

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
December 5, 2022
3:00 P.M.**

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

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

STAFF: Steve Stone, County Manager
Bob Shaver, County Attorney
David Stanley, Deputy County Manager
Haynes Brigman, Deputy County Manager
Aaron Smith, Finance Director
Daralyn Spivey, Clerk to the Board
LeAnn Weigand, Executive Assistant
Meagan Kascak, Communications Director
Currie Elkins, IT
Lt. Beck, Sheriff's Office

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

I. CALL TO ORDER

Chairman Thompson called the meeting to order at 3:00 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Thompson asked for adjustments to the agenda.

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

IV. OATH OF OFFICE – COMMISSIONERS' ELECT

1. Clerk to the Board – Oath of Office – Commissioners Elect

District 1 Randy Thompson: Jason Disbrow, Senior Resident Superior Court Judge administered the following Oath of Office:

I, Randy Thompson, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, Randy Thompson, do swear that I will well and truly execute the duties of the Office of County Commissioner of Brunswick County according to the best of my skill and ability, according to law; so help me God.

Randy Thompson

Attestation:

Subscribed and sworn before me this the 5th day of December, 2022.

*Jason Disbrow
Senior Resident Superior Court Judge*

District 2 John Martin Cooke: Jason Disbrow, Senior Resident Superior Court Judge administered the following Oath of Office:

I, John Martin Cooke, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; so help me God.

I, John Martin Cooke, do swear that I will well and truly execute the duties of the Office of County Commissioner of Brunswick County according to the best of my skill and ability, according to law; so help me God.

John Martin Cooke

Attestation:

Subscribed and sworn before me this the 5th day of December, 2022.

*Jason Disbrow
Senior Resident Superior Court Judge*

V. ELECTION OF BOARD CHAIR

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

Commissioner Williams moved to nominate Commissioner Randy Thompson as Chairman. The motion was seconded by Commissioner Cooke. Mr. Shaver opened the floor discussion. Hearing none, the nominations were closed. The vote for approval was unanimous (5 to 0).

Mr. Shaver turned the meeting over to Chairman Thompson.

VI. ELECTION OF VICE – CHAIR

1. Chairman Thompson opened the floor for nominations.
Commissioner Cooke moved to nominate Commissioner Forte as Vice-Chairman. The motion was seconded by Commissioner Williams. Chairman Thompson opened the floor for discussion. Hearing none, the nominations were closed. The vote for approval was unanimous (5 to 0).

VII. APPROVAL OF THE BONDS

1. The Board adopted a Resolution approving the bonding of county officials. Commissioner Sykes made the motion to adopt the Resolution with Vice-Chairman Forte seconding and all in favor (5 to 0). The Resolution reads as follows:

RESOLUTION APPROVING THE BONDING OF COUNTY OFFICIALS

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

WHEREAS, NCGS §159-29(a) requires the Finance Officer to provide a performance bond with sufficient sureties in an amount to be fixed by this Board but not less than \$1,000,000; and

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

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

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

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

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

1. That this Board hereby accepts and approves bonds for public officials as follows:
 - a. Jeff Niebauer, Tax Collector, \$500,000.00 with Travelers Insurance;
 - b. Aaron Smith, Finance Director, \$1,000,000.00 with Western Surety Company;
 - c. Brenda Clemmons, Register of Deeds, \$10,000.00 with Travelers Insurance;
 - d. John Ingram, V, Sheriff, \$25,000.00 with Western Surety Company;
2. That pursuant to NCGS 58-72-55, the Clerk is hereby instructed to record the names of all Commissioners present at this meeting who vote in favor of this resolution.
3. That pursuant to NCGS 58-72-55, any Commissioner who votes against this resolution may cause his or her written dissent to be entered into the record of the Board.
4. That this resolution shall be effective upon its adoption.

Approved and adopted this the 5th day of December 2022.

Randy Thompson, Chair
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board

VIII. PUBLIC COMMENTS

Ms. Denise Donnelly announced for those who are currently using well water, water testing available through Chemours.

IX. APPROVAL OF CONSENT AGENDA

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

1. **Administration – No Wake Zones on the Lockwood Folly River- Approved**
The Board authorized staff to complete an application to the NC Wildlife Resources Commission requesting the WRC begin the rulemaking process to create two No Wake Zone areas of approximately 100 yards long each on the Lockwood Folly River.
2. **Clerk to the Board – Meeting Minutes – November 21 ,2022 - Approved**
The Board approved the meeting minutes for November 21, 2022.
3. **Emergency Services – Approval of the Purchase of Three Ambulances Using ARPA Funding – Approved**
The Board approved beginning the formal bidding and purchasing processes for three ambulances as set aside in the APRA funding proposal. The total cost is estimated at \$900,000.00.
4. **Emergency Services – Duke Energy Emergency Management Grant - Approved**
The Board approved the Grant Application Evaluation Form and award for the 2022 Duke Energy Preparedness Grant, in the amount of \$25,000 for the purchase of drones to assess damage after hurricanes and severe weather events.
5. **Finance - Fiscal Items - Approved**
The Board approved Budget Amendments, Capital Project Ordinances and Fiscal Items of a routine nature on the consent agenda to include the following:

-Occupancy Tax Revenue
Appropriate \$1,400,000 of Occupancy Tax Revenue and corresponding expenditures for projected Occupancy Tax thru June 30, 2022.

-2022 Homeland Security Grant Program (HSGP) – Disaster Preparedness Mobile Light Tower Grant.

The Board approved the MOA and appropriated federal revenues of \$15,000 for the 2022 Homeland Security Grant Program (HSGP) - Disaster Preparedness Mobile Light Tower Grant. Funds will be used to purchase mobile light tower as part of the Disaster Preparedness Region 3 preparedness initiative. Approval of the grant application occurred at the September 6, 2022 board meeting.

6. **Human Resources – Proposed Revisions to Personnel Policies #800 and #900– Approved**
The Board approved the recommended proposed revisions to Policy #800 Performance and Development Program and Policy #900 Classification and Pay Plan. The revisions would provide for additional flexibility related to considerations for annual employee pay adjustments and update the eligibility criteria to receive an approved adjustment.
7. **Operation Services - Electronics Recycling Services Agreement – Approved**
The Board approved awarding the service agreement for electronics recycling services to Powerhouse Recycling, Inc. for one year with two annual auto renewal options.
8. **Operation Services – USACE Grant Application - Approved**
The Board authorized Brunswick County to exercise all remaining option years of the United States Army Corps of Engineers Grant Contract for Wilmington Harbor.
9. **Tax December 2022 MV Discovery Valuation & Levy for October 2022 – Approved**
The Board approved the December 2022 motor vehicle value and levy discovery created in October 2022.
10. **Tax – December 2022 Releases– Approved**
The Board approved the December 2022 releases.
11. **Utilities - Airgas Specialty Products Sole Source Request – Approved**
The Board approved an ongoing purchase of Anhydrous Ammonia from Airgas Specialty Products as an exception to formal bidding requirements in accordance with N.C.G.S 143-129(e)(6). The Resolution reads as follows:

**RESOLUTION AUTHORIZING PURCHASE OF ANHYDROUS
AMMONIA FROM AIRGAS SPECIALTY PRODUCTS, INC.
UNDER SOLE SOURCE EXCEPTION TO FORMAL
BIDDING REQUIREMENTS**

WHEREAS, N.C.G.S 143-129(e)(6), Procedure for Letting of Public Contracts, allows for the waiver of formal bidding requirements for purchases of apparatus, supplies, materials, or equipment when performance or price competition for a product are not available, or a needed product is available from only one source of supply, or standardization or compatibility is the overriding consideration; and

WHEREAS, the County's Water Treatment Plants treat several million gallons of raw water daily through a variety of filtration and disinfection processes; and

WHEREAS, the disinfection process depends on the correct application and delivery of anhydrous ammonia; and

WHEREAS, the method of delivery for most chemicals is through related appliances that are "hard-plumbed," permanent-type plant fixtures; and

WHEREAS, these appliances, including, without limitation, tanks, chlorite generators, and chemical feeders are typically proprietary to and provided by the chemical vendor as a service for purchasing the chemicals from said vendor; and

WHEREAS, Airgas Specialty Products, Inc. has provided the aforementioned appliances, the chemical delivery systems, and the compatible chemicals for the County's Water Treatment Plants for multiple years; and

WHEREAS, the governing board must approve the purchase under this bidding exemption prior to awarding the contract.

NOW, THEREFORE BE IT RESOLVED, that the Brunswick County Board of Commissioners approves the purchases described herein utilizing the exception to formal

bidding requirements contained in N.C.G.S. 143-129(e)(6) and finds that the conditions described in that statute have been met.

Adopted this the 5th day of December, 2022.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board

12. Utilities – Purchase of Sensus Products Including Meters and MXU Transceiver Units Under Sole Source Bidding Exceptions – Approved

The Board approved a Resolution authorizing the purchase under the Sole Source Exception to the bidding requirements in accordance with NCGS 143-129 (e) (6) for all Sensus products related to Advanced Meter Infrastructure (AMI), approve a three year contract for the purchase of budgeted products related to AMI inclusive of water meters and meter transceiver units (MXUs) from Ferguson in an amount that shall not exceed the annual budget appropriation for these products in any given year. The Resolution reads as follows:

RESOLUTION AUTHORIZING PURCHASE OF ADVANCED METERING INFRASTRUCTURE COMPONENTS UNDER SOLE SOURCE EXCEPTION TO FORMAL BIDDING REQUIREMENTS

WHEREAS, N.C.G.S 143-129(e)(6), Procedure for Letting of Public Contracts, allows for the waiver of formal bidding requirements for purchases of apparatus, supplies, materials, or equipment when performance or price competition for a product are not available, or a needed product is available from only one source of supply, or standardization or compatibility is the overriding consideration; and

WHEREAS, the Board of Commissioners authorized the purchase of Sensus and Neptune brand water meters under a sole source exception to formal bidding requirements at its August 15, 2022, meeting due to standardization and compatibility of the meters with the County’s existing Advanced Metering Infrastructure (“AMI”) and the products only being available from one source of supply; and

WHEREAS, the County’s AMI is an integrated system of equipment, communications, and information management software which allows for the County to remotely collect data; and

WHEREAS, as part of the County’s AMI, both the Sensus and Neptune brand meters have the ability to be read remotely by way of an additional transceiver unit (“MXU”) that is purchased separately; and

WHEREAS, Sensus brand MXUs are compatible with both the Sensus and Neptune brand meters; and

WHEREAS, other products compatible with the County’s AMI include, without limitation, Sensus brand repeaters, base stations, and software; and

WHEREAS, all Sensus brand products are distributed exclusively by Ferguson Waterworks in the State of North Carolina; and

WHEREAS, the governing board must approve the purchase under this bidding exemption prior to awarding the contract.

NOW, THEREFORE BE IT RESOLVED, that the Brunswick County Board of Commissioners approves the purchases described herein utilizing the exception to formal bidding requirements contained in N.C.G.S. 143-129(e)(6) and finds that the conditions described in that statute have been met.

Adopted this the 5th day of December, 2022.

Randy Thompson,
Chairman
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board

13. Utilities – TSM Enterprises Group Inc. Sole Source Request -Approved

The Board approved an ongoing purchase of Sodium Chlorite from TSM Enterprises Group, Inc., as an exception to formal bidding requirements in accordance with N.C.G.S 143-129(e)(6). The Resolution reads as follows:

**RESOLUTION AUTHORIZING PURCHASE OF SODIUM CHLORITE
FROM TSM ENTERPRISES GROUP, INC. UNDER SOLE SOURCE
EXCEPTION TO FORMAL BIDDING REQUIREMENTS**

WHEREAS, N.C.G.S 143-129(e)(6), Procedure for Letting of Public Contracts, allows for the waiver of formal bidding requirements for purchases of apparatus, supplies, materials, or equipment when performance or price competition for a product are not available, or a needed product is available from only one source of supply, or standardization or compatibility is the overriding consideration; and

WHEREAS, the County's Northwest Water Treatment Plant is designed to treat 24 million gallons of water daily through a variety of filtration and disinfection processes; and

WHEREAS, the disinfection process depends on the correct application and delivery of sodium chlorite; and

WHEREAS, the method of delivery for sodium chlorite is through chemical feeders or chlorine dioxide generators that are "hard-plumbed," permanent plant fixtures; and

WHEREAS, the chemical feeders and chlorite generators are typically proprietary to and provided by the chemical vendor as a service for purchasing the chemicals from said vendor; and

WHEREAS, TSM Enterprises Group, Inc. has provided the aforementioned equipment, the chemical delivery systems, and the compatible chemicals for the County's Northwest Water Treatment Plant for multiple years; and

WHEREAS, the governing board must approve the purchase under this bidding exemption prior to awarding the contract.

NOW, THEREFORE BE IT RESOLVED, that the Brunswick County Board of Commissioners ~~and~~ approves the purchases described herein utilizing the exception to formal bidding requirements contained in N.C.G.S. 143-129(e)(6) and finds that the conditions described in that statute have been met.

Adopted this the 5th day of December, 2022.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board

X. PRESENTATION

1. **Administration Brunswick Senior Resources Inc., (BSRI) Senior Housing Proposal**
Jim Fish, President/CEO of Brunswick Senior Resources Inc. (BSRI) presented the Board with a senior housing proposal to include the land transfer of two (2) pieces of property. Commissioner Cooke made the motion to approve the request to transfer the land pending Mr. Shavers approval of the documents. Commissioner Williams seconded the motion with the understanding that Staff will come forward at a future meeting with a resolution authorizing such transfer. The motion passed unanimously (5 to 0).
2. **Tax – Update on 2023 Countywide Revaluation**
Jeff Niebauer presented the Board with an update on the current progress of the 2023 revaluation.

XI. ADMINISTRATIVE REPORT

1. **Planning – RiverSea Plantation Modification (PD-84) Appeal**

The Board heard an appeal request for RiverSea Plantation Modification (PD-84). Commissioner Cooke made the motion to deny the request, thus upholding the Planning Board decision. The motion was seconded by Commissioner Sykes and passed (4 to 1). The following reflects the vote:
Chairman Thompson: Aye
Vice Chairman Forte: Aye
Commissioner Sykes: Aye
Commissioner Cooke: Aye
Commissioner Williams: Nay

XII. BOARD APPOINTMENTS

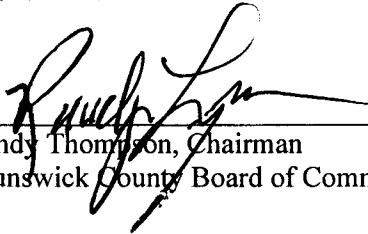
- 1. Clerk to the Board - Board Appointment – Annual Board Seat Assignments**
Commissioner Williams made the motion to appoint the existing annual board seats for the Commissioners for the Calendar Year 2023 Board Seat listing, The motion was seconded by Vice – Chairman Forte and passed unanimously (5 to 0).
- 2. Clerk to the Board - Board Appointment – Health and Human Services Advisory Board Appointment**
Commissioner Cooke made the motion to consider appointment to the Health and Human Services Advisory Board, Dr. Travis Pickens. The motion was seconded by Commissioner Sykes and passed unanimously (5 to 0).

XIII. OTHER BUSINESS/INFORMAL DISCUSSION

Commissioner Cooke addressed the one-year anniversary of Steve Stone as the County Manager.

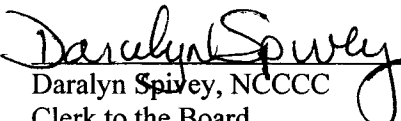
XIV. ADJOURNMENT

Commissioner Williams moved to adjourn the meeting at 4:48 p.m. The motion was seconded by Commissioner Sykes and passed unanimously (5 to 0).



Randy Thompson, Chairman
Brunswick County Board of Commissioners

Attest:



Daralyn Spivey, NCCCC
Clerk to the Board

