

## COLUMBUS COUNTY BOARD OF COMMISSIONERS

December 05, 2005

6:30 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 their regular scheduled meeting on the first Monday.

**COMMISSIONERS PRESENT:**

Kipling Godwin, **Chairman**  
David L. Dutton, Jr., **Vice Chairman**  
Amon E. McKenzie  
James E. Prevatte  
Sammie Jacobs  
Bill Memory  
Lynwood Norris

**APPOINTEES PRESENT:**

Jimmy Varner, **Interim County Manager**  
Steven W. Fowler, **County Attorney**  
June B. Hall, **Clerk to Board**

**Agenda Item #1: MEETING CALLED to ORDER:**

At 6:30 P.M., Chairman Jacobs called the meeting to order.

**6:30 P.M.: PUBLIC HEARING**

**Proposed Airport Rules and Regulations Ordinance:** the purpose of this Public Hearing is to receive written and/or oral comments and suggestions pertaining to the proposed Ordinance. All interested citizens are encouraged to attend.

Commissioner Memory made a motion to open the Public Hearing, seconded by Commissioner Norris. The motion unanimously carried.

Stevie Cox, Columbus County Planning Director, stated the following:

1. The applicants are requesting approval of the Columbus County Airport Rules and Regulations Ordinance;
2. This request is to be in compliance with the Federal Aviation Administration requirements and to establish general operating procedures for the Airport;
3. At the November 03, 2005 Columbus County Airport Authority Meeting, Pebo Collier made a motion to approve and adopt the Airport Rules and Regulations Ordinance which was seconded by Frank Horne, and unanimously carried;
4. This Ordinance is an ordinance to promulgate uniform rules and regulations pertaining to the management and operation of the Airport. Overall, the rules and regulations are structured to convey authority and responsibilities of the Airport management to achieve conformity in regulating the conduct and obligations of Airport users;
5. This Ordinance would provide guidance on day-to-day operations and other related airport activities;
6. This is needed to ensure that the Airport is able to continue receiving federal funding; **and**
7. We are seeking approval and adoption by the Columbus County Board of Commissioners.

Phil Edwards, Columbus County Airport Manager, stated this Ordinance was a mandatory requirement for the continued receipt of federal funding.

Mike Helm, News Reporter representative, asked Mr. Edwards if most of the Airport traffic was people stopping for fuel. Mr. Edwards replied saying yes.

**PUBLIC HEARING CLOSED:**

At 6:35 P.M., Commissioner Norris made a motion to close the Public Hearing, seconded by Commissioner Prevatte. The motion unanimously carried.

**6:45 P.M.: PUBLIC HEARING**

**Minimum Standards Ordinance for Commercial Activities:** the purpose of this Public Hearing is to receive written and/or oral comments and suggestions pertaining to the proposed Ordinance.

Commissioner Norris made a motion to open the Public Hearing, seconded by Commissioner

McKenzie. The motion unanimously carried.

Stevie Cox, Columbus County Planning Director, stated the following:

1. The applicants are requesting approval of the Columbus County Airport Minimum Standards Ordinance for Commercial Activities. This request is to be in compliance with the Federal Aviation Administration requirements and outline the requirements for an operator engaging in commercial aeronautical activity at the Airport;
2. At the November 03, 2005 Columbus County Airport Authority Board Meeting, Pebo Collier made a motion to recommend to the County Commissioners to approve and adopt the Airport Minimum Standards Ordinance for Commercial Activities. The motion was seconded by Frank Horne and unanimously carried;
3. This Ordinance is defined as an ordinance outlining the requirement for an operator engaged in commercial aeronautical activity, This document serves as an agreement between the Airport and commercial tenants in protecting the level and quality of services offered to the public, promoting a high-level of aeronautical service, and maintaining the orderly development of businesses at the Airport;
4. The Columbus County Airport Authority is seeking approval of this Ordinance to outline the requirement for an operator engaged in commercial aeronautical activity at the Airport; **and**
5. This Ordinance is mandated per the North Carolina Division of Aviation.

Phil Edwards, Columbus County Airport Manager, stated this was a mandatory requirement.

No other comments, either oral or written, were received.

**PUBLIC HEARING CLOSED:**

At 6:51 P.M., Commissioner Memory made a motion to close the Public Hearing, seconded by Commissioner Prevatte. The motion unanimously carried.

**REGULAR SESSION:**

**Agenda Item #2: INVOCATION:**

The invocation was delivered by Commissioner Bill Memory. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Commissioner David L. Dutton, Jr.

**Agenda Item #3: RE-ORGANIZATION of BOARD - APPOINTMENT of COUNTY COMMISSION CHAIRMAN and VICE-CHAIRMAN:**

Steven W. Fowler, Columbus County Attorney, presided as Acting Chairman to transact the appointments of Chairman and Vice Chairman for the upcoming year. Mr. Flower, the acting Chairman, briefed the Board on the procedure for selecting the Chairman and Vice Chairman, and then opened the floor for nominations.

Commissioner Memory nominated Vice Chairman Kipling Godwin as Chairman and Commissioner David L. Dutton, Jr. as Vice Chairman.

There being no further nominations, a motion was made by Commissioner Memory to appoint Vice Chairman Kipling Godwin as Chairman, and Commissioner David L. Dutton, Jr. as Vice Chairman, seconded by Commissioner Norris. The motion unanimously carried.

The vote was unanimous to appoint Vice Chairman Kipling Godwin as Chairman, and Commissioner David L. Dutton, Jr. as Vice Chairman.

Acting Chairman Fowler announced that Vice Chairman Kipling Godwin was appointed as Chairman, and Commissioner David L. Dutton, Jr. as Vice Chairman for the upcoming year by acclamation.

Chairman Kipling Godwin and Vice Chairman David L. Dutton, Jr. are authorized to sign all documents and instruments on behalf of Columbus County. A Signatory Resolution is on file in the Office of the Clerk to the Board.

Vice Chairman Kipling Godwin assumed the duties as Chairman and the following business was transacted.

**Agenda Item #4: PRESENTATION of "PLAQUE of APPRECIATION" to OUTGOING CHAIRMAN SAMMIE JACOBS:**

Chairman Godwin presented the following Plaque of Appreciation to outgoing Chairman Sammie Jacobs.

**PRESENTED TO:**

<b>SAMMIE JACOBS</b>
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**THIS THE 5TH DAY OF DECEMBER 2005**

**in GRATEFUL APPRECIATION of YOUR DEVOTED LEADERSHIP**

**as CHAIRMAN to the BOARD OF COUNTY COMMISSIONERS**

**12-06-2004 - 12-05-2005**

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**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

**Agenda Item #5: BOARD MINUTES APPROVAL:**

Commissioner Norris made a motion to approve the November 21, 2005 Regular Session Board Minutes, as recorded, seconded by Commissioner McKenzie. The motion unanimously carried.

**Agenda Item #6: SURETY BONDS - EXAMINATION and APPROVAL:**

Commissioner Memory made a motion to approve the following Surety Bonds for certain Columbus County employees, seconded by Commissioner Prevatte. The motion unanimously carried.

NAME	TITLE	BOND AMOUNT	EXPIRATION DATE
Roxanne Coleman	Finance Officer	\$100,000	11-17-2006
Christopher Lee Batten	Sheriff	\$50,000	12-02-2006
Richard Jerome Gore	Tax Administrator	\$25,000	Indefinite
Douglas E. Ward	Deputy Tax Administrator	\$25,000	Indefinite
Brenda Strickland	HUD Director	\$25,000	Indefinite
Linwood Cartrette	Coroner	\$15,000	12-06-2006
William H. Hannah, Sr.	Assistant Coroner	\$15,000	12-06-2006
Kandance Whitehead	Register of Deeds	\$10,000	12-04-2008

**Agenda Item #7: PLANNING DEPARTMENT - APPROVAL and ADOPTION of the COLUMBUS COUNTY MUNICIPAL AIRPORT RULES and REGULATIONS ORDINANCE:**

Stevie Cox, Columbus County Planning Director, requesting Board approval and adoption of the following Columbus County Airport Rules and Regulations Ordinance.

**COLUMBUS COUNTY MUNICIPAL AIRPORT  
RULES and REGULATIONS ORDINANCE**

AN ORDINANCE TO PROMULGATE UNIFORM RULES AND REGULATIONS PERTAINING TO THE OPERATION OF THE COLUMBUS COUNTY MUNICIPAL AIRPORT. THE ORDINANCE REGULATES THE CONDUCT OF AIRPORT USERS AND BASED OPERATORS, IN A SAFE, ORDERLY, AND EFFICIENT MANNER.

AUTHORITY AND APPLICABILITY

Be it resolved by the Columbus County Municipal Airport, located in the County of Columbus and in the State of North Carolina that the rules and regulations governing the Columbus County Municipal Airport, as herein-after more particularly set out, be and are hereby approved by the Columbus County Board of Commissioners.

SECTION 1: Terms and Definitions

SECTION 2: Delegated Powers / Liability Exclusion / Compliance

SECTION 3: Airport Leases

SECTION 4: Motor Vehicles

SECTION 5: Airport Operating Procedures

SECTION 6: Aircraft Fueling

SECTION 7: Airport Fire Procedures

SECTION 8: Aircraft Maintenance

SECTION 9: Airport Security

SECTION 10: Conflicting Regulations, Violation, Changes

Section 1: Terms and Definitions

1.1- The terms hereinafter used shall be defined as follows:

- A. AERONAUTICAL ACTIVITY - shall mean any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.
2. AIRPORT - shall mean the Columbus County Municipal Airport (CPC), North Carolina.
3. AIRPORT BOARD (AUTHORITY) - shall mean the Columbus County Municipal Airport Authority, an advisory board appointed by the Columbus County Board of Commissioners and charged with overseeing the supervision of Airport activities.
4. AIRPORT MANAGER - shall mean the representative of the County having day-to-day oversight of Airport activities. If no individual is designated with such charge, this responsibility is retained by the Airport Board, or otherwise designated by the County Commissioners.
5. AIRPORT OWNER - shall mean Columbus County, as Airport Sponsor, as represented by the Columbus County Board of Commissioners.
6. COMMERCIAL AERONAUTICAL ACTIVITY - shall mean a person or business providing goods and services to the aviation public for which compensation is received.
7. COUNTY - shall be Columbus County, North Carolina.
8. COUNTY COMMISSIONERS - shall mean the governing body of the Board of Commissioners for Columbus County, North Carolina.

9. FAA - shall mean the Federal Aviation Administration.
10. HANGAR - shall mean a building providing shelter or enclosed space for the storage of aircraft or aircraft parts.
11. LEASE - shall mean an executed contract, in writing and enforceable by law, granting interests in property or the conduct of certain activities.
12. MOTOR VEHICLE - shall mean any powered ground vehicle.
13. PERSON - shall mean an individual, partnership, firm, association, commercial business, or corporation.
14. STATE - shall mean the NCDOT - Division of Aviation (NCDOA).
15. TENANT - shall mean a Person who leases or subleases real property and whose premises have access to the airport.

### Section 2: Delegated Powers / Liability Exclusion / Compliance

2.1 The Owner shall, at all times, have power to take such reasonable action as may be necessary to enforce these regulations, including contingencies not specifically mentioned by this Ordinance. The Airport Owner assumes no liability or responsibility for any loss, injury or damage to persons or property by reason of fire, theft, vandalism, wind or other natural causes, nor does the Airport Owner assume any liability for injury or death to any person while on Airport property or while using any public or private facilities at the Airport.

1. Compliance – All persons on, and users of, the Airport shall comply with and be governed by these Rules and Regulations. The privilege of using the Airport and its facilities shall impose full responsibility and risk by the user thereof, and shall release and hold harmless and indemnify the Airport Owner, and its agents, from any liability or charges of loss resulting from such use, as well as claims of third persons using the Airport.
2. Failure to Comply – Any person violating this Ordinance may be subject to pertinent deprivation of use of the Airport facilities for such period of time as may be deemed necessary by the Owner, or legal representation.
3. Enforcement - These Airport Rules and Regulations, as well as all applicable state laws and County ordinances, shall be enforced by the County and/or law enforcement officers appointed pursuant to law.

### SECTION 3: Airport Leases

3.1 The Airport Owner may lease Airport property in accordance with the approved Airport Layout Plan (ALP). All construction by any person must be authorized by the County, or designated agent, and comply with applicable land use regulations and building codes.

1. Lease Records: Any person, hangar tenant and/or commercial aviation operators conducting business at the Airport must have an executed lease agreement or contract with the Airport Owner. Such persons shall retain and become familiar with the current Airport Rules and Regulations.
2. Airport Lease / Erection of Buildings or Structures: Any person desiring to erect or construct any new or renovated permanent or temporary structure, landscaping, signs or support facilities at the Airport shall submit plans and specifications to the Airport Owner for review and approval. The plans shall include a general layout, drawn to scale, showing said structure (site location, building, ground and top elevations, and aesthetic and decorative features), access and proposed boundary of leasehold area, plus a completed FAA Form 7460 'Notice of Proposed Construction or Alteration'. The County Board, prior to construction, shall submit this information to the NCDOT, Division of Aviation/FAA for review and airspace determination. Buildings shall meet all building codes and development ordinances. All such building permits, licensing and environmental certifications shall be obtained by the person prior to construction. A certificate of occupancy must be obtained

before the structure can be occupied. No Airport leases will be executed for a period in excess of twenty (20) years.

3. Subleasing: Leased property may be subleased by the lessee only with prior written authorization or approval of the Airport Owner, or designated representative. Any person that subleases assigns their lease, or rents to any person who then performs any commercial aeronautical activity on the Airport shall notify the Airport Owner of such tenant within ten (10) calendar days of such transaction.
4. Leasehold Condition / Abuse of Property – Tenants are required to keep their premises clean and clear of all rubbish, junk, debris, disabled/dismantled aircraft, vehicles and unsightly objects. No person shall construct, erect or store facilities, equipment or materials in a manner as to constitute a hazard to persons or property, or that could interfere with the safe movement of aircraft. Garbage, refuse, chemicals, or other waste material shall be placed in appropriately approved receptacles used to dispose of off Airport property. No person shall, in any way, destroy, remove or disturb buildings, signs, equipment, markers or other property on the Airport. The borrowing or use of Airport-owned tools or equipment must receive prior permission from the Airport Owner.
5. Through-the-Fence: Through-the-fence operations may negatively impact the Airport's compliance with Federal Grant assurances. The Airport Owner is not obligated to make the Airport available for the use and benefit of the public by operations from adjacent properties. Accordingly, through-the-fence operations or arrangements are not permitted.
6. Right-of-Entry: The County Administrator, Airport Manager, Fire Chief, or other designated County agents shall have reasonable right-of-entry into all areas of the Airport, including enclosed structures.
7. Solicitation: – No person shall solicit funds nor post commercial-related signs or advertisements at the Airport without written permission of the Airport Owner, or designated representative.
8. Abandonment: No person may abandon vehicles, equipment, aircraft or parts on the Airport property. The Airport Owner, or designated representative, has the right following due written notice to the owner after 90 days to have such equipment removed and/or disposed of without liability. The last registered owner of the equipment shall be liable for all costs incurred in the disposal of such property.

#### Section 4: Motor Vehicle Regulations

4.1 Unless authorized by the Airport Manager, no highway or automotive vehicle shall be operated on the Airport except on roadways, parking area, et cetera, that are specifically designated for such vehicles. Such vehicles shall be parked in the manner prescribed by the Airport Manager while on the Airport and as indicated by posted signs.

4.2 All persons shall park in areas designated by the Airport Manager.

4.3 The area adjacent to the Administrative building is designated a temporary parking zone.

4.4 When aircraft are parked on the ramp or apron for the purpose of loading or unloading, no vehicle shall be drive between the aircraft and the loading gate or fence.

4.5 Motor vehicles shall not be permitted on the runways, taxiways, aprons, or ramps (aircraft movement areas) without the express permission of the Airport Manager, unless the operation of such vehicle is in accordance with prior agreement to accomplish a necessary Airport purpose, service or inspection. No motor vehicle may operate on the runway while an aircraft is preparing for or conducting a takeoff or landing.

4.6 All vehicles operating within the landing area shall have mounted yellow flashing lights, and/or be painted a bright yellow or international orange, and/or display an international orange and white checkered flag of not less than three (3) square feet, with one-foot squares. Motor vehicles operating on the runway must monitor the designated common traffic frequency channel (CTAF/UNICOM).

4.7 No vehicle shall exceed a speed of 15 mph while on the apron, and 45 mph while on the taxiway

and runway system.

4.8 Pedestrians or motor vehicle operators observed in areas other than public use areas without authorization by the Airport Owner will be considered trespassing and may be subject to arrest.

4.9 Any vehicle parked in violation or abandoned may be towed by the Airport Manager at the owner's expense, and without liability for damage which may result in the course of such moving.

4.10 Any motor vehicle accident involving injury or property damage on the Airport shall be reported to the Airport Owner/Airport Board/Airport Manager no later than 24 hours after the accident occurred.

4.11 No person shall operate any vehicle in a careless manner or negligent manner or in disregard for the safety of others, or in excess of posted speed traffic signs. All persons are required to carry liability insurance on all vehicles.

### Section 5: Airport Operating Procedures

5.1 Air Traffic Rules: The air traffic rules and aircraft operations regulations of the FAA as in effect and all additions thereto are made a part of these airport rules and regulations fully as if set forth herein.

5.2 Public Use: The Airport Owner may suspend or restrict Airport operations when deemed necessary in the interest of safety, or as otherwise restricted due to weather, construction development, national security, and "Acts of God". The Airport Owner has the authority to temporarily close the Airport by means of a NOTAM.

5.3 Aircraft Emergency Transmitter: Should an aircraft's Emergency Locator Transmitter (ELT) accidentally be activated, and the pilot or owner unable to be contacted or respond, the Airport Manager shall take steps to turn-off the ELT.

5.4 Parked Aircraft: No aircraft shall be parked or stored at the Airport except in areas for such use, as designated or instructed by the Airport Manager, or designated representative. All aircraft not hangared shall be sufficiently secured at night and during inclement weather.

5.5 Aircraft Engine Run-up: Aircraft engines shall be started and run up only in the place designated for such purposes. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust.

5.6 Required Aircraft Relocation: At the direction of the Airport Owner, the operator, owner, or pilot of any aircraft on the Airport shall move the aircraft from the place where it is parked or stored, to any other place designated on the Airport. If the operator refuses to comply with the directions, the Airport Owner, through the Airport Manager/Airport Board, may tow the aircraft to such place, at the operator's expense and without liability for damage that may result from such moving.

5.7 Aircraft Size & Weight: Airport operations by aircraft and/or other operating vehicles in excess of the published pavement strength shall require prior written permission by the Airport Manager, or designated County representative. Such operations will be evaluated on a case-by-case basis.

5.8 Aircraft Registration: All aircraft based at the Airport shall be registered with the Airport Owner (pilot name, address, phone number, aircraft type, model, N-number).

5.9 Aircraft Accident: In the event of an aircraft accident, the aircraft operator and/or owner shall promptly remove any disabled aircraft or parts hereof, subject to FAA/NTSB accident investigation. If unable, the Airport Manager may, in compliance with FAA and other governmental regulations, move damaged or wrecked aircraft and parts from aircraft maneuvering and operating areas. The pilot of an aircraft involved in an accident on or near the Airport causing personal injury or property damage shall immediately report such incident to the Airport Manager. In the event that the pilot is unable, the owner of the aircraft or the owner's agent shall submit an accident report to the Airport Manager within 24 hours, including 1) names of persons involved, 2) addresses, 3) phone numbers and 4) general description of the accident. Airport property damaged or otherwise destroyed by an accident or other activity shall be paid for by parties responsible.

5.10 Detaining Aircraft: The Airport Manager shall have the authority to detain any aircraft for non-

payment of any charges due. All service and/or tie down fees are equally applicable to all aircraft as established by the Airport Owner.

5.11 Taxiing Aircraft: No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area. No two aircraft shall occupy the runway at the same time. Aircraft waiting on the taxiway for another aircraft to takeoff or land shall remain behind the runway holding position markings. Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property.

5.12 Take-offs and Landings: All take-offs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas.

5.13 Access Within Aircraft Operations Areas: No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by Airport attendants shall be permitted to enter the landing area property, taxi space, or aprons. However, this does not give any person or persons so excepted the privilege of unrestricted use of the Airport. These privileges are confined to the necessary use of these spaces in connection with the flights, inspections, and routine duties.

5.14 Special or Unique Airport Uses: Special use of the Airport shall be governed by the following:

1. Flying Events: No person or organization will engage in or promote any show, contest, demonstration or similar exhibition at or on the Airport without specific prior written authorization from the Airport Owner. Said request for authorization must be submitted at least ninety (90) calendar days prior to the event. Such permission shall not be given without appropriate FAA clearance or exemptions, nor without proof of an insurance policy for the event, which covers hazards and holds the Airport Owner harmless from any and all claims resulting from such events.
2. Parachute Activity: Parachute jumps at or onto the Airport must receive prior consent from the Airport Owner. An FAA "NOTAM" shall be filed by the Airport Manager, or designated representative prior to any said parachute jumps.
3. Agricultural Spray Activity: Aircraft agricultural spraying operations shall be conducted in compliance with applicable local, state and federal laws. Staging and washing areas shall be conducted in compliance with the applicable regulations. Any liability resulting from agricultural spraying operations is the sole responsibility of the operator. The Airport Owner has authority to require said operators to post a bond that would cover, with the intent of mitigating, liabilities to the Airport Owner resultant from the intentional or accidental dispersion of agricultural spraying or other compounds.
4. Model Aircraft: The flying of model aircraft at the Airport is prohibited. No person shall operate or release any model aircraft, rocket, kite, balloon, or other similar contrivance at or upon the Airport.

#### Section 6: Aircraft Fueling

The following rules shall govern and control the fueling and de-fueling of aircraft and motor vehicles at the Airport:

6.1 No fuel storage and dispensing equipment, whether publicly or privately owned, shall be installed and used at the Airport without the prior written approval of the Airport Owner. All equipment or storage used for the handling of fuels, whether 100LL, Jet-A or Avgas, shall fully comply with current National Fire Protection Association (NFPA) regulations and all applicable local, state or national regulations. Aircraft authorized by the FAA to use automobile gas shall be fueled in outside areas, unless the aircraft cannot be moved due to maintenance reasons.

6.2 No aircraft shall be fueled or drained while the aircraft engine is running or while the aircraft is in a non-designated area.

6.3 During all fueling operations the aircraft shall be grounded by an approved method.

6.4 No person shall engage in aircraft fueling operations without adequate fire extinguishers



within ready reach

6.5 Smoking or lighting of an open flame shall be prohibited, at minimum, within one hundred feet (100') of any fueling operation.

6.6 Aircraft fuel dispensing trucks must be appropriately registered with the State, and parked at least fifty feet (50') from any hangar or building.

6.7 All fuel dispensing equipment shall be of a modern design and shall be kept in a safe and non-leaking condition.

6.8 Any person involved with an accidental release of fuel or fuel contamination situation must immediately contact the Airport Manager and notify the: 1) type of fuel, 2) spill location, 3) quantity of fuel released, and 4) time of spill. If requested by the Airport Manager, a written report shall be filed by the responsible persons within seven (7) calendar days of the spill. Persons responsible for a spill will be accountable for any assessed fines and spill liability, including clean-up as prescribed by regulatory agencies.

#### Section 7: Fire Procedures

7.1 Smoking or lighting of an open flame is prohibited at places with posted signs, within fifty feet of any aircraft and within fifty feet of hangars, fuel trucks, or fuel loading stations, and tank farms.

7.2 No person shall start an open fire any place on the Airport without permission of the Airport Owner.

7.3 No person shall store material or equipment, use inflammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the airport. Unless authorized by the Airport Owner, the storage of paint thinners, fuels, or other such combustible materials in hangars or hangar areas is prohibited.

7.4 Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment and they shall be kept in good condition as recommended by the Airport Manager and inspected at least every twelve months by trained personnel.

7.5 Any changes to the hangar electrical system must receive prior authorization from the Airport Owner. At a minimum, extension cords must be of the grounded type and are for temporary use only.

7.6 Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, old aircraft and vehicles, and any other unsightly objects. If after warning by the Airport Owner the area is not cleaned, cleaning will be done by the Airport Owner and billed to the responsible tenant or person.

#### Section 8: Aircraft Maintenance

8.1 The Airport Owner reserves the right to designate areas for performing major and minor aircraft and engine repair and maintenance, including immobilized aircraft. Major engine, airframe, avionics or aircraft apparatus repairs shall be conducted by a properly licensed mechanic, and shall be performed within an enclosed hangar designated for such purposes. All minor preventative aircraft maintenance and repairs authorized by FAR Part 43, 'Maintenance, Preventative Maintenance Rebuilding and Alteration' shall be performed in the owner's hangar or designated hangar for such purposes. If required, minor aircraft adjustments or repairs may be performed outside of hangars, at places assigned or designated by the Airport Manager. Any engine work requires the use of adequate drip pans. Spent oil, fuels, and lubricants must be disposed in appropriate containers.

8.2 Persons in violation of these rules can be subject, at the discretion of the Airport Owner, to the following fines, payable to the Airport Owner for purposes of Airport use:

First offence:	\$100.00
Second offence:	\$250.00
Third offence:	\$500.00 and eviction from, or excluded from Airport use.

SECTION 9: Airport Security

9.1 Security Requirements Regulated by the Airport Owner or their agents:

- 1) Restricted areas are established for safety and security reasons. Except for passenger enplaning or deplaning of aircraft, the general public is prohibited from the areas of the airport posted as being **RESTRICTED AREAS**.
- 2) Only flight crews, passengers going to and from aircraft, aircraft service and maintenance technicians, FAA, Fire Fighting personnel, and others authorized by the Airport Owner, shall be permitted into the **RESTRICTED AREAS**.

B Security of Aircraft and Airport Operations Area

- 1) A breach in security caused by a user or person that results in an FAA finding of negligence will be cause to review, find, and possibly cancel or curtail tenant access to the **RESTRICTED AREAS**.

C Weapons

- 1) No person will carry a weapon on the Airport except encased for appropriate transport in an aircraft. Federal, state, and local law enforcement officers are exempt from this rule.

SECTION 10: Conflicting Regulations, Violation, Changes

10.1 Violation of the rules and regulations may be considered reason to restrict or terminate the activities on the Airport for said person or tenant. Upon written notice of the violation and restriction, the Airport Owner, in lieu of termination of the lease or contract, can conclude that the person or tenant could correct the violation so that the violation is eliminated. Any restriction may be limited to certain areas of the Airport, or may be limited to a certain time period, depending upon the violation.

- 1. If any conflict is found between provisions of this Ordinance, the more stringent provision shall prevail. If any provisions of this Ordinance, or application thereof, are held invalid it shall not effect or impose other provisions of this Ordinance. To this end, the provisions of this Ordinance are declared to be severable.
- 2. Any published FAA Federal Aviation Regulations shall become effective as part of this Ordinance without requiring any action on the part of the Airport Owner /County Board.

A copy of these Rules and Regulations and any adopted changes will be available at the County office.

Effective Dates

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

Adopted by the Columbus County Board of Commissioners this 5<sup>th</sup> day of December, 2005.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

/s/ **KIPLING GODWIN**, Chairman

**ATTEST BY:**

/s/ **JUNE B. HALL**, Clerk to Board

(SEAL)

Commissioner McKenzie made a motion to approve and adopt the Columbus County Municipal Airport Rules and Regulations Ordinance, seconded by Commissioner Prevatte. The motion unanimously carried.

**Agenda Item #8: PLANNING DEPARTMENT - APPROVAL and ADOPTION of the COLUMBUS COUNTY MUNICIPAL AIRPORT MINIMUM STANDARDS ORDINANCE for COMMERCIAL ACTIVITIES (FBO/SASO/IO):**

Stevie Cox, Columbus County Planning Director, requested Board approval and adoption of the following Columbus County Municipal Airport Minimum Standards Ordinance for Commercial Activities (FBO/SASO/IO).

**COLUMBUS COUNTY MUNICIPAL AIRPORT  
AIRPORT MINIMUM STANDARDS ORDINANCE FOR  
COMMERCIAL ACTIVITIES (FBO/SASO/IO)**

AN ORDINANCE SPECIFYING A THRESHOLD OF SUITABLE REQUIREMENTS FOR AN OPERATOR ENGAGED IN COMMERCIAL AERONAUTICAL ACTIVITY AT COLUMBUS COUNTY MUNICIPAL AIRPORT. THIS ORDINANCE PROVIDES CONTINUITY FOR MAINTAINING THE ORDERLY DEVELOPMENT OF COMMERCIAL BUSINESSES AT THE AIRPORT.

Columbus County, a Municipal Corporation of the State of North Carolina, hereby adopts and approves the following Minimum Standards Ordinance for conducting commerce at Columbus County Municipal Airport located in Columbus County, North Carolina. The Airport is owned and operated by Columbus County. Administration and enforcement of the terms of the Airport Minimum Standards shall be delegated at the discretion of Columbus County.

Section 1: Terms and Definitions

Section 2: Regulations Governing Fixed Base Operators (FBO) / Special Aviation Service Organizations (SASO) and Independent Operators (IO)

Section 3: General Regulations Governing Minimum Standards

Section 4: Required Minimum Standards for Commercial Aeronautical Activities

Section 5: Procedures for Receiving and Processing Applications

Section 6: Lease Termination

Section 7: Amendments, Conflicting Regulations, Violation, Changes

**SECTION 1: Terms and Definition**

1.1 The terms hereinafter used shall be defined as follows:

1. AERONAUTICAL ACTIVITY - shall mean any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.
2. AIR CHARTER - shall mean an FAA certified commercial operator providing on-demand, non-scheduled service of persons or property for hire.
3. AIRPORT - shall mean Columbus County Municipal (CPC), North Carolina.
4. AIRPORT BOARD (AUTHORITY) - shall mean the Columbus County Municipal Airport Authority, an advisory board appointed by the Columbus County Board of Commissioners and charged with overseeing the supervision of Airport activities.
5. AIRPORT MANAGER - shall mean the representative of the County having day-to-day oversight of Airport activities. If no individual is designated with such charge, this responsibility is retained by the Airport Board, or otherwise designated by the County

Commissioners

6. AIRPORT OWNER - shall mean Columbus County, as Airport Sponsor, as represented by the Columbus County Board of Commissioners.
7. COMMERCIAL AERONAUTICAL ACTIVITY - shall mean a person or business providing goods and services to the aviation public for which compensation is received.
8. COMMERCIAL AERONAUTICAL OPERATOR (OPERATOR) - FIXED BASE OPERATOR (FBO) / SPECIAL AVIATION SERVICE ORGANIZATION (SASO) / INDEPENDENT OPERATORS (IO) - shall mean a person or aeronautical business offering or supporting general aviation services.
9. COUNTY - shall be Columbus County, North Carolina
10. COUNTY COMMISSIONERS - shall mean the governing body of the Board of Commissioners for Columbus County, North Carolina.
11. EXCLUSIVE RIGHTS - shall mean excluding a Person from enjoying or exercising privileges conferred on one or more parties by excluding others by unreasonable standards or requirements.
12. FAA - shall mean the Federal Aviation Administration.
13. HANGAR - shall mean a building providing shelter or enclosed space for the storage or aircraft or aircraft parts.
14. LEASE - shall mean an executed contract, in writing and enforceable by law, granting interests in property or the conduct of certain activities.
15. MOTOR VEHICLE - shall mean any powered ground vehicle.
16. PERSON - shall mean an individual, partnership, firm, association, commercial business or corporation.
17. STATE - shall mean the NCDOT - Division of Aviation (NCDOA).
18. TENANT - shall mean a Person who leases or subleases real property and whose premises has access to the Airport
19. THROUGH-THE-FENCE - shall mean any use of the Airport public landing areas by any person offering aeronautical activity or by aircraft based on land adjacent to, but not a part of, the Airport property.

**SECTION 2: Regulations Governing Fixed Base Operators (FBO) / Special Aviation Service Organizations (SASO) and Independent Operators (IO)**

No commercial enterprise of any kind or type shall conduct commercial aeronautical activities on or at the Airport unless specifically authorized in writing by the Airport Owner. The privilege of using the Airport and its facilities shall impose full responsibility and risk by the Operator thereof, and shall release and hold harmless and indemnify the County, and its agents, from any liability or charges of loss resulting from such use, as well as claims of third persons using the Airport.

- A. FBO/SASO/IO Commercial Designation: In all cases, the Airport Owner will determine if the aeronautical activity qualifies as a commercial aeronautical activity. If determined to be commercial, the person or business shall conform to the requirements of Columbus County Municipal Airport 'Minimum Standards For Commercial Activities.'
- B. FBO/SASO/IO Compliance: All Fixed Base Operators (FBO), Special Aviation Service Organizations (SASO) and Independent Operators (IO) shall comply fully with this Ordinance, and applicable regulations contained in Columbus County Municipal Airport 'Rules & Regulations', as adopted and amended.
- C. FBO/SASO/IO Discrimination: No person shall be denied service because of their race,

national origin, or gender. The Operator shall offer and provide services in accordance with the provisions of Title VI of the Civil Rights Acts of 1964 (P.L. 88-352). Accordingly, no person shall be denied equal services on the ground of race, color, or national origin in accordance with Regulation DOT Part 21.

### **SECTION 3: General Regulations Governing Minimum Standard Requirements**

The operating standards outlined below are the minimum threshold requirements for Commercial Aeronautical Operators (Fixed Base Operator, Special Aviation Service Organization, and/or Independent Operators) as a condition of the Operator's right to lease premises and provided services on and at the Airport. The following shall apply to all prospective Operators, as disclosure of adequate intent and resources to offer or conduct commercial aeronautical activity at the Airport:

1. Prior to initiating operations or providing services at the Airport, Operators must be a party to a fully-executed lease or rental agreement with the Airport Owner.
2. Any executed agreement or lease with an Operator shall be subordinate to the provisions of any existing or future Airport property agreements or grant assurances relative to the operation or maintenance of the Airport, as agreed between the County and the United States Government and/or State of North Carolina.
3. The Operator ground lease or operating agreement shall not include any of the airfield or taxiway systems as specified by FAA Order 5100.38B, Section 526.
4. No Airport land or building space in excess of present and foreseeable Operator requirements shall be leased to any Operator. Any additional land may be made available on the basis of need and availability. Although Airport land designated or leased for Operator activities is limited and valued, nothing contained herein shall be construed to grant or authorize the granting of an exclusive right as forbidden by Section 308 of the Federal Aviation Act of 1958.
5. Operators must comply with applicable regulations set forth by local, state and federal agencies. The Operator shall post, in a prominent place, all necessary or required licenses or permits.
6. The Operator must establish an office at the Airport for public availability, and for public access to staff, facilities and equipment offered by the Operator. Office hours shall coincide with attended hours of Airport operation as published in the Airport Facility Directory, unless stated otherwise in the Operator lease agreement.
7. The rates, charges and prices assessed by the Operator may be requested, and must be divulged, to the Airport Owner upon written request, including any discounts, rebates or other similar type price reductions.
8. Operator shall have the right to choose, at its sole discretion, its vendors and suppliers. Operator reserves the right, at its sole discretion, to grant others certain rights and privileges upon the Airport which are identical in part or in whole to those granted to Operator
9. The distribution or sale of fuel on or at the Airport is authorized only with the express prior written approval of the Airport Owner. No Operator may sell or distribute aviation petroleum products at the Airport unless having the prior written approval of the Airport Owner, and having met the minimum standards found in Section 3.
10. Operations such as UNICOM radio, aircraft tie-down and other miscellaneous aeronautical activities not specifically described herein may be provided or conducted by any Operator upon application to and approval of the Airport Owner. Reasonable terms and conditions for the privilege of engaging in these various services will be established or determined by the Airport Owner as commensurate with the nature and scope of the activities involved.
11. Failure or inability of the Operator to meet the Airport Minimum Standards shall be reported in writing to the Airport Owner, without delay.

**Proposed Construction/Capital Improvements:** Any Operator desiring to erect or construct any new or renovated permanent or temporary structure, landscaping, signs or support facilities at the Airport shall submit plans and specifications to the Airport Owner for review and approval. No such

approval shall be granted unless such construction and design is consistent with the most current Airport Layout Plan (ALP) drawing. The plans shall include a general layout, drawn to scale, showing said structure (site location, building, ground and top elevations, and aesthetic and decorative features), access and proposed boundary of leasehold area, plus a completed FAA Form 7460 'Notice of Proposed Construction or Alteration'. The County Commissioners, prior to construction, shall submit this information to the NCDOT, Division of Aviation/FAA for review and airspace determination.

1. Before construction of facilities and equipment is undertaken, the Operator must furnish the Airport Owner with a performance bond commensurate with the construction costs to be performed.
2. The building structure shall be constructed in accordance with North Carolina Building Codes and National Fire Protection Association (NFPA) standards.
3. All such building permits, licensing and environmental certifications shall be obtained by the Operator prior to construction. A certificate of occupancy must be obtained before the structure can be occupied.
4. No Operator shall erect advertising or vendor signs at the Airport without express written permission of the Airport Owner.

Staffing & Employment Conditions: The Operator must ensure that all of its employees meet physical requirements and mental competency necessary to carry-out the employee's job tasks in a safe manner.

1. Operators shall furnish prompt service adequate to meet all reasonable demands for its services at the Airport. All service offered by the Operator shall be provided to persons on a fair, equal and non-discriminatory basis.
2. The Operator shall appoint a qualified person (Operations Manager) stationed at the Airport, a position vested with full-power and authority to act in the name of Operator. The Operations Manager shall be available to the Airport Owner for routine communication and coordination, and shall attend official County meetings, as required or necessary. If absent, a duly authorized subordinate shall be in charge and available to the County.
3. 1 Operator personnel shall hold all necessary FAA certificates and ratings as required to carry-out the nature of their services, and shall maintain such certificates and ratings, as appropriate.
4. Operator shall provide, at its sole expense, a sufficient number of qualified employees and resources to provide safe and effective services. It shall be the responsibility of Operations Manager to maintain close supervision over its employees. The Operations Manager shall control the conduct, demeanor and appearance of its employees.
5. The Operator is responsible for informing and training its employees as to the current contents of the Airport Minimum Standards and Airport Rules and Regulations, and applicable portions of the Operator lease agreement with the Airport Owner.

Leasehold Conditions: Operator lease terms shall be mutually agreed upon with due consideration for the financial investment and the need to amortize improvements to or on the leasehold. The Operator has the right to further improve and develop its leasehold area. Any plans by the Operator for leasehold improvements, modifications or like development shall be submitted, prior to initiating construction, to the Airport Board/County Commissioners for review and approval.

- A. No Operator leases or agreements will be executed for a period in excess of twenty (20) years.
- B. Operator leaseholds may be subleased by a lessee only with prior written approval of the Airport Owner, or designated representative.
- C. All improvements made by the Operator to their leasehold property become the property of the County upon termination of the Operator's leasehold for such areas or facilities.
- D. No new leases will be executed, amended or assigned unless the existing lease is in

compliance with the standards and requirements contained herein.

**Insurance Coverage:** Unless otherwise approved or directed by the Airport Owner, each Operator shall furnish satisfactory evidence of, at minimum, the following Insurance coverage and conditions:

- A. \$1,000,000 Single Limit Airport Premises Liability, Bodily Injury and Property Damage.
- B. \$1,000,000 for Hangar Keeper's Liability, or otherwise as applicable.
- C. Aircraft Liability in an appropriate amount.
- D. Workmen's Compensation Insurance as required by the State of North Carolina.

The Airport Owner may choose, at their discretion, to modify insurance requirements on a case-by-case basis, depending on statutory and/or inherent risk factors. Operator insurance policies shall also declare the County as a named insured and shall contain a clause which shall provide that in the event Lessee's insurance coverage, or any part thereof, should be cancelled or materially changed, the County shall receive at least thirty (30) days prior written notice of such change.

#### **SECTION 4: Required Minimum Standards for Commercial Aeronautical Activities**

As a practical matter due to the surrounding circumstances that make such an arrangement necessary, Columbus County intends to provide any and/or all activities related to the sale and distribution of aviation fuel needed by the public at the Airport.

The sale and distribution of fuel must be authorized with the expressed prior written approval of the Airport Owner. Any distributor or seller of fuels must comply fully with Columbus County Municipal Airport Rules & Regulations Ordinance, as adopted. The distribution or sale of fuels without prior written consent is a violation, and subject to prescribed penalties listed herein.

**Fuel and Oil Sales.** Persons conducting aviation fuel and oil sales on the Airport shall be required to provide:

1. All fuel systems must be capable of dispensing fuel directly into aircraft. Only properly trained personnel shall dispense fuel. In conducting refueling operations, the Operator shall install and use adequate grounding at fueling locations to eliminate the hazards of static electricity and shall provide types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft.
2. The Operator shall provide at a minimum 100-Low Lead aviation fuel, and pending user demand, standard Jet-A fuel.
3. Hours of fuel dispensing must be publicly posted, with a contact employee for on-demand fuel required during hours of not in operation to the public.
4. Adequate storage and inventory of at least one (1) brand of generally accepted grade of aviation fuel, engine oil and lubricants.
5. If supplied by the Operator, a minimum of 8,000 gallon on-site aircraft fuel storage capacity, per grade of fuel. A minimum capacity of 500 gallons is required for any fuel truck storage vehicle used for aircraft refueling. All fuel storage tanks and vehicles must meet federal, state, and local regulations and shall be regularly inspected and maintained by the Operator.
6. The Airport Owner may prescribe a reasonable fuel flowage fee to be charged for all fuel sales or distributions, as specified in the Operator's lease agreement. Disclosure of Operator fuel sale quantities and revenues can be requested, and shall be furnished, to the Airport Owner upon written notice.

#### **Aircraft Line Service.**

1. Adequate towing equipment and parking and tie-down areas to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.
2. Proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing

engine oil, washing aircraft and aircraft windows, and for recharging or energizing discharged aircraft batteries and starters.

3. Conveniently located lounge or waiting rooms for passengers and airplane crews of itinerant aircraft, together with sanitary restrooms and public telephones.

Hangar Storage:

Operators desiring to provide additional hangar storage rental will meet the following minimum floor space requirements for aircraft storage:

1. Lease at least 6,000 square feet for T-hangars.
2. Lease at least 3,000 square feet for common hangars.

An area of 600 square feet of office space, restrooms, and lounge which may be an adjunct to other buildings, must meet the North Carolina State Building Code Requirements.

Sufficient outside house connections for washing of aircraft, and other purposes, such as washing ramps, watering shrubbery, et cetera, will be installed. Should any new building be constructed over 1,000 feet from an existing fireplug, a new plug shall be provided.

Aircraft Maintenance and Repair. All persons operating aircraft engine and accessory maintenance facilities shall meet the following provisions:

1. Sufficient equipment, supplies and spare parts to perform maintenance in accordance with FAA Part 145 'Certified Repair Station'.
2. Trained and uniformed personnel to sufficiently meet the demand for aircraft maintenance services. At least one (1) mechanic shall be a FAA certified Airframe & Powerplant (A&P) technician, available during established business hours. Contact for on-demand services shall be publicly posted at the Airport.
3. New maintenance hangars constructed by or for an Operator shall contain a minimum of 3,600 square feet of storage and/or floor space. Adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts, and testing equipment to perform top overhauls as required for FAA certification and repair
4. Suitable leased parking and/or storage space for aircraft awaiting maintenance or delivery after repair and maintenance has been completed.

Flight Training/Rental. Persons or Operators conducting flight training/aircraft rentals shall provide:

1. Flight instruction shall be provided by at least one properly FAA certified flight instructor with commercial certificate. Hours of availability and contact information must be publicly posted at the Airport.
2. At least one aircraft to be used for flight training and/or rental and additional types of aircraft as may be required to give flight training, check-outs, proficiency training and instruction of the kind as advertised.
3. Adequate mock-ups, pictures, slides, film strips or other visual aids necessary to provide proper ground school instruction.
4. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the Airport for such service and repair.
5. Proper check lists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.
6. Adequate liability and property damage insurance sufficient to protect the operator and the County from legal liabilities involved. Indemnification and Hold-Harmless Agreement to protect the County. A copy of this Agreement shall be provided to the Airport Owner before flight training activities commence.



Aircraft Charter and Taxi Service. Persons or Operators operating aircraft charter and taxi service shall provide:

1. Shall have properly certified suitable aircraft with properly certified and qualified operating crew available for service when not otherwise engaged in such service.
2. Adequate building or office lease area for passenger and baggage processing.
3. Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the Airport for such service and repair
4. Shall provide passenger liability insurance of at least \$100,000 per passenger seat and property damage liability of at least \$300,000. Indemnification and Hold-Harmless Agreement to protect the County. A copy of this Agreement shall be provided to the Airport Owner before flight activities commence.

Aircraft Sales. Persons or Operators wishing to sell aircraft must provide:

1. At least one aircraft for sale.
2. Publicly posted hours of operation and contact numbers.
3. Office space sufficient to house operations.
4. An FAA-certified pilot with a current commercial certificate for demonstration and aircraft transport.
5. Shall provide passenger liability insurance of at least \$100,000 per passenger seat and property damage liability of at least \$300,000. Indemnification and Hold-Harmless Agreement to protect the County. A copy of this Agreement shall be provided to the Airport Owner before flight activities commence.

Crop Dusting and Spray Operators. Persons or Operators seeking to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy the Airport Owner that operations shall be conducted in compliance with applicable local, state and federal laws. Staging and washing areas shall be conducted in compliance with the applicable regulations. Any liability resulting from agricultural spraying operations is the sole responsibility of the operator. The Airport Owner has authority to require said operators to post a bond that would cover, with the intent of mitigating, liabilities to the Airport Owner/County resultant from the intentional or accidental dispersion of agricultural spraying or other compounds.

Aircraft Painting: All operators offering commercial painting services must:

1. Provide a separate enclosed painting area of sufficient size to accommodate the largest anticipated aircraft to be painted. The facility must comply with local, state, and federal fire-code and environmental regulations. The Operator will provide proof of compliance and due diligence prior to commencing painting activities.
2. Provide proof of insurance per the requirements found in Section 3. The Airport Owner has authority to require said operator(s) to post a bond adequate to cover, with the intent of mitigating, liability to the Airport Owner/County resultant from the intentional or accidental dispersion of chemicals or compounds of a hazardous nature.

Through-the-fence Operators: Through-the-fence operations may negatively impact the Airport's compliance with Federal Grant assurances. The Airport Owner is not obligated to make the Airport available for the use and benefit of the public by operations from adjacent properties. Accordingly, through-the-fence operations or arrangements are not permitted.

Flying Club/Association. A flying club, or similar organization, is recognized as a plan for joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such an aircraft. Such operation is not considered to be commercial in nature when so operated, nor is flight instruction by flying club members for flying other club members considered to be commercial in nature so long as there is not profit or for-hire motive involved in the operation. In all cases, the Airport Owner will determine if the operation is a commercial aeronautical activity. If determined

to be commercial, the club or organization shall conform to the requirements set forth herein for commercial aeronautical operators.

#### **SECTION 5: Procedures for Receiving And Processing Applications**

All Operators, as part of the application process, must show and demonstrate business and financial ability to the satisfaction of the Airport Owner. The County will not accept, or take action on, a request to lease building space or land area, or a request for assignment of an existing lease, or in any way permit the installation of a commercial aeronautical activity until after the applicant, in writing, submits a proposal, which clearly sets forth the scope and type of operations being proposed, including the following:

1. The name and address of the applicant;
2. The proposed aeronautical operation or activity sought;
3. The proposed land use and facility needs sought;
4. The names and qualifications of the personnel to be involved in conducting the activity;
5. The financial responsibility and technical ability of the applicant and operator to carry out said operations or activity, including historical evidence of satisfactory performance of previous similar
6. The tools, equipment, services, and inventory, if any, associated with the proposed activity;
7. The requested or proposed date for commencement of the activity and the term conducting the same;
8. The estimated cost of any structure or facility to be furnished, the proposed specifications for the same, and the means or method of financing such construction or acquisition of facilities.
9. Other information the Airport Owner may require and specifically request.

Only applications completed according to the requirements will be considered. Upon approval of any such application in principal, the Airport Owner, or designated agent shall prepared a suitable lease or contract agreement setting forth the terms and conditions under which the Operator shall be conducted. Any rejected application shall be returned to the applicant within thirty calendar (30) days of the rejection with a written explanation of the reasons for rejection. Candidates are invited to resubmit at their discretion.

#### **SECTION 6: Lease Termination**

Any Operator or tenant who violates these minimum standards will be given written notice by the Airport Owner describing the violation and suggesting corrective action (hereafter referred to as a "notice of violation"). The tenant may be given a specified and reasonable time period to correct any violations. If the tenant does not correct the cited violation(s) in the prescribed manner and time, the tenant's lease and continued use of Airport facilities are subject to termination.

#### **SECTION 7: Amendments, Conflicting Regulations, Violation, Changes**

The minimum standards contained herein may be revised, supplemented, and/or amended by the County from time to time in such a manner as to reflect changes at the Airport and fairness and consistency to all existing and prospective future airport tenants.

Violation of the rules and regulations may be considered reason to restrict or terminate the activities on the Airport for said person or tenant. Upon written notice of the violation and restriction, the Airport Owner, in lieu of termination of the lease or contract, can conclude that the person or tenant could correct the violation so that the violation is eliminated. Any restriction may be limited to certain areas of the Airport, or may be limited to a certain time period, depending upon the violation.

- A. If any conflict is found between provisions of this Ordinance, the more stringent provision shall prevail. If any provisions of this Ordinance, or application thereof, are held invalid it

shall not effect or impose other provisions of this Ordinance. To this end, the provisions of this Ordinance are declared to be severable.

- B. Any published FAA regulation shall become effective as part of this Ordinance without requiring any action on the part of the Airport Owner.

A copy of these Minimum Standards and any adopted changes will be available at the County office.

Adopted by the Columbus County Board of Commissioners this 5th day of December, 2005.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

/s/ **KIPLING GODWIN**, Chairman

**ATTESTED BY:**

/s/ **JUNE B. HALL**, Clerk to Board

(SEAL)

Commissioner Norris made a motion to approve and adopt the Columbus County Municipal Airport Minimum Standards Ordinance for Commercial Activities (FBO/SASO/IO), seconded by Commissioner Prevatte. The motion unanimously carried.

**Agenda Item #9: PLANNING DEPARTMENT - CALL for PUBLIC HEARING on the COLUMBUS COUNTY AIRPORT HEIGHT HAZARD ORDINANCE, CASE NUMBER: TO-03-05:**

Stevie Cox, Columbus County Planning Director, requested Board approval of the call for a Public Hearing on the Columbus County Airport Height Hazard Ordinance, Case Number: TO-03-05, to be held on January 03, 2006, at 6:30 P.M., in the Dempsey B. Herring Courthouse Annex, Commissioners' Chambers, 112 West Smith Street, Whiteville, North Carolina 28472.

Commissioner Prevatte made a motion to approve the call for a Public Hearing on the Columbus County Airport Height Hazard Ordinance, Case Number: TO-03-05, to be held on January 03, 2006, at 6:30 P.M., in the Dempsey B. Herring Courthouse Annex, Commissioners' Chambers, 112 West Smith Street, Whiteville, North Carolina 28472. The motion was seconded by Vice Chairman Dutton, and unanimously carried.

**Agenda Item #10: PLANNING DEPARTMENT - CALL for PUBLIC HEARING on the CLOSING OUT of the 2003 COLUMBUS COUNTY CONCENTRATED NEEDS PROGRAM, CDBG #03-C-1089:**

Stevie Cox, Columbus County Planning Director, requested Board approval of the call for a Public Hearing on the Closing Out of the 2003 Columbus County Concentrated Needs Program, CDBG #03-C-1089, to be held on January 03, 2006, at 6:45 P.M., in the Dempsey B. Herring Courthouse Annex, Commissioners' Chambers, 112 West Smith Street, Whiteville, North Carolina 28472.

Commissioner Jacobs made a motion to approve the call for a Public Hearing on the Columbus County Airport Height Hazard Ordinance, Case Number: TO-03-05, to be held on January 03, 2006, at 6:45 P.M., in the Dempsey B. Herring Courthouse Annex, Commissioners' Chambers, 112 West Smith Street, Whiteville, North Carolina 28472. The motion was seconded by Commissioner McKenzie, and unanimously carried.

**Agenda Item #11: PLANNING DEPARTMENT - CALL for PUBLIC HEARING on the COLUMBUS COUNTY SUBDIVISION REGULATIONS ORDINANCE:**

Stevie Cox, Columbus County Planning Director, requested Board approval of the call for a Public Hearing on the Columbus County Subdivision Regulations Ordinance, to be held on January 03, 2006, at 6:00 P.M., in the Dempsey B. Herring Courthouse Annex, Commissioners' Chambers, 112 West Smith Street, Whiteville, North Carolina 28472.

Commissioner Memory stated the County Commissioners needed a workshop to enable them to tweak this Ordinance before it is placed before the public. In addition, some public meetings need to be established for the public to be informed of the contents of this Ordinance.

Mr. Cox stated the following:

1. There is a great benefit to having this Ordinance in place;
2. Columbus County is the last county in this region of the State, and South Carolina, that doesn't have this type of Ordinance in place; **and**
3. This Ordinance will provide guidance for the way the land will be developed in the future.

Commissioner Prevatte stated when this Ordinance was presented earlier, the Board was told they would have an opportunity to tweak, and we have not tweaked the Ordinance as of yet.

Commissioner McKenzie thanked Mr. Cox for all the diligent efforts he had put into this document, this document was badly needed in Columbus County, and the Board needed the opportunity to tweak the contents before it is placed before the public.

Commissioner Prevatte made a motion to table this Agenda item until a later date to allow the Board of County Commissioners to hold a workshop to tweak the document, and to allow for some public meetings to inform the citizens of the contents of this document, seconded by Vice Chairman Dutton. The motion unanimously carried.

Mr. Cox recommended that a workshop for the purpose of tweaking the Subdivision Regulations Ordinance be scheduled for January 10, 2006.

After discussion was held among the Board members, it was decided to schedule a workshop for the purpose of tweaking the Subdivision Regulations Ordinance on January 10, 2006, and no starting time was set.

**Agenda Item #12: AGING - APPROVAL of HOME COMMUNITY CARE BLOCK GRANT for \$2,776.00:**

Ed Worley, Columbus County Aging Director, requested Board approval of a Home Community Care Block Grant in the amount of two thousand seven hundred seventy-six and 00/100 (\$2,776.00) dollars with a ten (10%) percent County match of three hundred eight and 00/100 (\$308.00) dollars.

Commissioner McKenzie made a motion to approve the Home Community Care Block Grant in the amount of two thousand seven hundred seventy-six and 00/100 (\$2,776.00) dollars, with a ten (10%) percent County match of three hundred eight and 00/100 (\$308.00) dollars. The motion was seconded by Commissioner Jacobs and unanimously carried.

**Agenda Item #13: TAX - APPROVAL of the REVISED RECORDS RETENTION and DISPOSITION SCHEDULE for COUNTY TAX ADMINISTRATION:**

Richard Gore, Columbus County Tax Administrator, requested Board approval of the Revised Records Retention and Disposition Schedule for County Tax Administration. Mr. Gore stated this revision was done when needed and the revision needed the approval of the Board of County Commissioners. A copy of this document will be kept in the Office of the Clerk to the Board, and in the Columbus County Tax Office for review.

Commissioner Norris made a motion to approve the Revised Records Retention and Disposition Schedule for County Tax Administration, as recommended by Richard Gore, seconded by Vice Chairman Dutton. The motion unanimously carried.

**Agenda Item #14: COOPERATIVE EXTENSION - DEPARTMENTAL UPDATE:**

At the request of Jackie Roseboro, Cooperative Extension Director, Commissioner Norris made a motion to table this Agenda item until January 17, 2006, at 5:00 P.M., when Ms. Roseboro will present the Annual Dinner and Update to the Board at the Cooperative Extension Building. This motion was seconded by Commissioner Memory and unanimously carried.

**Agenda Item #15: ADMINISTRATION - CHRISTMAS BONUSES for EMPLOYEES and ESTABLISHMENT of BONUS AMOUNT:**

Jim Varner, Interim County Manager, requested the Board to render a decision on the Christmas bonus for employees, and if granted, the establishment of the bonus amount.

After discussion was conducted among the Board members, Commissioner McKenzie made a motion to approve a Christmas bonus in the amount of fifty and 00/100 (\$50.00) dollars for Columbus County employees, and for the bonuses to be distributed at the same time of the regular paychecks, seconded by Commissioner Norris. The motion unanimously carried.

**Agenda Item #16: ADMINISTRATION - EARLY DISTRIBUTION of EMPLOYEE PAYCHECKS for MONTH of DECEMBER:**

Jim Varner, Interim County Manager, requested Board approval for an early date of the December paychecks to be distributed to the Columbus County employees, and the recommended date of December 20, 2005.

Commissioner McKenzie made a motion to approve the early distribution of employee paychecks for Columbus County employees on December 20, 2005, seconded by Commissioner Prevatte. The motion unanimously carried.

**Agenda Item #17: RESOLUTION - APPROVAL and ADOPTION of SIGNATORY RESOLUTION by the COLUMBUS COUNTY BOARD of COMMISSIONERS:**

June B. Hall, Clerk to the Board, requested Board approval and adoption of the following Resolution.

**SIGNATORY RESOLUTION**  
by the  
**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

**WHEREAS**, in the execution of business matters and other pertinent transactions pertaining to the operations of local government affairs, it is necessary, and legally required, to have on board a Chairman and Vice Chairman to serve on behalf and in the best interest of the Columbus County Board of Commissioners and the citizens of Columbus County; **and**

**WHEREAS**, at the first regular scheduled meeting in the month of December, annually, a Chairman and Vice Chairman is voted on and appointed from the now seven (7) member Columbus County Board of Commissioners; **and**

**WHEREAS**, the Chairman and Vice Chairman of the said Columbus County Board of Commissioners have due authority to sign, execute and administer any and all documents on behalf, and in the best interest, of Columbus County.

**THEREFORE, BE IT RESOLVED**, by popular vote of the seven (7) member Columbus County Board of Commissioners, on the 5th day of December, 2005, Commissioner Kipling Godwin has been duly appointed to serve as Chairman and Commissioner David L. Dutton, Jr. has been duly appointed to serve as Vice Chairman for the Columbus County Board of Commissioners to sign, execute and administer any and all documents necessary in the normal operation of business and related affairs for the Columbus County Board of Commissioners and the citizens of Columbus County. The aforementioned will serve in these capacities until the first regular scheduled meeting in December, 2006

**ADOPTED** this the 5th day of December, 2005.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**  
**/s/ KIPLING GODWIN, Chairman**

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

Commissioner Memory made a motion to approve the Signatory Resolution by the

Columbus County Board of Commissioners, seconded by Commissioner Norris. The motion unanimously carried.

**Agenda Item #18: NOTICE and RESOLUTION - CANCELLATION of DECEMBER 19, 2005 BOARD MEETING:**

Jim Varner, Interim County Manager, requested the Board's review and consideration of approval and adoption of the following Notice and Resolution to Cancel Meeting of the Board of County Commissioners of Columbus County, North Carolina, for the December 19, 2005 Board Meeting.

**NOTICE and RESOLUTION to CANCEL MEETING  
of the BOARD of COUNTY COMMISSIONERS  
of COLUMBUS COUNTY, NORTH CAROLINA**

The **Board of County Commissioners** of Columbus County, North Carolina, unanimously approved on the 5th day of December, 2005, to adopt the following **Resolution**.

**W I T N E S S E T H :**

**WHEREAS**, the **Board of County Commissioners** of Columbus County, North Carolina, has presently scheduled meetings at 6:30 P.M. on the first Monday and at 6:30 P.M. on the third Monday of each month; **and**

**WHEREAS**, the **Board of County Commissioners** of Columbus County, North Carolina, is desirous of cancelling the meeting scheduled for the third Monday in December, only.

**BE IT, THEREFORE, RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY**, North Carolina, pursuant to N.C.G.S. 153A-40, to cancel the regular meeting of the said Board scheduled for December 19, 2005, be, and the same is hereby canceled, and the next regularly scheduled meeting of the said Board shall be in the Columbus County Commissioners' Chambers, Dempsey B. Herring Courthouse Annex, 112 West Smith Street, Whiteville, North Carolina, on Tuesday, January 03, 2006.

**BE IT, FURTHER, RESOLVED** by the **Board of County Commissioners** that a copy of this **Resolution** and **Notice** shall be placed on the Courthouse Bulletin Board, as well as forwarded to all of the news media who has requested notice.

**ADOPTED** this the 5th day of December, 2005.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**  
/s/ **KIPLING GODWIN, Chairman**

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

Commissioner Jacobs made a motion to approve and adopt the Notice and Resolution to Cancel Meeting of the Board of County Commissioners of Columbus County, North Carolina, seconded by Commissioner Prevatte. The motion unanimously carried.

**Agenda Item #19: APPOINTMENT - COLUMBUS REGIONAL HEALTHCARE SYSTEM BOARD of TRUSTEES:**

June B. Hall, Clerk to the Board, requested the appointment of a sitting member of the Columbus County Board of Commissioners to serve on the Columbus Regional Healthcare System Board of Trustees.

Commissioner Memory made a motion to reappoint Commissioner Lynwood Norris to the Columbus Regional Healthcare System Board of Trustees, seconded by Commissioner Prevatte. The motion unanimously carried.

**Agenda Item #20: APPOINTMENTS - COMMITTEES and BOARDS:**

June B. Hall, Clerk to the Board, requested Board appointments/re-appointments and/or

replacements to the following committees/boards.

1. **Animal Control Advisory Council:**

<u>Zone</u>	<u>Member</u>	<u>Expiration Date</u>	<u>Action</u>
Zone I	Ervin Wooten	12-13-2005	Reappoint
Zone II	Leonard Walker	12-13-2005	Reappoint
Zone III	Paula Lewis	12-13-2005	Reappoint
Zone IV	Dr. John A. Stih	12-13-2005	Reappoint
Zone V	Walter Batten	12-13-2005	Reappoint
Zone VI	Dr. Jeff Burroughs	12-13-2005	Reappoint
Zone VII	Penny Obrecht	12-13-2005	<b>Hold</b>

2. **Columbus County Board of Health:**

At Large	Peggy Blackmon	12-31-2005	Reappoint
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Commissioner Prevatte made a motion to reappoint Peggy Blackmon to the Columbus County Board of Health, seconded by Commissioner McKenzie. The motion unanimously carried.

Zone II	Darryl J. Diefes, DDS	12-31-2005	Reappoint
Zone IV	C.L "Buddy" Tate, Jr.	12-31-2005	Reappoint
Zone 5	Vacant	12-31-2006	<b>Hold</b>

**AGENDA ADD-ON:**

**RECREATION - ACCEPTANCE of \$3,000.00 GRANT from INTERNATIONAL PAPER:**

Carol Worrell, Recreation Director, requested Board approval of the acceptance of a three thousand and 00/100 (\$3,000.00) dollars grant from International Paper for improvements to the Riegelwood Community Center.

Commissioner Memory made a motion to approve the acceptance of a three thousand and 00/100 (\$3,000.00) dollars grant from International Paper, seconded by Commissioner Prevatte. The motion unanimously carried.

**Agenda Item #21: CONSENT AGENDA ITEM:**

**Tax Refunds and Releases:**

Commissioner McKenzie made a motion to approve the following Tax Refunds and Releases, seconded by Commissioner Norris. The motion unanimously carried.

**\*\*\*NOTE: This information can be found at the very end of these minutes due to the incompatibility of the computer programs between the Tax Office and the Governing Body Office.**

**Agenda Item #22: COMMENTS:**

**B Board of Commissioners:**

- Commissioner Memory:** I would like to wish everyone a very Merry Christmas and a Happy New Year.
- Commissioner McKenzie:** I would like to wish everyone a very Merry Christmas and a Happy New Year.

**D County Attorney:** Steven W. Fowler stated he appreciated all the help that everyone had afforded him in his position as Columbus County Attorney.

**RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.S. §143-318.11 (6) PERSONNEL:**

At 7:21 P.M., Commissioner Norris made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. §143-318.11 (6) Personnel, seconded by Commissioner

McKenzie. The motion unanimously carried.

No official action was taken.

**ADJOURN CLOSED SESSION and resume REGULAR SESSION:**

At 7:41 P.M., Commissioner Memory made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Prevatte. The motion unanimously carried.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):  
December 05, 2005**

*The Tax Administrator's Office recommends that the values listed below be refunded to the following citizens:*

Type	First Name	Amount Released	Property	Year	Account #	Bill #	Total
Refunds	Ward, Michael		Refund a portion of the property value that was paid on the wrong account. Refund of user fee				
		\$53.90	\$0.00	1995	02-0168	2422	\$57.43
	782 Arn Ward Rd. Whiteville	NC 28472					
Refunds	Ward, Michael		Refund user fee that was paid on wrong account. Total refund should be \$150.15 which includes \$93.68 interest.				
		\$0.00	\$0.00	1995	02-0168	2422	\$56.47
	782 Arn Ward Rd. Whiteville	NC 28472					

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):  
December 05, 2005**

*The Tax Administrator's Office recommends that the values listed below be released to the following citizens:*

Type of Release	First Name	Amount Released	Property	Year	Account #	Bill #	Total
Property	Ray, Cameron & Veneda		Release a portion of the property value, a portion of the Hallsboro Fire (44.04) and a portion of the Whiteville Rescue (14.68). Failed to receive correct land use breakdown on wood land.				
		\$535.82	\$73,400.0	2005	11-2182	18257	\$594.54
Property	Williamson, Ronnie		Release a portion of the property value and a portion of the Columbus Rescue fee. Billed with incorrect value.				
		\$3.65	\$500.00	2005	06-0141	30525	\$3.75
User Fee	Hodge, Beatrice		Release user fee on mobile home that is vacant. Approved by Solid Waste.				
		\$0.00	\$0.00	2005	09-1492	5593	\$177.00
User Fee	Price, Alvie		Release one of two user fees. Customer only has one trash can. Approved by Solid Waste.				
		\$0.00	\$0.00	2005	03-1803	17545	\$177.00
User Fee	Reeves, Ray		Release user fee on house that is vacant. Approved by Solid Waste.				
		\$0.00	\$0.00	2005	11-2213	18561	\$177.00
User Fee	Richardson, Michael		Release user fee on land that is vacant. Approved by Solid Waste.				
		\$0.00	\$0.00	2005	03-0343	18882	\$177.00
User Fee	Singletary, Janice		Release user fee on land that is vacant. Approved by Solid Waste.				
		\$0.00	\$0.00	2005	03-2195	21531	\$177.00



User Fee	Tucker, David	Release user fee on house that is unlivable. Approved by Solid Waste.					
			\$0.00	\$0.00	2005	07-1810	26550 \$177.00
User Fee	Waccamaw Storage Inc.	Release all user fees. There are no trash cans at the storage buildings. Approved by Solid Waste.					
			\$0.00	\$0.00	2005	08-1963	27237 \$354.00

**Agenda Item #23: ADJOURNMENT:**

At 7:43 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Memory. The motion unanimously carried.

**APPROVED:**

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**JUNE B. HALL Clerk to Board**

\_\_\_\_\_  
**KIPLING GODWIN, Chairman**

