



REQUEST FOR BOARD ACTION

ITEM NO. 7.

DATE OF MEETING: June 7, 2010

REQUESTED BY: Paul Parker, Facilities & Property Manager, Public Works

SHORT TITLE: Resolution Approving Re-Submittal of Request for State Assistance from the North Carolina Department of Environment and Natural Resources Division of Water Resources for the Sills Creek Drainage Project.

BACKGROUND: The Division of Water Resources has allowed re-submittal of projects with 50% funding of such grants. Based on conversations with the Division of Water Resources any projects that were previously submitted are not eligible unless they are resubmitted with 50% budget adjustment for grants. If approved the county is required to match the project with \$75,000. The first resolution had the entire project amount (\$150,000) requested instead of 50% at \$75,000.

SPECIFIC ACTION REQUESTED: To approve the attached resolution for state assistance.

COUNTY MANAGER'S RECOMMENDATION

Respectfully recommend approval.

RB
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Pender County Board of Commissioners approve the attached NC DENR Division of Water Resources Resolution for State Assistance in the amount of \$75,000. The County Manager is authorized to execute any/all agreements necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Tate ___ Blanchard ___ Brown ___ Rivenbark ___ Williams ___

Jimmy T Tate, Chairman

06-07-2010
Date

ATTEST

06-07-2010
Date

**RESOLUTION FOR STATE ASSISTANCE FROM THE NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

WHEREAS, the Pender County Board of Commissioners desires to sponsor the Sills Creek Restoration Project for the removal of storm debris and other vegetative material which have impacted the ability of this creek and branches to accept and convey storm water and has created a threat to property from flooding for properties located in Pender County; and

WHEREAS, this project will improve drainage throughout the region.

NOW, THEREFORE, BE IT RESOLVED THAT:

- (1) The Pender County Board of Commissioners requests the State of North Carolina to provide financial assistance to Pender County for Sills Creek in the amount of \$75,000.
- (2) The Pender County Board of Commissioners assumes full obligation for payment of the balance of project costs;
- (3) The Pender county Board of Commissioners will obtain all necessary State and Federal permits;
- (4) The Pender County Board of Commissioners will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments;
- (5) The Pender County Board of Commissioners will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- (6) The Pender County Board of Commissioners will obtain suitable spoil disposal areas as needed and all other easements or right-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- (7) The Pender County Board of Commissioners will assure that the project is open for use by the public on an equal basis with no restrictions;
- (8) The Pender County Board of Commissioners will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- (9) The Pender County Board of Commissioners accepts responsibility for the operation and maintenance of the completed project.

Adopted this the 7th day of June, 2010

Rick Benton, County Manager

Jimmy T. Tate, Chairman