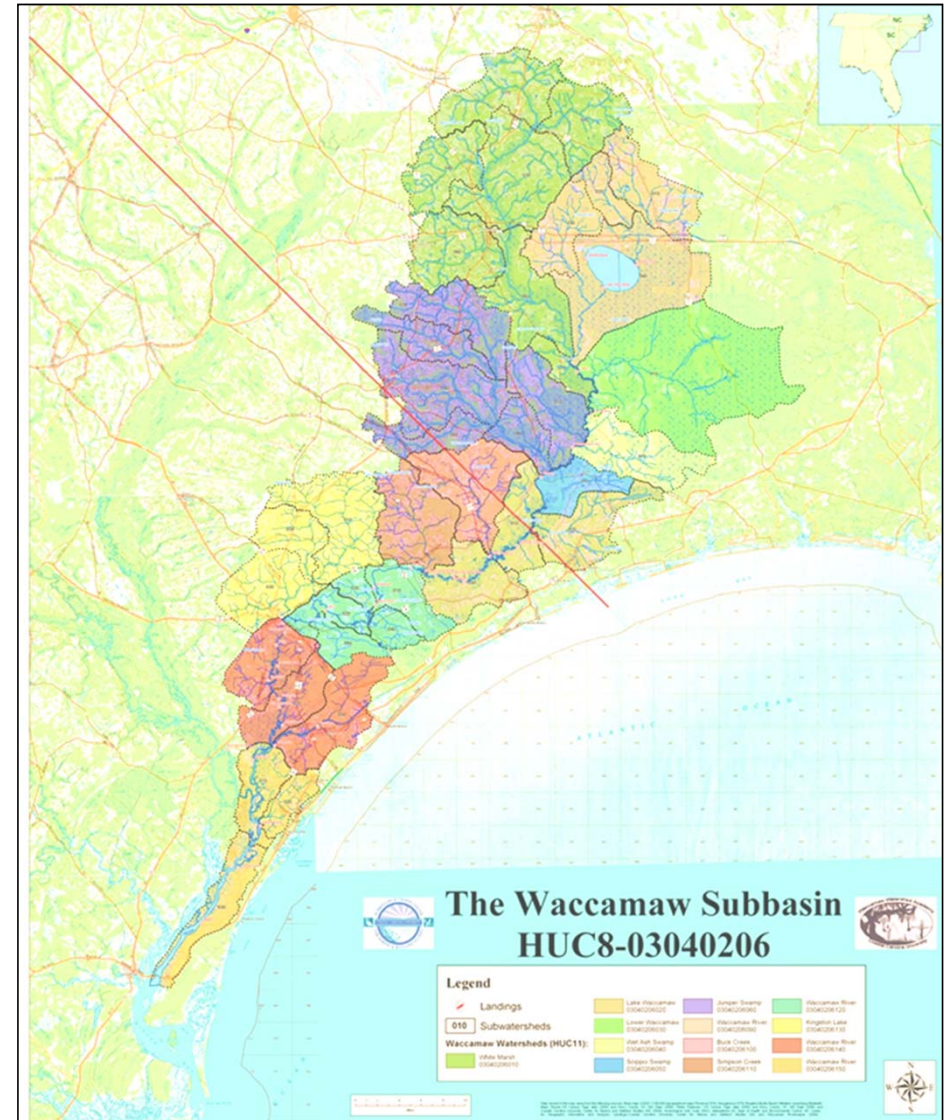


Winyah Rivers Foundation is a 501(c)(3) nonprofit organization dedicated to protecting clean water in our watershed.

Our mission is to protect, preserve, monitor, and revitalize the lands and waters of the greater Winyah Bay watershed.



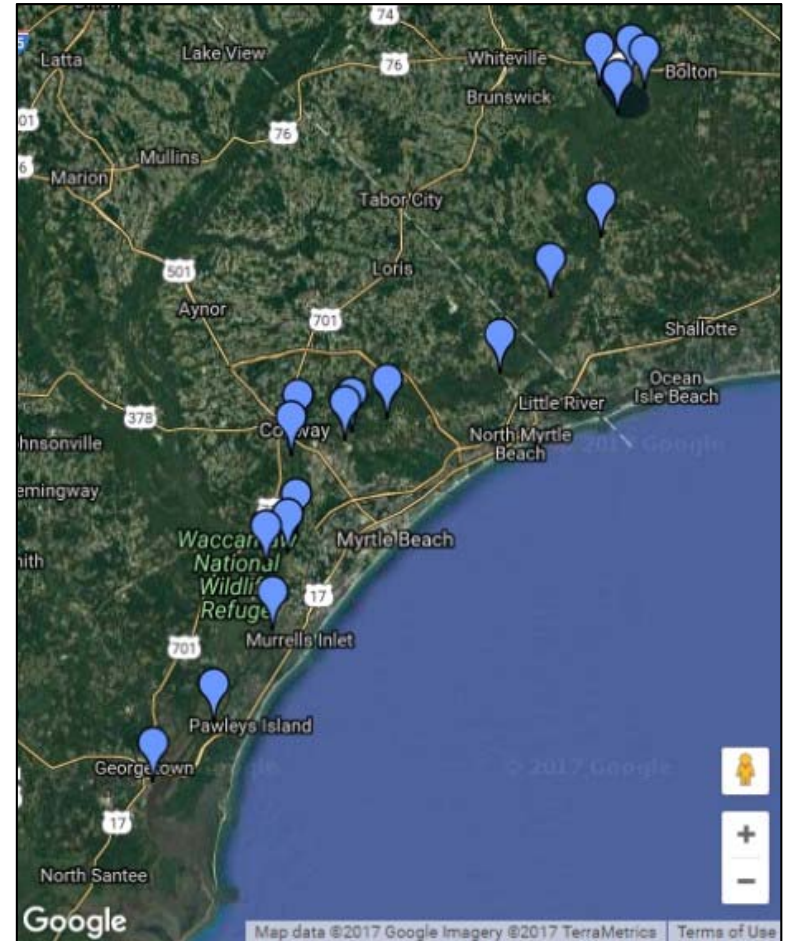
# Waccamaw RIVERKEEPER®



# Waccamaw Volunteer Water Quality Monitoring Program

Volunteers have been monitoring water quality in the Waccamaw watershed since 2006.

Nine teams monitor 18 sites in four counties in North Carolina and South Carolina.

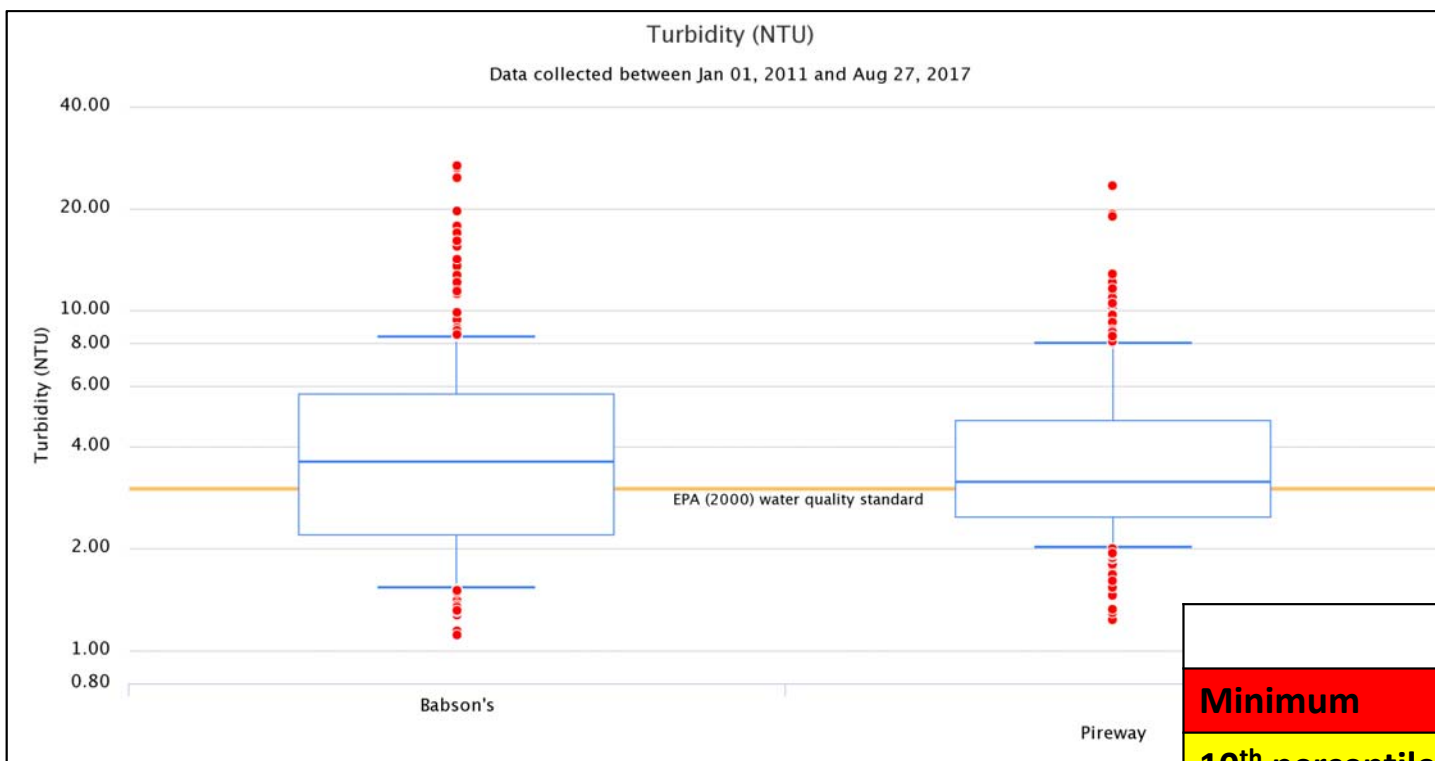


Babson's and Pireway are  
the two sampling sites in  
Brunswick County





Teams measure temperature, dissolved oxygen, pH, conductivity, turbidity, nutrients, *E. coli*, and total coliform.

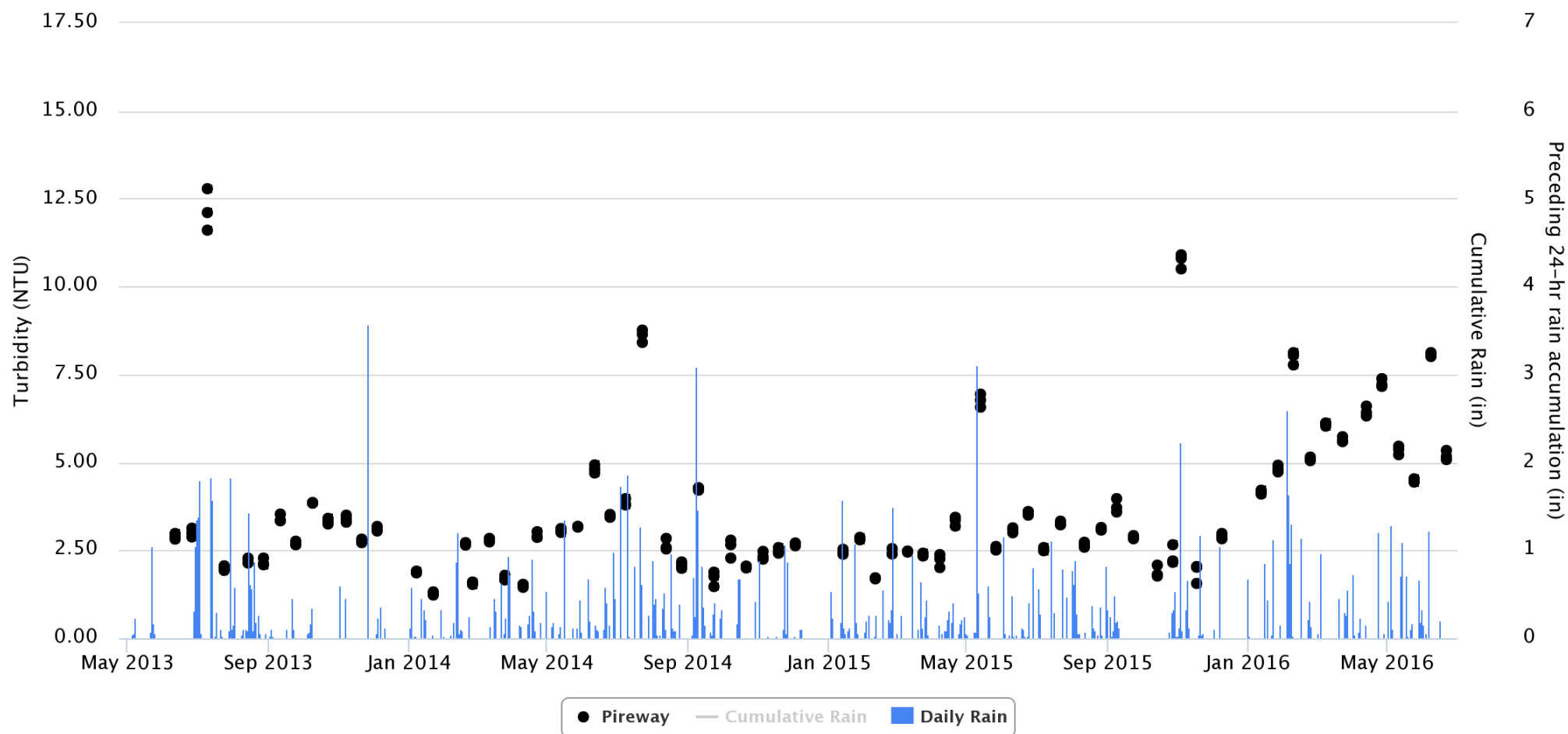


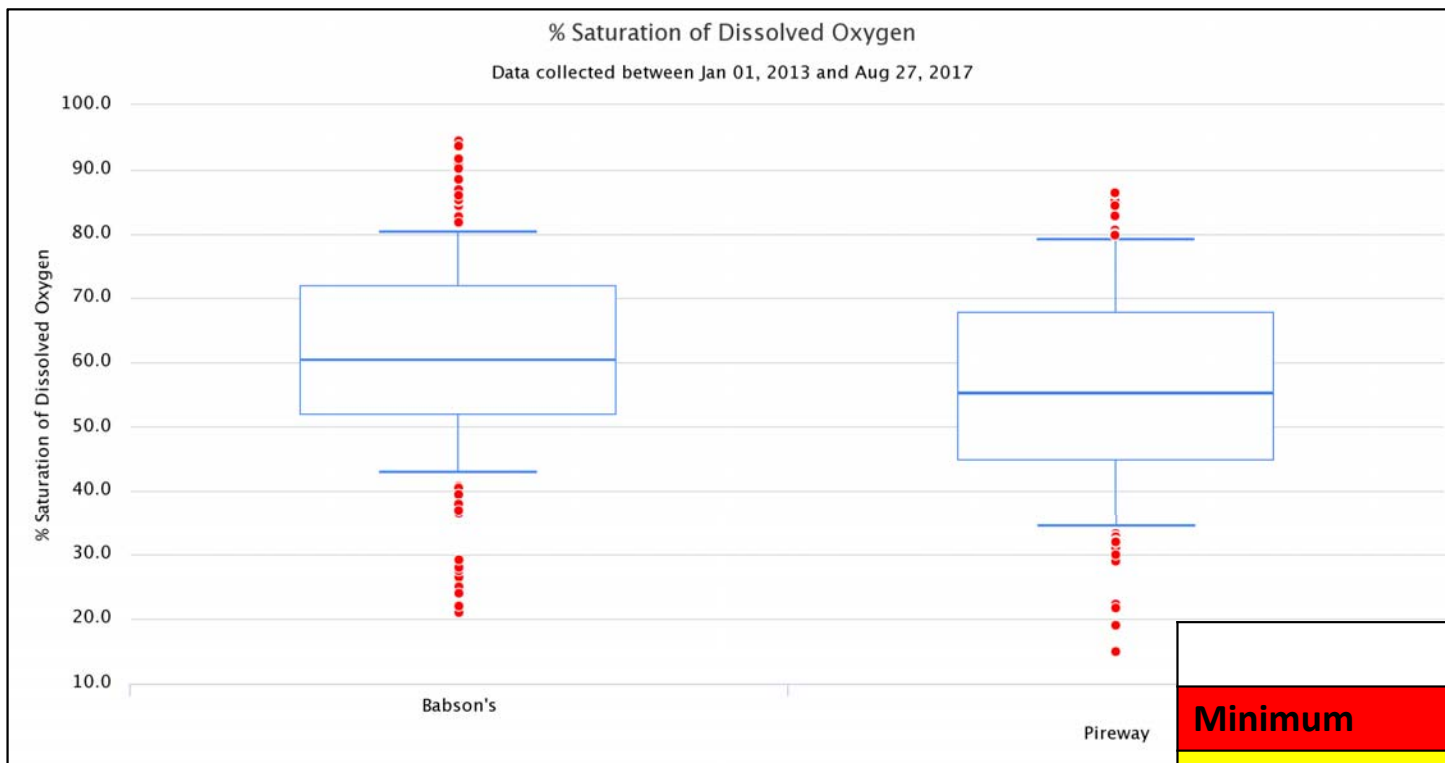
Data is publicly available at:  
<http://www.coastal.edu/intranet/www/vm/>

	Babson's	Pireway
<b>Minimum</b>	1.11	1.23
<b>10<sup>th</sup> percentile</b>	1.53	2.00
<b>25<sup>th</sup> percentile</b>	2.18	2.47
<b>Median</b>	3.61	3.13
<b>75<sup>th</sup> percentile</b>	5.68	4.73
<b>90<sup>th</sup> percentile</b>	8.37	8.01
<b>Maximum</b>	26.80	23.40

## Turbidity (NTU) for Pireway

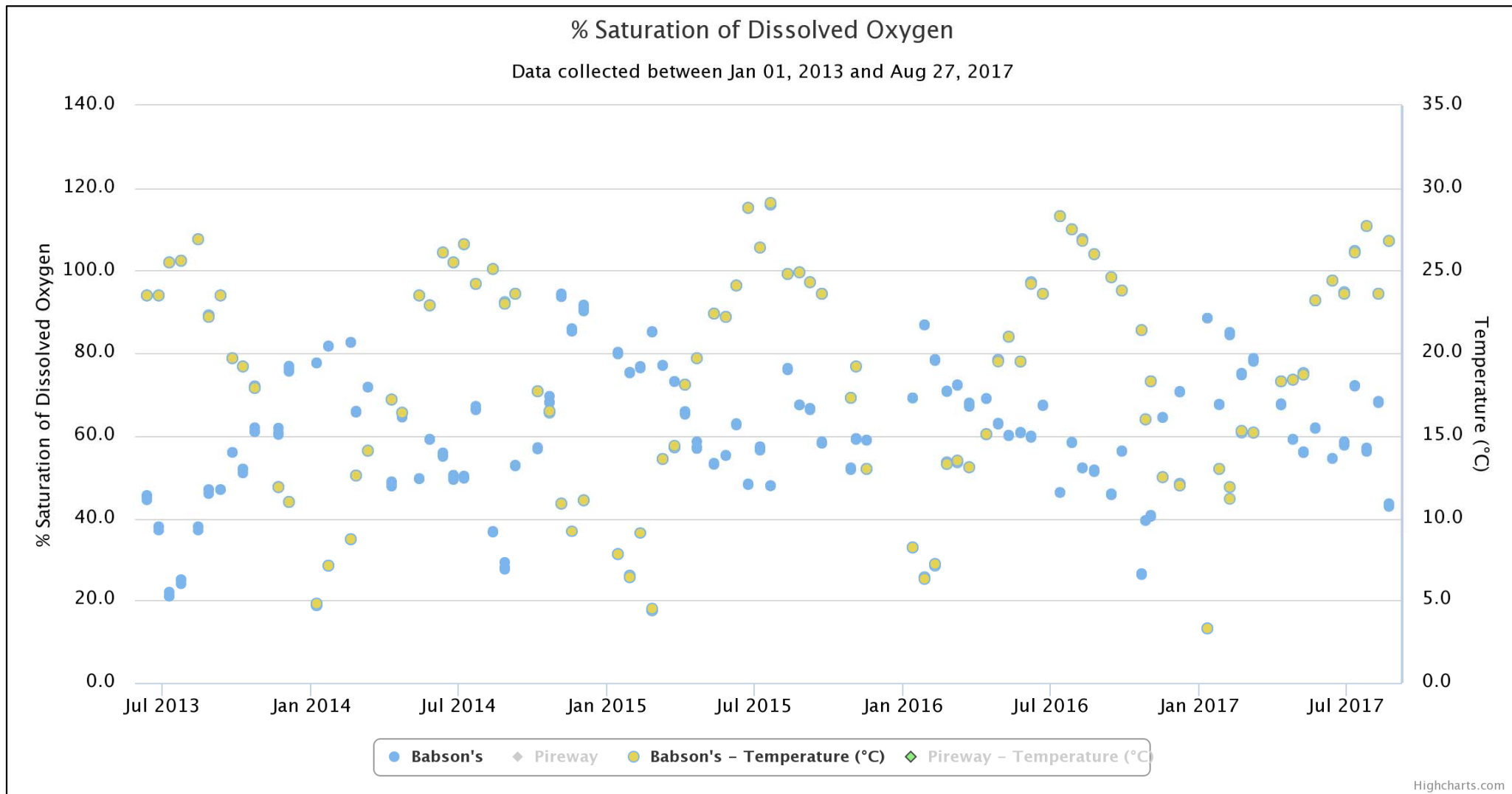
Data collected between Jan 01, 2011 and Aug 27, 2017





	Babson's	Pireway
<b>Minimum</b>	21.0	15.0
<b>10<sup>th</sup> percentile</b>	42.9	34.4
<b>25<sup>th</sup> percentile</b>	52.0	44.9
<b>Median</b>	60.3	55.1
<b>75<sup>th</sup> percentile</b>	71.8	67.7
<b>90<sup>th</sup> percentile</b>	80.3	79.1
<b>Maximum</b>	94.4	86.5

Data is publicly available at:  
<http://www.coastal.edu/intranet/wwa/vm/>



## Slide 10

---

**CE8**

Don't know if Temp is a good parameter to show. How about another parameter that you can then explain what it means?

Christine Ellis, 9/6/2017

# RIVERKEEPER® Adopt-A-Landing Program

The Adopt-A-Landing program has only one adopted public landing in North Carolina.

Pireway Landing has been adopted by Grapefull Sisters Vineyard and the West Brunswick High School Fishing Club.

Adopters serve as stewards who keep our landings clean and safe.



# Brunswick County Projects

Waccamaw Volunteer Water Quality Monitoring Program

Waccamaw RIVERKEEPER® Adopt-A-Landing Program

Pure Farms, Pure Waters Campaign

Educational Outreach with West Brunswick High School Fishing Club

West Brunswick High Waccamaw River Bass Fishing Scholarship Tournament

# Thank you





**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**From:**  
Amy Aycock - Engineering Project  
Manager

**Action Item # VII. - 1.**

Engineering - Water Special Assessment District -- Marsh Bay  
Estates Subdivision --Final Assessment Resolution and Public  
Hearing (Amy Aycock)

**Issue/Action Requested:**

Request that the Board of Commissioners conduct a public hearing, approve the Final Assessment Resolution, and authorize staff to issue an RFQ for surveying, design, and permitting services for new water mains for Marsh Bay Estates subdivision.

**Background/Purpose of Request:**

In 2015, the South Brunswick Charter School on Sunset Harbor Road, with the assistance of Brunswick County, installed a new 12-inch water main to provide fire protection for the school. At that time, many residents in Marsh Bay Estates expressed interest in connecting to the water main. This subdivision is directly adjacent to the school property and is an older subdivision with 62 platted lots.

A neighborhood petition was distributed by the neighborhood facilitator to gauge interest in a special assessment in order to obtain water service; 53% of the responses were 'Yes'.

At the 8/21/17 meeting the Board received an update on this project from staff and approved the Preliminary Assessment Resolution.

Per the Neighborhood Petition Policy, a Public Hearing needs to be held to receive input from the property owners within the proposed Special Assessment District. A letter has been mailed to the property owners letting them know the date, time and place of the public hearing. Per policy, the maximum per parcel assessment rate is \$2,500. If the overall cost of the project exceeds the projected revenue generated by the assessment, the Board retains the right to reject any and all bids and cancel the Special Assessment.

If the Board desires to proceed at this time, please conduct the Public Hearing, approve the Final Assessment Resolution, and authorize staff to issue a Request for Qualifications for professional engineering services.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

**County Manager's Recommendation:**

Recommend that the Board of Commissioners conduct a public hearing, approve the Final Assessment Resolution, and authorize staff to issue an RFQ for surveying, design, and permitting services for new water mains for Marsh Bay Estates subdivision.

**ATTACHMENTS:**

### Description

- ❑ SAD Petition Policy
- ❑ Marsh Bay Subd Petition
- ❑ Marsh Bay Estates Map
- ❑ Parcels Served List
- ❑ Marsh Bay Estates - Cost Estimate
- ❑ Notarized Mailing Certification
- ❑ Affidavit of Publication - Marsh Bay Public Hearing
- ❑ Final Assessment Resolution

# **Brunswick County Neighborhood Water Main Extension Policy**

## **Petition Process**

### **20 or More Parcels**

#### **Petition Process**

The Brunswick County Board of Commissioners has established a Neighborhood Special Assessment District Petition Process for Water Distribution. This policy allows residents in existing neighborhoods with twenty (20) or more parcels to petition the board for the installation of water mains in their neighborhood so they may receive water service at their property. The board may allocate funds each year for the construction of water mains in neighborhoods that petition the board for service. Because of the high cost of installing sewer mains, the board has implemented a maximum per parcel assessment policy for water main petitions to allow property owners to know the maximum assessment amount at the time they sign the petition. The maximum assessment amount is a not-to-exceed amount so if the project cost is lower than expected, the property owner will be assessed the actual cost of the project. Current assessment rates may be found on the Public Utilities Department's rate schedule for the current fiscal year.

The first step in the petition process is for someone in the neighborhood to meet with the staff of the county's Engineering Services Department. The petition process will be explained to the resident and the resident will determine if they would like to proceed with circulation of a petition. If the resident decides to proceed, county staff will assist the resident in determining the area to be served. A map of the proposed service area will be developed and provided to the resident. County staff will also determine the property owners who would be served by the project and provide the resident with a petition form listing all of the property owners and their mailing addresses.

The resident would be responsible for circulating the petition in the neighborhood and collecting signatures of property owners. The petition shall be returned to the Engineering Services Department no later than ninety (90) days from the date it was issued by county staff to the resident. This is necessary to holding the maximum assessment rate.

Residents who rent their properties from the legal owner of a parcel are not eligible to sign the petition; while parcel owners who rent their property to a resident may sign. Multiple petition forms may be circulated as some property owners may not live in the neighborhood. Once the resident circulating the petition has obtained all of the signatures, and either yes or no on the petition, the petition form(s) are returned to the Engineering Services Department.

The Engineering Services Department staff will review the petition and determine the number of property owners who have signed the petition in favor of the project. If the number of property owners who have signed the petition exceeds 50% of the property owners eligible to sign the petition, the Engineering Services Department staff will forward the petition to the Utility Board for their consideration. If the Utility Board approves the petition, the petition will be forwarded to the Board of Commissioners for consideration.

Brunswick County's decision to undertake an assessment project shall not require endorsement from a majority of the property owners benefiting from said project. In determining whether or not to proceed with an assessment project, the Board of Commissioners will consider the needs of all property owners who are impacted by such a project and may establish a different minimum endorsement percentage for consideration of projects.

If approved, the board may choose to create the special assessment district for the design and construction of the project. Or, if all funds have been exhausted for the given fiscal year, it will be added to the Water Distribution System Special Assessment Districts Priority List. Using the priority list, assessment projects shall be rated using several factors. Based upon the ratings in this process, each project will be prioritized for construction by Brunswick County. The priority list is evaluated one time per fiscal year. All petitions received prior to the Board of Commissioners budget retreat will be evaluated in the next fiscal year's priority list. Depending on the priority ranking and the amount of funds available, the design of the water mains would start after July 1 with the new fiscal year.

#### **Priority Rating System**

To assist the Board of Commissioners in determining the projects that should be constructed in any particular year from all of the valid petitions received, county staff developed a priority rating system. Each project will be rated on six different criteria including cost per structure, cost per lot, percent of property owners signing the petition, public health concerns, roadway status, and existence of a sewer collection system. The rating criteria are weighted to reflect the importance of the rating criteria. Ranges have been established to eliminate subjectivity in the rating process. The rating process uses a 100 point scale with 100 being the highest point total.

After each project has been rated, the project will be ranked according to the number of points determined in the rating process. The project(s) with the highest number of points would be the first project(s) recommended to the Board of Commissioners for inclusion in the next budget year.

#### **Assessment**

At the beginning of the fiscal year, the Board of Commissioners will establish maximum per parcel assessment rates for Water Distribution System Special Assessment Districts.

If the Board of Commissioners orders the water mains to be installed in a neighborhood, the board will create a Special Assessment District. Property owners in the Special Assessment District will be required to pay their proportionate share of the total cost of constructing the water mains needed to provide service to their property. In this program, that proportionate share will be as follows:

If the cost of constructing the mains exceeds the amount of the maximum assessment rate set by the Board of Commissioners for the year the work was ordered, property owners in the Special Assessment District would pay said maximum assessment rate.

If the cost of constructing the mains is less than the amount of the maximum assessment rate set by the Board of Commissioners for the year the work was ordered, property owners in the Special Assessment District would only pay their proportionate share of the actual project cost.

Prior to establishment of the Special Assessment District, the Utility Board will hold a public hearing to receive input from those property owners within the Special Assessment District. Property owners within the Special Assessment District will receive a letter letting them know the date, time, and place of the public hearing.

If after receiving input from the property owners, the Board of Commissioners orders the work to be done, then the county staff will oversee the design and construction of the project. After completion of the project and receipt of all required approvals to operate the system, each property owner will receive a letter indicating the amount of the assessment on their property and notifying them that they may apply for service.

Extension to new development will not be financed through the assessment process. If undeveloped land within an assessment area benefits from an assessment project, then such land will be assessed for the improvements. Undeveloped land through or along the construction routes of offsite line extensions may also be assessed.

### **IMPORTANT**

**The Board of Commissioners reserves the right to reject any and all bids and cancel the Special Assessment District if the overall cost of the project exceeds the projected revenue generated by the assessment and the board considers the county's required contribution to make up the difference between the project cost and assessment revenue is excessive.**

Upon completion of the project, property owners will be notified and a Final Assessment Roll adopted. Liens against the property will be recorded as security for the amount of the assessment. Assessments may be paid without interest at any time before the expiration of thirty (30) days from the date that notice of confirmation of the Final Assessment Roll is published. If the assessments are not paid within this time, all installments shall bear interest at a rate set by the Board of Commissioners in the assessment proceedings until paid. The payment period for the installment payment of assessments shall be three (3) years. In the event one or more payments of the assessment against a parcel of property are not made in accordance with the terms for such payment, Brunswick County may take action under the lien to collect the money due.

For property owners with existing structures on their property who make application for service and pay their assessment in total within one year of the notice of confirmation of the Final Assessment Roll, the Water Capital Recovery Fee will be waived. The property owner will still be required to pay the Water Transmission Fee. All property owners with existing structures connecting after the expiration of the one-year period will be required to pay the Capital Recovery Fee and Wastewater Transmission Fee in effect at the time of application for service.

In some cases, the county may elect to increase the size of the water main beyond the size needed to provide potable water service and fire protection within the SAD. The maximum amount of the assessment to the property owner will be based upon the assessment rate established by the Board of Commissioners regardless of the size of the main installed.

## **Brunswick County Public Utilities**

### *Administration*

P. O. Box 249 Bolivia, NC 28422  
250 Grey Water Road NE Supply, NC  
910-253-2657

### *Customer Service / Billing*

P. O. Box 469  
Bolivia, NC 28422  
75 Courthouse Drive NE  
910-253-2655 (option 3)

## **Engineering Services**

P. O. Box 249  
Bolivia, NC 28422  
75 Courthouse Drive NE  
Building I  
910-253-2500

# MARSH BAY SUBDIVISION

PARCEL ID	PHYSICAL ADDRESS	OWNER	MAILING ADDRESS	CITY	STATE	ZIP CODE	YES	NO	SIGNATURE
1 202AA009	2204 HARBOR RIDGE DR	BUTLER DAVID G	3488 FENNELTOWN ROAD	ROCKY POINT	NC	28457	✓		<i>David Butler</i>
2 202AA002	2207 HARBOR RIDGE DR	DAVIS DANIEL L ETUX MARCIA REHM-DAV	2207 HARBOR RIDGE DR SE	BOLIVIA	NC	28422	✓		<i>Marcia Davis</i>
3 202AA010	2208 HARBOR RIDGE DR	HOLDEN DONNA F	2208 HARBOR RIDGE DRIVE	BOLIVIA	NC	28422			<i>wouldn't sign</i>
4 202AA011	2212 HARBOR RIDGE DR	SHOOK JACOB D <i>Rental</i> ✓	2212 HARBOR RIDGE DR SE	BOLIVIA	NC	28422			<i>Rental - bad address</i>
5 202AA003	2213 HARBOR RIDGE DR	WALLACE WILLIAM E ETUX CHARLOTTE B	2419 MILLBROOK DRIVE	HAW RIVER	NC	27258	✓		<i>William E. Waller</i>
6 202AA012	2216 HARBOR RIDGE DR	TRUDEAU MARC ET AMY S	2216 HARBOR RIDGE DR	BOLIVIA	NC	28422	✓		<i>Ammy Trudeau</i>
7 202AA013	2220 HARBOR RIDGE DR	JOHNSON RICHARD M ET	2224 HARBOR RIDGE DR SE	BOLIVIA	NC	28422	✓		<i>Richard Johnson</i>
8 202AA014	2224 HARBOR RIDGE DR	JOHNSON RICHARD M ET	2224 HARBOR RIDGE DR SE	BOLIVIA	NC	28422	✓		<i>Richard Johnson</i>
9 202AA015	2228 HARBOR RIDGE DR	MURPHY JOSHUA ETUX	2228 HARBOR RIDGE DR SE	BOLIVIA	NC	28422-8208			
10 202AA005	2229 HARBOR RIDGE DR	THOMAS WESLEY D ET ANGELA F	2229 HARBOR RIDGE DR	BOLIVIA	NC	28422			
11 202AA016	2232 HARBOR RIDGE DR	KATALINIC ANDREW P & PATRICIA H	2232 HARBOR RIDGE DR SE	BOLIVIA	NC	28422	✓		<i>Andrew Katalinics</i>
12 202AA017	2236 HARBOR RIDGE DR	LUCAS ROBERT W ET PAMELA F	2236 HARBOR RIDGE DRIVE	BOLIVIA	NC	28422	✓		<i>Robert Lucas</i>
13 202AA018	2240 HARBOR RIDGE DR	HOWARD LORI A	2240 HARBOR RIDGE ROAD SE	BOLIVIA	NC	28422	✓		<i>Bi Howard</i>
14 202AA007	2241 HARBOR RIDGE DR	ROMERO MARIA M ETALS <i>LETTER RENTAL</i>	PO BOX 55	SUPPLY	NC	28462			
15 202HA014	2242 HARBOR RIDGE DR	HARRIS DWAIN A & AMY IO DAUGHENBAU <i>LETTER</i> ✓	402 PHOENIX RD	PHILIPSBURG	PA	16866			
16 202HA001	2243 HARBOR RIDGE DR	GUSHUE FRANCIS A ETUX DEBORAH M	131 3RD STREET	ROME	NY	13440	✓		<i>Francis A Gushue</i>
17 202HAC15	2244 HARBOR RIDGE DR	MENDOZA ROSA JIMENEZ ✓	PO BOX 952	SUPPLY	NC	28462-0952	✓		<i>Rosa Jimenez Mendoza</i>
18 202HA002	2245 HARBOR RIDGE DR	YOPP CHARLES	14 ANNA TER	WHIPPANY	NJ	07981			<i>Deceased</i>
19 202HA016	2246 HARBOR RIDGE DR	RUBIO AMBER P	2246 HARBOR RIDGE DR SE	BOLIVIA	NC	28422	✓		<i>Amber Rubio</i>
20 202HA003	2247 HARBOR RIDGE DR	FRANKLIN GEORGE W ETUX BRENDA D	2247 HARBOR RIDGE DR	BOLIVIA	NC	28422	✓		<i>George Franklin</i>
21 202HA017	2248 HARBOR RIDGE DR	HILL JON A	PO BOX 4961	MOORESVILLE	NC	28117	✓		<i>Jon Hill</i>
22 202HA004	2249 HARBOR RIDGE DR	EDENS DONALD R ETUX	2249 HARBOR RIDGE DR SE	BOLIVIA	NC	28422-8208	✓		<i>Donald Edens</i>
23 202HA018	2250 HARBOR RIDGE DR	ENGLISH JOHN E <i>Letter</i>	PO BOX 356	STEDMAN	NC	28391		✓	<i>See ATTACHED letter</i>

# MARSH BAY SUBDIVISION

PARCEL ID	PHYSICAL ADDRESS	OWNER	MAILING ADDRESS	CITY	STATE	ZIP CODE	YES	NO	SIGNATURE
202AA009	2204 HARBOR RIDGE DR	BUTLER DAVID G	3488 FENNELTOWN ROAD	ROCKY POINT	NC	28457	✓	✓	DUPLICATE
202HA019	2252 HARBOR RIDGE DR	MASHBURN JAMES A JR ET RITA	285 FAIR BAIN ROAD	SANFORD	NC	27332	✓	✓	Abstain
202HA020	2254 HARBOR RIDGE DR	LETTER <del>HILL JON A</del>	PO BOX 4961	MOORESVILLE	NC	28117	✓		Karen Hickman
202HA013	2255 HARBOR RIDGE DR	THOMPSON JAMES M & KAREN M KIRKMAN	2255 HARBOR RIDGE DR SE	BOLIVIA	NC	28422			
202HA021	2258 HARBOR RIDGE DR	DEMELLO ROBERT PAUL & KAY A MORRISO	2258 HARBOR RIDGE DR SE	BOLIVIA	NC	28422			
202HA012	1853 PELICAN POINT CT	FRANCIS NATHAN A <del></del>	1853 PELICAN POINT COURT	BOLIVIA	NC	28422			
202HA005	1854 PELICAN POINT CT	DENSON AMANDA JOY	1854 PELICAN POINT CRT SE	BOLIVIA	NC	28422	✓		
202HA006	1856 PELICAN POINT CT	HAUGHT JEFFREY K ETUX	1856 PELICAN POINT CT SE	BOLIVIA	NC	28422-8223	✓		Ellen Haught
202HA011	1857 PELICAN POINT CT	HARTE LEO JAMES ETUX JULIA ANN	1857 PELICAN POINT CRT	BOLIVIA	NC	28422			Judy A Harke
202HA008	1860 PELICAN POINT CT	PORTER GARY DALE SR	1860 PELICAN POINT COURT	BOLIVIA	NC	28422	✓		Gary Porter
202HA010	1861 PELICAN POINT CT	HARTE LEO JAMES ETUX JULIA ANN	1857 PELICAN POINT CRT	BOLIVIA	NC	28422	✓	✓	DUPLICATE
202HA009	1862 PELICAN POINT CT	MARSH BAY HOA INC LETTER	428 HOLLY LN	FAYETTEVILLE	NC	28302			
202HA032	1865 PELICAN POINT CT	MARTIN CAROLYN	1865 PELICAN POINT CT SE	BOLIVIA	NC	28422	✓		Carolyn Martin
202HA022	1866 PELICAN POINT CT	PHILLIPS CHARLES T	1866 PELICAN POINT CT SE	BOLIVIA	NC	28422			Bonnie Phillips
202HA031	1869 PELICAN POINT CT	CONTE PENNY S ETALS LETTER	4747 GOLD HILL RD E	GOLD HILL	NC	28071			
202HA023	1870 PELICAN POINT CT	CAULDER FRED III ETUX LADONDA GREEN	1870 PELICAN POINT CT SE	BOLIVIA	NC	28422			Fred Caulder
202HA030	1873 PELICAN POINT CT	CONTE PENNY S ETALS LETTER	4747 GOLD HILL RD E	GOLD HILL	NC	28071			
202HA024	1874 PELICAN POINT CT	GLIDDEN HEATHER	1885 SUNSET COVE DR SE	BOLIVIA	NC	28422	✓		Heather Glidden
202HA025	1878 PELICAN POINT CT	AHNEMAN LAURA GOLDFUSS	2858 COX'S LANDING ROAD	BOLIVIA	NC	28422	✓		Laura Ahneman
202HA029	1879 PELICAN POINT CT	SIMMONS CHOWAN GAIL	1879 PELICAN POINT CT SE	BOLIVIA	NC	28422	✓		Chowan Simmons
202HA026	1882 PELICAN POINT CT	WHEELER JAMES W ETUX ANN S LETTER	2491 JAY AVE	WINSTON-SALEM	NC	27127			
202HA027	1886 PELICAN POINT CT	WIGGS BOBBY R ETUX TERESA J	218 TITAN ROBERTS RD	LILLINGTON	NC	27546	✓		Teresa Wiggs
202HA028	1887 PELICAN POINT CT	ANDREWS CHRISTINA D	1887 PELICAN POINT CT SE	BOLIVIA	NC	28422-8223	✓		CHRISTINA ANDREWS

①

# MARSH BAY SUBDIVISION

PARCEL ID	PHYSICAL ADDRESS	OWNER	MAILING ADDRESS	CITY	STATE	ZIP CODE	YES	NO	SIGNATURE	
202AA009	2204 HARBOR RIDGE DR	BUTLER DAVID G	3488 FENNELTOWN ROAD	ROCKY POINT	NC	28457	✓		DUPLICATE	243
202AA004	1851 SUNSET COVE DR	STROTHER EDWARD LEON ETUX JUDY ANN	1851 SUNSET COVE DR SE	BOLIVIA	NC	28422	✓		Ed Strother	254
201DF001	1854 SUNSET COVE DR	MCCUISTON MARK I ET	689 SUNSET DR SE	BOLIVIA	NC	28422			Mark McCuiston	(207)
201DF010	1855 SUNSET COVE DR	WILKINSON LEMAN J ET RUTH R	1855 SUNSET COVE RD	BOLIVIA	NC	28422			Didn't want to sign	205
201DF002	1858 SUNSET COVE DR	MARSH BAY HOA INC LETTER	428 HOLLY LN	FAYETTEVILLE	NC	28302	✓		Kay Land	
201DF011	1859 SUNSET COVE DR	LAND RAYMOND R & CAROLYN B	1859 SUNSET COVE DR SE	BOLIVIA	NC	28422-8210	✓			
201DF003	1862 SUNSET COVE DR	MCWHINNIE TINA L LETTER	62 PARK DR	EDINBURG	NY	12134		✓	Phyllis Hahn	
201DF004	1866 SUNSET COVE DR	HAHN PHYLLIS K	1866 SUNSET COVE SE	BOLIVIA	NC	28422	✓		Bugs	245
201DF012	1867 SUNSET COVE DR	WIGGINS BOBBIE ✓	1867 SUNSET COVE DR SE	BOLIVIA	NC	28422	✓		Wiggins	247
201DF005	1870 SUNSET COVE DR	CALVELAGE AILANNA ET VIR	1870 SUNSET COVE	BOLIVIA	NC	28422	✓		Don White	248
201DF006	1874 SUNSET COVE DR	DAVID HADDOCK PROPERTIES LLC	2811 OCEAN HWY W	SHALLOTTE	NC	28470-1785	✓		White	249
201DF007	1878 SUNSET COVE DR	WHITE TAWANNA L	PO BOX 455	BOLIVIA	NC	28422	✓		Dunbar	250
201DF008	1882 SUNSET COVE DR	SBARDELLA DAVID ET MITZI	1882 SUNSET COVE DR	BOLIVIA	NC	28422	✓		James Barber	251
201DF013	1885 SUNSET COVE DR	BAKER JAMES R	1885 SUNSET COVE SE	BOLIVIA	NC	28422	✓		Roberto Flores	252
201DF014	1891 SUNSET COVE DR	FLORES ROBERTO ETUX MIRIAM SERRANO	PO BOX 10196	SOUTHPORT	NC	28461	✓		see attached letter	253
201DF009	1894 SUNSET COVE DR	GREIG KIMBERLEY ANN LETTER	1118 HAMILTON PLACE CIR	COLUMBIA	SC	29229		✓		
201DF015	1895 SUNSET COVE DR	THOMAS WILBERT JR	1895 SUNSET COVE RD	BOLIVIA	NC	28422	✓		W. L. O. O.	254
202AA006	1898 SUNSET COVE DR	MCCUISTON MARK ETUX	689 SUNSET DR SE	BOLIVIA	NC	28422	✓			



RETREAT ST SE

8 inch (8.0 inches)  
Polyvinyl Chloride 12"

8 inch (8.0 inches)  
Polyvinyl Chloride 12"

8 inch (8.0 inches)  
High Density  
Polyethylene 14"

8 inch (8.0 inches)  
Polyvinyl Chloride 12"

LUNSET COVER DR

ACHIEVEMENT AVE SE

ADELAIDE DR SE

DEER PANTRY LSE

BANKS PL SE

BAHAMA PL SE

BACKFIN PL SE

**Exhibit B - Parcels Served**

202AA009	202HA015	202HA010	201DF002
202AA002	202HA002	202HA009	201DF011
202AA010	202HA016	202HA032	201DF003
202AA011	202HA003	202HA022	201DF004
202AA003	202HA017	202HA031	201DF012
202AA012	202HA004	202HA023	201DF005
202AA013	202HA018	202HA030	201DF006
202AA014	202HA019	202HA024	201DF007
202AA015	202HA020	202HA025	201DF008
202AA005	202HA013	202HA029	201DF013
202AA016	202HA021	202HA026	201DF014
202AA017	202HA012	202HA027	201DF009
202AA018	202HA005	202HA028	201DF015
202AA007	202HA006	202AA004	202AA006
202HA014	202HA011	201DF001	
202HA001	202HA008	201DF010	

**Marsh Bay Estates Water SAD (31)**

**7/27/2017**

**Construction and Engineering Cost Estimate**

**Brunswick County Engineering Department**

**Project Manager: Amy Aycock**

<b>Description</b>	<b>Quantity</b>	<b>Units</b>	<b>Unit Cost</b>	<b>Total Cost</b>
8" C900 DR 18 water main	2100	LF	\$25	\$52,500
6" C900 DR 18 water main	2450	LF	\$22	\$53,900
8" gate valves	4	EA	\$1,500	\$6,000
6" gate valves	3	EA	\$1,250	\$3,750
Concrete valve markers	7	EA	\$100	\$700
12" MJ Tapping Gate Valve & Box	1	EA	\$4,000	\$4,000
12" x 8" MJ Reducer	1	EA	\$500	\$500
8" x 6" valve reducer	3	EA	\$250	\$750
8" plug	1	EA	\$300	\$300
fire hydrants	6	EA	\$3,500	\$21,000
water service w/ meter box	62	EA	\$1,800	\$111,600
Concrete Thrust Blocking	1	CY	\$500	\$500
Change Order Allowance	1	EA	\$25,000	\$25,000
Clean Select Fill	1	EA	\$1,000	\$1,000
No 57 Stone Bedding	1	EA	\$1,750	\$1,750
Clearing & Grubbing	1	EA	\$8,500	\$8,500
Seeding & Mulching	1	EA	\$6,000	\$6,000
Testing & Chlorination Services	1	EA	\$2,000	\$2,000

<b>TOTAL ESTIMATED CONSTRUCTION COST</b>	<b>\$299,750</b>
--	------------------

**Engineering Surveying, Design, Construction Management, Asbuilts:**

**\$52,456**

<b>TOTAL ESTIMATED PROJECT COST</b>	<b>\$352,206</b>
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STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

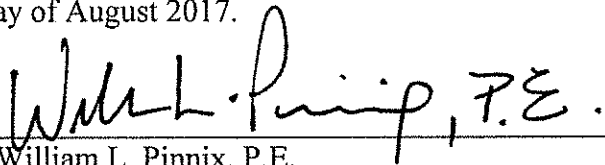
CERTIFICATION

Comes now the Affiant, who first being deposed, alleges and says the following:

My name is William L. Pinnix, and I am the Director of Engineering Services with the Brunswick County Engineering Department, being first so employed on the 13<sup>th</sup> day of December, 2010. As such, I am required to perform certain functions of the Brunswick County Engineering Department.

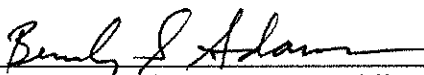
On August 24, 2017, all of the Notices to all properties included in Special Assessment #31 (Marsh Bay Estates Water Project) were mailed by first class mail from the Brunswick County Complex in Bolivia, North Carolina, notifying owners of all such properties of the upcoming hearing on September 18, 2017.

Respectfully submitted this the 25<sup>th</sup> day of August 2017.

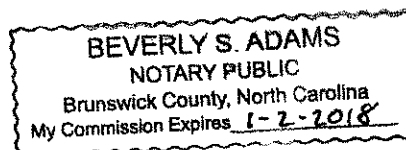


William L. Pinnix, P.E.  
Director of Engineering Services  
Brunswick County Engineering Department  
P. O. Box 249  
Bolivia, NC 28422

Sworn to and subscribed before me this the 25<sup>th</sup> day of August 2017.

  
Beverly S. Adams, Notary Public

My Commission expires: January 2, 2018.



BRUNSWICK COUNTY  
NORTH CAROLINA



Brunswick County  
**PUBLIC NOTICE**

The Brunswick County Board of Commissioners will conduct a Public Hearing on Monday, September 18, 2017, at 6:00 p.m., in the Commissioners Chambers, David R. Sandifer County Administration Building, 30 Government Center Drive NE, Bolivia, North Carolina on the Preliminary Assessment Resolution adopted by the Brunswick County Board of Commissioners at its regular meeting on August 21, 2017. Said Preliminary Assessment Resolution is available at the Office of the Clerk to the Board of the Brunswick County Commissioners for inspection. The Preliminary Assessment Resolution and the Special Assessment that it will authorize is in the nature of improving and expanding Brunswick County Utilities in the area known as Marsh Bay Estates, near Sunset Harbor, NC. This proposed Special Assessment will provide water to all parcels located in the development currently known as Marsh Bay Estates.

All citizens affected are encouraged to attend the Public Hearing and make comments.

Andrea White  
Clerk to the Brunswick Board of Commissioners

(8-30)

**DAVIT OF PUBLICATION**

igned, a Notary Public of said County and State, qualified and authorized by law to administer appeared MARISA BUNDRICK, who, being poses and says that she is the employee author- affidavit, of The State Port Pilot Inc., engaged f a newspaper known as THE STATE PORT issued and entered as periodicals mail in the said County and State; that the notice or other a true copy of which is attached hereto, was STATE PORT PILOT on the following dates:

8/30

aper in which said notice, paper, document or was published was, at the time of each and on, a newspaper meeting all of the requirements Section 1-597 of the General Statutes of North

Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

This the 31st day of August, 2017.

Marisa Bundrick  
(Signature of person making affidavit)

Sworn to and subscribed before me this 31st day of August, 2017.

Janet L. Keyes  
Notary Public

JANET L. KEYES  
Notary Public, North Carolina  
Brunswick County  
My Commission Expires  
December 17, 2019



FINAL ASSESSMENT RESOLUTION FOR THE EXTENDING OF THE  
BRUNSWICK COUNTY UTILITY SYSTEM INTO THE AREA KNOWN AS  
MARSH BAY ESTATES (#31)

The Brunswick County Board of Commissioners in regular session, duly assembled on September 18, 2017, do hereby resolve as follows:

1. This is a final assessment resolution enacted pursuant to the provisions of North Carolina General Statute 153A-192.
2. The Brunswick County Board of Commissioners does hereby direct that the Marsh Bay Estates Special Water Assessment be undertaken pursuant to North Carolina General Statute 153A-185 et. seq. to extend water service into the area known as Marsh Bay Estates Assessment District, which generally includes the development known as Marsh Bay Estates in Lockwood Folly Township and areas in the development, generally shown on the attached map (Exhibit A), and an attached list of parcels served (Exhibit B), said documents open for public inspection.
3. The nature of the project is the construction of water distribution lines and the location of the project is that area included in the description (Exhibit A), said exhibit showing all the affected parcels as described by the Brunswick County Geographic Information Services and the Brunswick County Tax Office, is on file with and available for inspection at the office of the Clerk to the Board of Commissioners and is hereby incorporated as if fully set out herein which area is hereby identified as the "benefit zone".

4. The proposed basis for making assessments shall be one as set forth in North Carolina Statute 153A-186, specifically, the number of lots served or subject to being served by the project at an equal rate per lot, which are all included in a general description of the boundaries of the area benefited and those outer boundaries are described in "Exhibit A".

5. The percentage of the costs of the work to be assessed is One Hundred Percent (100%), and the parcels assessed may also be subject to any system impact fees.

6. Assessments may be held in abeyance in the discretion of the County.

7. The proposed terms of payment shall be payment in full thirty (30) days following the date of the publication of notice of the confirmation of the assessment roll, unless an owner qualifies for installment payments upon such terms and conditions as determined by the County, which shall be liberally granted, with interest accruing thereafter at the rate as allowed in NCGS §153A-200 (a), which shall not exceed Eight percent (8%).

This the 18<sup>th</sup> day of September, 2017.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

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Frank Williams, Chairman

ATTEST:

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Andrea White, NCCCC  
Clerk to the Board



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # VII. - 2.**

**From:**  
Mike Hargett, Director

Planning - Rezoning Public Hearing Z-17-753 (Kirstie Dixon,  
Planning Manager)

**Issue/Action Requested:**

Request that, after the Public Hearing, the Board of Commissioners approve First and Second Readings of the proposed amendment to the Brunswick County Unified Development Ordinance (Z-17-753) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density).

**Background/Purpose of Request:**

The proposed zoning change from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) would allow for commercial use of the property for Tax Parcel 20500025. This rezoning totals approximately 3.30 acres.

At the Planning Board meeting, Mr. Charles F. Riggs (applicant) stated that C-LD zoning was recently approved in the immediate area and the current residential zoning is not appropriate for this site as the site is more compatible with the surrounding C-LD zoning.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

At their meeting on August 14, 2017, the Planning Board voted unanimously to recommend approval of the rezoning as proposed.

Members Present: Eric Dunham, Joy Easley, Richard Leary, Tom Simmons, Randy Ward, Chris Stanley, and William Bittenbender.

Member Absent: Troy Price

**County Manager's Recommendation:**

Recommend that, after the Public Hearing, the Board of Commissioners approve First and Second Readings of the proposed amendment to the Brunswick County Unified Development Ordinance (Z-17-753) from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density).

**ATTACHMENTS:**

Description

- ☐ Second Sheet
- ☐ Staff Report
- ☐ Zoning Map

- ▣ Land Use Plan Map
- ▣ Site Photos
- ▣ Minutes

**GOVERNING BOARD ACTION**  
**(per N.C.G.S. 153A-341)**

**Zoning Map Amendment No. Z-753**

**Description:** Change recommended in Zoning District from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 20500025. This zoning change totals approximately 3.30 acres.

I. THE REZONING DESCRIBED ABOVE 

<input checked="" type="checkbox"/> <b>IS CONSISTENT</b>
<input type="checkbox"/> <b>IS NOT CONSISTENT</b>

 WITH  
THE BRUNSWICK COUNTY CAMA LAND USE PLAN.

II. THE REZONING DESCRIBED ABOVE 

<input checked="" type="checkbox"/> <b>IS</b>
<input type="checkbox"/> <b>IS NOT</b>

 REASONABLE  
AND IN THE PUBLIC INTEREST BASED ON THE FOLLOWING:

**There was no opposition from the public and the surrounding area has similar zoning.**

**[MOTION NEEDED TO ADOPT STATEMENTS I & II ABOVE]**

THEREFORE, on the basis of all the information provided including the foregoing,  
the Brunswick County Board of Commissioners 

<input checked="" type="checkbox"/> <b>Approve</b>
<input type="checkbox"/> <b>Deny</b>

 the Rezoning with the associated conditions as presented.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

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Frank Williams, Chairman

ATTEST:

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Clerk to the Board

First Reading: \_\_\_\_\_

Public Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

# ORIGINAL REZONING STAFF REPORT

## REZONING STAFF REPORT

Date: August 14, 2017

Case#: Z-753

Tax Parcel(s): 20500025

Location: Located off Long Beach Road (NC 133) near Southport

Acreage: 3.30

Applicant(s): Charles F. Riggs



### APPLICATION OVERVIEW

The applicant is seeking to rezone approximately 3.30 acres off Long Beach Road SE (NC 133) from R-7500 (Low Density Residential) to CLD (Commercial Low Density) for Tax Parcel 20500025. This request is for a conventional rezoning and no conditions are proposed. The owner and adjacent owners have been notified of the proposed rezoning via first class mail.

### ZONING ANALYSIS

#### Proposed Zoning Request:

From: R-7500 (Low Density Residential)

To: CLD (Commercial Low Density)

*"This District is intended primarily to be used in outlying areas, adjacent to major thoroughfares, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfares. Commercial uses in this District will serve the needs of residential neighborhoods for auto-dependent commercial facilities; and serve the needs of highway oriented tourist business."*

#### SURROUNDING AREA ZONING DESIGNATIONS

North: R-7500 & CLD

South: CLD

East: CLD

West: CLD

*Tax Parcel 2050002504 and 2050002505 located nearby was rezoned to CLD as part of Rezoning Case Z-737 on May 2, 2016.*

MINIMUM REQUIRED PROJECT BOUNDARY BUFFER*				
Required Opacity	Alternative 1	Alternative 2	Alternative 3 Plantings + 6-Foot Fence	Alternative 4 Plantings + 6-Foot Wall
0.2	10 feet 1 canopy 1 understory 7 shrubs	10 feet 1 canopy 2 understory 3 shrubs	Not available	Not available
0.4	20 feet 2 canopy 4 understory 25 shrubs	20 feet 2 canopy 6 understory 9 shrubs	15 feet 0 canopy 3 understory 3 shrubs	10 feet 0 canopy 3 understory 3 shrubs
0.6	30 feet 3 canopy 6 understory 34 shrubs	30 feet 3 canopy 8 understory 13 shrubs	20 feet 0 canopy 3 understory 3 shrubs	15 feet 0 canopy 3 understory 3 shrubs
0.8	50 feet 5 canopy 7 understory 43 shrubs	50 feet 4 canopy 10 understory 17 shrubs	35 feet 0 canopy 5 understory 7 shrubs	25 feet 0 canopy 5 understory 7 shrubs
1.0	80 feet 5 canopy 8 understory 49 shrubs	80 feet 4 canopy 11 understory 19 shrubs	60 feet 0 canopy 5 understory 7 shrubs	40 feet 0 canopy 5 understory 7 shrubs

\* Buffer Depths and Plants Required Per 100 Linear Feet

# ORIGINAL REZONING STAFF REPORT

## LAND USE ANALYSIS

### Current Surrounding Area Land Use(s):

- ☐ Agricultural/Conservation/Forestry Lands ☒ Vacant/Undeveloped Property  
☒ Residential ☒ Commercial ☐ Industrial ☐ Institutional ☐ Utility

### Brunswick County CAMA Land Use Plan Land Use Classification: Commercial

- ☒ Consistent with the Land Use Plan Map ☐ Not Consistent with Land Use Plan Map

### Brunswick County CAMA Land Use Plan policies affecting this rezoning:

- P.16 states that Brunswick County strongly supports commercial nodes, including town or village centers, and the prohibition of strip commercialization.
- P.17 states that Brunswick County encourages/supports commercial development (nodes) at the intersections of major roads consistent with the County's future land use map.
- P.49 states that Brunswick County supports directing more intensive land uses to areas that have existing or planned infrastructure.
- P.112 states that Brunswick County will encourages industrial and commercial development in areas with existing infrastructure that does not infringe on existing medium density residential areas.

### Capital Improvement Plan (CIP):

- ☒ CIP Projects ☐ No CIP Projects

CIP Project(s)	Scheduled
New Middle School	FY 2019
Smithville Park	FY 2018

### Future Surrounding Areas Land Use(s):

The area surrounding this rezoning site has been experiencing growth based upon recent land development activities submitted to the Brunswick County Planning Department. NCDOT recently opened this portion of Long Beach Road. The area is primarily commercial with a few residences. There has been some non-residential development along the Long Beach Road & River Road Corridors. There are no new or existing planned developments or subdivisions in this area. Tax Parcels 2050002504, 2050002505, and 2050002506 located across Long Beach Road was rezoned to CLD as part of Rezoning Case Z-737 on May 2, 2016.

## INFRASTRUCTURE AND SERVICE IMPACTS

### SCHOOL CAPACITY:

<b><i>Elementary School:</i></b> <b><u>Southport</u></b>	<b><i>Middle School:</i></b> <b><u>South Brunswick</u></b>	<b><i>High School:</i></b> <b><u>South Brunswick</u></b>
<input checked="" type="checkbox"/> Adequate Capacity	<input checked="" type="checkbox"/> Adequate Capacity	<input type="checkbox"/> Adequate Capacity
<input type="checkbox"/> Two-Year Capacity Warning	<input type="checkbox"/> Two-Year Capacity Warning	<input checked="" type="checkbox"/> Two-Year Capacity Warning
<input type="checkbox"/> Out-of-Capacity	<input type="checkbox"/> Out-of-Capacity	<input type="checkbox"/> Out-of-Capacity

### MAJOR ROADWAY IMPACTS:

<b><u>ROAD ACCESS AND CAPACITY:</u></b> <input type="checkbox"/> <b>Wilmington MPO</b> <input type="checkbox"/> <b>Grand Strand MPO</b>													
<table><tr><th>Road</th><th>Capacity Deficiencies</th></tr><tr><td>Long Beach Road SE (NC 133)</td><td>None</td></tr></table>	Road	Capacity Deficiencies	Long Beach Road SE (NC 133)	None									
Road	Capacity Deficiencies												
Long Beach Road SE (NC 133)	None												
<b><u>NCDOT PROJECTS AND STUDIES:</u></b> <input type="checkbox"/> <b>NONE</b>													
<table><tr><th>Project</th><th>Project Type</th><th>Project Description</th><th>Status</th></tr><tr><td>U-5932</td><td>STIP</td><td>NC 211 Convert to Interchange</td><td>Not scheduled</td></tr><tr><td>R-5021</td><td>STIP</td><td>NC 211 Widening to a 4 Lane Divided Highway from NC 87 to Midway Rd (SR 1500)</td><td>Construction 2018</td></tr></table>	Project	Project Type	Project Description	Status	U-5932	STIP	NC 211 Convert to Interchange	Not scheduled	R-5021	STIP	NC 211 Widening to a 4 Lane Divided Highway from NC 87 to Midway Rd (SR 1500)	Construction 2018	
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R-5021	STIP	NC 211 Widening to a 4 Lane Divided Highway from NC 87 to Midway Rd (SR 1500)	Construction 2018										

# ORIGINAL REZONING STAFF REPORT

## UTILITIES:

### WATER AND SEWER AVAILABILITY

WATER: ☒ Not Available ☐ Available

SEWER: ☒ Not Available ☐ Available

## ENVIRONMENTAL IMPACTS

- ☐ Located within a FEMA Flood Hazard Zone.
- ☐ Located near a watercourse/water body.
- ☐ Located in the Lockwood Folly Watershed and in the area of the Lockwood Folly River Water Quality Study. The Brunswick County Board of Commissioners have accepted the Lockwood Folly River Roundtable Strategy report.
- ☐ Located in a Significant Natural Heritage Area.
- ☒ This rezoning site located within a Biodiversity & Wildlife Habitat Assessment Area scoring 8 or 9 out of 10 (with 10 being the highest conservation value) due to having a lot of wetlands that are rated as significant and for having rare plant habitats.

## OTHER SITE CONSIDERATIONS

- ☐ Will correct a split zoning on a parcel(s).
- ☐ Potentially could create a *spot zoning*.
- ☒ Located near the commercially zoned property.
- ☐ Located in an Overlay Zoning District.
- ☒ Located near other property designated as Commercial in the *Brunswick County CAMA Land Use Plan*.
- ☐ Located within a growth corridor.
- ☐ Classified as a Bona Fide Farm.
- ☒ Located within a Fire District (Southport).
- ☒ Located within 1/2 mile of a Voluntary Agricultural District (VAD).
- ☐ Cemetery known to be located near the rezoning.
- ☐ Historic Site(s) known to be located on or near the rezoning.

## **STAFF RECOMMENDATION SUMMARY**

**Staff recommends APPROVAL TO CLD FOR TAX PARCEL 20500025 BASED upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.**

# Rezoning Case Z-753

## R-7500 to CLD

CO = Brunswick County Jurisdiction

**CO-R-7500**

1890000204

Area Proposed  
for Rezoning

20500025

20500028

**CO-CLD**

20500030

20500032

20500027

20500026

20600001

**CO-CLD**

**CO-CLD** 22100004

**NC 133**

Rezoning Case Z-737  
Approved to CLD  
May 2, 2016

2050002504

**CO-CLD**

22100004

2050002505

2050002502

2050002506

2050002507

2050002503

20500001

**NC 87**

**SOUTHPORT**

N

**OAK ISLAND**

**LONG BEACH RD SE**

**RIVER RD SE**

**NC 87/133**

# Rezoning Case Z-753

## R-7500 to CLD

CO = Brunswick County Jurisdiction

**Commercial**

1890000204

Area Proposed  
for Rezoning

20500025

20500028

20500030

20500032

20500027

20500026

20600001

22100004

NC 133

Rezoning Case Z-737  
Approved to CLD  
May 2, 2016

2050002504

**Commercial**

22100004

2050002505

2050002502

2050002506

2050002507

2050002503

20500001

**Commer**

RIVER RD SE

NC 87/133

NC 87

OAK ISLAND

LONG BEACH RD SE

SOUTHPORT

N

## Pictures Z-753



Public Notice on Long Beach Road SE NC 133)



View of Site



View of Long Beach Rd facing East



View of Long Beach Rd facing West

**MINUTES**  
**PLANNING BOARD**  
**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday**  
**August 14, 2017**

**Commissioners Chambers**  
**David R. Sandifer Administration Bldg.**  
**County Government Center**  
**Old U.S 17 East**

**MEMBERS PRESENT**

Eric Dunham, Chair  
Joy Easley, Vice Chair  
Richard Leary  
Chris Stanley  
Tom Simmons  
Randy Ward  
William Bittenbender, Alternate

**MEMBERS ABSENT**

Troy Price

**STAFF PRESENT**

Kirstie Dixon, Planning Manager  
Connie Marlowe, Admin. Asst.  
Bryan Batton, Asst. County Attorney

**OTHERS PRESENT**

Charles F. Riggs  
Terry Pope, State Port Pilot

John Hankins  
Lewis Dozier

**I. CALL TO ORDER.**

The Chair called the meeting to order at 6:02 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE.**

Mr. Dunham said a prayer. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

**III. ROLL CALL.**

Mr. Troy Price was absent.

IV. CONSIDERATION OF MINUTES OF THE 10-JUL-17 MEETING.

Mr. Bittenbender made a motion to approve the minutes as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Dixon added Upcoming Meeting under Other Business. Ms. Dixon introduced Roderick Hall to the Board. She stated that Mr. Hall will be working as a volunteer intern for the next month in the department. The Chair and other Board members welcomed Mr. Hall to the department.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-753 – Charles F. Riggs.

Request to rezone approximately 3.30 acres located on Long Beach Road SE (NC 133) near Southport from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 20500025.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Dixon said staff recommends approval from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) Tax Parcel 20500025.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Charles F. Riggs addressed the Board. Mr. Riggs said due to the road construction and the recent rezoning of properties in the immediate area, the current zoning is not appropriate for this site. Mr. Riggs felt that C-LD zoning is more appropriate for his property as it is compatible with surrounding zoning.

With no further comments, Mr. Bittenbender made a motion to close the Public Hearing and the motion was unanimously carried.

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is similar zoning nearby.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Southport Elementary School District, which has adequate capacity; South Brunswick Middle School District has adequate capacity; and South Brunswick High School District has a two year capacity warning.

This rezoning is located in the Southport Fire District.

Water and sewer are not available at this particular time.

This rezoning has access off Long Beach Road SE (NC 133), which has no capacity deficiencies at this time. There are two (2) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- U-5932 is a conversion of NC 211 to an interchange. Construction has not been scheduled for this proposed.
- R-5021 is the widening of NC 211 to 4 lane divided highway from NC 87 to Midway Road SE (SR 1500). Construction is scheduled for 2018.

III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There were no objections from the public and the surrounding area has similar zoning.

THEREFORE, on the basis of all the foregoing, Mr. Bittenbender made a motion to recommend to the Board of Commissioners to approve Tax Parcel 20500025 from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) and the motion was unanimously carried.

B. Rezoning Z-754 – Planning Staff.

Request to rezone approximately 0.04 acres located approximately 400 feet north of the intersection of Slippery Rock Way and Creek Ridge Lane near Carolina Shores from Undesignated to R-7500 (Medium Density Residential) for Tax Parcel 2260001115.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map. Ms. Dixon said staff recommends approval from Undesignated to R-7500 (Medium Density Residential) for Tax Parcel 2260001115.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

With no further comments, Mr. Leary made a motion to close the Public Hearing.

The Board discussed the worksheet and concluded the following:

I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is similar zoning nearby and the property is currently undesignated.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

There is no impact.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The change from undersigned to the proposed zoning is consistent with the CAMA Land Use Plan.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There were no objections from the public and the area is currently undesignated.

THEREFORE, on the basis of all the foregoing, Mr. Simmons made a motion to recommend to the Board of Commissioners to approve Tax Parcel 2260001115 from Undesignated to R-7500 (Medium Density Residential) and the motion was unanimously carried.

#### VIII. OTHER BUSINESS.

- New Rezoning Staff Report Template.

Ms. Dixon addressed the Board. She stated that staff is working to revamp different processes and the proposed mock staff report (attached) that was previously provided to the Board in their agenda packet is one of the changes. Ms. Dixon said one of the major changes of the new staff report includes a map of the area and photograph of the site and the buffer requirements were eliminated. She suggested that the Board review the document and provide feedback if additional information is needed or other information needs to be eliminated.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Z-752 will be considered at the Board of Commissioners' Monday 21-Aug-17 meeting. Ms. Dixon said the Cape Fear Regional Bicycle Plan was presented to the Board of Commissioners at their 17-Jul-17 meeting for their support of the Plan.

- Upcoming Meeting(s).

Ms. Dixon addressed the Board. She stated that there are 2 rezonings for consideration at the 11-Sep-17 Planning Board meeting. She stated that the Board of Commissioners will be reviewing the solar farm language at their 21-Aug-17 meeting and there may be potential changes to the solar farms criteria for approval.

#### IX. ADJOURNMENT.

With no further business, Ms. Easley made a motion to adjourn and the motion was unanimously carried.



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # VII. - 3.**

**From:**  
Mike Hargett, Director

Planning - Rezoning Public Hearing - Z-17-754 (Kirstie Dixon,  
Planning Manager )

**Issue/Action Requested:**

Request that, after the Public Hearing, the Board of Commissioners approve First and Second Readings of the proposed amendment to the Brunswick County Unified Development Ordinance (Z-17-754) from Undesignated to R-7500 (Medium Density Residential).

**Background/Purpose of Request:**

The proposed zoning is the result of deannexation of a small land-locked parcel from the Town of Carolina Shores. The adjacent larger parcel that is currently under the County's zoning jurisdiction is in the same ownership. The rezoning from undesignated (*as a result of being deannexed*) to R-7500 (Medium Density Residential) would allow for residential use of the subject property (Tax Parcel 22600011150). This rezoning totals approximately 0.04 acres.

At the Planning Board meeting, there was no opposition to the zoning change.

**Fiscal Impact:**

Reviewed By Director of Fiscal Operations

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

At their meeting on August 17, 2017, the Planning Board voted unanimously to recommend approval of the rezoning as proposed.

Members Present: Eric Dunham, Joy Easley, Richard Leary, Tom Simmons, Randy Ward, Chris Stanley, and William Bittenbender.

Members Absent: Troy Price

**County Manager's Recommendation:**

Recommend that, after the Public Hearing, the Board of Commissioners approve First and Second Readings of the proposed amendment to the Brunswick County Unified Development Ordinance (Z-17-754) from Undesignated to R-7500 (Medium Density Residential).

**ATTACHMENTS:**

Description

- ☐ Second Sheet
- ☐ Staff Report
- ☐ Zoning Map

- ▣ Land Use Plan Map
- ▣ Site Photos
- ▣ Minutes

**GOVERNING BOARD ACTION**  
**(per N.C.G.S. 153A-341)**

**Zoning Map Amendment No. Z-754**

**Description:** Change recommended in Zoning District from Undesignated to R-7500 (Medium Density Residential) for Tax Parcel 2260001115. This zoning change totals approximately 3.30 acres.

I. THE REZONING DESCRIBED ABOVE  $\left( \begin{array}{l} \input{checkbox} \text{ IS CONSISTENT} \\ \input{checkbox} \text{ IS NOT CONSISTENT} \end{array} \right)$  WITH  
THE BRUNSWICK COUNTY CAMA LAND USE PLAN.

II. THE REZONING DESCRIBED ABOVE  $\left( \begin{array}{l} \input{checkbox} \text{ IS} \\ \input{checkbox} \text{ IS NOT} \end{array} \right)$  REASONABLE  
AND IN THE PUBLIC INTEREST BASED ON THE FOLLOWING:

**There was no opposition from the public and the area is currently undesignated.**

**[MOTION NEEDED TO ADOPT STATEMENTS I & II ABOVE]**

THEREFORE, on the basis of all the information provided including the foregoing,  
the Brunswick County Board of Commissioners  $\left( \begin{array}{l} \input{checkbox} \text{ Approve} \\ \input{checkbox} \text{ Deny} \end{array} \right)$  the Rezoning with the  
associated conditions as presented.

BRUNSWICK COUNTY BOARD OF COMMISSIONERS

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Frank Williams, Chairman

ATTEST:

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Clerk to the Board

First Reading: \_\_\_\_\_

Public Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

# REZONING STAFF REPORT {ABBREVIATED\*\*\*}

Date: August 14, 2016

Case#: Z-754

Tax Parcel(s): 2260001115

Location: Located approximately 400 feet north of the intersection of Slippery Rock Way and Creek Ridge Lane near Carolina Shores NC

Acreage: 0.04

Applicant(s): Brunswick County Economic Development and Planning



\*\*\*This is an abbreviated staff report because the subject parcel does not have a zoning designation as a result of deannexation and the selected zoning designation is consistent with the surrounding zoning designations.

## APPLICATION OVERVIEW:

Planning Staff is seeking to designate Tax Parcel 2260001115 as R-7500. This small landlocked parcel was recently de-annexed from Carolina Shores and does not have a zoning designation. The owner and adjacent owners have been notified of the proposed rezoning via first class mail. The owner was also notified via certified mail.

## ZONING ANALYSIS

Proposed Zoning Request:

From: Undesignated

To: R-7500 (Medium Density Residential)

"The R-7500, R-6000, and SBR-6000 districts are established to provide for orderly suburban residential development. A limited number of commercial and civic uses are allowed, subject to the restrictions necessary to preserve and protect the residential character of the neighborhood. A special permit process for higher intensity development is also allowed, using discretion to balance issues of higher density with improved amenities. Due to the higher intensity developments contained in this district, it is intended to be applied to properties served by public sewer and water systems."

### SURROUNDING AREA ZONING DESIGNATIONS

North: R-7500

South: Carolina Shores Jurisdiction

East: R-7500

West: Carolina Shores Jurisdiction

## LAND USE ANALYSIS

*Brunswick County CAMA Land Use Plan Land Use Classification: LDR (Low Density Residential)*

***A Land Use Amendment is not required since the parcel was covered in the Brunswick County CORE CAMA Land Use Plan and is already designated.***

## SITE CONSIDERATIONS

- |   |   |
|---|---|
| <input type="checkbox"/> Will correct a split zoning on a parcel(s).  | <input type="checkbox"/> Located within a growth corridor.  |
| <input type="checkbox"/> Potentially could create a <i>spot zoning</i> .  | <input type="checkbox"/> Classified as a Bona Fide Farm.  |
| <input checked="" type="checkbox"/> Located near R-7500 zoned property.   | <input checked="" type="checkbox"/> Located within 1/2 mile of a Voluntary Agricultural District (VAD).                             |
| <input type="checkbox"/> Located in an Overlay Zoning District.   | <input checked="" type="checkbox"/> Cemetery/Historical Resource known to be located nearby on the rezoning site. (Bennet Cemetery) |
| <input checked="" type="checkbox"/> Located near other property designated as LDR, Community Commercial, and Conservation in the <i>Brunswick County CAMA Land Use Plan</i> . |   |

## STAFF RECOMMENDATION SUMMARY

**Staff recommends APPROVAL TO R-7500 FOR TAX PARCEL 2260001115 BASED upon information provided, surrounding area, current uses, the Brunswick County CAMA CORE Land Use Plan, and other adopted Brunswick County plans and policies.**

# Rezoning Case Z-754

## Undesignated to R-7500

CO = Brunswick County Jurisdiction

CS = Carolina Shores Jurisdiction

CO-R-7500

CS-CRD

Bennett Cemetery

CS-PRD

Rezoning Site  
Tax Parcel 2260001115  
Approx. 0.04 Acres

CO-R-7500

N

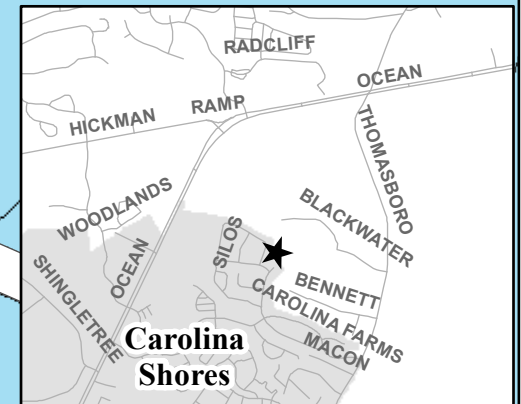
CS-PRD

CREEK RIDGE LN  
SLIPPERY ROCK WAY

CS-PRD

CO-R-7500

FENCE POST LN



# Rezoning Case Z-754

## Undesignated to R-7500

CO = Brunswick County Jurisdiction  
CS = Carolina Shores Jurisdiction

LDR

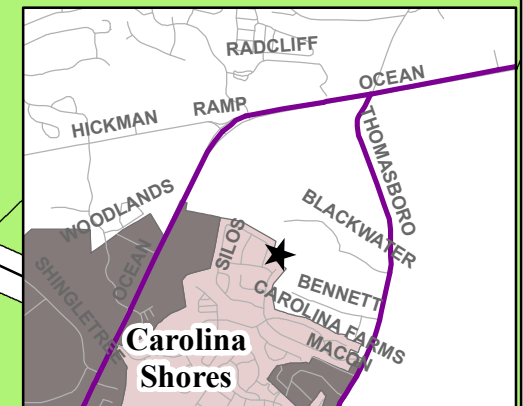
Bennett Cemetery

Rezoning Site  
Tax Parcel 2260001115  
Approx. 0.04 Acres

Town of Carolina Shores

LDR

N



## Pictures Z-754



Public Notice on Creek Ridge Ln



View of Site



View of Adjacent Cemetery



View of Adjacent Amenity Center

**MINUTES**  
**PLANNING BOARD**  
**BRUNSWICK COUNTY, NC**

**6:00 P.M. Monday**  
**August 14, 2017**

**Commissioners Chambers**  
**David R. Sandifer Administration Bldg.**  
**County Government Center**  
**Old U.S 17 East**

**MEMBERS PRESENT**

Eric Dunham, Chair  
Joy Easley, Vice Chair  
Richard Leary  
Chris Stanley  
Tom Simmons  
Randy Ward  
William Bittenbender, Alternate

**MEMBERS ABSENT**

Troy Price

**STAFF PRESENT**

Kirstie Dixon, Planning Manager  
Connie Marlowe, Admin. Asst.  
Bryan Batton, Asst. County Attorney

**OTHERS PRESENT**

Charles F. Riggs  
Terry Pope, State Port Pilot

John Hankins  
Lewis Dozier

**I. CALL TO ORDER.**

The Chair called the meeting to order at 6:02 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE.**

Mr. Dunham said a prayer. The Chair asked everyone to stand and face the U.S. Flag to say the Pledge of Allegiance.

**III. ROLL CALL.**

Mr. Troy Price was absent.

IV. CONSIDERATION OF MINUTES OF THE 10-JUL-17 MEETING.

Mr. Bittenbender made a motion to approve the minutes as written and the motion was unanimously carried.

V. AGENDA AMENDMENTS.

Ms. Dixon added Upcoming Meeting under Other Business. Ms. Dixon introduced Roderick Hall to the Board. She stated that Mr. Hall will be working as a volunteer intern for the next month in the department. The Chair and other Board members welcomed Mr. Hall to the department.

VI. PUBLIC COMMENT.

There were none.

VII. PUBLIC HEARINGS.

A. Rezoning Z-753 – Charles F. Riggs.

Request to rezone approximately 3.30 acres located on Long Beach Road SE (NC 133) near Southport from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) for Tax Parcel 20500025.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map.

Ms. Dixon said staff recommends approval from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) Tax Parcel 20500025.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

Mr. Charles F. Riggs addressed the Board. Mr. Riggs said due to the road construction and the recent rezoning of properties in the immediate area, the current zoning is not appropriate for this site. Mr. Riggs felt that C-LD zoning is more appropriate for his property as it is compatible with surrounding zoning.

With no further comments, Mr. Bittenbender made a motion to close the Public Hearing and the motion was unanimously carried.

The Board discussed the worksheet and concluded the following:

- I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is similar zoning nearby.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

Yes. This rezoning request is located in the Southport Elementary School District, which has adequate capacity; South Brunswick Middle School District has adequate capacity; and South Brunswick High School District has a two year capacity warning.

This rezoning is located in the Southport Fire District.

Water and sewer are not available at this particular time.

This rezoning has access off Long Beach Road SE (NC 133), which has no capacity deficiencies at this time. There are two (2) North Carolina Department of Transportation (NCDOT) Transportation Improvement Program (TIP) Project in this area.

- U-5932 is a conversion of NC 211 to an interchange. Construction has not been scheduled for this proposed.
- R-5021 is the widening of NC 211 to 4 lane divided highway from NC 87 to Midway Road SE (SR 1500). Construction is scheduled for 2018.

III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The proposed change is consistent with the CAMA Land Use Plan.

IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There were no objections from the public and the surrounding area has similar zoning.

THEREFORE, on the basis of all the foregoing, Mr. Bittenbender made a motion to recommend to the Board of Commissioners to approve Tax Parcel 20500025 from R-7500 (Medium Density Residential) to C-LD (Commercial Low Density) and the motion was unanimously carried.

B. Rezoning Z-754 – Planning Staff.

Request to rezone approximately 0.04 acres located approximately 400 feet north of the intersection of Slippery Rock Way and Creek Ridge Lane near Carolina Shores from Undesignated to R-7500 (Medium Density Residential) for Tax Parcel 2260001115.

Ms. Dixon addressed the Board. She read the Staff Report (attached). She identified the subject property and surrounding properties on a visual map. Ms. Dixon said staff recommends approval from Undesignated to R-7500 (Medium Density Residential) for Tax Parcel 2260001115.

Ms. Easley made a motion to open the Public Hearing and the motion was unanimously carried.

With no further comments, Mr. Leary made a motion to close the Public Hearing.

The Board discussed the worksheet and concluded the following:

I. Will the uses permitted by the proposed change be appropriate for the area concerned?

Yes. There is similar zoning nearby and the property is currently undesignated.

- II. Does adequate public school facilities and other public services/services (i.e., water, wastewater, roads) exist, are planned, or can be reasonably provided to serve the needs of any permitted uses likely to be constructed as a result of such change?

There is no impact.

- III. Is the proposed change consistent with the CAMA Land Use Plan or any other adopted land use document?

Yes. The change from undersigned to the proposed zoning is consistent with the CAMA Land Use Plan.

- IV. Is the proposed amendment reasonable as it relates to the public interest?

Yes. There were no objections from the public and the area is currently undesignated.

THEREFORE, on the basis of all the foregoing, Mr. Simmons made a motion to recommend to the Board of Commissioners to approve Tax Parcel 2260001115 from Undesignated to R-7500 (Medium Density Residential) and the motion was unanimously carried.

#### VIII. OTHER BUSINESS.

- New Rezoning Staff Report Template.

Ms. Dixon addressed the Board. She stated that staff is working to revamp different processes and the proposed mock staff report (attached) that was previously provided to the Board in their agenda packet is one of the changes. Ms. Dixon said one of the major changes of the new staff report includes a map of the area and photograph of the site and the buffer requirements were eliminated. She suggested that the Board review the document and provide feedback if additional information is needed or other information needs to be eliminated.

- Planning Board Cases Update

Ms. Dixon addressed the Board. She stated that Z-752 will be considered at the Board of Commissioners' Monday 21-Aug-17 meeting. Ms. Dixon said the Cape Fear Regional Bicycle Plan was presented to the Board of Commissioners at their 17-Jul-17 meeting for their support of the Plan.

- Upcoming Meeting(s).

Ms. Dixon addressed the Board. She stated that there are 2 rezonings for consideration at the 11-Sep-17 Planning Board meeting. She stated that the Board of Commissioners will be reviewing the solar farm language at their 21-Aug-17 meeting and there may be potential changes to the solar farms criteria for approval.

#### IX. ADJOURNMENT.

With no further business, Ms. Easley made a motion to adjourn and the motion was unanimously carried.



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # VIII. - 1.**

**From:**

Julie A. Miller

Administration - Financial Advisor for School General Obligation  
Bond Issue (Ann Hardy, County Manager)

**Issue/Action Requested:**

Request that the Board of Commissions accept the proposal from Stephens Inc. for \$25,000 to serve as the county's financial advisor for the upcoming phase 1 general obligation bond issue of \$52,950,000 and authorize the County Manager to negotiate and sign the contract after legal review.

**Background/Purpose of Request:**

Last November voters approved \$152 million general obligation bond issues as follows:

Phase 1 – July 2018/FY 2019 \_construct, improve and renovate school facilities - \$ 52,950,000

Phase 2 –July 2020/FY 2021 \_construct, improve and renovate school facilities - \$ 47,550,000

Phase 3 –July 2022/FY 2023 \_construct, improve and renovate school facilities - \$ 51,500,000

A Request for Proposal for a Financial Advisor invited qualified independent Financial Advisors to submit proposals for a la carte engagement to assist with the issuance of general obligation bonds to finance education capital projects and assistance with the county's bond rating process. Four Proposals were received. Stephens Inc. met the qualifications and offered the lowest fixed fee proposal inclusive of out of pocket in state expenses at \$17,500 base fee plus \$.025 per \$1,000 in par amount for a total fee for the phase 1- \$52.950 million general obligation bond issue of \$30,737.50 to be paid from bond proceeds. The county negotiated a lump sum fee of \$25,000 plus out of state travel expenses.

It is highly recommended to have a financial advisor in place due the Municipal Advisor rule not allowing underwriters and lawyers the ability to provide non-legal or non-deal-specific advice without registering as a Municipal Advisor and particularly with a competitively-placed general obligation bond.

**Fiscal Impact:**

Pre-Audit Certification Required, Reviewed By Director of Fiscal Operations

Fees will be paid from bond proceeds.

**Approved By County Attorney:**

Yes

**County Attorney's Recommendation:**

(agreement will be provided on Sept. 13)

\*approve subject to final review of contract

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissions accept the proposal from Stephens Inc. for \$25,000 to serve as

the county's financial advisor for the upcoming phase 1 general obligation bond issue of \$52,950,000 and authorize the County Manager to negotiate and sign the contract after legal review.

**ATTACHMENTS:**

Description

- ▣ 170918 Attach Municipal Advisor Rule Link.pdf
- ▣ 170918 Attach Stephens Inc. RFP Response FA - Brunswick County 8.11.2017.pdf
- ▣ 170918 Attach Municipal Advisor Agreement (Brunswick County) Stephens Inc. 9.13.2017.pdf

## Julie Miller

---

**From:** Joyner, Rebecca <rebeccajoyner@parkerpoe.com>  
**Sent:** Tuesday, September 12, 2017 2:49 PM  
**To:** Julie Miller  
**Subject:** Municipal Advisor Rule and FAs

<https://www.sec.gov/municipal/municipal-advisors.html>

Julie – Here’s a link to the Municipal Advisor rule. Since adoption of this rule, market participants like underwriters and lawyers have been a bit hamstrung in our ability to provide non-legal or non-deal-specific advice without registering as a Municipal Advisor – which most of us have determined would be inappropriate because our role is not primarily one of municipal advisor. As a result, we have seen more widespread use of financial advisors across the country in the last several years. Particularly with a competitively-placed general obligation bond, the use of an FA can be helpful to coordinate interaction with the rating agencies, the LGC and with potential bidders and most of our clients typically engage an FA for this kind of work.

Please let me know if I can provide any additional information.

---

**Rebecca Joyner**  
Partner

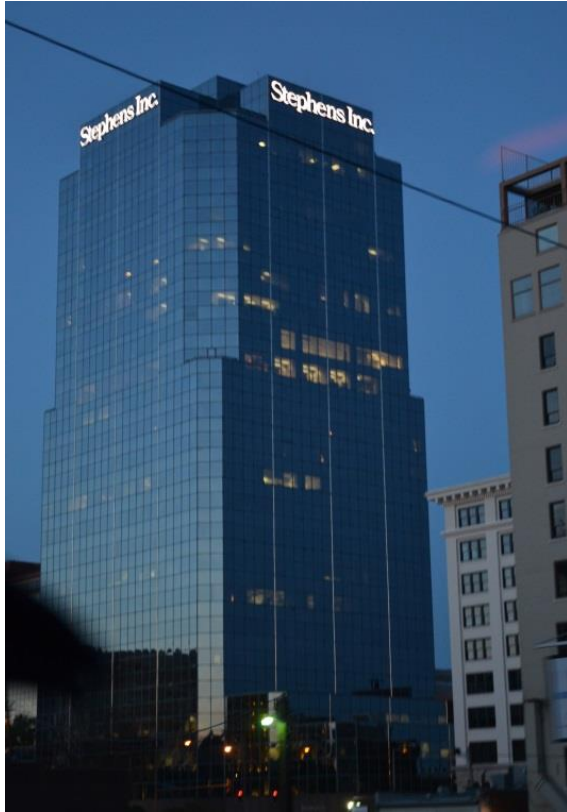


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[www.parkerpoe.com](http://www.parkerpoe.com)

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August 11, 2017



## Brunswick County: Request for Proposal for Financial Advisory Services

Stephens

August 11, 2017

Julie A. Miller  
Brunswick County  
30 Government Center Drive NE  
Bolivia, North Carolina 28422

Re: Request for Proposal for Financial Advisory Services

Dear Ms. Miller:

On behalf of Stephens Inc. (the "Firm") we greatly appreciate the opportunity to present our qualifications to serve as financial advisor to Brunswick County (the "County").

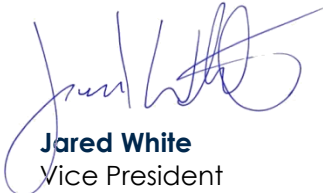
**Stephens Inc.** Stephens is a privately held, full-service investment banking firm, employing approximately 900 people in offices located throughout the Southeast, including Charlotte and Winston-Salem. The Firm's combination of over 84 years of municipal advisory experience, North Carolina local government finance knowledge, and complete dedication to our clients will offer the County a valuable financial advisory partner.

**The Stephens Difference.** One of the competitive advantages Stephens is able to offer the County is that our team not only advises local governments, but we also serve as underwriters as well. Stephens' underwriting desk has collectively underwritten approximately \$200 billion since 2000. Our relationships with salespeople, institutional investors, and proven marketing skills allow the County to access information from investors throughout the Southeast that other advisors cannot offer.

Stephens understands many of the pressing needs and goals facing the County, such as reducing unemployment, bolstering infrastructure, and expanding tourism and recreational opportunities to capitalize on the County's geographic assets. Our advisors and bankers are adept at analyzing the capital formation and debt tolerance for units of government, and we are well positioned to provide the "best in class" financial advisory services to the County.

As we hope this response indicates, we will provide the County with a high level of service and commitment as financial advisor. Should you have any questions, please do not hesitate to contact Jared White.

Respectfully submitted,



**Jared White**  
Vice President  
[jared.white@stephens.com](mailto:jared.white@stephens.com)  
(704) 442-5012



**Sean Carney**  
Senior Analyst  
[sean.carney@stephens.com](mailto:sean.carney@stephens.com)  
(404) 461-5105

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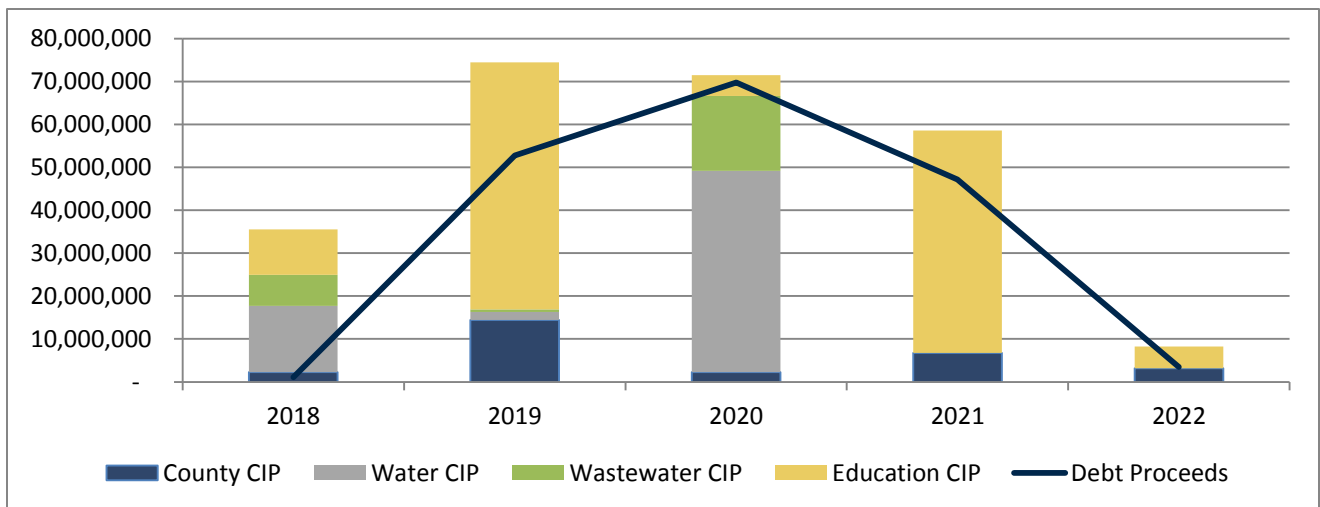
### **National Underwriting Desk**

Having an underwriting desk that not only participates in the secondary market but one that also underwrites national, negotiated transactions are essential to understanding market timing and investor preference along various points of the yield curve. Stephens is able to provide real-time analytics, unlike other local advisory firms. We don't simply analyze the market, we help create the market.

## 1. Approach and Understanding of the Projects

We know what is important to the County and what requirements must be met to ensure the County can continue to provide the community with the necessary educational facilities at reasonable costs. **Our advisory style and intention on this engagement is to work “shoulder-to-shoulder” with the County. It enables us to continue building an understanding of the County’s financial goals, to develop a shared sense of ownership, and to yield lasting results.** This means Stephens' role as municipal advisor doesn't end when a project financing is completed; our team will continue to work together with staff to ensure resulting performance standards are met.

- ✓ **Capital Planning/Project Planning.** Our first priority will be to make sure we have a full understanding of the County's future capital improvement plans. **Unlike other firms, Stephens works “on the ground” to drive projects forward and deliver impact to clients such as Brunswick County.** Given the Firm's unique regional presence and local government understanding, our team will be able to work with staff and the County's financing team to ensure a smooth and consistent financing.



Source: FY17-18 Brunswick County Capital Improvement Plan

Over the next 5 years, the County anticipates nearly \$250 million in capital projects related to the county CIP (12%), the water CIP (26%), the wastewater CIP (10%), and for the education CIP (52%).

### County CIP Highlights:

- \$9 million C&D landfill closure primarily paid with capital reserves (FY19 – 21)
- \$10.25 million Courthouse renovation funded with debt proceeds (FY19)
- \$3.8 million Health and Human Services funded with debt proceeds (FY20 – 21)

### Water CIP Highlights:

- \$8.9 million NCDOT Hwy 211 Expansion to be funded with “other reimbursements” (FY18)
- \$50 million in projects primarily paid with bond proceeds (FY20)

### Wastewater CIP:

- \$5.9 million NCDOT Relocation funded with NCDOT Reimbursements (FY18)
- \$17.5 million NE Brunswick Regional WWTP expansion paid with bond proceeds (FY20)

### Education CIP:

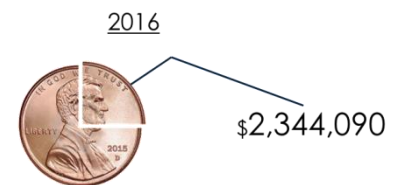
- \$96 million school related construction attributable to 2016 Referendum (FY19-21)
- \$5.7 million BCC expansion and renovation of which \$2.8 million in funding TBD (FY18)

- ✓ **Assessing Impact on Tax Base.** With general obligation debt, it is important to understand the pro forma impact on an issuer's tax base for each new issue.

	Fiscal Year	Assessed Value	Growth Rate (%)	Dedicated Property Tax (Cents)	Value of Dedicated Tax	Collections (%)	Projected Collected Value	Estimated Debt Service (Phase 1, 2 & 3)	Annual Property Tax Fund Surplus (Deficit)	Property Tax Fund
	2012	24,279,583,000	0.00	-	-	94.73	-	-	-	-
	2013	24,598,580,000	1.31	-	-	94.48	-	-	-	-
	2014	25,259,280,000	2.69	-	-	95.07	-	-	-	-
	2015	25,326,216,000	0.26	-	-	95.81	-	-	-	-
<b>2017</b>	2016	23,440,904,000	(7.44)	-	-	96.91	-	-	-	-
<b>Begin Dedicated Tax Fund</b>	2017	23,675,313,040	1.00	3.68	8,712,515	95.40	8,311,739	-	8,311,739	8,311,739
<b>2019</b>	2018	23,912,066,170	1.00	-	8,799,640	95.40	8,394,857	-	8,394,857	16,706,596
<b>Debt Amortization Begins</b>	2019	24,151,186,832	1.00	-	8,887,637	95.40	8,478,805	4,415,000	4,063,805	20,770,402
	2020	24,392,698,700	1.00	-	8,976,513	95.40	8,563,594	4,662,000	3,901,594	24,671,995
	2021	24,636,625,687	1.00	-	9,066,278	95.40	8,649,229	8,521,000	128,229	24,800,225
	2022	24,882,991,944	1.00	-	9,156,941	95.40	8,735,722	8,636,800	98,922	24,899,147
	2023	25,131,821,864	1.00	-	9,248,510	95.40	8,823,079	12,727,267	(3,904,188)	20,994,959
	2024	25,383,140,082	1.00	-	9,340,996	95.40	8,911,310	12,766,400	(3,855,090)	17,139,869
	2025	25,636,971,483	1.00	-	9,434,406	95.40	9,000,423	12,462,200	(3,461,777)	13,678,091
<b>2023 - 2033</b>	2026	25,893,341,198	1.00	-	9,528,750	95.40	9,090,427	12,158,000	(3,067,573)	10,610,519
<b>Annual Tax Fund Deficit</b>	2027	26,152,274,610	1.00	-	9,624,037	95.40	9,181,331	11,853,800	(2,672,469)	7,938,050
	2028	26,413,797,356	1.00	-	9,720,277	95.40	9,273,145	11,549,600	(2,276,455)	5,661,595
	2029	26,677,935,330	1.00	-	9,817,480	95.40	9,365,876	11,240,400	(1,874,524)	3,787,071
	2030	26,944,714,683	1.00	-	9,915,655	95.40	9,459,535	10,936,400	(1,476,865)	2,310,206
<b>2032 - 2035</b>	2031	27,214,161,830	1.00	-	10,014,812	95.40	9,554,130	10,627,400	(1,073,270)	1,236,936
<b>Tax Fund Below \$1M</b>	2032	27,486,303,448	1.00	-	10,114,960	95.40	9,649,672	10,323,600	(673,928)	563,007
	2033	27,761,166,483	1.00	-	10,216,109	95.40	9,746,168	10,019,800	(273,632)	289,376
	2034	28,038,778,147	1.00	-	10,318,270	95.40	9,843,630	9,716,000	127,630	417,005
	2035	28,319,165,929	1.00	-	10,421,453	95.40	9,942,066	9,412,200	529,866	946,872
	2036	28,602,357,588	1.00	-	10,525,668	95.40	10,041,487	9,108,400	933,087	1,879,959
	2037	28,888,381,164	1.00	-	10,630,924	95.40	10,141,902	8,804,600	1,337,302	3,217,260
	2038	29,177,264,976	1.00	-	10,737,234	95.40	10,243,321	8,500,800	1,742,521	4,959,781
	2039	29,469,037,625	1.00	-	10,844,606	95.40	10,345,754	5,552,000	4,793,754	9,753,535
	2040	29,763,728,002	1.00	-	10,953,052	95.40	10,449,212	5,354,000	5,095,212	14,848,747
	2041	30,061,365,282	1.00	-	11,062,582	95.40	10,553,704	2,781,000	7,772,704	22,621,450
	2042	30,361,978,935	1.00	-	11,173,208	95.40	10,659,241	2,678,000	7,981,241	30,602,691

The above project financing model assists our clients in projecting the correct amount of property tax needed in order to adequately service the tax supported debt service. In this example, we have made general assumptions of a 1% assessed valuation growth rate with a conservative (historical average) collections rate of 95.4%. From there, we then project the County's future amortization schedules for three phases of debt issuances and back into the necessary dedicated property tax needed in order to service the debt without running an aggregate deficit on the "property tax fund". Although the annual tax collected may not be sufficient (FY 23-33), we have built the aggregate fund to carry us through these fluctuations and allow for a set dedicated tax on day 1, if the County desires this approach.

In this preliminary scenario, we project the County would need to set aside 3.68 cents today to service all of the referendum approved projects totaling \$152 million in General Obligation Bonds. We would work closely with the County finance staff to tier this dedication (tax layering) to further reduce this dedicated tax amount per project and based on current market conditions.



- ✓ **Sensitivity Matrix.** A second, equally important, analytical tool that Stephens implements with our clients referendum needs is a sensitivity matrix. An example of the matrix can be seen below and its usefulness lies within the assumptions. It allows our advisory team to make prudent recommendations based on conservative assessed valuation growth rates relative to the Board approved dedicated tax. In the example shown, the break-even point (or point of no aggregate property tax fund deficit) is highlighted to show the amount of dedicated tax needed to carry the full debt at the stated growth rate. Therefore, in order to only set aside 1.75 cents, the growth rate would need to be 2.40% annually and conversely, if we were to set aside 5.00 cents, the growth rate average would decline to 0.60%. This all assumes a constant collections rate of 95.4%.

		Dedicated Property Tax (Cents)									
		1.75	2.00	2.25	2.50	2.75	3.00	3.25	3.50	3.68	5.00
Assessed Value Growth Rate	0.60%	2022 - 2041	2023 - 2038	2024 - 2038	2024 - 2038	2024 - 2037	2025 - 2036	2025 - 2035	2026 - 2034	2027 - 2032	\$4,470
	0.80%	2022 - 2040	2023 - 2038	2024 - 2037	2024 - 2037	2025 - 2035	2025 - 2034	2026 - 2034	2026 - 2032	\$116,673	\$503,200
	1.00%	2022 - 2040	2024 - 2037	2024 - 2036	2024 - 2035	2025 - 2033	2026 - 2032	2026 - 2031	\$3,751	\$576,546	\$958,410
	1.20%	2022 - 2039	2024 - 2035	2024 - 2034	2025 - 2033	2026 - 2032	2026 - 2030	\$65,410	\$452,715	\$1,016,830	\$1,372,164
	1.40%	2022 - 2039	2024 - 2034	2025 - 2033	2025 - 2032	2026 - 2030	\$123,269	\$511,446	\$871,479	\$1,411,529	\$1,771,562
	1.60%	2022 - 2038	2024 - 2032	2025 - 2031	2026 - 2030	\$170,464	\$535,266	\$900,067	\$1,264,869	\$1,785,930	\$2,117,608
	1.80%	2022 - 2038	2025 - 2031	2026 - 2029	\$702	\$555,162	\$924,803	\$1,286,647	\$1,622,373	\$2,125,961	\$2,369,087
	2.00%	2022 - 2037	2026 - 2029	\$9,181	\$388,732	\$941,335	\$1,281,163	\$1,620,991	\$1,960,819	\$2,345,816	\$2,373,742
	2.20%	2022 - 2035	\$13,367	\$392,902	\$755,878	\$1,271,857	\$1,615,842	\$1,959,828	\$2,277,919	\$2,350,415	\$2,378,396
	2.40%	\$12,998	\$2,166,725	\$2,195,235	\$2,223,744	\$2,266,509	\$2,295,018	\$2,323,528	\$2,352,037	\$2,394,802	\$2,423,311

- ✓ **Advise on Current Bonds Market Conditions.** While any firm can regurgitate moves in the market, Stephens' competitive advantage of having served as not only financial advisor to local governments, but also negotiated underwriter, gives us the ability to provide the County with the most detailed, real-time view of the market possible. **As financial advisor, our team will bring state-of-the-art knowledge and a suite of proprietary tools and analytics to regularly keep the County informed of significant changes in rates, industry trends, and credit strategies.**
- ✓ **Issue Structuring and Coordination.** In continuation of our understanding of the County's overall debt portfolio and budget planning goals, our team will dedicate time to collaboratively discuss a pricing structure that maximizes budget agreements and conforms to the LGC guidelines.
- ✓ **Identifying Refinancing Opportunities.** In addition to new money plans, our team has kept track of the County's nearly \$200 million in outstanding debt. At this time, the County may have opportunities to refund two bank loans; **Series 2009 Installment Purchase Build America Bond** and **Series 2004 Enterprise System Revenue Bond**. Stephens will need to examine the documentation of each bank loan before determining if the loans could be refunded for an economic benefit. Here are our initial thoughts:
  - Series 2009 IP BAB: Outstanding BABs have received a 6.9% reduction to their federal subsidies. As a result, many BABs have become ideal refunding candidates depending on how the loan was structured.
  - Series 2004 Revenue Bond: This loan carries an above market interest rate of 4.25% and would be an ideal refunding candidate if it can be refunded without penalty.

Over next few years, the County will be issuing \$150 million in general obligation debt. When preparing for each bond issue, all outstanding obligations will be evaluated. By refunding existing bonds at the same time as a new issue, the efficiency of the refunding increases as the cost of issuance is shared between the transactions. It also improves the credit profile of the County by reducing the debt burden and minimizing the impact of the additional debt. The County's **Series 2012A Enterprise System Revenue Bonds** and **Series 2012 Limited Obligation Bonds** cannot be advance refunded and must wait until their 2022 call dates. During the Phase 2 issuance (July 2020) and leading up to the Phase 3 issuance (July 2022), Stephens will track the savings opportunities for each bond and identify a plan of finance that fits current market conditions.

- ✓ **Evaluate Potential Underwriters.** Stephens' advisors have been through the processes of evaluating potential underwriters for negotiated sales countless times as FA. Additionally, Stephens' history as one the industry's most recognized municipal underwriters gives our team a major advantage and understanding when organizing and evaluating the County's underwriting team.
- ✓ **Pre-Sale Publicity.** Stephens prides itself on taking the time to understand the credit strengths of each offering and not simply relying on a credit rating to do the work for the underwriting firm. In

today's volatile market, every issuer can benefit from providing investors with information that may exist outside the official statement. Investors appreciate and welcome this additional information as it allows them to make better and more informed decisions often resulting in increased demand and lower borrowing rates.

- ✓ **Deliver Investor Driven Amortization Schedules.** As previously mentioned, one of the major competitive advantages Stephens is able to offer the County is that our team not only advises on municipal debt financings, but we also serve as negotiated underwriters. Stephens' underwriting desk has collectively underwritten approximately \$200 billion since 2000. Our relationships with salespeople, institutional investors, and rating agency analysts allow the County to access market information that our competition cannot offer.

## 2. Credit Rating Strategy & Upgrade Review

**Our team will assist in the responsibility of ensuring that financial obligations are met by building easy-to-navigate models depicting natural changes in debt service as well as the effects of capital improvement plans.**

**Rating Agency Strategy.** As financial advisor, Stephens will develop an optimal credit strategy to maximize flexibility and minimize costs. To do so, our team will perform quantitative analyses on the County's financial information, while utilizing resources from Moody's and Standard & Poor's. Throughout the entire duration of Stephens' financial advisory relationship with the County, we will serve as its advocate in reviewing credit issues, legal documents, and financial ratios with the rating agencies. Our assistance would entail the following major steps:

- Contact the rating analysts well in advance of any meetings or conference calls to determine if any areas should be specifically addressed;
- Apprise the County of areas that might be of concern to the rating agencies;
- Assemble a "credit package" to familiarize the rating analysts with the County's proposed financing well in advance of the formal process;
- Provide detailed financial analysis for each relative rating agency, including Moody's "Scorecard" methodology rating system;
- Work with the County to refine the presentation, highlighting its credit strengths and confronting areas of "weakness" head on;
- Conduct a rehearsal during which all staff and board participants will make their presentations and answer questions likely to be asked by the rating analysts;
- Attend the formal rating agency presentations to review any questions, open points, or modifications to legal structure with the rating analysts;
- Outline and present the benefits of the financing plan;
- Assess, with the County, the impact of the rating agencies' responses; and
- Assist in the negotiation of final terms and conditions of the rating agency reports

**If a need develops for face-to-face meetings in New York, we would be glad to offer the use of our midtown offices on East 55<sup>th</sup> Street.** In the recent past, our clients have indicated a more positive experience by having the rating agencies come to our offices rather than traversing Manhattan to meet at each one of the rating agencies' offices.

Our advisory team, along with Union County's finance team, traveled to our midtown Manhattan office to meet with each of the three rating agencies. Our work with the County resulted in a rare, yet well deserved, 4 out of 6 rating upgrades.

This successful engagement was in large part due to our ability to convey the County's message through in-person rating presentations. **Our team's wealth of experience as both a municipal advisor and negotiated underwriter translates into being a superior advocate with the rating agencies; few other firms in North Carolina can offer this advantage to the County.**



**Case for an Upgrade.** As financial advisor, Stephens will showcase the County's credit strengths and highlight trends that quantify the reasoning for an upgrade. To do so, our team utilizes all available agency resources and our suite of proprietary tools and analytics. One tool utilized by Stephens is Moody's Municipal Financial Ratio Analysis ("MFRA"). MFRA data is compiled by Moody's analysts, after careful review of financial and operating statistics. The data is "analyst-adjusted" for a standardized and comparable view of issuers across different states. Stephen's uses MFRA to better understand our client's credit profile compared to other issuers. This type of peer analysis provides a valuable insight into how rating agencies evaluate and assign ratings to the County's future issuances.

FY 2016 Data and Statistics	Aa1 Median	Aa2 Median	Brunswick	Carteret	Iredell	Dare	Onslow	Pender
<b>General Entity Information</b>								
Current Senior Most Rating	Aa1	Aa2	Aa2	Aa1	Aa1	Aa2	Aa2	Aa2
<b>Tax Base Statistics and Ratios</b>								
Total Full Value (\$000)	17,731,389	8,150,875	23,440,904	20,281,607	21,617,353	12,977,055	12,245,400	6,648,858
Full Value Per Capita (\$)	94,087.50	82,590	188,027	103,077	126,989	354,564	62,914	120,159
Average Annual Increase in Full Value (%)	0.6	1.1	-7.0	-0.9	0.8	-5.9	-0.1	6.5
Top Ten TaxPayers as % of Total	7.0	7.2	8.0	8.8	6.7	2.2	3.4	3.3
<b>Demographic Statistics</b>								
Population	176,097	92,300	124,668	188,375	165,066	34,863	183,753	55,166
Per Capita Income	24,822	23,060	27,586	26,183	27,558	30,682	21,862	23,561
Median Home Value	155,900	135,400	182,500	167,100	166,300	283,400	154,000	153,400
<b>Debt Statistics &amp; Ratios</b>								
Direct Net Debt Outstanding (\$000)	178,482	71,664	79,995	354,702	204,639	116,911	201,814	149,142
Direct Net Debt as % of Full Value	1.1	0.8	0.3	1.7	0.9	0.9	1.6	2.2
Direct Net Debt Per Capita (\$)	1,035	797	642	1,803	1,202	3,194	1,037	2,695
Debt Service as % of Operating Expenditures	13.6	10.1	8.4	17.1	15.2	16.5	11.7	2.6
Payout, 10 Years, General Obligation Debt (%)	96.3	88.6	100.0	100.0	100.0	N/A	93.2	68.0
<b>Financial Statistics &amp; Ratios</b>								
Total General Fund Revenues (\$000)	199,265	101,792	181,475	233,631	188,778	110,152	189,232	73,733
Total General Fund Balance (\$000)	70,988	39,847	72,365	80,289	80,629	31,788	81,573	33,113
General Fund Balance as % of Revenues	34.8	37.1	39.9	34.4	42.7	28.9	43.1	44.9
Unassigned GF Balance as % of Revenue	20.3	20.8	33.6	21.7	21.7	17.7	5.8	20.8
	Positive	Negative						

The County's general obligation debt is currently rated Aa2/AA+. In June of this year, Moody's affirmed the County's current general obligation (Aa2) and lease-backed debt (Aa3) ratings and assigned a positive outlook. The positive outlook reflects an expectation that financial position continues to strengthen as a result of strong financial management and ongoing recovery in the taxable base. Despite the significant borrowing, ongoing growth and conservative fiscal management will afford the flexibility to manage the additional debt while simultaneously maintaining a strong financial position.

The County's tax base is still undergoing a recovery from sizable declines caused by the 2008 recession. Despite the current Full Value falling short of pre-recession levels, the County's 2016 tax base and demographics far exceed levels of other Aa2 counties and medians. **Brunswick County has the largest Full Value out of all Aa1 and Aa2 counties.** Other data points worth highlighting include a growing population, high full value per capita, high per capita income, and a high median home values.

Stephens will make the case that negative trends of property values have not diminished the tax base's ability to meet its obligations and that a growing population with favorable demographics support the forecast for future economic growth. The current debt profile and indicates a very manageable debt burden with respects to Full Value and Per Capita levels. In addition, the County's debt service accounts for only 8.4% of operating expenses compared to 13.6% and 10.1% for Aa1 and Aa2 medians, respectively.

Operational and financial trends are also positive credit factors for Brunswick County. Over the last five years the County's General Fund balance has increased 21% or \$12.7 million and General Fund revenue has increased 17% or \$26.2 million. The County's Unassigned General Fund balance as a % of Revenue was 33.6% at FY16, exceeds that of Aa2 and Aa1 and even Aaa medians. The strong reserve levels indicate the County is well equipped to withstand a financial downturn.

### 3. References and Relevant Financings

Please feel free to reach out to any of the individuals listed below as we believe they will be a strong advocate for Stephens Inc. and our qualifications.

Stephens is currently under a long term financial advisory contract with each following clients and currently working on General Obligation transactions.

**Carey McLelland**  
Finance Director  
Henderson County

100 North King Street  
Hendersonville, NC 28792

Tel 828.694.5018  
carey@hendersoncountync.org



**Jeff Yates**  
Chief Financial Officer  
Union County

500 North Main Street  
Union, NC 28112

Tel 704.283.3631  
jyates@co.union.nc.us



**Cheryl Spivey**  
Chief Financial Officer  
City of Fayetteville




433 Hay Street  
Fayetteville, NC 28301

Tel 910.433.1682  
cspivey@ci.fay.nc.us






## Recent Financings.

Click the tombstone to access the Official Statement.

 <p>Henderson County \$12,475,000 Limited Obligation Bond 8/10/2017 Financial Advisor</p>	 <p>Union County \$41,020,000 General Obligation Bonds 12/11/2015 Financial Advisor</p>	 <p>Winston-Salem \$59,465,000 General Obligation Bonds 7/12/2017 Underwriter</p>
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## Current Engagements.

 <p>Union County \$41,020,000 Water and Sewer Revenue Bonds 8/30/2017 Financial Advisor</p>	 <p>Sampson County \$64,000,000 Limited Obligation Bonds 9/13/2017 Underwriter</p>	 <p>City of Fayetteville \$33,000,000 Limited Obligation Bonds 11/1/2017 Financial Advisor</p>
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Note: Stephens also served as FA to Union County on a \$42 million private placement G.O.

## 4. Experience Working With the LGC

Working with the Local Government Commission ("LGC"). No other firm in North Carolina can offer the wealth of both advisory and underwriting experience Stephens is able to provide. The depth of services we provide our local government clients translates into being a superior advocate with the Local Government Commission.

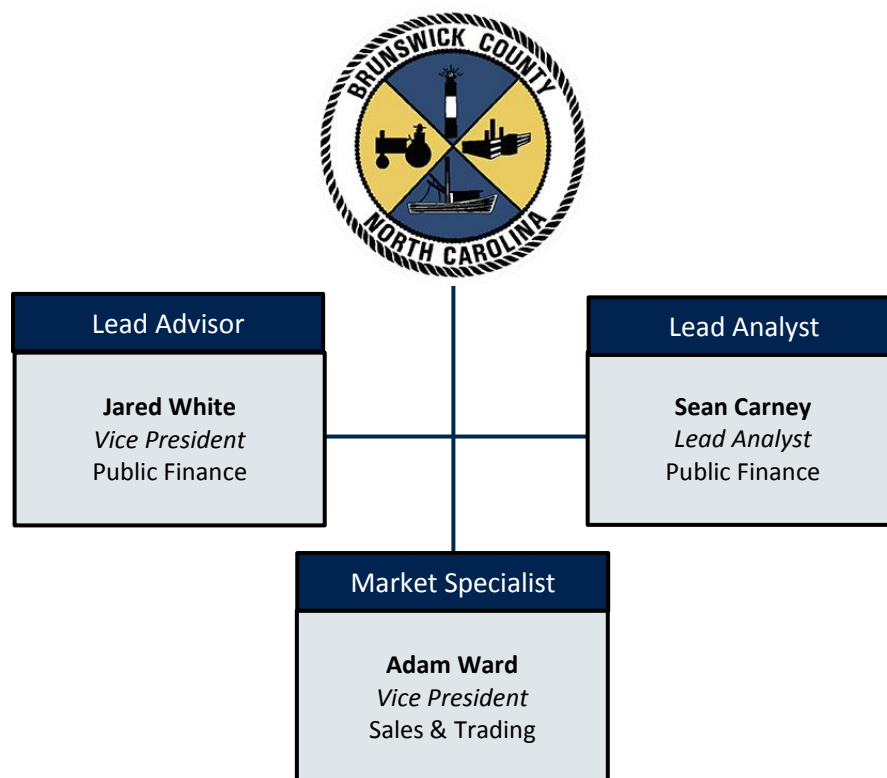
Over the past seven years, Stephens has worked with the LGC on over 235 issues. Included in that experience list, Stephens has specialized financing experience when working with NC coastal credits including the Town of Oak Island, Town of Beaufort, City of Jacksonville, City of Wilmington, New Hanover County, Onslow County, Onslow Water & Sewer Authority (ONWASA).

### North Carolina Coastal Credit Experience



**The County's Financial Advisory Team.** The individuals assigned to the County's engagement have served on billions of dollars of local government financings. The experience this team has gained through successfully structuring and marketing these issues will prove valuable in our work with the County. **It is important to point out that all of the individuals listed will be actively involved in the structuring, marketing and advising of each issue, and will be available as needed throughout the term of the engagement.**

**Jared White** will lead the day-to-day advisory services, while **Sean Carney** will lead the debt, research, capital improvement, and credit analysis. **Adam Ward** will utilize his underwriting expertise to serve as a consultant to the municipal market, providing market updates, interest rate pricing perspective, and advice with respect to debt structure.



**Jared White – Lead Advisor**  
**Vice President, Public Finance**

**Charlotte, NC**  
**704.442.5012 | jared.white@stephens.com**

Mr. White will serve as the County's day-to-day contact while managing the advisory team. As a municipal finance professional in North Carolina, Mr. White will bring the requisite experience to the County's engagement.

Over the past several years, Mr. White has provided investment banking and financial advisory services on more than 145 transactions, aggregating over \$4.1 billion. Prior to joining Stephens, he worked in the investment banking departments of Wachovia Securities and Bostonia Partners, LLC.

Mr. White received his undergraduate degree from Northeastern University in Boston and MBA from the University of North Carolina at Charlotte. He holds the Series 50, 52, and 63 FINRA licenses.

**Sean Carney – Lead Analyst**  
**Analyst, Public Finance**

**Atlanta, GA**  
**404.461.5105 | sean.carney@stephens.com**

Mr. Carney will work closely with Mr. White providing analytical support. His primary role will be to develop customized, cost-efficient financing strategies that meet the specific needs of the County in the primary areas of long-term debt management, capital improvement planning and refinancing solutions.

Prior to his career with Stephens, Mr. Carney was a credit analyst for Regions Bank specializing in municipal and 501(c)(3) entities. Mr. Carney graduated from the University of Georgia with a B.B.A. in Finance. He holds the Series 50, 52, and 63 FINRA licenses.

**Adam Ward – Market Specialist**  
**Vice President, Municipal Sales and Trading**

**Little Rock, AR**  
**501.377.8117 | adam.ward@stephens.com**

As the local government expert on the Firm's Municipal Trading Desk, Mr. Ward will be an active member of the advisory team as it relates to structuring and pricing the County's Bonds. He will be a participant on all pricing calls with the LGC and underwriting team to provide unbiased market indications.

Mr. Ward has managed financings for across numerous sectors, including utility, education, housing, healthcare, private activity, and tourism. Over the last few years, he has helped finance billions of dollars in municipal bond issues.

Mr. Ward received his undergraduate degree from the University of Arkansas at Fayetteville. He holds the Series 7 and 63 FINRA licenses.

**North Carolina Experience.** Since 2012, the County's dedicated advisory team has served on 59 public North Carolina transactions exceeding a par amount of \$1.7 billion.

 <p><b>Henderson County, North Carolina</b></p> <p>Financial Advisor</p>	 <p><b>Union County, North Carolina</b></p> <p>Financial Advisor</p>	 <p><b>New Hanover County, North Carolina</b></p> <p>Underwriter</p>	 <p><b>Onslow County, North Carolina</b></p> <p>Underwriter</p>	 <p><b>Winston-Salem, North Carolina</b></p> <p>Underwriter</p>	 <p><b>Oak Island, North Carolina</b></p> <p>Underwriter</p>
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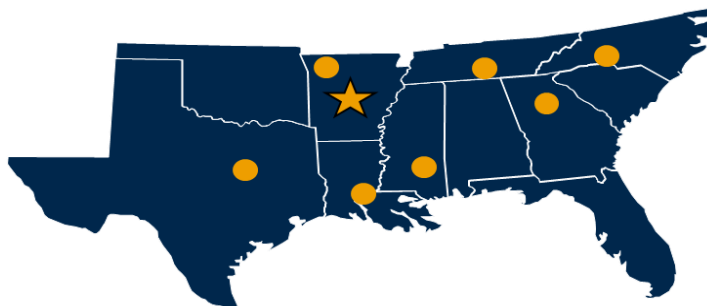
## 5. Firm Qualifications



**Firm Background.** Founded in 1933, Stephens' roots as a municipal finance firm have grown to become a full-service international investment bank that employs approximately 900 individuals. Although today our services include the structure and sale of municipal and corporate securities, general securities brokerage, money management, mergers and acquisitions, private equity, and estate planning; public finance advising always has been and continues to be the main line of business for Stephens.

**Public Finance Department.** Our goal and strategy is to provide tailored financing solutions and access to capital markets for local municipalities that are rooted within our invested communities in an effort to help them achieve the lowest possible cost of capital. We focus on exploring alternatives and creating solutions that best meet our clients' needs, not on pushing the latest financial product that might be profitable for us in the short term but not in the best long term interest of our clients.

PUBLIC FINANCE LOCATIONS	
★	Little Rock (Headquarters)
●	Atlanta, GA
●	Baton Rouge, LA
●	Charlotte, NC
●	Dallas, TX
●	Jackson, MS
●	Nashville, TN
●	Fayetteville, AR



With 8 offices throughout the southeast, our public finance team serves a broad client base of local governments, hospitals, school districts, public and private colleges and universities, 501(c)3 organizations, financial institutions, public utilities, corporations and individual investors. Since 2012, Stephens has served as underwriter or financial advisor on over 1,000 transactions, totaling approximately \$23.5 billion in bonds issued for southeastern states.

**Certifications and Accreditations.** Stephens has maintained memberships with:

- National Government Finance Officers Association (GFOA)
- International City/County Management Association
- Municipal Securities Rulemaking Board (MSRB)
- Financial Industry Regulatory Authority (FINRA)
- NYSE Market, Inc.
- Regional Bond Dealers Association (BDA)
- Securities Industry and Financial Markets Association (SIFMA)

Our membership with the MSRB and the BDA, along with constant tutorials conducted by our in house legal counsel, allows Stephens to be aware of the constantly changing rules and developments in our industry, like the municipal advisory rule and the Municipal Continuing Disclosure Cooperative ("MCDC") that were a part of the Dodd-Frank Act passed by Congress.

**Primary Software Resources.** Our team is committed to providing clients with unlimited access to our research and computer modeling tools. In addition to proprietary models and databases we have created, we look forward to utilizing the following programs while working with the County:

- Bloomberg
- Munex
- Moody's Municipal Finance Ratio Analysis

Stephens SEC, CRD and MSRB registration numbers are listed below. The hyperlink below the registration numbers will take the County to Stephens Inc.'s BrokerCheck web page. BrokerCheck is a free tool to research the background and experience of financial brokers, advisers and firms.

REGISTRATION NUMBERS		
SEC #	CRD#	MSRB #
1927	3496	A1303

Link to BrokerCheck: [Stephens Inc. – Broker Check](#)

## 6. Disclosure of Conflicts of Interest.

Stephens is not aware of any personal or financial interest that could be a possible conflict of interest or prevent the Firm from serving the County in this engagement.

## 7. Fee Proposal

Stephens proposes a fee structure based upon a transaction either being sold as a 'Public Offering' or a 'Private Placement' sold without a bond rating directly to a single investor, typically a bank.

Financial Advisory fees are to be paid only upon completion of a debt issuance, and are designed to be paid from bond proceeds. There will be no expenses billed to the County, unless expenses are incurred for travel outside the State of North Carolina, i.e. rating presentations in New York.

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Flat Fee per year:      \$ NONE

Fee per transaction      \$ 17,500 base fee + \$0.25 per \$1,000 in par amount

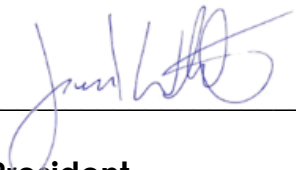
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Brunswick County is a very important relationship for our firm and we want to agree on compensation levels that satisfy both parties.

## 8. Signed Proposal Sheet

**Request for Proposal  
Financial Advisor  
Submission Form**

Please provide the following information about your company:

By (Signature)  Date August 11, 2017

Title: Vice President

Company: Stephens Inc.

Address: 4521 Sharon Road

Charlotte, NC 28211

Telephone: (704) 442-5012

Fax Number: (704) 442-5030

Email: [jared.white@stephens.com](mailto:jared.white@stephens.com)

It is understood by the Offeror that Brunswick County reserves the right to reject any and all proposals, to waive formalities, technicalities, and to recover and resubmit this RFP. This RFP is valid for one hundred and twenty (120) calendar days from the due date.



ATLANTA • AUSTIN • BATON ROUGE • BOSTON • CHARLOTTE • CHICAGO • COLUMBIA • CONWAY  
DALLAS • FAYETTEVILLE • FORT WORTH • FRANKFURT • HOT SPRINGS • HOUSTON • JACKSON  
JONESBORO • LITTLE ROCK • LONDON • MEMPHIS • NASHVILLE • NEW YORK • PORTLAND  
RICHMOND • ROGERS • SAN FRANCISCO • SHREVEPORT • ST. PETERSBURG • WASHINGTON DC  
WILMINGTON • WINSTON-SALEM

# Stephens Inc.

## Municipal Advisor Agreement

This Municipal Advisor Agreement (the “*Agreement*”) is entered into this 18th day of September, 2017, between Brunswick County (the “*Client*”) and Stephens Inc. (“*Stephens*”) and sets forth the terms and conditions under which Stephens will provide services to the Client. Stephens and the Client are referred to herein individually as a “*Party*” and collectively as the “*Parties*.”

WHEREAS, the Client desires to obtain the services of a municipal advisor to assist with the development and implementation of strategies to meet its capital financing needs and render assistance in connection with the municipal finance transaction described on **Schedule A** attached hereto (the “*Transaction*”); and

WHEREAS, Stephens is registered as a Municipal Advisor with the U.S. Securities and Exchange Commission (SEC) and Municipal Securities Rulemaking Board (MSRB) and Stephens is capable of providing the necessary municipal advisory services;

NOW, THEREFORE, in consideration of the above mentioned premises and intending to be legally bound hereby, the Client and Stephens agree as follows:

**1. Scope of Services.** Stephens will provide, upon request of the Client, the municipal advisory and/or consultant services described in **Schedule A** attached hereto and incorporated herein by reference. The Client and Stephens intend and agree that, to the extent the performance of services by Stephens with respect to the Transaction constitutes municipal advisory activities within the meaning of the Securities Exchange Act of 1934 (the “*Exchange Act*”) or otherwise creates a duty of Stephens under the Exchange Act or the Rules of the Municipal Securities Rulemaking Board and applicable state and local laws, Stephens’ duties do not extend beyond the services to be provided with respect to the Transaction.

**2. Client Responsibilities.** The Client shall:

a. Take all usual and customary steps necessary to complete the issuance of the bonds or notes (the “*Securities*”), as applicable, including but not limited to: directing the preparation and execution of all documents reasonably requested supporting the Securities, and participation by Client staff and third parties in a due diligence process in connection with the issuance of the Securities.

b. Furnish information, data, reports, and records in the possession of the Client necessary for carrying out the work to be performed under this Agreement;

c. Review the preliminary official statement or other disclosure documentation and confirm the accuracy of the information presented therein;

d. Allow Stephens to rely on the Client’s representations that the disclosure provided with respect to the Securities is not misleading, and, if necessary, direct bond and local counsel to include Stephens as addressee on all certifications and communications therein;

e. Approve the form of official statement or other disclosure documentation and direct its dissemination;

f. If applicable, participate in all calls, discussions and requests for information necessary to complete the credit rating process; and

g. Comply in all respects with state and federal securities laws, including but not limited to the Securities Act of 1933 and Rules 10b-5 (anti-fraud) and 15c2-12 (continuing disclosure) promulgated under the Securities Exchange Act of 1933 relating to disclosure in connection with municipal securities.

**3. Stephens Compensation and Expenses.** The fees due to Stephens hereunder shall be as set forth in **Schedule B** attached hereto.

**4. Client Expenses.** The Client will be responsible, to the extent required for the issuance of the Securities, for the payment of all fees and expenses commonly known as Costs of Issuance, including but not limited to: publication expenses, local legal counsel, bond counsel, ratings, credit enhancement, travel associated with securing any rating or credit enhancement, printing and distribution of required documents, trustee fees, paying agent fees, CUSIP identifiers, and the like.

**5. Required Disclosures.** MSRB Rule G-42 requires that Stephens provide you with disclosures of material conflicts of interest and of information regarding certain legal events and disciplinary history. Such disclosures are provided in Schedule C and Schedule D attached hereto.

**6. Advice of Third Parties.** The Client agrees that, to the extent the Client seeks to have Stephens provide advice with regard to any recommendation made by third party financial service providers, bankers, underwriters, accountants, legal advisors or others providing guidance similar in scope to that contemplated herein, the Client will provide to Stephens written direction to do so as well as any information it has received from such third party relating to its recommendation. In connection with advice to be provided by Stephens with regard to a recommendation made by a third party, Stephens may communicate with such third party as necessary or appropriate to allow Stephens to provide informed advice to the Client with regard to the recommendation. No recommendation by a third party shall be deemed to be a recommendation by Stephens unless Stephens otherwise provides. In particular, a determination that a third party's recommendation is suitable shall not be deemed to constitute a recommendation by Stephens unless otherwise expressly provided by Stephens.

**7. Entire Agreement/Amendments.** This Agreement, including any Schedules and amendments hereto which are expressly incorporated herein, constitute the entire Agreement between the Parties hereto and sets forth the rights, duties, and obligations of each to the other as of this date. Any prior agreements, promises, negotiations, or representations not expressly set forth in this Agreement are of no force and effect. This Agreement may not be modified except by a writing executed by both Stephens and the Client.

**8. Term of Agreement.** The term of this Agreement begins on the date set forth above and ends at the close of business on the settlement date for the Transaction or as otherwise set forth on **Schedule A**.

**9. No Third Party Beneficiary.** This Agreement is made solely for the benefit of the parties and their respective successors and permitted assigns. Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties and their respective successors and permitted assigns, any rights, remedies, obligations or liabilities under or by reason of this Agreement.

**10. Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original, but which taken together, shall constitute one and the same instrument.

**IN WITNESS WHEREOF**, the Parties have executed this Agreement on the date first written above. By the signature of its representative below, each Party affirms (a) that it has taken all actions necessary to authorize said representative to execute this Agreement, and (b) that it has read in its entirety this Agreement, including the attached Schedules, and has had the opportunity to ask any questions or seek any clarification about any aspect of this Agreement, including specifically any disclosures of conflicts of interest.

Brunswick County  
\_\_\_\_\_  
Client

By: \_\_\_\_\_ Signature: \_\_\_\_\_  
Title: \_\_\_\_\_

Stephens Inc.

By: Jared White Signature: \_\_\_\_\_  
Title: Vice President

A handwritten signature in blue ink, appearing to read "Jared White", is written over a horizontal line.

# **Schedule A**

## **Term and Scope of Municipal Advisory Services**

### **Description of Financing**

*Phase 1 – July 2018/FY 2019; \$52,950,000 General Obligation School Bonds, Series 2018*

### **Term of Agreement**

The contract shall be for a la carte engagement(s) related to phase 1 - \$52,950,000 of the voter approved \$152 million general obligation bond issues with options to extend for phase 2 and 3 as planned below:

Phase 1 – July 2018/FY 2019 \_construct, improve and renovate school facilities - \$ 52,950,000

Phase 2 – July 2020/FY 2021 \_construct, improve and renovate school facilities - \$ 47,550,000

Phase 3 – July 2022/FY 2023 \_construct, improve and renovate school facilities - \$ 51,500,000

### **Scope of Services**

The Scope of Services to be provided under this Agreement shall consist of the activities described below with respect to the planned issuance of the Securities.

- A. **New Issues.** Provide some or all of the following services with respect to the Client's new Issue(s):
1. Evaluate options or alternatives with respect to the proposed new Issue
  2. Review recommendations made by other parties to the Client with respect to the new Issue
  3. Review financial and other information regarding the Client, the proposed Issue and any source of repayment of or security for the Issue
  4. Consult with and/or advise the Client on actual or potential changes in market place practices, market conditions, regulatory requirements or other matters that may have an impact on the Client and its financing plans
  5. Assist the Client in establishing a plan of financing
  6. Assist the Client in establishing the structure, timing, terms and other similar matters concerning the Issue
  7. Prepare the financing schedule
  8. Provide assistance as to scheduling, coordinating and meeting procedural requirements relating to any required bond referendum, other than through cash or in-kind contributions with respect to such referendum
  9. Consult and meet with representatives of the Client and its agents or consultants with respect to the Issue
  10. Attend meetings of the Client's governing body, as requested
  11. Assist in the gathering of information with respect to financial and other statistical and factual information relating to the Client in connection with the preparation of the preliminary and final official statement
  12. Assist in the review of the preliminary and final official statement

13. Make arrangements for printing, advertising and other vendor services necessary or appropriate in connection with the Issue
14. Advise the Client with regard to any continuing disclosure undertaking required to be entered into in connection with the Issue, including advising on the selection of a dissemination agent
15. Assist the Client in collecting and analyzing bids submitted by underwriters and in connection with the Client's selection of a winning bidder
16. At the time of sale, provide the Client with relevant data on comparable issues recently or currently being sold nationally and by comparable Clients
17. Advise the Client with respect to recommendations made by the underwriters and other interactions between the Client and the underwriters
18. Review required underwriter disclosures to the Client
19. Respond to questions from bidders, underwriters or potential investors
20. Arrange and facilitate visits to, prepare materials for, and make recommendations to the Client in connection with credit ratings agencies
21. Work with bond counsel and other transaction participants to prepare and/or review necessary authorizing documentation of the Client and other documents necessary to finalize and close the Issue
22. Coordinate working group sessions, closing, delivery of the new Issue and transfer of funds
23. Prepare a closing memorandum or transaction summary, together with general guidance for the Client with respect to post-closing requirements relating to the use and investment of bond proceeds and the payment of debt service

B. ***Outstanding or Potential Issues.*** Provide some or all of the following services with respect to the Client's outstanding Issue(s):

1. Advise the Client on potential exercise of optional or other call rights, or potential tender offers, for outstanding Issue(s)
2. Advise the Client on potential refunding or other refinancing opportunities of its outstanding Issue(s)
3. Review recommendations made by other parties to the Client with respect to outstanding Issue(s)
4. Evaluate options or alternatives for the Client with respect to, and assist in identifying, financing opportunities, including recommendations by other parties to the Client for potential financings
5. Consult with and/or advise the Client on actual or potential changes in market place practices, market conditions, regulatory requirements or other matters that may have an impact on the Client's outstanding Issue(s)
6. Advise the Client on post-issuance disclosure compliance matters, including specific issues that may arise from time to time and the preparation, review and revision of applicable policies and procedures, relating to outstanding Issue(s)
7. Assist the Client and its dissemination agent in the preparation of annual filings or other continuing disclosures required under continuing disclosure undertakings for outstanding Issue(s)
8. Advise the Client on matters relating to compliance with, including testing and/or reporting on compliance with, bond or other covenants relating to outstanding Issue(s)
9. Review documentation of outstanding Issue(s) with Client personnel and with the Client's bond counsel and other consultants
10. Assist the Client in responding to inquiries from investors or other market participants in connection with the Client's outstanding Issue(s)

### **Limitations on Scope of Services**

The Scope of Services are subject to the following limitations:

The Scope of Services with respect to Stephens' engagement as municipal advisor shall be limited solely to the services set forth in this Schedule as they relate to the Transaction, and shall not encompass (i) the services described herein with respect to any other offering or potential offering of the Client or (ii) any services not described herein with respect to the Transaction.

Other than with respect to the receipt and same day return or forwarding of good faith deposits, if applicable, this engagement does not contemplate that Stephens will receive deposits of or maintain custody of any Client funds, or will provide fiduciary or agency services offered by Stephens or any of its affiliates.

Unless otherwise provided in Schedule A, Stephens is not responsible for preparing any preliminary or final official statement or other disclosure documents, or for certifying as to the accuracy or completeness of any preliminary or final official statement or other disclosure documents, other than with respect to any information about Stephens provided by Stephens for inclusion in such documents.

The Scope of Services does not include tax, legal, accounting or engineering advice with respect to any Transaction or in connection with any opinion or certificate rendered by counsel or any other person at closing, and does not include review or advice on any feasibility study.

The Scope of Services may be changed only by written amendment to this Schedule, and the parties agree to amend this Schedule promptly to reflect any material changes or additions to the Scope of Services.

## **Schedule B**

### **Compensation and Expenses**

Fees for the services provided by Stephens to the Client under this Agreement and the manner for payment of expenses incurred by Stephens in the course of performing its services are as set forth below:

*Flat Fee contingent upon the completion of a financing:     \$25,000 per transaction*

## **Schedule C**

### **Conflicts of Interest**

MSRB Rule G-42 requires that municipal advisors provide to their clients disclosures relating to any actual or potential material conflicts of interest, including certain categories of potential conflicts of interest identified in Rule G-42, if applicable. If no such material conflicts of interest are known to exist based on the exercise of reasonable diligence by the municipal advisor, municipal advisors are required to provide a written statement to that effect.

Accordingly, Stephens makes the following disclosures with respect to material conflicts of interest in connection with the Scope of Services under this Agreement, together with explanations of how Stephens addresses or intends to manage or mitigate each conflict. To that end, with respect to all of the conflicts disclosed below, Stephens mitigates such conflicts through its adherence to its fiduciary duty to the Client, which includes a duty of loyalty to the Client in performing all municipal advisory activities for the Client. This duty of loyalty obligates Stephens to deal honestly and with the utmost good faith with the Client and to act in the Client's best interests without regard to Stephens' financial or other interests. In addition, because Stephens is a broker-dealer with significant capital due to the nature of its overall business, the success and profitability of Stephens is not dependent on maximizing short-term revenue generated from individualized recommendations to its clients but instead is dependent on long-term profitability built on a foundation of integrity, quality of service and strict adherence to its fiduciary duty. Furthermore, Stephens' municipal advisory supervisory structure, leveraging our long-standing and comprehensive broker-dealer supervisory processes and practices, provides strong safeguards against individual representatives of Stephens potentially departing from their fiduciary duties due to personal interests. The disclosures below describe, as applicable, any additional mitigations that may be relevant with respect to any specific conflict disclosed below.

#### **Forms of Compensation; Potential Conflicts.**

The forms of compensation for municipal advisors vary according to the nature of the engagement and requirements of the client, among other factors. Various forms of compensation present actual or potential conflicts of interest because they may create an incentive for an advisor to recommend one course of action over another if it is more beneficial to the advisor to do so. The information below discusses various forms of compensation and the timing of payments to a municipal advisor.

- **Fixed fee.** Under a fixed fee form of compensation, the municipal advisor is paid a fixed amount established at the outset of the transaction. The amount is usually based upon an analysis by the client and the advisor of, among other things, the expected duration and complexity of the transaction and the agreed-upon scope of work that the advisor will perform. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, the advisor may suffer a loss. Thus, the advisor may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. There may be additional conflicts of interest if the municipal advisor's fee is contingent upon the successful completion of a financing, as described below.
- **Hourly fee.** Under an hourly fee form of compensation, the municipal advisor is paid an amount equal to the number of hours worked by the advisor times an agreed-upon hourly

billing rate. This form of compensation presents a potential conflict of interest if the client and the advisor do not agree on a reasonable maximum amount at the outset of the engagement, because the advisor does not have a financial incentive to recommend alternatives that would result in fewer hours worked. In some cases, an hourly fee may be applied against a retainer (e.g., a retainer payable monthly), in which case it is payable whether or not a financing closes. Alternatively, it may be contingent upon the successful completion of a financing, in which case there may be additional conflicts of interest, as described below.

- **Fee contingent upon the completion of a financing or other transaction.** Under a contingent fee form of compensation, payment of an advisor's fee is dependent upon the successful completion of a financing or other transaction. Although this form of compensation may be customary for the client, it presents a conflict because the advisor may have an incentive to recommend unnecessary financings or financings that are disadvantageous to the client. For example, when facts or circumstances arise that could cause the financing or other transaction to be delayed or fail to close, an advisor may have an incentive to discourage a full consideration of such facts and circumstances, or to discourage consideration of alternatives that may result in the cancellation of the financing or other transaction.
- **Fee paid under a retainer agreement.** Under a retainer agreement, fees are paid to a municipal advisor periodically (e.g., monthly) and are not contingent upon the completion of a financing or other transaction. Fees paid under a retainer agreement may be calculated on a fixed fee basis (e.g., a fixed fee per month regardless of the number of hours worked) or an hourly basis (e.g., a minimum monthly payment, with additional amounts payable if a certain number of hours worked is exceeded). A retainer agreement does not present the conflicts associated with a contingent fee arrangement (described above).
- **Fee based upon principal or notional amount and term of transaction.** Under this form of compensation, the municipal advisor's fee is based upon a percentage of the principal amount of an issue of securities (e.g., bonds) or, in the case of a derivative, the present value of or notional amount and term of the derivative. This form of compensation presents a conflict of interest because the advisor may have an incentive to advise the client to increase the size of the securities issue or modify the derivative for the purpose of increasing the advisor's compensation.

As a fiduciary to the Client, Stephens will work closely with the Client in terms of the conflicts that may exist with respect to compensation and based on the services provided to establish a fair and reasonable fee associated with the municipal advisory services for the Client.

#### **Other Potential Conflicts.**

**Other Municipal Advisor or Underwriting Relationships.** Stephens serves a wide variety of other clients that may from time to time have interests that could have a direct or indirect impact on the interests of the Client. For example, Stephens serves as municipal advisor to other municipal entities and, in such cases, owes a fiduciary duty to such other clients just as it does to the Client under this Agreement. These other clients may, from time to time and depending on the specific circumstances, have competing interests, such as accessing the new issue market with the most advantageous timing and with limited competition at the time of the offering. In acting in the

interests of its various clients, Stephens could potentially face a conflict of interest arising from these competing client interests. In other cases, as a broker-dealer that engages in underwritings of new issuances of municipal securities by other municipal entities, the interests of Stephens to achieve a successful and profitable underwriting for its municipal entity underwriting clients could potentially constitute a conflict of interest if, as in the example above, the municipal entities that Stephens serves as underwriter or municipal advisor have competing interests in seeking to access the new issue market with the most advantageous timing and with limited competition at the time of the offering. None of these other engagements or relationships would impair Stephens' ability to fulfill its fiduciary duty to the Client.

**Broker-Dealer and Investment Advisory Business.** Stephens is a broker-dealer and investment advisory firm that engages in a broad range of securities-related activities to service its clients, in addition to serving as a municipal advisor or underwriter. Such securities-related activities, which may include but are not limited to the buying and selling of new issue and outstanding securities and investment advice in connection with such securities, including securities of the Client, may be undertaken on behalf of, or as counterparty to, the Client, personnel of the Client, and current or potential investors in the securities of the Client. These other clients may, from time to time and depending on the specific circumstances, have interests in conflict with those of the Client, such as when their buying or selling of the Client's securities may have an adverse effect on the market for the Client's securities, and the interests of such other clients could create the incentive for Stephens to make recommendations to the Client that could result in more advantageous pricing for the other clients. Any potential conflict arising from Stephens effecting or otherwise assisting such other clients in connection with such transactions is mitigated by means of such activities being engaged in customary terms through units of Stephens that operate independently from Stephens' municipal advisory business, thereby reducing the likelihood that the interests of such other clients would have an impact on the services provided by Stephens to the Client under this Agreement.

## Schedule D

### Disclosure of Information Regarding Legal Events and Disciplinary History

MSRB Rule G-42 requires that municipal advisors provide to their clients certain disclosures of legal or disciplinary events material to its client's evaluation of the municipal advisor or the integrity of the municipal advisor's management or advisory personnel.

Accordingly, Stephens sets out below required disclosures and related information in connection with such disclosures.

**I. Material Legal or Disciplinary Event.** We do not believe that there are any legal or disciplinary events that are material to the Client's evaluation of Stephens or the integrity of Stephens' management or advisory personnel disclosed, or that should be disclosed, on any Form MA or Form MA-I filed with the SEC involving our firm's municipal advisory business. As a full service broker dealer and investment banking firm, Stephens is and has been involved in regulatory and civil actions involving other areas of the firm's business, none of which are expected to have any impact on the firm's ability to perform the services which are the subject of this Agreement. The details of all such regulatory and civil actions are available in Item 9 and the accompanying Regulatory Action DRPs on Form MA filed with the SEC.

**II. How to Access Form MA and Form MA-I Filings.** Stephens' most recent Form MA and each most recent Form MA-I filed with the SEC are available on the SEC's EDGAR system at <https://www.sec.gov/cgi-bin/browse-edgar?action=getcompany&CIK=0000757657&owner=include&count=40&hidefilings=0>. The SEC permits certain items of information required on Form MA or MA-I to be provided by reference to information already filed by Stephens in its capacity as a broker-dealer on Form BD or Form U4 or as an investment adviser on Form ADV, as applicable. Information provided by Stephens on Form BD or Form U4 is publicly accessible through reports generated by BrokerCheck at <http://brokercheck.finra.org>, and Stephens' most recent Form ADV is publicly accessible at the Investment Adviser Public Disclosure website at <http://www.adviserinfo.sec.gov>. For purposes of accessing such BrokerCheck reports or Form ADV, Stephens' CRD number is 3496.

**III. Most Recent Change in Legal or Disciplinary Event Disclosure.** Stephens has not made any material legal or disciplinary event disclosures with respect to its municipal advisory business on Form MA or any Form MA-I filed with the SEC.



**Brunswick County Board of Commissioners**  
**ACTION AGENDA ITEM**  
**September 18, 2017**

**Action Item # VIII. - 2.**

**From:** Utilities - Sunset Harbor Water Main (John Nichols, Director of Public Utilities)  
John Nichols, Director of Public Utilities

**Issue/Action Requested:**

Request that the Board of Commissioners approve the agreement with Cape Fear Engineering, Inc. in the amount of \$68,580 for engineering services associated with the design of the Sunset Harbor water main to improve fire flow and redundancy.

**Background/Purpose of Request:**

Funds were included in the FY 2017 CIP in order to improve fire flows and pressures along Sunset Harbor Road. The project will complete a missing section along Sunset Harbor Road that will provide needed looping in the area and a redundant feed to a school. The project will also provide better fire flow and pressures in the Sunset Harbor area. A request for qualifications was advertised and proposals were received from seven engineering firms and the selection committee selected Cape Fear Engineering to perform the work. Subsequently, a scoping meeting was held with the firm and a fee negotiated. The work includes preliminary design, final design, geotechnical exploration, field reconnaissance, preliminary plans and specifications, preparation of all applicable permits, final plans and specifications, bidding assistance, recommendation of award, limited construction inspection, and construction administration.

Staff recommends approval of the proposed contract with Cape Fear Engineering in the amount of \$68,580.

**Fiscal Impact:**

Budget Amendment Required, Capital Project/Grant Ordinance Required, Pre-Audit Certification Required, Reviewed By Director of Fiscal Operations

Budget amendment and the associated capital project ordinance transfers \$70,000 from the water capital reserve designated for contract award.

**Approved By County Attorney:**

Yes

**Advisory Board Recommendation:**

Not Applicable.

**County Manager's Recommendation:**

Recommend that the Board of Commissioners approve the agreement with Cape Fear Engineering, Inc. in the amount of \$68,580 for engineering services associated with the design of the Sunset Harbor water main to improve fire flow and redundancy.

**ATTACHMENTS:**

Description

- ☐ Contract
- ☐ Contract Exhibits

- ▣ 170918 Budget Amendment Sunset Harbor Water Main Reserve.pdf
- ▣ 170918 Budget Amendment Sunset Harbor Water Main.pdf
- ▣ 170918 CPO Sunset Harbor Water Main.pdf

This Agreement has been prepared for use with the Brunswick County, North Carolina General Conditions of the Contract (for construction contracts). Their provisions are interrelated and a change in one may necessitate a change in the other.

**SHORT FORM OF AGREEMENT  
BETWEEN OWNER AND ENGINEER  
FOR  
PROFESSIONAL SERVICES**

THIS IS AN AGREEMENT effective as of \_\_\_\_\_ (“Effective Date”) between

Brunswick County Public Utilities (“Owner”)

and

Cape Fear Engineering, Inc. (“Engineer”).

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

Sunset Harbor Road Waterline (“Project”).

Engineer’s Services under this Agreement are identified in the attached Exhibit A.

Owner and Engineer further agree as follows:

**1.01 *Basic Agreement and Period of Service***

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services in accordance with the schedule outlined in Exhibit B.
- C. If the Project includes construction-related professional services, then Engineer's time for completion of services is conditioned on the time for Owner and its contractors to complete construction. If the actual time to complete construction exceeds the number of days indicated in Exhibit B through no fault of the Engineer, then Engineer's period of service and its total compensation shall be appropriately adjusted.

## 2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 60 days of receipt. If Owner fails to make any payment due Engineer for undisputed services and expenses within 60 days after receipt of Engineer's invoice, then the amounts due Engineer will be increased at the rate of 1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving fourteen days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all undisputed amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

## 3.01 *Termination*

- A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

- a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its undisputed services is a substantial failure to perform and a basis for termination.
- b. By Engineer:
- 1) upon fourteen days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
- 2) upon fourteen days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within fourteen days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.
2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

- B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

#### 4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

#### 5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work.
- C. This Agreement is to be governed by the law of the State of North Carolina.
- D. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner and such contractor. Engineer is not responsible for variations between actual construction bids or costs and Engineer's opinions or estimates regarding construction costs.

- E. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.
- F. The general conditions for any construction contract documents prepared hereunder are to be the Brunswick County, North Carolina General Conditions of the Contract (for construction contracts) unless the parties agree otherwise.
- G. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to the following limitations: (1) any use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants and (2) such limited license to Owner shall not create any rights in third parties.
- H. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000, the total amount of compensation received by Engineer, or the total insurance benefit of Engineer's insurance policy(s), whichever is greater.
- I. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition.
- J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.
- K. By signing this contract, Engineer affirms they are not listed and will not utilize a consultant, vendor, contractor, or subcontractor listed on the Final Divestment List created by the State Treasurer pursuant to NCGS 143-6A-4, Iran Divestment Act Certification.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Basis of Payment—Lump Sum*

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer in accordance with Exhibit B.
- B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer a lump sum amount agreed to by a duly executed written instrument based on the format of Exhibit C to this Agreement.

8.01 *Exhibits Included*

- A. Engineer's Services
- B. Payment to Engineer for Services
- C. Amendment to Owner- Engineer Agreement

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

ENGINEER:

By: Perry Davis, PE, PLS

Title: President

Date Signed: \_\_\_\_\_

Engineer License or Firm's Certificate  
Number: C-1621

State of: North Carolina

Clerk to the Board

\_\_\_\_\_

“This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.”

\_\_\_\_\_  
Finance Director – Brunswick County

“Approved at to Form”

\_\_\_\_\_  
County Attorney                      Date

Address for giving notices:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address for giving notices:

Cape Fear Engineering, Inc.  
151 Poole Road Suite 100  
Belville, NC 28451

## **Engineer's Services**

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The Professional Services Agreement is supplemented to include the following agreement of the parties.

Engineer shall provide Basic and Additional Services as set forth below.

### **PART 1 – BASIC SERVICES**

#### **Introduction**

The proposed project include the design and permitting of approximately 5,100 LF of 12-inch waterline from NC-211 along Sunset Harbor Road. CFE proposed to provide comprehensive survey, environmental, design, permitting, bidding assistane, construction admin, and post-construction services as outlined below.

##### *A1.01 Wetlands Delineation and Verification*

CFE will subcontract with ECS Southeast to provide wetlands delineation and verification. ECS will evaluate the project area and delineate any wetlands, surface waters, and/or other environmentally sensitive areas along the proposed waterline route. In addition, ECS will also obtain any soil and ground water testing deemed necessary to design, permit and construct this project. If wetlands or other areas are identified they will coordinate with the USACE to approve the delineated line and obtained jurisdictional determination (JD) approval as necessary. Wetland areas that are sufficiently dry to allow for only temporary impacts to wetlands will be evaluated for open trench installation.

##### *A1.02 Geotechnical Investigation*

CFE will subcontract with ECS Southeast to provide geotechnical field explorations which may include a combination of test borings, test pits, and other geophysical methods to characterize and classify existing soil conditions and groundwater conditions. ECS will provide laboratory testing and analysis as needed and will provide a detailed geotechnical report outlining their findings and recommendations. Recommendations will include dewatering, management of unsuitable materials encountered in utility trenches, utility bedding, utility backfill, and pavement patching.

##### *A1.03 Survey*

CFE will provide existing conditions and topographical survey along the proposed route to develop a comprehensive basemap for project design. CFE will provide property and easement research and limited boundary survey to establish existing right-of-ways, property lines, and easements. CFE will utilize 811 call to mark existing utilities along the proposed route. No potholing, GPR, or other means of sub surface utility evaluation are proposed.

##### *A1.04 Preliminary Design Phase*

Utilizing the existing conditions survey, CFE will develop a preliminary design routing of the proposed waterline and will identify any easements or properties that need to be acquired to construct the project. CFE will submit the preliminary design to Brunswick County for review, and incorporate all written comments submitted by County staff into Final Design. CFE will also

coordinate with NCDOT during this phase of design as required to establish encroachment requirements.

#### *A1.05 Final Design and Permitting*

After receiving the County's comments on the preliminary design, CFE will finalize the design of the water main project. This will include developing complete plans and specifications for the project that conform to Brunswick County Technical Specifications and Standard Details, NCPWS, NCDOT's and NCDEQ's minimum design standards.

Once final design is complete and based on coordination with various regulatory authorities, CFE will prepare applications, calculations, and other supporting documentation to submit for and obtain necessary permits. This includes but is not limited to NCDOT encroachment, NCPWS Construction Permits (Water Permit including Engineering Report), NCDEQ Storm Water, NCDEQ and Sedimentation and Erosion Control. Permits.

During this phase, The County and CFE will jointly determine the approach that will secure the best bids and meet the project deadlines. Standard Brunswick County Front End Documents, County Technical Specifications (supplemented as needed with additional technical specifications), and design plans will be submitted to Brunswick County Staff for review and approval. CFE will ensure front end documents form a technically complete package without conflicts and overlaps. Once CFE receives approval of the final design and resolution of any outstanding comments, an engineering cost estimate for project construction will be provided to County Staff. Once all permits are in hand, Issued For Construction plans and project manual will be produced.

#### *A1.06 Wetland Permitting*

If wetlands are identified along the project route ECS will be responsible for determining requirements for U.S. Army Corps of Engineers and DWQ Section 404 Permits. If required ECS Southeast will prepare and submit all permit applications and supporting documentation needed to the appropriate agency, and will resolve any regulatory comments in consultation with County staff while securing all required wetlands permits.

#### *A1.07 Easement Maps*

Upon final approval of the design, CFE's survey department will prepare the necessary documents, including signatures, for any easements required to construct the project with the compliance from the local zoning officer, Brunswick County Planning Department and Register of Deeds. CFE's survey department will determine any easements or properties that will need to be acquired and will prepare survey and easement maps and/ or plat maps suitable for recording. CFE anticipates that a maximum of 3 easements will be required. Additional easements will be on a per each basis.

#### *A1.08 Bidding and Negotiating Phase*

Once all required construction permits have been obtained and County Staff has approved all plans and specifications, the project will be advertised for bid. CFE will be responsible for plans and project specification distribution to online plan rooms during the bidding process. CFE will respond to contractor questions regarding the plans and specifications, evaluate substitutions, and issue clarifications and addenda as needed. CFE will conduct the pre-bid meeting, open the contractor bids, and certify the bids in accordance with Brunswick County purchasing ordinances and the State of North Carolina Procurement Standards and make award recommendation to the Board of

Commissioners in addition to providing hard copy contract documents. CFE will consult with Brunswick County on acceptability of contractors, suppliers and manufacturers and assist in negotiations with the contractors.

#### *A1.09 Construction Phase*

CFE will conduct the pre-construction conference and monthly progress meetings as required and assist the County in determining milestone completion dates. During the construction process, CFE will respond to any technical questions related to the design or specifications raised by the contractor such as Requests for Information. Issuance of change orders, punch lists along with review of test data, maintenance and operating instructions, and guarantees and bonds will be performed by CFE. CFE will also review and approve shop drawings, required submittal reviews and review and approve pay request applications submitted by the contractor for accuracy prior to forwarding the pay requests to County Staff. CFE will perform any inspections in consultation with the County Inspector required to validate the conformance to the issued permits and prepare Engineering Certifications for the project.

#### *A1.10 Post-Construction Phase*

CFE will prepare and submit final as-built record drawings per County specifications at the conclusion of the project in both paper and electronic format. CFE will also submit the appropriate engineering certifications to Brunswick County and NCPWS as required. In addition, CFE will also visit the project regularly to monitor any deficiencies in the work and facilitate any discussions with the Owner and Contractor to obtain recommendations for correction or replacements for non-compliant items, if any. A final inspection prior to the end of the warranty period will be performed by CFE to identify and report any items requiring action by the contractor. Any warranty work performed by the contractor will be inspected by CFE to ensure compliance with the contract documents.

### **PART 2 – ADDITIONAL SERVICES**

#### *A2.01 Additional Services Requiring Owner's Written Authorization*

Any items not specifically outlined above.

(for use with E-520)

This is **EXHIBIT B**, consisting of \_\_\_\_\_ pages, referred to in and part of the Agreement between Owner and Engineer for Professional Services dated \_\_\_\_\_, \_\_\_\_\_.

**Payments to Engineer for Services**  
**Basic Services – Lump Sum**

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The Professional Services Agreement is supplemented to include the following agreement of the parties.

*Compensation for Basic Services – Lump Sum Method of Payment*

A. Owner shall pay Engineer for Basic Services as follows:

1. A Lump Sum amount based on the following estimated distribution of compensation.

	<u>Amount</u>	<u>Duration</u>
a. Wetlands Delineation*	<u>\$5,400</u>	<u>45 days</u>
b. Geotechnical Investigation*	<u>\$3,350</u>	
c. Survey*	<u>\$11,475</u>	
<u>(*these tasks are to be performed concurrently)</u>		
d. Preliminary Design Phase	<u>\$9,025</u>	<u>45 days</u>
e. Final Design & Permitting	<u>\$13,640</u>	<u>90 days</u>
f. Wetlands Permitting	<u>\$3,800</u>	<u>60 days</u>
g. Easement Maps	<u>\$2,650</u>	<u>30 days</u>
<u>3 Easements @ \$ 883.33 each</u>		
h. Bidding and Negotiating Phase	<u>\$2,860</u>	<u>60 days</u>
i. Construction Phase	<u>\$11,100</u>	<u>120 days</u>
j. Post-Construction Phase	<u>\$5,280</u>	<u>30 days</u>
Basic Services Total	<u>\$68,580</u>	<u>480 days</u>

2. Engineer may alter the distribution of compensation between individual phases noted herein to be consistent with services actually rendered, but shall not exceed the total Lump Sum amount unless approved in writing by the Owner.

3. The Lump Sum includes compensation for Engineer's services and services of Engineer's Consultants, if any. Appropriate amounts have been incorporated in the Lump Sum to account for labor, overhead, profit, and Reimbursable Expenses.
4. The portion of the Lump Sum amount billed for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.
5. The date for project completion shall be determined by adding the above noted Total Duration, also known as the "Time for Completion" to the Effective Date of the agreement.

(for use with E-520)

This is **EXHIBIT C**, consisting of \_\_\_\_\_ pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated \_\_\_\_\_, \_\_\_\_\_.

**AMENDMENT TO OWNER-ENGINEER AGREEMENT**  
**Amendment No. \_\_\_\_\_**

1. *Background Data:*

- a. Effective Date of Owner-Engineer Agreement: \_\_\_\_\_
- b. Owner: Brunswick County
- c. Engineer: Cape Fear Engineering, Inc.
- d. Project: Sunset Harbor Road Waterline

2. *Description of Modifications:*

[NOTE TO USER: Include the following paragraphs that are appropriate and delete those not applicable to this amendment. Refer to paragraph numbers used in the Agreement or a previous amendment for clarity with respect to the modifications to be made. Use paragraph numbers in this document for ease of reference herein and in future correspondence or amendments.]

- a. Engineer shall perform or furnish the following Additional Services:
- b. The Scope of Services currently authorized to be performed by Engineer in accordance with the Agreement and previous amendments, if any, is modified as follows:
- c. The responsibilities of Owner are modified as follows:
- d. For the Additional Services or the modifications to services set forth above, Owner shall pay Engineer the following additional or modified compensation:
- e. The schedule for rendering services is modified as follows:
- f. Other portions of the Agreement (including previous amendments, if any) are modified as follows:

*[List other Attachments, if any]*

5. Agreement Summary (Reference only)

- a. Original Agreement amount: \$ \_\_\_\_\_
- b. Net change for prior amendments: \$ \_\_\_\_\_
- c. This amendment amount: \$ \_\_\_\_\_
- d. Adjusted Agreement amount: \$ \_\_\_\_\_

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit B.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is \_\_\_\_\_.

OWNER:

ENGINEER:

Brunswick County

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: Chairman  
Board of Commissioners

Title: \_\_\_\_\_

Date  
Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Clerk to the Board

\_\_\_\_\_  
“This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.”

\_\_\_\_\_  
Finance Director – Brunswick County

Request Info	
Type	Budget Amendment
Description	Sunset Harbor Water Main Reserve
Justification	Board Meeting 09/18/2017-Transfer \$70,000 from water capital reserve designated for Sunset Harbor Water Main to the project for award of engineering and design services with Cape Fear Engineering.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
419800	398661	Interfund Trans Water Cap Rsv	Trans Frm Water Fund	-70000	Decrease	Debit
419800	464431	Interfund Trans Water Cap Rsv	Sunset Harbor	-50000	Decrease	Credit
419800	464299	Interfund Trans Water Cap Rsv	Undesignated Funds	-20000	Decrease	Credit

Total	
Grand Total:	-140000

Request Info	
Type	Budget Amendment
Description	Sunset Harbor Water Main
Justification	Board Meeting 09/18/2017-Transfer \$70,000 from water capital reserve designated for Sunset Harbor Water Main to the project for award of engineering and design services with Cape Fear Engineering.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
418287	398661	Sunset Harbor Water Main	Trans Frm Water Fund	70000	Increase	Credit
418287	464001	Sunset Harbor Water Main	Arch/Engnrg/Legal	70000	Increase	Debit

Total	
Grand Total:	140000

**COUNTY OF BRUNSWICK, NORTH CAROLINA  
CAPITAL PROJECT ORDINANCE**

**Sunset Harbor Water Main  
(418287)**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Water Capital Projects Fund:

**Water Capital Projects Fund:**

Revenues:

Transfer from Water Fund		<u>70,000</u>
<b>Total Water Capital Project Revenues</b>	<b>\$</b>	<b>70,000</b>

Expenditures:

Arch/Eng/Legal		<u>70,000</u>
<b>Total Water Capital Project Expenditures</b>	<b>\$</b>	<b>70,000</b>

Section 2. It is estimated that the following revenues will be available in the Brunswick County Water Fund:

Current Funds Appropriated	\$	70,000
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Section 3. The following amounts are hereby appropriated in the Brunswick County Water Fund:

Contribution to Capital Project Fund	\$	70,000
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Section 4. This Capital Project Ordinance shall be entered into the minutes of the September 18, 2017 meeting of the Brunswick County Board of Commissioners.