

COLUMBUS COUNTY
BOARD OF COMMISSIONERS

MINUTES

The Honorable Board of Columbus County Commissioners met in their said office at 111 Washington Street, Whiteville, NC at 8:00 A.M., Monday, October 7, 1996, it being the first Monday.

BOARD MEMBERS PRESENT:

Spruell Randolph Britt, Chairman

C.E. "Gene" Wilson, Vice Chairman

David L. Dutton, Jr.

A. Dial Gray, III

Sammie Jacobs

Lynwood Norris

C.W. Williams

James E. Hill, Jr., Attorney

Dempsey B. Herring
Administrator

Ida L. Smith, Clerk to Board

**PUBLIC HEARING - COLUMBUS COUNTY HOSPITAL TAX-EXEMPT
OBLIGATION BONDS**

The Board of Commissioners for the County of Columbus, North Carolina, met in the Commissioners' Meeting Room of the Columbus County Administrative Building, 111 Washington Street, in Whiteville, North Carolina, at 8:00 A.M. on October 7, 1996.

Present: Chairman Spruell Randolph Britt, presiding, and Commissioners C.E. Wilson, David L. Dutton, Jr., A. Dial Gray, III, Sammie Jacobs, Lynwood Norris, and C.W. Williams.

Absent: None

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The Chairman announced that the Board of Commissioners for the County of Columbus, North Carolina (the "County") would proceed to hold a public hearing and would hear anyone who wished to be heard regarding the project for Columbus County Hospital (the "Hospital") proposed to be financed by the County with the proceeds from the issuance of tax-exempt obligations of the County.

The County intends to issue its tax-exempt obligations within three (3) years from the date hereof in a total amount not to exceed \$12,000,000 pursuant to an Installment Financing Contract with First Union National Bank of North Carolina. The proceeds of such tax-exempt obligations will be used to finance a portion of the cost of certain additions to and the renovation of and other assets for the Hospital, including (1) the renovation of the existing surgical department and the construction of an addition to the surgical department to accommodate additional operating rooms, recovery space, and anesthesia support space, (2) the construction of new space to accommodate an ambulatory procedure unit to include 15 pre-op/post-op rooms, recovery space, two endoscopy rooms, minor procedure rooms and other necessary support space, (3) the construction of new space to accommodate the cardiopulmonary department to include rooms for EMG Peripheral Vascular Testing, Stress Testing, Echo, EEG, Pulmonary Function Testing and Blood Gases, and adequate waiting and support spaces, (4) the renovation of the existing emergency department for additional Trauma spaces, the renovation of the vacated ambulatory procedure unit for Fast Track/Urgent Care space, and the construction of new space to accommodate waiting and registration space, (5) the construction of new space to accommodate registration for inpatients and outpatients of the Hospital, and (6) various items of capital equipment to be used in the Hospital, including medical equipment, building infrastructure equipment and other equipment related to the operation of the Hospital. Such assets to be financed by such tax-exempt obligations are or will be located at 500 Jefferson Street, Whiteville, North Carolina, 28472. The owner of such assets to be financed by such tax-exempt obligations is or will be the County except for certain equipment which will be owned by Columbus

County Hospital, Incorporated. The operator of the Hospital, including the assets to be financed by such tax-exempt obligations, will be Columbus County Hospital, Incorporated.

The County Administrator then presented an affidavit evidencing the publication of a notice of such public hearing in *The News Reporter* on September 19, 1996.

There were no comments.

PUBLIC HEARING CLOSED

There being no comments, a motion was made by Commissioner Norris seconded by Commissioner Wilson and passed unanimously to close the Public Hearing at 8:03 A.M.

**PUBLIC HEARING - REVENUE BONDS AND REFUNDING REVENUE BONDS
ON BEHALF OF INTERNATIONAL PAPER COMPANY**

Chairman Britt called the Public Hearing to order at 8:10 A.M. for the purpose of considering the proposed issuance of Revenue Bonds and refunding Revenue Bonds on behalf of International Paper Company.

The Chairman requested anyone wishing to speak in regards to the public hearing, to be recognized by stating their name.

There were no comments.

PUBLIC HEARING CLOSED

There being no comments, a motion was made by Commissioner Norris seconded by Commissioner Williams and passed unanimously to close the Public Hearing at 8:13 A.M.

BOARD MINUTES APPROVAL

A motion was made by Commissioner Norris, seconded by Commissioner Jacobs and passed unanimously to approve the Board Minutes of the September 16, 1996, Meeting, as recorded.

CONSENT AGENDA ITEMS

A motion was made by Commissioner Jacobs, seconded by Commissioner

Wilson and passed unanimously to approve the consent agenda items as follows:

Tax Releases:

Daniel & Betty Batten: M-9-24, house vacant. Amount \$60.00, year 1996, account #03-00695.

Ronald & Gwen Boyd: Leasehold on X-5-39 (mobile home) already listed as personal property to Ronald & Beverly Boyd on #15-03852. Amount \$339.00, valuation \$31,000, year 1996, account #15-03850.

James R , Brown, Jr.: Unidentified property - does not exist. Amount \$415.25, valuation \$55,000, years 1987-96, account #16-01660.

Camelot Corporation: J-7A-31-A, (2) double-wide mobile homes placed on property after January 1, 1996; also 3rd double-wide, rebilled to Tammy Buffkin Williamson. Amount \$762.06, valuation \$73,800, year 1996, account #01-12189.

Michael P. & Sharon Council: N-10-115, property billed with road frontage; should be private access. Amount \$21.50, valuation \$2,500, year 1996, account #03-04140.

Roscoe Davis Etal: K-8-155, dwelling 40% complete on 1-1-96. Amount \$318.39, valuation \$29,700, year 1996, account #03-04627.

Dewey Herman Dowless: 71.91 acre tract, all woods/swamp land. Amount \$131.12, valuation \$14,900, year 1996, account #14-04443.

Vernon L. & Ida Lee Duke: H-7-83/A, house #2, double-listed to Charles Summerlin, H7-83C. Amount \$218.10, valuation \$18,600, year 1996, account #13-10663.

Gerald Wayne Fowler: TC-4-273B, transferred and rebilled to Kent Neil Fowler on #06-11879. Amount \$401.58, valuation \$36,100, year 1996, account #06-11242.

David L. Gore: Mobile home sold October, 1995. Amount \$13.84, valuation \$1,480, year 1996, account #03-08990.

Roberta Hemmingway Etal: TC-1-52, mobile home double-listed on #06-18373, Roberta Hemmingway. Amount \$8.58, valuation \$1,000, year 1996, account #06-34873.

Marian M. & Terry D. Hayes: Personal property (mobile home) double-listed as real property on #16-07927, Terry Hayes. Amount \$271.30, valuation \$27,090, year

1996, account #16-07898.

Vernon & Gladys Hinson: F-7-77 and F-7-78, on Land Use Value. Amount \$85.00, valuation \$10,000, year 1996, account #13-19380.

Ethel J. Ikner: J-2-3, pool and garage gone prior to 1-1-96. Amount \$59.20, valuation \$7,400, year 1996, account #01-45544.

Renee C. Jacobs: Mobile home double-listed on #04-07843, Andy Jacobs. Amount \$15.96, valuation \$1,860, year 1996, account #04-08623.

Robert & Sarah James: U-3-10, cancellation of receipt #52438. Senior citizen's exemption given through error. Rebilling with correct value of \$34,300. Amount \$222.12, valuation \$19,300, year 1996, account #04-08991.

Jerry L. III, & Jennifer Johnson: F-4-77, vacant tract. House double-listed to Jerry Johnson on 12-13540. Amount \$186.40, valuation \$13,000, year 1996, account #12-13547.

Jerry & Beth S. Johnson: House on F-4-53B, double-billed. Amount \$85.80, valuation \$11,000, year 1996, account #12-13540.

Geneva McQueen: J-7B-77, acres corrected to 5.1 acres per deed. Amount \$13.05, valuation \$1,500, year 1996, account #01-58280.

Myrtle Inez Maxifield: I-4-2, vacant tract, no house on property. Amount \$26.40, valuation \$800, year 1996, account #01-60523.

Cecil Wayne Norris: G-10-111, double-listing, house was already billed on receipt #58922. Value of house corrected from \$36,800 to \$35,700. Amount \$328.80, valuation \$32,000, year 1996, account #09-22480.

Roy E. & Della C. Pollock: J-15-31, house burned in 1993. Amount \$14.04, valuation \$1,800, year 1996, account #07-12960.

T.R. Porter (Heirs) : G-13-47, in land use value. Amount \$79.98, valuation \$9,100, year 1996, account #06-29403.

James Monroe Powell: CG-1-98, one house vacant. Amount \$36.00, year 1996, account #16-12321.

Minnie Ola Simmons: S-2-27, mobile home already listed as personal property

(single-wide). Amount \$220.44, valuation \$19,100, year 1996, account #04-14423.

Lloyd McDuffie Skipper (Etal): J-5-98, 19.85 acre tract, breakdown of acreage incorrect. Amount \$95.20, valuation \$11,900, year 1996, account #01-84003.

Edith I. Soles: G-14-6A, house vacant. Amount \$60.00, year 1996, account #06-34080.

Donald Grady & Patricia Stanley: M-14-129, tobacco barns, gone. Also, M-14-128, house double-listed to Eddie Dean & Cynthia Stanley on 07-15955. Amount \$212.10, valuation \$21,500, year 1996, account #07-15940.

Kenneth J. Stout: Mobile home double-listed to Ruthene W. Stout. Amount \$8.58, valuation \$1,000, year 1996, account #03-24540.

Charles Edwin Tatum, Jr.: M-16-29, travel trailer keyed-in as a mobile home through error. Amount \$60.00, year 1996, account #07-17880.

Herman Underwood (Heirs): CH-4-130, double-wide mobile home already listed to Annie Doris B. Graham Etal on 13-15815. Amount \$180.18, valuation \$23,100, year 1996, account #13-40980.

Joseph S. & Sharon Ward: 1991 mobile home double-listed to Joseph S. Ward on account 13-42236. Amount \$125.91, valuation \$8,450, year 1996, account #05-07341.

Braxton Williamson: G-11-1C, 8.80 acre tract in Land Use Value. Amount \$124.02, valuation \$15,900, year 1996, account #09-33800.

J.K. Williamson: F-8-13, vacant tract, acres corrected to 11.49 acres. House rebilled to James E. Benson. Amount \$166.08, valuation \$13,600, year 1996, account #13-44820.

Releases (2% Discounts for 1996):

<u>Name</u>	<u>Amount</u>	<u>Account</u>
Atel Cash Distributions Fund 5	\$ 33.84	15-00979
T. F. Collier	7.86	01-15940
Joanne Formyduval	5.70	01-28887
William O & Naomi Graham	1.69	15-16580
E. L. Rabon	5.90	13-33840
Clarence N. & Letitia Sharp	6.94	01-81501
Ralph W. Strickland	8.46	10-16526
W. Alan & Debbie Ward	14.64	02-02429

Releases (Town of Cerro Gordo):

Patricia King: Mobile home is located outside town limits of Cerro Gordo, but receives her mail at Post Office Box #54. Amount \$20.36, valuation \$10,180, year 1996, account #16-09810.

William L. & Eloise McRae: 2% discount not absorbed by computer. Balance of taxes paid on 8-19-96 prior to approval of a release. Amount \$3.52, year 1996, account #16-10642.

Charles Mitchel Powell, Sr.: Vehicles and trucks always located outside city limits. Amount \$74.42, valuation \$37,210, year 1987, account #16-12260.

Releases (Town of Sandyfield):

Muziel Graham Budies: Failed to receive the Disability exemption on lot and house located on V-1-82. Amount \$37.50, valuation \$15,000, year 1996, account #15-07230.

Refunds:

Ordered: That a refund check be issued to Eva Lee Edmund, P.O. Box 1444, Whiteville, NC 28472, in the amount of \$95.05, for year 1996. Failed to receive the Disability exemption on her mobile home. Paid all taxes through error. Account #01-22818.

Ordered: That a refund check be issued to Judy Vann Smith, 3980 New Britton Highway, E., Whiteville, NC 28472, in the amount of \$60.00, for year 1996. WS-2-51A, house vacant. Account #11-25007.

Ordered: That a refund check be issued to Sybil M. Jolly, 926 Old Big Bethel, Hampton, Virginia, 23666, in the amount of \$36.00, for year 1996. CH-1-168, house vacant. Account #13-21883.

Ordered: That a refund check be issued to Charles Edwin Tatum, Jr., 16596 Swamp Fox Highway, E., Tabor City, NC 28463, in the amount of \$60.00, for year 1995. Travel trailer, keyed in as mobile home - clerical error. Account #07-17880.

Ordered: That a refund check be issued to E. Autry Dawsey (KAR Enterprises, Inc.), P.O. Box 396, Whiteville, NC 28472, in the amount of \$26.60, for year 1996. K-4-10C, double-listed and combined with K-4-10D to Ellis Autry & Faye Dawsey on account

01-20280. Account #01-49373.

Budget Amendments:

Decrease Maternal Health Medicaid (Title XIX) (\$75,385.00)

Decrease expenditures as follows:

10-592-73 Improvements (\$ 9,640.00)
10-592-74 Capital Outlay (65,745.00)

Increase Community Traffic Safety Program \$15,429.00
(Carry over funds from FY 1995-96)

Expend as follows:

10-578-02	Salaries	\$ 118.00
10-578-05	FICA	9.00
10-578-06	Insurance	(12.00)
10-578-07	Retirement	5.00
10-578-32	Office Supplies	500.00
10-578-33	Departmental Supplies	14,359.00
10-578-74	Capital Outlay	450.00

**TAX - ADOPTION OF SCHEDULES, STANDARDS AND RULES FOR
OCTENNIAL REAPPRAISAL**

A motion was made by Commissioner Norris, seconded by Commissioner Williams and passed unanimously to adopt the Schedules, Standards and Rules to be used in conjunction with the Octennial Reappraisal of real property for Columbus County.

A copy of the Manual is on file in the office of the Clerk to the Board.

**HOSPITAL (COLUMBUS COUNTY) - RESOLUTIONS ADOPTED IN REGARDS
TO FINANCING ADDITIONS & RENOVATIONS**

Thereupon, upon motion of Commissioner Lynwood Norris, seconded by Commissioner A. Dial Gray, III, the proposed issuance of such tax-exempt obligations was approved by the Board of Commissioners by the following vote:

AYES: Commissioners Britt, Wilson, Dutton, Gray, Jacobs, Norris and
Williams

NOES: None

Thereupon, Commissioner Lynwood Norris introduced the following resolution, a copy of which had been provided to each Commissioner and which was read

by title:

**RESOLUTION RATIFYING REQUEST OF APPROVAL OF LOCAL GOVERNMENT
COMMISSION OF INSTALLMENT FINANCING
CONTRACT AND DEED OF TRUST TO FINANCE
THE CONSTRUCTION OF ADDITIONS TO AND THE
THE RENOVATION OF COLUMBUS COUNTY HOSPITAL,
APPROVING AND AUTHORIZING THE EXECUTION OF CERTAIN
DOCUMENTS RELATING THERETO AND AUTHORIZING OTHER
ACTIONS IN CONNECTION THEREWITH**

BE IT RESOLVED by the Board of Commissioners for the County of
Columbus, North Carolina:

Section 1. The Board of Commissioners does hereby find, determine and
declare as follows:

- (a) Columbus County Hospital, Incorporated (the "Corporation"), a North Carolina nonprofit corporation which operates Columbus County Hospital (the "Hospital") and the County of Columbus, North Carolina (the "County"), which owns the site of the Hospital and all existing buildings and improvements located on such site as of the date hereof, have determined to cooperate in a plan to finance a portion of the cost of the project consisting of the construction of additions to and the renovation of the Hospital to provide expanded or improved facilities for the Surgical Department, the Ambulatory Procedure Unit, the Cardiopulmonary Department and Central Registration and the relocation of the Physical Therapy Department from the Hospital to a new Office Building which is to be constructed adjacent to the hospital but the construction of which new office building is not a part of such project (collectively, the "Project") which each has found to be necessary and desirable to provide for improved public hospital facilities and improved public health care in the County.
- (b) Pursuant to Section 160A-20 of the General Statutes of North Carolina, the County proposes to finance a portion of the cost of the Project and execute an Installment Financing Contract (the "Financing Contract") among the County, First Union National Bank of North Carolina (the "Bank") and First Union

National Bank of North Carolina, Corporate Trust Department, as Escrow Agent, and a Deed of Trust and Security Agreement, dated as of October 10, 1996 (the "Deed of Trust"), to Lynn M. Beckham, as deed of trust trustee, for the benefit of the Bank, pursuant to which the Bank will advance certain funds (the "Amount Advanced") for the Project and the County will make installment payments in amounts sufficient to repay the Amount Advanced, as provided in the Financing Contract; and the County's obligations under the Financing Contract will be secured by a lien on the site of the Hospital, all existing buildings and improvements located on such site as of the date hereof, the Project and any further additions, enlargements, improvements, extensions, alterations, fixtures and appurtenances thereto of any nature whatsoever less all medical equipment and all data processing equipment.

- (c) Based on a review by the Finance Officer of the County of current tax exempt interest rates, the sums to fall due under the Financing Contract are not excessive for its stated purposes; moreover, the County has estimated the cost of the Project at approximately \$13,071,784 and such amount is not excessive.
- (d) The County Attorney of the County has rendered an opinion that the proposed undertaking is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.
- (e) The County's current fund balance is insufficient to fund the cost of the Project, and the Financing Contract, under the circumstances presently obtaining, is preferable to a general obligation bond issue or revenue bond issue for this purpose. The County does not have the ability to issue sufficient non-voted bonds for the purpose of the Project under the provisions of Article V, Section 4 of the North Carolina Constitution, and authorizing general obligation bonds or issuing revenue bonds for this purpose would result in unacceptable delay and additional cost to the County.

- (f) The estimated cost of financing a portion of the cost of the Project under the Financing Contract compares reasonably with an estimate of similar cost of general obligation bond financing for such purpose.
- (g) The debt management policies of the County have been carried out in strict compliance with law, including the filing of all required audits and reports with the Local Government Commission of North Carolina, and the county is within its statutory debt limit and is not in default with respect to any of its outstanding indebtedness.
- (h) The County expects that revenues derived from the operation of the Hospital will be applied to pay sums to fall due under the Financing Contract and that, accordingly, no increase in the property tax rate will be required to raise sums to fall due under the Financing Contract.
- (I) The County has made timely payment of all sums owed by it with respect to the payment of principal of and interest on all of its outstanding debt obligations and has received no notice from the Local Government Commission of North Carolina or any holder concerning the County's failure to make any required payment of debt service.

Section 2. The actions of the County Administrator, Finance Officer and County Attorney in requesting the Local Government Commission of North Carolina to approve the Financing Contract pursuant to the provisions of Article 8 of Chapter 159 of the General Statutes of North Carolina are hereby ratified, confirmed and approved, and such officers are hereby directed to take any other actions required in connection with obtaining such approval.

Section 3. The forms, terms and provisions of the Financing Contract and the Deed of Trust, each is substantially the form presented at this meeting, are hereby approved in all respects, and the Chairman or Vice Chairman of the Board of Commissioners, the County Administrator and the Finance Officer of the County and the Clerk to the Board of Commissioners are hereby authorized and directed to execute and deliver the Financing Contract and the Deed of Trust in substantially the forms presented at this meeting, together

with such minor or non-substantive changes, modifications and deletions as they, with the advice of counsel, may deem necessary or desirable; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the County.

Section 4. The officers of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver any such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Financing Contract and the Deed of Trust.

Section 5. The County hereby represents that it reasonably expects that it, all subordinate entities thereof and all on behalf of issuers thereof will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501 (c) (3) bonds as defined in the Internal Revenue Code of 1986, as amended) during calendar year 1996 and will not in any event designate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501 © (3) bonds as defined in such Code) as "qualified tax-exempt obligations" for the purposes of Section 265(b) (3) of such Code during calendar year 1996. In addition, the County hereby designates its obligation with respect to the Amount Advanced under the Financing Contract as a "qualified tax-exempt obligation" for the purposes of Section 265(b) (3) of such Code.

Section 6. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Lynwood Norris, seconded by Commissioner

A. Dial Gray, III, the foregoing resolution was passed by the following vote:

AYES: Commissioners Britt, Wilson, Dutton, Gray, Jacobs, Norris and Williams

NOES: None

Thereupon, Commissioner Lynwood Norris introduced the following resolution, a copy of which had been provided to each Commissioner and which was read by title:

RESOLUTION CONFIRMING OR APPROVING AND AUTHORIZING THE
EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH
AN INSTALLMENT FINANCING CONTRACT WITH
FIRST UNION NATIONAL BANK OF NORTH CAROLINA

WHEREAS, the County of Columbus, North Carolina (the "County") desires to enter into an Installment Financing Contract, dated as of October 10, 1996 (the "Contract"), among First Union National Bank of North Carolina (the "Bank"), the County and First Union National Bank, Corporate Trust Department, as escrow agent, and to execute a Deed of Trust and Security Agreement, dated as of October 10, 1996, to Lynn M. Beckham, as deed of trust trustee, for the benefit of the Bank, to finance a portion of the cost of a project consisting of the construction of additions to and the renovation of Columbus County Hospital as more particularly described in the Contract; and

WHEREAS, in connection with entering into the Contract, the County and the Corporation entered into a Lease on August 19, 1996 for the lease by the County to Columbus County Hospital, Incorporated (the "Corporation") of Columbus County Hospital in the form presented to the Board of Commissioners for the County (the "Lease"); and

WHEREAS, in connection with entering into the contract, the County also desires to enter into a Funding Agreement, dated as of October 7, 1996, between the County and the Corporation and a Subordination Agreement, dated as of October 7, 1996, between the County and the Corporation substantially in the forms presented to the Board of Commissioners for the County (the "Funding Agreement" and the "Subordination Agreement", respectively);

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County, as follows:

Section 1. The execution and delivery of the Lease by the County are hereby ratified and confirmed.

Section 2. The forms, terms and provisions of the Funding Agreement and the Subordination Agreement, each in substantially the form presented, are hereby approved in all respects, and the Chairman or Vice Chairman of the Board of Commissioners, the County Administrator and the Finance Officer of the County and the Clerk to the Board of Commissioners are hereby authorized and directed to execute and deliver the Funding Agreement and the Subordination Agreement in substantially the forms presented, together

with such minor or non-substantive changes, modifications and deletions as they, with the advice of counsel, may deem necessary or desirable; and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the County.

Section 3. The officers of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver and such other documents, certificates, undertakings, agreements or other instruments as they, with the advice of counsel, may deem necessary or appropriate to effect the transactions contemplated by the Funding Agreement and the Subordination Agreement.

Upon motion of Commissioner Lynwood Norris, seconded by Commissioner

A. Dial Gray, III, the foregoing resolution was passed by the following vote:

AYES: Commissioners Britt, Wilson, Dutton, Gray, Jacobs, Norris and Williams

NOES: None

Section 4. This resolution shall take effect immediately upon its passage.

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I, Ida L. Smith, Clerk to the Board of Commissioners for the County of Columbus, North Carolina, DO HEREBY CERTIFY that the foregoing has been carefully copied from the recorded minutes of said Board at a meeting held on October 7, 1996, said record having been made in Minute Book Number 23 of the minutes of said Board beginning at page 220 and ending at page 222, and is a true copy of so much of said proceedings of said Board as relates in any way to the matters described in said proceedings.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held on the first and third Mondays of each month at 8:00 A.M. and 7:30 P.M., respectively, in the Commissioners' Meeting Room of the Columbus County Administrative Building, 111 Washington Street, in Whiteville, North Carolina, has been on file in my office as of a date not less than seven (7) days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand the corporate seal of said County, this 7th day of October, 1996.

(SEAL)

/s/ Ida L. Smith
 Clerk to the Board of Commissioners

SOCIAL SERVICES - APPROVAL OF EMPLOYMENT OF AN ATTORNEY

Larry Moore, Social Services Director, requested the Board to consider creating an Attorney I position at the Department of Social Services at an approximate annual salary of \$40,000 per year. The Department has sufficient space and the clerical support would be provided by existing staff members. The Attorney would have access to the law library at the courthouse and we can purchase the laws concerning social services on CD-ROM for approximately \$400.00.

A motion was made by Commissioner Wilson, seconded by Commissioner Williams and passed unanimously to approve the Social Services Department to hire a full-time attorney for the agency, at a cost not to exceed the 1996-97 budgeted amount for contracting with attorneys.

SHERIFF - APPROVAL FOR REPAIRS TO DETENTION CENTER & TO PAY ROBESON COUNTY FOR HOUSING INMATES

A motion was made by Commissioner Williams, seconded by Commissioner Norris and passed unanimously to approve to allow the Sheriff to use funds received from the N. C. Department of Correction for housing inmates in the amount of \$14,620.00 to be expended as follows and award the contract to the lowest competitive bidder for the maintenance and repairs to the Detention Center.:

Increase 10-520-1500 Maint. & Repairs to Detention Center	\$8,400.00
Increase 10-520-47000 Custodial Care (Robeson County)	6,220.00

ADMINISTRATION - TABLED REQUEST FOR TRAVEL MILEAGE INCREASE

Dempsey B. Herring, Administrator, requested the Board to consider increasing travel from \$0.25 per mile to \$0.30 as the state rate is \$0.29 per mile and the federal rate is \$0.31.

The Board reached a general consensus to table the request to increase the mileage rate for travel at this time.

GRANTS RECEIVED SINCE JANUARY 1995

Dempsey B. Herring, Administrator, gave the following report on grants received since January 1995, for the record:

• Economic Development - Natural Gas Project	\$200,000.00
• Economic Development - CDBG Haworth Project	450,000.00
• Economic Development - Water improvements for Industrial Center	1,959,000.00
• Economic Development - Travel and Tourism	25,000.00
• Economic Development - State Economic Development Grant	500,000.00
• Water & Sewer District - Completion of deleted water line	150,000.00
• Appropriation for clean up of nuisance tire dumps	35,000.00
• Families First - Criminal Justice Partnership Program	137,000.00
• Department of Aging Programs	600,929.00
• Health Programs	<u>425,000.00</u>
GRAND TOTAL GRANTS RECEIVED	\$ 4,481,929.00

RESOLUTION - CABLE FRANCHISE ASSIGNMENT

A motion was made by Commissioner Norris, seconded by Commissioner Williams and passed unanimously to adopt the following Resolution:

**STATE OF NORTH CAROLINA
COUNTY OF COLUMBUS**

RESOLUTION

WHEREAS, Genesis Cable of North Carolina ("Genesis") was granted a franchise to provide cable television services and operate cable television systems (the "Systems") in Columbus County, North Carolina;

WHEREAS, Genesis desires to transfer the Systems and assign its franchise to Genesis Cable Communications, L.L.C., a Delaware limited liability company ("Genesis LLC");

WHEREAS, to complete the acquisition of said systems Genesis LLC is required to collaterally assign and grant a security interest in the franchise and all of the assets of Genesis LLC, including without limitation, all of the assets used in the operation of the systems, to one or more lenders, including without imitation, Fleet National Bank, for itself and as agent, in connection with any financing provided from time to time by any of such lenders (collectively, "Lenders"); and

WHEREAS, it is further necessary for Genesis LLC and/or its members to pledge all of the equity interests of Genesis LLC and/or capital stock of its members to one or more Lenders.

NOW, THEREFORE, BE IT RESOLVED that the Columbus County Board of Commissioners (the "Authority") hereby consents to the transfer of the Systems and the assignment of the cable television franchise to Genesis LLC, and the Authority hereby consents to the collateral assignment, grant of a security interest in, and/or mortgage of, the franchise and all of the assets of Genesis LLC, including without limitation, all of the assets used in the operation of the System, to one or more Lenders, including without limitation, Fleet National Bank, for itself and as agent, in connection with any financing provided from time to time by any of such lenders.

BE IT FURTHER RESOLVED that consent is hereby further given to Genesis LLC and/or its members to pledge all of the equity interests and/or capital stock of Genesis LLC and its members to one or more Lenders including without limitation, Fleet National Bank, for itself and as agent in connection with any financing provided from time to time by any of such lenders.

ADOPTED this 7th day of October 1996.

/s/ Spruell R. Britt, Chairman

ATTEST:

Columbus County Board of Commissioners

/s/ Ida L. Smith, Clerk to the Board

PROCLAMATION - COLUMBUS COUNTY SUFFERED A MAJOR DISASTER

A motion was made by Commissioner Norris, seconded by Commissioner Wilson and passed unanimously to adopt the following Proclamation:

AN EMERGENCY PROCLAMATION of the

COLUMBUS COUNTY BOARD of COMMISSIONERS

WHEREAS, Columbus County suffered a "major disaster" September 5 and 6, 1996, when struck by a devastating hurricane; and

WHEREAS, the President of the United States has authorized federal agencies

to provide disaster relief in North Carolina and Columbus County; and

WHEREAS, the United States Army Corps of Engineers has, as a part of that effort, agreed to provide construction and demolition debris removal through its own personnel or through contractors operating in its behalf, from the public and private right-of-ways within Columbus County; and

WHEREAS, the Corps of Engineers requires authorization to enter private property and roadways within Columbus County for the sole purpose of removal of construction and demolition debris; and

WHEREAS, the Columbus County Board of Commissioners has determined that such authorization is necessary to preserve the safety, health and welfare of people within the County.

IT IS THEREFORE PROCLAIMED by the Chairman of the Columbus County Board of Commissioners that a State of Emergency exists in Columbus County pursuant to N.C.G.S. 14-288.13. The Chairman has determined that it is necessary to authorize the federal government to enter onto the private roads and property of the people of Columbus County for the sole limited purpose of removal of debris caused by Hurricane Fran in order to protect the public safety and welfare of persons in Columbus County. This authorization covers the Corps of Engineers, other federal agencies and those contracting with them for such debris removal.

IT IS FURTHER PROCLAIMED that this Proclamation shall take effect upon its execution and shall remain in effect until January 20, 1997.

This the 7th day of October, 1996.

COUNTY OF COLUMBUS
/s/ SPRUELL R. BRITT, Chairman
COLUMBUS COUNTY BOARD OF COMMISSIONERS

ATTESTED BY:
/s/ IDA L. SMITH, Clerk to Board

RIGHT-OF-ENTRY - CORPS OF ENGINEERS

A motion was made by Commissioner Wilson, seconded by Commissioner Jacobs and passed unanimously to adopt the following Right-of-Entry to the United States

Corps of Engineers.

RIGHT-OF-ENTRY to the

United States Army Corps of Engineers

WHEREAS, on the sixth day of September, 1996, the President declared a "major disaster" in the State of North Carolina under the provisions of Public Law 288, 93rd Congress as amended; and

WHEREAS, the Governor of the State of North Carolina by letter dated September 5, 1996, agreed that the State of North Carolina, in accordance with 44 CFR 206, 208, would provide without cost to the United States all lands, easements and right-of-ways necessary to accomplish the approved work and to hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work; and

WHEREAS, the County of Columbus is a public entity within the State of North Carolina; and

WHEREAS, the County of Columbus has determined that it has the authority under N.C.G.S. 14-288.13 to remove the debris from designated public or private areas.

NOW, THEREFORE, the County of Columbus, pursuant to its authority under N.C.G.S. 14-288.13, grants to the United States, the United States Army Corps of Engineers, and its contractors and subcontractors, the authority and permission to enter in and onto all designated areas within the County of Columbus, State of North Carolina, at any time within a period of ninety (90) days from the date of this instrument in order to remove debris.

COLUMBUS COUNTY

Date: October 3, 1996

ATTESTED BY:

/s/ Spruell R. Britt, Chairman

/s/ Ida L. Smith, Clerk to Board

Board of County Commissioners

CLOSED SESSION

At 9:15 A.M., a motion was made by Commissioner Dutton, seconded by Commissioner Norris and passed unanimously to enter into closed session in accordance with N.C.G.S. 143-318.11(5).


RESUME REGULAR SESSION

At 9:35 A.M., a motion was made by Commissioner Williams, seconded by Commissioner Wilson and passed unanimously to adjourn closed session and resume regular session.

No action was taken.


ADJOURNMENT

Immediately, thereafter, a motion was made by Commissioner Wilson, seconded by Commissioner Norris and passed unanimously to adjourn the meeting.



Ida L. Smith, Clerk to the Board

APPROVED:



Spuell R. Britt, Chairman