



**City of Boiling Spring Lakes
Board of Commissioners Regular Meeting Minutes
November 7, 2018
City Hall – 6:30 pm**

PLEASE TURN OFF CELL PHONES

1. Call to Order ~ Mayor Craig Caster

The Board of Commissioners Meeting was called to order at 6:30 pm.

2. Attendance ~

Mayor Craig Caster
Commissioner Mark Stewart
City Manager Jeff Repp
Chief of Police Brad Shirley

Commissioner Steve Barger
Commissioner Guy Auger
Commissioner Dana Witt
City Clerk Jane McMinn

Guest ~ Wes MacLeod ~ Council of Government

3. Pledge of Allegiance ~ Commissioner Mark Stewart

4. Approval of Regular Agenda ~

Commissioner Stewart requested to add under *New Business item ~ 1 ~ funding request for the Volunteer Fire / Rescue Department*

A *motion* was made by Commissioner Barger, a *second* by Commissioner Witt adding under *New Business item ~ 1 ~ funding request for the Volunteer Fire / Rescue Department*

Vote ~ 5 ~ 0

5. Community Service Award Presentation ~ Chief Brad Shirley

Chief Shirley recognized the law enforcement officers from the Brunswick County Sheriff's Office and the North Carolina Marine Patrol. Chief Shirley commented that during the storm the deputies stayed here to help us out as long as they could, before reporting back to the County due to the severity of the storm. The City will be forever grateful for all of their help.

Chief Shirley presented the Community Service Awards to ~ *Adrian Phelps, David Bryant, Tyler McCarty and Michael Wright of the Brunswick County Sheriff's Office.*

Chief Shirley also introduced John Weaver of the North Carolina Marine Patrol, who is a resident of Boiling Spring Lakes. Officer Weaver assisted in rescues in our City when the only access was by boat. The City is so grateful for his help and assistance during the storm.

Chief Shirley awarded *Officer Weaver the Community Service Award for his dedication and help to the City.*

6. Introduction of new Code Enforcement Officer ~ Ruth Bek, Chief Code Enforcement Officer

Ms. Bek introduced *Charles William Lathrop, otherwise known as Bill*, who is our new Code Enforcement Officer. Bill will be concentrating on the zoning, UDO and City Ordinances.

7. Mitch Prince Scholarship ~ Mary Stilwell

Mrs. Stilwell announced the Mitch Prince Scholarship Fund will be transferred to Brunswick Community College. With their help the Fund can continue.

Elina DiCostanzo who is from The Foundation of Brunswick Community College advised they were excited to bring on a new scholarship fund to the County to help students that are studying Criminal Justice. We will work together with the fund raising over the years ahead.

Mrs. Stilwell thanked the Mayor and everyone who have helped with this scholarship fund over the years. Mr. and Mrs. Prince were also present and support this transfer.

8. Hurricane Damage Update ~ City Manager Jeff Repp

Mr. Repp presented a power-point presentation updating what has taken place currently following a time-line from FEMA. The deadline for filing a claim for damage will be no later than December 15, 2018. Any claim filed after that date will not be accepted.

The Presentation of the updated information pertaining to Hurricane Florence is hereby made a part of these minutes. A full recording of the Board of Commissioners meeting has been placed on the City website.

9. Public Hearing ~

A *motion* was made by Commissioner Stewart, a *second* by Commissioner Barger to move into Public Hearing.

Vote 5 ~ 0

a. Stormwater Runoff ~

Wes MacLeod from the COG explained the proposal was initiated by the Board of Commissioners to help deal with standalone lots that have been platted that are not tagged for a State or County Stormwater permit. The proposal is to deal with drainage issues in the City pertaining to these lots.

Scott Langbeen ~ 3181 George II Highway

Mr. Langbeen requested the Board wait on amending the proposal and not rush this through. We have not seen the overall plan for the City yet. The proposal needs to be consistent with the Stormwater Plan. Currently there are a lot of moving parts. Waiting until the Plan is complete would be in the best interest for all.

Dewey Propst ~ 1111 Grace Rd.

Mr. Propst agreed with Mr. Langbeen. The proposal as it reads leaves many inconsistencies. Waiting until the Stormwater Plan is complete is the right thing to do for the City.

b. Temporary Housing Units ~

No Public Comments were heard.

c. Portion of Laurinburg Road Closure ~

No Public Comments were heard.

A *motion* was made by Commissioner Stewart, a *second* by Commissioner Barger to move out of Public Hearing and back into the Regular Board of Commissioners Meeting.

Vote ~ 5 ~ 0

10. Public Comments ~ [Comments are limited to 5 minutes per speaker]

Ken Conley ~ 1349 South Shore Dr.

Mr. Conley addressed Alton Lennon Rd. This is the only road the residents have to get from one side of the Big Lake to the other. I would like to suggest getting some pipes in place to give the residents back a temporary road until the dam is repaired. Mr. Conley also suggested looking into another electric supplier other than Duke Energy. He stated Brunswick Electric was much more responsive to communities being able to get power restored sooner. Duke Energy did not get to the City until Thursday, a week after the hurricane.

Gary Phillippe ~ 3846 George II Highway

Mr. Phillippe stated he is the owner of BSL Warehouse, LLC on Highway 87. I have an RV that I have kept on this property. Recently I received a violation informing me that I could not live in the RV. I disconnected the RV from the water and the sewer, and found

some place to live in the City. My business is operated out of my RV. I am only going to be here for about 2 more weeks doing some major renovation work and would like to be able to keep my motor home on the property while I am finishing up my work.

Joan Kinney ~ 793 So. Shore Dr.

Mrs. Kinney addressed the Board requesting the BOC not vote to amend Article 7.7.1 for Lake Drawn Irrigation Systems. At the present time, this is a moot issue given the fact there is no water in the lake. If the Board feels this is an issue, this could be brought up again at a later time.

Mrs. Kinney also requested the BOC to seriously consider a request by the BSL Fire / Rescue for equipment needs they may have.

Jeanne Carteret ~ 90 No. Shore Dr.

Mrs. Carteret supported the comments made by Mrs. Kinney regarding the lake irrigation. I am also against this amendment to the Article. I do not understand how this happened when there was only one complaint regarding a noisy pump. I too would like to ask the BOC vote against this unfair and unnecessary plan put forth by the Planning Board.

William Rivers 817 Blueberry Rd.

Mr. Rivers inquired when the contractors will complete picking up the debris in the City left from Hurricane Florence and when they would be picking up in the N. Hills area? City Manager Repp stated, it is based on the debris contractors and where they are working in the City. Beyond that, we cannot state where they are in the City at any given time. Mr. Repp assured Mr. Williams the debris will be picked up.

Ronnie Ratliffe ~ 472 So. Shore Dr.

Mr. Ratliffe requested the City put forth a time schedule for the citizens to follow for the work/replacement of the dam. It would be helpful for all of us to have access to this schedule. We would also like access to the roads that have been cleared. This information would let us know what streets still need to be cleared.

I was also not aware of the lake irrigation situation. I would like to see no restrictions placed on homeowners around the lakes allowing the homeowner to continue to use those lakes for irrigating their properties.

11. Approval of Minutes ~

- a. Approval of Board of Commissioners Meeting Minutes dated October 2, 2018.

A *motion* was made by Commissioner Witt, a *second* by Commissioner Auger to approve the Board of Commissioners Meeting Minutes dated October 2, 2018.

Vote ~ 5 ~ 0

12. Approval of the Consent Agenda ~

A *motion* was made by Commissioner Barger, a *second* by Commissioner Witt to approve the Consent Agenda.

Vote ~ 5 ~ 0

13. Committee / Board Reports and Minutes ~

a. Community Appearance Commission ~ Ann Hollingsworth, Chair

Ms. Hollingsworth reported The Commission is working on a new theme for our calendars, and we are accepting entries for our Christmas property recognitions. City Staff has refurbished our Christmas light decorations. We have 11 utility poles that will have decorations. The lights have been replaced with new green and red bulbs. Our snow flake decorations will be used with incandescent lights.

b. Planning Board ~ Bill Clark, Chair –

Mr. Clark reported there were three items on the agenda. 1.) Marketing Promotional Displays, 2) Temporary Housing Text Amendment and 3) Stormwater Management which was written by Wes MacLeod. The only comment the Planning Board would like to add is if you feel you would like to vote this in, you do not do this until the engineering is done for the elevation and pipe sizes. There was no other business. We did have the marketing displays, the representative did come out from the Holding Company and told us what they would like to do which we forwarded to the Board for your consideration.

c. Parks & Recreation Advisory Board ~ Bon Cantrell, Chair

Mr. Casper reported for Mr. Cantrell.

We tabled most of the events going on due to hurricane related weather issues. The Advisory Board did meet last month and we hope during the rebuilding process, especially of Alton Lennon and the dams, the Board will consider adding a bike lane and a walking path; the Advisory Board would like to have this added to the agenda. We would like some direction on how we can add this topic to the BOC agenda.

d. Special Events ~ Connie Ruehl, Chair

Mrs. Launderville reported for Mrs. Ruehl

With the support of our community, we were able to hold our Family Fun Day on October 27, 2018. The event was well attended and we extend special thanks to Linda Stelzer, Lori Akers, Paul Forte, Melanie Johnson, Joan Kinney, the VFW, Brunswick Family Assistance, Students from So. Brunswick High School and BSL Police Department for their help.

The Events Committee is working with BSL Fire / Rescue on the Christmas Festival/Tree Lighting named an Evening with Santa. The event will be held on December 1, 2018 at the Fire House.

At the last meeting the Committee voted that due to the inability to hold the 9/11 Bike Run, they would share the proceeds from their Mayors Cup Golf Tournament with the BSL Fire / Rescue and the BSL Police Department and would like to make those presentations tonight.

e. Library Commission ~ Frances Thomas, Chair

Mrs. Thomas reported the Commission did not meet in September or October, we will be meeting on November 8, 2018. We have one open position on the Commission which we are hoping to fill. The Meet the Author Event will be held on Thursday, November 15, 2018 from 6:30 to 8:00. Larry Modlin will present his book "Cape Fear Fairy Tales." The Commission will be participating in the Christmas Festival.

f. Boiling Spring Lakes Fire & Rescue ~ Chief Theresa Tickle

Chief Tickle reported:

- On November 1, 2018, will start our new year for calls. We ended the year on October 31, 2018, with a total of 1063 calls. Of those fire calls we had 441, EMS calls were 622.
- During the storm, fire calls were 187, EMS calls were 106 for a total of 293; 49 of those calls were water rescue; 77 were tree removals.
- The station had a total of 4893 training hours. We gained a new EMT who completed her training status.
- We are completing all of our FEMA information forms for submission.
- Station #3 has had all the mold removal completed, and we are getting bids for the rebuilding of the station.
- We have a new full-time person who will be working 4-10 hour shifts, he is also a fully certified EMT.
- Christmas trees will be delivered on November 20, 2018, which is our biggest fundraiser of the year.
- We held elections and I was voted in as Chief for another two years. Our president is Nathan McConnell, our Secretary remains Deb Farris.
- Commissioner Stewart will continue to represent us for the City.

14. City Manager's Report ~ Jeff Repp

Mr. Repp reported:

- As of September 30, 2018, the City had \$1,882,751 in cash and investments.
- After the first quarter of the fiscal year, the sales tax revenue is running 4.32% ahead of schedule.
- As of October 1, 2018, 10.4% of property taxes had been collected by Brunswick County.
- Due to Hurricane Florence, the County Administrator has tabled the RFQ process of selecting a firm to undertake a City wide sewer study. The study has been put on hold until the spring.

15. Old Business ~

No old business was listed for discussion.

15. New Business ~

- a. **Ordinance** ~ amending Article, 7.7.1 Lake Drawn Irrigation Systems of the UDO for the City of Boiling Spring Lakes.

A **motion** was made by Commissioner Stewart, a **second** by Commissioner Barger that we do not accept this ordinance change.

Vote ~ 0 ~ 5 ~ Ordinance Failed To Pass

- b. **Ordinance** ~ amending Article 5, 6, and Appendix A, Section 6.56 Mobile Food Trucks of the UDO for the City of Boiling Spring Lakes.

A **motion** was made by Commissioner Barger, a **second** by Commissioner Witt amending Article 5, 6, and Appendix A, Section 6.56 Mobile Food Trucks of the UDO for the City of Boiling Spring Lakes.

A discussion followed Commissioner Stewart questioned why the permit fees were only good for five (5) days. Mr. MacLeod explained this could be modified, however if the location changes, I believe this was the intent of the amendment change request.

A **motion** was made by Commissioner Barger, a **second** by Commissioner Stewart to amend the original motion, **requesting to table the ordinance** for better clarification of the amended ordinance with regard to the permitting process.

Vote ~ 5 ~ 0 ~ Ordinance Tabled

- c. **Ordinance** ~ amending Article 9, Section 9.2 Plot Plans for the UDO for the City of Boiling Spring Lakes.

A **motion** was made by Commissioner Barger, a **second** by Commissioner Witt amending Article 9, Section 9.2 Plot Plans for the UDO for the City of Boiling Spring Lakes. After discussion the motion was amended to table the ordinance pending the adoption of a City wide stormwater management study.

Vote ~ 5 ~ 0 ~ Ordinance Tabled

- d. **Ordinance** ~ amending Article 5, 6, and Appendix A, Section 6.57 of the UDO, Temporary Housing Accommodations for the City of Boiling Spring Lakes.

Wes McLeod with CFCOG requested the Board to consider amending the proposed ordinance by extending the same terms and provisions to Temporary Commercial Offices.

- e. A *motion* was made by Commissioner Stewart, a *second* by Commissioner Auger amending Article 5, 6, and Appendix A, Section 6.57 of the UDO, Temporary Housing Accommodations for the City of Boiling Spring Lakes.

Vote ~ 5 ~ 0

- f. *Order* ~ approving the 2019 Holiday Schedule for the City of Boiling Spring Lakes.

A *motion* was made by Commissioner Barger, a *second* by Commissioner Witt approving the 2019 Holiday Schedule for the City of Boiling Spring Lakes.

Vote ~ 5 ~ 0

- g. *Order* ~ approving the 2019 Board of Commissioners Meeting Schedule for the City of Boiling Spring Lakes.

A *motion* was made by Commissioner Witt, a *second* by Commissioner Barger approving the 2019 Board of Commissioners Meeting Schedule for the City of Boiling Spring Lakes.

Vote ~ 5 ~ 0

- h. *Order* ~ authorizing the payment of one-time Longevity Bonus as budgeted for the FY 2019 Adopted Budget to all full and part time employees.

A *motion* was made by Commissioner Auger, a *second* by Commissioner Barger authorizing the payment of a one-time Longevity Bonus as budgeted for the FY 2019 Adopted Budget to all full and part time employees.

Vote ~ 5 ~ 0

- i. *Order* ~ approving Sherrie Kuzian to the Library Commission for a term of two (2) years beginning November 7, 2018.

A *motion* was made by Commissioner Barger, a *second* by Commissioner Auger approving Sherrie Kuzian to the Library Commission for a term of two (2) years beginning November 7, 2018.

Vote ~ 5 ~ 0

- j. *Order* ~ authorizing the waiving of building and inspection fees normally charged by the City of Boiling Spring Lakes for those permits filed for the City of Brunswick County Habitat for Humanity.

A *motion* was made by Commissioner Barger, a *second* by Commissioner Auger authorizing the waiving of building and inspection fees normally charged by the City of

Boiling Spring Lakes for those permits filed with the City for Brunswick County Habitat for Humanity.

Vote ~ 5 ~ 0

- k. **Resolution** ~ Designation of the City Manager as Primary and Finance Manager as Secondary Applicant's Agent for signing of paperwork for FEMA and North Carolina Division of Emergency Management for the City of Boiling Spring Lakes.

A **motion** was made by Commissioner Barger, a **second** by Commissioner Stewart approving the Designation of Applicant's Agent, North Carolina Division of Emergency Management for the City of Boiling Spring Lakes.

Vote ~ 5 ~ 0

- l. **Request for Public Hearing** ~ BSL Land Holdings, LLC ~ Marketing Promotion Displays

A **motion** was made by Commissioner Barger, a **second** by Commissioner Witt approving the request for the Public Hearing for BSL Land Holdings, LLC ~ Marketing Promotion Displays to be heard at the Board of Commission Meeting on December 4, 2018.

Vote ~ 5 ~ 0

16. Funding Request for BSL Fire / Rescue ~

Commissioner Stewart informed the Board that our Fire / Rescue does not have any lifesaving equipment for water rescue, however during the hurricane Chief Tickle told us tonight 49 calls pertained to water rescue. I am requesting this Board provide the funds of **\$9,778.44 (Nine-Thousand Seven Hundred and Seventy Eight Dollars and Forty Four Cents)** to purchase six (6) sets of water rescue gear.

A **motion** was made by Commissioner Stewart, a **second** by Commissioner Auger, to issue a check in the amount of **\$9,778.44 (Nine-Thousand Seven Hundred and Seventy Eight Dollars and Forty Four Cents)** for the purchase of water rescue gear.

Commissioner Auger thanked Chief Tickle for her report and we now have a clear understanding of how the funds will be used.

A **motion** was made by Commissioner Barger to amend the amount to **\$10,000.00 (Ten Thousand Dollars and no Cents,)** a **second** by Commissioner Stewart to approve the **\$10,000.00 donation** for water rescue equipment for the Boiling Spring Lakes Fire / Rescue Department.

Vote ~ 5 ~ 0

17. Discussion ~

a. Paving evacuation route out of BSL.

Commissioner Witt commented on Hurricane Florence and stated the City needs to be better prepared for future storms. I would like to see the evacuation route along Juniper, Pine Lake, Drayton and other roads paved. We need to have at least strong compacting done at the very least on these roads. Our city crews were scrambling trying to work on ways for our citizens to get out. I spoke to City Manager Repp about applying for a grant. If we do not try we will not know. I would like to see us try to get some funding through FEMA to pave these roads so we at least know we have a reliable way for citizens to leave the City in an emergency situation.

Commissioner Stewart also suggested other roads need to be paved such as Mallard, as well as roads on the other side of the railroad tracks. These roads need to be upgraded and have stable routes for people to get out.

18. Announcements ~

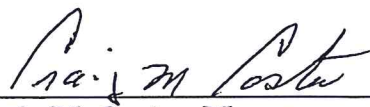
Mayor Caster thanked the City Staff for all the work they have done and continue to do, it has been a long haul and there is still a lot of work to be done. We also thank the citizens for their contributions and their patients as we continue to work on getting our City back to normal.

19. Adjourn ~

A motion was made by Commissioner Barger, a second by Commissioner Witt to adjourn the Board of Commissioners Meeting of November 7, 2018.

Vote ~ 5 ~ 0

The Board of Commissioners Meeting of November 7, 2018, was adjourned at 7:40 PM.



Craig M. Caster, Mayor

ATTEST:



Jane McMinn, City Clerk



November 14, 2018

Date

HURRICANE FLORENCE

CITY OF BOILING SPRING LAKES

FEMA Schedule

- 10/15/18 – FEMA Applicant Briefing Meeting/Leland
- 11/5/18 – Initial BSL meeting with FEMA Program Delivery Manager
- 11/20/18 - Recovery Scoping Meeting
 - a) Discuss the Damage Inventory
 - b) Identify relevant documentation needed to support damage claims
 - c) Schedule Site Inspections
 - d) Develop Program Delivery Plan
- 12/15/18 – Deadline for submittal of damage claims

FEMA CATEGORIES AND EXAMPLES OF COMMON ELIGIBLE WORK

A	B	C	D	E	F	G
Debris Removal	Emergency Protective Measures	Roads & Bridges	Water Control Facilities	Buildings & Equipment	Utilities	Parks, Recreation, & Other
<p>Debris removal must be in the public interest and necessary to:</p> <ul style="list-style-type: none"> Eliminate immediate threats to lives, public health & safety; Eliminate immediate threats of significant damage to improved public or private property Trees and Woody Debris Building Components Sand, Mud, Silt, & Gravel Removal of Temporary Levees 	<p>Search & Rescue</p> <p>Security</p> <p>Emergency Pumping</p> <p>Sandbagging</p> <p>Detour & Warning Signs</p> <p>EOC Activation</p> <p>Emergency & Temporary Repairs</p> <p>Overhead Power Lines</p> <p>Emergency Medical Facilities</p> <p>Emergency Evacuations</p> <p>Activities undertaken before, during and following a disaster to save lives, protect improved property</p>	<p>Roads</p> <ul style="list-style-type: none"> Surfaces Bases Shoulders Ditches Drainage Structures Low Water Crossings Bridges Decking & Pavement Piers Girders Abutments Slope Protection Approaches Slope Failures 	<p>Dams and Reservoirs</p> <p>Levees</p> <p>Engineered drainage Channels</p> <p>Canals</p> <p>Aqueducts</p> <p>Sediment Basins</p> <p>Shore Protective Devices</p> <p>Irrigation Facilities</p> <p>Pumping Facilities</p>	<p>Buildings</p> <p>Structural Components</p> <p>Interior Systems</p> <ul style="list-style-type: none"> Electrical Mechanical Contents 	<p>Water Treatment Plants</p> <p>Power Generation & Distribution Facilities</p> <ul style="list-style-type: none"> Natural Gas Systems Wind Turbines Generators Substations Power Lines 	<p>Playground Equipment</p> <p>Swimming Pools</p> <p>Bath Houses</p> <p>Tennis courts</p> <p>Boat Docks</p> <p>Piers</p> <p>Picnic Tables</p> <p>Golf Courses</p> <p>Fish Hatcheries</p> <p>Mass Transit Facilities</p>

Debris Removal – Category A

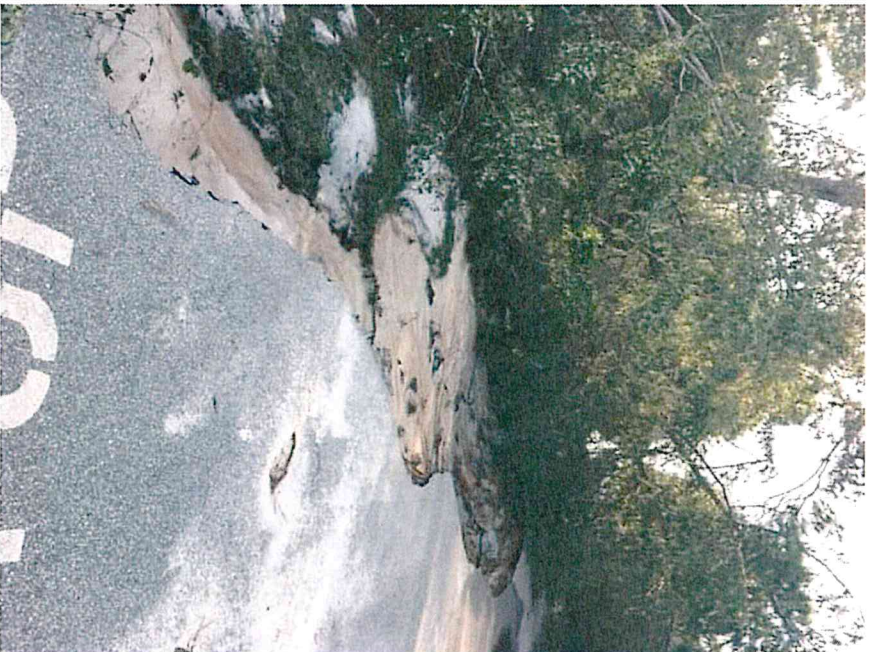
Project Summary by Material

10/9/2018 to 11/6/2018

Project	# of Tickets	# of Trucks	# of Disp. Sites	Avg Capacity	Avg % Full	Total Volume
Material: C&D						
Boiling Spring Lakes	96	14	1	62	80.3 %	4,729.95
Totals for C&D:	96	14	1	62	80.3 %	4,729.95
Material: VEG						
Boiling Spring Lakes	972	18	1	66	79.7 %	50,594.40
Totals for VEG:	972	18	1	66	79.7 %	50,594.40
Grand Totals:	1,068	18	2	65	79.7 %	55,324.35

- \$ 533,867 as of yesterday (\$ 9.65 per CY)
- Temporary Site Development (approx. \$ 40K)
- Monitoring Costs
- Tipping Fees/Disposal Costs

Elm Road Washout



- Temporary Repair - \$ 7,050
 - Category B – Emergency Protective Measures
- Permanent Repair - ?
 - Category C – Roads & Bridges

Palmer Road Storm Drain Repair

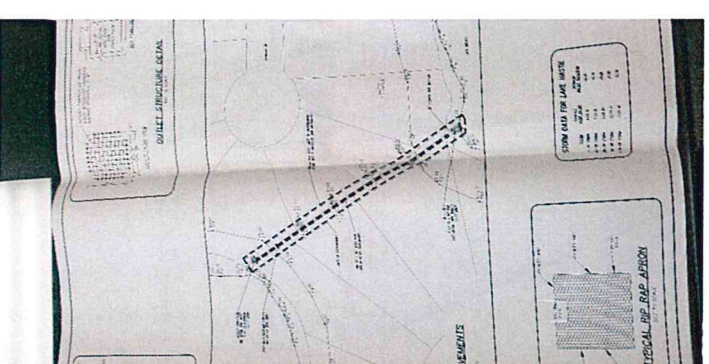


- Temporary Repair - \$ 1,384
 - Category B – Emergency Protective Measures
- Permanent Repair - \$ 29,724 (Estimate)
 - Category C – Roads & Bridges

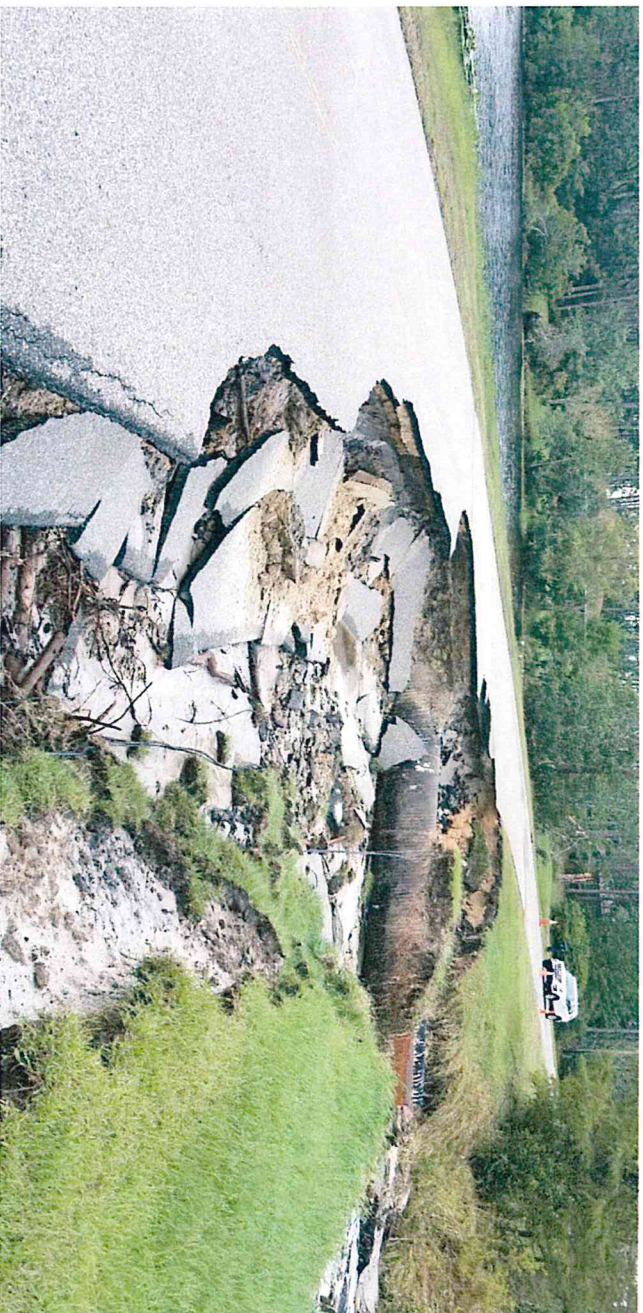
Lake Hastie/Reeves Drainage Pipe



Permanent Repair - \$ 134,377.50 (Estimate)
Category D – Water Control Facilities



S. Shore Road Washout #1



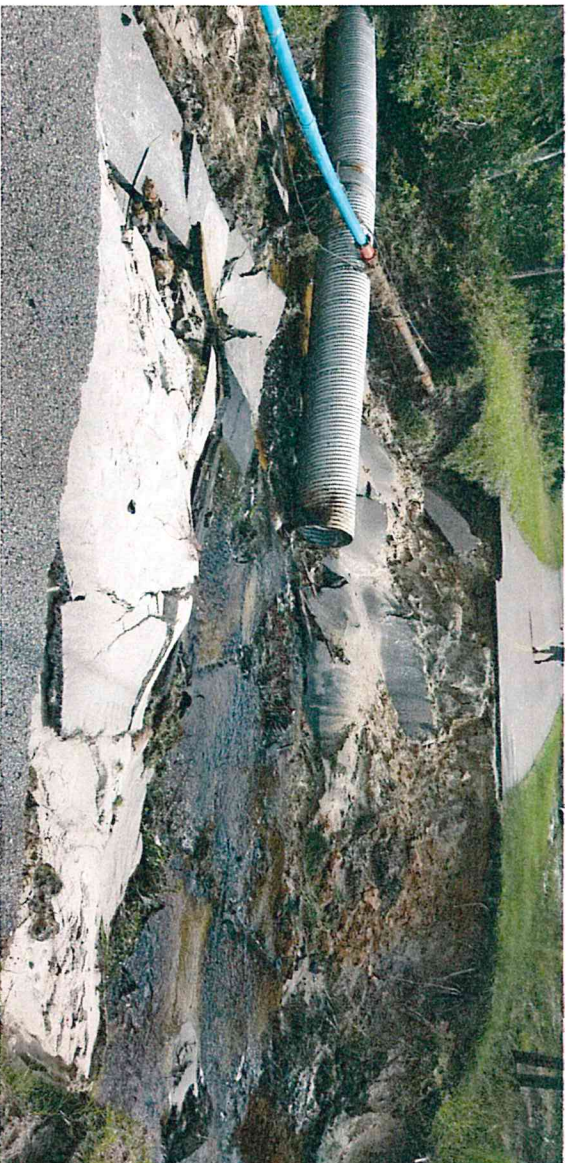
- Temporary Repair – N/A - National Guard work
- Permanent Repair - ?
 - Category C – Roads & Bridges

S. Shore Road Washout #2



- Temporary Repair
 - N/A - National Guard work
- Permanent Repair - ?
 - Category C – Roads & Bridges

S. Shore Road Washout #3



- Temporary Repair - \$ 19,050
 - Category B – Emergency Protective Measures
- Permanent Repair - ?
 - Category C – Roads & Bridges

Sanford Dam/Alton Lennon Road



- Temporary Repair - \$ 11,200 (Est.)
 - Category B – Emergency Protective Measures
- Permanent Repair - ?
 - Category D – Water Control Facilities
- Timetable
 - Terracon estimated due 11/9

Upper Dam



- Temporary Repair –
N/A
- Permanent Repair - ?
 - Category D – Water Control Facilities
- Timetable
 - Terracon estimated due 11/9

Pine Lake Dam



- Temporary Repair – N/A
- Permanent Repair - ?
 - Category D – Water Control Facilities
- Timetable
 - Terracon estimated due 11/9

North Lake Dam



- Temporary Repair
 - N/A
- Permanent Repair
 - ?
 - Category D – Water Control Facilities
- Timetable
 - Terracon estimated due 11/9

Lakeview Road/North Lake Park



- Temporary Repair – N/A
- Permanent Repair - ?
 - Category C – Roads & Bridges

Design/Build Contract for Dam Replacements

- ***What is Design-Build?*** The design-build method is an integrated approach to a construction project that delivers both design (architectural and engineering) and construction services under one contract with a single point of responsibility. Under this project delivery method, the public owner is provided the benefit of the design team and contractor working together to achieve the public owner's objectives under a single contract. The designer works directly with the contractor instead of for the owner.
 - <https://canons.sog.unc.edu/new-design-build-construction-method-no-local-act-required/>
- To initiate the contracting process, the unit must establish written criteria for determining when design-build is appropriate for a project. While the criteria must be in writing, governing board approval is not specifically required (although it may be highly advisable). The statute requires the unit to adopt the criteria for each project. The criteria must address at least the following six factors:
 - 1) The unit's ability to "adequately and thoroughly" define the project requirements in the RFP;
 - 2) Time constraints for project delivery;
 - 3) The unit's ability to ensure that a quality project can be delivered;
 - 4) The availability of qualified staff or outside consultants experienced in design-build to manage and oversee the project;
 - 5) Good faith efforts to comply with historically underutilized business participation requirements (G.S. 143-128.2 and -128.4) and to recruit and select small business entities (the term "small business entities" is not defined in the statute); and
 - 6) The criteria used by the unit, including a cost-benefit analysis of using design-build in lieu of traditional construction bidding methods.
- After adopting its criteria, the unit must issue a public notice of a request for qualifications (RFQ) for the project.

Design/Build Continued....

- The RFQ must include information on the following eight items:
 - 1) Project site;
 - 2) Project scope;
 - 3) Anticipated project budget;
 - 4) Project schedule;
 - 5) Qualifications selection criteria and criteria weighting;
 - 6) Notice of the unit's rules, ordinances, or goals (presumably related to the project), including goals for M/WBE and small business participation;
 - 7) Other information provided to potential design-bidders in submitting qualifications for the project; and
 - 8) Statement requiring each design-builders to submit with its RFP an explanation of its project team selection consisting of either:
 - a. List of licensed contractors, licensed subcontractors and licensed design professionals the design-builder proposes to use on the project, or
 - b. The design-builder's strategy for selecting contractors and subcontractors based on the requirements of Article 8 of Chapter 143 (in other words, competitive bidding procedures).

Design/Build continued.....

- Receiving Proposals:
 - In order to consider proposals, the unit must receive at least three responses to its RFQ.
- Evaluating Proposals and Awarding the Contract:
 - After receiving proposals, the unit evaluates them and ranks the three most qualified respondents based on the criteria included in the RFQ. The unit then negotiates a contract at a “fair and reasonable price” with the highest ranked design-builder. As with other contracts subject to the Mini-Brooks Act, **the unit cannot solicit project cost estimates or fees in the RFQ, and can only negotiate contract price after ranking the respondents based on qualifications.**
 - If negotiations with the highest-ranked respondent are not successful, the unit may initiate negotiations with the second-highest ranked and so on, until the unit either rejects all proposals or selects a design-builder with whom to contract.
 - During its evaluation process, the unit may, if it chooses to do so, interview some or all of the respondents. The statute design-build statute does not require governing board approval of the contract award, even for those projects costing \$500,000 or more (which, under traditional construction bidding methods, do require governing board approval).