

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 7:30 P.M., May 17, 1999, for the regularly scheduled Board Meeting, it being the third 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 -HEIGHT HAZARD ORDINANCE

Chairman C.E. Wilson called the Public Hearing to order and stated it was being held for the purpose of consideration of Adoption and Enactment of a Height Hazard Ordinance for the Columbus County Airport.

Chairman Wilson requested anyone in attendance who wished to speak to be recognized and state their name.

There were no comments.

At 7:32 P.M., Chairman Wilson declared the Public Hearing closed.

REGULARLY SCHEDULED BOARD MEETING COMMENCED

Chairman Wilson called the meeting to order and Commissioner A. Dial Gray, III, gave the invocation.

BOARD MINUTES APPROVAL

A motion was made by Commissioner Norris, seconded by Commissioner McKenzie and passed unanimously to approve the Board Minutes of the May 3, 1999 Board Meeting, as recorded.

TAX REFUNDS

A motion was made by Commissioner Norris, seconded by Commissioner Britt and passed unanimously to approve the following tax refunds:

Request a refund in the name of Mae Johnson Floyd, 124 Hickory Rd., Whiteville, N.C. 28472. Taxes paid on incorrect acreage. Amount \$34.43, Value \$4954, Year 1997, Account #03-07314.

Request a refund in the name of Mae Johnson Floyd, 124 Hickory Rd., Whiteville, N.C. 28472. Paid on incorrect acreage. Amount \$34.43, Value \$4954, Year 1998, Account #03-07314.

Request a refund in the name of James and Hermania McKvian Robinson, P.O. Box 244, Clarendon, N.C. 28432. Paid taxes on the value of a double wide home instead of a single wide home. Amount \$207.09, Value \$27,224, Year 1997, Account #06-31367.

Request a refund in the name of James and Hermania McKvian Robinson, P.O. Box 244, Clarendon, NC 28432. Paid taxes on the value of a double side home instead of a single wide. Amount \$207.08, Value \$27,223, Year 1998, Account #06-31367.

Request a refund in the name of Ida Mae Stanley, 124 Hickory Rd., Whiteville, N.C. 28472. Paid taxes on incorrect acreage. Amount \$24.04, Value \$3082, Year 1995, Account #03-23600.

Request a refund in the name of Ida Mae Stanley, 124 Hickory Rd., Whiteville, N.C. 28472. Taxes paid on incorrect acreage. Amount \$24.03 Make check payable to Mae Cartrette, Value \$30.81, Year 1996, Account #03-23600.

BUDGET AMENDMENTS

A motion was made by Commissioner Norris, seconded by Commissioner Britt and passed unanimously to approve the following budget amendments:

Accept	10-348-0009 Disaster Payments	\$2,840.00
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Expend as follows:

	10-420-0200 Administration - Salaries	\$2,522.00
	10-420-0500 Administration - FICA	193.00
	10-420-0700 Administration - Retirement	125.00
Accept	10-348-0700 Family Planning Title X Funds	1,500.00
Expend	10-591-4600 Drugs and Supplies	1,500.00

BUDGET AMENDMENT - WATER BILL

A motion was made by Commissioner Gray, seconded by Commissioner Britt and passed unanimously to appropriate from Contingency (10-660-9999) \$7,097.00 and expend in Economic Development Contract Services (10-495-4500) to the City of Whiteville for excessive water waste due to improper installation of water lines and advised James E. Hill, Jr., County Attorney, to write letters to the Engineering Firm and Contractor who were responsible for the installation of the water lines and request a reimbursement to the County in the amount of \$7,097.00 .

ORDINANCE - AIRPORT HEIGHT HAZARD ADOPTED

A motion was made by Commissioner Britt, seconded by Commissioner Norris and passed unanimously to adopt the following Airport Height Hazard Ordinance.

HEIGHT HAZARD ORDINANCE**TO LIMIT HEIGHT OF OBJECTS AROUND COLUMBUS COUNTY AIRPORT**

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH, AND OTHERWISE REGULATING THE USE OF PROPERTY, IN THE VICINITY OF THE COLUMBUS COUNTY AIRPORT BY CREATING THE APPROPRIATE ZONES AND ESTABLISHING THE BOUNDARIES THEREOF; PROVIDING FOR CHANGES IN THE RESTRICTIONS AND BOUNDARIES OF SUCH ZONES; DEFINING CERTAIN TERMS USED HEREIN; REFERRING TO THE COLUMBUS COUNTY AIRPORT HEIGHT HAZARD MAP WHICH IS INCORPORATED IN AND MADE A PART OF THIS ORDINANCE PROVIDING FOR ENFORCEMENT; ESTABLISHING A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.

This Ordinance is adopted pursuant to the authority conferred by Chapter 63,

Article 4, of the General Statutes of the State of North Carolina. It is hereby found that an obstruction has the potential for endangering the lives and property of users of Columbus County Airport, and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Columbus County Airport; and that an obstruction may reduce the size of areas available for the utility of the Columbus County Airport and the public investment therein. Accordingly, it is declared;

1. that the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Columbus County Airport;
2. that it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. that the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

SECTION 1. TITLE OF ORDINANCE

COLUMBUS COUNTY AIRPORT HEIGHT HAZARD ORDINANCE

SECTION 2. DEFINITIONS

As used in this Ordinance, unless the context otherwise requires:

1. **AIRPORT** - Means Columbus County Airport.
2. **AIRPORT ELEVATION** - Listed feet above mean sea level.
3. **APPROACH SURFACE** - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section IV of this Ordinance. In plan, the perimeter of the approach zone.
4. **APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES** - These zones are set forth in Section III of this Ordinance.

5. **BOARD OF ADJUSTMENT** - A Board consisting of seven (7) members appointed by the Columbus County Board of Commissioners as provided in Chapter 63, Article 4, of the North Carolina General Statutes.
6. **CONICAL SURFACE** - A surface extending outward and upward from the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. **HAZARD TO AIR NAVIGATION** - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
8. **HEIGHT** - For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the height hazard map, the datum shall be mean sea level elevation unless otherwise specified.
9. **HORIZONTAL SURFACE** - A horizontal plan 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
10. **LARGER THAN UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.
11. **NONCONFORMING USE** - Any pre-existing structure, object of natural growth, of use of land which is inconsistent with the provisions of this Ordinance or an amendment thereto.
12. **NONPRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument approach procedure utilizing air navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
13. **OBSTRUCTION** - Any structure, growth, or other object, including a mobile object which exceeds a limiting height set forth in Section IV of this Ordinance.
14. **PERSON** - An individual, firm, partnership, corporation, company, association, joint stock association or government entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.
15. **PRECISION INSTRUMENT RUNWAY** - A runway having an existing instrument

approach procedure utilizing an Instrument Landing System (ILS) or an approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

16. **PRIMARY SURFACE** - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runway or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section III of this Ordinance. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
17. **RUNWAY** - A defined area on an airport prepared for landing and takeoff of aircraft along its length.
18. **STRUCTURE** - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
19. **TRANSITIONAL SURFACES** - These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7') feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
20. **TREE** - Any object of natural growth.
21. **UTILITY RUNWAY** - A runway that is constructed for and intended to be used by propeller driven aircraft or 12,500 pounds maximum gross weight and less.
22. **VISUAL RUNWAY** - A runway intended solely for the operation of aircraft using visual approach procedures.

SECTION 3. AIRPORT ZONES

In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to Columbus County Airport. Such zones are shown on Columbus County Airport Height Hazard Map, which is attached to this Ordinance and made a part thereof. An area located in more than one of the following zones is considered to be only in the zone with the more restriction height limitation. The various zones are hereby established and defined as follows:

1. RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE - The inner edge of the approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NONPRECISION INSTRUMENT APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. RUNWAY LARGER THAT UTILITY WITH A VISIBILITY MINIMUM LOW AS 3/4 MILE NONPRECISION INSTRUMENT APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. PRECISION INSTRUMENT RUNWAY APPROACH ZONE - The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

5. TRANSITIONAL ZONES - The transitional zones are the areas beneath the transitional surfaces.
6. HORIZONTAL ZONES - The horizontal zone is established by swinging arcs of 5,000 feet radius for all runways designated utility or visual and 10,000 feet for all others from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional.
7. CONICAL ZONE - The conical zone is established as the outward and upward point at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

SECTION 4. AIRPORT ENVIRONS HEIGHT LIMITATIONS

Except as otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance to a height in excess of the applicable height limitations are hereby established for each of the zones in question as follows:

1. RUNWAY LARGER THAN UTILITY VISUAL APPROACH ZONE - Slopes twenty (20) feet outward for each foot upward beginning at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM GREATER THAN 3/4 MILE NONPRECISION INSTRUMENT APPROACH ZONE - Slopes thirty-four (34') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
3. RUNWAY LARGER THAN UTILITY WITH A VISIBILITY MINIMUM AS LOW AS 3/4 MILE NONPRECISION INSTRUMENT APPROACH ZONE - Slopes thirty-four (34') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

4. PRECISION INSTRUMENT RUNWAY APPROACH ZONE - Slopes fifty (50') feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40') feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
5. TRANSITIONAL ZONES - Slope seven (7') feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 165 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7') feet outward for each foot upward beginning at the sides of and the same elevation as the approach surface, extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits slopes seven (7') feet outward for each foot upward beginning at the side of and the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
6. HORIZONTAL ZONE - Established at 150 feet above the airport elevation or at a height of 350 feet above the mean sea level.
7. CONICAL ZONE - Slopes twenty (20') feet outward for each upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
8. EXCEPTED HEIGHT LIMITATIONS - Nothing in this Ordinance shall be construed as prohibiting the construction of maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land.

SECTION 5. USE RESTRICTION

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any zone established by this Ordinance in such a manner as to create electrical interference with navigational signals or radio communication between airport and aircraft,

make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

SECTION 6. NONCONFORMING USES

1. **REGULATIONS NOT RETROACTIVE** - The regulations prescribed in this Ordinance shall not be constructed to require removal, lowering, or other change of alteration of any structure or tree not conforming to the regulations as the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted.

2. **MARKING AND LIGHTING** - Notwithstanding the preceding provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Columbus County Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the Columbus County Airport.

SECTION 7. PERMITS

1. **FUTURE USES** - Except as specifically provided a, b, and c hereunder, no material change shall be in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with

Section VII, 4.

- a. In the area lying within the limits of the horizontal zone and conical zone no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when such tree or structure would extend above the height prescribed for such approach zones.
- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no perimeter or horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75') feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section IV, 10.

2. EXISTING USES - No permit shall be granted that would allow the establishments or creation or an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation, than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. NONCONFORMING USES ABANDONED OR DESTROYED - Whenever the

County Administrator/Planner determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviated from the requirements of this Ordinance.

4. VARIANCE - Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use proper, not in accordance with the regulations prescribed in this Ordinance, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance. Additionally, no application for variance will be granted.
5. OBSTRUCTION MARKING AND LIGHTING - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Columbus County Airport Authority, at its own expense to install, operate and maintain the necessary markings and lights.

SECTION 8. ENFORCEMENT

It shall be the duty of the County Board to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the County Administrator upon a form published for that purpose. Applications required by this Ordinance to be submitted to the County Administrator shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the

County Administrator.

SECTION 9. BOARD OF ADJUSTMENT

1. There is hereby created a Board of Adjustment to have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the County Administrator in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance under which such Board of Adjustment under such regulations may be required to pass; and (3) to hear and decide specific variances.
2. The Board of Adjustment shall consist of seven (7) members appointed by the Board of Commissioners and shall serve for a term of three (3) years and until a successor is duly appointed and qualified. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing.
3. The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine. The Chairperson, or in the absence of the Chairperson, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All hearings of the Board of Adjustment shall be public. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon such each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the County Administrator and shall be a public record.
4. The Board of Adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this Ordinance.
5. The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of the County Administrator or decide in favor of the applicant on any matter upon which

it is required to pass under this Ordinance, or to effect variations to this Ordinance.

SECTION 10. APPEALS

1. Any person aggrieved, or any taxpayer affected by any decision of the County Administrator in the administration of this Ordinance, may appeal to the Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment, by filing with the County Administrator a notice of appeals specifying the grounds thereof. The County Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed from unless the County Administrator certifies to the Board of Adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the County Administrator cause imminent peril to life or property. In such cases proceedings shall not be stayed except by order of the Board of Adjustment or notice to the County Administrator and on due cause shown.
4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
5. The Board of Adjustment may, in conformity with the provisions of this Ordinance, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination appealed from and may make such other requirement, decision or determination as may be appropriate under the circumstances.

SECTION 11: JUDICIAL REVIEW

Any person aggrieved by any decision of the Board of Adjustment, or any taxpayer affected, or any officer, department, board or bureau of the political subdivision may present to the Superior Court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition shall be presented to the court

within thirty (30) days after the decision is filed in the office of the Board of Adjustment.

SECTION 12. PENALTIES

Each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor and be punishable by a fine of not more than Fifty (\$50.00) Dollars or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

SECTION 13. CONFLICTING REGULATIONS

Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structure or trees, and the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION 14. SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without in the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 15. EFFECTIVE DATES

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, this Ordinance shall be in full force and effect from and after its passage by the Columbus County Board of Commissioners and publication and posting as required by law.

Adopted by the Columbus County Board of Commissioners this 17th day of May, 1999.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ C.E. Wilson, Chairman

ATTEST:

/s/ Ida L. Smith, Clerk to Board

(SEAL)

LIBRARY - BYLAWS AMENDED

A motion was made by Commissioner Norris, seconded by Commissioner McKenzie and passed unanimously to adopt the amended Library Bylaws as follows:

**BYLAWS of the
COLUMBUS COUNTY PUBLIC LIBRARY
BOARD of TRUSTEES**

ARTICLE I: MEMBERS

- Section 1.** In accordance with Article 265, Chapter 153 of the General Statutes of North Carolina, the Board of Trustees of the Columbus County Public Library shall consist of nine (9) persons, appointed by the Board of County Commissioners for a term of four (4) years. Two (2) of the nine (9) members will be appointed by the Whiteville City Council.
- Section 2.** The terms of two (2) members will expire June 30 of each year.
- Section 3.** The Board of County Commissioners will select one (1) member each to fill the expired or vacated terms of the Library Board of Trustees.
- Section 4.** The position of a Board member who has been absent, without excuse, from three (3) consecutive meetings shall be considered vacant.
- Section 5.** A member completing an unexpired term shall be considered to have served one (1) term and can be reappointed for only one (1) additional term.
- Section 6.** Appointments to fill expiring terms shall be made one (1) month prior to expiration. Appointments to fill vacant terms shall be made one (1) month after the vacancy occurs.
- Section 7.** The same person may not serve more than two (2) consecutive terms.

ARTICLE II: MEETINGS

- Section 1.** The regular monthly meeting of the Library Board of Trustees shall be held on the first Monday of each month, at 6:00 P.M. at the Library.
- Section 2.** The annual meeting shall be held at the time of the regular meeting for the month of May at the usual place.

Section 3. Special meetings may be called by the Chairman of the Board of Trustees, or upon the written request of three (3) members, for the transaction of business stated in the call for the meeting.

Section 4. Notices of all meetings shall be made by the Secretary of the Board of Trustees to all members, Board of County Commissioners and the County Administrator at least five (5) days before the regular meeting.

ARTICLE III: OFFICERS

Section 1. Officers of the Board of Trustees shall be Chairman, Vice-Chairman and Secretary.

Section 2. Officers shall be elected at the regular annual meeting by a majority vote of the Board for a term of one (1) year, but not for more than two (2) successive terms. They shall take office at the July meeting.

Section 3. The Chairman of the Board of Trustees shall preside at all meetings, appoint all committees, authorize calls for any special meetings and generally perform the duties of a presiding officer. In the absence of the Chairman from the Board meeting, the Vice-Chairman shall serve, or, in the absence of the Vice-Chairman, the members may select a temporary Chairman for the meeting.

Section 4. The Secretary of the Board of Trustees shall keep a true and accurate account of all proceedings of the Board meetings; shall issue notices of all regular meetings and on the authorization of the Chairman, of all special meetings; shall have custody of the minutes and other records of the Board of Trustees; and shall notify the Board of County Commissioners of any vacancies on the Board of Trustees.

ARTICLE IV: COMMITTEES

Special committees for the study and investigation of special problems may be appointed by the Chairman; such committees to serve until the completion of the work for which they were appointed.

SECTION V: QUORUM

A quorum for the transaction of business shall consists of five (5) members of the Board of Trustees.

ARTICLE VI: DUTIES

The duties of the Trustees consist of carrying out, conscientiously, the powers given them. It is their duty and responsibility to determine the policy of the Library; recommend to the Board of County Commissioners a candidate or candidates for the position of the Library Director. This candidate or candidates will possess all required certifications that are required by the North Carolina State Library. All applications will be received by the Columbus County Personnel Department. Upon receipt of the applications, all will be sent to the Library Board of Trustees for discussion. Upon review of all applicants by the Board of County Commissioners, the Board of County Commissioners will then select a Library Director from the Board of Trustees' applicants and give final approval for the hiring of the Director; review the monthly financial report; advise in the preparation of the Budget, approve it and work to obtain the necessary funds; provide and maintain adequate buildings and grounds; study and support legislation which will bring about quality Library service; cooperate with other public officials and boards; maintain vital public relations; and make an annual report to the North Carolina State Library as required by the General Statutes 125-5.

ARTICLE VII: LIBRARIAN/DIRECTOR

The Librarian/Director shall have the responsibility for the administration of the Library under the direction and review of the Board of Trustees and the County Administrator. The Librarian/Director shall be held responsible for the care of the buildings and equipment, for the employment and direction of the staff, for the efficiency of the Library's service to the public and for the operation of the Library under the financial conditions set forth in the Annual Budget. The Librarian/Director shall attend all Board of Trustees meetings except those at which his/her appointment or salary is to be discussed or decided. The Librarian/Director and staff will be governed by the Columbus County Personnel Policy and will work under the policy and conditions set down by the County. The Librarian/Director is subject to all requirements for duties that are required of all

department heads, including approval of employment and termination of employment by the Board of County Commissioners (exception: department head positions which are dictated by State Statute). In the absence of a Library Director, the Board of County Commissioners will appoint a Management Team to carry out the daily operations of the Library.

ARTICLE VIII: LIMITATIONS

Section 1. No member of the Board of Trustees or immediate relative (parent, brother, sister, children) of a Board of Trustees member or the Library Director shall be considered for staff employment.

Section 2. No member of the Board of Trustees or any administrative or staff member of the Library shall use the resources, business finances or contracts of the Library for personal use or profit.

ARTICLE IX: ORDER of BUSINESS

The order of business at the regular meetings shall be as follows:

1. Call to Order;
2. Approval of Minutes (either read or previously received);
3. Report of Librarian/Director;
4. Reports of Committees;
5. Review of the Monthly Financial Report;
6. Communications;
7. Unfinished Business;
8. New Business; and
9. Adjournment.

ARTICLE X: AMENDMENTS

The Bylaws may be amended at any regular meeting of the Columbus County Board of Commissioners upon recommendation of the Board of Trustees.

ADOPTED this the 17th day of May, 1999.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ C.E. WILSON, Chairman

ATTESTED BY:**IDA L. SMITH, Clerk to Board****Adopted: September 12, 1946****Amended: June, 1974; October, 1977; March 9, 1978; July 29, 1982****LAST DATE AMENDED: May 17, 1999****ECONOMIC DEVELOPMENT - RESOLUTIONS FOR APPLICATION OF CDBG FUNDS AND TO ADOPT POLICIES AND GUIDELINES**

A motion was made by Commissioner Norris, seconded by Commissioner McKenzie and passed unanimously to adopt the following Resolutions regarding the Community Development Block Grant for the Wright Corporation wastewater treatment facility project.

RESOLUTION REGARDING COLUMBUS COUNTY'S APPLICATION**for COMMUNITY DEVELOPMENT BLOCK GRANT****ECONOMIC DEVELOPMENT FUNDS**

WHEREAS, the Columbus County Board of Commissioners has previously indicated its desire to assist in Economic Development efforts; and

WHEREAS, the Columbus County Board of Commissioners has held the two (2) required public hearings concerning the planning and the proposed application for Community Development Block Grant funds to design and construct a wastewater treatment plant that will serve Wright corporation and the surrounding area; and

WHEREAS, the Columbus County Board of Commissioners desires to submit a formal application for Community Development Block Grant-Economic Development funds to assist the financing of this proposed wastewater treatment plant.

NOW, THEREFORE BE IT RESOLVED BY THE COLUMBUS COUNTY BOARD OF COMMISSIONERS THAT:

1. Columbus County is authorized to submit a formal application to the North Carolina Department of Commerce.
2. C.E. Wilson, Chairman, is authorized to execute the application and other required

documents.

DULY ADOPTED this the 17th day of May, 1999, upon motion made by Commissioner Norris, seconded by Commissioner McKenzie and adopted by the following vote;

AYES: 7 NOES: 0 ABSTAINED: 0

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ C.E. WILSON, Chairman

ATTESTED BY:

/s/IDA L. SMITH, Clerk to Board

A RESOLUTION to ADOPT

POLICIES and GUIDELINES for

COLUMBUS COUNTY'S

SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS

WHEREAS, Columbus County is applying for federal Small Cities Community Development Block Grant funds administered by the North Carolina Department of Commerce; and

WHEREAS, the use of these funds requires that specific policies and guidelines be adopted prior to the submission of an application.

NOW, THEREFORE BE IT RESOLVED BY THE COLUMBUS COUNTY BOARD OF COMMISSIONERS THAT:

The following policies and guidelines are adopted for submittal with the County's CDBG application:

1. Fair Housing Plan;
2. Residential Anti-displacement and Relocation Assistance Policy;
3. Section 3 Plan; and
4. Affirmative Action and Equal Opportunity Plan.

DULY ADOPTED this 17th day of May, 1999, upon motion made by Commissioner Norris, seconded by Commissioner McKenzie, and adopted by the following vote:

AYES: 7 NOES: 0 ABSTAINED: 0.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

C.E. WILSON, Chairman

ATTESTED BY:

/s/ IDA L. SMITH, Clerk to Board

APPOINTMENTS - AGING ADVISORY COUNCIL

The Board of County Commissioners appointed/reappointed the following persons to serve on the Aging Advisory Council for three (3) year terms, beginning July 1, 1999 and expiring June 30, 2002, representing their respective zones.

Zone/Commissioner	Appointee Name and Address
<u>ZONE I</u> Amon E. McKenzie	Etrulia Williams P.O. Box 431 Chadbourn, NC 28431 Lloyd Best 304 W. Columbus Street Whiteville, NC 28472
<u>ZONE II</u> C.E. Wilson	Jessie Vaught 1013 Spruce Street Whiteville, NC 28472
<u>ZONE III</u> Sammie Jacobs	Raymond Shaw P.O. Box 213 Riegelwood, NC 28456
<u>ZONE IV</u> A. Dial Gray, III	Lois Yoder 115 W. Wyche Street Whiteville, NC 28472 Dr. Melvin Powell P.O. Box 98 Hallsboro, NC 28442
<u>ZONE V</u> Lynwood Norris	Jack Miller P.O. Box 127 Tabor City, NC 28463
<u>ZONE VI</u> Spruell R. Britt	Leon Merritt 8703 Andrew Jackson Highway, S.W. Cerro Gordo, NC 28430 (Replaces Alice Keller)
<u>ZONE VII</u> David L. Dutton, Jr.	Orben Fowler 263 Gaston Sellers Road Whiteville, NC 28472

APPOINTMENT - CERRO GORDO PLANNING AND ZONING BOARD

A motion was made by Commissioner Britt, seconded by Commissioner

McKenzie and passed unanimously to appoint Mr. Raymond Gowans to serve as an extraterritorial member of the Cerro Gordo Planning and Zoning Board for a three (3) year term, beginning July 1, 1999 through June 30, 2002.

COURTHOUSE - SECURITY PLAN ADOPTED

A motion was made by Commissioner Norris, seconded by Commissioner McKenzie and passed unanimously to adopt the following Security Plan for the Columbus County Courthouse as presented by Dempsey B. Herring, County Administrator.

COURTHOUSE SECURITY PLAN

1. Courthouse will be opened at 7:45 A.M. daily for employees' offices. Open for business at 8:30 A.M.. Court convenes at 9:30 A.M.
2. Establish flow pattern for entrance doors:
 - A. North and South Doors - Public Use
 - B. West Door - Sheriff, Law Enforcement Employees
 - C. East Door - Stays Locked.
3. Have locks changed. Only authorized personnel will have keys. Keys will be checked out to employees.
4. Close West staircase by walling up area with access door only to Law Enforcement, employees, judges and jurors. This will close off free access behind courtrooms.
5. Place metal detectors at North and South doors.
6. Place cameras at North and South doors - continuous run tapes. Add cameras to view West entrance.
7. Inside doors to Lobby changed to glass front doors so that doors can be shut but still be able to view offices and outside.
8. Law Enforcement Officers on duty in Lobby and entrance doors where metal detectors are positioned.
9. Everyone will pass through metal detectors.
10. Establish policy for outside groups who use Courthouse. Must have uniformed officer and clearance for use obtained from Columbus County Administration Office. Officer will be paid at a rate of fifteen and 00/100 (\$15.00) dollars per hour by the group using Courthouse.
11. Assign parking lots for Courthouse employees.

PERSONNEL ADMINISTRATION POLICY - AMENDMENT

A motion was made by Commissioner Norris, seconded by Commissioner Gray and passed unanimously to approve amending the Columbus County Administration Policy

as follows:

ARTICLE VI. LEAVES OF ABSENCE: Section 19. Leave Without Pay - Policy. Amend the first paragraph to read: Full-time permanent employees may be granted a leave of absence without pay for up to one (1) year by the Department Head and the County Administrator. The leave shall be used for reasons of personal disability, after both sick leave and annual vacation leave have been exhausted, continuation of education, special work which will permit the County to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Department Head and the County Administrator.

LANDFILL (C & D) - RECOMMENDATION BY MARLOWE, DREITZLER & ASSOCIATES AND APPROVAL FOR NEGOTIATIONS

William W. Drietzler, P.E., representing Marlowe, Drietzler & Associates, addressed the Board regarding the Columbus County Construction and Demolition (C&D) Landfill cost evaluation as follows: The permitting process for the proposed C&D Landfill Site has yielded two (2) critical issues.

1. The Division is going to require the installation of two (2) additional deep monitoring wells adjacent to MW-3 and MW-4 of the MSW Landfill (six total monitoring wells); and
2. The Division required additional hydrogeological investigation that subsequently lead to a modification upward of the potentiometric map originally prepared for the site. This revision led to the requirement of an additional 9,700 cubic yards of fill to provide the four (4') feet of separation required by the Division's Rules.

Progress is being made to site a new Lined Landfill within the County, and C&D disposal will be provided at this facility. After evaluation of these costs, it is recommended that the County not permit the proposed 3.8 acre area for disposal of C&D material. The county should abandon the two (2) monitoring wells installed during the Site Suitability Phase of the C&D design and continue to send the C&D through the Transfer

Station. I recommend permitting the area for LCID, which does not require monitoring wells and renegotiating the C&D/LCID Operation Contract with Waste Management.

Based on the total sunk cost of \$252,884, a fee reduction of \$10,500 from Waste Management for operation of the C&D Landfill and the LCID Landfill will recapture all of the sunk costs the County has and will incur. The fee reduction will be approximately 45%. In addition Waste Management will see additional revenues in the increased tonnage going through the Transfer Station.

A motion was made by Commissioner Britt, seconded by Commissioner Jacobs and passed unanimously to approve Dempsey B. Herring, County Administrator, James E. Hill, Jr., County Attorney, and William Dreitzler, P.E., representing Marlowe, Dreitzler & Associate, to proceed with renegotiations of the existing Contract with Waste Management per Mr. Dreitzler's recommendations.

CLOSED SESSION

At 8:15 P.M., a motion was made by Commissioner Gray, seconded by Commissioner Britt and passed unanimously to enter into closed session in accordance with N.C.G.S. §143-318.11(a)(4).

RESUMED REGULAR SESSION

At 8:40 P.M., a motion was made by Commissioner Norris, seconded by Commissioner Dutton and passed unanimously to adjourn closed session and resume regular session.

No action was taken.

RECESSED - BUDGET WORKSHOP

Immediately, thereafter, a motion was made by Commissioner Dutton, seconded by Commissioner McKenzie and passed unanimously to recess regular session for the purpose of a 1999-2000 Proposed Budget Workshop.

Dempsey B. Herring, County Administrator, provided the Board with the following overview of the 1999-2000 Proposed Operating Budget.

COLUMBUS COUNTY

1999-2000 PROPOSED OPERATING BUDGET OVERVIEW

- **Tax rate** remains at \$.695 per \$100.00 property evaluation - projection \$2,370,500,000. The Tax Administrator projects an ad valorem tax collection of \$16,039,961, an increase of \$544,016 in revenue.
- **Sheriff's Budget** increased \$260,547. A portion of this attributes to adding seven (7) full-time deputies. Six (6) of these positions were covered by 75% grant monies. The other deputy is a new position added for courthouse security.
- **Law Enforcement** decreased \$10,381. This decrease is due to eliminating four (4) dispatch positions and transferring dispatching to the 911 Center. One (1) telephone operator/clerk position has been added and two (2) deputies for courthouse security.
- **Coroner's Budget** increased \$18,663, due to autopsies increasing from \$400.00 to \$1,000.00 each.
- **Social Services Administration** expenditures increased \$697,501, with an increase of revenue in the amount of \$213,714 for a total of expenditures increase of \$483,787. Three (3) positions have been added (two (2) Social Worker II's and one (1) Processing Assistant III) due to the "Maintenance of Effort" (MOE) mandate.
- **Public Assistance** increased \$680,126. Medicaid drafts have been decreased \$500,000, for a total increase of \$180,126.
- **Solid Waste** fee remains the same as 1998-99. The 1999-2000 proposed increase in expenditures is \$252,597. The total appropriation from the General Fund is \$982,592, an increase of \$170,129. The Solid Waste budget was reduced in the amount of \$250,000 and transferred to Current Expense to the City and County Schools for their garbage collection. If the schools garbage collection was left in the Solid Waste Budget the total increase would be \$502,597.
- No increase in Current Expense or Capital Outlay for **County and City Schools and College**. \$250,000 has been included in the City and County's Current Expense for garbage disposal.

- **Medical Insurance** increased by 12% which is approximately \$120,000.00.
- **5% across-the-board salary increase** for employees at a total cost of \$386,000, including fringe benefits. Columbus County employees rank 103 in the State out of 132 reporting agencies. This includes 100 counties, Mental Health and Regional Health Agencies within the State. Ratings of our surrounding counties are as follows:

Bladen	42	
Brunswick	44	
Robeson	50	
Hoke	54	
New Hanover		7
Pender	100	
Cumberland	1	
Sampson	94	


RESUME REGULAR SESSION

At 9:15 P.M., a motion was made by Commissioner Norris, seconded by Commissioner Dutton and passed unanimously to adjourn the 1999-2000 Proposed Budget Workshop and resume regular session.

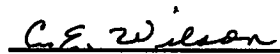
ADJOURNMENT

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

APPROVED:



 Ida L. Smith, Clerk to Board



 C.E. Wilson, Chairman