

**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., February 1, 1999, for the regularly scheduled Board Meeting, it being the first Monday.

**BOARD MEMBERS PRESENT:**

C.E. Wilson, Chairman

Sammie Jacobs, Vice Chairman

Spruell R. Britt

David L. Dutton, Jr.

A. Dial Gray, III

Amon E. McKenzie

Lynwood Norris

James E. Hill, Jr., Attorney

Dempsey B. Herring  
County Administrator

Ida L. Smith, Clerk to Board

**PUBLIC HEARING - 1999 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING**

Chairman Wilson called the Public Hearing to order for comments regarding an application for the 1999 Community Development Block Grant Funding for Columbus County for community development and infrastructure needs.

The Chairman requested anyone wishing to speak concerning the Application for the 1999 Community Development Block Grant Funding for Columbus County to be recognized by stating their name.

M. Floyd Adams, P.E., representing the Adams Company, discussed the preparation of a 1999 Infrastructure Grant for water improvements. Mr. Adams reported this is the first of two (2) public hearings required to be held and requested the Board to schedule

the second public hearing for March 15, 1999.

There were no other comments.

The Board reached a general consensus to schedule the second public hearing for the 1999 Columbus County Community Development Block Grant Infrastructure Grant for March 15, 1999 at 7:30 P.M.

**PUBLIC HEARING CLOSED**

Chairman Wilson declared the Public Hearing closed at 8:10 A.M.

**BOARD MEETING COMMENCED AT 8:10 A.M.**

Chairman Wilson called the Board Meeting to order and Commissioner Jacobs gave the invocation.

**BOARD MINUTES APPROVAL**

A motion was made by Commissioner Norris, seconded by Commissioner Britt and passed unanimously to approve the Minutes of the January 19, 1999 Board Meeting, as recorded.

**CONSENT AGENDA ITEMS**

A motion was made by Commissioner Norris, seconded by Commissioner Britt and passed unanimously to approve the following consent agenda items.

**Tax Refunds:**

Request a refund in the name of Lloyd G. Davis, 7906 Old 74 Hwy., Evergreen, NC 28438. Property double listed in the name of Rodney Fields. Amount \$37.53, Value \$5,400, Year 1998, Account #12-06240.

Request a refund in the name of Elizabeth B. Ehlers, 2957 White Hall Rd., Whiteville, N.C. 28472. Property should have been in land use program. Amount \$287.66, Value \$38,100, Year 1998, Account #14-04841.

Request a refund for the user fee in the name of Brantley L. Elliott, 696 Krissie Prease Road, Whiteville, NC 28472. Camper picked up as mobile home. Amount \$100.00, Value \$N/A, Year 1997, Account #01-23780.

Request a refund for the user fee in the name of Brantley L. Elliott, 696 Krissie

Prease Road, Whiteville, N.C. 28472. Camper picked up as mobile home. Amount \$100.00, Value \$N/A, Year 1998, Account #01-23780.

Request a refund for the user fee in the name of Bernard B. & Jacqueline Lennon, 9327 Old Lumberton Road, Evergreen, NC 28438. House torn down in 1997. Amount \$100.00, Value \$N/A, Year 1998, Account #13-23340.

Request a refund for the user fee in the name of Gaston H. & Pamela B. Ray, P.O. Box 41, Lake Waccamaw, N.C. 28450. House is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #08-15353.

Request a refund in the name of Ferbie & Viola Sarvis, 1995 Tommy Wooten Road, Chadbourn, N.C. 28431. Mobile home double listed in the name of Viola Sarvis. Amount \$157.56, Value \$6,840, Year 1998, Account #13-35111.

Request a refund in the name of Jessie Edward Stocks. Property double listed in the name of Donald E. Stocks, 55 Stocks Drive, Nakina N.C. 28455. Check should be in Donald's name. Amount \$120.29, Value \$2,919, Year 1997, Account #07-16960.

Request a refund in the name of Jessie Edward Stocks. Property double listed in the name of Donald E. Stocks, 55 Stocks Drive, Nakina, N.C. 28455. Check should be in Donald's name. Amount \$120.29, Value \$2,919, Year 1998, Account #07-16960.

Request a refund for a portion of the user fee in the name of Dennis C. Williamson, 58 Carter Road, Chadbourn, N.C. 28431. This property is a barber shop and should not be charged user fee. Amount \$6.22, Value \$N/A, Year 1998, Account #13-44604.

Request a refund in the name of Alene Garner (Mrs.), 133 Crusoe Island Rd., Whiteville, N.C. 28472. Old house vacant and has no trash cart. Amount \$100.00, Value \$N/A, Year 1997, Account #03-08160.

Request a refund in the name of Earl Calton Ward, 6964 Hallsboro Rd. S., Whiteville, N.C. 28472. Mobile home double listed as real and personal property. Amount \$7.76, Value \$1,000, Year 1998, Account #03-26400.

#### **Tax Releases:**

Release the special district fee in the name of Angelene Currie. Property not located in Whiteville Rescue District. Amount \$4.43, Value \$N/A, Year 1998, Account #13-

14671.

Release the special district fee in the name of Richard Hemminger. Property not located in Riegelwood Sanitary District. Amount \$57.03, Value \$N/A, Year 1998, Account #15-18013.

Release a portion of the value in the name of G. Dallas Lennon. Failed to receive full senior citizens exemption. Amount \$117.12, Value \$2,100, Year 1998, Account #15-23520.

Release a portion of the user fee in the name of Vickie Barrett. Property inside city. Amount \$40.00, Value \$N/A, Year 1998, Account #01-02141.

Release the user fee in the name of Mary Margaret Beck. House is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #09-00930.

Release the user fee in the name of Debbie Dew Brown. Mobile home vacant and there is no trash cart here. Amount \$100.00, Value \$N/A, Year 1998, Account #01-09228.

Release the user fee in the name of Avis Collins. House is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #01-03353.

Release the user fee in the name of Rollo & Peggy Corrothers. House vacant and trash cart picked up. Amount \$100.00, Value \$N/A, Year 1998, Account #13-34838.

Release the user fee in the name of Rollo Mimin Corrothers. Mobile home being used for storage. Amount \$100.00, Value \$N/A, Year 1997, Account #13-34888.

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Release the user fee in the name of Phyllis C. Creech. House is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #14-04003.

Release the user fee in the name of William C. & Isadora Fowler. This is commercial property (office). Amount \$100.00, Value \$N/A, Year 1998, Account #06-22281.

Release the user fee in the name of Dalton M. Gordon (Sr.). Billed with three (3) user fees and there are only two (2) houses on the property. Amount \$100.00, Value

\$N/A, Year 1998, Account #13-15460.

Release the user fee in the name of Brad & Shelley High. Home double listed in the name of Shelley & Shirley Nance. Amount \$100.00, Value \$N/A, Year 1998, Account #12-00934.

Release the user fee in the name of Elizabeth McDuffie. Home is vacant and there is no trash cart here. Amount \$100.00, Value \$N/A, Year 1998, Account #13-02429.

Release the user fee in the name of Patricia Moore. User fee double listed in the name of Patricia B. Moore under another account number. Amount \$100.00, Value \$N/A, Year 1998, Account #11-18088.

Release the user fee in the name of Hazel Robbins Purvis. House is vacant and there is no trash cart here. Amount \$100.00, Value \$N/A, Year 1998, Account #15-30921.

Release the user fee in the name of Marshall Riddle. House vacant and there is no trash cart here. Amount \$100.00, Value \$N/A, Year 1998, Account #07-14067.

Release a portion of the user fee in the name of Margaret Ripple. Property located in the city limits of Whiteville. Amount \$40.00, Value \$N/A, Year 1998, Account #01-76688.

Release the user fee in the name of Curlie Blanks Rodgers. House burned and they never received a trash cart. Amount \$100.00, Value \$N/A, Year 1998, Account #14-12660.

Release the user fee in the name of Graham & Agnes M. Sellers. Property is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #09-25600.

Release the user fee in the name of Teresa Lynn Shaw. House is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #13-36268.

Release the user fee in the name of George R. & Donna J. Smith. House is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #06-33387.

Release the user fee in the name of Mary Ella Southern. Mobile home is vacant. Amount \$100.00, Value \$N/A, Year 1998, Account #01-87523.

Release the user fee in the name of Tabor City Committee of 100. Building is vacant, and there is no trash cart here. Amount \$100.00, Value \$N/A, Year 1998, Account

#06-39062.

Release the user fee in the name of Alton Glasgow & Ruth B. White. This is a commercial building in town. Amount \$100.00, Value \$N/A, Year 1998, Account #13-43040.

Release the user fee in the name of Herbert White. Mobile home is vacant and there is no trash cart here. Amount \$100.00, Value \$N/A, Year 1998, Account #02-04701.

Release a portion of the property value in the name of Marie Ward Anton. Billed with incorrect value and house is not livable yet. Amount \$133.10, Value \$4,330, Year 1998, Account #12-00168.

Release the property value in the name of Joe Leon & Tonnnett Cox. Property double listed in the name of Shannon Devon Cartrette. Amount \$169.42, Value \$9,080, Year 1997, Account #13-09249.

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Release the property value in the name of Angeline Currie. Property double listed in the same name but with a different account number. Amount \$295.39, Value \$23,220, Year 1998, Account #01-04542.

Release the user fee in the name of Lloyd G. & Vernell Davis. Property double listed in the name of Rodney Fields. Amount \$50.18, Value \$6,500, Year 1998, Account #12-06243.

Release a portion of the property value in the name of Anthony C. Wise Faison (Jr.). House is double listed in the name of Anthoney C. Faison (Jr.) and Diane D. Faison with a different account number. Amount \$1,086.29, Value \$156,300, Year 1998, Account #01-25800. Also, release Klondyke Fire District \$109.41 and Whiteville Rescue Department \$31.26. Total amount of release is \$1,226.96.

Release the property value in the name of Clinton L. & Carolyn Grainger. Property double listed in the name of Sonya E. Armstrong. Amount \$40.80, Value \$5,100, Year 1996, Account #01-34360.

Release the property value in the name of Clinton L. & Carolyn Grainger. Property double listed in the name of Robbin Lee Graham. Amount \$69.36, Value \$9,700, Year 1998, Account #01-34360.

Release the value of a mobile home in the name of Mildred Johnson. Property double listed in the name of Proctor Johnson. Amount \$148.62, Value \$6,360, Year 1997, Account #10-09605.

Release the property value in the name of Mildred Johnson. Property double listed in the name of Proctor Johnson. Amount \$108.62, Value \$6,360, Year 1998, Account #10-09605.

Release a portion of the property value in the name of Larry & Donnie Jones. Mobile home billed with incorrect year and value. Amount \$158.85, Value \$18,170, Year 1998, Account #16-02759.

Release the value of a mobile home in the name of Allison Lee. Home double listed in the name of Rohn & Lisa Ward. Amount \$247.31, Value \$17,060, Year 1997, Account #01-51861.

Release the value of a mobile home in the name of Allison Lee. Home double listed in the name of Rohn & Lisa Ward. Amount \$234.44, Value \$15,570, Year 1998, Account #01-51861.

Release the property value in the name of Ricky L. & Kathy S. Simmons. Property double listed in the name of William & Diane Stubbs. Amount \$65.88, Value \$8500, Year 1998, Account #14-42230.

Release the property value in the name of Greg Laverne Spivey. Property double listed in the name of Kristie P. & Gregory Spivey. Amount \$349.63, Value \$31,400, Year 1998, Account #16-13611.

Release the property value in the name of Kristy P. & Gregory P. Spivey. Property double listed in the name of Kristie P. and Gregory Spivey with a different account number. Amount \$340.21, Value \$31,400, Year 1998, Account #13-37671.

Release the value of a mobile home in the name of Jean Stancil. Home double listed in the name of Emma Jean Stancil. Amount \$216.00, Value \$16,690, Year 1997,

Account #01-88989.

Release the value of a mobile home in the name of Debbie Turner. Home burned September 1996. Amount \$8.58, Value \$1000, Year 1997, Account #12-27964.

Release the value of a mobile home in the name of Debbie Turner. Home burned September, 1996. Amount \$107.65, Value \$1000, Year 1998, Account #12-27964.

Release the user fee in the name of Dennis Williamson. Billed on commercial property (barber shop). Amount \$93.78, Value \$N/A, Year 1998, Account #13-44604.

**Budget Amendment:**

Accept 10-348-0503	State Funds - Food and Lodging	\$3,126
Expend 10-575-0200	Salaries for mandated inspections of food and lodging establishments	\$3,126

**DEPARTMENT OF TRANSPORTATION - ROADS DISCUSSION WITH ROBERT CRUMPLER**

Robert Crumpler, Department of Transportation District Engineer, was present to discuss Columbus County Secondary Roads with the Board Members. The following Secondary Roads were discussed:

1. Commissioner McKenzie inquired regarding his recent request for "SLOW" signs to be erected at NC 410 at Cedar Grove Baptist Church due to the excessive traffic at the intersection. Also, on NC 410, ditches need to be excavated to reduce flooding in the area.

Mr. Crumpler stated he will request the Traffic Engineer in Fayetteville to do a traffic study on NC 410. Mr. Crumpler will request the Columbus County Department of Transportation Maintenance Department to look at the ditches.

2. Commissioner Wilson inquired regarding the status of State Road 1700.

Mr. Crumpler reported approximately one-half of SR 1700 is under contract to begin widening after March 15, 1999.

3. Commissioner Jacobs inquired regarding the status of State Road 1830.

Mr. Crumpler reported SR 1830 is scheduled for paving after March 15, 1999.

4. Commissioner Norris inquired regarding the paving status of State Road Connector 1121 to South Carolina which loops off State Road 1119, Wright Road.

Mr. Crumpler stated that State Road 1121 is Number 80 on the Priority Listing.

5. Commissioner Jacobs reported there are people attending the Board Meeting regarding the status of Loop Road, SR 1804 and 1703 Farmers Union Road.



Chairman Wilson requested Mr. Crumpler to meet with those in attendance about their road concerns after the meeting.

6. Commissioner Britt inquired if the State is on schedule with the 1998-99 Secondary Roads Priority Schedule.

Mr. Crumpler stated they are behind on roads in which they have been unable to get rights-of-way signatures.

7. Commissioner Wilson inquired if the State has been successful in obtaining signatures on State Road 1547, Jack Hayes Road.

Mr. Crumpler stated they are still in the process of acquiring signatures.

8. Commissioner McKenzie inquired regarding the status of State Road 1534, Red Store Road.

Mr. Crumpler reported that SR 1534, Red Store Road is Number 136, on the Priority List.

Mr. Crumpler reported that the rating of unpaved secondary road priorities are derived on a point system that is performed every two years and is available at the Department of Transportation Office.

#### **ONE-ON-ONE PROGRAM - DELETED FROM AGENDA**

The One-on-One Program presentation was deleted from the Agenda as Mr. Ernie Gaskins, Director, did not attend the Board Meeting.

#### **SOCIAL SERVICES - WORK FIRST BLOCK GRANT RESOLUTION ADOPTED**

Larry Moore, Social Services Director, reported they have been advised by the North Carolina Department of Health and Human Services, Division of Social Services, the General Assembly enacted Senate Bill 1366 on October 30, 1998, which requires all standard counties maintain their county level of spending on Work First Activities as the same amount as spent in 1996-97. Based on this requirement and the available state and federal funds, an individual formula was developed for each county which results in the county where spending formulas would be adjusted if the current formula and spending level would not result in a county meeting its maintenance of effort requirement.

A motion was made by Commissioner Britt, seconded by Commissioner McKenzie and passed unanimously to adopt the following Resolution.

#### **OPPOSITION of WORK FIRST BLOCK GRANT**

**MAINTENANCE of EFFORT REQUIREMENT RESOLUTION**

**WHEREAS**, the Columbus County Department of Social Services has worked effectively to assist public assistance recipients to move from dependency to self-sufficiency; **and**

**WHEREAS**, the Columbus County Department of Social Services has met and continues to meet the federally mandated participation rate; **and**

**WHEREAS**, the Columbus County Department of Social Services has accomplished all, without unnecessary expenditures, of Work First Block Grant maintenance of effort funds; **and**

**WHEREAS**, Columbus County must spend one hundred twenty-seven thousand six hundred seventy-eight and 00/100 (\$127,678.00) dollars or be penalized by the State by having that amount withheld from federal funds so that the State can meet a quota of spending; **and**

**WHEREAS**, the State of North Carolina is requiring the County of Columbus to expend one hundred (100%) percent of the maintenance of effort requirement on the misconception that links a successful program with the expenditure of a set amount of funds; **and**

**WHEREAS**, statistics provided by the State of North Carolina indicate that expenditures of one hundred (100%) percent of the maintenance of effort requirement do not correlate with the success or failure of a county's Work First Employment program; **and**

**WHEREAS**, the State of North Carolina, through its enforcing of unnecessary spending for the simple sake of spending a certain percentage, is, in fact, forcing yet another unfunded mandate on counties; **and**

**WHEREAS**, making Columbus County spend local funds that could go back to the County's General Fund with the intent of withholding State and Federal allocations is extortive in nature; **and**

**WHEREAS**, the County of Columbus does not agree with the Work First Block Grant maintenance of effort requirement as set forth by the State of North Carolina

by requiring the needless spending of local tax dollars when maintenance of effort is met without the senseless spending for the sake of spending.

**NOW, THEREFORE BE IT RESOLVED** the Columbus County Board of Commissioners goes on record as being opposed to the State's policy of spending the local tax dollars needlessly and spuriously and further resolve that local agencies should not be penalized for doing a good job of serving the target population while at the same time saving vitally needed funds at the local level.

**ADOPTED** this the 1st day of February 1999.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

**C.E. WILSON, Chairman**

**ATTESTED BY:**

**IDA L. SMITH, Clerk to Board**

**RESOLUTION - CAPE FEAR COUNCIL OF GOVERNMENTS GENERAL ASSEMBLY APPROPRIATION**

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

**FUNDS RELEASE RESOLUTION**

**by the BOARD of COUNTY COMMISSIONERS  
of COLUMBUS COUNTY**

**WHEREAS**, in North Carolina the **COUNCIL OF GOVERNMENTS (COG's)**, or Lead Regional Organizations, as designated by the NC General Assembly, serve both municipal and County Government, and has established productive working relationships with the cities and counties across the state; and

**WHEREAS**, in 1998 the NC General Assembly recognized these existing working relationships and the continuing need of local governments for assistance and support through the appropriation of eight hundred sixty-four thousand two hundred seventy and 00/100 (\$864,270.00) dollars to help each of the eighteen (18) COG's assist local government with activities as deemed appropriate by their area local governments; and

**WHEREAS**, these funds are stipulated by the NC General Assembly as not intended to be used for payment of member dues or assessments to COG's and will not supplant or replace funds designated for the COG by the member governments; **and**

**WHEREAS**, in the event that this resolution is not passed by the local government by June 30, 1999, for release of a portion of these funds to our COG, the available funds will revert to the State's General Fund; **and**

**WHEREAS**, in Region O, funds in the amount of forty-eight thousand fifteen and 00/100 (\$48,015.00) dollars will be used to provide technical assistance to local government.

**NOW THEREFORE, BE IT RESOLVED**, the Board of County Commissioners of Columbus County requests the release of its share of these funds, in the amount of eight thousand six hundred seventy-two and 99/100 (\$8,672.99) dollars, to the Cape Fear Council of Governments at the earliest possible time in accordance with the provisions of State Law.

**WITNESSED** this the 1st day of February, 1999.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

**/s/ C.E. WILSON, Chairman**

**ATTESTED BY:**

**/s/ IDA L. SMITH, Clerk to Board**

**APPOINTMENTS - JUVENILE CRIME PREVENTION COUNCIL Tabled**

A motion was made by Commissioner McKenzie, seconded by Commissioner Gray and passed unanimously to table the appointments to serve on the Juvenile Crime Prevention Council as recommended by Judy Spivey, Chairperson, to allow the Board of County Commissioners to review their respective appointments from each district and make a decision.

**WATER & SEWER DISTRICT II - APPROVAL FOR CHAIRMAN TO SIGN APPLICATION**

Fred Hobbs, representing Hobbs, Upchurch & Associates, updated the Board

regarding Columbus County Water and Sewer District II stating loan closing is scheduled by March 15, 1999 and construction bids will be let following the loan closing.

A motion was made by Commissioner Norris, seconded by Commissioner Gray and passed unanimously to approve Chairman Wilson to sign all necessary documents for the Columbus County Water and Sewer District II loan closing.

**WATER & SEWER DISTRICTS III, IV AND V - APPROVE APPLICATION FOR STATE WATER BOND FUNDING**

Fred Hobbs, representing Hobbs, Upchurch & Associates, presented the Board with an overview of the State Water Bond Fund Grant Application. Mr. Hobbs stated the County is eligible to apply for funding for Columbus County Water & Sewer Districts III, IV and V in the amount of \$3,000,000.00 each district.

A motion was made by Commissioner Norris, seconded by Commissioner Britt and passed unanimously to direct Fred Hobbs, representing Hobbs, Upchurch & Associates, to proceed with State Water Bond Funding Grant Applications for Columbus County Water Districts III, IV, and V and permit Chairman Wilson to sign applications for all Water & Sewer Districts.

**ECONOMIC DEVELOPMENT - 1998 ACCOMPLISHMENTS**

Rhone Sasser, Economic Development Chairman, presented the Board with the Economic Development Commission's new and expanding industries for 1998 as follows:

1. **Sumitomo Electric Lightwave Corporation** - Announced plans to revovate the Committe of 100 shell building in Southeast Regional Park. Sumitomo has invested \$1.5 million in the project. They are currently employing 70, with plans to hire 20 to 30 new employees.
2. **Amigo Manufacturing/Bentley Home Fashions** - Announced it will move its operations into the former 62,000 square foot Ithaca building Chadbourn. The company will hire 100 plus employees and will manufacture bedding products and accessories.

3. **Four Seasons Apparel** - Expanded its operations in Tabor City by moving into the former Waldjac building. The company will hire an additional 30 to 40 people.
4. **Conflandey** - Is nearing completion on its plant in the Southeast Regional Park. The plant will be fully operational by Fall 1999.
5. **Carolina Power & Light** - Has completed its regional operations center in Southeast Regional Park. A grand opening will be held in the Spring.

**ECONOMIC DEVELOPMENT - INDUSTRIAL DEVELOPMENT INCENTIVE PROGRAM ADOPTED**

A motion was made by Commissioner Britt, seconded by Commissioner McKenzie and passed unanimously to adopt the following Industrial Development Incentive Grant Program.

**COLUMBUS COUNTY INDUSTRIAL DEVELOPMENT**

**INCENTIVE GRANT PROGRAM**

**PREAMBLE**

The Columbus County ("the County") Board of County Commissioners ("the Board"), has determined that the general welfare of the residents of the County is directly benefitted by fiducially sound economic development policies which promote the growth and diversity of the tax base and result in the creation of more high quality, well paying jobs. Pursuant to its ruling in Maready v. The City of Winston Salem, et. al, the North Carolina Supreme Court has made clear that the expenditure of public funds to promote economic development is deemed to be for these legitimate public purposes.

The current competitive environment among states which regularly compete with North Carolina and counties which regularly compete with the County in industrial development projects, dictates that the County must adopt an Industrial Development Incentive Grant Program, ("IDI") which is conservative and fiducially sound, in order to remain competitive in recruiting new industry and retaining expansions of existing industries currently located in the County. For these reasons, the Board hereby establishes IDI

guidelines to encourage new industries to locate and existing industries to expand within the County. These guidelines are guidelines only. Each new or expansion industrial project will be considered on a case by case basis. The Board takes this action in adopting these guidelines pursuant to authority granted by N.C. General Statute 158-7.1, as interpreted by the North Carolina Supreme Court in Maready.

### **POLICY PRINCIPLES**

These IDI guidelines are based upon, and any IDI arrangement with a new or existing company must be in compliance with fiduciarly sound public policy principles, which at a minimum include:

- Any IDI grants must provide the County a high return on investment, taking into account tax revenues of the industrial project over a ten year period from the date of the start-up of the project. NC General Statutes, 158-7.1(d2).
- Any IDI grant must be preceded by an agreement with the company involved, binding it to minimum levels of capital investment and quality job creation, and providing for penalties and/or reductions in amounts of forward funded grants, in the event that it fails to meet these minimum required levels. NC General Statutes 158-7.1(d2)(2).
- Investments of County funds by way of IDI grants shall be in items which leave value in the County in the event of a curtailment or closure of the operations within the industrial facility, such as site acquisition, site preparation, internal infrastructure, job training, etc.
- The bedrock of the County's economy is the businesses and industries already located in the County. Consequently, the terms and application of the IDI policy are to result in existing industries receiving consideration for grants that is on terms equal to or better than those available to a company considering locating its first facility in the County.

### **IDI PROGRAM PARAMETERS**

Each project will be considered on a project-by-project basis, using these guidelines established by the Board. These guidelines shall be subject to periodic review and

may be modified, amended or terminated, due to changed economic conditions or competitive consideration. In the event of any modification, amendment or termination, IDI grants to which the County previously committed will not be affected.

In determining whether to make an IDI grant to a project, and if so, the amount of such grant, the Board will consider, among other relevant factors, the following matters:

- The total capital investment in the project including site acquisition, site improvement, building cost and equipment.
- The number, type and quality of jobs created.
- Wage levels for jobs created by the project.
- The potential for future expansions and increased employment.
- Site specific issues that impact on public infrastructure expansions which will stimulate development in areas of the County, which will benefit overall community development.
- Other factors deemed relevant by the Board in its discretion.

#### **MINIMUM PROJECT QUALIFICATIONS**

In order to qualify for consideration for an IDI grant from the County, the project must meet certain minimum threshold requirements. Meeting these threshold requirements does not indicate that the project will necessarily receive an IDI grant, and if so, the amount of such grant, inasmuch as the Board reserves sole discretion in this regard on a project-by-project basis. The minimum project qualifications are as follows:

- The minimum levels of capital investment are \$2,000,000 for a project on behalf of a company which is a new project in the County, and \$1,000,000 for a project which is an expansion of an existing facility in the County.
- At least 25 new jobs must be created in the County over a period of 3 years.
- The wage levels of the jobs created must represent a competitive improvement for citizens of the County, in relation to the current prevailing wage levels in the County at the time.
- The project must involve a facility to be used for manufacturing, distribution, corporate or divisional headquarters, research and development, or an air



courier hub.

For a project to be considered by the Board for an IDI incentive grant, it must meet all of the above minimum project qualifications. Additional qualifications may be required by the Board in its discretion on a project-by-project basis.

### **EXCLUSIONARY FACTORS**

Even though a project might meet all of the above minimum project qualifications, it will not be considered by the Board for an IDI incentive grant if any of the following factors apply:

- The expansion project would, for any reason, result in a net reduction of the ad valorem tax valuation of all facilities in the County owned by the company, or its parent, subsidiary or affiliated companies.
- An IDI incentive grant will not be made if that company, or a parent, subsidiary or affiliated company, is not current in all ad valorem tax payments to the County.
- No prior commitment to an IDI incentive grant shall be binding if the company originally receiving the grant assigns it to another company, unless the Board has consented to such assignment in writing.
- The financial condition of the company receiving the grant must not be such that the ability of the company to meet its obligations is in doubt.

### **USE OF GRANT FUNDS**

IDI incentive grants under these guidelines may be made at the time of the announcement that the project is locating in the County, or in installments to be paid in the future. Such grants may be used for one or more of the following purposes, depending upon the terms approved by the Board:

- Site acquisition.
- Site preparation.
- Internal site infrastructure.
- Other improvements to the site.
- Job training costs not otherwise reimbursed by grants from the Community

College system or tax credits pursuant to the state statute.

- Other purposes which leave value in the community as determined by the Board on a project-by-project basis.

### **PROCEDURE FOR GRANT CONSIDERATION**

The following procedure will be utilized in considering a project for an IDI incentive grant:

- The company will negotiate the terms of such grant agreement with the Executive Director of the Columbus County Economic Development Commission. Such discussions are negotiations only, inasmuch as the Board has the sole discretion and authority to finally agree to such grants.
- At a time agreeable to the company, given its confidentiality concerns, a public notice and public hearing regarding the proposed grant will be given/held in accordance with the requirements of N.C. General Statute, 158-7.1.
- The Board will make a decision as to whether to approve the terms of the grant agreement.
- An IDI incentive grant agreement will be executed which contractually binds the County to make the grants, and the company to meet the capital investment, job creation and wage level requirements, to which they mutually agreed.
- The company will provide periodic verification of its compliance with the requirements to which it has agreed.

### **CONCLUSION**

All IDI incentive grants will be considered on a project-by-project basis and by adopting these guidelines, the Board is not obligated to make any grants. In considering whether to provide IDI incentive grants for a project and if so how much, the Board will take into account grants made by the Columbus County Committee of 100. These guidelines are not retroactive to any project which has been announced prior to the adoption of these guidelines. These guidelines are effective as of February 1, 1999.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

**/s/ C.E. Wilson, Chairman**

**ATTESTED BY:**

/s/ Ida L. Smith, Clerk to Board

**PUBLIC ISSUES - CLARENCE WARD**

Clarence Ward, a private citizen, addressed the Board regarding issues concerning endorsement of the Libertarian Party Chairman Lyndon LaRouse and sought private endorsement from each Board Member for his appointment as an Economic Advisor to President William J. Clinton's Administration.

**ORDINANCE (SOLID WASTE FRANCHISE) - SECOND READING AND ADOPTION**

James E. Hill Jr., County Attorney, presented the Board with the second reading of the Solid Waste Landfill Franchise Ordinance for the Board's adoption.

A motion was made by Commissioner Britt, seconded by Commissioner Norris and passed unanimously to adopt the following Solid Waste Landfill Franchise Ordinance.

**FRANCHISE ORDINANCE****COLUMBUS COUNTY LANDFILL**

**THAT WHEREAS**, pursuant to N.C.G.S. §130A-294 [Solid Waste Management Program]; 153A-121 [General Ordinance-Making Power]; 153A-46 [Franchises]; 153A-134 [Regulating and Licensing Businesses, Trades, Etc.]; and 153A-136 [Regulation of Solid Wastes], Columbus County has the authority to regulate the storage, collection, transportation, use, disposal, and other disposition of solid wastes within its boundaries, and under N.C.G.S. 130A-294 [b1] [3] has the statutorily mandated duty to adopt a franchise ordinance prior to an applicant filing for a new permit, the renewal of a permit, or a substantial amendment to a permit for a sanitary landfill situate within its geographical boundaries; and

**WHEREAS**, in order to protect the public health, welfare, and safety of the citizens of Columbus County, and to also comply with said legislative mandate, the Columbus County Board of Commissioners has found it necessary and convenient to

establish the requirements for disposal of solid wastes in those sanitary landfills over which it exercises jurisdiction and to grant special privileges in the form of franchises for the creation and/or operation of such landfills, including but not limited to pre and post closure requirements applicable thereto.

**NOW, THEREFORE,** the Board of Commissioners for the County of Columbus doth ordain:

**SECTION 1: DEFINITIONS.** Unless a different meaning is required by the context, the following definitions shall apply throughout this Ordinance:

- [1] **“Board”** means the Board of Commissioners for the County of Columbus.
- [2] **“CERCLA/SARA ”** means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, Pub. L. No. 96-510,94 Stat. 2767, 42 U.S.C. 9601 et seq., as amended, and the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499,100 stat. 1613, as amended.
- [3] **“Disposal”** means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part thereof may enter the environment or be emitted into the air or discharged into any waters, including but not limited to ground waters.
- [4] **“Garbage”** means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- [5] **“Landfill”** means a disposal facility or a part of a disposal facility where solid waste is placed in or on land and which is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.
- [6] **“Closure”** means the cessation of operation of a solid waste management facility and the act of securing the facility so that it will pose no significant threat to human health or the environment.
- [7] **“Operator”** means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of

operation during any part of the day.

- [8] **“Person”** means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, limited liability, partnership, limited liability corporations, or all other legal entities.
- [9] **“RCRA”** means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580.90 Stat. 2795, U.S.C. Section 6901 et. seq., as amended.
- [10] **“Refuse”** means all nonputrescible waste.
- [11] **“Sanitary Landfill”** means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted by the State of North Carolina and the County of Columbus or any appropriate federal agency.
- [12] **“Sludge”** means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.
- [13] **“Solid Waste”** means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discharged, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and/or agricultural operations, and from community activities. The term does not include:
- a. Fecal waste from fowls and animals other than humans;
  - b. Solid or dissolved material in:
    1. Domestic sewage sludge and generated by treatment thereof in sanitary sewage collection, treatment and disposal systems designed to discharge effluents to the surface waters;
    2. Irrigation return flows; and

3. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended [P.L. 92-500], and permits granted under N.C.G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this ordinance;
- c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes for the State of North Carolina. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RERA shall also be a solid waste for the purposes of this Ordinance;
- d. Any source, special nuclear or byproduct material as the Atomic Energy Act of 1954, as amended [42 U.S.C. Section 2011]; and
- e. Mining refuse covered by the North Carolina Mining Act, N.C.G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission [as defined under N.C.G.S. 143B-290]. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Ordinance.

[14] **“Solid Waste Disposal Site”** means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

[15] **“Solid Waste Management”** means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.

[16] All additional definitions set out in N.C.G.S. 290[a] which are not specifically set forth herein but which may be utilized in this Ordinance, as amended, or any franchise issued hereunder. Such definitions being incorporated herein by reference thereto.

## **SECTION 2. GRANT OF FRANCHISE**

- A. Prior to obtaining from the North Carolina Department of Environment and Natural

Resources [”DENR”] a new permit, a renewal of a permit, or a substantial amendment to a permit for a sanitary landfill located, all or in part, in Columbus County, the operator of such landfill shall, in accordance with the provisions of this Ordinance, apply for and obtain from the Board a franchise to operate such landfill, subject only to the exclusionary provisions of Paragraph D of this Section 2.

- B. Any person operating or maintaining a sanitary landfill in Columbus County pursuant to a contractual agreement with Columbus County in effect at the time of adoption of this Ordinance, and who, pursuant to activity authorized under such agreement, becomes subject to this Ordinance based on a need to file an application with DEHNR for a new permit, a renewal of a permit, or a substantial amendment to a permit for a sanitary landfill, shall be entitled to obtain a franchise under this Ordinance for the sole purpose of compliance with G.S. 130A-294[b1][3]. However, the provisions of this Ordinance and any franchise issued under it shall apply to such person only to the extent that it does not limit, affect, alter, modify, revoke or invalidate any aspect of that person’s existing contract with Columbus County.
- C. An application for a franchise submitted pursuant to this Ordinance shall be filed with the Board or its designee, and shall include, but not necessarily be limited to, the following information:
1. Name and address of the applicant and whether a sole proprietorship, corporation, including a limited liability company or a limited liability partnership, with disclosure of the ownership interests;
  2. A designation of the population to be served, including a description of the geographic area;
  3. A description of the volume and characteristics of the waste stream; and
  4. A projection on the useful life of the landfill.
- D. This Ordinance shall not apply to any new permit, renewal of a permit, or a substantial amendment to a permit for a sanitary landfill which was issued by DENR prior to the adoption of this Ordinance.

**SECTION 3. COMPLIANCE WITH OTHER LAWS**

Any person granted a franchise hereunder shall, as the condition of the franchise, comply with the Columbus County Solid Waste Ordinance and any other Columbus County ordinances which now or hereafter relate thereto and with all laws and regulations of the State of North Carolina and the United States of America with respect to the operation of the particular sanitary landfill for which a franchise may be granted pursuant to this Ordinance.

**SECTION 4. TERM**

A franchise shall be for a term of years not to exceed the maximum allowable by law at the time of the filing of a franchise application pursuant to this Ordinance. Provided, however, that any franchise granted hereunder shall not be for a term less than two (2) years. Any person who has been granted a franchise for a sanitary landfill hereunder shall be subject to the provisions and requirements of this Ordinance.

**SECTION 5. TERMINATION/SUSPENSION OF FRANCHISE**

The Board may terminate or suspend, upon notice and hearing, all or any portion of a franchise granted hereunder for any of the following reasons:

1. Failure of the operator to comply with any provision of this Ordinance, any franchise document issued in connection herewith, making any false or misleading statements or the application or any other documents, or any regulations of DENR or of the United States of America which are applicable to a sanitary landfill operated pursuant to the proposed or requested franchise; and
2. Failure of the operator to comply with provisions of CERCLP/SARA or RCRA which are applicable to a sanitary landfill operated pursuant to the proposed or requested franchise.

**SECTION 6. PENALTIES**

- A. Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine and/or imprisonment not to exceed the maximum allowable by law at the time of the violation. Each day's violation shall be treated as a separate offense.



- B. Any violation of this Ordinance shall subject the offender to judicial enforcement of this Ordinance by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by mandatory or prohibitory injunction and order of abatement, issuing from or through a court of competent jurisdiction, wherein the offender is commanded to correct or cease the violation[s].

**SECTION 7. SEVERABILITY**

If any sentence, clause, paragraph, subsection, or section of this Ordinance shall be judged by a court of competent jurisdiction as invalid and of no legal affect, such decision[s] shall not affect the remaining sentences, clauses, paragraphs, subsections, or sections of this Ordinance, and the same shall thereafter be construed as if that portion declared invalid and of no effect had never been included in the Ordinance.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall be in full force and effect on or before the 1st day of February 1999.

This the above Ordinance was adopted by the Columbus County Board of Commissioners on February 1, 1999, The motion was made by Commissioner Britt, seconded by Commissioner Norris and passed unanimously.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

*/s/ C.E. WILSON, Chairman*

**ATTESTED BY:**

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

**COMMUNITY DEVELOPMENT BLOCK GRANT - APPLICATION APPROVAL**

A motion was made by Commissioner Jacobs, seconded by Commissioner Norris and passed unanimously to approve M. Floyd Adams, P.E., with The Adams Company, Incorporated, to prepare an application for Columbus County for the 1999 Community Development Grant Funding for community development and infrastructure needs.

**BEAVER ERADICATION - PROPERTY FLOODING**

Approximately ten (10) residents were present from the Western section of the County and addressed the Board regarding their property flooding due to the beaver population and requested assistance from the County in eradication of beavers in the area. Also, present was Van Ulrich from the Welches Creek section of the County regarding flooding.

Dempsey B. Herring, County Administrator, reported the County is participating in a Beaver Management Assistance Program at a cost of \$4,000.00 per year which is awarded to the North Carolina Wildlife Resources to operate. They are providing one (1) trapper for Columbus County for beaver eradication.

Chairman Wilson requested Dempsey B. Herring, County Administrator, to contact the North Carolina Wildlife Resources and request a monthly report on the number of beavers and the location that are being eradicated on a monthly basis.

The Board reached a general consensus to provide an additional beaver trapper for Columbus County to assist with the problem.

**FIRE & RESCUE (ACME-DELCO-RIEGELWOOD) - ADR TAX DISTRICT  
EXTENSION APPROVED**

A motion was made by Commissioner Jacobs, seconded by Commissioner McKenzie and passed unanimously to approve a \$0.12 tax rate per \$100.00 property valuation for the Acme-Delco-Riegelwood Tax Service District Extension (Prosper, Livingston, Malpasstown, Byrdville and a portion of the Freeman area) due to the following straw vote from the residents in attendance.

**FOR: 64**

**AGAINST: 01**

**WRECKER SERVICE CONTACT - NORTH CAROLINA HIGHWAY PATROL**

The North Carolina Highway Patrol's method of calling wrecker service when a wreck occurs within Columbus County was discussed among Board Members. Certain Commissioners have been contacted by local wrecker services disgruntled by the fact wrecker services are being called from Brunswick and New Hanover Counties when a wreck occurs within Columbus County.

A motion was made by Commissioner Norris, seconded by Commissioner Dutton and passed unanimously to direct Dempsey B. Herring, County Administrator, to write a letter to First Sergeant J. A. McVicker with the North Carolina Highway Patrol and request his assistance in scheduling Columbus County wrecker operators to handle wrecker service in Columbus County, when feasible.

**CLOSED SESSION**

At 9:45 A.M., a motion was made by Commissioner Jacobs, seconded by Commissioner Britt and passed unanimously to enter into a closed session in accordance with N.C.G.S. 143-318.11(a)(5).

**RESUME REGULAR SESSION**

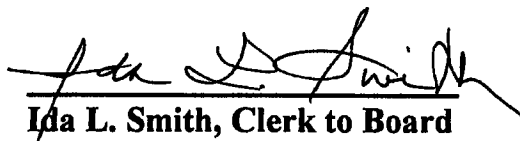
At 10:05 A.M., a motion was made by Commissioner Britt, seconded by Commissioner McKenzie and passed unanimously to adjourn closed session and resume regular session.

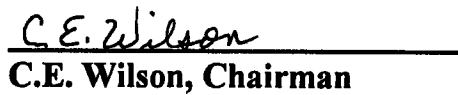
No action was taken.

**ADJOURNMENT**

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

**APPROVED:**

  
Ida L. Smith, Clerk to Board

  
C.E. Wilson, Chairman