

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
October 16, 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 Mike Forte, Vice-Chairman
Commissioner Frank Williams
Commissioner Pat Sykes
- 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
Meagan Kasczak, Communications Director
Currie Elkins, IT
Deputy Summey, 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

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

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Thompson asked for adjustments to the agenda. Hearing none, 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 3:01 p.m. with the following comments:

Mr. Carl Parker spoke to the Board regarding the need for water and sewer accessibility for the underserved of the County.

Mr. Tom Cigliano spoke to his appreciation of the Board and the support for the Veterans of the County.

V. 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 - ARP-Enabled Funding Approval - WARM Contract for Weatherization, Safety, and Accessibility Improvements - Approved

The Board approved the contract with WARM for weatherization, safety, and accessibility improvements, along with authorizing the funding to support the agreement.

2. Administration - Budget and Agreement for the Purchase of 539 Acres Located in the Mid-Atlantic Industrial Rail Park - Approved

The Board appropriated available fund balance for the purchase of 539 acres of land at the Mid-Atlantic Industrial Rail Park and authorized the County Manager to sign an agreement with the seller of the parcel.

3. Clerk to the Board - Meeting Minutes - October 2, 2023, Regular Meeting- Approved

The Board approved the Regular Meeting Minutes from October 2, 2023.

4. County Attorney - Calabash 15 Apartments, Water System Dedication - Approved

The Board accepted the Deeds of Dedication for water infrastructure for Calabash 15 Apartments.

5. County Attorney - Declaration of Surplus Property - Beasley Heir Foreclosure Suit- Approved

The Board declared property obtained by the County through tax foreclosure as surplus property to be placed on the County's website for possible future purchase.

6. County Attorney - Driving Creek Hunting Club Lease- Approved

The Board approved the renewal of the lease with Driving Creek Hunting Club.

7. County Attorney - Glendale Arbor Phase 1A DOD- Approved

The Board accepted the Deed of Dedication for water and sewer infrastructure in Glendale Arbor, Phase 1A.

8. Engineering - Resolution Exempting Professional Surveying Services from the Provisions of G. S. 143-64.31 - Approved

The Board approved a resolution exempting the procurement of professional surveying services from the requirements of G.S. 143.64.31. The Resolution reads as follows:

RESOLUTION EXEMPTING LAND SURVEYING ACTIVITIES

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 "Services") to be based on qualifications and without regard to fee; and

WHEREAS, the County proposes to enter into one or more contracts for professional surveying services for work associated with the purchase of 539 acres of land within the Mid-Atlantic Industrial Rail Park; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for such 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 the Services for the above-described project is less than \$50,000.

NOW, THEREFORE, BE IT RESOLVED BY THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS THAT:

1. The above-described project is hereby exempt from the provisions of G. S. 143-64-31.
2. This resolution shall be effective upon adoption.

Adopted this the 16th day of October, 2023.

Randy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:
Daralyn Spivey
Clerk to the Board of Commissioners

- 9. Finance - Fiscal Items- Approved**
The Board approved Budget Amendments, Capital Project Ordinances, and Fiscal Items of a routing nature on the consent agenda.
- Continued Projects Revenue Budget Amendment**
Appropriating fund balance rollover for revenues received in FY23 and needing appropriation in FY24 for use in corresponding programs and continuing projects.
- DSS Special Assistance Budget Amendment**
Appropriating \$7,198 of federal revenues for the DSS Special Assistance as approved in the funding authorization from the Division of Social Services.
- Closeout Phase 1 Bond Project**
Close the 2016 Bond Referendum Phase 1 project and return \$2,678,930 to the Ad Valorem Contingency for use in future projects.
- FY23 JCPC Restitution Refund**
Appropriating fund balance of \$15,605 FY23 commitments continued in FY24. Grant repayment of unexpended FY23 funds in the amount of \$15,605.
- FY23 Year End Capital and Replacement Reserve Transfer Budget Amendment**
Appropriating \$39,378 of interest and fund balance of \$12,425 for rollover of Northeast Brunswick Regional Capital and Replacement funds transfer to reserve after year end June 30,2023, reconciliation. Appropriating \$12,792 of interest and fund balance of \$278,351 for rollover of West Brunswick Regional Capital and Replacement funds transfer to reserve after year end June 30,2023, reconciliation. Appropriating \$9,538 of interest and fund balance of \$53,624 for rollover of Ocean Isle Beach Regional Capital and Replacement funds transfer to reserve after year end June 30, 2023, reconciliation.
- Financial Reports July, August, September 2023 (unaudited)**
Summary Information for General and Enterprise Funds, ARPA, and Opioid project statuses, key revenue indicators, and Cash and Investments details are included. All year-to-date fiscal reports are provided at:
<http://brunswickcountync.gov/finance/reports>
- 10. Health Services - Consider Acceptance of a Grant to Health Services - Approved**
The Board approved and accepted a \$50,000 grant for workforce development, support, efficiencies and effectiveness - this is the second round for FY 24 from a state regional public health grant administered by Duplin County.
- 11. Human Resources - Proposed Extension Request - Telecommuting Pilot Program- Approved**
The Board approved an extension to the Temporary Telecommuting Pilot Program currently in place through June 30, 2024.
- 12. Information Technology - Approval of procurement of RUBRIK backup solution through Level Solutions Group, LLC- Approved**
The Board approved the procurement of the RUBRIK Back-up Solution from Level Solutions Group, LLC via GSA Schedule - Contract GS35F-303DA.
- 13. Library - Purchase of VOIP Phones for Library Branches using ARP-Enabled Funds- Approved**
The Board approved \$4,272.67 in ARP-enabled funds to be allocated for the purchase of VOIP for three Library branches.
- 14. Operation Services - Gregory Poole Equipment Company Supplier Agreement for Motor Grader- Approved**
The Board approved a supplier agreement with Gregory Poole Equipment Company.

15. Sheriff's Office - GHSP Grant Award Acceptance – LEL- Approved

The Board approved a grant award from the North Carolina Governor's Highway Safety Program (GHSP) for the Region 3 Law Enforcement Liaison position. This is the third year of this grant, and federal funds cover 100% of the total award, valued at \$30,000.

16. Sheriff's Office - GHSP Grant Award Acceptance - Traffic Unit- Approved

The Board approved a grant award from the North Carolina Governor's Highway Safety Program (GHSP) which will allow for the continuation of the Traffic Unit at the Sheriff's Office. The grant provides federal funding for three deputy positions. This is the second year of this grant with a total value of \$271,635; the County's share of this award is 30%, or \$81,490.

17. Sheriff's Office - Sole Source Resolution - 911 Tower Project- Approved

The Board approved a resolution authorizing the purchase of communications equipment under Sole Source Exception. The vendor, Communication Specialists Company, Inc., will install said equipment at one of the County's tower sites that supports 911 radio communications. This project was approved as part of the FY24 budget request. The Resolution reads as follows:

**RESOLUTION AUTHORIZING PURCHASE OF PUBLIC
SAFETY COMMUNICATIONS TOWER EQUIPMENT
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, Brunswick County and the Brunswick County Sheriff's Office 911 Communications maintain and support a series of towers in the County that assist in the facilitation of public safety communications and notifications; and

WHEREAS, there are needs to establish backup and redundant systems to support the primary communications systems and its associated towers; and

WHEREAS, Communication Specialists Company, Inc. has extensive background and history in the initial implementation, maintenance, and support of this equipment, including the initial site of the Coastal Repeater System and the four (4) additional tower sites in Sunset Beach, Holden Beach, Leland, and Bolivia; and

WHEREAS, further additions to the system, including a sixth site upgrade at the Winnabow Green Hill Road Radio Tower compound, must also be compatible with existing equipment to complete the build-out; and

WHEREAS, Communication Specialists Company, Inc. remains the primary vendor with the ability to maintain standardization and compatibility of this tower site project, as well as future related tower projects, to ensure such compatibility with existing infrastructure; 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 16th day of October, 2023.

Randy Thompson, Chairman

ATTEST:
Daralyn Spivey, NCCCC
Clerk to the Board

- 18. **Tax - Tax Admin - October 2023 Releases- Approved**
The Board approved the October 2023 releases.
- 19. **Utilities - Harper Corporation GC - Mulberry Branch Water Reclamation Facility Construction Contract- Approved**
The Board approved appropriations, authorized staff to issue a Notice of Award, authorize the Chairperson and Clerk to the Board to execute the contract with Harper General Contractors in the amount of \$46,413,000 for the construction of the Mulberry Branch Water Reclamation Facility; contingent on the County Attorney's review and approval of the construction contracts, performance bonds, payment bonds, NC E-Verify Affidavits of Compliance, insurance certificates, and the closing of the revenue bond sale.
- 20. **Utilities - Purchase of 135 Double Gulf Meter Boxes - Core & Main- Approved**
The Board approved a budgeted purchase of \$94,177.52 for 135 double meter boxes from Core & Main LP.

VI. **PRESENTATIONS**

- 1. **Clerk to the Board - Resolution - Operation Green Light**
Commissioner Williams read the following and made the motion to adopt the Operation Green Light Resolution. The Resolution reads as follows:

**RESOLUTION SUPPORTING OPERATION
GREEN LIGHT FOR VETERANS**

WHEREAS, Veterans continue to serve our community in the American Legion, Veterans of Foreign Wars, religious groups, civil service, and by functioning as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability and compensation benefits each year; and

WHEREAS, Approximately 200,000 service members transition to civilian communities annually; and

WHEREAS, studies indicate that 44-72 percent of service members experience high levels of stress during transition from military to civilian life; and

WHEREAS, Active Military Service Members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, Brunswick County appreciates the sacrifices of our United State Military Personnel and believes specific recognition should be granted.

NOW THEREFORE BE IT RESOLVED, with designation as a Green Light for Veterans County, Brunswick County hereby declares from November 6-12, 2023, a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; and

BE IT FURTHER RESOLVED, that in observance of Operation Green Light, Brunswick County encourages its citizens in patriotic tradition to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence.

Adopted this, the 16th day of October 2023.

Randy Thompson, Chairman
Board of Commissioners

ATTEST:
Daralyn Spivey NCCCC, CMC
Clerk to the Board

The motion was seconded by Commissioner Cooke and passed unanimously (5 to 0).

- 2. **Clerk to the Board - Eagle Island Nature Park**
The Board received a presentation from Roger Shew of UNCW regarding the Eagle Island Nature Park Taskforce.
- 3. **Utilities - Reclaimed Water Policy Presentation**
The Board received information and provided staff direction for consideration of amending the existing Reclaimed Water Policy.

VII. PUBLIC HEARING

- 1. **Planning - UDO Text Amendment - Data Centers**
Staff recommend approval to amend the UDO by adding Data Center to the Use Table, adding data center/data storage to the use interpretation table, and adding a definition for data center based upon information provided, surrounding area, current uses, the Blueprint Brunswick 2040 Comprehensive Plan (CAMA Land Use Plan) and other adopted Brunswick County plans and policies.

Per NCGS, zoning regulations shall be made in accordance with a comprehensive plan. Prior to adopting or rejecting any zoning amendment (including map and text amendments), a statement regarding plan consistency shall be adopted.

This request is consistent with the goals, recommendations and policies of the following plans adopted by Brunswick County and is reasonable and appropriate based on the following findings:

- Clarifies the Unified Development Ordinance (UDO) by addressing a use that was not permitted or defined.
- Expand options for businesses in Brunswick County.
- Blueprint Brunswick Goals and Objectives, Education Goal, states that Brunswick County should promote quality education and lifelong learning opportunities.
- ED-1 states that Brunswick County should maintain and expand job opportunities in the County.

☐ Agricultural Development Plan	☒ Unified Development Ordinance
☐ Brunswick County Comprehensive Transportation Plan (CTP)	☐ Southeastern North Carolina Hazard Mitigation Plan
☐ Brunswick County Trail Plan	☐ Airport Height Control Ordinance
☒ Blueprint Brunswick 2040 Comprehensive Plan	Other. _____

Chairman Thompspon opened the public hearing at 7:00 p.m. and hearing no comment, closed the public hearing.

Commissioner Williams made the motion to approve the amendment with the above consistency statement. The motion was seconded by Vice – Chairman Forte and passed unanimously (5 to 0).

VIII. ADMINISTRATIVE REPORT

1. **Administration – Letter of Support for Israel**
Commissioner Cooke read House Resolution 897 in support of Israel and notified the gallery that a signed letter would be addressed to Senators Budd and Tillis and Representative Rouzer supporting the Government and the people of Israel. Commissioner Cooke went on to make the motion for approval. The Resolution reads as follows:

**A HOUSE RESOLUTION URGING CONGRESS TO SUPPORT THE
NATION OF ISRAEL 2 IN RESPONSE TO THE UNPROVOKED
ATTACKS**

WHEREAS, on October 7, 2023, the terrorist organization Hamas launched an unprovoked attack on Israeli civilians; and

WHEREAS, innocent men, women, and children have been captured and killed by Hamas terrorists; and

WHEREAS, Israel declared war against Hamas on Sunday, October 8, 2023; and

WHEREAS, Israel and the United States of America are close friends and allies thanks to the 75-year partnership between our two countries, built on mutual interests and shared democratic values;

NOW, THEREFORE BE IT RESOLVED by the House of Representatives:

- SECTION 1.** The United States Congress is urged to offer full and unequivocal support of Israel financially and otherwise for as long as it takes for Israel to bring justice in light of the unprovoked attacks on innocent Israeli civilians.
- SECTION 2.** This resolution is effective upon adoption.

The letter signed by Chairman Thompson addressed to the above recipients reads as follows:

On October 7, 2023, the Hamas terrorist organization began an unprovoked and brutal attack on the people of the nation of Israel. On October 10, 2023, the North Carolina General Assembly passed a resolution of its unqualified support for Israel, and the Brunswick County Board of County Commissioners strongly concurs with the letter and spirit of that resolution, a copy of which is attached.

Please support whatever military or political actions that you deem appropriate to support the nation of Israel and her people. Thank you for your efforts on this and all other matters of importance to the people of the United States of America and of Brunswick County.

Best Regards
Randy Thompson
Chairman of the Board

Commissioner Williams seconded the motion and was passed unanimously (5 to 0).

2. **Utilities - Northwest Water Treatment Plant Basis of Design - CDM Smith Contract Amendment No. 4**
Commissioner Williams made the motion to authorize the Chairman and the Clerk to the Board to approve the CDM Smith Contract Amendment No. 4 and

associated budget amendment in the amount of \$3,437,100 for construction administrative services associated with the Northwest Water Treatment Plant expansion project. The motion was seconded by Commissioner Sykes and passed unanimously (5 to 0).

IX. BOARD APPOINTMENTS

1. Clerk to the Board - Board Appointment - Health and Human Services Advisory Board - Public Appointment

Vice – Chairman Forte made the motion to appoint Mr. Charles (Chip) Carroll as the Public Appointee to the Health and Human Services Advisory Board. The motion was seconded by Commissioner Williams and passed unanimously (5 to 0).

2. Clerk to the Board - Board Appointment - Health and Human Services Advisory Board - Veterinarian Appointment

Vice - Chairman Forte made the motion to appoint Dr. Lauren Gallagher to the Health and Human Services Advisory Board as the Veterinarian appointee. The motion was seconded by Commissioner Williams and passed unanimously (5 to 0).

X. OTHER BUSINESS/INFORMAL DISCUSSION

Commissioner Sykes requested staff to look to reinstitute the Neighborhood Water Program and bring a plan forward to the Board at the November 6 or the 20, 2023 meeting to include what funding would be necessary. Commissioner Williams would also like to know what options the County could offer for any payment plans that would be available for hookup fees.

Commissioner Sykes reminded staff of her request to discuss the clear cutting of land that is taking place within the larger developments and the need to change the Unified Development Ordinance (UDO). Mr. Stone advised there are discussions being had in order to bring the most effective change in the UDO going forward.

XI. CLOSED SESSION

The Board entered Close Session at 7:52 p.m. pursuant to N.C.G.S. 143-318.11(a)(1) (3) and (4) to approve Closed Session Minutes from the September 5, 2023, meeting, to consult with its attorney in order to preserve the attorney-client privilege, and to discuss matters relating to the location or expansion of industries or other businesses.

Mr. Shaver noted the above statutory requirements.

Commissioner Williams made the motion to enter Closed Session at 7:52 p.m. The motion was seconded by Commissioner Cooke and passed unanimously (5 to 0).

Chairman Thompson called the Regular Session to order at 8:15 p.m.

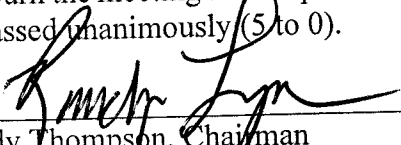
Mr. Shaver read the flowing statement:

The Board has authorized staff to hire legal counsel to join with Fayetteville Public Works Commission and Cape Fear Public Utility Authority to move to intervene in a contested case hearing between the City of Asheboro and NCDEQ to support DEQ's legal authority to establish regulatory limits on the discharge of 1,4 dioxane.

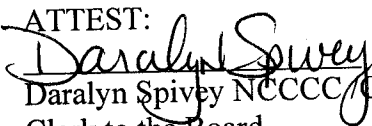
Mr. Stone also announced that the County would be purchasing modular office spaces to house community corrections freeing space at the Courthouse for the Public Defenders office. The County was notified there is a backlog in these units. Mr. Stone will bring the item forward for ratification of his signature at the November 6, 2023, meeting in an effort to expedite the process.

XII. ADJOURNMENT

Vice - Chairman Forte made the motion to adjourn the meeting at 8:19 p.m. The motion was seconded by Commissioner Cooke and passed unanimously (5 to 0).



Kandy Thompson, Chairman
Brunswick County Board of Commissioners

ATTEST:

Daralyn Spivey NCCCC/CMC
Clerk to the Board

