

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
April 20, 2023
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 Randy Thompson, Chairman
Commissioner J. Martin Cooke
Commissioner Pat Sykes
Commissioner Frank Williams

ABSENT: 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
Daralyn Spivey, Clerk to the Board
LeAnn Weigand, Executive Assistant
Meagan Kascsak, Communications Director
Currie Elkins, IT
Capt. Siler, 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 6:00 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 (4 to 0).

IV. PUBLIC COMMENTS

Chairman Thompson opened the public comment period at 6:02 p.m. with the following comments:

Mr. Gary Otsby spoke to his support of the Board of Elections.

Mr. Nick Cherasaro spoke to the need for the Commissioner’s meetings to be broadcast and thanked the Commissioners for not using County tax dollars to support the proposed baseball field in Leland.

V. APPROVAL OF CONSENT AGENDA

Commissioner Williams moved to approve the Consent Agenda. The motion was seconded by Commissioner Sykes and passed unanimously (4 to 0). See individual items for approval status:

1. **Clerk to the Board - Meeting Minutes – April 3, 2023 Regular Meeting - Approved**
The Board approved the Minutes from the April 3, 2023, Regular Meeting.
2. **County Attorney – Adams Beverage DOD– Approved**
The Board accepted the Deed of Dedication for water and sewer infrastructure for Adams Beverage in the Leland Industrial Park.
3. **County Attorney – Beach Walk, Phase 2 DOD - Approved**
The Board accepted the Deed of Dedication for water and sewer infrastructure for Beach Walk Phase 2.
4. **County Attorney – The Bluffs on the Cape Fear, Phase 3, Sec 4 DOD– Approved**
The Board accepted the Deed of Dedication for water and sewer infrastructure for The Bluffs on the Cape Fear, Ph 3 Sec 4.
5. **Finance – ARPA Funding Allocation Request for Pre-Pandemic Employment FY 23 Qtr 3 - Approved**
The Board appropriated \$900K of American Rescue Plan Act Funds to increase the restoring of pre-pandemic employment project.
6. **Finance – Contract to Audit Accounts and Addendum with Thompson, Price, Scott, Adams LLC - Approved**
The Board approved the contract for audit services and an addendum with Thompson, Price, Scott, Adams LLC.
7. **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:

-Financial Reports for March 2023 (unaudited)
Summary Information for General and Enterprise Funds, ARPA, and Opioid project statuses, key revenue indicators, and Cash and Investment details are included. All year-to-date fiscal reports are provided
at: <http://brunswickcountnc.gov/finance/reports>
8. **Operation Services – Amended Resolution to Post Disaster Debris Policy - Approved**
The Board approved an amended Resolution updating the county’s post-disaster debris management policy. The resolution reads as follows:

RESOLUTION TO AMEND THE POST-DISASTER DEBRIS POLICY

WHEREAS, the County of Brunswick, through its Commissioners, wishes to eliminate any immediate threats to lives, public health, and safety.

WHEREAS, the County of Brunswick, through its Commissioners, may use a significant portion of the available capacity of the landfill to dispose of incident-related debris.

WHEREAS, although the Federal Emergency Management Agency (FEMA) cannot provide public assistance funding for the value of the loss of landfill capacity due to incident-related debris.

WHEREAS, tipping fees will continue to be paid by the residents of Brunswick County to cover the county’s waste disposal, recycling and/or reduction cost.

WHEREAS, when the disaster debris management and monitoring contracts and debris management sites are activated, FEMA provides public assistance funding for collection, disposal and/or processing of debris.

NOW THEREFORE, the Brunswick County Commissioners are hereby resolved to establish the following policies and procedures for post-disaster planning:

- Immediately following a significant disaster or debris event, debris management contractors will be directed to complete debris assessments of unincorporated areas.
- Activation of the County's disaster debris contracts should be dependent upon the initial debris assessments. The threshold for reimbursement by the state for an undeclared event is damages in excess of 1% of the County's overall annual budget. Federal declaration criteria based on NCEM county threshold is currently \$4.40 per capita, which would equal an activation trigger of 32,200 cy's of debris based on current contract pricing and current population estimate.
- When disaster debris management and monitoring contracts are activated, temporary debris management sites will be required, and tipping fees will remain in place for the Brunswick County Landfill.
- Landfill airspace utilized for debris disposal will not be eligible for funding.
- Municipalities that activate disaster debris management contracts or that perform disaster debris collections may be required to use a temporary debris site instead of the landfill due to traffic and volume constraints.
- Debris disposal, recycling and/or reduction completed at the Brunswick County Landfill will be considered normal operations and tipping fees will not be waived.
- Storm debris collections performed by the County's disaster debris contractors should include private and orphaned roads and gated communities in the unincorporated areas. Collections in gated communities will only be conducted upon request and if the debris is determined to be a public safety issue.
- When disaster debris management and monitoring contracts are activated for all unincorporated areas countywide, then the county will also initiate the Memorandum of Agreement with NCDOT for debris collection on state roads in order to minimize confusion and maximize efficiency for residents.

Randell Thompson Chairperson
Brunswick County Board of Commissioners

Attest:

Daralyn Spivey
Clerk to the Board

9. **Public Housing – Annual Civil Rights Certification – Approved**
The Board reviewed and executed the Annual Civil Rights Certification.
10. **Risk Management – Supplier Agreement with Coro Medical, LLC for Purchase of AED Equipment – Approved**
The Board approved the request for the purchase of 53 units of AED Equipment for installation in County parks and buildings.
11. **Soil and Water – StRAP Grant SOW Revision to Include Shallotte Creek River Street Bridge -Approved**
The Board approved the request for StRAP grant scope of work revision to include the demolition and removal of the River Street bridge located in the Shallotte Creek in Supply.
12. **Tax - Tax Admin – April 2023 Releases**
The Board approved the request for the April 2023 releases.
13. **Tax – April 2023 MV Discovery Valuation & Levy for March 2023**

The Board approved the request for the April 2023 motor vehicle value and levy discovery created in March 2023

14. Utilities – Northeast Brunswick Regional WWTP – Budget Amendment – Approved

The Board approved the request for a budget amendment in the amount of \$320K to increase funds available to mee FY23 demands of electricity, chemicals, diesel generator fuel and workers compensation expenditures at the Northeast Brunswick Regional WWTP.

15. Utilities – Sewer Construction Budget Amendment – Approved

The Board approved the request for additional funds in the amount of \$74K to have adequate funds for the remainder of the fiscal year.

VI. PRESENTATION

1. Clerk to the Board – Proclamation – Lineman Appreciation 2023

Commissioner Williams read the proclamation for Lineman Appreciation 2023. The Proclamation reads as follows:

**PROCLAMATION
LINEMAN APPRECIATION DAY APRIL 18, 2023**

WHEREAS, the profession of Electric Linemen requires passion, dedication and is steeped in tradition; and

WHEREAS, linemen work 365 days a year in inclement weather and hazardous weather conditions to build, maintain and repair the electric infrastructure; and

WHEREAS, linemen also are often the first responders during storms and other catastrophic events, working to make the scene safe for other first responders; and

WHEREAS, Brunswick County joins other communities across the nation in recognizing and celebrating the profession of Electric Linemen and therefore, we honor our Brunswick Electric personnel for exemplary service to the County.

NOW, THEREFORE, BE IT RESOLVED, by the Brunswick County Board of Commissioners do hereby proclaim April 18, 2023 as

LINEMAN APPRECIATION DAY IN BRUNSWICK COUNTY

and call upon all citizens and businesses to acknowledge and thank the linemen you see for the selfless and dangerous work they perform every day to keep our power on and the public safe.

PROCLAIMED this, the 17th day of April, 2023.

Randy Thompson, Chair
Brunswick County Board of Commissioners

ATTEST:

Daralyn Spivey NCCCC
Clerk to the Board

Commissioner Williams made the motion to approve the Proclamation. The motion was seconded by Commissioner Sykes and passed unanimously (4-0).

2. Clerk to the Board – Proclamation – Honor Flight

**RESOLUTION RECOGNIZING
HONOR FLIGHT OF THE CAPE FEAR AREA**

WHEREAS, the security of the United States relies on patriotic women and men who put their personal lives on hold and place themselves in harm’s way to protect the freedoms on which this country was founded and that all citizens of the United States cherish; and

WHEREAS, the Honor Flight Network is a national, non-profit organization created by Earl Morse, a physician assistant and retired Air Force captain, and Jeff Miller, a small business owner and son of a World War II Veteran solely to honor America's Veterans for all their sacrifices; and

WHEREAS, through the Honor Flight organization, over 250,000 World War II, Korea War, and Vietnam War Veterans from across the United States have an opportunity to take an all-expenses paid trip to Washington D.C. to visit the military service memorials; and

WHEREAS, many Veterans have never visited Washington, D.C., and could not make this trip without Honor Flight's support and resources; and

WHEREAS, Honor Flight of the Cape Fear Area is a recently established hub of the national program led by local volunteers to pay tribute to Veterans in the Cape Fear area, and to educate members of the community about our local heroes; and

WHEREAS, annually in the spring, this amazing organization provides World War II, Korea War, and Vietnam War Veterans a chance to fly out of Wilmington International Airport to Washington D.C. and visit their memorials; giving participants the unique opportunity both to pay their respects to their fellow soldiers and to receive the time of reflection and celebration they so richly deserve; and

WHEREAS, North Carolina’s Veterans of World War II, the Korea War, and the Vietnam War embody the spirit of service with a willingness to find meaning in something greater than themselves, and it is fitting and proper that the outstanding accomplishments and sacrifices of these distinguished Americans be honored appropriately.

NOW, THEREFORE, BE IT RESOLVED that the Brunswick County Board of Commissioners commend North Carolina’s Veterans of World War II, the Korea War, and the Vietnam War; Honor Flight of the Cape Fear Area is recognized; and Brunswick County extends its deepest appreciation to those who stood ever ready to make the ultimate sacrifice upon the alter of freedom.

Adopted, this 17th day of April 2023.

Randy Thompson, Chair
Board of Commissioners

Daralyn Spivey, NCCCC
Clerk to the Board

Commissioner Cooke made the motion to adopt the Resolution. The motion was seconded by Commissioner Williams and passed unanimously (4 to 0).

- 3. Utilities – Drinking Water Week**
Mr. Nichols presented the Board with the Drinking Water Week Resolution recognizing the importance of safe drinking water. The Resolution reads as follows:

RESOLUTION RECOGNIZING DRINKING WATER WEEK

WHEREAS, the Board of Commissioners for Brunswick County (County) wishes to provide and promote the importance of safe drinking water in Brunswick County; and

WHEREAS, Brunswick County Public Utilities (BCPU) serves not only the unincorporated areas of the County; but also, within the municipalities of Boiling Spring Lakes, Bolivia, Calabash, Carolina Shores, Caswell Beach, parts of Leland, Navassa, Northwest, parts of Oak Island, St. James, Sandy Creek, parts of Southport, Sunset Beach, and Varnamtown; and

WHEREAS, for nearly four decades Brunswick County Public Utilities has faithfully provided water to other utilities (wholesale customers) including Ocean Isle Beach, Holden Beach, Oak Island, Bald Head Island, Southport, Shallotte, and H2GO; and

WHEREAS, the County recognizes that water is our most valuable natural resource, and that access to safe drinking water is a necessity; and

WHEREAS, Brunswick County Public Utilities operates a premier drinking water system, that has been awarded the NC American Water Works Association Water Large Distribution System of the Year Award five consecutive years, that safeguards public health by producing and distributing drinking water to citizens throughout Brunswick County.

WHEREAS, the County's water system also provides fire protection, supports the continued growth essential to the economic health of the region, and enhances the quality of life for all citizens of the County;

WHEREAS, the County has taken extraordinary steps to provide sufficient water quantity and to safeguard the health and economic future of its residents and customers by undertaking construction of an expansion of the Northwest Water Treatment Plant and the addition Low Pressure Reverse Osmosis to remove emerging contaminants in its source water; and

WHEREAS, the County calls upon the residents and businesses of our County, the regulatory agencies tasked with source water protection, and all residents and visitors within the state that impact the upstream river system, to protect our source waters from pollution, to practice water conservation, and to support efforts to provide high quality drinking water for the residents and visitors of Brunswick County.

NOW, THEREFORE BE IT RESOLVED, by the Chairman and the Board of Commissioners of Brunswick County that the first full week of May is proclaimed as Drinking Water Week.

THEREFORE, BE IT FURTHER RESOLVED, that a copy of this resolution be recorded in the permanent minutes of this Board.
Adopted this 17th day of April 2023.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of Commissioners of the County of Brunswick does hereby certify: That the above resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Brunswick County Board of Commissioners duly held on the 17th day of April

2023; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of April 2023.

Daralyn Spivey NCCCC
Clerk to the Board

Commissioner Sykes made the motion to adopt the Resolution. The motion was seconded by Commissioner Williams and passed unanimously (4 to 0).

VII. PUBLIC HEARING

1. Public Housing – Public Housing Annual Public Hearing

Ms. Lytch requested the Board hold a public hearing to receive comments or suggestions on the Public Housing Agency’s goals, objectives, and policies.

Chairman Thompson opened the public hearing at 6:25 p.m.
Hearing no comments, Chairman Thompson closed the public hearing at 6:25 p.m.

VIII. ADMINISTRATIVE REPORT

1. Administration – Enterprise Revenue Bonds

Mr. Stone requested the Board approve the engagement of Raftelis Financial Consultants, Inc to perform a financial feasibility review, Parker Poe to serve as bond counsel, Davenport Public Finance to serve as the county’s financial advisor, and Robert W. Baird & Co., Inc. to serve as the managing underwriter and/or placement agent on the series 2023 Enterprise System Revenue Bonds to construct a 0.75 MGD expansion of the West Brunswick Regional Wastewater System at the Shallotte plant site.

Commissioner Sykes moved to approve the agreements, The motion was seconded by Commissioner Cooke and passed unanimously (4 to 0).

2. County Attorney – Resolution Opposing Senate Bill 673

Mr. Shaver explained that Senate Bill 673 titled “Water and Wastewater Relief Act, will lessen the regulations on interbasin transfers negatively impacting Brunswick County and every water utility on the Cape Fear River south of Jordan Lake in Chatham County. The Resolution reads as follows:

**A RESOLUTION OF THE BRUNSWICK COUNTY
BOARD OF COMMISSIONERS OPPOSING
SENATE BILL 673**

WHEREAS, on April 6, 2023, Senate Bill 673 titled “Water and Wastewater Regulatory Relief Act” was filed for consideration by the North Carolina General Assembly; and

WHEREAS, a portion of the Bill, as written, would amend N.C.G.S. 143-215.22L pertaining to the regulation of surface water transfers to allow 5 million gallons per day of water to be transferred from one river basin to another without need of obtaining an Interbasin Transfer Certificate from the Environmental Management Commission. The current threshold is 2 million gallons per day; and

WHEREAS, more than doubling the amount of unregulated transfers between river basins poses a serious threat to Brunswick County and all the areas in southeastern North Carolina that rely on the Cape Fear River as a primary source for drinking water; and

WHEREAS, there are approximately 10-15 municipal water systems in the Triangle area that would be eligible to take advantage of the increased Interbasin transfer threshold. As a result, this legislation would allow for approximately 50 to 75 million gallons per day to be transferred from the Cape Fear River Basin to the Neuse River Basin completely outside of the Interbasin Transfer Certificate process; and

WHEREAS, transfers out of the Cape Fear River Basin affect the total amount of allocation that downstream users can safely withdraw from the Cape Fear River; and

WHEREAS, because of existing data on low flow studies, transfers of the amount proposed by this bill would likely exceed safe scientific practice and would thereby threaten the state’s water resources; and

WHEREAS, neighboring states do not allow anywhere near 5 million gallons per day to be transferred in the manner proposed by the legislation, with many capping it at 100,000 gallons per day (SC, GA, FL) and some prohibiting any interbasin transfer without a permit (TN, TX); and

WHEREAS, the newly added provisions to N.C.G.S 143-215.1 regarding peak daily sewage flow rates and calculation of permitted hydraulic capacity would penalize fast growing counties like Brunswick County and be likely to force Brunswick County into a development moratorium for additions to the treatment system even when expansion is planned for and under contract.

NOW THEREFORE BE IT RESOLVED that the Brunswick County Board of Commissioners expresses its opposition to Senate Bill 673 because it would negatively impact Brunswick County’s ability to provide drinking water to its citizens and it poses a threat to the continued growth and economic vitality of Brunswick County.

Adopted this the 17th day of April 2023.

Randell Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:

Daralyn Spivey, NCCCC
Clerk to the Board

Commissioner Williams moved to approve the Resolution. The motion was seconded by Commissioner Sykes and passed unanimously (4 to 0).

3. County Attorney – Resolution Supporting House Bill 544 Limiting Shark Fishing Tournaments

Mr. Shaver explained this resolution would be in support of House Bill 544 amending N.C.G.S. 113-192 to make it unlawful between May 1 and October 31 of each year to take sharks as part of a recreational fishing tournament in Carolina Beach, Caswell Beach, Holden Beach, Kure Beach, Oak Island or Bald Head Island. The Resolution reads as follows:

A RESOLUTION OF THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS SUPPORTING HOUSE BILL 544 LIMITING SHARK FISHING TOURNAMENTS DURING TOURIST SEASON

WHEREAS, on March 30, 2023, Representative Miller introduced House Bill 544 titled “Limited Shark Fishing Tournament Moratorium” for consideration by the North Carolina General Assembly; and

WHEREAS, Brunswick County’s six beaches are a well-known, family friendly tourist destination enjoyed by thousands of visitors and residents during the peak months of May through October; and

WHEREAS, although the beaches support recreational uses of both swimming and fishing, the intentional baiting and luring of sharks to the shoreline during tourist season through shark fishing tournaments represents an unsafe and unwise use of the beaches; and

WHEREAS, House Bill 544 would amend N.C.G.S. 113-192 to make it unlawful, between May 1 and October 31 of each year, to take sharks as part of a recreational fishing tournament where the person landing the shark is on the shore or on a structure attached to the shore of Carolina Beach, Caswell Beach, Holden Beach, Kure Beach, Oak Island, or Bald Head Island.

NOW THEREFORE BE IT RESOLVED that the Brunswick County Board of Commissioners expresses its support of House Bill 544 and urges the General Assembly to enact the bill.

Adopted this the 17th day of April 2023.

Randell Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:

Daralyn Spivey, NCCCC
Clerk to the Board

Commissioner Cooke made the motion to adopt the Resolution. The motion was seconded by Commissioner Sykes and passed unanimously (4 to 0).

IX. OTHER BUSINESS/INFORMAL DISCUSSION

- 1. Commissioner Sykes:**
Commented on her concerns with current county development, growth impacts on the wastewater system, the Unified Development Ordinance, and protection of the County’s water resources.
- 2. Commissioner Williams:**
Noted the Board of Commissioners typically do not vote on resolutions concerning state legislation, but the two (2) adopted tonight under the Administrative Report were particularly relevant to Brunswick County’s interests.

X. CLOSED SESSION

- 1.** The Board entered into closed session pursuant to G.S. § 143-318.11(a)(1)(3) and (6) to consult with the attorney, to approve Closed Session Minutes from April 3, 2023, to consult with its attorney in order to preserve the attorney-client privilege, and to discuss conditions of employment of a prospective public officer or employee.

Mr. Shaver noted the above statutory requirements.

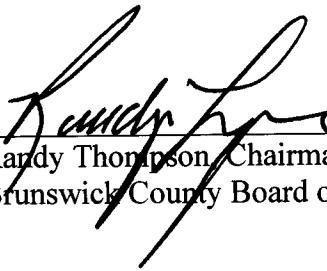
Commissioner Sykes made the motion to enter Closed Session at 6:41 p.m. The motion was seconded by Commissioner Williams and passed unanimously (4 to 0).

Chairman Thompson called the Regular Session to order at 7:10 p.m.

Mr. Shaver stated there was nothing to report from Closed Session.

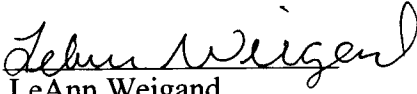
XI. ADJOURNMENT

Commissioner Williams moved to adjourn the meeting at 7:10 p.m. The motion was seconded by Commissioner Sykes and passed unanimously (4 to 0).



Randy Thompson, Chairman
Brunswick County Board of Commissioners

Attest:



LeAnn Weigand
Deputy Clerk to the Board