

COLUMBUS COUNTY BOARD OF COMMISSIONERS

Monday, March 17, 2003

6:00 P.M.

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building located at 112 West Smith Street, Whiteville, North Carolina, for incentive checks presentation, two (2) public hearings and their regular scheduled meeting on the third Monday.

COMMISSIONERS PRESENT:

C.E. "Gene" Wilson, **Chairman**
 Bill Memory, **Vice Chairman**
 David L. Dutton, Jr.
 Kipling Godwin
 Sammie Jacobs
 Amon E. McKenzie
 Lynwood Norris

APPOINTEES PRESENT:

Billy Joe Farmer, **County Administrator**
 James E. Hill, Jr., **County Attorney**
 Darren L. Currie, **Assistant County Administrator**
 June B. Hall, **Clerk to Board**

INCENTIVE CHECKS PRESENTATION:

The following incentive checks were awarded to the following companies as listed below:

#	COMPANY	REPRESENTATIVE	AMOUNT
1	Kroy Building Products	Larry Gates	\$46,000
2	Top Tobacco	Jim Legg	\$25,000
3	Conflandey	Bertrand Bougenot	\$78,000
4	InterkordSA	David Stewart	\$45,700
5	Southeastern Materials	Tony Dennis	\$9,700

PUBLIC HEARING #1:

(Proposed Amendments to the current Columbus County Watershed Protection Ordinance)

At 6:45 P.M., Chairman Wilson called the first Public Hearing to order. He stated the reason for the Public Hearing was to hear comments from the public regarding the proposed amendments to the current Columbus County Watershed Protection Ordinance. Chairman Wilson asked Darren Currie, Assistant County Administrator, to explain why these amendments were being done.

Darren Currie informed the Board of Commissioners and the audience of the following information relating to these amendments:

1. The Columbus County Watershed protection Ordinance was adopted in 1994;
2. I have supplied with a map showing the critical area that is involved;
3. The changes that are being made are State recommended; **and**
4. The need for these changes was brought to our attention through a grant process we were doing.

Chairman Wilson asked if anyone in the audience had any comments. The following people spoke.

Mason B. Malpass:

Proposed Changes to Watershed Protection Ordinance

In 1995, NC amended the model minimum Watershed Protection Rules all local Governmental bodies had endorsed. These amendments basically were considered to be covered by other state or Federal existing laws. Local Governments are not required to make the proposed changes to the rules effective in their local Ordinances. They are optional and entirely voluntary on the part of

Local Government. In view of recent headlines and editorials concerning falling water tables, losing an aquifer fears, salt water intrusions into aquifers, slow recharge of aquifers and water use restrictions already in place for some of our neighbors and looming in our area, minimum guidelines are no longer adequate to protect and insure that we continue to enjoy a plentiful clean water supply. Instead of removing restrictions on toxic and hazardous waste as planned, more strict regulations would be in order. Those minimum guidelines are general in nature and were not intended to be the norm for all areas with their unique situations and topography. With Lake Waccamaw and its watershed having an ORW rating of water quality, and the efforts of Lake Waccamaw's Government to develop ways to protect it, having received a substantial grant to begin water diversion projects, it surely is not the time to do anything to facilitate any projects that eventually will undermine all those efforts.

It has been almost eight years since 1995 and apparently you saw no need to rush to adopt those changes. Why now? I say "Keep those restrictions in place and put teeth in them".

The majority of water systems in Southeastern NC depend on groundwater supplies. Half the entire State depends on groundwater. The amount of ground water available depends on natural aquifer recharge from rainfall slowly seeping into the ground. In our area much of this ability has been crippled by the draining of our natural sponge, the Green Swamp. Now if you want to amend those rules, consider some rules to at least partially, restore our swamp lands to what they did best, recharge our ground water and reduce flooding. Our swamp lands are composed of layers of silt deposited over many years of erosion. Underneath is evidence of the ocean floor, a layer of shells. Forty feet down, in some areas, one might find a Cyprus tree buried in the silt. Also in that silt aquifers and pools of water. We have been blessed with abundant clean water. The demand on that water is growing by leaps and bounds and as the demand grows so grows the threats to that supply. Developing a new water supply source can be a costly and lengthy process. Protecting an existing source is best management practices. Then we won't have to put up signs that say "Welcome to Columbus County. Drinking the water is hazardous to your health".

Please enter in the record. Thanks. Mason B. Malpass

Jean Say:

1. I am very disappointed in DENR if they are downgrading their earlier requirements; **and**
2. I would like to ditto what Mr. Malpass stated earlier.

Reverend Ralph Legender:

1. I would like to say that from a moral and spiritual vies, this will have an impact on all surrounding areas; **and**
2. These changes that are being proposed here tonight are to make room for a landfill.

PUBLIC HEARING CLOSED:

At 6:55 P.M., Commissioner McKenzie made a motion to close the Public Hearing, seconded by Commissioner Memory. The motion so carried.

PUBLIC HEARING #2:

(Request for a Variance to the Columbus County Flood Damage Prevention Ordinance)

At 7:00 P.M., Chairman Wilson stated that Public Hearing #2 would begin. He stated the purpose of this public hearing was to hear orderly comments from the public regarding the request for a variance to the Columbus County Flood Damage Prevention Ordinance.

1. **James E. Hill, Jr., Columbus County Attorney**, informed the audience of the following:

**ANNOUNCEMENTS PRIOR TO THE
RIEGEL RIDGE PUBLIC HEARING
March 17, 2003, 7:00 PM**

1. The public hearing has a time limit this evening of one (1) hour. The time allotted for the public

hearing is between 7:00 PM and 8:00 PM. Should the public hearing not be concluded at the 8:00 PM hour, then the Board of County Commissioners of Columbus County shall establish when the continuation date of the public hearing at a later time and the public will be notified as this is a matter of public record.

2. A County Employee (Mrs. Natalie Carroll) will be in the rear of the assembly room for the purpose of signing up and maintaining a list of all persons who may wish to speak to the issues before the Board of County Commissioners this evening. Please print all of the information in order that the correct person will be called to speak in a proper rotation system, according to sign ups.

All persons wishing to speak shall sign up on the sheet in the rear of this room and each person shall be called to the speaker's stand in the order in which they have signed up. Please note that there should be a number beside your name. Should the public hearing last more than this evening, the only persons who have signed up this evening and prior to the 8:00 PM hour will be allowed to speak, as a matter of right, at any later hearing. Everyone who has signed up to speak tonight may address the Board of County Commissioners this evening or at a later hearing time.

3. The following are the rules of the public hearing:

a. Again, the time limitation is one (1) hour in duration this evening.

b. The representatives of Riegel Ridge LLC will speak first followed by a representative of the friends of the Green Swamp organization. Each of these speakers will be allowed approximately ten (10) minutes to make their presentation concerning the request for a variance.

c. After the representatives of Riegel Ridge and Friends of the Green Swamp conclude their presentation then all other speakers will be allowed one minute from the time their name is called to approach the speaker's stand and four (4) additional minutes to address the Board from the time they begin their presentation. Notification will be given when one minute remains in the time allotted for the presentation and a final notification will be given when the four minute time has expired. At that time the presentation will be concluded and the next speaker will be called to the speaker's stand. The second speaker will be called to be ready to start at the conclusion of the first speaker. There will be no allowance for another speaker to utilize an individuals time.

d. Proper order will be maintained in this room at all times and each member of the audience is requested to be polite and courteous to all speakers at all times. Only the speaker at the podium will be allowed to address the Board or to make any comments during the presentation.

e. Please note that representatives of the Columbus County Sheriff's Department are represent at this meeting and should it become necessary they will maintain order throughout. *As Your County Attorney and your employee*, I will assure everyone that all persons who sign up will be allowed to speak whether at this meeting or a later meeting, but I must also caution the audience that it is a violation of NC Criminal Law to disrupt a public meeting or public assembly. It is also a violation of state criminal law to refuse to leave a public meeting upon being directed to leave by the presiding officer (in this case the Board Chairman, Mr. Gene Wilson) to do so. *This is a Class 2 misdemeanor.*

4. Should there be any additional concerns during this public hearing, they should be addressed to the Chairman of the Board of Commissioners who will rule on the issues or seek additional information prior to ruling on the same as the case may be.

5. The requested variance is the only issue to be considered by the Board of Commissioners this evening with a ruling following the conclusion of the public hearing. This hearing is not about whether or not there should be a landfill in Columbus County. That issue will be determined by either the State or Federal officials or both. The only issue at this public hearing is whether or not a variance should be granted by the Board of Commissioners to the 100 year flood plain ordinance. The issues are as follows:

6. **A county or city may grant a variance upon finding that all of the following apply:**

(a). The use serves a critical need in the community.

(b). No feasible location exist for the location of the use outside of the 100 year flood plain.

(c). The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

(d). The use complies with all other applicable laws and regulations.

2. **Bill Drietzler, Engineer for Marlowe, Drietzler and Associates** made the following presentation.

- A. In the fall of 1998, we began a detailed environmental endowment.
- B. In February, 2000, the Board of County Commissioners voted to support this study.
- C. We appreciate the opportunity to present our request for a variance from the requirements of Part 6, North Carolina General Statute (NCGS) 143-215.51, specifically section 1543-215.54(c), in accordance with the variance procedures established by the County's National Flood Insurance Flood Damage Prevention Ordinance. We are requesting a variance such that up to thirty (30) acres of the Riegel Ridge Landfill unit boundary is allowed with the one hundred (100) year floodplain. Initially please consider the purpose of the NCGS:

143-215.51. Purposes

"The purposes of this Part are to:

- (1) Minimize the extent of floods by preventing obstructions that inhibit water flow and increase flood height and damage.**
- (2) Prevent and minimize loss of life, injuries, property damage and other losses in flood hazard areas.**
- (3) Promote the public health, safety and welfare of citizens of North Carolina in flood hazard areas."**

This application will demonstrate that the Riegel Ridge Landfill project will result in a net gain of flood storage area, thereby lessening the flood hazard potential within the project area and surrounding properties. In addition, the base grade for initial waste placement will be significantly above the one hundred (100) year floodplain elevation, as well as above the five hundred (500) year floodplain elevation making it impossible for waste to be washed from the landfill unit boundary and offsite by a flood event. Discussion will be provided within this application to clearly demonstrate to the Board that the design grades in conjunction with floodplain elevations demonstrate that loss of life, injury, property damage or other losses will not occur. Finally, this application will demonstrate that through extensive design parameters and environmental review and permitting, the Riegel Ridge Landfill project will provide a critical need to the County while continuing to promote the public health, safety and welfare.

D. Section E: Variance Procedures, Number (8) of the Columbus County Flood Prevention Ordinance, reads as follows:

A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in areas of special flood hazard provided that all of the following criteria apply:

- (1) The use serves a critical need in the community.**

On this item, I would like to state that in September, 1999, Columbus County entered into a Host Agreement with Waste Management which displays a critical need. In 2001, \$1.5 million were taken out of the General Fund Account for Solid Waste and this displays a critical need.

- (2) No feasible location exists for the use outside the area of special flood hazard.**

In 1994, we did a site evaluation for thirteen (13) potential sites for a county landfill. These sites were studied and evaluated. We recommended three (3) possible sites. On the Pete Meares site, the soil was not suitable.

- (3) **The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.**

The lowest place on this site is 49.5 feet.

- (4) **The use complies with all other applicable laws and regulations.**

The Riegel Ridge Landfill will not be built unless the North Carolina Division of Waste Management issues a Permit to Construct. This agency functions in part as a clearinghouse for other agencies in the process of landfill permitting. Ancillary permits such as the 404/401 wetlands permit, NCDOT driveway permit, well and septic tank permits, leachate pump and haul approvals and Land Quality Section erosion and sedimentation control permits will all be required as conditions to a Permit to Construct from the Division of Waste Management. The landfill will not be permitted for construction if all applicable laws and regulations and all required regulatory permits are not obtained. Therefore, if permitted, the use must comply with all applicable laws and regulations.

- E. If this Riegel Ridge Landfill is established, it could generate jobs for Columbus County.
- F. There would be an increase in the property tax revenue.
- G. For the Riegel Ridge Landfill site to be feasible, it must be approved by Columbus County Government.

3. **Jimmy D. Woodie, PE, PLS (Municipal Engineering Services Company):**
(for the Friends of the Green Swamp)

The Board of Commissioners determined that if a suitable site could be located in the Green Swamp area, the Board would consider giving it the local government approval required for approval by the Solid Waste Management Section. In September 1998, a preliminary site evaluation indicate the site to be suitable for consideration as a landfill. A Site Plan was prepared and submitted for review to the Solid Waste Management Section in March 2001. This plan was apparently submitted by Marlowe, Dretzler and Associates and was identified as the Riegel Ridge Municipal Solid Waste Landfill (RRMSWLF).

After reviewing the Site Plan, a December 7, 2001 letter from Jim Coffey of the Solid Waste Section to Mr. William Dretzler, P.E. contained many Solid Waste Section concerns. A quote from the letter is as follows, "However, it is clear that if the site is ever determined to be suitable for a MSWLF, it would be a marginally suitable site at best".

Solid waste disposal is a service that touches virtually every citizen of the county; therefore, it is very important. The alternative of a landfill to serve only Columbus County should be explored. The following North Carolina Counties have successful landfills that only serve their needs: Wilkes, Surry, Ashe, Cherokee, Transylvania, Cleveland and the City of Albemarle (for Stanly County). Lenoir County is in the process of permitting a new site.

A landfill to serve the County's needs is projected to be in the twenty-six (26) to thirty-two (32) acre range. This size landfill could certainly be sited more easily than a one hundred seven (107) acre site.

- 4 **Amelia Wood:** I am from Conway, South Carolina. I teach in the Horry County Schools and in 1991, I was instructed to become involved in Ecology dealing with solid waste issues. In 1995, I was recognized as the Horry County Solid Waste Teacher of the Year. I arrange a field trip to the local landfill for my students on a regular basis to enable them to see first hand what solid waste is and the process being utilized to deal with it. I have discovered, through teaching about solid waste, how many household chemicals are toxic and the extent of leachate that is generated from a landfill. I am asking the County Commissioners to give careful thought to locating this landfill in the Green Swamp and what impact it would have on our future generations.

- 5 **Liz Gilland:** I serve on the Horry County Council. Our county, along with Columbus County, has the largest land mass in the State. Our number one industry is tourism. We have been informed that these tourists come because of the good water quality. We are downstream from the Waccamaw River. If Riegel Ridge Landfill is located in the Green Swamp area, it will have a detrimental effect on the water which would eventually come to our area and devastate our tourist industry. I am asking the County Commissioners to please reconsider this location and choose another location that would be more suitable.
6. **Jeff Lane (requested the following go on record):**

**Written Comments Regarding A Floodplain Variance Request
For the Proposed Riegel Ridge Landfill**

General Comment - The applicant has failed to acknowledge the text of the regulation that it is requesting a variance from which plainly states that new solid waste disposal facilities are prohibited in the 100 year flood plain.

Specific comment:

- 1) In discussing Part (4)(a) notes that the 100 year floodplain will not reach the initial waste placement elevation. This fails to address the fact that 6 or more feet of consolidation is expected of the soil under the landfill as it is filled. The final elevation will be below the 100 year floodplain. Further it is noted that a landfill does not constitute a structure as defined in 143-215-51, and this criteria does nothing to satisfy the General Statutes requirements for a variance.
- 2) The applicant notes that there were 54 test wells on the site that could be monitored two weeks after Hurricane Floyd. The objective here should not be to establish that some portion of the site is outside the floodplain, but rather address what portions are in it. The relevant interpretation for this data would be to note that there were test wells in the proposed landfill footprint that could not be monitored due to flooding two weeks after the passage of Hurricane Floyd.
- 3) In discussing Part (4)(b), the applicant discusses the floodplain storage capacity of borrow pits in relation to the displacement of flood waters in the landfill footprint. The subject borrow pits are a considerable distance from the footprint, and many of them may not even be in the floodplain themselves. The flood study performed by the applicant assumes neither the landfill or the borrow pits are there. The applicant has failed to establish the correlation between any mitigation afforded by the borrow pits on one end of the 760 acres site and the impact of filling in 30 acres in the landfill footprint on the other.
- 4) The applicant notes the recent 401 Water Quality certification, but fails to mention that the issuance of that permit is under appeal.
- 5) In addressing (4)(c), the applicant proposes to reinforce the base of the landfill against washout. The General Statutes make no provision for mitigating features in the prohibition against landfills in the floodplain. Also, note that criteria (3) of the G.S. requirements for granting a variance applies only to tanks and structures incidental to purposes which are allowed. A landfill does not meet the definition of a structure provided in 143-215.51, and one could hardly argue that the landfill burial mound is incidental to any permitted purpose.
- 6) In addressing (4)(d), the applicant notes that the County decided in principle in the early 1990's to host a area landfill as a simple consideration of cost savings. The county's work in this regard never attempted to establish that hosting a regional landfill was a matter of critical public need to the county. The county has been operating satisfactorily with no loss of essential goods and services for five years since the unlined county landfill closed. There are many landfills in the 100 mile radius around Whiteville, including at least five regional landfills. Regional landfills in the area have not given any reason to believe that they will be restricting input. Quite the opposite, they are actively soliciting for the limited waste stream in the area and have indicated a willingness to provide substantial discounts for long term contracts. The county has been responsibly providing for the waste disposal needs of its citizens, and doing so without the Riegel Ridge Landfill. The applicant further fails to

address that this is a regional landfill, must serve a regional public need. This is especially relevant in that it in only due to the large footprint size associated with a regional landfill that the floodplain impact even exists. A landfill having a footprint of only about 25 acres would be adequate to serve the county's needs for the next 20 years.

- 7) (4)(e) notes the statement of Mr. Ralph C. Heath, an area hydrologist, that the Riegel Ridge site should receive primary consideration for a solid waste disposal facility due to its proximity to perennial streams. To the contrary, Dr. Stan Riggs, distinguished research professor and head of the Geology Department at East Carolina, has spent years studying the Green Swamp and Lake Waccamaw drainage basin, and has specifically identified this as an area to be avoided with regard to waste disposal sites for the same reason.
- 8) The applicant's arguments regarding the feasibility of alternate sites all eventually rely on the County Commissioners lack of willingness to support a number of other sites that have been technically evaluation at some level as feasible. In doing so, the applicant has placed the entire burden of proof regarding feasibility of alternate sites on the County Commissioners. To this end, the County Commissioners have provided no substantiation to support that there are no feasible sites outside the floodplain. It is noted that Columbus is a large, rural county, and none of the proposed sites that were evaluated in the early 1990's are near any population centers.
- 9) The applicant has previously identified the Green Swamp as unlikely candidate for a waste disposal site due to its high water table, extensive wetlands, and limited area of upland soils. The applicant states that the Green Swamp site he now owns is somehow different, and uniquely qualified for a regional landfill. To the contrary, an objective review would show that the Reigel Ridge site is exactly characteristic of the description used to disqualify this site from early feasibility reviews. The site is not predominantly upland, but has only limited upland soils. In fact, most of the proposed landfill footprint is on hydric soils. Finally, it is noted that none of this has any bearing on the feasibility of alternate sites.
- 10) Riegel Ridge spends considerable effort in noting that they began work on the site and submitted their application prior to the revisions to G.S. 143-215.51. The applicant fails to mention that their initial application was rejected by DENR Solid Waste Management Division as inadequate, and that they did not obtain a valid host agreement and resubmit their application for some time afterwards. Further, the applicant's position in the initial application was that the landfill footprint would be completely outside the 100 year floodplain. Even so, the applicant had ample reason to realize the liability associated with their site. Consider the following:
 - a. The applicant identified in the early 1990's that the Green Swamp is generally a wet, low lying area. In spite of this, Riegel Ridge undertook to site a landfill on a small finger of land depicted as being out of the floodplain. The floodplain was so extensive on the site that the applicant literally had to develop the site and layout of site features based on the depicted floodplain boundaries. The liability associated with this approach is exacerbated in considering the extreme flatness of the area, wherein elevation changes of only one or two feet will result in significant horizontal translation of the floodplain perimeter.
 - b. Initial topographic data taken during the initial stages of the site suitability study clearly identified considerable inconsistencies in the floodplain maps being utilized. Boundaries were depicted where no elevation changes existed, or even where elevations were decreasing. This was brought to the applicant's attention by the public and by DENR Solid Waste Division during initial reviews of the project.
 - c. Test well monitoring data in the application notes that, in December of 1999, two weeks after the passage of Hurricane Floyd, wells on the site and in the footprint could not be monitored due to flooding.
 - d. In January of 2001, NC Emergency Management formalized their concerns regarding the floodplain issue in a letter to the Army Corps of Engineers. This letter noted that the applicant was placing an inordinate amount of reliance on the precise location of an imprecisely derived floodplain boundary.
 - e. In December of 2001, DENR Solid Waste Management wrote the applicant a letter noting extensive deficiencies in the site, including floodplains impact, and stating that the Riegel Ridge site, if permitted, could never be more marginally suitable at

best.

The record shows that, in spite of all of the above, the applicant choose to pursue permitting of the proposed Green Swamp site, even going so far as to purchase the property mid 2002. Clearly, the incentive for doing so was the large financial gain to be realized if the site could be approved. In doing so, the applicant willingly undertook the associated risk that the project would not be permitted.

Respectively submitted,
Jeff, Chairman - Friends of the Green Swamp

- 7 **Paul Burns (Wild Life Action):** stated the following:
- a. Columbus County is an economically depressed county;
 - b. If we allow this landfill to be developed, we will be selling out our children's future;
 - c. The Green Swamp is the largest dismal swamp in the area; **and**
 - d. Once this landfill is developed, it will allow severe damage to our public roads due to heavy trucks and added traffic and scattered trash.
- 8 **John D. Runkle, Attorney for Friends of the Green Swamp:** stated the following:
- a. Riegel Ridge LLC must comply with the legal requirements for a variance;
 - b. The floodplain maps in the Request for Variance are incomplete;
 - c. The proposed landfill does not serve a critical need in the community;
 - d. Feasible locations exist for a landfill outside the area of special flood hazard;
 - e. Design factors are not finalized;
 - f. The proposed landfill does not comply with all other applicable laws and regulations;
and
 - g. Riegel Ridge LLC has not shown financial hardship.
- Conclusion:** Now is the time for the Columbus County Board of Commissioners to end this ill-advised proposal for a landfill in the Green Swamp. Riegel Ridge LLC has not shown good and sufficient cause for a variance, nor has it met any of the criteria and conditions required in the State Act and County Ordinance for a variance.
- 9 **Forest Riggs (Lake Waccamaw):** stated the following:
- a. Columbus County has not spent the taxpayers' money so far to defend this issue;
 - b. DENR does not support this Riegel Ridge Landfill;
 - c. Cannot put a landfill in 100 year floodplain; **and**
 - d. The Columbus County Commissioners should refuse this request for a variance on legitimate legal grounds.
- 10 **Cathy Neilson (Lake Waccamaw State Park):** stated the following:
- a. The Green Swamp is the State's most significant natural resource area; **and**
 - b. The County Commissioners should start acting like community leaders and not politicians.
- 11 **M. Gault Benson, Jr. (Bunny) -National President of Wildlife Action, Incorporated-(Mullins, South Carolina):** stated the following:
- a. You cannot make a landfill that won't leak;
 - b. The One Hundred (100) year Floodplain does not mean it will flood every one hundred (100) years, it means there is one (1) in one hundred (100) chances every year;
 - c. I am just a country boy, but I surely know that the Green Swamp is a rare treasure for North Carolina, houses some rare species of vegetation and does not need to be violated with a regional landfill.
- 12 **Hampton Shuping (Waccamaw River Keeper):** stated the following:
- a. The Waccamaw River is a very special and complex situation;
 - b. The leachate, at the minimum amount, would eventually seep into the Waccamaw River;
 - c. The Waccamaw River system is too special and valuable to warrant the risk posed by the landfill; **and**
 - d. If you agree to this variance, it will defy all reasons and logic.

The following six (6) documents were submitted to the Clerk to the Board and requests were made that this information go on record. These documents will be labeled as listed below and kept on file in the Clerk's Office in a notebook entitled "Attachments to Minutes":

- Attachment 1:** Letter to the Columbus County Commissioners bearing date of March 17, 2003 from **Jim Caulder**.
- Attachment 2:** A two (2) page documentary entitled "The Economic Future of Southeastern N.C. A Concept Paper Published by the Center For Community Action."
- Attachment 3:** A letter to the Columbus County Commissioners bearing date of March 13, 2003 from **David R. Sandifer, Brunswick County Administration**.
- Attachment 4:** Newspaper article bearing date of 12/12/02 entitled "Public opinion".
- Attachment 5:** Open letter to the Columbus County Commissioners bearing date of March 14, 2003 regarding **Copy of Letter dated May 16, 2002 from Graves T. Lewis and Virginia F. Lewis**.
- Attachment 6:** Copy of **Resolution in Objection to the Creation of a Landfill in the Green Swamp** duly adopted and enacted the 15th day of January, 2001 from the **Waccamaw Siouan Development Association, Inc.**

RECESS PUBLIC HEARING #2:

At 8:00 P.M., Chairman Wilson announced that Public Hearing #2 was concluded and would be recessed until April 21, 2003 at 6:30 P.M., to be held in the Dempsey B. Herring Courthouse Annex, Columbus County Commissioners' Chambers located at 112 West Smith Street, Whiteville, NC 28472. The first speaker, if present at the hearing, will be Fuzzy Spivey.

REGULAR SESSION CALLED TO ORDER:

At 8:13 P.M., Chairman Wilson called the Regular Session to order. The invocation was delivered by Commissioner Memory. Everyone in attendance stood and pledged allegiance to the Flag of the United States of America.

BOARD MINUTES APPROVAL:

Commissioner Dutton made a motion to approve the March 3, 2003 Board Minutes as recorded, seconded by Commissioner Norris. The motion so carried. Commissioner Godwin stated in the draft copy of the March 3, 2003, it stated that one (1) correction needed to be made. It stated he was present and Commissioner Jacobs was absent and this should be in reverse. This correction was made before the March 3, 2003 Board Minutes were finalized.

CHAF PROGRAM UPDATE:

Floyd Adams, The Adams Company, Incorporated, presented the following update on the Columbus County CHAF Program.

Columbus County Summary Sheet

CHAF Program

Previous
02-28-03

TOTAL HOUSES				491		
Houses Inspected				491		
Replacement			293			293
Repair			198			198

Repair Work			198			
Work Write-up	0				0	
Bids Complete, Not Awarded	0				0	
Board Awarded, No Construction	30				33	
Title Opinion NOT Requested		0				0
Waiting on Title Opinion		0				1
Waiting on Prom.Note/D.O.T.		14				14
Waiting on Contractor		16				18
Under Construction	18				22	
Complete	150				143	
Replacement Work			293			
Work Write-up	0				2	
Board Awarded, No Construction	46				54	
Title Opinion NOT Requested		6				6
Waiting on Title Opinion		6				11
N.O.E. Not Sent		5				13
Waiting on Client		29				24
Under Construction	79				70	
Complete	168				167	
Not Visited				0	0	
Legal Work						
Total Titles NOT Requested			6		6	
Total Titles Requested			485		485	
Titles Requested, Not Complete			6		11	
Preliminary Title Complete			81		84	
Prom.Note/D.O.T. Requested, Not Signed			46		52	
Prom.Note/D.O.T. Recorded			352		338	

Commissioner McKenzie asked Floyd Adams if he was experiencing any problems. Floyd replied stating there were always problems but we are handling them.

GOVERNOR'S ONE-ON-ONE PROGRAM PRESENTATION:

Odell Graham, Coordinator for the Governor's One-on-One Program being a part of the Dream Center, informed the Board of details pertaining to this program. He stated this program has served eighty (80) youth of this county with an average of ten (10) active matches this fiscal year. He requested ten thousand and 00/100 (\$10,000.00) dollars from Columbus County to offset the amount of eighteen thousand three hundred eighty and 00/100 (\$18,380.00) dollars that must be raised in local funds.

Commissioner McKenzie asked Mr. Graham how he planned to obtain the balance of eight thousand three hundred eighty and 00/100 (\$8,380.00) dollars. Mr. Graham replied stating they would use fund raisers.

Commissioner Wilson stated to Mr. Graham that he would need to wait on this money until the next fiscal year and to make his request to Billy Joe Farmer, County Administrator.

Commissioner Dutton stated this program was a very good program, it was very worthwhile and this program works with troubled kids which we have many in Columbus County.

Commissioner McKenzie stated that this program would help our youth and the Board would try to help.

Commissioner Wilson informed Mr. Graham his request would be taken under consideration and to make sure he submitted his request to Billy Joe Farmer, Columbus County Administrator.

CRIMINAL JUSTICE PARTNERSHIP PROGRAM GRANT RENEWAL:

Kay Horne, Chairman of the Criminal Justice Partnership Advisory Board, informed the Board she was applying for the grant renewal in the amount of seventy-five thousand one hundred

three and 00/100 (\$75,103.00) dollars. This program has been proven to save thirty-five to forty (\$35 - \$40) dollars per day for each criminal. We are utilizing electronic devices to be placed on the criminals while they stay home and allows us to keep track of them at all times. This will save on food, board and medical expenses. If the criminal should injure himself while at home, the County will not be responsible for the medical expenses.

Commissioner McKenzie asked Ms. Horne if Columbus County was responsible for any of these expenses. Ms. Horne replied stating no.

Chairman Wilson asked Ms. Horned how many devices do you have now. Ms. Horne replied stating at least five (5) pieces of equipment at this time.

Commissioner Godwin asked if this grant was for one (1) year. Ms Horne replied stating yes and this was a re-application.

Commissioner Godwin stated one (1) of his constituents asked about the after care program and if we were participating in this program. Ms. Horned replied stating Columbus County has not applied for this grant.

Commissioner Godwin asked Ms. Horne if Columbus County was qualified to apply for the after-care program. Ms. Horne replied stating that Columbus County's Program was too small, at this time, to handle.

Commissioner Godwin asked Ms. Horned if this grant provided for Administration cost. Ms. Horned replied stating no, not at this time.

EASEMENT REQUEST - PROGRESS ENERGY:

James Thomas with Progress Energy requested Board approval of an Easement on Legion Drive. Commissioner Memory made a motion to table until further information could be obtained, seconded by Commissioner Dutton. The motion so carried.

RECESS REGULAR SESSION and enter into COLUMBUS COUNTY WATER and SEWER DISTRICT V AUTHORITY BOARD MEETING:

At 8:30 P.M., Commissioner McKenzie made a motion to recess Regular Session and enter into a Columbus County Water and Sewer District V Authority Board Meeting, seconded by Commissioner Godwin. The motion so carried.

This information will be recorded in the Columbus County Water and Sewer District V Minute Book.

ADJOURN COLUMBUS COUNTY WATER and SEWER DISTRICT V AUTHORITY BOARD MEETING and resume REGULAR SESSION:

At 8:33 P.M., Commissioner Memory made a motion to adjourn Columbus County Water and Sewer District V Meeting and resume Regular Session, seconded by Commissioner Godwin. The motion so carried.

SOLID WASTE - REGULATIONS for OBTAINING or RELEASING TRASH CONTAINERS:

Chuck Stanley, Columbus County Solid Waste Officer, presented the following Regulations for Obtaining a Trash Container or Releasing a Trash Container in Columbus County along with three (3) blank forms to be utilized in this process for Board approval.

REGULATIONS FOR OBTAINING A TRASH CONTAINER OR RELEASING A TRASH CONTAINER IN COLUMBUS COUNTY

Any person requesting a trash cart to be delivered or released must come by the Columbus County Solid Waste Control Office.

TO OBTAIN A NEW CART:

To receive a new Trash cart a **New Trash Can Application Form** must be completed by the requesting party and submitted to the Solid Waste Control Office. To receive a new Trash cart between January 1 through March 31 a fee of \$177.00 must be paid. For receipt of a cart after March 31 a fee will be based on \$14.75 per month for the remaining months of the year. After the fee is paid, the Solid Waste Control Office will forward a completed New Trash Can Application Form to the tax office to have the Trash cart added to the requesting party's taxes for the next year. Should this cart be for a residence that is used for more than 3 months of the year, no refund will be made to the purchaser. After all fees have been satisfied the Solid Waste Control Office will make contact with the waste collection provider and facilitate delivery of a cart to the address given by the requesting party.

TO HAVE A CONTAINER RELEASED FROM USER FEE:

To have a container released from user fees, a **Release Application Form For Trash Can** must be completed by the requesting party and submitted to the Solid Waste Control Office. After verification by the Solid Waste Control Officer of all pertinent information, and that all fees have been satisfied, the Solid Waste Control Office will facilitate pick up of the cart at the address given by the requesting party.

FEE COLLECTION

All fees collected will be turned in to the Columbus County Finance Office Daily.

Chuck Stanley, Columbus County Solid Waste Officer, informed the Board he had determined where the major problem with the trash containers was. We need to establish what we consider to be a livable house and a non-livable house and these are the guidelines to follow.

Guidelines for Determining Livable House for Solid Waste User Fees:**LIVABLE**

If house has a service line running to meter base with meter installed.

NON-LIVABLE

No service line running to meter base or meter installed.

The blank forms submitted for approval are as follows:

1. Release Form For Trash Cans;
2. Cart Pickup Approval Form; **and**
3. New Trash Can application.

Commissioner McKenzie asked Mr. Stanley where he got these forms from. Mr. Stanley replied stating these forms were originated from the Solid Waste Office with the assistance of James E. Hill, Jr., Columbus County Attorney.

Commissioner Godwin questioned the time frame that was stated on the Release Form For Trash Cans being no later than the day the person(s) move in as being a little unreasonable due to holiday, weekends and nighttime. James E. Hill, Jr., Columbus County Attorney, responded by stating this was put in there as an attention getter and a reasonable time would be allowed.

Commissioner Memory asked Mr. Stanley if BEMC was pulling meters. Mr. Stanley replied stating yes.

Commissioner Memory asked Mr. Stanley about the houses using Power Stat. Would these houses have meters. Mr. Stanley replied stating yes they would have meters.

Commissioner Dutton asked Billy Joe Farmer, Columbus County Administrator, how Mr.

Stanley could do this and do the other job he is responsible for. Mr. Farmer replied stating Mr. Stanley needs some help.

Commissioner Memory asked Mr. Stanley how many tax releases had been checked. Mr. Stanley replied stating out of the last thirty-seven (37) that had been checked only fourteen (14) had been legitimate.

Commissioner Godwin asked Mr. Stanley about the Tax Releases that had been released this year if they would appear next year. Mr. Stanley replied stating yes.

Commissioner Dutton made a motion to approve the Solid Waste Regulations for Obtaining or Releasing Trash Containers, the standards for determining a dwelling livable or non-livable and the three (3) forms. This motion was seconded by Commissioner Memory. The motion so carried.

SOLID WASTE - CPI ADJUSTMENT:

Chuck Stanley, Columbus County Solid Waste Officer, requested the Board to approve an increase in the Solid Waste Tipping Fee from forty-two and 84/100 (\$42.84) dollars per ton to forty-four and 83/100 (\$44.83) dollars per ton. This will give the County one and 00/100 (\$1.00) dollar to help offset the administrative cost, collection, transportation and disposal cost. Commissioner McKenzie made a motion to approve the Solid Waste Tipping Fee to be forty-four and 83/100 (\$44.83) dollars per ton, seconded by Commissioner Jacobs. The motion so carried.

APPOINTMENT - SOUTHEASTERN COMMUNITY COLLEGE BOARD OF TRUSTEES:

Commissioner David L. Dutton, Jr. appointed Larry Buffkin, 285 Singletary Road, Whiteville, North Carolina 28472, to the Southeastern Community College Board of Trustees to fill the unexpired term of Doris High. This term will expire 06-30-2004.

APPOINTMENT - SOCIAL SERVICES NEW DIRECTOR:

Commissioner McKenzie introduced Marva Scott as the new director for Columbus County Department of Social Services. Ms. Scott thanked the Board of Commissioners for selecting her as the new director, stated she was happy to be on board and she was looking forward to the challenge.

PROCLAMATION - SEXUAL ASSAULT AWARENESS MONTH 2003:

Vickie Pait, Families First, requested Board approval and adoption of the following Proclamation.

**SEXUAL ASSAULT AWARENESS MONTH
PROCLAMATION 2003**

WHEREAS, Families First, Inc. served 37 women and children in 2002 who were victims of sexual assault in Columbus County; and

WHEREAS, Families First, Inc. served 23 victims of sexual assault under the age of 17 in 2003; and

WHEREAS, 1 in 5 North Carolina women have been sexually assaulted at some point in their lives (NC Department of Health and Human Services 1999); and

WHEREAS, in the United States rape is the most costly crime to its victims totaling \$127 billion a year considering factors such as medical cost, lost earning, pain, suffering and lost quality of life (U.S. Department of Justice, 1996); and

WHEREAS, in the United States 1 in 6 women and 1 in 33 men has experienced a completed or attempted rape at sometime in their life (US Department of Justice 1998); and

WHEREAS, there are 5,915 sex offenders and sexual predators registered as living in North Carolina (State Bureau of Investigation 2002);

WHEREAS, statewide efforts are being made to educate medical, law enforcement, legal and judicial professions and the general public concerning this epidemic of violence affecting our society.

NOW, THEREFORE, we the Columbus County Board of Commissioners do hereby proclaim that April 2003, is **SEXUAL ASSAULT AWARENESS MONTH** in Columbus County and call upon all citizens to speak out against sexual assault and support their local communities efforts to provide services to victims of this heinous crime.

ADOPTED this 17th day of March 2003.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ C.E. WILSON, Chairman

ATTESTED BY:
/s/ JUNE B. HALL, Clerk to Board

Commissioner Dutton made a motion to approve and adopt the Sexual Awareness Month Proclamation, seconded by Commissioner Jacobs. The motion so carried.

PROCLAMATION - CHILD ABUSE PREVENTION MONTH 2003:

Vickie Pait, Families First Director, requested Board approval and adoption to the following Proclamation:

**CHILD ABUSE PREVENTION MONTH
PROCLAMATION 2003**

WHEREAS, child abuse is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, approximately 3 million children are reported as abused and neglected in this county each year; and

WHEREAS, approximately 120,000 children are reported as abused and neglected in North Carolina each year; and

WHEREAS, 25 – 40 children die each year as a result of child abuse in North Carolina; and

WHEREAS, the effects of child abuse are felt by whole communities, and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, religious and civic organizations, law enforcement agencies, and the business community; and

WHEREAS, all citizens should become more aware of the negative effects of child abuse and its prevention within the community, and become involved in supporting parents to raise their children in a safe, nurturing environment;

NOW, THEREFORE, we, the Columbus County Board of Commissioners, do hereby proclaim April as **CHILD ABUSE PREVENTION MONTH** in Columbus County and call upon all citizens, community agencies, religious organizations, medical facilities, and business to increase their participation in our efforts to prevent child abuse, thereby strengthening the communities in which we live.

ADOPTED this 17th day of March 2003.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ C.E. WILSON, Chairman

ATTESTED BY:

/s/ JUNE B. HALL, Clerk to Board

Commissioner Dutton made a motion to approve the Child Abuse Prevention Month Proclamation, seconded by Commissioner Jacobs. The motion so carried.

Vickie Pait, Families First Director, announced there would be a candlelight vigil held on April 1, 2003 at the Columbus County Courthouse in honor of sexually assaulted and child abuse victims.

ORDINANCE - WATERSHED PROTECTION ORDINANCE (State Recommended Changes):

Darren Currie, Assistant County Administrator, requested the Board to approve and adopt the proposed amendments to the Columbus County Watershed Protection Ordinance.

Commissioner Godwin asked Mr. Currie if these proposed amendments were the most current regulations. Mr. Currie replied stating that Columbus County had been sitting on these changes for five (5) years.

Commissioner Godwin then asked the following questions:

1. Are these changes required by the State?
2. Do we not qualify for grants? **and**
3. Do we have a Board in place?

Billy Joe Farmer, County Administrator, replied stating that these changes were old, but were reiterated to us when we applied for a grant in the Riegelwood area. Darren Currie, Assistant County Administrator, stated that we do not have a Board in place at this time, but we needed to work on establishing one.

Commissioner Memory asked if these amendments were accepted, would they weaken the variance. Billy Joe Farmer, County Administrator, replied stating no.

Commissioner McKenzie made a motion to adopt and approve the following amended Watershed Protection Ordinance, seconded by Commissioner Dutton. The motion so carried.

**COLUMBUS COUNTY
WATERSHED PROTECTION ORDINANCE**

REVISIONS TO EXISTING ORDINANCE:

Strike Through	=	Delete or Rescind
Underline (Double)	=	Additions/Replacements
As Is	=	No Changes

ARTICLE 100: AUTHORITY AND GENERAL REGULATIONS

Section 101. Authority and Enactment.

The Legislature of the State of North Carolina has, in Chapter 153A, Article 6, Section 121, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Board of Commissioners of Columbus County does hereby ordain and enact into law the following articles as the **Watershed Protection Ordinance** of Columbus County.

Section 102. Jurisdiction.

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of Columbus County, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all

explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the County Clerk.

Section 103. Exceptions to Applicability.

(A) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Columbus County; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the County at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of building or land, then the provisions of these regulations shall control.

© Existing development, as defined in this Ordinance, is not subject to the requirements of this Ordinance. Expansions to structures classified as existing development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

~~(D) A pre-existing lot owned by an individual prior to the effective date of this Ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this Ordinance.~~ If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is developed for single-family residential purpose. However, this exemption is not applicable to multiple contiguous lots under single ownership. See Section 307(A)(2) regarding the recombination of existing lots.

Section 104. Criminal Penalties.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

Section 105. Remedies.

(A) If any subdivisions, development and/or land use is found to be in violation of this Ordinance, the Columbus County Board of Commissioners may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of \$100.00, action or proceeding to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

(B) If the Watershed Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

Section 106. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 107. Effective Date:

~~_____ This Ordinance shall take effect and be in force on June 4, 1994~~

~~_____ 2003.
/s/ SAMUEL G. KOONCE, CHAIRMAN
COLUMBUS COUNTY BOARD OF COMMISSIONERS~~

ATTESTED BY:

~~/s/ IDA L. SMITH,
CLERK TO THE BOARD~~

ARTICLE 200: SUBDIVISION REGULATIONS.**Section 201. General Provisions.**

(A) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise, the Clerk of Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.

(B) The approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, easement, right-of-way, public utility line, or other public facility shown on the plat and shall not be construed to do so.

© All subdivisions shall conform with the mapping requirements contained in G.S.47-30.

(D) All subdivisions of land within the Water Supply Watershed jurisdiction of the County after the effective date of this Ordinance shall require a plat to be prepared, approved, and recorded pursuant to this Ordinance.

Section 202. Subdivision Application and Review Procedures.

(A) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Watershed Administrator to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this Ordinance and may be recorded provided the Watershed Administrator initials the vicinity map. In addition, subdivisions within a WS-IV watershed are subject to the provisions of this Ordinance only when an erosion and sedimentation plan is required under the provisions of State law, or approved local program. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other state and local requirements that may apply.

(B) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board (see Appendix A).

© The Watershed Administrator shall review the completed application and submit recommendations to the Watershed Review Board for further review and final action. The Watershed Review Board shall either approve, approve conditionally or disapprove each application by a majority vote of the members present and voting. First consideration of the application shall be at the next regularly scheduled meeting of the Board after the application is submitted. The Board shall take final action within forty-five (45) days of its first consideration. The Watershed Administrator or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

- (1) The district highway engineer with regard to proposed streets and highways.

- (2) The director of the Health Department with regard to proposed private water system or sewer systems normally approved by the Health Department.
- (3) The state Division of Environmental Management with regard to proposed sewer systems normally approved by the Division, engineered storm water controls or storm water management in general.
- (4) Any other agency or official designated by the Watershed Administrator or Watershed Review Board.

((D) If the Watershed Review Board approves the application, such approval shall be indicated on both copies of the plat by the following certificate and signed by the chairman or other authorized member of the Board:

CERTIFICATE OF APPROVAL FOR RECORDING

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Review Board for recording in the Register of Deeds office.

Date

Chairman, Watershed
Review Board

NOTICE: This property is located within a Public Water Supply Watershed - development restrictions may apply.

(E) If the Watershed Review Board disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider may make changes and submit a revised plan which shall constitute a separate request for the purpose of review.

(F) All subdivision plats shall comply with the requirements for recording of the County Register of Deeds.

(G) The Subdivider shall provide the Watershed Administrator with evidence the plat has been recorded with the Register of Deeds within five (5) working days of its being recorded.

Section 203. Subdivision Standards and Required Improvements.

(A) All lots shall provide adequate building space in accordance with the development standards contained in Article 300. Lots which are smaller than the minimum required for residential lots shall be identified on the plat as, "NOT FOR RESIDENTIAL PURPOSES".

(B) For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

© Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts storm water runoff away from surface waters and incorporates best management practices to minimize water quality impacts.

(D) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the N.C. Division of Land Quality.

(E) Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

Section 204. Construction Procedures.

(A) No construction or installation of improvements shall commence in a proposed

subdivision until a subdivision plat has been approved by the Watershed Review Board.

(B) No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Watershed Administrator to provide for adequate inspection.

Section 205. Penalties for Transferring Lots in Unapproved Subdivisions.

Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the County, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this Ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or shall not exempt the transaction from this penalty. The County may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this Ordinance.

ARTICLE 300: DEVELOPMENT REGULATIONS

Section 301. Establishment of Watershed Areas.

The purpose of this Article is to list and describe the watershed areas herein adopted.

For purposes of this Ordinance, the County is hereby divided into the following areas, as appropriate:

- WS-IV-CA (Critical Area)
- WS-IV-PA (Protected Area)

Section 302. Watershed Areas Described.

(A) WS-IV Watershed Areas - Critical Area (WS-IV-CA). Only new development activities that require an erosion/sedimentation control plan under State law or approved local program are required to meet the provisions of this Ordinance when located in the WS-IV Watershed. In order to address a moderated to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed twenty-four (24%) percent built-upon area. New sludge residuals application sites and landfills are specifically prohibited.

(1) Allowed Uses:

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than one hundred (100) animal units shall employ Best Management Practices by July 1, 1994, recommended by the Soil and Water Conservation Commission.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

© Residential.

(d) Non-residential development, excluding: 1) ~~the storage of toxic and hazardous materials unless a spill containment plan is implemented; discharging landfills and~~ 2) ~~landfills; and~~ 3) sites for land application of ~~sludge/residuals~~ or petroleum contaminated soils.

(2) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two (2) dwelling units per acre on a project by project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.

(b) All Other Residential and Non-Residential--development shall not exceed twenty-four (24%) percent built-upon area on a project by project basis. For the purpose of calculating the built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(B) WS-IV Watershed Areas - Protected Area (WS-IV-PA). Only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions of this Ordinance when located in a WS-IV watershed. In order to address a moderate to highland use intensity pattern, single family residential uses shall develop at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed at a maximum of twenty-four (24%) percent built-upon area. A maximum of three (3) dwelling units per acre or thirty-six (36%) percent built-upon area is allowed for projects without a curb and gutter street system.

(1) Uses Allowed:

(a) Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 11.6101-.0209).

© Residential development.

(d) Non-residential development, ~~excluding the storage of toxic and hazardous materials unless a spill containment plan is implemented.~~

(2) Density and Built-upon Limits:

(a) Single Family Residential--development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No residential lot shall be less than one-half (1/2) acre, or one-third (1/3) acre for projects without a curb and gutter system, except within an approved cluster development.

(b) All Other Residential and Non-Residential--development shall not exceed twenty-four (24%) percent built-upon area on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six (36%) percent built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include acreage in the tract on which the project is to be developed.

Section 303. Cluster Development.

Clustering of development is allowed in all Watershed Areas under the following conditions:

(A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 302. Built-upon area or storm water control requirements of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

(B) All built-upon area shall be designed and located to minimize storm water runoff impact of the receiving waters and minimize concentrated storm water flow.

© The remainder of the tract shall remain in a vegetated or natural state. Where the development has an incorporated property owners association, the title of the open space area shall be conveyed to the an incorporated homeowners association for management. ~~Where a property~~

association is not incorporated, a maintenance agreement shall be filed with the property deeds to a local government for preservation as a park or open space; or to a conservation organization for preservation in a permanent easement.

Section 304. Buffer Areas Required.

(A) ~~A minimum one hundred (100) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial stream band or shoreline stabilization is permitted.~~

(B) No new development is allowed in the buffer except that for water dependent structures, other structures such as flag poles, signs, and security lights which result in only diminutive increases in impervious area, and public works projects such as road crossings and green ways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.

Section 305. Rules Governing the Interpretation of Watershed Area Boundaries.

Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules shall apply:

(A) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or center lines thereof, such lines shall be construed to be said boundaries.

(B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the County as evidence that one or more properties along these boundaries do not lie within the watershed area.

(C) Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

(D) Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

(E) Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

Section 306. Application of Regulations.

(A) No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

(B) No area required for the purpose of complying with the provisions of this Ordinance shall be included in the area required for another building.

(C) Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except as permitted in Section

(D) If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

Section 307. Existing Development.

Any existing development as defined in this Ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing

development must meet the requirements of this Ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

(A) Vacant Lots. This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of the County. Lots may be used for any of the uses allowed in the watershed area in which it is located, provided the following:

(1) Where the lot area is below the minimum specified in this Ordinance, the Watershed Administrator is authorized to issue a watershed protection permit.

(2) Notwithstanding the foregoing, whenever two (2) or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, such lots shall be combined to create one (1) or more lots that meet the standards of this Ordinance, or if this is impossible, reduce to the extent possible the nonconformity of the lots.

(B) Occupied Lots. This category consists of lots, occupied for residential purposes at the time of the adoption of this Ordinance. These lots may continue to be used provided that whenever two (2) or more adjoining lots of record, one (1) of which is occupied, are in single ownership at any time after the adoption of this Ordinance, and such lots individually or together have less area than the minimum requirements for residential purposes for the watershed area in which they are located, such lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

(C) Uses of Land. This category consists of uses existing at the time of adoption of this Ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

(1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

(2) Such use of land shall be changed only to an allowed use.

(3) When such use ceases for a period of at least one (1) year, it shall not be reestablished.

(D) Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this Ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

(1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

(2) The total amount of space devoted to built-upon area may not be increased unless storm water control that equals or exceeds the previous development is provided.

Section 308. Watershed Protection Permit.

(A) Except where a single family residence is constructed on a lot deeded prior to the effective date of this Ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of this Ordinance.

(B) Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a complete application form (see Appendix A) and supporting documentation deemed necessary by the Watershed Administrator.

© Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

(D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

Section 309. Building Permit Required.

Except for a single family residence constructed on a lot deeded prior to the effective date of this Ordinance, no permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

Section 310. Watershed Protection Occupancy Permit.

(A) The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

(B) A watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued and denied within ten (10) days after the erection or structural alterations of the building.

© When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.

(D) If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

(E) No building or structure which has been erected, moved or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

ARTICLE 400: PUBLIC HEALTH REGULATIONS

Section 401. Public Health, in general.

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; ~~the absence or improper implementation of a spill containment plan for toxic and hazardous materials~~; the improper management of storm water runoff; or any other situation found to pose a threat to water quality.

Section 402. Abatement.

(A) The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(B) The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.

© Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate actions or proceeding to restrain, correct or abate the condition and/or violation.

ARTICLE 500: ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 501. Watershed Administrator and Duties Thereof.

The County shall appoint a Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:

(A) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

(B) The Watershed Administrator shall serve as clerk to the Watershed Review Board.

(C) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the ~~Supervisor of the Classifications and Standards Group, Water Quality Section, Division of Environmental Management~~ Division of Water Quality.

(D) The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the County. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

(E) The Watershed Administrator shall keep a record of all variances to the local Water Supply Protection Ordinance. This record shall be submitted for each calendar year to the Division of Water Quality on or before January 1st of the following year ~~to the Supervisor of the Classifications and Standards Group, Water Quality Section, Division of Environmental Management on an annual basis~~ and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section 502. Appeal from the Watershed Administrator.

Any order, requirement, decision or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the office from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

Section 503. Changes and Amendments to the Watershed Protection Ordinance.

(A) The Columbus County Board of Commissioners may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restrictions as described herein.

(B) No action shall be taken until the proposal has been submitted to the Watershed Review

Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five (45) days after submission of the proposal to the Chairman of the Watershed Review Board, the Columbus County Board of Commissioners may proceed as though a favorable report had been received.

© Under no circumstances shall the Columbus County Board of Commissioners adopt such amendments, supplements or changes that would cause this Ordinance to violate the Watershed Protection Rules as adopted by the ~~N.C. Environmental Management Commission~~ Division of Water Quality. All amendments must be filed with the ~~N.C. Division of Environmental Management~~ Division of Water Quality, N. C. Division of Environmental Health, and the N.C. Division of Community Assistance.

Section 504. Public Notice and Hearing Required.

Before adopting or amending this Ordinance, the Columbus County Board of Commissioners shall hold a public hearing on the proposed changes. A notice of the public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.

Section 505. Establishment of Watershed Review Board.

(A) There shall be and hereby is created the Watershed Review Board consisting of seven (7) members appointed by the Board of Commissioners. Three (3) residents of Columbus County shall be appointed for three (3) year terms. Two (2) residents of Columbus County shall be appointed for two (2) year terms. Two (2) residents shall be appointed for one (1) year terms. Thereafter, all new terms shall be for three (3) years, and members may be reappointed.

(B) Two (2) alternate members shall be appointed to serve on the Watershed Review Board in the absence of any regular member and shall be appointed for three (3) year terms. While attending in the capacity of a regular member, the alternate shall have and exercise all the powers and duties of the absent regular member.

Section 506. Rules of Conduct for Members.

Members of the Board may be removed by the Columbus County Board of Commissioners for cause, including violation of the rules stated below:

(A) Faithful attendance at meetings of the Board and conscientious performance of the duties required of members of the board shall be considered a prerequisite to continuing membership on the Board.

(B) No Board member shall take part in the hearing, consideration, or determination of any case in which he is personally or financially interested. A Board member shall have a "financial interest" in a case when a decision in the case will: 1) cause him or his spouse to experience a direct financial benefit or loss, or 2) will cause a business in which he or his spouse owns a ten (10%) percent or greater interest, or is involved in a decision-making role, to experience a direct financial benefit or loss. A Board member shall have a "personal interest" in a case when it involves a member of his immediate family (i.e., parent, spouse, or child).

© No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from the Watershed Administrator or any other member of the Board, its secretary or clerk prior to the hearing.

(D) Members of the Board shall not express individual opinions on the proper judgement of any case prior to its determination on that case.

(E) Members of the Board shall give notice to the chairman at least forty-eight (48) hours prior to the hearing of any potential conflict of interest which he has in a particular case before the Board.

(F) No Board member shall vote on any matter that decides an application or appeal unless he had attended the public hearing on that application or appeal.

Section 507. Powers and Duties of the Watershed Review Board.

(A) Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this Ordinance.

(B) Variances. The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance, will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the County shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered.

(1) Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

(a) A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structure; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revisions.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

© The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part of the record of proceedings of the Watershed Review Board.

(2) Before the Watershed Review Board may grant a variance, it shall make the following three (3) findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

(a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five (5) following conditions exist:

(1) If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.

(2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of

neighboring property.

(4) The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

(5) The hardship is peculiar to the applicant's property, rather than the results of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance could be a special privilege denied to others, and would not promote equal justice.

(b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

© In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

(3) In granting the variance, the Board may attach thereto such conditions regarding the locations, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

(4) The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

(5) A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

(6) If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (a) The variance application;
- (b) The hearing notices;
- © The evidence presented;
- (d) Motions, offers of proof, objections to evidence, and rulings on them;
- (e) Proposed findings and exceptions; and
- (f) The proposed decision, including all conditions proposed to be added to the permit.

The **preliminary record** shall be sent to the Environmental Management Commission for its review as follows:

(a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that: (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that: (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will

result in a serious threat of the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

© Subdivision Approval. See Article 200.

(D) Public Health. See Article 400.

Section 508. Appeals from the Watershed Review Board.

Appeals from the Watershed Review Board must be filed with the Superior Court within thirty (30) days from the date of the decision of the Watershed Review Board.

ARTICLE 600: DEFINITIONS:

Section 601. General Definitions.

Agricultural Use. The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Best Management Practices (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer. An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building. Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two (2) buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one (1) building.

Built-upon area. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious covering including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster Development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family residential subdivisions and multi-family developments that do not involve the subdivision of land.

Composting Facility. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations are deposited.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). ~~Since WS-I watersheds are essentially undeveloped, establishment of a critical area is not required.~~ Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of the one-half mile.

Customary Home Occupations. Any use conducted entirely within a dwelling and carried on by

the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty-five (25%) percent of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill. ~~A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.~~ A landfill which discharges treated leachate and which requires a National Pollution Discharge Elimination System (NPDES) permit.

Dwelling Unit. A building, or portion thereof, providing complete and permanent living facilities for one (1) family.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one (1) of the following criteria:

- (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
- (2) Having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.2), or
- (3) ~~Having expended substantial resources (time, labor, money) and~~ Having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

Family. One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five (5) persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as family or families.

Hazardous Material. ~~Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances):~~

Industrial Development. Any non-residential development that requires an NPDES permit for an industrial discharge ~~and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.~~

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9, of the N.C. General Statutes. For the purpose of this Ordinance, this term does not include composting facilities.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Major Variance. A variance from the minimum statewide water supply watershed protection rules

that results in ~~any one (1) or more of the following:~~

- ~~(1) The complete waiver of a management requirement;~~
- (2) the relaxation, by a factor of more greater than ten (10%) percent, of any management requirement that takes the form of a numerical standard.

Minor Variance. A variance that does not qualify as a major variance from the minimum statewide watershed protection rules that result in a relaxation, by a factor of up to ten (10%) percent, of any management requirement under the low density option.

Nonconforming Lot of Record. A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance (or its amendments) that does not meet the minimum lot size or other development requirements of this Ordinance.

Non-residential Development. All development other than residential development, agriculture and silviculture.

Plat. A map or plan of a parcel of land which is to be, or has been subdivided.

Protected area. The area adjoining and upstream of the critical area of WS-IV watershed. The boundaries of the protected area are defined as within five (5) miles of and draining to the normal pool elevation of the reservoir or to the ridge line of the watershed; or within 10 (ten) miles upstream; and draining to the intake located directly in the stream or river or to the ridge line of the watershed.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Single Family Residential. Any development where: 1) no building contains more than one (1) dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one (1) dwelling unit.

Street (Road). A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure. Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment of something having permanent location on the land.

Subdivider. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision. All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
- (2) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets;
- (4) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance;

- (5) The division of a tract into plots or lots used as a cemetery.

Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off-spring or other adverse health effects.

Variance. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the ~~Environmental Management Commission~~ Division of Water Quality that is incorporated into this Ordinance.

Water Dependent Structure. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Watershed Administrator. An official or designated person of the County responsible for administration and enforcement of this Ordinance.

SECTION 602. WORD INTERPRETATION

For the purpose of this Ordinance, certain words shall be interpreted as follows:

Words in the present tense include the future tense.

Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

The word "**person**" includes a firm, association, corporation, trust, and company, as well as an individual.

The word "**structure**" shall include the word "**building**".

The word "**A lot**" shall include the words, "**plot**", "**parcel**", or "**tract**".

The word "**shall**" is always mandatory and not merely directory.

The word "**will**" is always mandatory and not merely directory.

ADOPTED this the 17th day of March 2003.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ ~~SAMUEL G. KOONCE~~ C.E. WILSON, Chairman

ATTESTED BY:

/s/ ~~IDA L. SMITH~~ JUNE B. HALL, Clerk to Board

The above Ordinance was passed by the Columbus County Board of Commissioners on June 6, 1994, upon motion by Commissioner Jacobs, seconded by Commissioner Richardson and passed unanimously, and recorded in the minutes of said meeting, Book 22, Pages 645 - 663.

The Columbus County Board of Commissioners amended the above ordinance on March 17, 2003 upon motion by Commissioner McKenzie seconded by Commissioner Dutton and passed unanimously, and recorded in the minutes of said meeting, Book 26, Pages _____ - _____.

CDBG - CONCENTRATED SITE NEEDS GRANT:

Darren Currie, Assistant County Administrator, requested Board approval to negotiate with The Adams Company, Incorporated for Administrative and Engineering/Inspections Services for the Concentrated Site Needs Grant.

Commissioner Wilson asked Mr. Currie if he had been involved in the entire negotiation process with all the bidders listed on the handouts. Mr. Currie replied stating yes.

Commissioner Memory asked Mr. Currie if he had been involved in the review of all the bid that had been submitted. Mr. Curried replied stating yes.

Commissioner Jacobs made a motion to allow Darren Currie, Assistant County Administrator, to negotiate with The Adams Company, Incorporated for the Administrative and Engineering/Inspections Services for the Concentrated Site Needs Grant, seconded by Commissioner Norris. The motion so carried.

APPOINTMENT - CAPE FEAR RESOURCE CONSERVATION and DEVELOPMENT BOARD:

Greg Walker, Coordinator for the Cape Fear Resource Conservation and Development, Incorporated, requested the Board to appoint a representative from the Board of Commissioners to fill the position that has been vacant for some time. Commissioner Memory made a motion to appoint Commissioner Kipling Godwin to serve on the Cape Fear Resource Conservation and Development Board, seconded by Commissioner Norris. The motion so carried.

CONSENT AGENDA ITEMS:

Commissioner Norris made a motion to approve the following Consent Agenda Items, seconded by Commissioner Dutton. The motion so carried.

1. Budget Amendments:

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-591-4600	Drugs and Supplies	(\$12,244)
Revenue	10-348-0700	Family Planning State Grant	(\$12,244)
Expenditure	10-590-0200	Salaries	(\$10,560)
Revenue	10-348-0505	State Grant Funds	(\$10,560)
Expenditure	10-577-3200	Office supplies	\$7,300
Revenue	10-348-0506	Bioterrorism - State	\$7,300
Expenditure	10-575-3300	Departmental Supplies	\$980
Revenue	10-348-0906	Summer Food Service Sites	\$980
Expenditure	10-592-0200	Salaries	\$11,250
Revenue	10-348-0709	Maternity Care Coordination	\$11,250
Expenditure	10-593-4600	Drugs and Supplies	(\$11,616)
Revenue	10-348-0900	Home Health Seed Money	(\$11,616)
Expenditure	10-575-0200	Salaries	(\$210)
Revenue	10-348-1501	Environmental Health	(\$210)
Expenditure	54-510-3300	Departmental Supplies	\$30,000
	54-510-7400	Capital Outlay (Drug Dog)	\$5,000
	54-510-9000	Transfer to Jail Project	\$15,000

Revenue	54-399-0000	Fund Balance Appropriated	\$50,000
Expenditure	64-520-7200	Building	\$15,000
Revenue	64-397-0100	Transfer From Spec/Alcohol Fund	\$15,000
Expenditure	33-680-0200	Salaries	\$73,450
	33-680-0400	Professional Services	\$4,400
	33-680-0500	FICA	\$5,660
	33-680-0600	Insurance	\$23,005
	33-680-0700	Retirement	\$3,375
	33-680-1100	Telephone	\$600
	33-680-1300	Utilities	\$5,000
	33-680-1400	Travel	\$1,000
	33-680-1500	M/R - Buildings and Grounds	\$2,000
	33-680-1600	M/R - Equipment	(\$9,000)
	33-680-1700	M/R - Vehicles	\$2,800
	33-680-3100	Automotive Supplies	\$3,430
	33-680-3200	Office Supplies	\$500
	33-680-3300	Departmental Supplies	\$23,000
	33-680-5400	Insurance Property, Liability	(\$175)
	33-680-5700	Miscellaneous	\$100
	33-680-7400	Capital Outlay	\$6,000
Revenue	33-312-0000	Refunds	(\$6,200)
	33-329-0000	Interest	(\$6,500)
	33-340-0000	Signup Fees	\$4,000
	33-359-0000	Water Sales	(\$75,000)
	33-359-0100	Tap-on Fees	(\$6,000)
	33-359-0300	Penalties	(\$4,500)
	33-359-0400	Reconnects	(\$1,000)
	33-399-0000	Fund Balance Approp	\$240,345
Expenditure	10-503-7300	Improvements	\$11,050
	10-506-7300	Improvements	(\$11,050)

2. Amendments to the March 3, 2003 Refunds and Releases:

Brenda Lee Blanks - Total district fee to release should be \$49.98 instead of \$68.69. This makes the correct total of release \$505.44 instead of \$524.15.

Hedy W. Davis - (2001) Total district fee to release should be \$54.40 instead of \$54.50. This makes the correct total of release \$643.72 instead of \$643.82.

Foster Harper - Total district fee to release should be \$4.64 instead of \$4.69. This makes the correct total of release \$231.91 instead of \$231.96.

3. Tax Refunds and Releases:

**TAX REFUNDS (as submitted to the Administration Office from the Tax Office):
March 17, 2003**

Request a refund in the name of Brown, Patricia, 732 Mcmillan Rd., Whiteville,, NC 28472. Refund user fee deposit. Customer was unable to buy single wide home. Amount \$29.50, Value \$0.00, Year 2002, Account # N/A, Bill # N/A.

Request a refund in the name of Ward, Derry Thomas, 554 Pinelevel Ch. Rd., Nakina,, NC 28455. Refund a portion of the user fee. Trash can picked up 10-31-2002. Amount \$29.50, Value \$0.00, Year 2002, Account # 03-26274, Bill # 96632.

Request a refund in the name of Dale, Terri, P.O. Box 225, Leland,, NC 28451. Refund user fee. No trash can at this address in 2001. This has been aproved by Chuck Stanly, Litter Patrol. Please make check payable to Neal Kilian. Amount \$165.00, Value \$0.00, Year 2001, Account # 15-11332, Bill # 87801.

Request a refund in the name of Horne, Jerry M., 4657 Clar-Chad. Rd., Chadbourn, NC 28431. Refund the user fee that was paid in the name of J.M. Horne on account # 13-20180. Amount \$100.00, Value \$0.00, Year 1997, Account # 13-20170, Bill # 49489.

**TAX RELEASES (as submitted to the Administration Office from the Tax Office):
March 17, 2003**

Release the Property Value in the name of Ferreira, Devona. Release the value of a single wide home, the Roseland Fire fee (8.64) and the Columbus Rescue fee (2.88). Home was traded for a double wide and listed. Amount \$301.22, Value \$14,400.00, Year 2001, Account # 06-09651, Bill # 90550.

Release the Property Value in the name of Kelly, Barry R.. Release the value of a mobile home, the Bolton Fire fee (5.87) and the Columbus Rescue fee (1.96). Home was repossessed in 1999. Amount \$269.52, Value \$9,780.00, Year 2002, Account # 04-09552, Bill # 77692.

Release the Property Value in the name of Kelly, Barry R. Release the value of a mobile home, the Bolton Fire fee (6.29) and the Columbus Rescue fee (2.10). Home repossessed in 1999. Amount \$264.23, Value \$10,490.00, Year 2001, Account # 04-09552, Bill # 99829.

Release the Property Value in the name of Kelly, Barry R.. Release the value of a mobile home that was repossessed in 1999. Amount \$218.01, Value \$10,840.00, Year 2000, Account # 04-09552, Bill # 99351.

Release the Property Value in the name of Johnson, Mary H.. Release the value of a mobile home that is double listed in the name of Sharon Dennis. Amount \$107.65, Value \$1,000.00, Year 1999, Account # 01-47945, Bill # 17484.

Release the Property Value in the name of Johnson, Mary H.. Release the value of a mobile home that is double listed in the name of Sharon Dennis. Amount \$107.65, Value \$1,000.00, Year 1998, Account # 01-47945, Bill # 55532.

Release the Property Value in the name of Wilson, Mathew E.. Release the value of a jet ski and the Columbus Rescue fee. Jet ski burned in 1997. Amount \$73.44, Value \$8,345.00, Year 2002, Account # 08-04607, Bill # 99460.

Release the Property Value in the name of Hinson, Lloyd E.. Release the value of a boat, the value of the Cerro Gordo Fire fee (.10) and the Columbud Rescue fee (.02). Boat was sold in 2001. Amount \$3.33, Value \$328.00, Year 2002, Account # 16-08801, Bill # 74850.

Release the Property Value in the name of Hayes, Jason H.. Release the property value for the town of Cerro Gordo. Property is outside the city limits. Amount \$203.68, Value \$101,839.00, Year 2002, Account # 16-07814, Bill # 4518.

Release the Property Value in the name of Hayes, James H.. Release the property value for the town

of Cerro Gordo. Property is outside the town limits. Amount \$172.66, Value \$86,330.00, Year 2002, Account # 16-07780, Bill # 4517.

Release the Property Value in the name of Fowler, Scott G.. Release the value of a mobile home and the Columbus Rescue fee. Home is double listed in the name of Gregory Scott Fowler. Amount \$236.14, Value \$6,720.00, Year 2002, Account # 06-00110, Bill # 69255.

Release the Property Value in the name of Fowler, Scott G.. Release the value of a mobile home and the Columbus Rescue fee. Home is double listed in the name of Gregory Scott Fowler. Amount \$227.83, Value \$7,140.00, Year 2001, Account # 06-00110, Bill # 91586.

Release the Property Value in the name of Kirksey, Ron. Release the value of a house and the Bolton Fire fee. House burned in 1994. Fire report verifies this information Amount \$111.60, Value \$9,000.00, Year 1996, Account # 04-09803, Bill # 53594.

Release the Property Value in the name of Ferreira, Devona. Release the value of a single wide home, the Roseland Fire fee (8.06) and the Columbus Rescue fee (2.69). Home was traded for a double wide and listed. Amount \$304.14, Value \$13,440.00, Year 2002, Account # 06-09651, Bill # 68215.

Release the Property Value in the name of Huggins, Jennifer. Release the value of a mobile home, the North White Fire fee (25.00) and the Columbus Rescue fee (1.02). Home is double listed in the name of Ricky & Jennifer Huggins. Amount \$246.91, Value \$5,104.00, Year 2002, Account # 01-01854, Bill # 75587.

Release the Property Value in the name of Ferreira, Devona. Release the value of a single wide home that was traded for a double wide and listed. Amount \$252.75, Value \$14,890.00, Year 2000, Account # 06-09651, Bill # 90301.

Release the Property Value in the name of Davis, Willie L. Heirs. Release a portion of the property value and a portion of the Columbus Rescue fee. Adjusted number of well & septic hook-ups. Amount \$264.60, Value \$22,200.00, Year 2002, Account # 13-10200, Bill # 65865.

Release the Property Value in the name of Cypress Group Inc.. Release the property value and the Columbus Rescue fee. Property is double listed in the name of Jennifer A. Hill. Amount \$636.20, Value \$57,400.00, Year 2002, Account # 03-01830, Bill # 65339.

Release the Property Value in the name of Cypress Group Inc.. Release the property value and the Columbus Rescue fee. Property is double listed in the name of Jennifer A. Hill. Amount \$624.20, Value \$57,400.00, Year 2001, Account # 03-01830, Bill # 87755.

Release the Property Value in the name of Cypress Group Inc.. Release the property value that is double listed in the name of Henry Mitchell Smith. Amount \$538.28, Value \$57,400.00, Year 2000, Account # 03-01830, Bill # 87558.

Release the Property Value in the name of Cribb, Royal S.. Release the value of a boat and the Columbus Rescue fee. Boat is double listed in the name of James Earl Cartrette. Amount \$14.08, Value \$1,600.00, Year 2002, Account # 13-05613, Bill # 65150.

Release the Property Value in the name of Clifton, Walter J.. Release the property value and the Old Dock Fire fee (3.44) and the Columbus County Rescue fee (.86). Property is double listed in the name of Charles B. Hickman (ETAL) Amount \$37.84, Value \$4,300.00, Year 2002, Account # 03-04430, Bill # 63854.

Release the Property Value in the name of Chavis, Marie A.. Release the value of a mobile home and the value of the Welches Creek Fire fee (10.63) and the Whiteville Rescue fee (2.66). Home is double listed in the name of Hilton L. McKoy. Amount \$293.95, Value \$13,290.00, Year 2002, Account # 14-00108, Bill # 63469.

Release the Property Value in the name of Chavis, Marie A.. Release the value of a mobile home and the value of the Welches Creek Fire fee (13.70) and the Whiteville Rescue fee (3.42). Home is

double listed in the name of Hilton L. McKoy. Amount \$239.66, Value \$7,377.00, Year 2001, Account # 14-00108, Bill # 85905.

Release the Property Value in the name of Buffkin, Elton R.. Release value of tractor that was billed in second tax billing in error. Customer already paid for property in the first tax billing. Amount \$40.63, Value \$5,000.00, Year 2002, Account # 16-03537, Bill # 51920.

Release the Property Value in the name of Adams, Herbert Jr.. Release the value of a boat and the Brunswick Fire fee (.14) and the Columbus Rescue fee (.04). Boat was sold in 1993. Amount \$1.96, Value \$205.00, Year 2002, Account # 01-03818, Bill # 56989.

Release the Property Value in the name of Fowler, Scott G.. Release the value of a mobile home that is double listed in the name of Gregory Scott Fowler. Amount \$177.92, Value \$7,350.00, Year 2000, Account # 06-00110, Bill # 91336.

Release the Property Value in the name of Strickland, Mitchell. Release the value of a boat and the Columbus Rescue fee. Boat sold in 2000. Amount \$3.58, Value \$406.00, Year 2001, Account # 11-26434, Bill # 15451.

Release the Property Value in the name of Ward, Christopher. Release value of a boat, the Brunswick Fire fee (13.86) and the Whiteville Rescue fee (3.96) Boat registered in Alabama. Amount \$189.49, Value \$19,800.00, Year 2002, Account # 01-01506, Bill # 96605.

Release the Property Value in the name of Walters, William A.. Release the value of a mobile home, the Williams Fire fee (28.44) and the Columbus Rescue Fee (9.48). Customer got building permit but did not purchase home. Amount \$584.64, Value \$47,400.00, Year 2002, Account # 09-00951, Bill # 96444.

Release the Property Value in the name of Smith, Marie. Release the value of a mobile home, the North Whiteville Fire fee and the Columbus County rescue fee (4.15) Home was repossessed in 1998. Amount \$393.00, Value \$20,750.00, Year 2002, Account # 05-06571, Bill # 91197.

Release the Property Value in the name of Smith, Marie. Release the value of a mobile home, the North Whiteville fire fee (25.00) and the Columbus Rescue fee (4.30). Home was repossessed in 1998. Amount \$387.00, Value \$21,500.00, Year 2001, Account # 05-06571, Bill # 13124.

Release the Property Value in the name of Smith, Marie. Release the value of a mobile home that was repossessed in 1998. Amount \$279.80, Value \$21,500.00, Year 2000, Account # 05-06571, Bill # 12239.

Release the Property Value in the name of Hinson, Lloyd E.. Release the value of a mobile home, the Cerro Gordo Fire fee (6.38) and the Columbus Rescue fee (1.28) Home is double listed in the name of Beverly Hinson. Amount \$240.21, Value \$6,384.00, Year 2002, Account # 16-08803, Bill # 74851.

Release the Property Value in the name of Strickland, Mitchell. Release the value of a boat and the Columbus Rescue fee. Boat sold in 2000. Amount \$3.80, Value \$401.00, Year 2002, Account # 11-26434, Bill # 93620.

Release the Property Value in the name of Kirksey, Ron. Release the value of a house and the Bolton Fire fee. House burned in 1994. Fire report verifies this information. Amount \$146.83, Value \$11,500.00, Year 1997, Account # 04-09803, Bill # 51708.

Release the Property Value in the name of Robinson, Angela. Release the value of a single wide home, the Klondyke fire fee (3.76) and the Columbus Rescue fee (1.08) Home traded for a double wide and listed as Edward and Angela Robinson. Amount \$228.45, Value \$5,376.00, Year 2002, Account # 13-34544, Bill # 87970.

Release the Property Value in the name of Robinson, Angela. Release the value of a single wide home that was traded for a double wide and listed as Edward & Angela Robinson. Amount \$164.36, Value \$5,580.00, Year 2001, Account # 13-34544, Bill # 9942.

Release the Property Value in the name of Mooney, Tracey. Release the value of a mobile home, the Acme Delco fire fee (15.95) and the Columbus Rescue fee (2.66). Home is double listed in the name of Deborah & Eugene Grubb. Amount \$311.50, Value \$13,290.00, Year 2002, Account # 15-27514, Bill # 82932.

Release the Property Value in the name of Mooney, Tracey. Release the value of a mobile home and the Columbus Rescue fee. Home is double listed in the name of Deborah & Eugene Grubbs. Amount \$290.14, Value \$14,220.00, Year 2001, Account # 15-27514, Bill # 4999.

Release the Property Value in the name of Montgomery, Della M.. Release the value of a mobile home and the Columbus Rescue fee. Home is double listed in the name of William Jackson Heirs. Amount \$197.80, Value \$2,600.00, Year 2002, Account # 13-27978, Bill # 82919.

Release the Property Value in the name of Kirksey, Ron. Release the value of a house, the Bolton fire fee (6.90) and the Columbus Rescue fee (2.30). House burned in 1994. Fire report verifies this information. Amount \$185.90, Value \$11,500.00, Year 2002, Account # 04-09803, Bill # 78015.

Release the Property Value in the name of Smith, Marie. Release the value of a mobile home that was repossessed in 1998. Amount \$249.43, Value \$21,500.00, Year 1999, Account # 05-06571, Bill # 30646.

Release the Property Value in the name of Montgomery, Della M.. Release the value of a mobile home and the Columbus County Rescue fee. Home is double listed in the name of William Jackson Heirs. Amount \$185.32, Value \$2,540.00, Year 2001, Account # 13-27978, Bill # 4984.

Release the Property Value in the name of Kirksey, Ron. Release the value of a house and the Bolton Fire fee. House burned in 1994. Fire report verifies this information. Amount \$146.83, Value \$11,500.00, Year 1999, Account # 04-09803, Bill # 18427.

Release the Property Value in the name of Kirksey, Ron. Release the value of a house, the Bolton fire fee (6.90) and the Columbus Rescue fee (2.80). House burned in 1994. Fire report verifies this information. Amount \$173.90, Value \$11,500.00, Year 2001, Account # 04-09803, Bill # 140.

Release the Property Value in the name of Kirksey, Ron. Release the value of a house and the Bolton Fire fee. Home burned in 1994. Fire report verifies this information. Amount \$146.83, Value \$11,500.00, Year 1998, Account # 04-09803, Bill # 56436.

Release the Property Value in the name of Long, Timothy R.. Release the value of a boat, the Klondyke fire fee (.41) and the Columbus rescue fee (.12). Boat double listed in the name of Michael & Patricia Hinson. Amount \$5.61, Value \$586.00, Year 2002, Account # 13-03128, Bill # 79770.

Release the Property Value in the name of McKeithan Darren. Release the value of a boat and the Whiteville Rescue fee. Boat was sold in 1999. Amount \$58.08, Value \$6,600.00, Year 2002, Account # 01-56187, Bill # 81122.

Release the Property Value in the name of Montgomery, Della M.. Release the value of a mobile home that is double listed in the name of William Jackson Heirs. Amount \$9.36, Value \$1,000.00, Year 1996, Account # 13-27978, Bill # 68037.

Release the Property Value in the name of Montgomery, Della M.. Release the value of a mobile home that is double listed in the name of William Jackson Heirs. Amount \$107.65, Value \$1,000.00, Year 1997, Account # 13-27978, Bill # 68038.

Release the Property Value in the name of Montgomery, Della M.. Release the value of a mobile home that is double listed in the name of William Jackson Heirs. Amount \$107.65, Value \$1,000.00, Year 1998, Account # 13-27978, Bill # 60863.

Release the Property Value in the name of Montgomery, Della M.. Release the value of a mobile home that is double listed in the name of William Jackson Heirs. Amount \$107.65, Value \$1,000.00, Year 1999, Account # 13-27978, Bill # 23027.

Release the Property Value in the name of Montgomery, Della M.. Release the value of a mobile home that is double listed in the name of William Jackson Heirs. Amount \$142.32, Value \$2,406.00, Year 2000, Account # 13-27978, Bill # 4352.

Release the Property Value in the name of Kirksey, Ron. Release the value of a house and the Bolton Fire fee. House burned in 1994. Fire report verifies this information. Amount \$154.70, Value \$11,500.00, Year 2000, Account # 04-09803, Bill # 99659.

Release the User Fee in the name of Cape Fear Christian School. User fee double listed in the same name under account # 18-00174. Amount \$125.00, Value \$0.00, Year 2000, Account # 18-00134, Bill # 21314.

Release the User Fee in the name of N.C. National Guard Armory. Government building has never had a trash can. Amount \$165.00, Value \$0.00, Year 2001, Account # 18-00253, Bill # 23579.

Release the User Fee in the name of Cape Fear Christian School. User fee double listed in the same name under account # 18-00174. Amount \$165.00, Value \$0.00, Year 2001, Account # 18-00134, Bill # 23785.

Release the User Fee in the name of Cape Fear Christian School. User fee double listed in the same name under account # 18-00174. Amount \$177.00, Value \$0.00, Year 2002, Account # 18-00134, Bill # 5318.

Release the User Fee in the name of McKeithan, Sadie (ETAL). House burned in 1999. User fee billed in error. Amount \$165.00, Value \$0.00, Year 2001, Account # 03-15882, Bill # 3234.

Release the User Fee in the name of N. C. National Guard Armory. Government building has never had a trash can. Amount \$100.00, Value \$0.00, Year 1999, Account # 18-00253, Bill # 39280.

Release the User Fee in the name of N.C. National Guard Armory. Government building has never had a trash can. Amount \$125.00, Value \$0.00, Year 2000, Account # 18-00253, Bill # 21106.

Release the User Fee in the name of N.C. National Guard Armory. Government building has never had a trash can. Amount \$177.00, Value \$0.00, Year 2002, Account # 18-00253, Bill # 5117.

Release the User Fee in the name of Newman, Eugene C.. Use fee double listed in the name of Eugene & Ruby Newman. Amount \$177.00, Value \$0.00, Year 2002, Account # 12-20503, Bill # 63930.

Release the User Fee in the name of Parker, Eddie. Release user fee on account that failed to receive the senior citizens exemption. Amount \$177.00, Value \$0.00, Year 2002, Account # 12-21160, Bill # 84956.

Release the User Fee in the name of Stocks, Glenn D.. Overcharge on user fee due to computer error. Amount \$285.00, Value \$0.00, Year 2000, Account # 07-16800, Bill # 14176.

Release the User Fee in the name of Stocks, Glenn D.. Overcharge on user fee due to computer error. Amount \$165.00, Value \$0.00, Year 2001, Account # 07-16800, Bill # 15065.

Release the User Fee in the name of Watts, Luther. Release user fee that was bill on the value of a boat in error. Amount \$177.00, Value \$0.00, Year 2002, Account # 09-42359, Bill # 97507.

Release the User Fee in the name of Cape Fear Christian School. User fee double listed in the same name on account # 18-00174. Amount \$100.00, Value \$0.00, Year 1999, Account # 18-00134, Bill # 39489.

Release the User Fee in the name of Stocks, Glenn D.. Overcharge on user fee due to computer error. Amount \$177.00, Value \$0.00, Year 2002, Account # 07-16800, Bill # 93224.

BOARD RETREAT - DATE ESTABLISHED:

Billy Joe Farmer, County Administrator, requested the Board to establish a date for a Board

Retreat to discuss issues and formulate plans and objective prior to beginning the upcoming budgetary process. After Board discussion, it was the general consensus to set April 5, 2003 for a Board Retreat to be held in the Dempsey B. Herring Courthouse Annex, Commissioners' Chambers, 112 West Smith Street, Whiteville, North Carolina, beginning at 8:30 A.M. until.

WATER DISTRICTS' DISCUSSION WORKSHOP:

Billy Joe Farmer, County Administrator, requested the Board to set a date for a workshop to discuss pertinent facts on the Columbus County Water Districts and related matters. After discussion among the Board members, it was the general consensus of the Board to hold the workshop for the water districts on the same day the Board Retreat was being conducted. Billy Joe Farmer requested that Angie Mettlin, Engineer for Hobbs, Upchurch and Associates be present for one (1) hour on this date. Ms. Mettlin agreed to be present.

RECESS REGULAR SESSION and enter into CLOSED SESSION:

At 9:07 P.M., Commissioner Godwin made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. 143-318.11, seconded by Commissioner Memory. The motion so carried.

No official action was taken.


ADJOURN CLOSED SESSION and resume REGULAR SESSION:

At 9:23 P.M., Commission Dutton made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner McKenzie. The motion so carried.

ADJOURNMENT:

At 9:25 P.M., Commissioner Dutton made a motion to adjourn, seconded by Commissioner McKenzie. The motion so carried.

APPROVED:



 JUNE B. HALL, Clerk to Board



 C.E. WILSON, Chairman