

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, November 4, 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

The meeting was called to order by Chairman Spruell R. "Randy" Britt and the invocation was given by Commissioner C.E. "Gene" Wilson.

BOARD MINUTES APPROVAL

A motion was made by Commissioner Norris, seconded by Commissioner Williams and passed unanimously to approve the Board Minutes of the October 21, 1996, Meeting, as recorded.

CONSENT AGENDA ITEMS

A motion was made by Commissioner Norris, seconded by Commissioner

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

Tax Releases:

J.K. Adams: I-14-12, rebilled to Charles Adams on #06-00028, for 95. Amount \$85.80, valuation \$11,000, year 1995, account #06-00079.

William Cecil & Patricia Barnhill: E-3B-47, lot and house rebilled to Charles L. Williamson on #12-30040. Amount \$473.40, valuation \$53,000, year 1996, account #12-00860.

Robert & Cathy Blankenship: Mobile home located on M-9-36, double-listed on personal property, #01-06565. Affixed for 1997. Amount \$411.00, valuation \$45,000, year 1996, account #03-01767.

Jackie S. Burchette: Accrued interest applied through error on Bankruptcy account - clerical error. Claim reimbursed 100% by bankruptcy court. Amount \$14.60, year 1996, account #13-04944.

William B. & Florence Camlin: Y-1A-34, pool caved in, in 1993. Amount \$95.04, valuation \$8,800, year 1996, account #15-08440.

Cedar Grove Community Center: H-3-18, tax exempt. Amount \$200.46, valuation \$25,700, year 1996, account #12-50012.

Ola Leigh G. Cox: J-14-21, house vacant. Amount \$60.00, year 1996, account #07-02840.

William R. & Carolyn Cribb: J-7A-82, house moved off property. Amount \$36.00, year 1996, account #01-18430.

Mamie Lene Davis: CG-2-33, second house vacant. Amount \$60.00, year 1996, account #16-03480.

Charles R. & Sue T. Drake: Mobile home sold October 1995. Amount \$126.53, valuation \$7,570, year 1996, account #11-08359.

Juanita Sellers Dudley: I-10-135 old store building incorrect valuation. Second floor storage only. Amount \$125.16, valuation \$14,900, year 1996, account #09-06707.

Norma Juliett Edwards: D-7-25A, double-listed to #10-04020, map C-7-29, Vollie Edwards. Amount \$114.38, valuation \$13,800, years 1988-96, account #16-03955.

Roosevelt Frink: Mobile home sold in 1995. Amount \$90.12, valuation \$3,510, year 1996, account #13-14373.

Betty L. George: Mobile home priced as a 1986 year model instead of a 1983 valuation \$1,670. Amount \$65.23, valuation \$670, year 1996, account #01-31074.

Alton Gregory Gore: Discovered vehicle not in Columbus County in 1992 but in New Jersey. Amount \$2.43, year 1992, account #17-14162.

Johnnie Gore, Jr.: Discovered vehicle (1989 Ford) never been located in Columbus County. Taxes paid in Florida. Amount \$136.10, valuation \$17,930, years 1991-92, account #17-14616.

Larry G. Gore: 2% discount not absorbed by computer. Taxes paid prior to release. Amount \$5.46, year 1996, account #06-14757.

Richard J. Gore: M-8-37, vacant tract. Acreage breakdown billed incorrectly. Amount \$139.12, valuation \$9,200, year 1996, account #03-09483.

Lenzy Eugene Graham, Jr.: BT-1-58, house burned August 17, 1994. Amount \$327.48, valuation \$34,700, year 1995, account #04-06340.

Ervin Hall, Sr.: Vehicles double-listed on #01-36040, Ervin Hall on Late Listing. Amount \$134.98, valuation \$19,850, year 1990, account #01-99023.

Vernon H. Hall: P-3-6, rental house vacant for past several years. Amount \$60.00, year 1996, account #08-08015.

Steve Hilburn (Heirs): F-7-74, vacant house. Amount \$180.00, years 1993-96, account #13-18900.

Daniel & Carol Jeffers: Double-listing. Double-wide already listed on real as a leasehold on #16-09096, Daniel Jeffers. Amount \$401.97, valuation \$38,860, year 1996, account #13-21398.

Kendall Wayne Kelly: W-4-106, vacant tract - no hook-up. Amount \$27.00, valuation \$3,000, year 1996, account #15-22199.

Donnie & Connie F. Kelly: W-4-106, mobile home and addition, moved to Bladen County in 1991. Amount \$83.75, valuation \$10,000, years 1992-95. account #15-22060.

Mary Smith Kemp: Discovered vehicle (1990 Nissan). Taxes paid in Bladen County. Amount \$48.73, valuation \$6,420, year 1992, account #17-21633.

William & Caretha Lee: Mobile home moved in 1994 to St. Paul, NC where they reside. Amount \$23.09, valuation \$2,690, year 1995-96, account #01-52248.

William M. & Gayle Long: BT-2-30, house vacant. Amount \$36.00, year 1996, account #04-10620.

(Gene) Clarence E. Pegram: Mobile home vacant. Amount \$60.00, year 1996, account #11-19157.

Charles L. & Georgia Peterson: V-3-16, on Land Use Value. Amount \$166.14, valuation \$21,300, year 1996, account #15-29460.

Bobby Ray Prevatte, Sr.: I-6-16B, house burned in August 1995. Amount \$330.57, valuation \$31,100, year 1996, account #01-72723.

Lloyd McDuffie Skipper: L-8-41, house vacant. Amount \$60.00, year 1996, account #03-22081.

Country Fisherman: Equipment billed incorrectly. Amount \$233.66, valuation \$26,552, year 1996, account #01-17478.

Refunds:

Ordered: That a refund check be issued to Charles B. Creech, 198 Cope Road, Red Springs, NC 28377, in the amount of \$9.24, for year 1996. Mobile home, double-listed on #14-03807, Charles Bennett Creech. Valuation \$1,000, account #11-21220.

Ordered: That a refund check be issued to T.F. Collier, 974 Sam Potts Road, Whiteville, NC 28472, in the amount of \$601.70, for years 1994-96. I-3-30, vacant tract. House (leasehold on Roscoe Collier I-3-52) double-billed to Rocky Collier since 1994. Billed with \$45,400 valuation instead of \$23,900. Valuation \$64,500, account #01-15940.

Budget Amendments:

Decrease 10-348-0300 100% Child Day Care (State Funds)	(\$12,334.00)
Decrease 10-611-0201 100% Child Day Care	(\$12,334.00)
Increase 10-348-1600 Aid to Family Preservation	\$20,000.00

Expend 10-348-1600 Aid to Social Services Administration

\$20,000.00

AGREEMENT - N.C. INDIAN HOUSING AUTHORITY

A motion was made by Commissioner Gray, seconded by Commissioner Norris and passed unanimously to enter into an Agreement with the Indian Housing Authority contingent upon their status being a non-profit organization with no funding from the County.

STATE OF NORTH CAROLINA

COUNTY OF COLUMBUS

COOPERATION AGREEMENT

THIS AGREEMENT, entered into this the 24th day of October, 1996, by and between the **NORTH CAROLINA INDIAN HOUSING AUTHORITY** (hereinafter called the **LOCAL AUTHORITY**) and the **COUNTY OF COLUMBUS** (hereinafter called the **COUNTY**).

WITNESSETH:

In consideration of the mutual covenants hereinafter set forth, the parties hereto do agree as follows.

1. Whenever used in this Agreement:

- a) The term "Project" shall mean any low-rent housing hereafter developed as an entity by the **LOCAL AUTHORITY** with financial assistance of the United States of America acting through the Secretary of Housing and Urban Development (hereinafter called the **GOVERNMENT**); excluding, however, any low-rent housing project covered by any contract for loans and annual contributions entered into between the **LOCAL AUTHORITY** and the **GOVERNMENT**, or its predecessor agencies, prior to the date of this Agreement.
- b) The term "Taxing Body" shall mean the State or any political subdivision or taxing unit thereof in which a Project is situated and which would have authority to assess or levy real or personal property taxes or to certify such taxes to a Taxing Body or public officer to be levied for this use and benefit

with respect to a Project if it were not exempt from taxation.

- c) The term "Shelter Rent" shall mean the total of all charges to all tenants of a Project for dwelling rents and nondwelling rents (excluding all other income of such Project), less the cost to the **LOCAL AUTHORITY** of all dwelling and nondwelling utilities.
 - d) The term "Slum" shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals.
2. The **LOCAL AUTHORITY** shall endeavor (a) to secure a contract or contracts with the **GOVERNMENT** for loans and annual contributions covering one or more projects comprising of approximately ____ units of low-rent housing and (b) develop and administer such Project or Projects, each of which shall be located within the geographical boundaries of the **COUNTY**. The obligation of the parties hereto shall apply to each such Project.
 3. (a) Under the Constitution and Statutes of the State of North Carolina, all Projects are exempt from all real and personal property taxes levied or imposed by any Taxing Body. With respect to any Project, so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes; or (ii) any contract between the **LOCAL AUTHORITY** and the **GOVERNMENT** for loans or annual contributions, or both, in connection with such Project remains in force and effect; or (iii) any bonds issued in connection with such Project or any monies due to the **GOVERNMENT** in connection with such Project remain unpaid, whichever period is the longest, the **COUNTY** agrees that it will not levy or impose any real or personal property taxes upon such Project or upon the **LOCAL AUTHORITY** with respect thereto. During such period, the **LOCAL AUTHORITY** shall make annual payments (herein called **PAYMENTS IN LIEU**

OF TAXES) in lieu of such taxes and in payment for the public services and facilities furnished from time to time without other cost or charge for or with respect to such Project.

(b) Each annual **PAYMENT IN LIEU OF TAXES** shall be made after the end of the fiscal year established for such Project, and shall be in an amount equal to either (i) ten percent (10%) of the Shelter Rent actually collected but in no event to exceed ten percent (10%) of the Shelter Rent charged by the **LOCAL AUTHORITY** in respect to such Project during such fiscal year of, and (ii) the amount permitted to be paid by applicable state law in effect on the date such payment is made, whichever amount is the lower.

(c) The **COUNTY** shall distribute the **PAYMENTS IN LIEU OF TAXES** among the taxing bodies in the proportion which the real property taxes which would have been paid to each Taxing Body for such year if the Project were not exempt from taxation bears to the total real property taxes would have been paid to all of the Taxing Bodies for such year if the Project were not exempt from taxation; provided, however, that no payment for any year shall be made to any Tax Body in excess of the amount of the real property taxes which would have been paid to such Taxing Body for such year if the Project were not exempt from taxation.

(d) Upon failure of the **LOCAL AUTHORITY** to make any **PAYMENT IN LIEU OF TAXES**, no lien against any Project or assets of the **LOCAL AUTHORITY** shall attach, nor shall any interest or penalties accrue or attach on account thereof.

4. During the period commencing with the date of the acquisition of any part of the site or sites of any Project and continuing so long as either (i) such Project is owned by a public body or governmental agency and is used for low-rent housing purposes, or (ii) any contract between the **LOCAL AUTHORITY** and the **GOVERNMENT** for loans or annual contributions, or both, in connection with such Project remains in force and effect, or (iii) any bonds issued in connection with such Project or any monies due to the **GOVERNMENT** in connection with such Project remain unpaid,

whichever period is the longest, the **COUNTY** without cost or charge to the **LOCAL AUTHORITY** or the tenants of such Project (other than the **PAYMENTS IN LIEU OF TAXES**) shall:

- a) Furnish or cause to be furnished to the **LOCAL AUTHORITY** and the tenants of such Project public services and facilities of the same character and to the same extent as furnished from time to time without cost or charge to other dwellings and inhabitants in the **COUNTY**;
 - b) Cooperate with the **LOCAL AUTHORITY** by such other lawful action or ways as the **COUNTY** and the **LOCAL AUTHORITY** may find necessary in connection with the development and administration of such Project.,
5. If by reason of the **COUNTY'S** failure or refusal to furnish or cause to be furnished any public services or facilities which it has agreed hereunder to furnish or to cause to be furnished to the **LOCAL AUTHORITY** or to the tenants of any Project, the **LOCAL AUTHORITY** incurs any expense to obtain such services or facilities then the **LOCAL AUTHORITY** may deduct the amount of such expense from any **PAYMENTS IN LIEU OF TAXES** or to become due to the **COUNTY** in respect to any Project or any other low-rent housing projects owned or operated by the **LOCAL AUTHORITY**.
6. No Cooperation Agreement heretofore entered into between the **COUNTY** and the **LOCAL AUTHORITY** shall be construed to apply to any Project covered by this Agreement.
7. No member of the Governing Body of the **COUNTY** or any other public official of the **COUNTY** who exercises any responsibility or functions with respect to any Project during his tenure or for one (1) year thereafter shall have any interest, direct or indirect, in any Project or any property included or planned to be included in any Project, or any contracts in connection with such Projects or property. If any such Governing Body member or such other public official of the **COUNTY** involuntarily acquires or had acquired prior to the beginning of his tenure any such interest, he

shall immediately disclose such interest to the **LOCAL AUTHORITY**.

8. So long as any contract between the **LOCAL AUTHORITY** and the **GOVERNMENT** for loans (including preliminary loans) or annual contributions, or both, in connection with any Project remains in force and effect, or so long as any bonds issued in connection with any Project or any monies due to the **GOVERNMENT** in connection with any Project remain unpaid, this Agreement shall not be subrogated, changed, or modified without the consent of the **GOVERNMENT**. The privileges and obligations of the **COUNTY** hereunder shall remain in full force and effect with respect to each Project so long as the beneficial title to such Project is held by the **LOCAL AUTHORITY** or by any other public body or governmental agency, including the **GOVERNMENT**, authorized by law to engage in the development or administration of low-rent housing projects. If at any time the beneficial title to, or possession of, any Project is held by such other public body or governmental agency, including the **GOVERNMENT**, the provisions hereof shall inure to the benefit of any and may be enforced by, such other public body or governmental agency, including the **GOVERNMENT**.

IN WITNESS WHEREOF, the **COUNTY** and the **LOCAL AUTHORITY** have respectively signed this Agreement and caused their seal to be affixed and attested as of the day and year first above written.

COUNTY OF COLUMBUS

ATTEST:

BY: /s/ Spruell R. Britt, Chairman

/s/ Ida L. Smith, Clerk to Board

LOCAL AUTHORITY

ATTEST:

BY:/s/ David McGirt, Executive Director

/s/ _____
Secretary

RESOLUTION

ATTACHMENT A

The Board of Commissioners of the County of Columbus hereby resolves to

enter into a Cooperation Agreement with the North Carolina Indian Housing Authority to serve a single-family modular home dwelling to be located in Columbus County, North Carolina, and authorize Spruell R. Britt to execute this agreement on their behalf.

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County of Columbus hereby approves this Resolution to be adopted as presented. The motion was made by Commissioner Gray and seconded by Commissioner Norris, and upon role call those in favor and those opposed were as follows:

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

NOES: None

The Chairman thereupon declared said motion carried and said Resolution adopted this the 4th day of November 1996.

COUNTY OF COLUMBUS

BY: /s/ Spruell R. Britt, Chairman

ATTEST:

/s/ Ida L. Smith, Clerk to Board

SHERIFF - VEHICLE BIDS AWARDED

Dempsey B. Herring reported that three (3) bids were received for the Sheriff's Department to lease ten (10) vehicles with three (3) annual lease payments as follows:

Lumberton Ford Lincoln Mercury 600 West 5th Street Lumberton, NC 28359-0549	\$68,500.00
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Fair Bluff Motors, Incorporated 858 Main Street Fair Bluff, NC 28439	\$67,930.80
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Bobby Gerald Ford-Lincoln-Mercury P.O. Box 1025 Mullins, SC 29574	\$68,710.00
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James E. Hill, Jr., Attorney, requested the Board to waive the bid bond requirement in accordance with NCGS 143-129, Section B, in regards to the bidding process.

A motion was made by Commissioner Norris, seconded by Commissioner

Jacobs and passed unanimously to accept the low bid from Fair Bluff Motors, Incorporated in the amount of \$67,930.80 annually for three (3) years for leasing ten (10) vehicles for the Sheriff's Department. Also, to waive the bid bond as allowable in NCGS 143-129, Section B.

SHERIFF - SCHEDULE PUBLIC HEARING FOR GRANT APPLICATION

A motion was made by Commissioner Norris, seconded by Commissioner Jacobs and passed unanimously to schedule a public hearing for the Sheriff's Department regarding the proposed U.S. Department of Justice Local Law Enforcement Block Grant for November 18, 1996 at 7:25 P.M.

FAMILIES FIRST - LEASE AGREEMENT

A motion was made by Commissioner Norris, seconded by Commissioner Wilson and passed unanimously to approve an Agreement with Families First as follows:

STATE OF NORTH CAROLINA

COUNTY OF COLUMBUS

LEASE

This LEASE, made this the 4th day of November 1996, between Columbus County Government, a government unit created by the Authority of North Carolina, hereinafter referred to as the Lessor, and Families First, Incorporated, a nonprofit private corporation associated with Columbus County, hereinafter referred to as the Lessee.

W I T N E S S E T H :

The Lessor has hereby leased to the Lessee, and the Lessee has hereby accepted and taken from the Lessor the following described property:

Being the West Wing of the old Columbus County Department of Social Services Building located on property owned by Columbus County.

TERMS AND CONDITIONS OF THE LEASE ARE AS FOLLOWS:

1. The Lease will be for a period of ten (10) years beginning on the date of the execution of this document with option to renew for an additional ten (10) years.

This lease is non-transferable or non-assignable to any other agency, organization or

political body.

2. The facility will be used for the specific purpose of a Domestic Violence Shelter and programs related thereof.
3. The rental to be paid by the Lessee to the Lessor will be in the sum of one and 00/100 (\$1.00) dollar, annually, to be paid on the first day of each new calendar year.
4. The Lessee will be responsible for reasonable maintenance of the facility and all housekeeping. The Lessor will negotiate major maintenance and renovation needs with the Lessee.
5. Should, at any point, Families First, Incorporated cease to exist or disband, then all rights to the use of the leased premises will cease and this Lease will be terminated. Should the Lease be terminated, Families First will take all items of goods or equipment purchased by Families First and all items and goods purchased by County will remain in vacated structure.

IN TESTIMONY WHEREOF, the Lessor, Columbus County Government, causes this Lease to be executed by its Board Chairman and attested by the Clerk to the Board and for the Lessee, Families First, Incorporated, its Board of Director's Chairperson and attested by its Executive Director.

COUNTY OF COLUMBUS

FAMILIES FIRST, INCORPORATED

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

/s/ DAVID A. WALKER, Chairperson

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

**ATTESTED BY:
/s/ VICKIE PAIT**

ORDINANCE - COLUMBUS COUNTY STATE OF EMERGENCY

A motion was made by Commissioner Wilson, seconded by Commissioner Gray and passed unanimously to adopt the following Ordinance which will replace the State of Emergency Ordinance dated November 16, 1981 and amendment dated December 16, 1985.

**COLUMBUS COUNTY STATE OF EMERGENCY ORDINANCE
AN ORDINANCE AUTHORIZING THE PROCLAMATION OF A STATE OF**

**EMERGENCY AND THE IMPOSITION OF PROHIBITIONS AND RESTRICTIONS
DURING A STATE OF EMERGENCY**

Under the authority of Article 36A of Chapter 14, Chapter 166A, and Chapter 153A of the North Carolina General Statutes, the County of Columbus ordains:

Section 1. State of Emergency: Restrictions Authorized.

1. A State of Emergency shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.
2. In the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within Columbus County or any part thereof, or threatening damage to or destruction of property, the Chairperson of the Board of Commissioners of Columbus County is hereby authorized and empowered under Section 14-288.13 and 166A-8 to issue a public proclamation declaring to all persons the existence of such a state of emergency, and , in order to more effectively protect the lives and property of people within the County, to place in effect any or all of the restrictions hereinafter authorized.
3. The Chairperson is hereby authorized and empowered to limit by the proclamation the application of all or any part of such restrictions to any area specifically designated or described within the County and to specify hours of the day or night; and to exempt from all or any part of such restrictions, while acting in the line of and within the scope of their respective duties, law enforcement officers, firemen and other public employees, rescue squad members, doctors, nurses, employees of hospitals and other medical facilities; on-duty employees of public utilities, public transportation companies, and newspaper, magazine, radio broadcasting, and television broadcasting corporations operated for profit; and such other classes of persons as may be

essential to the preservation of public order and immediately necessary to serve the safety, health, and welfare needs of people within the County.

Section 2. Proclamation Imposing Prohibitions and Restrictions.

1. The Chairperson of the Board of Commissioners of Columbus County by proclamation may impose the prohibitions and restrictions specified in Sections 3 through 8 of this Ordinance in the manner described in those sections. The Chairperson may impose as many of those specified prohibitions and restrictions as he/she finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property. The Chairperson shall recite his/her findings in the proclamation.
2. The proclamation shall be in writing. The Chairperson shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in the County Courthouse. The Chairperson shall send reports of the substance of the proclamation to the mass communications media which serves the affected area. The Chairperson shall retain a text of the proclamation and furnish upon request certified copies of it.

Section 3. Evacuation.

The Chairperson may direct and compel the evacuation of all or part of the population of the County of Columbus, to prescribe routes, modes of transportation, and destination, in connection with evacuation; and to control ingress and egress of a disaster area, the movement of persons within the area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent proclamation which shall be well publicized.

Section 4. Curfew.

1. The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas

and the period during each 24-hour day to which the curfew applies. The Chairperson may exempt from some or all of the curfew restrictions classes of people whose exemption the Chairperson finds necessary for the preservation of the public health, safety, and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.

2. Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Chairperson by proclamation removes the curfew.

Section 5. Restrictions on Possession, Consumption, or Transfer of Alcoholic Beverages.

The proclamation may prohibit the possession or consumption of any alcoholic beverage; including beer, wine, and spirituous liquor other than on one's own premises, and may prohibit the transfer, transportation, sale or purchases of any alcoholic beverage within the area of the county described in the proclamation. The prohibition, if imposed, may apply to transfers of alcoholic beverages by employees of Alcoholic Beverage Control stores as well as by anyone else within the geographical area described.

Section 6. Restriction on Possession, Transportation, and Transfer of Dangerous Weapons and Substances.

1. The proclamation may prohibit the transportation or possession off one's own premises, or the sale or purchase of any dangerous weapon or substance. The Chairperson may exempt from some or all of the restrictions, classes of people whose possession, transfer, or transportation of certain dangerous weapons or substances is necessary to the preservation of the public's health, safety, or welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted.
2. "Dangerous weapon or substance" means:
 - a. Any deadly weapon, ammunition, explosive, incendiary device, radioactive material or device as defined in G.S.14-288.8(c)(5),

gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property.

- b. Any other instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used.
 - c. Any part or ingredient in any instrument or substance included above when the circumstances indicate a probability that such a part or ingredient will be so used.
3. If imposed, the restrictions shall apply throughout the jurisdiction of the County or such part thereof as designated in the proclamation.
 4. A violation of this section shall be punishable as provided in G.S. 14-288.7.

Section 7. Restrictions on Access to Areas.

1. The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order clearly posted notice, or barricade indicating that access is denied or restricted.
2. Areas to which access is denied or restricted shall be designated by the Sheriff and his/her subordinates or other law enforcement officer when directed in the proclamation to do so by the Chairperson. When acting under this authority, the Sheriff and his subordinates may restrict or deny access to any area, street, highway or location within the County if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency or to prevent further aggravation of the emergency.

Section 8. The Proclamation may prohibit or restrict:

1. Movements of people in public places;
2. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and
3. Other activities or conditions the control of which may be reasonably

necessary to maintain order and protect lives or property during the state of emergency, within the area designated in the proclamation.

4. To include the expenditures of County contingency funds needed to expedite any action within this proclamation.

Section 9. Removal of Prohibitions and Restrictions.

The Chairperson shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do so by the Board of Commissioners.

Section 10. Superseding the Amendatory Proclamations.

The Chairperson in his/her discretion may invoke the restrictions authorized by this Ordinance in separate proclamations, and may amend any proclamation by means of a superseding proclamation in accordance with the procedures set forth in Section 2.

Section 11. Termination of Proclamation.

Any proclamation issued under this Ordinance shall expire five (5) days after its last imposition unless sooner terminated in writing under the same procedures set forth in Section 2 for proclamations.

Section 12. In Case of Absence or Disability of Chairperson.

In case of the absence or disability of the Chairperson, the Vice-Chairperson of the Board of Commissioners, or such other person as may be designated by the Board of Commissioners, shall have and exercise all of the powers herein given the Chairperson.

Section 13. Penalty for Violation.

Except as provided in Section 6, any person violating any prohibition or restriction imposed by a proclamation authorized by this Ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not exceeding fifty-dollars (\$50.00) or imprisonment not exceeding 30 days, as provided by G.S. 14-4.

Section 14. Repeal of Conflicting Ordinances.

All Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 15. Territorial Applicability.

This Ordinance shall not apply within the corporate limits of any municipality, or within any area of the County over which the municipality has jurisdiction to enact general police-power Ordinances, unless the municipality by resolution consents to its application or the Mayor of the municipality has requested its application, in which event it shall apply to such areas as fully and to the same extent as elsewhere in the County.

Section 16. Validity.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each section, subsection, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 17. Effective date of Ordinance:

This Ordinance shall take effect on the 4th day of November, 1996.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ Spruell R. Britt, Chairman

ATTESTED BY:

/s/ Ida L. Smith, Clerk to Board

ORDINANCE - COLUMBUS COUNTY EMERGENCY ORDINANCE

A motion was made by Commissioner Wilson, seconded by Commissioner Gray and passed unanimously to adopt the Columbus County Emergency Ordinance which replaces the Columbus County Civil Preparedness Ordinance, dated December 1, 1975 as follows:

COLUMBUS COUNTY EMERGENCY ORDINANCE

The County of Columbus ordains: Columbus County Emergency Management Agency.

Section 1. Short Title.

This Ordinance shall be known and may be cited and referred to as “Emergency Management Ordinance for the County of Columbus”.

Section 2. Intent and Purpose.

1. It is the intent and purpose of this Ordinance to establish an office that will ensure the complete and efficient utilization of all of the County of Columbus’ resources to combat disaster resulting from enemy actions or other disasters as defined herein.
2. The Columbus County Office of Emergency Management will be the coordinating agency for all activity in connection with Emergency Management. It will be the instrument through which the Columbus County Board of Commissioners may exercise the authority and discharge the responsibilities vested in them during disaster emergencies.
3. This Ordinance will not relieve any County Department of the moral responsibilities or authority given to it in the County Charter or by local ordinances, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

Section 3. Definitions.

The following definitions shall apply in the interpretation of this Article:

1. “Emergency Management” shall mean those plans, actions, and procedures necessary to provide protection to the people against loss of life, injury, and loss or damage to property caused by natural phenomena or man-made causes such as war, insurrection, riot or accidents; and those measures necessary to mitigate the effects of the destructive forces of man and nature, to provide for response to disaster conditions and for the relief of suffering and hardship resulting from such conditions and to initiate rehabilitation of persons and restoration of essential services and acceptable standards of living . (GS 16-2(1) Extract).
2. “Disaster” includes but is not limited to actual or threatened enemy attack,

sabotage, extraordinary fire, flood, storm, epidemic, accident, chemical spill or other impending or actual calamity endangering or threatening to endanger health, life or property of constituted government.

3. "Emergency Management Forces" shall mean the employees, equipment, and facilities of all City and County departments, boards, councils, institutions and commission; and in addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
4. "Volunteer" shall mean contributing a service, equipment, or facilities to the Emergency Management Agency without remuneration.
5. "Emergency Management Volunteer" shall mean any person duly registered, identified and appointed by the Coordinator of Columbus County Emergency Management Agency and assigned to participate in the Emergency Management Activity.
6. "Coordinator" shall mean the Coordinator of the Columbus County Emergency Management Agency, appointed as prescribed in this Ordinance.
7. "Regulations" shall include plans, programs and other emergency procedures deemed essential to emergency management.

Section 4. Organization and Appointments.

1. The organization shall consist of the following:
 - a. An agency of Emergency Management within the executive department of the Columbus County Government under the direction of the Columbus County Board of Commissioners. The agency head of the Columbus County Emergency Management Agency shall be known as the Coordinator, and such assistants and other employees as are deemed necessary for the proper functioning of the agency will be appointed.
 - b. The employees and resources of all Columbus County departments, boards, institutions, and councils shall participate in the emergency

management activities. Duties assigned to the City or County department shall be the same as or similar to the normal duties of the department, where possible.

- c. Volunteer personnel and agencies offering service to, and accepted by the County.
2. The Columbus County Board of Commissioners shall appoint a Coordinator of the Columbus County Emergency Management Agency who shall be a person well versed and trained in planning operations involving the activities of many different agencies which will operate to protect the public health, safety and welfare in the event of danger from enemy action or disaster as defined in this Ordinance.
3. The Coordinator shall designate and appoint Deputy Coordinators to assume the emergency duties of the Coordinator in the event of his absence or inability to act.

Section 5. Emergency Powers and Duties.

During any period when disaster or when Columbus County has been struck by disaster, within the definition of this Ordinance, the Emergency Management Coordinator and the Chairman of the Board of Commissioners may promulgate such regulations as they deem necessary to protect life and property and preserve critical resources. This promulgation of regulations jointly by the Coordinator and Chairman will be only when immediacy of necessary action precludes contact and discussion with the entire Columbus County Board of Commissioners. Such regulations may include, but shall not be limited to the following:

1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work of Emergency Management Forces, or to facilitate the mass movement of persons from critical areas within the County.
2. Regulations pertaining to the movement of persons from areas deemed to be hazardous or vulnerable to disaster.
3. Such other regulations necessary to preserve public peace, health, and safety.

4. Regulations promulgated in accordance with the authority above will be given widespread circulation through all avenues of the news media.

Section 6. Day to Day Duties and Responsibilities of the Coordinator.

The Coordinator shall be responsible to the Columbus County Board of Commissioners in regard to all phases of emergency management activity. The Coordinator shall be responsible for the planning, coordination and operation of the Emergency Management activities in Columbus County. The Coordinator shall maintain liaison with the State and Federal authorities and the authorities of nearby political subdivisions so as to insure the most effective operation of the Emergency Management plans. The Coordinator's duties shall include, but not be limited to the following:

1. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the County of Columbus for Emergency Management purposes.
2. Development and coordination of plans for immediate use of all facilities, equipment, manpower and other resources of the County for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
3. Negotiating and concluding agreements with owners or persons in control of building or other property for the use of such building or other property for the Emergency Management purposes and designating suitable buildings as public shelters.
4. Through public informational programs, educating the populace as to actions necessary and required for the protection of their persons and property in case of enemy attack or disaster as defined herein, either impending or present.
5. Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures and operations.

6. Coordinating the activity of all other public and private agencies engaged in any Emergency Management activities.

Section 7. Emergency Management Plans.

1. Comprehensive Emergency Management plans shall be adopted and maintained by resolution of the Columbus County Board of Commissioners. In the preparations of these plans as it pertains to county organization, it is intended that the services, equipment and facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved, it shall be the duty of all departments and agencies to perform the functions assigned by these plans to maintain their portions of the plans in an current state of readiness at all times. These Plans shall have the effect of law whenever a disaster, as defined in this Ordinance, has been proclaimed.
2. The Coordinator shall prescribe in the emergency plans those positions within the disaster organization, in addition to his own, for which lines of succession are necessary. In each instance, the responsible person will designate and keep on file with the Coordinator a current list of three (3) persons as successors to his position. This list will be in order of succession and will nearly as possible designate persons best capable of carrying out all assigned duties and functions.
3. Each service chief and department head assigned responsibility in the Plans shall be responsible for carrying out all duties and functions assigned therein. Duties will include the organization and training of assigned employees and where needed volunteers. Each chief shall formulate the Standing Operating Procedure to implement the plans for his service.
4. Amendments to these Plans shall be submitted to the Coordinator. If approved, the Coordinator will then submit the amendments to the Columbus County Board of Commissioners with his recommendation for their approval. Such amendments shall take effect 30 days from the date of approval.
5. When a required competency or skill for a disaster function is not available

within government, the Coordinator is authorized to seek assistance from persons outside of government. The assignment of duties, when of a supervisory nature, shall also include the granting of authority for the persons so assigned to carry out such duties prior to, during, and after the occurrence of a disaster. Such services from persons outside of government may be accepted by local government on a volunteer basis. Such citizens shall be enrolled as Emergency Management volunteers.

Section 8. No Municipal or Private Liability.

1. This Ordinance is an exercise by the County of Columbus of its governmental functions for the protection for the public peace, health, and safety, and neither the County of Columbus nor agents and representatives of same, or any individual, receiver, firm, partnership, corporation, association, or trustee, or any of the agents thereof in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this Ordinance, shall be liable for any damage sustained to persons or property as the result of said activity.
2. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the County of Columbus the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an actual, impending or practice disaster situation shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission; or for loss of, or damage to, the property of such person.

Section 9. Violations.

It shall be a misdemeanor for any person to violate any of the provisions of this Ordinance or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the Emergency Management organization as herein defined in the enforcement of the provisions of this Ordinance or any plan issued thereunder.

Section 10. Severability.

Should any provision of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this Ordinance, as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

Section 11. Conflicting Ordinances, Orders Rules and Regulations Suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this Article shall be in effect, they shall supersede all existing Ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith.

Section 12. Effective Date.

This Ordinance shall take effect on the 4th day of November, 1996.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

ATTESTED BY: /s/ Spruell Randolph Britt, Chairman

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

RESOLUTION - CAPE FEAR COUNCIL OF GOVERNMENTS

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

**RESOLUTION
BY
THE COUNTY OF COLUMBUS**

WHEREAS, in North Carolina the Lead Regional Organizations, as voluntarily organizations serving municipal governments, have established productive working relationships with the cities and counties across this state; and

WHEREAS, the 1995 General Assembly recognized this need through the appropriation of \$864,270 to help the Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and the activities as deemed appropriate by their local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by June 20, 1997 for release of these funds to our Regional Council, the available funds will revert to State's general funds; and

WHEREAS, in Region O, funds in the amount of \$48,015 will be used to/for prepare community development and land use plans, zoning ordinances, economic development/revitalization plans and grants, and provide other technical assistance to local governments.

NOW, THEREFORE BE IT RESOLVED, that the County of Columbus requests the release of its share of these funds, \$9,040.98, to the Cape Fear Council of Governments at the earliest possible time in accordance with the provisions of Chapter 324, House Bill 229, Section 9.4 of the 1995 Session Laws.

Adopted this the 4th day of November 1996.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

ATTESTED BY:

/s/ Spruell R. Britt, Chairman

Ida L. Smith, Clerk to Board

AGREEMENT - EMERGENCY WATERSHED PROTECTION PROJECT

A motion was made by Commissioner Jacobs, seconded by Commissioner Norris and passed unanimously to enter into an Emergency Watershed Protection Agreement for emergency repair work due to Hurricane Fran. The Agreement is contingent upon the Federal Government funding 75 % and the State providing 25% cost share. Further, the County will not be responsible for the maintenance of these streams.

THIS AGREEMENT, made on November 4, 1996, is between the Natural Resources Conservation Service, United States Department of Agriculture, hereinafter referred to as NRCS, and the Board of Commissioners.

The Columbus County Board of Commissioners and the NRCS agree to carry out the terms of this Agreement for the operation and maintenance of the practices in the State of North Carolina. The practices covered by this agreement are identified as follows:

Debris removal from channels that are associated with the various watersheds that are found in Columbus County, as directed by the Emergency Watershed Protection Program.

I. General

A. Columbus County will:

1. Be responsible for operating and performing, or having performed, all needed maintenance of practices, as determined by either NRCS of Columbus County, without cost to NRCS.
2. Obtain prior NRCS approval of all plans, designs, and specifications for maintenance work deviating from the Operation and Maintenance (O&M) Plan, and of plans and specifications for any alteration to the practice(s).
3. Notify NRCS of any Agreement to be entered into with other parties for the operation and maintenance of all or part of the project practice(s), and provide NRCS with a copy of the Agreement after it has been signed by Columbus County and the other party.
4. Provide NRCS personnel with the right of free access to the project practice(s) at any reasonable time for the purpose of carrying out the terms of the agreement.

B. NRCS will, upon request from the Columbus County, and to the extent permitted by its resources, provide consultation assistance in the operation, maintenance, and replacement of practices.

II. Operation and Maintenance Plan (O&M Plan)

An O&M Plan for each practice included in this Agreement is attached to and becomes a part of this Agreement.

III. Inspection and Reports

Columbus County will inspect the practice(s) as specified by the O&M Plan.

IV. Time and Responsibility

Columbus County's responsibility for operation and maintenance begins when a practice is partially installed or completed and accepted by Columbus County, or is determined to be completed and accepted by Columbus County, or is determined to be complete by NRCS. This responsibility shall continue until the expiration of the measure of all the installed project practices. This does not relieve Columbus County

of liability, which continues throughout the life of the measure or until its modified to remove potential loss of life or property.

V. Records

Columbus County will maintain, in a centralized location, a record of all inspections and significant action taken, cost of performance, and completion data with respect to operation and maintenance. NRCS may inspect these records at any reasonable time during the term of the Agreement.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
BY: /s/ Spruell R. Britt, Chairman

This action was authorized at an official meeting of the Columbus County Board of Commissioners on November 4, 1996 at Whiteville, North Carolina.

ATTEST:
Ida L. Smith, Clerk to Board

UNITED STATES DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE
BY: _____ Title _____

CLOSED SESSION

At 8:23 A.M., a motion was made by Commissioner Williams, seconded by Commissioner Jacobs and passed unanimously to enter into closed session in accordance with N.C.G.S. 143-318.11(5).

RESUME REGULAR SESSION

At 8:55 A.M., a motion was made by Commissioner Norris, seconded by Commissioner Williams and passed unanimously to adjourn closed session and resume regular session.

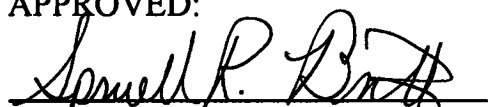
No action was taken.

ADJOURNMENT

Immediately thereafter, a motion was made by Commissioner Dutton, seconded by Commissioner Jacobs and passed unanimously to adjourn the Board Meeting.


Ida L. Smith, Clerk to Board

APPROVED:


Spruell R. Britt, Chairman