

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING AGENDA**

**August 6, 2018
3:00 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 - Commissioners' Goals Fiscal Year 2018-2019
Request that the Board of Commissioners approve the Commissioners' Goals for Fiscal Year 2018-2019.
2. Board Appointment - Doshier Memorial Hospital Board of Trustees
Request that the Board of Commissioners appoint Ms. Linda Pukenas to fill the unexpired term of Trustee James White on the Doshier Memorial Hospital Board of Trustees. Ms. Pukenas will serve until December 1, 2019, pending outcome of the November 2019 general election to serve the remainder of the unexpired term to December 1, 2021.
3. Board Appointment - Town of Sunset Beach ETJ Planning Board
Request that the Board of Commissioners approve the Town of Sunset Beach's recommended appointment of Ms. Sybil Kesterson to fill the vacant ETJ position on the Sunset Beach Planning Board for a term expiring on July 1, 2021.
4. Brunswick County Schools - Amend the Facility Usage Reimbursement Agreement with Brunswick County Schools
Request that the Board of Commissioners Revise the Facility Usage Reimbursement with Brunswick County Schools to \$1 per annum and approve the associated budget amendment.
5. Brunswick County Schools/Sheriff's Office - Additional School Resource Officer
Request that the Board of Commissioners approve the amendment to the School Resource Officer agreement to add one additional South Brunswick High School resource officer.
6. Brunswick County Schools - Town Creek Middle School Work WM Jordan Authorization Change Order #3
Request that the Board of Commissioners approve the work authorization change order #3 with WM Jordan for new Town Creek Middle School and addition to existing Town Creek Elementary School in the amount of \$21,601,309.
7. Clerk to the Board - Meeting Minutes
Request that the Board of Commissioners approve the draft minutes from the July 16, 2018 Regular Meeting.
8. District Attorney - Communities In Schools Agreement
Request that the Board of Commissioners approve renewal of the annual Independent Contractor Agreement with Communities in Schools for Teen Court and other program services in the amount of \$40,000.
9. 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.

-Gilbert Rd and Shallotte Water Budget Amendment and CPO

Close the Gilbert Rd and Shallotte Water project and transfer \$66,521 of unexpended funds to the water capital reserve undesignated fund.

-Middleton Road Water Main Budget Amendment and CPO

Close the Middleton Road Water Main project and transfer \$183,522 of unexpended funds to the water capital reserve undesignated fund.

-Sheriff's Office Donated Funds Budget Amendment

Appropriate donated funds of \$20,000 from Duke Energy for training room replacement seating, carpet replacement, and miscellaneous expenses.

-Federal Crisis Intervention Budget Amendment

Appropriate \$93,533 of additional crisis intervention funding for use in the DSS-Crisis Intervention Program.

10. **Governing Body - Resolution in Support of Brunswick County Farmers**
Request that the Board of Commissioner adopt a Resolution in support of Brunswick County Farmers.
11. **Operation Services - Resolution Exempting Building B-Annex HVAC Project**
Request that the Board of Commissioners approve a resolution exempting the Building B-Annex HVAC project from qualification based selection of design professionals per N.C.G.S. 143-64.31.
12. **Planning - East Coast Greenway Rural Corridor Studies - BUILD Grant Support Resolution**
Request that the Board of Commissioners approve a Resolution Supporting a Grant Application to the USDOT BUILD Transportation Discretionary Grant Program for the East Coast Greenway (ECG) Rural Corridor Studies for the North Carolina ECG Spine Route.

VI. Presentation

1. **Governing Body - Recognition of Shallotte Town Administrator Albert Hughes (Commissioner Marty Cooke)**
Request that the Board of Commissioners approve a proclamation in honor of Albert Hughes, who has retired from his position as Shallotte Town Administrator after serving the town for 35 years.

VII. Administrative Report

1. **Administration - Lockwood Folly Inlet Dredging Project (Steve Stone, Deputy County Manager)**
Request that the Board of Commissioners consider authorizing the transfer of \$190,000 to the NC Division of Water Resources as the required local match for a project to dredge the navigation channel at the Lockwood Folly Inlet, as well as authorize the Chairman to write a letter to the Town of Oak Island requesting reimbursement for \$95,000 (50%) of the local share.
2. **Administration - S&A Communications Proposal for Creating a County Logo (Amanda Hutcheson, PIO)**
Request that the Board of Commissioners accept a proposal from

S&A Communication to create an updated County logo.

3. Administration - Surplus Property Offers (Steve Stone, Deputy County Manager)
Request that the Board of Commissioners consider offers that have been submitted for surplus parcels.
4. Code Administration - Code Administration Inspector Positions (Michael Slate, Director of Code Administration)
Request that the Board of Commissioners authorize two full-time Code Administration inspector positions and equipment.

VIII. Board Appointments

1. Governing Body - Annual Board Appointments
Request that the Board of Commissioners approve the annual board appointments as presented.

IX. Other Business/Informal Discussion

1. Governing Body - NCACC Legislative Goals (Chairman Frank Williams)
Request that the Board of Commissioners propose, consider, and approve the submittal of legislative goals to NCACC for their consideration.

X. Adjournment



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # V. - 1.

From: Administration - Commissioners' Goals Fiscal Year 2018-2019
Andrea White

Issue/Action Requested:

Request that the Board of Commissioners approve the Commissioners' Goals for Fiscal Year 2018-2019.

Background/Purpose of Request:

Attached are the proposed goals for the Commissioners to consider and provide further direction to staff.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Not Applicable

County Manager's Recommendation:

Recommend that the Board of Commissioners approve of the Commissioners' Goals for Fiscal Year 2018-2019.

ATTACHMENTS:

Description

- ▣ 2019 Governing Body Goals - Draft

Long and Short Term Goals and Major Focus Areas

Goal: Economic Development

1. Collaborate with the Brunswick Community College Workforce Development Initiatives, Brunswick Business & Industry Development, the four Chambers of Commerce and the Tourism Development Authority to develop a friendly and positive business environment, employ an effective business expansion and retention effort, develop a targeted business/industry recruitment strategy and grow the tourism and hospitality industry while protecting our residential neighborhoods.

Goal: Education

1. Continue the multi-year local funding agreement with the Brunswick County Board of Education to provide for a quality education that prepares our children for college or the workforce.
2. Support and enhance the Brunswick Guarantee Program with BCC Foundation that provides scholarships for county high school graduates to attend BCC.
3. Support the expansion of Allied Health Career Programs at BCC.
4. Facilitate the facility improvements associated with the voter approved 2016 \$152 million school bond referendum.

Goal: Financial Stewardship

1. Adopt a County Budget to maintain one of the lowest tax rates among counties in North Carolina with a population over 100,000.
2. Employ a conservative budgetary philosophy and make strategic decisions on all fiscal matters in order to maintain the positive financial position and credit strength of the county; continue a zero-based budgeting strategy wherever appropriate and feasible.
3. Staff seek out ways to reduce overhead and administrative costs.

Goal: Environmental Stewardship

1. Encourage and incentivize green development and construction to minimize the impact on natural resources while respecting and protecting private property rights.

Goal: Transportation

1. Continue the supplemental financial support for the Brunswick Connector transit service provided by the Cape Fear Public Transportation Authority.
2. Support BTS in continued development of rural transportation services, providing access to services and employment for rural residents.
3. Support the efforts of the NCACC to oppose any transfer of responsibility for transportation funding from the state to counties.
4. Request that NCDOT initiate a comprehensive transportation plan specifically for Brunswick County that includes municipal and other county partners.

Goal: Organizational Improvement/Development

1. Embed a focus on exceptional customer service where it becomes part of the organizational culture.
2. Provide all services in a way that recognizes and values diversity.
3. Recognize that businesses are customers of the county and review the Unified Development Ordinance to develop small business assistance by providing local rules that are clear, simple, easy to understand, that are predictable, reasonable and appropriate for Brunswick County.
4. Revise and implement policies, processes, procedures, and programs focused on ensuring a high performing workforce.
5. Encourage a healthy lifestyle to improve upon individual health of employees, improve productivity and reduce medical costs.
6. Provide supervisory skill building and leadership training opportunities for all supervisory personnel and those with supervisory potential.

7. Expand Training and Skill Development to provide growth opportunities for non-supervisory staff.
8. Develop succession planning for key county positions.
9. Explore opportunities where the private sector or non-profit entities may more economically and efficiently serve the public than government.

Goal: Infrastructure Development/Expansion

1. Develop strategies for continued growth in the number of water and sewer customers by determining methods to increase the number of SAD projects, prioritizing County funded water and sewer mains and acquiring or merging existing private and/or public water and sewer systems.
2. Support the participants of the Lower Cape Fear Water and Sewer Authority in obtaining the raw water capacity to position the meet the county's long term potable water needs.
3. Improve communication between the county and its wholesale water customers and utilities that contribute flow to the regional wastewater treatment plants.
4. Explore methods to work with surrounding utilities to reduce operational costs.
5. Support the plant expansion for Southport to become a participant in the West Brunswick Regional Wastewater System to meet the City's capacity needs.

Goal: Public/Mental Health

1. Provide education to the public about preventable health issues and disease and improve Brunswick County's health ranking in the state.
2. Support the Trillium LME/MCO to operate a program for mental health, developmental disabilities, and substance abuse services as they transition to one of the four state entities.
3. Continue to advocate for sufficient state/federal funding to adequately address MH/DD/SAS needs of our residents.

Goal: Community Development

1. Investigate additional policy amendments and enhancements to provide tangible incentives to encourage the development of affordable single and multi-family housing opportunities.
2. Enhance community appearance and protect property values through responsible zoning and code enforcement while recognizing the diversity of our county and respecting private property rights.

Goal: Technology

1. Implement the results of the comprehensive in-house evaluation and assessment of the County's technological resources and operations and identify opportunities for departments to improve efficiency and service delivery through the implementation of proven technology applications.

Goal: Public Safety

1. Continue to ensure the safety and security of Brunswick County residents, property owners and visitors, while planning for Brunswick County's growth.
2. Review the recommendations of the Brunswick County Fire Commission and continue to explore best practices of fire and rescue services while planning for growth in the county.
3. Support the Brunswick County Sheriff with resources to better enable law enforcement efforts while ensuring officer safety.



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Andrea White

Action Item # V. - 2.

Board Appointment - Doshier Memorial Hospital Board of Trustees

Issue/Action Requested:

Request that the Board of Commissioners appoint Ms. Linda Pukenas to fill the unexpired term of Trustee James White on the Doshier Memorial Hospital Board of Trustees. Ms. Pukenas will serve until December 1, 2019, pending outcome of the November 2019 general election to serve the remainder of the unexpired term to December 1, 2021.

Background/Purpose of Request:

The Doshier Memorial Hospital Board of Trustees has accepted the resignation of Trustee James White and has nominated Ms. Linda Pukenas to fill the unexpired term of Mr. White.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Yes

County Attorney's Recommendation:

Recommend approval of term only to December 1, 2019. Because of the amount of time left on the unexpired term, statutory regulations require that the replacement member serve until the next general election in an odd-numbered year, at which time the member may run to fill the remainder of the term to December 1, 2021.

County Manager's Recommendation:

Recommend that the Board of Commissioners appoint Ms. Linda Pukenas to fill the unexpired term of Trustee James White on the Doshier Memorial Hospital Board of Trustees. Ms. Pukenas will serve until December 1, 2019, pending outcome of the November 2019 general election to serve the remainder of the unexpired term to December 1, 2021.

ATTACHMENTS:

Description

- Application - Linda Pukenas

Dosher Memorial Hospital Board of Trustees
Candidate Application

First Name	Linda
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Middle Initial	M
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Last Name	Pukenas
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Street Address	119 N. Lord Street
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City	Southport
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State	NC
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Zip	28461
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Home Phone	910.363.4169
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Cell Phone	919.455.7745
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Email	info@RobertRuarkInn.com
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Present Job/Employer Address	LRP Holdings dba Robert Ruark Inn (above address)
	Sea Glass Realty LLC (above address)

Past Employment	Please see my resume which includes: VP/Marketing Positions at First Bancorp, GMAC Residential & Commerce Bancorp
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Current Civic/Community Participation	Downtown Southport Inc. (Director & Marketing/Membership Chair)
	Friends of the NC Maritime Museum at Southport (Director) Lead on City/Robert Ruark Society annual fundraising Holiday Tea (Winterfest)

Are you a permanent resident of Brunswick County?			
	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No

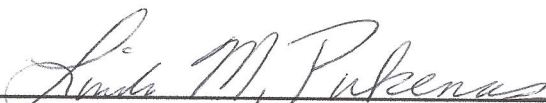
Are you registered to vote in Brunswick County?			
	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No

Are you a permanent resident of Smithville Township?			
	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No

Board of Interest?	
<i>JA Doshier Memorial Hospital Board of Trustees</i>	

Do you anticipate any conflicts of interest if appointed?			
	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/> No

Are you currently serving on any other Boards?			
	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/> No

	7/23/2018
Candidate Signature	Date

Linda Mahoney Pukenas

Printed Name

Linda Mahoney Pukenas
119 N. Lord Street, Southport, NC 28461
919.455.7745 cell/ pukenas@msn.com

CAREER HIGHLIGHTS & SUCCESSES

- Over 20 years of experience and proven successes in all areas of marketing and business development.
- Focus on strategic and creative marketing (branding, product development & lifecycle marketing, campaign creation & execution, research, pricing & income/revenue generation and CRM & on-boarding,)
- Extensive experience in integrated marketing, advertising & PR campaigns (design, execution, analysis)
- Developed & oversaw Retail Marketing for one of the most well-branded financial institutions in America
- Strong project, team & vendor management/relationship skills including matrix management
- Extensive experience with analysis & forecasting for successful ROI & asset/liability product management
- Strong background working with all LOBs, product lines and channels (B2B & B2C via retail and online) on large-scale initiatives
- Vast experience with Sales & Service growth through program design, execution and administration in highly competitive markets
- Extensive experience with various channels and media planning/forecasting
- Strong team and project management skills

PROFESSIONAL EXPERIENCE

Owner/LRP Holdings dba Robert Ruark Inn

2011-current

Owner/Sea Glass Realty

2016-current

FirstBancorp (FBP)

2008 – 2010

San Juan, Puerto Rico

VP/Marketing & Public Relations Manager

Directed the strategic & creative marketing efforts of the Eastern Caribbean Region for FBP, a \$20 Billion financial institution. Drove brand, retail/sales, product development and community & public relations strategies for three brands (bank, insurance & finance company) throughout US & British Virgin Islands. Worked closely with management colleagues in Puerto Rico & the Eastern Caribbean to drive corporate & regional profitability. Managed CRA plan, execution & tracking for USVI market. Well versed in marketing/communicating to, and in various markets & cultures.

Renaissance Marketing & Communications

2005 – 2008

Raleigh, NC

Owner/Operator

Provided professional strategic and creative consulting services for agencies and B2C. Client industries included: real estate development, vacation rental firms, marine services & non-profit organizations. Donated time for later.

General Motors Acceptance Corporation (GMAC Residential)

2003 – 2005

Horsham, PA (headquartered)

Divisional Marketing Manager & National Marketing Director/Builder Division

Identified, planned, developed & implemented marketing and community programs and campaigns to increase market share/net income for GMAC Mortgage.

- Directed marketing programs for national Builder and Affinity programs as well as management of the Southeast Division's (PA, NJ, DE, MD, VA, NC, SC, GA, FL, TN, MS, AL) retail marketing programs.
- Drove integrated marketing programs (public relations, advertising, community relations, direct mail, etc.) to reach short-term objectives and long-range goals.
- Worked closely with GM and GMAC Residential Corporate Marketing Departments on product introductions, communications programs and brand awareness campaigns.

-more-

Harrah's Entertainment

2001 – 2002

Atlantic City, New Jersey

Director of Advertising/Communications

Responsible for all advertising and communications for one of the Corporation's largest properties.

- Repositioned brand into the community and throughout internal channels.
- Researched, developed and created new advertising and communications programs to drive budgeted and incremental revenue.
- Created ongoing programs to gather and evaluate both quantitative and qualitative research.
- Worked closely with community, media and non-profit leaders to enhance public perception of Harrah's.
- Evaluated and redrafted core media plan to better utilize more targeted vehicles thus capturing a more profitable client.
- Increased player worth through new product introductions and strategic use of CRM system.

Commerce Bancorp, Inc.

1988 – 2001

Cherry Hill, New Jersey

VP/Retail Marketing Manager

Directed the Retail/Consumer Marketing Division's strategic planning for asset/liability growth, communications, public relations, community relations, product introductions, staffing, budgeting and agency/vendor relationships. Created and executed marketing programs that were instrumental in establishing one of the strongest brands in the financial industry. This became a leading driver that helped build the business from under one billion in assets and deposits to over \$50 billion in assets & \$44 billion in deposits.

Responsibilities included:

- **Retail Marketing Efforts of all CBH Offices**
 - market analysis & strategic planning -micro marketing/advertising campaigns
 - new market development -product introductions & evaluation
 - acquisition/retention of B2C and B2B affinity relationships
- **Retail Product Marketing & Brand Advertising**
 - all mediums, point of sale and collateral print material
- **Community Relations**
 - community outreach & special events
 - Corporate Fund (charitable program) – over \$2 million
 - educational banking programs into school districts through market areas
 - primary contact for all major non-profit relationships
- **Corporate Marketing Budgets** – over \$10 million
- **Corporate Entertainment** – over \$2.5 million
 - special events including seminars, trade shows and employee celebrations/events
- **Retail Marketing Team** – managed 10 full-time staff members
- **Vendor Relationships** – agency, media, print, etc.

Assistant Vice President/Marketing – Integrated Marketing Responsibility for Commerce Bank, Commerce Capital & Commerce Insurance. Included branding, community relations, budgets & entertainment with strong focus on B2B relationships selling/marketing.

Marketing & PR Officer – Accountable for Advertising & Public Relations planning, execution & measurement. Well versed with media relationship strategies and tactics as well as emerging media channels.

EDUCATION

B.A. from Rider University, Lawrenceville, New Jersey

Various seminars and professional development courses via AIB, AMA, BMA and PRSA

Non-Profit Management Certificate from Duke University (to enhance volunteer/board skills)

COMMUNITY INVOLVEMENT

Highly committed to volunteerism and support of community programs & activities. Board membership and volunteerism (past & present) with several philanthropic organizations including American Red Cross, Animal Outreach, American Cancer Society, Habitat for Humanity, Big Brothers/Big Sisters, MS Association, Business & Arts, Cherry Hill School District's Adult Education Council, Lymphoma & Leukemia Society and numerous neighborhood and community associations.

Chaired numerous fundraising events including United Way's *Day of Caring* in Camden County, New Jersey. Instrumental in growth of Philadelphia's MS150 through synergy of sponsorship and expansion of target audience. Co-chaired Leukemia Cup Regatta, created marketing plan for Diocese of St. Thomas to increase student enrollment and worked with USVI government to increase exposure of a healthy living campaign for children. Created & presented strategic planning course for SBA in USVI. Currently a Board member for Downtown Southport Inc. and NC Maritime Museum at Southport.

Worked closely with numerous municipalities and other type entities to create affinity relationships and sponsorship opportunities/programs.



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # V. - 3.

From:

Andrea White

Board Appointment - Town of Sunset Beach ETJ Planning Board

Issue/Action Requested:

Request that the Board of Commissioners approve the Town of Sunset Beach's recommended appointment of Ms. Sybil Kesterson to fill the vacant ETJ position on the Sunset Beach Planning Board for a term expiring on July 1, 2021.

Background/Purpose of Request:

The Town of Sunset Beach requests that the Brunswick County Board of Commissioners approve an ETJ Member to fill the vacant ETJ position on their Planning Board.

At their regular meeting on June 26, 2018, the Town Council passed a Resolution requesting the appointment of Ms. Sybil Kesterson. If appointed, Ms. Kesterson's term will expire on July 1, 2021.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners approve the Town of Sunset Beach's recommended appointment of Ms. Sybil Kesterson to fill the vacant ETJ position on the Sunset Beach Planning Board for a term expiring on July 1, 2021.

ATTACHMENTS:

Description

- ☐ Recommendation letter
- ☐ Recommendation Resolution



700 Sunset Boulevard North • Sunset Beach, NC 28468

Telephone: 910-579-6297 • Fax: 910-579-1840

Website: www.sunsetbeachnc.gov • Email: sunsetbeach@atmc.net

Hiram Marziano, Interim Town Administrator

July 5, 2018

Andrea White, Clerk to the Board
Brunswick County Commissioners
PO Box 249
Bolivia, NC 28422

Re.: ETJ Membership Appointment

Dear Andrea:

Please find attached a Resolution of the Sunset Beach Town Council requesting the Brunswick County Commissioners to appoint Sybil Kesterson as the ETJ Member for the Sunset Beach Planning Board.

Sincerely,


Lisa H. Anglin
Town Clerk

Mayor Pro-Tem: Mark Benton

Town Council: Jan Harris • Richard Cerrato • John Corbett • Charles Nern

Part of North Carolina's Brunswick Islands



**RESOLUTION OF SUNSET BEACH TOWN COUNCIL
REQUESTING BRUNSWICK COUNTY BOARD OF COMMISSIONERS
TO APPOINT AN EXTRATERRITORIAL JURISDICTION MEMBER TO TOWN OF
SUNSET BEACH PLANNING BOARD PURSUANT TO G. S. 160A-362**

THAT WHEREAS, there currently exists a vacancy on the Town of Sunset Beach Planning Board for one ETJ member; and

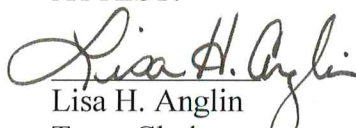
WHEREAS, the Town Council desires that the Brunswick County Board of Commissioners appoint a successor to fill said term as expeditiously as possible in order to assure the efficient functioning of said Planning Board; and

WHEREAS, Town Council has considered applications from all interested persons.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Sunset Beach Town Council hereby requests that the Brunswick County Board of Commissioners appoint **Sybil Kesterson** to the Town of Sunset Beach Planning Board to fill the vacant ETJ position as expeditiously as possible.

This the 26th day of June, 2018

ATTEST:


Lisa H. Anglin
Town Clerk



Town of Sunset Beach


BY: Mark Benton, Mayor Pro-Tem



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Ann Hardy

Action Item # V. - 4.

Brunswick County Schools - Amend the Facility Usage Reimbursement Agreement with Brunswick County Schools

Issue/Action Requested:

Request that the Board of Commissioners Revise the Facility Usage Reimbursement with Brunswick County Schools to \$1 per annum and approve the associated budget amendment.

Background/Purpose of Request:

On May 9, 2017, the county entered into a Intergovernmental Agreement with Brunswick County Schools and specifically pertains to the schools usage of the Odell Williamson Auditorium, Events Centers, South Brunswick Islands, Fitness and Aquatics Center, Building C, and Building A. The reimbursement budgeted from the schools is \$224,000 for FY 2018-2019.

The Superintendent of Schools made me aware of a funding shortfall that is of a public safety nature in the amount of \$227,000 annually. By the county forgoing a facility reimbursement, the schools funding shortfall will be eliminated in FY 19 and on a recurring basis.

Fiscal Impact:

Budget Amendment Required, Reviewed By Director of Fiscal Operations

Budget amendment is to decrease \$224,000 in reimbursement revenues and increase fund balance appropriated.

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners Revise the Facility Usage Reimbursement with Brunswick County Schools to \$1 per annum and approve the associated budget amendment.

ATTACHMENTS:

Description

- ☐ 20180806 Attach final agreement School Reimburse for BCC Facilities Agreement with County FY 17-FY 21
- ☐ School Funding Request
- ☐ 20180806 Budget Amendment BCS Amended Agreement
- ☐ Facility Reimbursement Amendment

INTERGOVERNMENTAL AGREEMENT
Brunswick County Schools and County of Brunswick
FACILITY USAGE REIMBURSEMENT AGREEMENT

This INTERGOVERNMENTAL AGREEMENT ("IGA") is made and entered into this 9th day of May, 2017 by and between the Brunswick County Schools ("Schools") and the County of Brunswick ("County") and specifically pertains to the schools estimated usage of the Odell Williamson Auditorium, Events Centers, South Brunswick Islands, Fitness and Aquatics Center, Building C, and Building A.

RECITALS

WHEREAS, facilities owned by Brunswick Community College located at the Brunswick Community College Bolivia Campus and known as the Odell Williamson Auditorium, Virginia Williamson Event Center, the Dinah Gore Fitness and Aquatics Center, South Brunswick Islands, Classroom Building C, and Building A Cafeteria and Leland Center ("Facilities");

WHEREAS, the Schools use these Facilities for various school sponsored programs and public events;

WHEREAS, the funding is provided by the County of Brunswick for Brunswick Community College facilities;

WHEREAS, Board of Education has agreed that schools will reimburse the County for facility usage provided by Brunswick Community College in accordance with the terms and conditions set forth herein;

NOW, THEREFORE, in consideration of the recitals set forth above, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, County and Schools agree as follows:

SECTION 1. REIMBURSEMENT

1.1 Schools shall reimburse the County the fee of \$224,000 plus or minus any annual adjustment for fiscal years 2017-2018, 2018-2019, 2019-2020, 2020-2021 in quarterly installments of \$56,000 plus or minus any annual adjustment for fiscal years 2017-2018, 2018-2019, 2019-2020, 2020-2021, for a portion of the School's fiscal year estimate to be reviewed and adjusted annually as agreed by both parties. Estimate of the Facilities usage provided hereunder.

- A) The estimated annual amount of the Dinah Gore Fitness center totaling \$15,534
- B) The estimated annual amount of the Odell Williamson Auditorium and Events Center totaling \$147,867
- C) The estimated annual amount for South Brunswick Islands totaling \$4,878.
- D) The estimated annual amount for Building C-Electrical totaling \$35,016.
- E) The estimated annual amount of Building A-Cafeteria totaling \$14,282.
- F) The estimated annual amount of Leland Center totaling \$6,423.

SECTION 2. TERM

2.1 Schools shall commence reimbursing the County agreed to herein on July 1, 2017 and this IGA shall remain in effect until June 30, 2021 unless modified or amended during annual reviews by a signed addendum hereto or earlier terminated providing both parties agree.

SECTION 3. NOTICES

3.1 Any notice under this Agreement shall be in writing and deemed sufficient when directly presented or mailed by postage-paid, first class mail to the following addresses:

County: Ms. Ann Hardy
COUNTY OF BRUNSWICK
BOLIVIA NC 28422

Schools: Mr. Les Tubb
BRUNSWICK COUNTY SCHOOLS
Bolivia, NC 28422

SECTION 4. INTEGRATED AGREEMENT

4.1 This IGA constitutes the complete, entire, and final agreement of the parties hereto with respect to the subject matter hereof and supersedes any and all previous communications and representations, oral or written, with respect to the subject matter hereof. This IGA may not be modified or amended except by a written addendum hereto dated and signed by the parties.

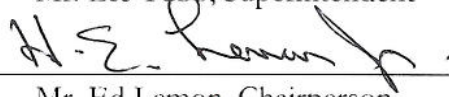
SECTION 5. COUNTERPARTS.

5.1 This IGA may be executed in multiple counterparts, the signature pages of which may be compiled to constitute an original agreement.

IN WITNESS WHEREOF, Schools and County have caused this IGA to be executed and attested to by their duly authorized representatives on the day and year first above written.

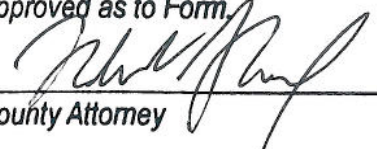
BRUNSWICK COUNTY BOARD OF EDUCATION

By: 
Mr. Les Tubb, Superintendent

By: 
Mr. Ed Lemon, Chairperson

COUNTY OF BRUNSWICK

By: 
Mr. Frank Williams, Chairperson

Approved as to Form

County Attorney

This instrument has been pre-audited in the manner required by the school budget and fiscal control act.

By: 
Freyja Cahill, Finance Officer Brunswick County Schools



BRUNSWICK COUNTY SCHOOLS

35 Referendum Drive • Bolivia, North Carolina 28422 • Phone: 910-253-2900 • Fax: 910-253-2983

July 31, 2018

Mrs. Ann Hardy, County Manager
Brunswick County Board of Commissioners
PO Box 249
Bolivia, N.C. 28422

Dear Mrs. Hardy,

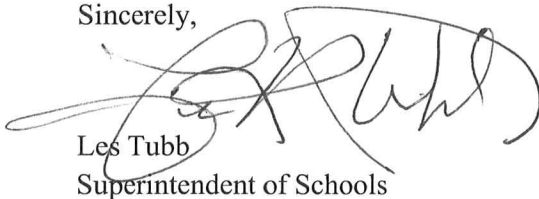
As you are aware Brunswick County Schools' state funding for school resource officers was cut significantly. Additionally, the need for an additional school resource officer at one of our high schools and the need for a detective assigned to the school system has compounded the funding issue.

Presently there is a \$98,821 shortfall in state funding/grant monies to cover the placement of school resource officers in all elementary schools. The additional school resource officer to be placed at South Brunswick High equates to an additional \$61,332. The detective cost is \$67,801 bringing the total shortfall amount to \$227,954. These are non-recurring dollars. Our current budget for school resource officers is \$910,165.

Our current draft budget lists a number of critical unfunded educational priority line items. These line items range from a Behavior Specialist, Safety Officer, and Nurse to the Pay Study Implementation Plan and eighteen additional teacher positions requested by elementary principals. These will remain unfunded in the 2018-2019 budget.

I respectfully request that Brunswick County partner with Brunswick County Schools to address and support this safety issue and fund the total shortfall amount of \$227,954. Additionally, discussions need to be held to facilitate addressing this key funding issue in the future years.

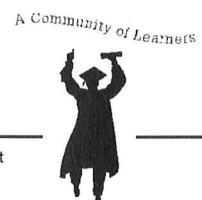
Sincerely,



Les Tubb
Superintendent of Schools

LTjc

cc: Board of Education Members



Request Info						
Type		Budget Amendment				
Description		BCS Amended Agreement				
Justification		Board Meeting 08/06/2018-Reduce facility fees paid by Brunswick County Schools due to the amended agreement.				
Originator		Tiffany Rogers				
Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
105921	383900	Brunswick Community College	Miscellaneous Revenues	-224000	Decrease	Debit
100000	399100	General Revenues	Fund Balance Appropriated	224000	Increase	Credit

Total	
Grand Total:	0

INTERGOVERNMENTAL AGREEMENT
Brunswick County Schools and County of Brunswick
FACILITY USAGE REIMBURSEMENT AGREEMENT AMENDMENT

This INTERGOVERNMENTAL AGREEMENT AMENDMENT ("IGA") is made and entered into this _____ day of _____, 2018 by and between the Brunswick County Schools ("Schools") and the County of Brunswick ("County") and specifically pertains to the schools estimated usage of the Odell Williamson Auditorium, Events Centers, South Brunswick Islands, Fitness and Aquatics Center, Building C, and Building A.

RECITALS

WHEREAS, facilities owned by Brunswick Community College located at the Brunswick Community College Bolivia Campus and known as the Odell Williamson Auditorium, Virginia Williamson Event Center, the Dinah Gore Fitness and Aquatics Center, South Brunswick Islands, Classroom Building C, and Building A Cafeteria and Leland Center ("Facilities");

WHEREAS, the Schools use these Facilities for various school sponsored programs and public events;

WHEREAS, the funding is provided by the County of Brunswick for Brunswick Community College facilities;

WHEREAS, the parties entered into a Facility Usage Reimbursement Agreement on May 9, 2017 whereby the Board of Education would reimburse the County for facility usage provided by Brunswick Community College;

WHEREAS, the Schools and County agree that the Facility Usage Reimbursement Agreement should be amended and as set forth herein;

NOW, THEREFORE, in consideration of the recitals set forth above, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, County and Schools agree as follows:

SECTION 1. REIMBURSEMENT

1.1 Schools shall reimburse the County the fee of \$1.00 for fiscal years 2018-2019, 2019-2020, 2020-2021 to be adjusted only upon the agreement of both parties.

SECTION 2. TERM

2.1 Schools shall commence reimbursing the County agreed to herein on July 1, 2018 and this agreement shall renew on an annual basis. This agreement may be terminated by either party without cause by providing one hundred and twenty (120) day notice prior to the start of the next fiscal year.

SECTION 3. NOTICES

3.1 Any notice under this Agreement shall be in writing and deemed sufficient when directly presented or mailed by postage-paid, first class mail to the following addresses:

County: Ms. Ann Hardy
COUNTY OF BRUNSWICK
BOLIVIA NC 28422

Schools: Mr. Les Tubb
BRUNSWICK COUNTY SCHOOLS
Bolivia, NC 28422

SECTION 4. INTEGRATED AGREEMENT

4.1 This IGA constitutes the complete, entire, and final agreement of the parties hereto with respect to the subject matter hereof and supersedes any and all previous communications and representations, oral or written, with respect to the subject matter hereof. This IGA may not be modified or amended except by a written addendum hereto dated and signed by the parties.

SECTION 5. COUNTERPARTS.

5.1 This IGA may be executed in multiple counterparts, the signature pages of which may be compiled to constitute an original agreement.

IN WITNESS WHEREOF, Schools and County have caused this IGA to be executed and attested to by their duly authorized representatives on the day and year first above written.

BRUNSWICK COUNTY BOARD OF EDUCATION

By: _____
Mr. Les Tubb, Superintendent

By: _____
Mr. Charles W. Miller, Chairperson

COUNTY OF BRUNSWICK

By: _____
Mr. Frank Williams, Chairperson

This instrument has been pre-audited in the manner required by the school budget and fiscal control act.

By: _____
Freyja Cahill, Finance Officer Brunswick County Schools



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Ann Hardy

Action Item # V. - 5.

Brunswick County Schools/Sheriff's Office - Additional School Resource Officer

Issue/Action Requested:

Request that the Board of Commissioners approve the amendment to the School Resource Officer agreement to add one additional South Brunswick High School resource officer.

Background/Purpose of Request:

On June 6, 2017, the Sheriff's Office and the County entered into an agreement to provide twenty (20) School Resource Officers. The amendment to the contract is for Brunswick County Schools request for one additional school resource officer ("SRO") for South Brunswick High bringing the total SRO's to twenty-one (21). The school system's financial obligation will increase for one (1) SRO \$61,332 for FY 19.

Fiscal Impact:

Budget Amendment Required, Reviewed By Director of Fiscal Operations

Budget amendment is to appropriate Reimbursement for School Resource Officer in the amount of \$61,332 for Salary and Benefits.

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners approve the amendment to the School Resource Officer agreement to add one additional South Brunswick High School resource officer.

ATTACHMENTS:

Description

- ☐ 20180806 Budget Amendment SRO SBHS
- ☐ SRO Amendment

Request Info						
Type		Budget Amendment				
Description		Additional SRO at SBHS				
Justification		Board Meeting 08/06/2018-Add one additional SRO for South Brunswick High School.				
Originator		Tiffany Rogers				
Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
104310	383960	Sheriff's Office	School Resource Officer Reimb	61332	Increase	Credit
104310	412100	Sheriff's Office	Salary and Wages-Regular	43970	Increase	Debit
104310	418100	Sheriff's Office	FICA	3364	Increase	Debit
104310	418200	Sheriff's Office	Retirement	5888	Increase	Debit
104310	418300	Sheriff's Office	Health Insurance	7872	Increase	Debit
104310	418306	Sheriff's Office	Life Insurance	93	Increase	Debit
104310	418400	Sheriff's Office	Disability and Long-Term Ins	145	Increase	Debit
Total						
Grand Total:				122664		

**SECOND AMENDMENT OF
SCHOOL RESOURCE OFFICER AGREEMENT
FOR
BRUNSWICK COUNTY SCHOOLS
AND
BRUNSWICK COUNTY SHERIFF'S OFFICE**

THIS SECOND AMENDMENT OF THE SCHOOL RESOURCE OFFICER AGREEMENT (this "Amendment") is made and entered into this ____ day of August 2018 by and between BRUNSWICK COUNTY SCHOOLS, THE BRUNSWICK COUNTY SHERIFF'S OFFICE, AND BRUNSWICK COUNTY.

RECITALS

- A. The parties entered into the original School Resource Officer Agreement on June 6, 2017 (the "Agreement").
- B. The parties subsequently entered into an amendment on April 24, 2018.
- C. The parties agree that an additional amendment to the agreement would allow for a greater benefit to the security of Brunswick County Schools.

AGREEMENT

NOW, THEREFORE, in consideration of the Recitals, the mutual covenants, and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties amend the agreement as follows:

- 1. Paragraph 2.3 is amended to include an additional School Resource Officer. The agreed upon rate for this officer in fiscal year 2018-2019 is \$61,332. The annual rate of this agreement shall increase by the same. All other provisions of this paragraph remain the same.
- 2. Paragraph 2.5 is amended to assign the additional School Resource Officer to South Brunswick High School.

EXCEPT AS HEREIN STATED, all other terms and conditions of the Agreement remain in effect.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

SIGNATURE PAGES FOLLOW

IN WITNESS WHEREOF, this Second Amendment of the School Resource Officer Agreement is executed and delivered on behalf of the undersigned by their duly authorized representatives as of the date first set forth above.

By: _____
Less Tubb, Superintendent
Brunswick County Schools

By: _____
Charles W. Miller, Chairperson
Brunswick County Board of Education

By: _____
John Ingram, Sheriff
County of Brunswick, North Carolina

By: _____
Frank Williams, Chairperson
Brunswick County Commissioners

This instrument has been pre-audited in the manner required by the school budget and fiscal control act.

By: _____
Freyja Cahill, CPA, Finance Officer Brunswick County Schools



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Julie A. Miller

Action Item # V. - 6.
Brunswick County Schools - Town Creek Middle School Work
WM Jordan Authorization Change Order #3

Issue/Action Requested:

Request that the Board of Commissioners approve the work authorization change order #3 with WM Jordan for new Town Creek Middle School and addition to existing Town Creek Elementary School in the amount of \$21,601,309.

Background/Purpose of Request:

A new middle school and an addition to the existing Town Creek Elementary School were included in the voter approved 2016 Bond Referendum. Work authorizations #1 and #2 were executed in May of 2018. The total work authorization to date is \$4,596,000.

Final bids for the middle school were received by WM Jordan on Friday July 13. Work Authorization #3 (Change Order #3) authorizing work to proceed on the middle school in the amount of \$21,601,309, setting the Guaranteed Maximum Price (GMP) at \$26,192,995 was approved by the Brunswick County Board of Education on July 24, 2018.

Fiscal Impact:

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 the work authorization change order #3 with WM Jordan for new Town Creek Middle School and addition to existing Town Creek Elementary School in the amount of \$21,601,309.

ATTACHMENTS:

Description

- 20180806 Attach BCS WM Jordan Change Order #3
- 20180806 Attach BCS Agenda Item

CMAR CHANGE ORDER #3

Date: July 19,2018
Project: New Town Creek Middle School and Elementary School Addition - Town Creek Middle School
Contract: CMAR Document CMAR-1 (2004 Edition Modified) Standard Form of Agreement Between Owner and Construction Manager dated the 2nd Day of May 2017

Contractor: WM Jordan Company Inc.

Description of change:

The Owner and CM agree that the CM is authorized to proceed with the Town Creek Middle School work identified in the WM Jordan Bid Packages - BP-03A (Concrete), BP-04A (Masonry), P-05A (Steel), BP-06A (Casework), BP-07A , Dampproof/Waterproof), BP-07B (Spray Foam), BP-07C (Roofing), BP-08A (D/F/H), BP-08B (Coiling , oors), BP-08C (Alum Doors), BP-08D (Translucent Panels), BP-09A (Metal Framing/Drywall), BP-09B , ACT Ceilings), BP-09C (Hard Tile), BP-09D (Wood Gym Flooring), BP-09E (Resilient Flooring), BP-09F , Acoustical Wall Panels), BP-09G (Painting), BP-10A (Visual Display), BP-10B (Signage), BP-10C (Toilet , cc/Partitions), BP-10D (FEC), BP-10E (Lockers), BP-10F (Walkway Canopies), BP-10G (Door Canopies), BP-10H (Flagpole), BP-10I (Wall Protection), BP-11A (Laundry Equipment), BP-11B (Residential , ppliances), BP-11C (Food Service Equip), BP-11D (Projection Screens), BP-11E (Art Room Kiln), BP-11F , Scoreboards, Bball, etc), BP-11G (Gym Stage Curtains), BP-12A (Window Coverings), BP-12D , Telescoping Bleachers), BP-12E (Site Furnishings), BP-14A (Elevator), BP-14B (Wheelchair Lift), BP-21A , Sprinkler), BP-22A (Plumbing), BP-23A (HVAC), BP-26A (Electrical), BP-31A (Earthquake Drains) , BP- 1A (Sitework) BREAKOUT, BP-32A (Fencing) BREAKOUT, BP-32B (Landscaping) BREAKOUT

Time Extension Requests: 0 day(s)

STARTING CONTRACT AUTHORIZATION		\$181,686
CHANGES TO CONTRACT AUTHORIZATION PRIOR TO THIS CHANGE PROPOSAL		\$4,410,000
THIS CHANGE PROPOSAL		\$21,601,309
NEW CONTRACT AUTHORIZATION		\$26,192,995
GUARANTEED MAXIMUM PRICE	\$26,192,995	
PRECONSTRUCTION	\$181,686	
COST OF WORK	\$22,504,948	
OWNER CONTINGENCY	\$338,257	
CMAR CONTINGENCY	\$338,257	
GENERAL CONDITONS	\$1,900,770	
FEE	\$929,077	

The Construction Manager agrees to perform the work outlined in this change proposal for the amount specified above and in accordance with all terms and conditions of the CMAR Document CMAR-1 (2004 Edition Modified) Standard Form of Agreement Between Owner and Construction Manager dated the 2nd Day of May 2017 if the work is authorized by the Owner.

OWNER:

COUNTY OF BRUNSWICK, NORTH CAROLINA

CONSTRUCTION MANAGER:

W. M JORDAN COMPANY, INCORPORATED

Chair - BOARD OF COMMISSIONERS

Attest:

CLERK TO BOARD OF COMMISSIONERS

[Corporate Seal]



Attest:



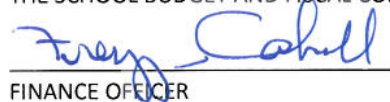
Corporate Secretary

[Corporate Seal]

CODE 9.9020.695.527.000.867

CODE _____

PRE-AUDIT CERTIFICATION: THIS INSTRUMENT HAS BEEN PRE-AUDITED IN THE MANNER REQUIRED BY THE SCHOOL BUDGET AND FISCAL CONTROL ACT.



FINANCE OFFICER

7/24/18

DATE

PRE-AUDIT CERTIFICATION: THIS INSTRUMENT HAS BEEN PRE-AUDITED IN THE MANNER REQUIRED BY THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

FINANCE OFFICER

DATE



July 19, 2018

Mr. Craig Eckert
Director of Capital Projects & Planning

Brunswick County Schools
35 Referendum Drive NE
Bolivia, NC 28422

RE: Town Creek Middle School

Dear Mr. Eckert,

W.M. Jordan Company is pleased to present you with our GMP pricing for the construction of the Town Creek Middle School.

Attached you will find our final GMP estimate as well as estimates for the preferred alternates for your review and approval. Also provided is our Assumptions and Clarifications to be included as part of the contract documents.

The tabulation of subcontractors is provided with the recommended subcontractors highlighted. Please indicate your acceptance of these subcontractors as we will be issuing subcontracts as soon as possible.

Our GMP price for the work is **\$23,782,995.00**.

Owner Preferred Alternates included in the GMP price at no additional costs are as follows:

1. BP-08A #1 Mortise locks by Schlage L9000 series.
2. BP-08A #2 Cylinder locks by Schlage BD 92 series.
3. BP-08A #3 Exit devices by Von Duprin 98/35 series.
4. BP-08A #4 Door closers by LCN 4010/4110 series.
5. BP-08A #5 Provide door cylinders by Schlage.
6. BP-23A #1 Schneider Electric controls.
7. BP-26A #1 School Video System by Video Insight.
8. BP-11F #1 Provide and install gym divider curtain.
9. BP-26A #2 AD 300 Locks

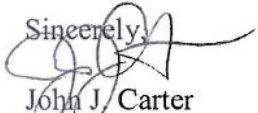
Owner Preferred Alternates not included in the GMP price are as follows:

1. BP-03A #1, BP-10F #1, BP-26A #3 Provide walkway canopy extension to connect to elementary school. **ADD \$226,591.00**

Please advise if these Owner Preferred Alternates are accepted or not to allow us to incorporate into the subcontracts and to ensure that they are included in the submittals.

We look forward to another successful project with Brunswick County Schools.
Please let Jerry or myself know if you have any questions.

Sincerely,



John J. Carter
Project Estimator

CC: Jerry Winegar, WMJ



WMJORDA-05

JSCANTWE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/25/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Towne Insurance Agency LLC 9317 Warwick Blvd Newport News, VA 23601	CONTACT NAME: Judith S. Cantwell		
	PHONE (A/C, No, Ext): (757) 534-9597	FAX (A/C, No): (757) 595-7640	
	E-MAIL ADDRESS: jcantwell@towneinsurance.com		
INSURED W.M. Jordan Company, Inc. (P&C) P.O. Box 1337 Newport News, VA 23601-0337	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Travelers Property Casualty Company of America		25674
	INSURER B: Phoenix Insurance Company		25623
	INSURER C: Liberty Surplus Insurance Corporation		10725
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:	X		CO125D9638	09/30/2017	09/30/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 EMPLOYEE BENEFIT \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY			CAP125D964A	09/30/2017	09/30/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			CUP125D497A	09/30/2017	09/30/2018	EACH OCCURRENCE \$ 25,000,000 AGGREGATE \$ 25,000,000 \$
B	<input checked="" type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input checked="" type="checkbox"/> N/A		N/A	UB125D9884	09/30/2017	09/30/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	<input checked="" type="checkbox"/> Pollution Liability			TIEBO100904117	05/19/2017	05/19/2018	Limit \$ 5,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Brunswick County of NC
Brunswick County Board of Education County of Brunswick, North Carolina; and its Officers, Employees and Agents are included as Additional Insureds for General Liability if required by written contract in accordance with attached endorsement CGD246.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Brunswick County Board of Education
35 Referendum Drive
Bolivia, NC 28422

COMMERCIAL GENERAL LIABILITY

- i. How, when and where the "occurrence" or offense took place;
 - ii. The names and addresses of any injured persons and witnesses; and
 - iii. The nature and location of any injury or damage arising out of the "occurrence" or offense.
- b) If a claim is made or "suit" is brought against the additional insured, the additional insured must:
- i. Immediately record the specifics of the claim or "suit" and the date received; and
 - ii. Notify us as soon as practicable.
- The additional insured must see to it that we receive written notice of the claim or "suit" as soon as practicable.
- c) The additional insured must immediately send us copies of all legal papers received in connection with the claim or "suit", cooperate with us in the investigation or settlement of the claim or defense against the "suit", and otherwise comply with all policy conditions.
- d) The additional insured must tender the defense and indemnity of any claim or "suit" to

any provider of "other insurance" which would cover the additional insured for a loss we cover under this endorsement. However, this condition does not affect whether the insurance provided to the additional insured by this endorsement is primary to "other insurance" available to the additional insured which covers that person or organization as a named insured as described in paragraph 3. above.

5. The following definition is added to SECTION V. – DEFINITIONS:

"Written contract requiring insurance" means that part of any written contract or agreement under which you are required to include a person or organization as an additional insured on this Coverage Part, provided that the "bodily injury" and "property damage" occurs and the "personal injury" is caused by an offense committed:

- a. After the signing and execution of the contract or agreement by you;
- b. While that part of the contract or agreement is in effect; and
- c. Before the end of the policy period.

PERFORMANCE BOND

IT IS **HEREBY AGREED** that

(Insert full name and address of Contractor)

W.M. Jordan Company, Inc., 11010 Jefferson Avenue, Newport News, VA 23601

as Principal, hereinafter called Contractor, and,

(Insert full name and address of Surety)

Travelers Casualty and Surety Company of America, One Tower Square, Hartford, CT 06183

as Surety, hereinafter called Surety, are held and firmly bound unto

The County of Brunswick, by and through its authorized agent, the Brunswick
County Board of Education
Capital Projects and Planning Department
199 Sessions Drive
Mailing Address: 35 Referendum Drive
Bolivia, North Carolina 28422

as Obligee, hereinafter called Owner, in the amount of Two Million Three Hundred Ninety Two Thousand Four Hundred Sixty One and no/cents Dollars (\$2,392,461.00), for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these obligations.

WHEREAS, Contractor has by written agreement dated May 1, 2018, entered into a contract with Owner for the construction of

(Insert the name of the Project)

Town Creek Elementary Classroom Addition

in accordance with Drawings and Specifications prepared by (Insert full name and address of Architect/Engineer)

which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly and faithfully perform said Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect. The Surety hereby waives notice of any alteration or extension of time made by the Owner.

Whenever Contractor shall be, and declared by Owner to be in default, under the Contract, the Owner having performed Owner's obligations thereunder, the Surety may promptly remedy the default, or shall promptly:

- 1) Complete the Contract in accordance with its terms and conditions, or
- 2) Obtain a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by Surety of the lowest responsible bidder, or, if the Owner elects, upon determination by the Owner and the Surety jointly of the lowest responsible bidder, arrange for a contract between such bidder and Owner, and make available as Work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the contract price; but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first par graph hereof. The term "balance of the contract price," as used in this paragraph, shall mean the total amount payable by Owner to Contractor under the Contract and any amendments thereto, less the amount properly paid by Owner to Contractor.

Any suit under this bond must be instituted before the expiration of any applicable statute of limitations under the Contract.

No right of action shall accrue this bond to or for the use of any person or corporation other than the Owner named herein or the heirs, executors, administrators or successors of the Owner.

Signed and sealed this 1st day of May 2018

PRINCIPAL

W.M. Jordan Company, Inc.



(Name) Robert Beale

(Title) Vice President

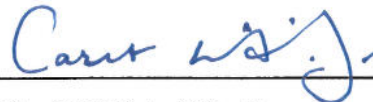
[Affix corporate seal]



(Witness)

SURETY

Travelers Casualty and Surety Company of America



(Name) Carlton L. Gill, Jr.

(Title) Attorney-in-Fact

[Affix corporate seal]



(Witness) Judith S. Cantwell

Bond #106881000

LABOR AND MATERIAL PAYMENT BOND

THIS BOND IS ISSUED SIMULTANEOUSLY WITH PERFORMANCE BOND IN FAVOR OF THE
OWNER CONDITIONED ON THE FULL AND FAITHFUL PERFORMANCE OF THE CONTRACT

IT IS HEREBY AGREED that

(Insert full name and address of Contractor)

W.M. Jordan Company, Inc., 11010 Jefferson Avenue, Newport News, VA 23601

as Principal, hereinafter called "Principal," and,

(Insert full name and address of Surety)

Travelers Casualty and Surety Company of America, One Tower Square, Hartford, CT 06183

as Surety, hereinafter called "Surety," are held and firmly bound unto

The County of Brunswick, by and through its authorized agent,
the Brunswick County Board of Education
Capital Projects and Planning Department
199 Sessions Drive
Mailing Address: 35 Referendum Drive
Bolivia, North Carolina 28422

as Obligee, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the
amount of Two Million Three Hundred Ninety Two Thousand Four Hundred Sixty One and no/cents Dollars
(\$2,392,461.00.00), for the payment whereof Principal and Surety bind themselves, their heirs, executors,
administrators, successors and assigns, jointly and severally, firmly by these obligations.

WHEREAS, Principal has by written) agreement dated May 1, 2018 entered into a contract
with Owner for the construction of (Insert the name of the Project)

Town Creek Elementary Classroom Addition

in accordance with Drawings and Specifications prepared by

(Insert full name and address of Architect/Engineer)

which contract is by reference made a part hereof, and is hereinafter referred to as the "Contract."

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Principal shall promptly
make payment to all claimants as hereinafter defined, for all labor and material used or reasonably
required for use in the performance of the Contract, then this obligation shall be void; otherwise it shall
remain in full force and effect, subject, however, to the following conditions:

1. A claimant is defined as one having a direct contract with the principal or with a Subcontractor of the
Principal for labor, material, or both, used or reasonably required for use in the performance of the
Contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline,
telephone service or rental of equipment directly applicable to the Contract.

2. The above named Principal and Surety hereby jointly and severally agree with the Owner that every
claimant as herein defined, who has not been paid in full before the expiration of a period of ninety (90)
days after the date on which the last of such claimant's work or labor was done or performed, or materials

were furnished by such claimant, may sue on this bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Owner shall not be liable for the payment of any costs or expenses of any such suit.

3. No suit or action shall be commenced hereunder by any claimant:

a) Unless claimant, other than one having a direct contract with the Principal, shall have given written notice to any two of the following: the Principal, the Owner, or the Surety above named, within ninety (90) days, after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail; postage prepaid, in an envelope addressed to the Principal, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid project is located, save that such service need not be made by a public officer.

b) After the expiration of one (1) year following the date on which Principal ceased Work on said Contract, it being understood, however, that if any limitation embodied in this bond is prohibited by any law controlling the construction hereof such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such law.

c) Other than in a state court of competent jurisdiction in and for the county or other political subdivision of the state in which the Project, or any part thereof, is situated, or in the United States District Court for the district in which the Project, or any part thereof, is situated, and not elsewhere.

4. The amount of this bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this bond.

Signed and sealed this 1st day of May 20 18

[Affix corporate seal]

PRINCIPAL

W.M. Jordan Company, Inc.



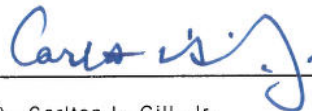
(Name) Robert Beale

(Title) Vice President

(Witness)

SURETY

Travelers Casualty and Surety Company of America



(Name) Carlton L. Gill, Jr.

(Title) Attorney-in-Fact

[Affix corporate seal]

(Witness)

Judith S. Cantwell



**Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Carlton L. Gill, Jr., of Newport News, Virginia** their true and lawful Attorney-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **3rd** day of **February**, 2017.



State of Connecticut

City of Hartford ss.

By: 
Robert L. Raney, Senior Vice President

On this the **3rd** day of **February**, 2017, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2021




Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 1st day of May, 2018




Kevin E. Hughes, Assistant Secretary

**To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney-in-Fact and the details of the bond to which the power is attached.**



BRUNSWICK COUNTY SCHOOLS

35 Referendum Drive Bolivia, North Carolina 28422 Phone: 910-253-2900 Fax: 910-253-2983

____ Consent Agenda
____ Action Agenda
____ Discussion Agenda
____ Information Item

Date: July 24, 2018

To: Ms. Sue Rutledge, Executive Director of Operations
Ms. Freyja Cahill, Executive Director of Finance

From: Craig C. Eckert, Director of Capital Projects and Planning

Subject: Work Authorization Change Order #3 to WM Jordan – Town Creek Middle School - \$21,601,309

BACKGROUND

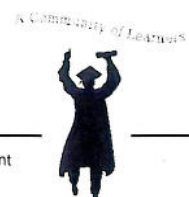
A new middle school and an addition to the existing Town Creek Elementary School were included in the voter approved 2016 Bond Referendum.

Work Authorizations #1 (Change Order #1- Early Site Work) and #2 (Change Order #2 - Elementary School addition) were executed in May 2018. The total work authorization to date is \$4,596,000.

CURRENT STATUS

Final bids for the middle school were received by WM Jordan on Friday July 13. Staff has prepared Work Authorization #3 (Change Order #3) authorizing work to proceed on the middle school. The additional authorization is in the amount of \$21,601,309, setting the GMP at \$26,192,995.

Tharrington and Smith, the Board attorney and the County of Brunswick attorney have approved the Form of change order.



RECOMMENDATION

Staff recommends that the Board place this item on the Board Agenda for authorization to forward the Change Order to the County Commissioners for review and execution at their next meeting. The Change Order falls within the previously approved funding.

Forwarding the Change Order to the county for execution will allow for completion of the new middle school by August 2020.

Code 4.9020.695.527.000.867.00

Freyja Cahill
Freyja Cahill, Executive Finance Director Brunswick County Schools

Action of the Board of Education

Approved: ☐
Consent Agenda: ☐
Action Agenda: ☐
Denied: ☐
Deferred: ☐
Until: _____

Attest: Clerk to the Board

Joni Coughlin
Signature





Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # V. - 7.

Clerk to the Board - Meeting Minutes

From:

Andrea White

Issue/Action Requested:

Request that the Board of Commissioners approve the draft minutes from the July 16, 2018 Regular Meeting.

Background/Purpose of Request:

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 draft minutes from the July 16, 2018 Regular Meeting.

ATTACHMENTS:

Description

- ▣ Draft Minutes - 2018-07-18 Regular Meeting Minutes

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JULY 16, 2018
6:00 P.M.**

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

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

STAFF: Ann Hardy, County Manager
Steve Stone, Deputy County Manager
Bob Shaver, County Attorney
Julie Miller, Finance Director
Andrea White, Clerk to the Board
Amanda Hutcheson, Public Information Officer
Capt. Mark Trull, Sheriff's Office

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

I. CALL TO ORDER

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

II. INVOCATION/PLEDGE OF ALLEGIANCE

Prior to the invocation and pledge of allegiance, Chairman Williams announced that Brunswick County's Dixie Youth Pre-Majors, ages 15 to 17, won the North Carolina State Championship and will be going to the World Series in Florida. He also announced that Belville Town Commissioner Donna Schardien passed away on Friday.

Following a moment of silence for Commissioner Schardien, Commissioner Cooke gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Williams asked for any adjustments to the agenda.

Mr. Shaver asked that the Board of Commissioners add a Closed Session after other business for the purpose of discussing the location or expansion of industry for economic development and to approve Closed Session minutes.

Chairman Williams announced that a Closed Session would be added as Item X.

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

IV. PUBLIC COMMENTS

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

1. Mr. Bill Voight, resident of Caswell Beach, asked the Board of Commissioners to adopt a resolution opposing seismic blasting and offshore drilling.
2. Ms. Judy Droitcour, resident of Caswell Beach, asked the Board of Commissioners to consider a resolution against seismic blasting and ocean drilling.
3. Ms. Toni Chandler, resident of Oak Island, asked the Board of Commissioners to consider adopting a resolution against offshore drilling and seismic blasting.
4. Ms. Martha Johnson, resident of Southport, asked the Board of Commissioners to adopt a resolution against offshore drilling and seismic testing.
5. Ms. Carolee Morris, resident of Southport, spoke in opposition to ocean drilling and sonar blasting. She asked the Board to reconsider a resolution and vote against this action for Brunswick County.
6. Ms. Becky Felton, resident of Southport, thanked the Commissioners for their assistance with a "No Wake" zone in her area. She also asked the Board of Commissioners to reconsider taking a vote on offshore drilling and seismic testing.
7. Mr. Marianne Huntley, resident of Southport, asked the Board of Commissioners to reconsider its position on seismic blasting and offshore drilling. She asked if the Board could say that it opposes offshore drilling and seismic blasting, at this time, and also ask for a moratorium on this issue until things settle down.
8. Ms. Candace Bland, resident of Southport, asked the Board of Commissioners to return the issue regarding offshore drilling and seismic blasting to the agenda and to vote in opposition.
9. Ms. Judith Gooch, resident of Southport, spoke in opposition to drilling off the coast of North Carolina. She shared her experiences in Bermuda and California with oil balls on the beaches. She asked the Board of Commissioners to put the environment first and return this issue to the agenda for a vote.
10. Ms. Karen Hudson, resident of Caswell Beach, asked the Board of Commissioners to adopt a resolution in opposition of offshore drilling and seismic blasting.

V. APPROVAL OF CONSENT AGENDA

Chairman Williams asked for a motion on the Consent Agenda.

Commissioner Sykes moved to approve the Consent Agenda as presented.

Chairman Williams asked for discussion. Hearing none, he called the question. The vote of approval was unanimous. The following items were approved:

1. **Administration - Food Service Contract Extension**
Approved a one-year extension of a food service agreement with Trinity Services Group, Inc.
2. **Administration - Ordinance to Repeal a Previous Ordinance that Created the Utility Operations Board**
Adopted an Ordinance to repeal a prior ordinance that created the Utility Operations Board and removed it from the Code of Ordinances.
3. **Administration - Planning Board Composition Text Amendment**
Approved a text amendment to Article II, Section 1-2-17 (a) and (d), and 1-2-24 (b) of the Code of Ordinances as it pertains to the Planning Board.
4. **Administration - Proposed Addition to the State Highway System**
Approved a request from the NC Department of Transportation for the addition of W Tanglewood DR SW, located within the W. Tanglewood Subdivision in Brunswick County, to the North Carolina Department of Transportation State Secondary Road System (SR-2 Resolution).
5. **Administration - Ratification of a Letter Providing Comments on Proposed Changes to Water Infrastructure Funding Programs**
Ratified the approval of a letter providing comments to the State Water Infrastructure Authority and the N.C. Division of Water Infrastructure on proposed changes to water infrastructure funding programs.
6. **Board Appointment - Fire Commission**
Removed Chief Williams of the Navassa Fire Department and appointed Chief Chuck Herzig, Northwest Fire Department, to fill the unexpired term of the District 5 Fire Service Representative on the Fire Commission. The term will expire on June 30, 2019.
7. **Board Appointment - Parks & Recreation Advisory Board - District 4**
Appointed Dorothy G. Warren to fill the unexpired term representing District 4 on the Parks & Recreation Advisory Board. This term will expire on June 30, 2019.
8. **Clerk to the Board - Meeting Minutes**
Approved the draft minutes from the June 18, 2018 Regular meeting.
9. **County Attorney - Kingfish Bay Deed of Dedication**
Accepted the Deed of Dedication for water and sewer infrastructure for Kingfish Bay, Phase 1A and 2.
10. **Finance - Fiscal Items**
Approved Budget Amendments, Capital Project Ordinances, and Fiscal Items of a routine nature presented on the consent agenda.
 - **Water and Sewer Capital Reserve Budget Amendment**
After the FY 2018-2019 budget was approved, a change in legislation eliminated the capital reserve fund requirement for system development fee proceeds that are pledged to secure revenue bonds or notes issued by a local government. The Budget amendment reduced the water and sewer transfer to the capital reserve for system development fees pledged to secure debt.

- **FY19 JCPC Funding Budget Amendments**
Appropriated state revenues restricted of \$176,737 as awarded by the Juvenile Crime Prevention Council from the NC Department of Public Safety and approved at 5/7/18 board meeting. The following has been awarded to the JCPC Programs; JCPC Administration \$6,500, Coastal ART \$32,426, Guiding Good Choices (GCC) & Systematic Training for Effective Parenting (STEP) \$27,598, Providence Home \$12,000, Teen Court \$48,573, Restitution \$49,640.
 - **Management Information Systems Rollover Budget Amendment**
Appropriated fund balance for rollover of FY18 funds budgeted to fund the Management Information fiber project \$126,000, Administration Camera System \$20,000 and additional exterior cameras \$8,000.
 - **Sheriff's Plan Phase 3 Budget Amendment**
Appropriated \$47,870 in reserve funds set aside for phase 3 of the Sheriff's plan for additional deputies.
 - **Southwest Library Panels Budget Amendment**
Appropriated \$5,000 in fund balance for rollover of FY18 funds to purchase acoustical panels to dull the echo in the three meeting rooms in the Southwest Library.
 - **Airport Grant Award 36244.58.10.4 Budget Amendments**
Appropriated State Revenue of \$257,400 and grant match of \$28,600 for a total grant award of \$286,000 for the West Apron Expansion Phase II Design.
 - **Airport Grant Closeout Budget Amendments**
Closeout of two airport grants 36237.45.15.2 and 36237.45.16.1 that have received final reimbursements and been closed with North Carolina Department of Transportation Division of Aviation.
11. **Finance - NC Forest Service Agreement**
Entered into an agreement with the North Carolina Department of Agriculture and Consumer Services for the protection, development and improvement of forest land in Brunswick County.
 12. **Health and Human Services - Health Services - Carolina Healthcare Associates, Inc. Service Contract**
Approved the FY 2018-2019 contract between the County and Carolina Healthcare Associates, Inc.
 13. **Health and Human Services - Health Services - Contract for NC Alliance of Public Health Agencies**
Approved and executed a contract renewal between Brunswick County Health Services and the North Carolina Alliance of Public Health Agencies, Inc. (NCAPHA) for FY 2018-2019.
 14. **Health and Human Services - Health Services - Contract for School Nursing**
Approved the FY 2018-2019 contract agreement with Brunswick County Schools for funding school nurses utilizing State-restricted funds.
 15. **Health and Human Services - Health Services - Preparedness Coordinator Agreement**

Approved and executed the grant-funded preparedness coordinator renewal agreement for FY 2018-2019.

16. **Health and Human Services - Social Services: Annual Energy Outreach Plan**
Approved the Social Services Energy Outreach Plan for FY 2018-2019.
17. **Operation Services - Integrated Supply Agreement**
Approved an Integrated Supply Agreement with Genuine Parts Company and Atlantic Auto & Marine, Inc.
18. **Operation Services - Courthouse HVAC Repair and Maintenance Agreement**
Approved a service agreement for courthouse HVAC repair and maintenance with HVAC Starplus, LLC.
19. **Operation Services - Ground Water Monitoring**
Approved a service agreement with Amec Foster Wheeler Environment and Infrastructure, Inc. (AMEC) for semi-annual sampling of ground-water wells at the Brunswick County Landfill as required by the North Carolina Department of Environmental Quality (NCDEQ).
20. **Planning - BUILD Transportation Discretionary Grant Program**
Approved the application for a grant through the USDOT BUILD Transportation Discretionary Grant Program to design and construct an off-road multi-use greenway trail from the intersection of NC 211 & NC 906 in Oak Island to NC 87 in the City of Boiling Spring Lakes.
21. **Sheriff's Office - 2017 JAG Grant**
Accepted the 2017 JAG Grant Award in the amount of \$10,063 for taser testing and cartridges.
22. **Sheriff's Office - Inmate Health Care Services**
Approved the budget amendment and agreement with Correct Care Solutions LLC to provide inmate medical services and terminate contract with current vendor.
23. **Tax Administration - July 2018 Releases**
Approved the July 2018 tax releases.

VI. PRESENTATION

1. **Tax Administration - Presentation of Schedule of Values for 2019 and Schedule a Public Hearing**
Following the process for adoption of the Schedule of Values as outlined in North Carolina General Statute 105-317 a Public Hearing for the schedule of values will be advertised for August 20, 2018 at 6:00 p.m. The tax office also requests the Board of Commissioners to schedule a special meeting on August 30, 2018 at 3:00 p.m. to adopt the 2019 reappraisal Schedule of Values. The schedule is available to the public and a link is posted on the county web page.

Mr. Jeff Niebauer explained that counties are required to conduct a revaluation every eight years per General Statutes. Brunswick County has opted to conduct one in four years, pursuant to General Statute 105-317. The Schedule of Values for the 2019 revaluation was presented to the Board of Commissioners. A copy is available on the website and in the tax

office. Mr. Niebauer requested a Public Hearing be held on August 20, 2018 and a Special Meeting be held on August 30, 2018 to adopt the Schedule.

Commissioner Sykes moved to schedule a Public Hearing to be held on August 20, 2018 at the Regular Meeting and to schedule a Special Meeting to be held on August 30, 2018 at 3:00 p.m. to adopt the Schedule of Values.

Chairman Williams asked for discussion. Hearing none, he called the question. The vote of approval was unanimous.

VII. PUBLIC HEARING

Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted Public Hearings in the Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

1. Code Administration - FEMA Flood Maps Approved by FEMA (Michael Slate, Code Administration Director)

After the Public Hearing, request that the Board of Commissioners approve First and Second Readings of the FEMA Flood Insurance Study Flood Insurance Study (FIS) and associated Flood Insurance Rate Maps (FIRMs).

Mr. Slate announced that Randy Mundt, North Carolina Flood Mapping, was in the audience to assist with questions. Mr. Slate gave a brief presentation on the FEMA Flood Maps. The new preliminary data was released on August 29, 2014 and March 31, 2015. On September 16, 2014, federal, state, and local officials met with state mapping staff to discuss the process for reviewing and submitting appeals and the date to improve the maps. All new data should be adopted prior to August 28, 2018. The purpose of the National Flood Insurance Program is to make flood insurance available, to identify floodplains and areas at risk of flooding, and to provide standards, guidance and a framework to help communities manage floodplains. Mr. Slate shared the following most prominent effects of not participating in the flood insurance program: no flood insurance available to any non-participating community; no federal grants and loans; and no state disaster assistance.

Staff requested a Public Hearing on the Flood Insurance Study and the associated Flood Insurance Rate Maps.

CALL TO ORDER

Chairman Williams called the Public Hearing to order at 6:24 p.m.

PUBLIC COMMENTS

Chairman Williams asked those wishing to speak on the Flood Insurance Study and the associated Flood Insurance Rate Maps to come to the podium. No one wished to speak.

Mrs. Hardy commended Mr. Slate and his team for working with property owners on an individual basis to answer their questions, and for reaching out to those that attended the hearing to provide as much information as possible.

ADJOURN

Chairman Williams closed the Public Hearing at 6:30 p.m.

CONSISTENCY STATEMENT

(per N.C.G.S. 153A-341)

Description: Flood Maps Approved by FEMA

The Board of Commissioners finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons: The proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) as the proposed flood maps are an update to the existing 2016 Flood Maps.

The Board of Commissioners further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons: FEMA conducts scientific studies and review analysis to make recommendations for flood maps to protect the public safety and minimize property damage. The amendment will also allow the County to participate in the National Flood Insurance Program.

Therefore, on the basis of all the information provided including the foregoing, Vice-Chairman Thompson moved to order approval of First and Second Readings of the FEMA Flood Insurance Study Flood Insurance Study (FIS) and associated Flood Insurance Rate Maps (FIRMs). The vote of approval was unanimous.

Chairman Williams asked for discussion on the motion. Hearing none, he called the question. The vote of approval was unanimous.

2. **Code Administration - UDO-18-05 (Michael Slate, Code Administration Director)**

After the Public Hearing, request that the Board of Commissioners approve First and Second Readings of the proposed text amendment to the Unified Development Ordinance (UDO-18-05) for the Flood Damage Prevention Ordinance (FDPO).

Mr. Slate reviewed the proposed changes to the ordinance to include minor clarification to definitions, expanded construction requirements to enhance understanding and ensure compliance, and the addition of the LiMWA (Limit of Moderate Wave Action).

CALL TO ORDER

Chairman Williams opened the Public Hearing at 6:35 p.m.

PUBLIC COMMENTS

Chairman Williams asked those wishing to speak on the text amendment to come to the podium. No one wished to speak.

ADJOURN

Chairman Williams closed the Public Hearing at 6:35 p.m.

CONSISTENCY STATEMENT

(per N.C.G.S. 153A-341)

Description: Flood Damage Prevention Ordinance

The Board of Commissioners finds that the proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan) for the following reasons: The proposed zoning amendment is consistent with the CAMA Land Use Plan (Comprehensive Plan).

The Board of Commissioners further finds that the proposed zoning amendment is reasonable and in the public interest for the following reasons: The proposed zoning amendment updates the current flood damage prevention ordinance as required by FEMA. As a result, the County can continue participating in the National Flood Insurance Program, which allows citizens to purchase flood insurance, grants/loans can be applied for in flood hazard areas and residences in flood hazard areas with flood related damages will be eligible for federal disaster assistance.

Therefore, on the basis of all the information provided including the foregoing, Commissioner Cooke moved to order approval of First and Second Readings of the proposed text amendment to the Unified Development Ordinance (UDO-18-05) for the Flood Damage Prevention Ordinance(FDPO). The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. **Administration - Letter of Support for Grant Advance Cape Fear Regional Jetport West Apron Land Acquisition (Ann Hardy, County Manager)**

Request that the Board of Commissioners approve a letter to the state supporting the County providing a grant advance of \$1,800,000 to the Cape Fear Regional Jetport for Project No. 2176 Land Acquisition for West Apron Expansion and Hangars.

Mrs. Hardy explained that the letter of support is for a grant advance for the Cape Fear Regional Jetport West Apron Land Acquisition. The County has entered into agreements to advance funds to the Airport in the past and they have been very successful in securing the grant funds and making repayments to the County. Mrs. Hardy introduced Col. Willie Gore, Chairman of the Cape Fear Regional Jetport.

Col. Gore explained that this is a unique opportunity to purchase land to position the airport for the near term and beyond. The airport currently occupies a little over 200 acres which is low for a Category A Business Class Airport. Preliminary work, including the appraisal, has been completed for the land on the west side of the new terminal building to acquire up to approximately 40 acres of land. The Airport would like to have a letter of support for a grant advance from the County when they meet with Mr. Walston, NCDOA Director (North Carolina Division of Aviation). Col. Gore thanked the Board for past support.

Commissioner Sykes moved to approve the letter of support for the grant advance.

Chairman Williams asked for discussion on the motion. Hearing none he called the question. The vote of approval was unanimous.

2. **Administration - NCDWR Grant Resolution (Steve Stone, Deputy County Manager)**

Request that the Board of Commissioners consider approving a resolution of application to the NC Division of Water resources for a grant to dredge an improved navigation channel at the Lockwood Folly Inlet.

Mr. Stone explained that the US Army Corps of Engineers (USACE) only had enough funding and/or equipment over the last several decades to dredge the navigation channel to a depth of about 8 feet. However, the channel is authorized to a depth of 12 feet. This project would propose that the County engage a private party, presumably a party that is under contract with the USACE to do other work, for a \$4 million project that would dredge the channel to 14 feet deep and a full 150 feet wide. The State will pay two-thirds of the cost of this project, including soft costs such as engineering and administrative costs. It is recommended that the Board consider paying one quarter of the local share, and whichever beach community receives the sand pay the other three quarters of the local share. While this is a navigation project, approximately 200,000 to 300,000 cubic yards of suitable sand would be produced to be placed on a beach on either side of the channel. All the permits are not in place; however, the project would work toward that permitting. The sand is worth \$2 to \$3 million. There is no obligation to accept the grant if it is awarded. If it is awarded and the County goes through permitting and engineering activities, and the project does not occur, those activities would still be eligible for the State funding and could be used for future potential projects.

A brief discussion was held regarding the permit for Oak Island to be able to receive the sand.

Commissioner Cooke moved to approve the resolution of application to the NC Division of Water resources for a grant to dredge an improved navigation channel at the Lockwood Folly Inlet.

Chairman Williams asked for discussion on the motion.

Vice-Chairman Thompson asked if the motion could include the support letter for the Town of Oak Island's permit.

Commissioner Cooke amended his motion to include a letter of support for the Town of Oak Island's permit and direction to staff to draft a letter for the Board to sign.

Chairman Williams asked for discussion on the amended motion. Hearing none, he called the question. The vote of approval was unanimous.

RESOLUTION TO SPONSOR THE LOCKWOOD FOLLY INLET OCEAN BAR NAVIGATION MAINTENANCE PROJECT

WHEREAS, the Brunswick County Board of Commissioners (Board) desires to sponsor the Lockwood Folly Inlet Ocean Bar Navigation Maintenance Project, which will provide an improved and more durable navigation channel at the Lockwood Folly Inlet.

NOW, THEREFORE, BE IT RESOLVED THAT:

- 1) The Brunswick County Board of Commissioners requests the State of North Carolina to provide financial assistance to Brunswick County for the Lockwood Folly Inlet Ocean Bar Navigation Maintenance project in the amount of \$ 2,750,000.00 or 67 percent of project construction cost, whichever is the lesser amount;
- 2) The Board assumes full obligation for payment of the balance of project costs;
- 3) The Board will obtain all necessary State and Federal permits;
- 4) The Board will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.

- 5) The Board will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Board will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Board will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Board will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Board accepts responsibility for the operation and maintenance of the completed project.

Adopted by the Brunswick County Board of Commissioners this 16th day of July, 2018.

Frank Williams, Chairman
Brunswick County Commissioners

Attest:
Andrea White, NCCCC
Clerk to the Board

3. **Administration - Surplus Property Offers (Steve Stone, Deputy County Manager)**
Request that the Board of Commissioners consider offers that have been submitted for surplus parcels.

Mr. Stone presented bids for two parcels for the Board's consideration.

Parcel	Location	Size	Tax Value	Acquired	Cost	Bid
2010001303	South of Adelaide Dr., SE off of Sunset Harbor Rd.	3 acres	\$20,100.00	2-9-2010	\$3,764.33	\$500.00
214MA127	1596 Hyde St. SW	.29 acre	\$2,000.00	4-24-2018	\$916.95	\$1,200.00

Commissioner Sykes moved to decline the bid offer of \$500.00 for the property in Sunset Harbor (Parcel 2010001303).

Chairman Williams asked for discussion on the motion. Hearing none, he called the question. The vote of approval was unanimous.

Commissioner Forte moved to accept the bid of \$1,200.00 for the property located at 1596 Hyde St. (Parcel 214MA127).

Chairman Williams asked for discussion on the motion. Hearing none, he called the question. The vote of approval was unanimous.

4. **Utilities - Request for Approval of Resolution to Waive Mini-Brooks Act and Biosolids Agreement with Dewberry Engineers, Inc. (Donald Dixon, Deputy Director-Wastewater Operations)**
Request that the Board of Commissioners approve a resolution to waive the Mini Brooks requirements for selection of an engineer and a contract with Dewberry Engineers, Inc., in the amount of \$41,200 for engineering services associated with biosolids treatment and management.

Mr. Dixon explained that Utilities is currently using land application as a disposal option for biosolids across the county. Those processes are affected by weather and whether the neighbors agree with the application. This item includes reevaluating the 211 Plant and looking at a biosolids masterplan for the County. There are six wastewater treatment plants in the county and 680 dry tons of biosolids were generated last year. The County recently lost one of its largest land application sites due to a change in ownership. Staff would like to look at longer term options through the master planning effort.

Mr. Shaver explained that the Mini Brooks Act is an act that would require bidding or solicitations for qualifications for certain types of engineering contracts. If the project request is less than \$50,000, the Board may exempt that project from the Mini Brooks Act. In this case, the total project cost for Dewberry's services is less than \$50,000 and the County has a history of a working relationship with Dewberry. Therefore, staff asked that the County exempt this project.

Vice-Chairman Thompson moved to approve the resolution to waive the Mini Brooks Act and approve a contract with Dewberry Engineers, Inc., in the amount of \$41,200 for engineering services associated with biosolids treatment and management.

Chairman Williams asked for discussion on the motion. Hearing none he called the question. The vote of approval was unanimous.

PROJECT EXEMPTION RESOLUTION

WHEREAS, North Carolina General Statute 143 64.32 requires that units of local government that exempt projects from the provisions of North Carolina General Statute 143-64.31 do so in writing; and

WHEREAS, the Biosolids Treatment and Management Project contract amount is less than \$50,000.

NOW, THEREFORE, BE IT RESOLVED by the Brunswick County Board of Commissioners that the Biosolids Treatment and Management Project is exempt from the provisions of North Carolina General Statute 143-64.31.

This the 16th day of July 2018.

Frank Williams, Chairman
Brunswick County Commissioners

Attest:
Andrea White, NCCCC
Clerk to the Board

IX. BOARD APPOINTMENTS

1. Governing Body - Annual Board Appointments

Request that the Board of Commissioners approve the annual board appointments as presented.

Chairman Williams moved to approve the board appointment list as presented with the exception that the Brunswick Community College Board of Trustees appointment be tabled until the next meeting for further research and discussion.

Chairman Williams asked for discussion on the motion. Hearing none he called the question. The vote of approval was unanimous.

X. CLOSED SESSION

Mr. Shaver asked for a motion to enter Closed Session pursuant to G.S. 143-318.11(a)(1) to approve Closed Session minutes and G.S. 143-318.11(a)(4) to discuss location or expansion of industry for economic development.

Commissioner Sykes moved to enter Closed Session 7:02 p.m. The vote of approval was unanimous.

Chairman Williams called the regular meeting to order at 7:51 p.m. and asked the County Attorney if there was anything to report from Closed Session.

Mr. Shaver stated there was nothing to report.

XI. OTHER BUSINESS/INFORMAL DISCUSSION

Chairman Williams asked if there were any other items of business or discussion.

Chairman Williams asked the Commissioners to begin thinking about any legislative goals that the County may wish to submit to the North Carolina Association of County Commissioners. Potential goals should be submitted to the County Manager and will be discussed at the next meeting.

Chairman Williams asked if there were any other items to discuss. No other items were brought forward.

XII. ADJOURNMENT

Commissioner Forte moved to adjourn at 7:51 p.m. The vote of approval was unanimous.

Frank Williams, Chairman
Brunswick County Board of Commissioners

Attest:

Andrea White, NCCCC
Clerk to the Board



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # V. - 8.

From: District Attorney - Communities In Schools Agreement
Julie Miller

Issue/Action Requested:

Request that the Board of Commissioners approve renewal of the annual 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 with 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 FY 19.

Fiscal Impact:

Pre-Audit Certification Required, Reviewed By Director of Fiscal Operations
Funds available in the current budget

Approved By County Attorney:

Yes

County Manager's Recommendation:

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

ATTACHMENTS:

Description

▣ CIS Contract FY19

NORTH CAROLINA

INDEPENDENT CONTRACTOR AGREEMENT

BRUNSWICK COUNTY

THIS AGREEMENT is made and entered into this the ___ day of _____, 2018, 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, 2018 through June 30, 2019 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.

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



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # V. - 9.

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.

-Gilbert Rd and Shallotte Water Budget Amendment and CPO

Close the Gilbert Rd and Shallotte Water project and transfer \$66,521 of unexpended funds to the water capital reserve undesignated fund.

-Middleton Road Water Main Budget Amendment and CPO

Close the Middleton Road Water Main project and transfer \$183,522 of unexpended funds to the water capital reserve undesignated fund.

-Sheriff's Office Donated Funds Budget Amendment

Appropriate donated funds of \$20,000 from Duke Energy for training room replacement seating, carpet replacement, and miscellaneous expenses.

-Federal Crisis Intervention Budget Amendment

Appropriate \$93,533 of additional crisis intervention funding for use in the DSS-Crisis Intervention Program.

Background/Purpose of Request:

Fiscal Impact:

Budget Amendment Required, Capital Project/Grant Ordinance 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

- ☐ 20180806 Budget Amendment Gilbert Road Water Main Closeout
- ☐ 20180806 Budget Amendment Gilbert Road Water Main Reserve
- ☐ 20180806 CPO Gilbert Road Water Main Project
- ☐ 20180806 Budget Amendment Middleton Road Water Main Closeout

- ▣ 20180806 Budget Amendment Middleton Road Water Main Reserve
- ▣ 20180806 CPO Middleton Road Water Main
- ▣ 20180806 Budget Amendment Sheriff's Office Donated Funds
- ▣ 20180806 Budget Amendment Federal Crisis Intervention

Request Info	
Type	Budget Amendment
Description	Gilbert Road Water Main Closeout
Justification	Board Meeting 08/06/2018-Close the Gilbert Rd and Shallotte Water project and transfer \$66,521 of unexpended funds to the water capital reserve undesignated fund.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
418283	398661	Gilbert Rd and Shallotte Water	Trans Frm Water Fund	-66521	Decrease	Debit
418283	464001	Gilbert Rd and Shallotte Water	Arch/Engnrg/Legal	-10543	Decrease	Credit
418283	464002	Gilbert Rd and Shallotte Water	Construction	-55978	Decrease	Credit

Total	
Grand Total:	-133042

Request Info	
Type	Budget Amendment
Description	Gilbert Road Water Main Reserve
Justification	Board Meeting 08/06/2018-Close the Gilbert Rd and Shallotte Water project and transfer \$66,521 of unexpended funds to the water capital reserve undesignated fund.
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	66521	Increase	Credit
419800	464299	Interfund Trans Water Cap Rsv	Undesignated Funds	66521	Increase	Debit

Total	
Grand Total:	133042

COUNTY OF BRUNSWICK, NORTH CAROLINA
CAPITAL PROJECT ORDINANCE
Gilbert Road Water Main Project
(418283)

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>978,479</u>
Total Water Capital Project Revenues	\$	978,479

Expenditures:

Arch/Eng/Legal		104,457
Construction		<u>874,022</u>
Total Water Capital Project Expenditures	\$	978,479

Section 2. It is estimated that the following revenues will be available in the Brunswick County Water Fund:

Current Funds Appropriated	\$	978,479
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Section 3. The following amounts are hereby appropriated in the Brunswick County Water Fund:

Contribution to Capital Project Fund	\$	978,479
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Section 4. This Capital Project Ordinance shall be entered into the minutes of the August 6, 2018 meeting of the Brunswick County Board of Commissioners.

on

Request Info	
Type	Budget Amendment
Description	Middleton Road Water Main Closeout
Justification	Board Meeting 08/06/2018-Close the Middleton Road Water Main project and transfer \$183,522 of unexpended funds to the water capital reserve undesignated fund.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
418281	398661	Middleton Road Water Main	Trans Frm Water Fund	-183522	Decrease	Debit
418281	464001	Middleton Road Water Main	Arch/Engnrg/Legal	-28260	Decrease	Credit
418281	464002	Middleton Road Water Main	Construction	-155262	Decrease	Credit

Total	
Grand Total:	-367044

Request Info	
Type	Budget Amendment
Description	Middleton Road Water Main Reserve
Justification	Board Meeting 08/06/2018-Close the Middleton Road Water Main project and transfer \$183,522 of unexpended funds to the water capital reserve undesignated fund.
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	183522	Increase	Credit
419800	464299	Interfund Trans Water Cap Rsv	Undesignated Funds	183522	Increase	Debit

Total	
Grand Total:	367044

COUNTY OF BRUNSWICK, NORTH CAROLINA
CAPITAL PROJECT ORDINANCE
Middleton Road Water Main
(418281)

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>949,178</u>
Total Water Capital Project Revenues	\$ 949,178

Expenditures:

Arch/Eng/Legal	104,457
Construction	<u>874,022</u>
Total Water Capital Project Expenditures	\$ 978,479

Section 2. It is estimated that the following revenues will be available in the Brunswick County Water Fund:

Current Funds Appropriated	\$ 949,178
----------------------------	------------

Section 3. The following amounts are hereby appropriated in the Brunswick County Water Fund:

Contribution to Capital Project Fund	\$ 949,178
--------------------------------------	------------

Section 4. This Capital Project Ordinance shall be entered into the minutes of the August 6, 2018 meeting of the Brunswick County Board of Commissioners.

Request Info	
Type	Budget Amendment
Description	Sheriff's Office Donated Funds
Justification	Board Meeting 08/06/2018-Appropriate donated funds of \$20,000 from Duke Energy for training room replacement seating, carpet replacement, and miscellaneous expenses.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
104310	383303	Sheriff's Office	Gifts and Memorials	20000	Increase	Credit
104310	435100	Sheriff's Office	Repair and Maint - Building	15450	Increase	Debit
104310	426100	Sheriff's Office	Equipment Less Than \$500	4550	Increase	Debit

Total	
Grand Total:	40000

Request Info	
Type	Budget Amendment
Description	Federal Crisis Intervention
Justification	Board Meeting 08/06/2018-Appropriate \$93,533 of additional crisis intervention funding for use in the DSS-Crisis Intervention Program.
Originator	Tiffany Rogers

Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr	
145310	331032	DSS-Administration	Federal Crisis Intervention	93533	Increase	Credit	
145310	449904	DSS-Administration	DSS Crisis Intervention	93533	Increase	Debit	

Total	
Grand Total:	187066



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:

Andrea White

Action Item # V. - 10.

Governing Body - Resolution in Support of Brunswick County Farmers

Issue/Action Requested:

Request that the Board of Commissioner adopt a Resolution in support of Brunswick County Farmers.

Background/Purpose of Request:

A proposed resolution and the Farm Act of 2018 are attached for review.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Not Applicable

Advisory Board Recommendation:

Not Applicable

County Manager's Recommendation:

Recommend that the Board of Commissioner adopt a Resolution in support of Brunswick County Farmers.

ATTACHMENTS:

Description

- ☐ Resolution
- ☐ NC Farm Act of 2018

County of Brunswick
Office of the County Commissioners



RESOLUTION IN SUPPORT OF BRUNSWICK COUNTY FARMERS

WHEREAS, frivolous nuisance lawsuits are threatening the very existence of farming in North Carolina, and

WHEREAS, agriculture and agribusiness is the number one industry in North Carolina which contributes \$85 billion to our State's economy; and

WHEREAS, our nation enjoys a food supply that is abundant, affordable, and among the world's safest, thanks in large part to the efficiency and productivity of North Carolina's farmers; and

WHEREAS, our farmers provide the food, fuel and fiber for our state and our country; and

WHEREAS, agriculture touches the life of everyone, whether it be in our daily meals or the clothes we wear; and

WHEREAS, farming supports other community businesses and the local economy; and

WHEREAS, it is estimated that we are going to need to increase food production by at least 70 percent by 2050 to meet the growing world food demands; and

WHEREAS, we are losing farmland at an alarming rate and it is getting progressively more difficult to recruit and retain farmers willing to work our state's land; and

WHEREAS, we need to support our agricultural industry and our farmers, and encourage a safe and abundant food supply.

NOW, THEREFORE, BE IT RESOLVED that the Brunswick County Board of Commissioners does hereby support the NC Farm Act of 2018 and our agricultural community.

Adopted this the 6th day of August, 2018.

Frank Williams, Chairman
Brunswick County Commissioners

Attest:

Andrea White, NCCCC
Clerk to the Board

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

SESSION LAW 2018-113
SENATE BILL 711

AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS.

Whereas, frivolous nuisance lawsuits threaten the very existence of farming in North Carolina; and

Whereas, in response to the long-standing threat to agriculture, in 1979 the General Assembly enacted the State's first effort to statutorily protect the ability of farms and forestry operations to continue to operate as surrounding development encroached; and

Whereas, following the 1979 enactment, at least three succeeding General Assemblies in 1992, 2013, and 2017 tried to perfect a statutory framework that broadly fosters a cooperative relationship between farms and forestry operations and their neighbors across North Carolina; and

Whereas, recently a federal trial court incorrectly and narrowly interpreted the North Carolina Right to Farm Act in a way that contradicts the intent of the General Assembly and effectively renders the Act toothless in offering meaningful protection to long-established North Carolina farms and forestry operations; and

Whereas, regrettably, the General Assembly is again forced to make plain its intent that existing farms and forestry operations in North Carolina that are operating in good faith be shielded from nuisance lawsuits filed long after the operations become established; Now, therefore,

The General Assembly of North Carolina enacts:

FRUIT AND VEGETABLE HANDLERS REGISTRATION ACT

SECTION 1.(a) Article 44 of Chapter 106 of the General Statutes is repealed.

SECTION 1.(b) Chapter 106 of the General Statutes is amended by adding a new Article to read:

"Article 44A.

"Fruit and Vegetable Handlers Registration Act.

"§ 106-501.1. Definitions.

The following definitions shall apply when used under this Article:

- (1) "Commissioner" means the Commissioner of Agriculture of the State of North Carolina.
- (2) "Consignment" means any transfer of fruits and vegetables by a seller to the custody of another person who acts as the agent for the seller for the purpose of selling such fruits and vegetables.
- (3) "Department" means the Department of Agriculture and Consumer Services.
- (4) "Farmer" means any person who produces fruits or vegetables or both.
- (5) "Handler" means any person in the business of buying, receiving, selling, exchanging, negotiating, processing for resale, or soliciting the sale, resale, exchange, or transfer of any fruits and vegetables purchased from a North Carolina farmer, received on consignment from a North Carolina farmer, or received to be handled on net return basis from a North Carolina farmer.



- (6) "Net return basis" means a purchase for sale of fruits and vegetables from a farmer or shipper at an unfixed or unstated price at the time the fruits and vegetables are shipped from the point of origin, and it shall include all purchases made "at the market price," "at net worth," and on similar terms, which indicate that the buyer is the final arbiter of the price to be paid.
- (7) "Processing" means any act or operation that freezes, dehydrates, cans, or otherwise changes the physical form or characteristic of fruits and vegetables.

"§ 106-501.2. Registration required.

(a) Prior to conducting business in North Carolina, a handler shall register with the Department, free of cost, by providing to the Department the following information:

- (1) The handler's name.
- (2) The handler's principal place of business.
- (3) The type of fruits and vegetables handled by the handler.
- (4) The annual volume, in dollar amount, of fruits and vegetables handled by the handler in North Carolina.

(b) A handler shall update the Department within 60 calendar days of any change in information required under subdivision (a)(1), (a)(2), or (a)(3) of this section.

(c) A handler shall update the Department of the annual volume required under subdivision (a)(4) of this section by February 1st of each year.

(d) Information collected under this Article shall be held confidential by the Department and not subject to public records disclosure.

"§ 106-501.3. Exemptions to registration.

This Article shall not apply to:

- (1) A farmer or group of farmers in the sale of fruits and vegetables produced by the farmer or group of farmers.
- (2) A handler who pays at the time of purchase with United States cash currency or a cash equivalent, such as a money order, cashier's check, wire transfer, electronic funds transfer, or PIN-based debit transaction, or a credit card.
- (3) A restaurant.
- (4) A retailer that sells fruits and vegetables to end-use consumers through retail establishments or food stands operated by the company, its affiliates, or subsidiaries.

"§ 106-501.4. Authority of the Board of Agriculture.

The Board of Agriculture may adopt rules to implement this Article.

"§ 106-501.5. Civil penalties.

(a) The Commissioner may assess a civil penalty of not more than one hundred dollars (\$100.00) per violation against any person or business entity who violates a provision of this Article or any rule adopted thereunder. In determining the amount of the penalty, the Commissioner shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

(b) Civil penalties for failure to register or provide updated information under this Article shall only be issued after a 15-calendar-day notice has been provided to the handler and the handler fails to remedy the deficiency within the 15 days.

"§ 106-501.6. Injunctions.

In addition to the remedies provided in this Article and notwithstanding the existence of any adequate remedy at law, the Commissioner is authorized to apply to any court of competent jurisdiction, and such court shall have jurisdiction upon hearing and for cause shown to grant, for a temporary or permanent injunction, or both, restraining any person from violating or continuing to violate any of the provisions of this Article or any rule promulgated thereunder. Such injunction shall be issued without bond."

SECTION 1.(c) This section becomes effective January 1, 2019, and applies to handlers conducting business in the State on or after that date.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES CONFIDENTIALITY CHANGE

SECTION 2. G.S. 106-24.1 reads as rewritten:

"§ 106-24.1. Confidentiality of information collected and published.

All information published by the Department of Agriculture and Consumer Services pursuant to this Part shall be classified so as to prevent the identification of information received from individual farm operators. All information generated by any federal agency received pursuant to this ~~Part~~ Chapter that is confidential under federal law shall be held confidential by the Department and its ~~employees~~ employees, unless confidentiality is waived by the federal agency. All information collected by the Department from farm owners or animal owners, including, but not limited to, certificates of veterinary inspection, animal medical records, laboratory reports received or generated from samples submitted for analysis, or other records that may be used to identify a person or private business entity subject to regulation by the Department shall not be disclosed without the permission of the owner unless the State Veterinarian determines that disclosure is necessary to prevent the spread of an animal disease or to protect the public health, or the disclosure is necessary in the implementation of these animal health programs."

EXEMPT GOT TO BE NC AGRICULTURE MERCHANDISE FROM UMSTEAD ACT

SECTION 3. G.S. 66-58 reads as rewritten:

"§ 66-58. Sale of merchandise or services by governmental units.

(a) Except as may be provided in this section, it shall be unlawful for any unit, department or agency of the State government, or any division or subdivision of the unit, department or agency, or any individual employee or employees of the unit, department or agency in his, or her, or their capacity as employee or employees thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in competition with citizens of the State, or to engage in the operation of restaurants, cafeterias or other eating places in any building owned by or leased in the name of the State, or to maintain service establishments for the rendering of services to the public ordinarily and customarily rendered by private enterprises, or to provide transportation services, or to contract with any person, firm or corporation for the operation or rendering of the businesses or services on behalf of the unit, department or agency, or to purchase for or sell to any person, firm or corporation any article of merchandise in competition with private enterprise. The leasing or subleasing of space in any building owned, leased or operated by any unit, department or agency or division or subdivision thereof of the State for the purpose of operating or rendering of any of the businesses or services herein referred to is hereby prohibited.

(b) The provisions of subsection (a) of this section shall not apply to:

...

(13b) The Department of Agriculture and Consumer Services with regard to its lessees at farmers' markets operated by the Department.

(13c) The Western North Carolina Agricultural Center.

(13d) Agricultural centers or livestock facilities operated by the Department of Agriculture and Consumer Services.

(13e) The Department of Agriculture and Consumer Services with regard to its Got to Be NC Agriculture promotion.

...."

ALLOW DISTRIBUTION OF VERIFIED PROPAGULES BY INDUSTRIAL HEMP COMMISSION

SECTION 4. G.S. 106-568.51 reads as rewritten:

"§ 106-568.51. Definitions.

The following definitions apply in this Article:

- (1) ~~Certified seed. — Industrial hemp seed that has been certified as having a delta-9 tetrahydrocannabinol concentration less than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. § 801 et seq.~~
- (2) Commercial use. — The use of industrial hemp as a raw ingredient in the production of hemp products.
- (3) Commission. — The North Carolina Industrial Hemp Commission created by this Article.
- (4) Department. — The North Carolina Department of Agriculture.
- (5) Grower. — Any person licensed to grow industrial hemp by the Commission pursuant to this Article.
- (6) Hemp products. — All products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption, and ~~certified seed~~verified propagules for cultivation if the seeds originate from industrial hemp varieties.
- (7) Industrial hemp. — All parts and varieties of the plant *Cannabis sativa* (L.), cultivated or possessed by a grower licensed by the Commission, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.
- (7a) Industrial hemp research program. — The research program established pursuant to G.S. 106-568.53(1).
- (7b) State land grant university. — North Carolina State University and North Carolina A&T State University.
- (8) Tetrahydrocannabinol or THC. — The natural or synthetic equivalents of the substances contained in the plant, or in the resinous extractives of, cannabis, or any synthetic substances, compounds, salts, or derivatives of the plant or chemicals and their isomers with similar chemical structure and pharmacological activity.
- (9) Verified propagule. — A seed or clone from an industrial hemp plant from which THC concentration samples have been tested by a qualified laboratory and confirmed as having a delta-9 tetrahydrocannabinol concentration less than that adopted by federal law in the Controlled Substances Act, 21 U.S.C. § 801, et seq."

TECHNICAL CORRECTIONS TO FORESTRY STATUTES

SECTION 5.(a) G.S. 106-980(b) reads as rewritten:

"(b) Three or more persons, who associate themselves by an agreement in writing for the purpose, may become a private limited dividend corporation to finance and carry out projects for the protection and development of forests and for such other related purposes as the ~~Secretary~~ Commissioner shall approve, subject to all the duties, restrictions and liabilities, and possessing all the rights, powers, and privileges, of corporations organized under the general corporation laws of the State of North Carolina, except where such provisions are in conflict with this Article."

SECTION 5.(b) G.S. 106-981 reads as rewritten:

"§ 106-981. Manner of organizing.

A corporation formed under this Article shall be organized and incorporated in the manner provided for organization of corporations under the general corporation laws of the State of North Carolina, except where such provisions are in conflict with this Article. The certificate of organization of any such corporation shall contain a statement that it is organized under the

provisions of this Article and that it consents to be and shall be at all times subject to the rules and supervision of the ~~Secretary, Commissioner~~, and shall set forth as or among its purposes the protection and development of forests and the purchase, acquisition, sale, conveyance and other dealing in the same and the products therefrom, subject to the rules from time to time imposed by the ~~Secretary, Commissioner~~."

SECTION 5.(c) G.S. 106-982 reads as rewritten:

"§ 106-982. Directors.

There shall not be less than three directors, one of whom shall always be a person designated by the ~~Secretary, Commissioner~~, which one need not be a stockholder."

SECTION 5.(d) G.S. 106-1003 reads as rewritten:

"§ 106-1003. Deposit of receipts with State treasury.

All moneys paid to the ~~Secretary, Commissioner~~ for services rendered under the provisions of this Article shall be deposited into the State treasury to the credit of the Department."

SECTION 5.(e) G.S. 106-1012(2) reads as rewritten:

"(2) "Approved practices" mean those silvicultural practices approved by the ~~Secretary, Commissioner~~ for the purpose of commercially growing timber through the establishment of forest stands, of insuring the proper regeneration of forest stands to commercial production levels following the harvest of mature timber, or of insuring maximum growth potential of forest stands to commercial production levels. Such practices shall include those required to accomplish site preparation, natural and artificial forestation, noncommercial removal of residual stands for silvicultural purposes, cultivation of established young growth of desirable trees for silvicultural purposes, and improvement of immature forest stands for silvicultural purposes. In each case, approved practices will be determined by the needs of the individual forest stand. These practices shall include existing practices and such practices as are developed in the future to insure both maximum forest productivity and environmental protection."

DIRECT DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES TO ADDRESS MISLABELING OF PLANT-BASED PRODUCTS AS "MILK"

SECTION 6.(a) It is declared to be the policy of the State of North Carolina that it is necessary to take steps to assure the continued viability of dairy farming and to assure consumers of an adequate, local supply of pure and wholesome milk. The dairy industry is an essential agricultural activity and dairy farms, and associated suppliers, marketers, processors, and retailers, are an integral component of the region's economy. The North Carolina General Assembly finds that the United States Food and Drug Administration has not provided consistent guidance to the Department of Agriculture and Consumer Services, dairy farms, associated suppliers, marketers, processors, retailers, and consumers as to the application of the established standard of identity of milk as defined in 21 C.F.R. § 131.110. The North Carolina General Assembly seeks to be a national leader in the preservation of the dairy industry while balancing the need to maintain interstate commerce.

SECTION 6.(b) The following definitions apply to this section:

- (1) "Department" means the Department of Agriculture and Consumer Services.
- (2) "FDA" means the United States Food and Drug Administration.
- (3) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy hooved mammals. Hooved mammals include, but are not limited to, the members of the Order Cetartiodactyla, such as: Family Bovidae (cattle, water buffalo, sheep, goats, yaks, etc.), Family Camelidae (llamas, alpacas, camels, etc.), Family Cervidae (deer, reindeer, moose, etc.), and Family Equidae (horses, donkeys, etc.).

SECTION 6.(c) In accordance with the established standard of identity for milk defined in 21 C.F.R. § 131.110 and the Pasteurized Milk Ordinance, the Department shall immediately develop an enforcement plan to enforce FDA's standard of identity for milk as adopted in the North Carolina Administrative Code to prohibit the sale of plant-based products mislabeled as milk.

SECTION 6.(d) No later than 90 days after the effective date of this subsection, the Department shall begin to implement its enforcement plan, which shall include, but is not limited to, notification of the Department's intent to embargo all mislabeled products offered for sale in this State. All plant-based products displayed for sale in this State shall be labeled in accordance with FDA's standard of identity for milk and the Pasteurized Milk Ordinance no later than six months after the effective date of this section.

SECTION 6.(e) Subsection (d) of this section is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The remainder of this section is effective when it becomes law.

SECTION 6.(f) Nothing in this section shall be construed to limit the Department's authority to enforce its laws and regulations.

SET QUORUM FOR AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION

SECTION 7. G.S. 120-150 reads as rewritten:

"§ 120-150. Creation; appointment of members.

There is created an Agriculture and Forestry Awareness Study Commission. Members of the Commission shall be citizens of North Carolina who are interested in the vitality of the agriculture and forestry sectors of the State's economy. Members shall be as follows:

- (1) Three appointed by the Governor.
- (2) Three appointed by the President Pro Tempore of the Senate.
- (3) Three appointed by the Speaker of the House.
- (4) The chairs of the House Agriculture Committee.
- (5) The chairs of the Senate Committee on Agriculture, Environment, and Natural Resources.
- (6) The Commissioner of Agriculture or the Commissioner's designee.
- (7) A member of the Board of Agriculture designated by the chair of the Board of Agriculture.
- (8) The President of the North Carolina Farm Bureau Federation, Inc., or the President's designee.
- (9) The President of the North Carolina State Grange or the President's designee.
- (10) The Secretary of Environmental Quality or the Secretary's designee.
- (11) The President of the North Carolina Forestry Association, Inc., or the President's designee.

Members shall be appointed for two-year terms beginning October 1 of each odd-numbered year. The Chairs of the House Agriculture Committee and the Chairs of the Senate Committee on Agriculture, Environment, and Natural Resources shall serve as cochairs. The President Pro Tempore of the Senate and the Speaker of the House of Representatives may each appoint an additional member of the Senate and House, respectively, to serve as cochair. If appointed, these cochairs shall be voting members of the Commission. A quorum of the Commission is nine members."

AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION STUDIES

SECTION 8.(a) The Agriculture and Forestry Awareness Study Commission shall study all of the following matters:

- (1) Requiring the holders of unused rights-of-way and utility easements to offer the easements to the underlying property owners for fair market value.
- (2) The advisability of excluding property enrolled in present use value taxation from rural fire protection district and county service district taxes.

SECTION 8.(b) The Agriculture and Forestry Awareness Study Commission shall complete the studies required by subsection (a) of this section and report its findings and recommendations, including any legislative proposals, to the General Assembly by January 1, 2019.

MANDATORY RECORD NOTICE OF PROXIMITY TO FARMLANDS

SECTION 9. G.S. 106-741 reads as rewritten:

"§ 106-741. Record notice of proximity to farmlands.

(a) ~~Any county that has a computerized land records system may require that such~~All counties shall require that land records include some form of notice reasonably calculated to alert a person researching the title of a particular tract that such tract is located within one-half mile of a poultry, swine, or dairy qualifying farm or within 600 feet of any other qualifying farm or within one-half mile of a voluntary agricultural district.

(b) In no event shall the county or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties or obligations imposed by any ordinance adopted under subsection (a).

(c) In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or voluntary agricultural district as defined in this Article.

(d) In no event shall any cause of action arise out of the failure of a person licensed under Chapters 93A or 93E of the General Statutes for failure to report to any person the proximity of a tract to a qualifying farm or voluntary agricultural district as defined in this Article."

AMEND NORTH CAROLINA RIGHT TO FARM LAW

SECTION 10.(a) G.S. 106-701 reads as rewritten:

"§ 106-701. ~~When agricultural and forestry operation, etc., not constituted nuisance by changed conditions in or about the locality outside of the operation.~~Right to farm defense; nuisance actions.

(a) ~~No agricultural or forestry operation or any of its appurtenances shall be or become a nuisance, private or public, by any changed conditions in or about the locality outside of the operation after the operation has been in operation for more than one year, when such operation was not a nuisance at the time the operation began.~~No nuisance action may be filed against an agricultural or forestry operation unless all of the following apply:

- (1) The plaintiff is a legal possessor of the real property affected by the conditions alleged to be a nuisance.
- (2) The real property affected by the conditions alleged to be a nuisance is located within one half-mile of the source of the activity or structure alleged to be a nuisance.
- (3) The action is filed within one year of the establishment of the agricultural or forestry operation or within one year of the operation undergoing a fundamental change.

(a1) ~~The provisions of subsection (a) of this section shall not apply when the plaintiff demonstrates that the agricultural or forestry operation has undergone a fundamental change. A~~

For the purposes of subsection (a) of this section, a fundamental change to the operation does not include any of the following:

- (1) A change in ownership or size.
- (2) An interruption of farming for a period of no more than three years.
- (3) Participation in a government-sponsored agricultural program.
- (4) Employment of new technology.
- (5) A change in the type of agricultural or forestry product produced.

~~(a2) The provisions of subsection (a) of this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural or forestry operation or its appurtenances.~~

(b) For the purposes of this Article, "agricultural operation" includes, without limitation, any facility for the production for commercial purposes of crops, livestock, poultry, livestock products, or poultry products.

(b1) For the purposes of this Article, "forestry operation" shall mean those activities involved in the growing, managing, and harvesting of trees.

(c) The provisions of subsection (a) shall not affect or defeat the right of any person, firm, or corporation to recover damages for any injuries or damages sustained by him on account of any pollution of, or change in condition of, the waters of any stream or on the account of any overflow of lands of any such person, firm, or corporation.

(d) Any and all ordinances of any unit of local government now in effect or hereafter adopted that would make the operation of any such agricultural or forestry operation or its appurtenances a nuisance or providing for abatement thereof as a nuisance in the circumstance set forth in this section are and shall be null and void; ~~provided, however, that the provisions of this subsection shall not apply whenever a nuisance results from the negligent or improper operation of any such agricultural or forestry operation or any of its appurtenances. Provided further, void. Provided, however,~~ that the provisions shall not apply whenever a nuisance results from an agricultural or forestry operation located within the corporate limits of any city at the time of enactment hereof.

(e) This section shall not be construed to invalidate any contracts heretofore made but insofar as contracts are concerned, it is only applicable to contracts and agreements to be made in the future.

(f) In a nuisance action against an agricultural or forestry operation, the court shall award costs and expenses, including reasonable attorneys' fees, to:

- (1) The agricultural or forestry operation when the court finds the operation was not a nuisance and the nuisance action was frivolous or malicious; or
- (2) The plaintiff when the court finds the agricultural or forestry operation was a nuisance and the operation asserted an affirmative defense in the nuisance action that was frivolous and malicious."

SECTION 10.(b) G.S. 106-702 reads as rewritten:

"§ 106-702. Limitations on private nuisance actions against agricultural and forestry operations.

(a) The compensatory damages that may be awarded to a plaintiff for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation shall be as follows:

- (1) If the nuisance is a permanent nuisance, compensatory damages shall be measured by the reduction in the fair market value of the plaintiff's property caused by the nuisance, but not to exceed the fair market value of the property.
- (2) If the nuisance is a temporary nuisance, compensatory damages shall be limited to the diminution of the fair rental value of the plaintiff's property caused by the nuisance.

(a1) A plaintiff may not recover punitive damages for a private nuisance action where the alleged nuisance emanated from an agricultural or forestry operation that has not been subject to a criminal conviction or a civil enforcement action taken by a State or federal environmental regulatory agency pursuant to a notice of violation for the conduct alleged to be the source of the nuisance within the three years prior to the first act on which the nuisance action is based.

(b) If any plaintiff or plaintiff's successor in interest brings a subsequent private nuisance action against any agricultural or forestry operation, the combined recovery from all such actions shall not exceed the fair market value of his or her property. This limitation applies regardless of whether the subsequent action or actions were brought against a different defendant than the preceding action or actions.

(c) This Article shall apply to any private nuisance claim brought against any party based on that party's contractual or business relationship with an agricultural or forestry operation.

(d) This Article does not apply to any cause of action brought against an agricultural or forestry operation for negligence, trespass, personal injury, strict liability, or other cause of action for tort liability other than nuisance, nor does this Article prohibit or limit any request for injunctive relief ~~or punitive damages that are~~ that is otherwise available."

SECTION 10.(c) This section is effective when it becomes law and applies to causes of action commenced on or after that date.

AMEND SOIL AND WATER CONSERVATION DISTRICT SUPERVISOR CONTINUING EDUCATION REQUIREMENTS

SECTION 12. G.S. 139-7.2 reads as rewritten:

"§ 139-7.2. Training of elective and appointive district supervisors.

(a) All district supervisors, whether elected or appointed, shall complete a minimum of six clock hours of training ~~annually-per term of service.~~

(b) The training shall include soil, water, and natural resources conservation and the duties and responsibilities of district supervisors.

(c) The training may be provided by the School of Government at the University of North Carolina at Chapel Hill, or other qualified sources as approved by the Soil and Water.

PROVIDE UNIFORMITY TO ASSESSMENT OF FARM MACHINERY

SECTION 14.(a) G.S. 105-317.1 reads as rewritten:

"§ 105-317.1. Appraisal of personal property; elements to be considered.

(a) Appraisal Elements. – Whenever any personal property is appraised it shall be the duty of the persons making appraisals to consider the following as to each item (or lot of similar items):

- (1) The replacement cost of the property;
- (2) The sale price of similar property;
- (3) The age of the property;
- (4) The physical condition of the property;
- (5) The productivity of the property;
- (6) The remaining life of the property;
- (7) The effect of obsolescence on the property;
- (8) The economic utility of the property, that is, its usability and adaptability for industrial, commercial, or other purposes; and
- (9) Any other factor that may affect the value of the property.

(b) Business Property. – In determining the true value of taxable tangible personal property held and used in connection with the mercantile, manufacturing, producing, processing, or other business enterprise of any taxpayer, the persons making the appraisal shall consider any information as reflected by the taxpayer's records and as reported by the taxpayer to the North Carolina Department of Revenue and to the Internal Revenue Service for income tax purposes,

taking into account the accuracy of the taxpayer's records, the taxpayer's method of accounting, and the level of trade at which the taxpayer does business.

(b1) Farm Equipment. – In determining the true value of taxable farm equipment, the person making the appraisal may use any of the appraisal methods listed in subsection (a) of this section and must consider relevant taxpayer information as required under subsection (b) of this section. The Department must publish a depreciation schedule for farm equipment to assist counties that use the cost approach to appraise this equipment. The Department must make the schedule available electronically on its Web site. A county that uses a cost approach method to appraise this equipment must use the depreciation schedule published pursuant to this subsection.

(c) Appeal Process. – A taxpayer who owns personal property taxable in the county may appeal the value, situs, or taxability of the property within 30 days after the date of the initial notice of value. If the assessor does not give separate written notice of the value to the taxpayer at the taxpayer's last known address, then the tax bill serves as notice of the value of the personal property. The notice must contain a statement that the taxpayer may appeal the value, situs, or taxability of the property within 30 days after the date of the notice. Upon receipt of a timely appeal, the assessor must arrange a conference with the taxpayer to afford the taxpayer the opportunity to present any evidence or argument regarding the value, situs, or taxability of the property. Within 30 days after the conference, the assessor must give written notice to the taxpayer of the assessor's final decision. Written notice of the decision is not required if the taxpayer signs an agreement accepting the value, situs, or taxability of the property. If an agreement is not reached, the taxpayer has 30 days from the date of the notice of the assessor's final decision to request review of that decision by the board of equalization and review or, if that board is not in session, by the board of county commissioners. Unless the request for review is given at the conference, it must be made in writing to the assessor. Upon receipt of a timely request for review, the provisions of G.S. 105-322 or G.S. 105-325, as appropriate, must be followed."

SECTION 14.(b) This section is effective for taxes imposed for taxable years beginning on or after July 1, 2019.

CLARIFY CEMETERY PROPERTY TAX EXEMPTION

SECTION 15. G.S. 105-278.2(a) reads as rewritten:

"(a) Real property set apart for burial purposes shall be exempted from taxation unless it is owned and held for purposes of (i) sale or rental or (ii) sale of burial rights therein. No application is required under G.S. 105-282.1 for property exempt under this subsection. A county cannot deny the exemption provided under this subsection to a taxpayer that lacks a survey or plat detailing the exempt property."

LAW ENFORCEMENT MUTUAL AID AND VETERINARIAN COMITY FOR WORLD EQUESTRIAN GAMES

SECTION 15.1.(a) Article 10 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-212.5. Mutual aid assistance by out-of-state law enforcement officers for international equestrian event.

(a) Any law enforcement agency may request and enter into intergovernmental law enforcement mutual aid agreements with out-of-state law enforcement agencies or out-of-state law enforcement officers to aid in enforcing the laws of North Carolina within the jurisdiction of the requesting law enforcement agency for maintaining security and safety for an international equestrian event.

(b) Any intergovernmental law enforcement mutual aid agreement entered into under this section shall be in writing and may be comprised of any of the following:

- (1) Allowing out-of-state law enforcement officers to work temporarily with officers of the requesting law enforcement agency, including in an undercover capacity.
 - (2) Furnishing, lending, or exchanging supplies, equipment, facilities, personnel, and services as may be needed.
 - (3) Reciprocal law enforcement mutual aid and assistance between law enforcement agencies.
- (c) Any intergovernmental law enforcement mutual aid agreement entered into under this section shall address all of the following:
- (1) Standards of conduct for the out-of-state law enforcement officers, including the requesting law enforcement agencies' policies regarding the use of force.
 - (2) Training requirements, as prescribed by the requesting law enforcement agency.
 - (3) Reimbursement of costs and expenses for supplies, equipment, facilities, personnel, services, and similar items if furnished, lent, or exchanged as part of the intergovernmental law enforcement mutual aid agreement.
 - (4) Protocols for processing claims made against or by the out-of-state law enforcement officer.
 - (5) Approval of the governing body, if the law enforcement agency is a sheriff or municipal police force.
- (d) While working with the requesting law enforcement agency under the authority of this section, an out-of-state law enforcement officer shall have the same jurisdiction, powers, rights, privileges, and immunities, including those relating to the defense of civil actions and payment of judgments, as the officers of the requesting law enforcement agency. While on duty with the requesting law enforcement agency, the out-of-state law enforcement officer shall be subject to the lawful operational commands of the requesting law enforcement agency.
- (e) Notwithstanding the provisions of Chapter 17C and Chapter 17E of the General Statutes, out-of-state law enforcement officers certified and sworn in the officers' home jurisdiction and subject to the provisions of an intergovernmental law enforcement mutual aid agreement under this section shall be deemed to have met the certification requirements of this State for the purposes of being sworn as a law enforcement officer with the requesting law enforcement agency.
- (f) Notwithstanding the provisions of G.S. 128-1 and G.S. 128-1.1(c1), out-of-state law enforcement officers shall be authorized to hold dual offices when one of the appointive offices held is that of a out-of-state law enforcement officer and the other appointive office is that of a law enforcement officer for a law enforcement agency authorized to enter into an intergovernmental law enforcement mutual aid agreement under this section.
- (g) This section in no way reduces the jurisdiction or authority of State law enforcement officers.
- (h) As used in this section, the following definitions apply:
- (1) Law enforcement agency. – Any of the following:
 - a. The Highway Patrol, as established by Article 4 of Chapter 20 of the General Statutes.
 - b. A sheriff serving a county sharing a border with another state and which county is the site of an equestrian event with worldwide participants.
 - c. A municipal police department for a municipality located, in whole or part, in a county sharing a border with another state and which municipality is the site of an equestrian event with worldwide participants.

- (2) Out-of-state law enforcement agency. – An employer which is a governmental agency outside of this State that meets all of the following criteria:
- a. Is assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the home jurisdiction or serving civil processes.
 - b. Has employees who possess the power of arrest by virtue of an oath administered under the authority of the home jurisdiction.
- (3) Out-of-state law enforcement officer. – A full-time paid employee of a governmental employer who meets all of the following criteria:
- a. Is actively serving in a position with assigned primary duties and responsibilities for prevention and detection of crime or the general enforcement of the criminal laws of the officer's home jurisdiction or serving civil processes.
 - b. Possesses the power of arrest by virtue of an oath administered under the authority of the home jurisdiction.
 - c. Is in good standing and has no pending civil, criminal, or departmental action that would disqualify the officer if the officer were certified by this State."

SECTION 15.1.(b) Article 11 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-187.3A. Comity for out-of-state veterinarians and international veterinarians for international equestrian event.

(a) Any nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country may submit to the Board an application for a licensure to practice veterinary medicine in this State.

(b) The Board shall issue, without written examination, a license to practice veterinary medicine in this State to a nonresident veterinarian validly licensed in another state, territory, or district of the United States or a foreign country who submits an application for licensure. The Board shall not charge the fee authorized in G.S. 90-186(6)e. for the issuance of a license under this section."

SECTION 15.1.(c) This section is effective when it becomes law and expires October 1, 2018.

ALLOW THE DISPENSING OF RAW MILK AND RAW MILK PRODUCTS TO INDEPENDENT OR PARTIAL OWNERS OF LACTATING ANIMALS FOR PERSONAL USE OR CONSUMPTION

SECTION 15.2.(a) G.S. 106-266.35 reads as rewritten:

"§ 106-266.35. Sale or dispensing of milk.

(a) Except as provided in subsection (d) of this section:

- (1) Only milk that is Grade "A" pasteurized milk may be sold or dispensed directly to consumers for human consumption.
- (2) Raw milk and raw milk products shall be sold or dispensed only to a permitted milk hauler or to a processing facility at which the processing of milk is permitted, graded, or regulated by a local, State, or federal agency.

(b) The Board of Agriculture may adopt rules to provide exceptions for dispensing raw milk and raw milk products for nonhuman consumption. Any raw milk or raw milk product dispensed as animal feed shall include on its label the statement "NOT FOR HUMAN CONSUMPTION" in letters at least one-half inch in height. Any raw milk or raw milk product dispensed as animal feed shall also include on its label the statement "IT IS NOT LEGAL TO SELL RAW MILK FOR HUMAN CONSUMPTION IN NORTH CAROLINA." ~~"Sale"~~ This

labeling requirement does not apply to raw milk or raw milk products dispensed for personal use or consumption to the independent or partial owner of a cow, goat, or other lactating animal.

(c) As used in this section, the term "sale" or "sold" shall mean means any transaction that involves the transfer or dispensing of milk and milk products or the right to acquire milk and milk products through barter or contractual arrangement or in exchange for any other form of compensation including, but not limited to, the sale of shares or interest in a cow, goat, or other lactating animal or herd compensation. The term "sale" or "sold" does not include the transfer or dispensing of raw milk or raw milk products to, or the right to acquire raw milk or raw milk products by, the independent or partial owner of a cow, goat, or other lactating animal.

(d) Nothing in this section shall prohibit the dispensing of raw milk or raw milk products for personal use or consumption to, or the acquisition of raw milk or raw milk products for personal use or consumption by, an independent or partial owner of a cow, goat, or other lactating animal."

SECTION 15.2.(b) This section becomes effective October 1, 2018.

SEVERABILITY CLAUSE AND EFFECTIVE DATE

SECTION 16.(a) If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and, to this end, the provisions of this act are declared to be severable.

SECTION 16.(b) Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 11:13 a.m. this 27th day of June, 2018.

s/ James White
House Principal Clerk



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Stephanie Lewis, Operation Services
Director

Action Item # V. - 11.

Operation Services - Resolution Exempting Building B-Annex
HVAC Project

Issue/Action Requested:

Request that the Board of Commissioners approve a resolution exempting the Building B-Annex HVAC project from qualification based selection of design professionals per N.C.G.S. 143-64.31.

Background/Purpose of Request:

Brunswick County Operation Services is seeking engineering services for the Building B-Annex HVAC renovation. The projected cost of these services is \$10,000. N.C.G.S. 143-64.32 authorizes local governments to exempt contract for design services from qualifications-based selection requirements if the estimated fee is less than \$50,000.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners approve a resolution exempting the Building B-Annex HVAC project from qualification based selection of design professionals per N.C.G.S. 143-64.31.

ATTACHMENTS:

Description

- Resolution Exempting Building B-Annex HVAC Project

County of Brunswick
Office of the County Commissioners



Resolution Exempting Building B-Annex HVAC Project

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee; and

WHEREAS, Brunswick County proposes to enter into a contract for design services for work on the Building B-Annex HVAC project; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, the Brunswick County Board of Commissioners resolves:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

This the 6th day of August, 2018.

Frank Williams, Chairman
Brunswick County Commissioners

Attest:

Andrea White
Clerk to the Board



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Kirstie Dixon, Planning Director

Action Item # V. - 12.

Planning - East Coast Greenway Rural Corridor Studies - BUILD
Grant Support Resolution

Issue/Action Requested:

Request that the Board of Commissioners approve a Resolution Supporting a Grant Application to the USDOT BUILD Transportation Discretionary Grant Program for the East Coast Greenway (ECG) Rural Corridor Studies for the North Carolina ECG Spine Route.

Background/Purpose of Request:

The East Coast Greenway (ECG) is a greenway trail that is envisioned to be the nation's longest biking and walking route, connecting 15 states, 450 cities and towns, and with over 3,000 miles of people-powered trails reaching from Maine down to Florida. The ECG's North Carolina Spine Route consists of 372 miles of planned and constructed greenway facilities and travels routes with portions of the route that traverse southern Brunswick County.

The East Coast Greenway Alliance, Kerr-Tarr RPO, Upper Coastal Plain RPO, Mid-Carolina RPO, and Cape Fear RPO have agreed to collaboratively prepare a grant application for the USDOT's Better Utilizing Investments to Leverage Development (BUILD) for Fiscal Year 2018. The BUILD funding can be used to plan, design, and/or, build roads, bridges, transit, rail, ports, or inter modal transportation. This year this grant emphasizes projects in "rural area" and projects that have economic development impacts. This grant can be used for greenway trail projects. This grant request is for a planning grant to conduct rural corridor studies for the non-metropolitan areas of the ECG Spine Route within North Carolina.

The Cape Fear COG is requesting that the Brunswick County Board of Commissioners approve a resolution supporting this Grant Application to the USDOT BUILD Transportation Discretionary Grant Program for the East Coast Greenway Rural Corridor Studies for the the North Carolina ECG Spine Route.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners approve a Resolution Supporting a Grant Application to the USDOT BUILD Transportation Discretionary Grant Program for the East Coast Greenway (ECG) Rural Corridor Studies for the North Carolina ECG Spine Route.

ATTACHMENTS:

Description

- Resolution - East Coast Greenway

County of Brunswick
Office of the County Commissioners



**RESOLUTION SUPPORTING A DETAILED PLANNING STUDY OF THE
EAST COAST GREENWAY THROUGH RURAL NORTH CAROLINA**

WHEREAS, the East Coast Greenway (ECG) is envisioned to be the country's longest biking and walking route, connecting 15 states, 450 cities and towns, and 3,000 miles of people-powered trails from Maine to Florida; and

WHEREAS, the ECG's North Carolina Spine Route consists of 372 miles of planned and constructed greenway facilities, including portions of eastern Pender and southeastern Brunswick counties; and

WHEREAS, ECG State Committee Strategic Plan identifies rural corridor studies as the biggest obstacle to completing the greenway and expanding benefits throughout central and eastern NC; and

WHEREAS, the ECG Alliance, Kerr-Tarr RPO, Upper Coastal Plain RPO, Mid-Carolina RPO, and Cape Fear RPO have agreed to collaboratively prepare a grant application for the USDOT's Better Utilizing Investments to Leverage Development (BUILD) for Fiscal Year 2018 to conduct rural corridor studies for the non-metropolitan areas of the ECG in North Carolina; and

NOW THEREFORE, BE IT RESOLVED, that the Brunswick County Board of Commissioners hereby support the BUILD application for preparation of East Coast Greenway rural corridor studies for the ECG Spine Route and, if the grant is awarded, will offer to provide technical assistance for the duration of the planning process.

Adopted this the 6th day of August, 2018.

Frank Williams, Chairman
Brunswick County Commissioners

Attest:

Andrea White, NCCCC
Clerk to the Board



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Amanda Hutcheson

Action Item # VI. - 1.

Governing Body - Recognition of Shallotte Town Administrator
Albert Hughes (Commissioner Marty Cooke)

Issue/Action Requested:

Request that the Board of Commissioners approve a proclamation in honor of Albert Hughes, who has retired from his position as Shallotte Town Administrator after serving the town for 35 years.

Background/Purpose of Request:

Mr. Hughes began working for the Town of Shallotte in 1983 as Public Works Director, at a time when the town's population was less than 1,000. In the years since, he saw the growth of the Public Works department to include road work and beautification efforts, added responsibilities as town building inspector and volunteer fire fighter, and later was appointed Town Administrator.

Over his 35 years with the town, the town has quadrupled in population size, more than quadrupled the number of town employees, increased the strength of its financial position, and added numerous development projects. Town officials have also credited Mr. Hughes with earning the trust and respect of town citizens and residents, and fostering a sense of cooperation among different groups and interests. Mr. Hughes retired at the end of July after 35 years with Shallotte.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Not Applicable

County Manager's Recommendation:

Recommend that the Board of Commissioners approve a proclamation in honor of Albert Hughes, who has retired from his position as Shallotte Town Administrator after serving the town for 35 years.

ATTACHMENTS:

Description

- Proclamation Honoring Albert Hughes

County of Brunswick
Office of the County Commissioners



**IN HONOR OF ALBERT HUGHES UPON HIS RETIREMENT AFTER 35 YEARS WITH THE
TOWN OF SHALLOTTE**

WHEREAS, Albert V. Hughes began his career with the town of Shallotte in 1983, when he was hired as the Public Works Director overseeing the installation of the town's water and sewer system, working as one of no more than a dozen employees serving a town with fewer than 1,000 residents; and

WHEREAS, as the town's populations and needs grew, Mr. Hughes added building inspector and then volunteer firefighter to his responsibilities, in addition to adding road work and beautification efforts to the Public Works Department; and

WHEREAS, in 2010, Mr. Hughes was appointed Shallotte Town Administrator, a position he held until retirement as one of nearly 60 employees serving a town with approximately 4,500 residents; and

WHEREAS, during his 35 years with the town, Mr. Hughes has been instrumental in town efforts to acquire property for and develop Mulberry Park, as well as acquiring property for the town's Riverfront development project; and

WHEREAS, Mr. Hughes has played an instrumental role in helping guide development and increase the town's financial position, without raising taxes during his time as Town Administrator; and

WHEREAS, over the decades, Mr. Hughes has been very accessible, balancing the needs of all residents and fostering cooperation, while earning the trust and respect of Shallotte's citizens in the process.

NOW, THEREFORE, BE IT PROCLAIMED THAT the Brunswick County Board of Commissioners does recognize the importance of Mr. Hughes's work guiding the town of Shallotte through exponential growth and significant change, and does congratulate him on a retirement well-earned.

This the 6th day of August, 2018.

Frank Williams, Chairman
Brunswick County Commissioners

Attest:

Andrea White, NCCCC
Clerk to the Board



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # VII. - 1.

From: Administration - Lockwood Folly Inlet Dredging Project (Steve Stone, Deputy County Manager)

Issue/Action Requested:

Request that the Board of Commissioners consider authorizing the transfer of \$190,000 to the NC Division of Water Resources as the required local match for a project to dredge the navigation channel at the Lockwood Folly Inlet, as well as authorize the Chairman to write a letter to the Town of Oak Island requesting reimbursement for \$95,000 (50%) of the local share.

Background/Purpose of Request:

The USACE has presented a plan to dredge the navigation channel 10' deep in a project proposed to begin in mid to late September, 2018. The project will be performed by a "hopper" dredge, the Murden, so there will be nearshore placement of beneficial beach quality sand. The project will likely produce approximately 30,000 cubic yards of beach quality material that can be placed offshore of Oak Island near an area that has experienced quite significant erosion over the past year. The Town of Oak Island has indicated that it is willing to provide the \$95,000 share.

Logistically, local funds need to be submitted to the NC Division of Water Resources as soon as possible to allow sufficient time for the Division to forward the funds to USACE so that a project can be scheduled to begin in the September time frame.

The total project cost is estimated to be \$676,000, with two-thirds to be funded by the State through the Shallow Draft Navigation Fund. (Unexpended funds of \$106,000 are on hand with the USACE subsequent to the previous Lockwood Project, hence the 1/3 local match required is based on a project need of \$570,000.) A copy of the project worksheet from USACE is attached.

Fiscal Impact:

Budget Amendment Required, Reviewed By Director of Fiscal Operations

Budget amendment appropriates the local shared revenue from the Town of Oak Island \$95,000 and transfers \$95,000 from the county's reserve for shoreline protection for the \$190,000 local match.

Approved By County Attorney:

Yes

Advisory Board Recommendation:

Not Applicable.

County Manager's Recommendation:

Recommend that the Board of Commissioners consider authorizing the transfer of \$190,000 to the NC Division of Water Resources as the required local match for a project to dredge the navigation channel at the Lockwood Folly Inlet, as well as authorize the Chairman to write a letter to the Town of Oak Island requesting reimbursement for \$95,000 (50%) of the local share.

ATTACHMENTS:

Description

- ▣ Project Worksheet
- ▣ 20180806 Budget Amendment Dredging Local Match
- ▣ Letter to Oak Island

Murden: Lockwoods Folly Inlet Additional Dredging cost estimate - mid-July/early August 2018 (10' Depth) Nearshore Placement - Oak Island									
									as of 6/20/2018
		Amount	Unit		Unit Rate			Total Cost	
									NOTES
Mob & Demob	1	Day	@	\$21,600.00			\$21,600.00		1. MOB is based on the Murden returning from Florida based on a one-day mob cost share.
Maintenance Dredging	30	Days	@	\$21,600.00			\$648,000.00		2. Initial production is limited due to shoaling and having to work the tides at the beginning of the project. Additional day required for nearshore placement on Oak Island.
Weather Day		Days	@	\$21,600.00			\$0.00		3. Project will be conducted with the Murden on
Crew Change Day		Day	@	\$21,600.00			\$0.00		12hr days.
Survey Cost	1	Before Dredge Surveys	@	\$5,000.00			\$5,000.00		4. Funds should be received by Corps 2 weeks before the start of the project
Program and Project Management	1	Each	@	\$1,400.00			\$1,400.00		5. Estimate is based off of survey data from May 14, 2018
							Subtotal	\$676,000.00	
							Funds on Hand	\$106,000.00	
							Required	\$570,000.00	
US Army Corps of Engineers POCs:				Phone Number	State of North Carolina		\$380,000.00		
Project POC	Joen Petersen			(910)251-4983	Non-State Share		\$190,000.00		
Project Manager	Jim Medlock, Brennan Dooley			(910)251-4836					
Alternate Responsible	Selika Newton			(910)251-4801					
Financial POC	Shari Sterling			(910)251-4779					
Technical POC	Selika Newton			(910)251-4801					

Request Info	
Type	Budget Amendment
Description	Dredging Local Match
Justification	Board Meeting 08/06/2018-Appropriate \$95,000 of local shared revenue from the Town of Oak Island for the town's portion of the \$190,000 local match of project to dredge the navigation channel at the Lockwood Folly Inlet.
Originator	Tiffany Rogers

Items						
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr
104999	333000	Economic Development Agencies	Local Shared Revenues	95000	Increase	Credit
104999	465128	Economic Development Agencies	Reserve 4 Shoreline Protection	-95000	Decrease	Credit
104999	465136	Economic Development Agencies	Lockwd Ffly and Shallotte Drdg	190000	Increase	Debit

Total	
Grand Total:	190000

COUNTY OF BRUNSWICK

OFFICE OF THE COUNTY COMMISSIONERS
BRUNSWICK COUNTY GOVERNMENT CENTER
BOLIVIA, NORTH CAROLINA 28422

MAILING ADDRESS:
POST OFFICE BOX 249
BOLIVIA, NORTH CAROLINA 28422

TELEPHONE
(910) 253-2000
(800) 442-7033 (NC)

TELECOPY
(910) 253-2004

August 6, 2018

The Honorable Cin Brochure
Mayor - Town of Oak Island
4601 E. Oak Island Drive
Oak Island, North Carolina 28462

Dear Mayor Brochure:

The USACE can make the Merritt, a hopper dredge, available in mid-to-late September of this year to dredge the Lockwood Folly Inlet navigation channel to a depth of approximately 10 feet and proposes to place approximately 30,000 cubic yards of sand nearshore off Oak Island.

The estimated total cost of project is \$676,000, two-thirds of which is eligible for funding by the NC Shallow Draft Navigation Fund. The USACE has a remaining balance of \$106,000 on hand from the prior channel dredging project, so the local funding needed at this time is \$570,000. Brunswick County will submit the required \$198,000 local match to the State, and we hereby request that the Town of Oak Island consider reimbursing the County one-half of that amount, or \$95,000. The project will both improve navigation in the inlet and provide beach quality sand that will at least indirectly benefit the Town's shoreline in the area on the western portion of the island that recently has experienced significant erosion.

Thank you for your consideration of our request. Please let me know if you need any additional information.

Sincerely,

Frank Williams
Chairman

cc: Ann Hardy, County Manager
Steve Stone, Deputy County Manager
Brunswick County Board of Commissioners





Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # VII. - 2.

From:
Amanda Hutcheson

Administration - S&A Communications Proposal for Creating a
County Logo (Amanda Hutcheson, PIO)

Issue/Action Requested:

Request that the Board of Commissioners accept a proposal from S&A Communication to create an updated County logo.

Background/Purpose of Request:

Brunswick County has the opportunity to develop a brand logo(s) for the County, which would be in addition to the County seal, and would not replace it.

S&A Communications, which the County has previously hired for other work on a contractual basis, has submitted a proposal to develop and design such a logo at an estimated cost of \$4,500-\$5,000. There are funds designated in the FY 2018-19 budget to cover this cost. The proposal and some sample logos designed by S&A Communications for other clients are attached.

Fiscal Impact:

Reviewed By Director of Fiscal Operations
Funds available in the current budget.

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners accept a proposal from S&A Communication to create an updated County logo.

ATTACHMENTS:

Description

- Proposal and Sample Logos from S&A Communications

BRUNSWICK COUNTY

Proposal for logo design | March 2018

Thank you for the opportunity to present this proposal for logo design.

We have enclosed an estimate for this work and for print materials you may wish to consider. We also can design collateral such as brochures, banners, expo booths, giveaways, newsletters, signage, email signatures, email templates and just about any other print or digital asset you may need.

On page two of this document, you will find examples of logos we have designed.

Should you have any questions, please do not hesitate to contact us.

We greatly appreciate your consideration and look forward to discussing this with you in greater detail.

LOGO

\$4,500-\$5,000

Discovery

- Discussion of project with alignment on scope, budget, timeline
- Review of logo questionnaire with follow-up questions (as needed)
- Research of logos from similar entities

Design

- Concepts: At least 3 initial custom ideas from which to choose
- Revisions: 2 rounds of revisions to your chosen concept
- Final deliverables: Logo in portrait and landscape versions
 - Logo in full-color and grayscale versions
 - Logo in various file formats for both web and print

PRINT COLLATERAL

Business card (printing excluded)

\$500-\$850

- 2 initial business card concepts from which to choose
- 2 rounds of revisions to your chosen concept

Stationery (printing excluded)

\$500-\$850

- 2 initial letterhead and envelope concepts from which to choose
- 2 rounds of revisions to your chosen concept

PLEASE NOTE: ALL ESTIMATES ARE +/- 10 PERCENT.



COMMUNICATIONS

outthink. outwork. outperform.



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SISAK
ARCHITECTURE





Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # VII. - 3.

From:

Steve Stone, Deputy County Manager

Administration - Surplus Property Offers (Steve Stone, Deputy County Manager)

Issue/Action Requested:

Request that the Board of Commissioners consider offers that have been submitted for surplus parcels.

Background/Purpose of Request:

Parcel	Location	Acres	Tax Value	Acquired	Cost	Bid
214MA043	3180 Havelock Pl, SW	0.2	\$2,000.00	3-27-2017	\$880.23	\$100.00
214MA118	1580 Hyde St, SW	0.23	\$2,000.00	1-6-2017	\$929.94	\$100.00
214MA119	3059 Havelock Pl, SW	0.17	\$2,000.00	1-6-2017	\$929.94	\$100.00
214MA122	1573 Mallard St, SW	0.2	\$2,000.00	1-6-2017	\$967.44	\$100.00
214MA123	1577 Mallard St, SW	0.18	\$2,000.00	1-6-2017	\$967.44	\$100.00
214MA124	1583 Mallard St, SW	0.26	\$2,000.00	1-6-2017	\$967.44	\$100.00
214MA127	1596 Hyde St, SW	0.29	\$2,000.00	4-24-2017	\$916.95	\$100.00
214MA128	1590 Hyde St, SW	0.19	\$2,000.00	4-24-2017	\$916.95	\$100.00
214MA129	1588 Hyde St, SW	0.19	\$2,000.00	4-24-2017	\$898.35	\$100.00
214MA130	1584 Hyde St, SW	0.18	\$2,000.00	4-24-2017	\$898.35	\$100.00
214MA131	1580 Hyde St, SW	0.21	\$2,000.00	4-24-2017	\$898.35	\$100.00
214MA132	3217 Havelock Pl, SW	0.24	\$2,000.00	2-14-2017	\$913.20	\$100.00
214MA133	3211 Havelock Pl, SW	0.2	\$2,000.00	2-14-2017	\$913.20	\$100.00
214MA134	3205 Havelock Pl, SW	0.2	\$2,000.00	2-14-2017	\$913.20	\$100.00
214MA149	1585 Hyde St, SW	0.29	\$2,000.00	2-14-2017	\$913.20	\$100.00
214MA123	1577 Mallard St, SW	0.18	\$2,000.00	1-6-2017	\$967.44	\$1,000.00
214MA124	1583 Mallard St, SW	0.26	\$2,000.00	1-6-2017	\$967.44	\$1,000.00
214MA132	3217 Havelock Pl, SW	0.24	\$2,000.00	2-14-2017	\$913.20	\$1,000.00

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 consider offers that have been submitted for surplus parcels.

ATTACHMENTS:

Description

- ☐ Bid - 15 Parcels
- ☐ Bid Parcel # 214MA123
- ☐ Bid Parcel 214MA124

July 2, 2018

RECEIVED

JUL 09 2018

BRUNS. CO. ADMIN.

① 214 MA 149 Bid \$100
② 214 MA 132 Bid \$100
③ 214 MA 133 Bid \$100
④ 214 MA ~~043~~ 134 Bid 100
⑤ 214 MA 043 Bid \$100
⑥ 214 MA 118 Bid \$100
⑦ 214 MA 119 Bid \$100
⑧ 214 MA 122 Bid \$100
⑨ 214 MA 123 Bid \$100
⑩ 214 MA 124 Bid \$100
⑪ 214 MA 127 Bid \$100
⑫ 214 MA 128 Bid \$100
⑬ 214 MA 129 Bid \$100
⑭ 214 MA 130 Bid \$100
⑮ 214 MA 131 Bid \$100

[Signature]

7/2/2018

From: [Surplus Land Bid](#)
To: [Steve Stone](#)
Subject: Surplus Land Bid: Parcel # 214MA123
Date: Wednesday, July 18, 2018 12:56:00 AM

CAUTION: This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michael Scott Solari (910) 395-6982 solari@ec.rr.com Parcel # 214MA123 Bid Amount: \$1000.00 Optional Additional Comments: [227}

From: [Surplus Land Bid](#)
To: [Steve Stone](#)
Subject: Surplus Land Bid: Parcel # 214MA124
Date: Wednesday, July 18, 2018 12:55:49 AM

CAUTION: This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michael Scott Solari (910) 395-6982 solari@ec.rr.com Parcel # 214MA124 Bid Amount:
\$1000.00 Optional Additional Comments: [227}

From: [Surplus Land Bid](#)
To: [Steve Stone](#)
Subject: Surplus Land Bid: Parcel # 214MA132
Date: Wednesday, July 18, 2018 12:54:03 AM

CAUTION: This email originated from outside of Brunswick County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Michael Scott Solari (910) 395-6982 solari@ec.rr.com Parcel # 214MA132 Bid Amount:
\$1000.00 Optional Additional Comments: [227}



Brunswick County Board of Commissioners

ACTION AGENDA ITEM

August 6, 2018

Action Item # VII. - 4.

From:
Michael Slate, Director of Code
Administration

Code Administration - Code Administration Inspector Positions
(Michael Slate, Director of Code Administration)

Issue/Action Requested:

Request that the Board of Commissioners authorize two full-time Code Administration inspector positions and equipment.

Background/Purpose of Request:

Brunswick County field inspectors are averaging twenty-three (23) inspections individually per day. The number of inspections assigned to an inspector has created a strain on staff due to the quality of inspections and inability to complete their assigned inspections in an eight (8) hour workday. This has also created an undesirable impact to our customer service delivery.

The County has experienced a significant and steady increase in building construction over the past five (5) years. This increase does not show signs of slowing in the near future and continues to increase the demand on our department daily. In addition to the steady increase in construction, effective August 1st, 2018, House Bill 948 requires the inspections department to perform requested inspections within two (2) business days after the inspection is requested. Should the inspections department be unable to perform the inspection within two (2) business days, the permit holder may utilize an NCDOI marketplace inspector in lieu of the local inspector and the County will be required to refund to the permit holder fees collected for the inspection.

Based on the number of inspections Brunswick County experiences annually, the NC Department of Insurance inspector to inspections ratio guidelines indicate Brunswick County Code Administration should have a total of fourteen (14) full-time field inspectors. Currently Code Administration has ten (10) full-time inspectors. These numbers indicate an immediate need for two (2) FTEs. The two (2) immediate FTEs will allow for a more balanced workload consistent with the NCDOI inspector ratio, provide a higher quality of inspections, increase customer service delivery to a desired level and meet department performance goals.

It is anticipated that an additional two (2) FTEs will be needed and requested after further evaluation of work loads are conducted within the next 60 days.

The following are the needs to support this request;

- 2- Multi-Trades Level III inspectors Grade 68 (\$68,000/yr) \$136,000/yr
- 2-Uniform Allowance (\$500 per inspector) \$1000
- 2-Laptop/iPad (\$2500 per inspector) \$5000
- 2-Vehicles (\$30,000 per vehicle) \$60,000

Fiscal Impact:

Budget Amendment Required, Reviewed By Director of Fiscal Operations

Budget amendment appropriates Building Permit Revenue \$202,000 for two FTE's and equipment.

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners authorize two full-time Code Administration inspector positions and equipment.

ATTACHMENTS:

Description

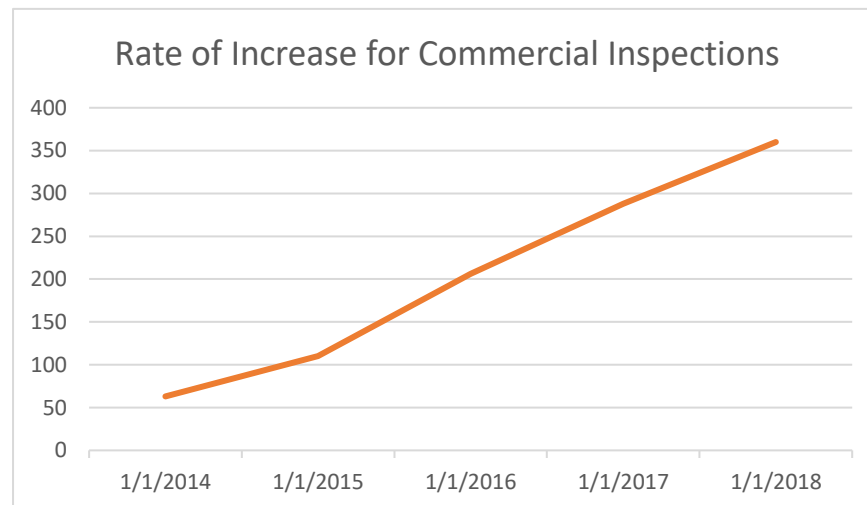
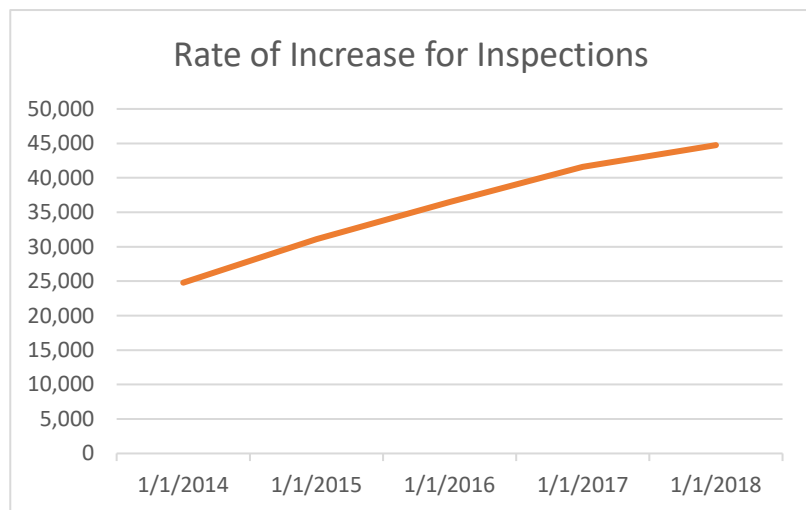
- ☐ Code Administration FTE Needs
- ☐ NCDOI Newsletter
- ☐ 20180806 Budget Amendment 2 Multi-Trade Level 3 Inspectors

Code Administration FTE Needs

Brunswick County Building Inspections

Number of Inspection for Past Five (5) Years

		<u>Commercial</u>	<u>Residence</u>	<u>Total Insp.</u>	<u>Permit Fee's</u>
7/1/2013	thru 6/30/2014	63	1110	24,787	\$ 1,628,491
7/1/2014	thru 6/30/2015	110	937	31,097	\$ 1,937,824
7/1/2015	thru 6/30/2016	206	963	36,473	\$ 1,957,720
7/1/2016	thru 6/30/2017	288	1075	41,591	\$ 2,304,210
7/1/2017	thru 6/30/2018	360	1198	44,749	\$ 2,615,139



Time Allotment for Inspectors Annually

Staff/Consistency Meeting

5 hrs. per month x 12 = 60 hrs.

Continuing Education

18 hrs. per year = 18 hrs. *(based on inspector holding three (3) standard certificates)*

Vacation

9.4 hrs. per month x 12 = 112 hrs. *(vacation average determined with assistance from Sara Nix, HR Department)*

Sick

5 hrs. per month x 12 = 60 hrs.

e-mail, phone calls, code research, etc.

1 hr. per day (20 days) x 12 = 240 hrs.

Inspectors annually time

not doing Inspections 490 hrs.

Typical annual work hours 1,992 hrs. - 490 hrs. = 1,502 hrs
(with holidays removed)

Typical inspector has 1,502 hrs. to inspect annually, with a bench mark of (17 Inspections per day) a (1) Inspector would be able (should) to inspect
3,191 *Inspections annually.* (1,502 hrs. / 8 hrs. per day = 187.75 days x 17 = 3,191.75)

General Statute: § 143-139(b), 143-139.4, 153A-354, 160A-414

Key Points:

1. Inspection requests received after 12:00 noon shall be deemed to have been received on the next business day. Inspection departments are to perform requested inspections within two business days after first requested.
2. Examples on the two-day deadline:
 - a. An inspection is requested before 12:00 noon on Monday.
The inspection must be performed by the **close of business on Wednesday**.
 - b. An inspection is requested after 12:00 noon on Monday.
The inspection must be performed by the **close of business on Thursday**.
3. An NCDOI marketplace inspector will not be used in lieu of a local inspector to perform inspections for any reason other than the local inspection department's inability to perform a requested inspection. Any abuse of the NCDOI marketplace will result in a complaint to the appropriate licensing board.
4. An NCDOI marketplace inspector will not be used in lieu of a local inspector because of the local inspection department's refusal to perform an inspection for a permit holder. The willful refusal to provide an inspection would be subject to NCGS 143-151.8 (c)(6).
5. Additional information being developed.
6. Effective August 1, 2018.

More information is being developed on House Bill 948.

Request Info							
Type		Budget Amendment					
Description		2 FTE Multi Trade Level 3 Inspectors					
Justification		Board Meeting 8/6/2018-Appropriate \$202,000 of Building permit revenues for 2 full time Multi-Trades Level III inspector positions and necessary equipment.					
Originator		Tiffany Rogers					
Department	Object	Dept Desc	Object Desc	Amount	Incr/Decr	Dr/Cr	
104350	334300	Bldg/Fire Inspections and CP	Building Permits	202000	Increase	Credit	
104350	412100	Bldg/Fire Inspections and CP	Salary and Wages-Regular	105545	Increase	Debit	
104350	418100	Bldg/Fire Inspections and CP	FICA	8074	Increase	Debit	
104350	418200	Bldg/Fire Inspections and CP	Retirement	13520	Increase	Debit	
104350	418300	Bldg/Fire Inspections and CP	Health Insurance	8064	Increase	Debit	
104350	418310	Bldg/Fire Inspections and CP	Dental Insurance	348	Increase	Debit	
104350	418306	Bldg/Fire Inspections and CP	Life Insurance	100	Increase	Debit	
104350	418400	Bldg/Fire Inspections and CP	Disability and Long-Term Ins	349	Increase	Debit	
104350	421200	Bldg/Fire Inspections and CP	Uniforms	1000	Increase	Debit	
104350	426200	Bldg/Fire Inspections and CP	Operating Equip \$500 - \$4 999	5000	Increase	Debit	
104350	454000	Bldg/Fire Inspections and CP	Cap Outlay-Vehicle on Road	60000	Increase	Debit	
Total							



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

Action Item # VIII. - 1.

From:

Andrea White

Governing Body - Annual Board Appointments

Issue/Action Requested:

Request that the Board of Commissioners approve the annual board appointments as presented.

Background/Purpose of Request:

The Brunswick County Board of Commissioners, in Regular Session May 1, 2017, unanimously approved to change all board expiration dates to June 30 to align with the end of the fiscal year, taking into consideration any bylaw or statutory requirements.

Several boards/committees/authorities seats expired June 30, 2018. The appointees presented on the attached list of potential appointees, if approved, will fill those seats. Any remaining vacant seats will be filled at a later meeting.

Fiscal Impact:

Reviewed By Director of Fiscal Operations

Approved By County Attorney:

Yes

County Manager's Recommendation:

Recommend that the Board of Commissioners approve the annual board appointments as presented.

ATTACHMENTS:

Description

- ☐ Application - Douglas Terhune
- ☐ Vacancy List



Brunswick County NC

Application For Appointment To Boards And Committees

You **must** be a Brunswick County resident to participate on county boards and committees. Please proceed if you are a resident.

*

Are you a permanent resident of Brunswick County?

☒ Yes ☐ No

How many years?

16

*

Are you registered to vote in Brunswick County?

☒ Yes

☐ No

*

Board or Committee of Interest

BCC Board of Trustees

Board or Committee of Interest (Second Choice)

Do you anticipate any conflicts of interest if appointed?

☐ Yes ☒ No

Are you currently serving on any other Boards?

☐ Yes ☒ No

Applicant Information

First Name * Douglas

Middle Initial

Last Name * Terhune

Street Address 488-1 River Bluff Drive

City Shallotte

State NC

Zip 28470

Home Phone 9107557557

Cell Phone

Email coastalspaff@aol.com

**Present
Job/Employer
Address** 488-1 River Bluff Drive

Past Employment Carolina Plantations Real Estate since 2007

**Current
Civic/Community
Participation** Shallotte Rotary Club - 14 years
Lower Cape Fear Hospice Board of Trustees - New
Shallotte Board of Adjustments - 7 years

VACANCIES

Board	Title	First Name	Last Name	District	Term	Term Exp Date
Planning Board				1	3	6/30/2021
BSRI Board				5	1	6/30/2019
Library Board of Trustees				At-Large	3	6/30/2021
Home & Community Care Block Grant Committee				N/A	1	6/30/2019
Home & Community Care Block Grant Committee				N/A	1	6/30/2019
Home & Community Care Block Grant Committee				N/A	1	6/30/2019
Home & Community Care Block Grant Committee				N/A	1	6/30/2019
Home & Community Care Block Grant Committee				N/A	1	6/30/2019
Home & Community Care Block Grant Committee				N/A	1	6/30/2019
Home & Community Care Block Grant Committee				N/A	1	6/30/2019
Health & Human Services Advisory Board				Physician		6/30/2020

PENDING

BCC Board of Trustees	Mr.	Douglas	Terhune	N/A	4	6/30/2022
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ADDITIONAL VACANCIES

Fire Commission (Unexpired)				2	2	6/30/2019
JCPC (Unexpired)				At-Large	2	6/30/2019
Sunset Beach Board of Adjustments				ETJ		
Sunset Beach Board of Adjustments				ETJ		



Brunswick County Board of Commissioners
ACTION AGENDA ITEM
August 6, 2018

From:
Andrea White

Action Item # IX. - 1.

Governing Body - NCACC Legislative Goals (Chairman Frank Williams)

Issue/Action Requested:

Request that the Board of Commissioners propose, consider, and approve the submittal of legislative goals to NCACC for their consideration.

Background/Purpose of Request:

Every two years, the North Carolina Association of County Commissioners engages in a process to determine legislative goals that are in the best interest of the counties. The process is designed to allow for input from as many county commissioners and other county officials as possible. The deadline for submission is September 21, 2018. After review by the NCACC Steering Committees and the Legislative Goals Committee, the Board of Directors will finalize the package to be presented at the Legislative Goals Conference scheduled for January 10-11, 2019 in Wake County. All goals must be submitted electronically via the NCACC website and must include either a resolution from the Board of Commissioners or a signed letter from the Chairman submitting the goal on behalf of the entire Board.

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 propose, consider, and approve the submittal of legislative goals to NCACC for their consideration.

ATTACHMENTS:

Description

- Legislative Goals Handbook

LEGISLATIVE GOALS HANDBOOK



FALL 2018
SIXTH EDITION

THE NCACC LEGISLATIVE GOALS PROCESS

Mission Statement

The Association's Legislative Goals process is thoughtful, deliberative, inclusive and fair. The investment of time and energy, and value of full discourse, strengthens our Association as we advocate for counties. The process is designed to create an informed grassroots organization and to build a cohesiveness of purpose within the organization that, in turn, grants a degree of credibility to the Association. All counties and all county officials are invited and encouraged to participate in the Legislative Goals process.



CONTENTS

This handbook is intended to offer the reader an overview and guidance about the rules and processes used to develop the legislative agenda of the North Carolina Association of County Commissioners. Information is presented in a format that tracks the chronological course of action for the goals adoption process.

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BACKGROUND AND 2018-19 TIMELINE

Every two years, in the months preceding a long session of the General Assembly, the North Carolina Association of County Commissioners engages in a process to determine the legislative goals it should seek in the best interest of the counties. The process is thorough, deliberative, and time intensive. It is designed to allow for input from as many county commissioners, county officials and stakeholders as possible. By maximizing participation from so many of the organization's members, it is possible to reach agreement on goals that are important to all members of this diverse organization.

The NCACC goals-setting process begins in July of each even-numbered year and consists of five stages. These stages are described in detail in this handbook.

Below is the recommended timeline for the 2018-19 legislative goals process:

Legislative Goals Process Timeline

When	What
July - September 2018	Submission of county goal proposals
October	Steering committees review goals
November	Legislative Goals Committee reviews steering committee recommendations, approves package of goals for Board of Directors
December	Board of Directors
January 2019	Membership adopts goals at Legislative Goals Conference

STAGE 1

SEEKING PROPOSED GOALS (JULY - SEPTEMBER)

The Association's goals-setting process begins with an effort to solicit proposals that members think should be part of the county legislative "package" for the upcoming legislative biennium. Through CountyLines, e-mail communications and other means, the Association solicits proposals from county boards of commissioners. Suggested goals can be submitted by:

- adopted resolutions from full boards,
- a letter from Board Chairmen on behalf of the full boards
- a letter from the president of an affiliate and related county organizations (which are groups of county officials/staff organized by function)

Presently, the following organizations are included as Affiliate and Related organizations:

Affiliates

- Association of North Carolina Boards of Health
- N.C. Association of Assessing Officers
- N.C. Association of County Boards of Social Services
- N.C. Association of County Attorneys
- N.C. Association of County Clerks to the Board
- N.C. Association of County Directors of Social Services
- N.C. Association of Government Finance Officers
- N.C. Association of Emergency Medical Services Administrators (NCAEMSA)

STAGE 1

SEEKING PROPOSED GOALS (JULY - SEPTEMBER)

- N.C. Association of Local Health Directors
- N.C. Association of Registers of Deeds
- N.C. Tax Collectors' Association

Related Organizations

- NCACC Board of Trustees
- Joint Regional Forum
- N.C. City/County Managers Association
- N.C. Association of County Department of Social Services Attorneys

The Association intentionally casts a wide net to encourage inclusiveness and full membership participation. Discussion and action on proposed goals by full boards of commissioners is requested because this interaction contributes to the deliberative process and builds consensus.

Goals may also be submitted via the NCACC website. This streamlines the internal processing of proposals. Paper forms can also be requested by contacting the Association office or can be accessed on the NCACC website at www.ncacc.org.

STAGE 2

STEERING COMMITTEE REVIEW (SEPTEMBER – OCTOBER)

The Steering Committee Review is the first step in our legislative goals development process. The Association has seven Steering Committees, organized by subject matter. These are permanent, standing committees. Membership on the Steering Committees is open to any county official – elected, appointed or administrative; chairs are appointed by the Association President following each annual conference. The Steering Committees are:

- Agriculture
- Environment
- General Government
- Health and Human Services
- Justice and Public Safety
- Public Education
- Taxation and Finance

Proposed goals are sorted according to subject matter by NCACC staff and referred to the appropriate Steering Committees for review. A goal may be assigned to a "lead" steering committee that will take action on the goal, but the same goal may also be assigned to a secondary steering committee for the purpose of receiving "comments only." The intent of this process is to allow for the issues raised in a proposed goal that may bridge two or more subject matter areas, to receive greater review and opportunity for committee input. The comments will be sent to the Legislative Goals Committee for their review. Steering Committees may hear from county

STAGE 2

STEERING COMMITTEE REVIEW (SEPTEMBER – OCTOBER)

officials who submit goal proposals and also may review staff research and analysis. The participation of county staff on Steering Committees provides professional expertise that can be critically important when Steering Committees deliberate. Though staff expertise is critical, particularly at this early stage, as the goal-setting process moves forward elected county commissioners will ultimately decide the legislative goals package.



During the goal-setting process the steering committee members are asked to make specific recommendations and take action on each submitted goal. Committee actions include, but are not limited to:

- Favorable – A goal is approved to send to the Legislative Goals Committee for further discussion and consideration.
- Amend – The committee may revise or amend a proposal.
- Unfavorable – The committee declines to send the goal forward.

STAGE 2

STEERING COMMITTEE REVIEW (SEPTEMBER – OCTOBER)

- Forward Without Prejudice – The Committee has no opinion on the proposal, but wants the Legislative Goals Committee to consider it.
- Needs Further Study – The Committee has insufficient information to make an informed decision and requests that the sponsors either do further research or bring back answers to particular questions at a later date.

In addition to considering proposed goals submitted by counties and partner organizations, the Steering Committees review goals from the previous legislative session to determine whether they are still relevant and should be continued. The committees are also empowered to develop their own suggested goals when needed. Each committee submits its proposed goals to the Legislative Goals Committee.



While the goals dictate the organization's legislative direction, the guiding principles and their review help to guide NCACC staff as the advocate in the best interest of counties. To focus the Association's legislative priorities and efforts, the Legislative Goals Committee will select no more than 21 goals (three per steering committee subject area) for the organizations legislative agenda.

Guiding Principles Review

The Steering Committees also review the Association's subject area guiding principles. The guiding principles are general declarations of ongoing positions that give guidance on broad policy objectives, such as "no mandates without funding." These statements also guide the staff in dealing with unanticipated issues that arise in the legislative context or that affect the counties in other ways, as with proposed administrative rules and regulations or state agency policies.

Because the Steering Committees are ongoing and have broad member participation, they are a critical first step in the Legislative Goals development process. The committees meet regularly and are available to review legislation during the legislative session; they are used to guide unanticipated legislative action and to recommend any actions that might be advisable to the NCACC Board of Directors for formal consideration and action. This issue is described in greater detail in a later section included in this handbook.

STAGE 3

LEGISLATIVE GOALS COMMITTEE (NOVEMBER 2018)

The Legislative Goals Committee is a non-standing committee. The committee membership is traditionally no more than 35 members. It is newly appointed every two years and meets as needed. Members are selected to assure balance with respect to political affiliation, county population, race, gender and other demographic characteristics. Two co-chairs, a Republican and a Democrat, are appointed by the NCACC President to lead the Legislative Goals Committee.

The members of the Legislative Goals Committee include:

- Legislative Goals Committee Chairs
- Steering Committee Chairs
- The NCACC Board of Trustees Chair or their designee
- An elected commissioner from each of the Association's 18 districts
- Other members as appointed by the President.

The Legislative Goals Committee reviews the recommendations of the Steering Committees. Steering Committee chairs present their committees' recommendations and relay the committee discussion regarding each proposal. The county officials who want to advocate for their proposals are allowed to make presentations to the Legislative Goals Committee. The committee may also review research and analysis related to the proposals provided by NCACC staff.

The Legislative Goals Committee may and is encouraged to narrow the list of proposals; it also reconciles conflicts or duplication between steering committee recommendations, and prioritizes its recommendations. The Goals Committee may rank goals in a priority order and may also select a limited number of priority goals to assist in focusing the Association's legislative efforts. The proposals and guiding principles are then submitted to the Board of Directors for consideration.

Core Values Statement Review

The Goals committee is also charged with reviewing the Association's core value statement. This statement provides fundamental policy guidance with regard to the Association's advocacy efforts. The Goals committee may review, evaluate and make suggested changes to periodically update these core values to recognize changing advocacy environments. The Committee shall include the core values statement along with its recommendations to the Board of Directors for inclusion in the goals package to be presented to the full membership.



STAGE 4

BOARD OF DIRECTORS (DECEMBER 2018)

As the Association's goal-setting process moves forward, the elected county commissioners become more involved in the decision-making process. The Board of Directors is almost exclusively elected commissioners, with the one exception of a non-voting county manager.

At its December meeting, the Board reviews the recommendations of the Legislative Goals Committee. As at earlier stages of the process, the Board may hear presentations, review research and analysis, add, delete or amend proposals, the core values and guiding principles statements.

The Board gives final approval to a package of goal proposals, Association core values, and guiding principles that are to be voted on by the full membership at the Legislative Goals Conference in January. By taking this action in December, the individual county boards of commissioners have time and opportunity for a full review prior to the conference.



The final stage of the Association's Legislative Goals process is the Legislative Goals Conference, to which all Association members are invited. Historically, more than 85 counties are represented. The conference is spread over a day and a half, assuring time for thorough discussion, deliberation and debate. In recognition of the need to involve newly elected commissioners in the process, the Board appoints a Screening Committee to receive any new proposals that have not been through the development process by this stage. This process is discussed in greater detail below.

The goals conference is conducted according to rules designed to encourage participation, to provide a balance between inclusiveness and respect for the process and efforts of the committees and the Board up to this point.

Goals Voting Process and Procedures

- Prior to the conference:
 - o The NCACC staff coordinate with the President, the Goals Chairs and the Parliamentarian to review the voting process and procedures.
 - o Every member county appoints a voting delegate. A letter requesting notification of the county's voting delegate shall be sent from the Association to each county.

STAGE 5

LEGISLATIVE GOALS CONFERENCE (JANUARY 2019)

- At the conference:
 - o There is a process by which voting delegates register to obtain appropriate voting credentials.
 - o Every county in attendance has one vote. The voting delegate can be any county official, including non-elected officials, and a county may choose an alternate. No proxies are allowed.
 - o Goals are presented en bloc by each steering committee subject category. Goals Committee Chairs present the goals to the membership. The Association President or presiding officer is responsible for action.
 - o All motions will be ruled on by the Association President or presiding officer.
 - o The President of the North Carolina Association of County Commissioners will appoint a parliamentarian for the conference.
 - o Upon motion of any voting delegate, any individual goal proposal can be set aside for detailed discussion.
 - o Majority votes are required to approve or alter the proposed goals.
 - o Pursuant to Article VIII, Section Three of the NCACC Constitution the latest edition of Robert's Rules of Order shall be the parliamentary authority on questions not covered by the Constitution or by this handbook.

Screening Committee Process

The Association has a Screening Committee process to allow for consideration of new goals or proposals previously presented but not approved. The Screening Committee is composed of the Legislative Goals Committee chairs and the seven Steering Committee chairs. The Screening Committee meets at the end of the first day of the conference to review and hear presentations on submitted proposals.

Rules for the Screening Committee process are as follows:

- Any new or previous goal proposal must be submitted by 1 p.m. on the first day of the conference.
- Goals approved and recommended by the Screening Committee are brought to the floor for consideration by the voting delegates on the second day of the conference. A majority vote of the delegates is required for approval.
- Any proposal not approved by the Screening Committee can only be brought to the floor for consideration upon a vote of two-thirds of the number of voting delegates present at 2 p.m. on the first day of the conference. (**NOTE:** This requirement recognizes that by the end of the second day, voting delegates may leave, and it protects the members from having their goals process circumvented by what could be a relatively small number of delegates.)
- The Screening Committee has the authority to request a Steering Committee to give further study to newly proposed ideas. Any Steering Committee recommendations that derive from this kind of study can be presented to the Board of Directors for consideration at a later date.

STAGE 5

LEGISLATIVE GOALS CONFERENCE (JANUARY 2019)

Conclusion

All goals and policies approved at the Legislative Goals Conference are included in the official NCACC Legislative Goals package. The official document containing the Association's core values, legislative goals and guiding principles shall be mailed to all 100 counties and presented to each member of the North Carolina General Assembly, to the Governor, and to other executive branch leaders.



GUIDANCE OUTSIDE OF LEGISLATIVE GOALS PROCESS

Throughout the legislative biennium, new issues will arise that were not anticipated or considered during the organization's legislative goals process. The Association Steering Committees have the authority and responsibility to study new issues, to research and analyze the effect or implications of proposed legislation, and to make recommendations to the Board of Directors. Any such action is communicated on a regular basis to the Association members through the web-site, through CountyLines, and through other means as needed.

Upon recommendation of the Legislative Goals Committee Chairs, the committee may meet between the legislative long and short sessions, to review goal progress and make suggestions to the Board of Directors related to goal priorities, especially given an ever-changing legislative environment.





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