BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
June 5, 2023
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 J. Martin Cooke Commissioner Pat Sykes Commissioner Frank Williams Commissioner Mike Forte, Vice-Chairman
STAFF:	Steve Stone, County Manager Bob Shaver, County Attorney David Stanley, Deputy County Manager Haynes Brigman, Deputy County Manager Aaron Smith, Finance Director LeAnn Weigand, Deputy Clerk/ Executive Assistant Meagan Kascsak, 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 3:07 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

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

III. ADJUSTMENTS/APPROVAL OF AGENDA

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

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

IV. PUBLIC COMMENTS

Chairman Thompson opened the public comment period at 3:09 p.m. with the following comments:

Mr. Dale Clemmons spoke of the need to place a moratorium on development within the County and increase monitoring of the required green space within each development.

Mr. Carl Parker wished to thank Mr. Stone for working with him regarding the water and sewer infrastructure mapping that he and Mr. Stone are currently working on.

V. APPROVAL OF CONSENT AGENDA

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

1. **Administration - ARPA Non-Profit Community Assistance Grant Fund Award -Approved**
   The Board approved the ARPA Non-Profit Community Assistance Grant funds to recommended organizations.
2. **Clerk to the Board - Meeting Minutes -May 15, 2023, Regular Meeting**
   The Board reviewed and approved the minutes from the May 15, 2023, Regular Meeting.
3. **County Attorney – Property Purchase from BEMC - Approved**
   The Board approved the purchase of a five acre parcel (1520003403) on Grey Water Rd adjacent to the Utilities Operations Center from BEMC.
4. **County Attorney - Renewal of MOU for Economic Development Services with BBID - Approved**
   The Board approved the Memorandum of Understanding for the Provision of Economic Development Services.
5. **County Attorney - Special Assessment Release for Parcel 1410000215 - Approved**
   The Board approved the release of special assessment #12 (Boiling Spring Lakes) for Parcel 1410000215 upon execution of final agreement with property owner.
6. **County Attorney – Stanbury Creek Onsite Infrastructure DOD - Approved**
   The Board approved the Deed of Dedication for water and sewer infrastructure for Stanbury Creek onsite infrastructure.
7. **Finance– Fiscal Items – Approved**
   The Board approved Budget Amendments, Capital Project Ordinances, and Fiscal Items of a routing nature on the consent agenda.
   -Budget Amendment Sheriff's Office Insurance Proceeds
   Appropriated $116,838 of insurance proceeds to capital outlay vehicles and repair and maintenance vehicles.
   -Budget Amendments GASB96 Subscription Based Information Technology Arrangement Financing
   Appropriated $3,183,226 of General Fund, $46,841 of Public Housing Fund, $89,466 of Emergency Telephone System Fund, $79,404 of Water Fund, and $26,468 of Wastewater Fund Other Financing Source: Subscription Financing revenue to be used in SBITA Capital Outlay corresponding account lines for the implementation of GASB 96 for the required accounting of Long Term Software Subscriptions and to authorize the Fiscal Operations Director to adjust the budget for final SBITA calculations as of June 30, 2023.
   -Budget Amendments GASB87 Lease Financing
   Appropriated $516, 279 of General Fund, $7,676 of DSS Fund, and $28,884 of Water Fund other Financing Source: Lease Financing revenue to be used in Lease Capital Outlay corresponding account lines for the implementation of GASB 87 for the required accounting of leases and to authorize the Fiscal Operations Director to adjust the budget for final lease calculations as of June 30, 2023.
   -Budget Amendment and CPO Mulberry Branch WRF 0.75MGD Southport
   Appropriated $43,570 of proceeds from revenue bonds for the Raftelis contract and $14,000 of Southport Contribution Revenue for easements associated with the project.
   -Budget Amendment Water Anticipated Expenditures
   Appropriated $500,000 of wholesale water sales revenues to LCFWSA Raw Water Usage for anticipated expenditures through year end and $100,000 for miscellaneous expenses to authorize transfer within the water fund by the Fiscal Operations Director as needed to prevent a statutory exception of expenditures in excess of amounts budgeted at year end.
   -Budget Amendment Wastewater Anticipated Expenditures
   Appropriated $30,000 of base service charge revenues and $50,000 of late payment penalty revenues to miscellaneous expenses to authorize transfer within the wastewater fund by the Fiscal Operations Director as needed to prevent a statutory exception of expenditures in excess of amounts budgeted at year end.
   -Budget Amendment and CPO Excess Collections Schools Project
   Appropriated estimated excess collections of Ad Valorem and Legislated Sales Tax in excess of budget to transfer to the Schools Capital Reserve and to authorize the Fiscal Operations Director to adjust the budget for final collections as of June

30, 2023.

-Budget Amendment and CPO NE WWTP East and West Transmission Main Projects Closeout
Close the NE WWTP East Transmission Project and NE WWTP West Transmission Project and transfer debt proceeds to the NEBR WWTP Expansion Project.

-Budget Amendment and CPO Raw Water Mains Project Closeout
Close the Raw Water Mains Project and transfer debt proceeds to the FY16 Water Mains Top 7 Project and return $2,811,135 to the water capital reserve undesignated for use in future projects.

8. **IT - Third Amendment to SHI/Microsoft Enterprise Agreement - Approved**
The Board approved the Third Amendment to the Goods and Services Agreement between Brunswick County and SHI International. This amendment includes corrected pricing for the Microsoft Enterprise Agreement for years two and three, as well as, the addition of (53) archiving licenses for Sheriff's Office; installment of TEAMS Audio Conferencing functionality for Sheriff's Office; and addition of TEST Environment with licensing for use by IT Programming/Development Team.
9. **Operations Services - Lease Agreement for Southport Probation and Parole Office – Approved**
The Board approved a lease for the probation and parole office in Southport.
10. **Utilities - Bell Swamp Grant Application Evaluation Approval - Approved**
The Board ratified the attached Brunswick County Grant Application Evaluation Form for the Northwest Water Treatment Plant to Bell Swamp Transmission Project, and authorize the County Manager to sign, allowing staff to submit the required application and background data.

VI. PRESENTATIONS

1. **Clerk to the Board – Brunswick County Arts Council (BCAC) Presentation**
The Board received a report from Marty Beth Livers, Director of the Brunswick County Arts Council including the work BCAC does throughout the County. Additionally, the following five (5) students were presented with certificates and cash awards for their artwork discussing drug addiction. Each of the winners will have their artwork displayed on billboards throughout the County:
Rayna Chew – North Brunswick High School (in two categories)
Becca Barnett – North Brunswick High School
Jay Lancaster – North Brunswick High School
Olivia Jackson – North Brunswick High School
Katie Blackwell – North Brunswick High School

2. **Health Services - Opioid Settlement Funds: Consider Approval of FY24 Addiction Recovery Services at the Healing Place and Revision of Resolution for DSS Clinicians**
Mr. Howard, Health Services Director, presented the following two (2) resolutions for consideration of the Board. The first is for The Healing Place and the second is a modification to the Opioid DSS Clinician Resolution. The Healing Place Resolution reads as follows:

A RESOLUTION BY THE COUNTY OF BRUNSWICK TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

WHEREAS, Brunswick County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

WHEREAS, the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the

State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA");

WHEREAS, Brunswick County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS, section E.6 of the MOA states:

E.6. Process for drawing from special revenue funds.

> a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
>
> b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA, Brunswick County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized
   a. Name of strategies: Recovery Housing Services
   b. Strategy is included in Exhibit A
   c. Item letter and/or number in Exhibit A to the MOA: #4.
   d. Amounted authorized for this strategy: $240,900.00
   e. Period of time during which expenditure may take place:
      Start date July 1, 2023, through June 30, 2024.
   f. Description of the program, project, or activity: Provide funding at a rate of $66 per night, up to 20 persons per night across the 365-day funding period for Brunswick residents to receive residential recovery services at The Healing Place located in Wilmington, New Hanover County, NC.
   g. Provider: Department of Health Services by way of The Healing Place

The total maximum dollar amount of Opioid Settlement Funds appropriated for the above-named strategies for the period of this resolution is $240,900. Funds from the Opioid Settlement will be used for these services only when the client(s) of The Healing Place are represented and documented by The Healing Place as suffering from Opioid Use Disorder (OUD) and/or are mis-using opioid substances and are represented and documented by The Healing Place as being Brunswick County residents at the time of admission into The Healing Place services.

Adopted this the 5th day of June, 2023.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board

Commissioner Sykes made the motion to adopt the proclamation. Commissioner Williams seconded the motion with all in favor (5 to 0).

The following is the modification to the Opioid DSS Clinician Resolution:

A RESOLUTION BY THE COUNTY OF BRUNSWICK TO DIRECT THE EXPENDITURE OF OPIOID SETTLEMENT FUNDS

WHEREAS, Brunswick County has joined national settlement agreements with companies engaged in the manufacturing, distribution, and dispensing of opioids, including settlements with drug distributors Cardinal, McKesson, and AmerisourceBergen, and the drug maker Johnson & Johnson and its subsidiary Janssen Pharmaceuticals;

WHEREAS, the allocation, use, and reporting of funds stemming from these national settlement agreements and certain bankruptcy resolutions ("Opioid Settlement Funds") are governed by the Memorandum of Agreement Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation ("MOA");

WHEREAS, Brunswick County has received Opioid Settlement Funds pursuant to these national settlement agreements and deposited the Opioid Settlement Funds in a separate special revenue fund as required by section D of the MOA;

WHEREAS, section E.6 of the MOA states:

> E.6. Process for drawing from special revenue funds.
>
> a. Budget item or resolution required. Opioid Settlement Funds can be used for a purpose when the Governing Body includes in its budget or passes a separate resolution authorizing the expenditure of a stated amount of Opioid Settlement Funds for that purpose or those purposes during a specified period of time.
>
> b. Budget item or resolution details. The budget or resolution should (i) indicate that it is an authorization for expenditure of opioid settlement funds; (ii) state the specific strategy or strategies the county or municipality intends to fund pursuant to Option A or Option B, using the item letter and/or number in Exhibit A or Exhibit B to identify each funded strategy, and (iii) state the amount dedicated to each strategy for a stated period of time.

NOW, THEREFORE BE IT RESOLVED, in alignment with the NC MOA, Brunswick County authorizes the expenditure of opioid settlement funds as follows:

1. First strategy authorized
    - a. Name of strategy: Recovery Support and Early Intervention Services
    - b. Strategy is included in Exhibit A
    - c. Item letter and/or number in Exhibit A to the MOA: #3 and #6
    - d. Amount authorized: $169,703.00.
        - i. $84,851.50 Strategy #3 Recovery Support Services
        - ii. $84,851.50 Strategy #6 Early Intervention
    - e. Period of time during which expenditure may take place:
      Start date January 17, 2023, through June 30, 2024.
    - f. Description of the program, project, or activity: Hire a Mental Health Clinician to provide the following services: care navigation, assessments, and crisis support for children and their parents who are involved with DSS.
    - g. Provider: Department of Social Services

The total dollar amount of Opioid Settlement Funds appropriated across the above-named and authorized strategies is $169,703.00.

Adopted this the 5th day of June, 2023.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board

Commissioner Sykes made the motion to adopt the proclamation. Commissioner Williams seconded the motion with all in favor (5 to 0).

VII. PUBLIC HEARING

1. **Administration – Public Hearing to Receive Comments on the FY 24 Brunswick County Budget, Fees and Capital Improvement Plan.**
   Chairman Thompson opened the public hearing at 2:34 p.m. With no comments, Chairman Thompson closed the public hearing.

VIII. ADMINISTRATIVE REPORT

1. **Administration – Initial Resolution 2023 Revenue Bonds**
   Mr. Smith stated the approval of the resolution will authorize the County to apply to the Local Government Commission for approval of various improvements to the County water and wastewater system and the pay for the costs and issuance of the 2023 Bonds. The recommended amount is $45M however that will be based on actual bids upon receipt. The resolution reads as follows:

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF BRUNSWICK, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF THE COUNTY'S ENTERPRISE SYSTEMS REVENUE BONDS, SERIES 2023; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE 2023 BONDS; AND CERTAIN RELATED MATTERS

WHEREAS, the Board of Commissioners (the *"Board"*) of the County of Brunswick, North Carolina (the *"County"*) hereby determines that it is necessary to improve its water and sanitary sewer systems (collectively, the *"Enterprise Systems"*); and

WHEREAS, the Board is considering the issuance of not to exceed $45,000,000 County of Brunswick, North Carolina Enterprise Systems Revenue Bonds, Series 2023 (the *"2023 Bonds"*), in one or more series, to (a) finance various improvements to the County's water and wastewater systems (the *"2023 Project"*) and (b) pay the costs of issuing the 2023 Bonds; and

WHEREAS, the Board wishes to (1) retain Parker Poe Adams & Bernstein LLP, as bond counsel; (2) retain Davenport & Company LLC, as financial advisor; (3) retain Robert W. Baird & Co. and, if necessary, an additional financial institution to be determined by the Director of Fiscal Operations (collectively, the *"Underwriters"*); (4) retain U.S. Bank Trust Company, National Association, as trustee for the 2023 Bonds; (5) approve the selection by the Underwriters of Pope Flynn, LLC, as underwriters' counsel; and (6) retain Raftelis Financial Consultants, Inc., as feasibility consultant (collectively, the "*Financing Team*"); and

WHEREAS, the Board desires that the Director of Fiscal Operations of the County file with the Local Government Commission of North Carolina (the *"Commission"*) an application for its approval of the 2023 Bonds on a form prescribed by the Commission, requesting that the Commission approve the negotiation of the sale of the 2023 Bonds to the Underwriters and the County's use of the Financing Team; and

WHEREAS, in connection with such application, the Board authorizes the Director of Fiscal Operations (1) to provide the Commission with such facts and information in regard to the 2023 Bonds and to the County and its financial condition as the Commission may require and (2) to take all other action necessary for the issuance of the 2023 Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF BRUNSWICK, NORTH CAROLINA, AS FOLLOWS:

Section 1. The 2023 Bonds are to be issued by the County for the purpose of providing funds (a) to finance the costs of the 2023 Project and (b) to pay the costs of issuing the 2023 Bonds.

Section 2. The use of the Financing Team in connection with the issuance of the 2023 Bonds is hereby approved. In addition, to the extent necessary, the Director of Fiscal Operations is hereby authorized to engage any other third parties that may be necessary in order to execute the transactions contemplated by this Resolution.

Section 3. The Director of Fiscal Operations of the County, with advice from the County Manager, the County Attorney and bond counsel, is hereby authorized, directed and designated to file an application with the Commission for its approval of the issuance of the 2023 Bonds.

Section 4. The Board finds and determines and asks the Commission to find and determine from the County's application and supporting documentation as follows:
(a) the issuance of the 2023 Bonds is necessary or expedient;
(b) the maximum stated principal amount of the 2023 Bonds will be adequate but is not excessive, when added to other money available for such purpose, to finance the 2023 Project;
(c) the proposed 2023 Project is feasible;
(d) the County's debt management procedure and policies are good; and
(e) the 2023 Bonds can be marketed at a reasonable interest cost to the County.

Section 5. The Chairman of the Board, the County Manager and the Director of Fiscal Operations are hereby authorized to do any and all other things necessary to complete the steps necessary for the issuance of the 2023 Bonds.

Section 6. The Board requests that the Commission sell the 2023 Bonds through negotiation to the Underwriters on such terms as may be agreed on.

Section 7. This Resolution is effective on the date of its adoption.

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

2. **Administration – Lease of 929 Old Ocean Highway**
Mr. Stone informed the Board that the lease of 929 Old Ocean Highway to Brunswick Family Assistance, Inc. for six (6) months, with the intent of a longer-term lease in the future, is ready to execute. Vice – Chairman Forte made the motion to approve the lease agreement. Commissioner Williams seconded the motion. Commissioner Sykes has concerns with the purchase of the property being conducted in open session. The following vote was recorded:
Chairman Thompson - Aye
Vice – Chairman Forte – Aye
Commissioner Cooke -Aye
Commissioner Sykes – Nay
Commissioner Williams - Aye

The motion passed (4 to 1).

IX. BOARD APPOINTEMENTS

1. **Clerk to the Board – FY 23-24 Annual Board Appointments**
The Board received a listing of the various board seats that are ready for appointment/reappointment. The following appointments/ re-appointments were nominated by district:
District 1:
Brunswick Business Industry Development – Allen Bryant
District 2:
Brunswick Business Industry Development – John Ward
BSRI – Joyce Lowrimore
District 3:
Brunswick Business Industry Development – Kim Gamlin
Library Board – June Jones
District 4:
Brunswick Business Industry Development – Ray Skipper
Planning – Jason Gaver
District 5
Brunswick Business Industry Development – Perry Davis
At Large Appointments:
Lower Cape Fear Water and Sewer Authority – For this Board, Commissioner Williams discovered all County appointees held a term expiration or reappointment date at the same time. In an effort to have the Board rotate equally, effective this term the following appointments and terms will apply:
Bill Sue: This seat will be a one (1) year term until 2024 then set to three (3) year terms going forward.
Scott Phillips: This seat will be a two (2) year term until 2025 and will set to three (3) year terms going forward.
Phillip Tripp: This seat will be a three (3) year term going forward.

The following appointments were tabled until the June 19, 2023 Board of Commissioners Meeting by district:
District 1:
Library Board
Parks and Recreation
At Large:
Board of Equalization and Review Alternate (2 seats)
Juvenile Crime Prevention Council
Substance Use and Abuse Commission

Commissioner Williams made the motion to approve the board appointments as presented and to table those requested until the June 19, 2023 meeting. The motion was seconded by Vice – Chairman Forte and passed unanimously (5 to 0).

2. **Clerk to the Board – Board Appointment to Southport Planning Board Alternate ETJ:**
Commissioner Sykes asked the appointment to be tabled until the June 19, 2023 Board of Commissioner's Meeting for clarification on the appointment of ETJ appointments in general and the appointment process.

X. OTHER BUSINESS/INFORMAL DISCUSSION

Mr. Shaver clarified the purchase of the 929 Old Ocean Highway occurred in closed session. Once the Board returned to open session, the Board authorized the budget amendment to appropriate the funds for the purchase of the building and the land. Based on the above information, Commissioner Cooke made the motion to amend the vote for the lease of the 929 Old Ocean Highway Lease to reconsider with all in favor. Commissioner Cooke made the motion to approve the lease. The motion was seconded by Commissioner Williams with all in favor (5 to 0).

XI. ADJOURNMENT

Commissioner Williams made the motion to adjourn the meeting at 4:53 p.m. The motion was seconded by Commissioner Cooke and passed unanimously (5 to 0).

Randy Thompson, Chairman
Brunswick County Board of Commissioners

Attest:

Daralyn Spivey, NCCCC
Clerk to the Board