

COLUMBUS COUNTY BOARD OF COMMISSIONERS**October 06, 2008****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:

James E. Prevatte **Chairman**
 Amon E. McKenzie
 Sammie Jacobs (Left: 7:51 PM)
 Lynwood Norris
 Ricky Bullard
 Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
 Steven W. Fowler, **County Attorney**
 June B. Hall, **Clerk to Board**
 Bobbie Faircloth, **Deputy Finance Officer**

COMMISSIONER ABSENT:

Bill Memory, **Vice Chairman**

6:30 P.M.

Public Hearing: Contracting to Make Cash Grant for Project Clean: the purpose of this Public hearing is to receive comments, either oral or written, from the public on the incentive grant.

PUBLIC HEARING OPENED:

At 6:30 P.M., Chairman James E. Prevatte called the Public Hearing to order, and stated the purpose of this Public Hearing was to receive comments, either oral or written, from the public on contracting to make a cash grant for Project Clean. Chairman Prevatte requested that Steven W. Fowler, Columbus County Attorney, explain how this Public Hearing would be conducted. Mr. Fowler read, orally, Rule 24, in its entirety, from the Rules of Procedure for the Columbus County Board of Commissioners. Chairman Prevatte requested that William S. Clark, County Manager, in the absence of Justin Smith, Economic Development Director, present some details about this incentive grant. Mr. Clark stated the following:

1. This business is a commercial laundry operation, and will locate in the Southeastern Regional Park;
2. The incentive grant will be for one hundred twenty-three thousand, eight hundred eighty, and 00/100 (\$123,880.00) dollars, which will begin in Budget Year 2009-2010;
3. The company's investment will be four (\$4) million dollars and create forty-eight (48) jobs;
and
4. This company has not definitely decided to locate in Columbus County, but we are encouraging them to do so.

COMMENTS:

Robert Adams: I would urge the County Commissioners to take any reasonable measure to locate this business in Columbus County.

Commissioner Bullard: I would like for Mr. Justin Smith to stay in contact with this company and do everything possible, and stay in touch with the Commissioners, so maybe we can retreat this company to locate in Columbus County.

PUBLIC HEARING CLOSED:

Commissioner Jacobs made a motion to close the Public Hearing, seconded by Commissioner Norris. The motion unanimously passed.

REGULAR SESSION:**Agenda Item #1: MEETING CALLED TO ORDER:**

At 6:35 P.M., Chairman James E. Prevatte called the October 06, 2008 Columbus County Board of Commissioners Regular Session Meeting to order.

current; and (3) live in the home.

6. At the end of the loan term, provided there were no defaults, the CHAF Deed of Trust would be considered satisfied and paid in full and cancelled of record.
7. If any of these above requirements were not met and/or maintained, at that point, the CHAF recipient would be in default and the note could be immediately due and payable.

Section II: PURPOSE

The following procedure was developed to monitor recipients from any and all governmental housing assistance funds programs wherein COUNTY serves as the Lender and is responsible for monitoring the recipients.

Section III: MONITORING

1. After the reasonable repairs pursuant to any assistance program have been made or the homes have reasonably been replaced, and the Deeds of Trust have been recorded in the Columbus County Registry, the recipients will be monitored by COUNTY to ensure that the requirements under the Notes and Deeds of Trust are continuously met.
2. At the end of the respective five (5) or ten (10) year term, the respective Deed of Trust and accompanying Promissory Note shall be cancelled of record in the Columbus County Registry, provided the recipient is not in default.
3. Immediately upon discovering that a recipient is in default, the recipient will be sent a letter by COUNTY by certified United States Mail, return receipt requested stating the respective default(s) and given an opportunity to:
 - a. cure the default(s) within a specified and reasonable period of time; or
 - b. contact the COUNTY to develop a payment plan, if applicable.

The COUNTY desires to cooperate with the recipient who is in default inasmuch as it is reasonably possible, to enable the recipient to properly reside in the home.

4. If the recipient does not cure the default(s) within the specified time or fails to complete any other arrangements made in writing with COUNTY, then foreclosure proceedings under the Deed of Trust provisions will be instituted as soon as reasonably possible.
 - a. If the foreclosure proceeding sale results in the COUNTY being the highest bidder, the COUNTY will take title to the property, make reasonable attempts to sell said property on the open market and reimburse the agency providing the funds the balance due on the Promissory Note and Deed of Trust.
 - b. If the foreclosure proceeding sale results in the property being sold to a third party, the COUNTY will ensure that the agency providing the funds is reimbursed the balance due on the said Promissory Note and Deed of Trust.
5. The Columbus County Tax Office will provide delinquent tax information to the COUNTY concerning the recipients no later than January 31st of each calendar year. The Tax Office is requested to notify the COUNTY prior to instituting any tax foreclosure proceedings against the recipients who are in default for non-payment of taxes.

Section IV: POLICY EFFECTIVE DATE

This Policy shall be effective immediately upon successful passage after its second reading by the Board of Columbus County Commissioners, Columbus County, North Carolina.

This policy is **ADOPTED, APPROVED** and **EFFECTIVE** on _____, _____, 20__.

James E. Prevatte, Chairman
Columbus County Commissioners

ATTESTED BY:

**June B. Hall, Clerk to
Board of Columbus County Commissioners**

Mr. Fowler stated the following:

1. I have provided you with a copy of a revision to the Procedure for Monitoring Assistance Funds Recipients;
2. This policy was revised by deleting the word “NCRC” from Section III.4(a) and (b), and inserting “agency providing the funds”;
3. In discussions with Ms. Abram’s and Mr. Isaac Avery’s office, we have developed a policy that talks about monitoring CHAF recipients;
4. It provides a procedure that the County will follow in terms of working with the CHAF recipients in terms of making sure that there is a proper amount of oversight and regulations to that program; **and**
5. At this time, I will recognize Yolanda Abram, Director of the North Carolina Redevelopment Center, and Isaac T. Avery, Special Counsel of Department of Justice.

Ms. Abram stated the following:

1. The CHAF Program was authorized by the North Carolina General Assembly in December, 1999 ;
2. These funds were set aside in the aftermath of Hurricane Floyd;
3. The General Assembly set aside \$836 million;
4. There was over \$500 million set aside for housing during that time;
5. \$240,000 Million of that money came out of the Redevelopment Center of the CHAF Program;
6. In Columbus County alone, there were four hundred ninety-one (491) houses repaired or replaced, and there were twelve (12) houses that received the relocation buy-out;
7. These State funds were for unmet needs;
8. The money was set aside for people who had no insurance, under insured, and did not qualify for federal or private funds when they tried to get a loan, to make their houses decent and sanitary;
9. In most instances, with Floyd and the storms of 2005, these houses were destroyed;
10. Not only with unmet needs, there is a provision to recapture funds;
11. When homeowners agreed to accept these funds, they understood that they had to stay in their houses for five (5) years if it was a repair or a relocation;
12. If it was a replacement, they have to stay in their house for ten (10) years;
13. There was no money they had to pay, they just had to pay their property taxes, maintain insurance which was both homeowners and flood insurance;
14. The program paid for the first year of insurance;
15. In Columbus County alone, there were three hundred eighty-one (381) replacement houses which entailed seventeen million, one hundred seventy-five thousand, five hundred fifty-one and 00/100 (\$17,175,551.00) dollars;
16. There were one hundred ninety-five (195) houses repaired in the county which entailed four million, eight hundred thirty thousand and 00/100 (\$4,830,000.00) dollars;
17. There were two million, seven hundred six, one hundred one, and 00/100 (\$2,706,101.00) dollars for administrative costs in the program;
18. In addition to this funding, you had State Aid to Local Governments, which we call B-1 Funding, which entailed four hundred seventy-one thousand, nine hundred twenty-nine, and 00/100 (\$471,929.00) dollars;
19. The loans that we had on these houses were called “forgivable” loans, and one of the things that we are experiencing are some of the problems that are going on all over the country;
20. Many of the homeowners have existing mortgages and the CHAF Program will be the second of those mortgage;
21. In addition to that, people are going bankrupt, they are not paying their taxes, and they are not maintaining their insurance, and all of these are the required conditions of the CHJAF Program;
22. We contacted the County and we understand that you have a number of CHAF applicants that are homeowners who have not paid their taxes, and one (1) of the things that we ask the County was that if the taxes are not paid and the insurance is not being maintained, then you need to foreclose on the CHAF money;
23. Part of the CHAF Program was to recapture the funds that would go back to the State;
24. That is where we are at now, and we are just trying to get the necessary funds returned to the State; **and**

25. This is being done as a last resort, but this is a large amount of money the State needs to be prepared for another large disaster when it hits.

Chairman Prevatte asked would the County be liable for the difference in the loan amount and the amount released by CHAF after the sixth year. Mr. Avery replied stating no, and all they were asking the County to do is their best effort. The County would foreclose on the CHAF lien and not the tax lien.

Chairman Prevatte stated this policy is an attempt by Mr. Fowler to produce a policy for procedures for the County to follow in the future on all programs of this nature.

Commissioner Bullard asked if the County would get their tax money if a foreclosure should occur. Ms. Abram replied stating yes.

Mr. Avery stated the following:

1. The foreclosure amount would be the total of the CHAF lien and the delinquent taxes;
2. If someone bids on this amount and it is received, then everyone is happy; **and**
3. If a bid is not received on this amount, then we take the house back and sell it on the open market, and pay the taxes and the cost of the sale.

RECESS REGULAR SESSION and OPEN PUBLIC HEARING NUMBER 2:

At 7:15 P.M., Commissioner McKenzie made a motion to recess Regular Session and open Public Hearing Number 2, seconded by Commissioner Norris. The motion unanimously passed.

7:15 P.M.

Public Hearing: Program Amendment for 2006 Columbus County CDBG Gant Number 06-C-1507: the purpose of this Public hearing is to notify citizens of the proposed amendment and receive comments, either oral or written, relative to the proposed amendment.

PUBLIC HEARING OPENED:

At 7:15 P.M., Chairman Prevatte opened the Public Hearing and stated this Public Hearing is being held for the program amendment for the 2006 Columbus County CDBG Grant Number 06-C-1507. The purpose of this Public Hearing is to notify citizens of the proposed amendment and receive comments, either oral or written, relative to the proposed amendment. Chairman Prevatte requested that Floyd Adams, The Adams Company, Incorporated, present the details of this amendment. Mr. Adams stated the following:

1. The good thing is I think those people who were edging toward not participating are coming around and it is very probable that we will not need to submit this amendment;
2. But, in order to meet our time frame and time restraints, I am glad we are continuing to hold this Public Hearing, and basically to let you know that the purpose would be to delete at least two (2) homes from the program and add two (2) more homes;
3. Before we could do that, we would definitely have to come back to the Board and present to you where those homes are, who they were, and get formal approval to submit that amendment;
4. For the purpose of meeting our requirement for the Public Hearing, this meeting tonight will satisfy that purpose of our intended process to submit that amendment;
5. For the record right now, it looks like we are okay;
6. Those that were originally in that grant program will be in the grant program.

No comments, either oral or written, were received from the public.

PUBLIC HEARING CLOSED and RESUME REGULAR SESSION:

At 7:17 P.M., Commissioner Norris made a motion to close the Public Hearing and resume Regular Session, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #6: CRISIS HOUSING ASSISTANCE FUNDS PROGRAM (CHAF) - PRESENTATION and PROCEDURE for MONITORING ASSISTANCE FUNDS RECIPIENTS:

(Continued)

After additional lengthy discussion was conducted, the summation of the findings of fact are as follows:

1. The delinquent property taxes and homeowners insurance have not been monitored closely by the County;
2. The foreclosures should have been instigated before this length of time;
3. If the houses have a first lien with a bank, and CHAF is the second lien, the County will lose money on a foreclosure;
4. Other counties across the State have started the process of foreclosure;
5. In the original agreement of the CHAF Program, the monitoring was to be conducted on the Administrative level; **and**
6. This matter needs to be resolved before too much time has elapsed.

Commissioner Jacobs made a motion to accept the Columbus County Policy for the Procedure for Monitoring Assistance Funds Recipients as the first reading with the possibility of incorporating monitoring and any other necessary procedure as needed, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #7: AIRPORT - APPROVAL of the FOLLOWING GRANT AGREEMENTS:

- A. **Grant Project Number 36244.18.4.1 (RSA Improvements and Wetlands Permitting), \$261,000 with \$29,000 match; and**
- B. **Grant Project Number 36244.18.4.2 (Hangar and Hangar Taxiways, Phase I), \$200,000 with \$10,527 match.**

Phil Edwards, Airport Manager, requested Board approval of the following two (2) grant agreements for Grant Project Number 36244.18.4.1 (RSA Improvements and Wetlands Permitting), \$261,000 with \$29,000 match, and Grant Project Number 36244.18.4.2 (Hangar and Hangar Taxiways, Phase I), \$200,000 with \$10,527 match, by the following two (2) resolutions.

RESOLUTION

WHEREAS, a Grant in the amount of \$261,000 has been approved by the Department based on total estimated cost of \$290,000; **and**

WHEREAS, an amount equal to or greater than 10 percent of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLED THAT THE Chairman of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

RESOLUTION

WHEREAS, a Grant in the amount of \$200,000 has been approved by the Department based on total estimated cost of \$210,526; **and**

WHEREAS, an amount equal to or greater than 5 percent (5%) of the total estimated project cost has been appropriated by the Sponsor for this Project.

NOW THEREFORE, BE AND IT IS RESOLED THAT THE Chairman of the Sponsor be and he hereby is authorized and empowered to enter into a Grant Agreement with the Department, thereby binding the Sponsor to the fulfillment of its obligation incurred under this Grant Agreement or any mutually agreed upon modification thereof.

Commissioner Norris made a motion to approve the two (2) grant agreements for Grant Project Number 36244.18.4.1 (RSA Improvements and Wetlands Permitting), \$261,000 with \$29,000 match, and Grant Project Number 36244.18.4.2 (Hangar and Hangar Taxiways, Phase I), \$200,000 with \$10,526 match, by resolutions, seconded by Commissioner McKenzie. The motion unanimously passed. A copy of these agreements will be kept on file in Minute Book Attachments, Book Number 3, marked as Exhibit "A" and Exhibit "B", in the Office of the Clerk to the Board for review.

Agenda Item #8: PROCLAMATION - DOMESTIC VIOLENCE AWARENESS MONTH PROCLAMATION (2008):

Vickie Pait, Executive Director, Families First, Incorporated, requested Board approval and adoption of the following Domestic Violence Awareness Month Proclamation (2008).

**DOMESTIC VIOLENCE AWARENESS MONTH
PROCLAMATION (2008)**

WHEREAS, domestic violence is more than the occasional family dispute. According to the Department of Health and Human Services, it is the single largest cause of injury to American women, affecting six million of all racial, cultural and economic backgrounds; **and**

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers; and supported by societal indifference; **and**

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security and humanity due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse; **and**

WHEREAS, the impact of domestic violence is wide ranging, directly affecting women and children and society as a whole; **and**

WHEREAS, in Columbus County, during 2007 - 2008, Families First, Incorporated served 815 victims of domestic violence and provided emergency shelter to 143 women and children.

NOW, THEREFORE, BE IT RESOLVED, we, the Columbus County Board of Commissioners, do hereby proclaim that October 2008, is **DOMESTIC VIOLENCE AWARENESS MONTH** in Columbus County and call upon all citizens to join in making every home a safe home and to support Families First in working toward the elimination of personal and institutional violence against women.

APPROVED and ADOPTED, this the 6th day of October, 2008.

COLUMBUS COUNTY BOARD OF COMMISSIONERS
/s/ **JAMES E. PREVATTE, Chairman**

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

Commissioner Jacobs made a motion to approve and adopt the Domestic Violence Awareness Month Proclamation (2008), seconded by Commissioner Bullard. The motion unanimously passed.

Agenda Item #9: VOLUNTARY AGRICULTURE DISTRICT PROGRAM (VAD) - ESTABLISHMENT of PUBLIC HEARING for the VOLUNTARY AGRICULTURE DISTRICT ORDINANCE and APPROVAL of FIRST READING:

Edward Davis, Director of Soil and Water Conservation, requested the Board to establish a Public Hearing date and time for the following Columbus County Voluntary Agricultural Districts Ordinance, and approval of the same on its first reading.

**COLUMBUS COUNTY
VOLUNTARY AGRICULTURAL DISTRICTS
ORDINANCE**

ARTICLE I: TITLE

This program, adopted by the Board of Commissioners of Columbus County, North Carolina, shall be known as the Columbus County Voluntary Agricultural Districts Ordinance.

ARTICLE II: AUTHORITY

The articles and sections of this program ordinance are adopted pursuant to the authority conferred by N. C. General Statutes 106-735 through 106-743 hereby attached and incorporated by reference as Exhibit A.

ARTICLE III: PURPOSE

The purpose of this program ordinance is to promote the health, safety, rural agricultural values, and general welfare of the County, and more specifically, increase identity and pride in the agricultural community and its way of life; encourage the economic and financial health of agriculture; increase protection from non-farm development; and increase the protection of farms from suits and other negative impacts on properly managed farms.

ARTICLE IV: JURISDICTION

There will be seven (7) areas from which Voluntary Agricultural District Board members will be selected. Each Voluntary Agricultural District Board member will be selected by the Columbus County Commissioner representing the respective District at the time of selection of the Voluntary Agricultural District Board. The selection areas will cover all unincorporated land within Columbus County.

ARTICLE V: DEFINITIONS

Agricultural Board: The Columbus County Voluntary Agricultural District Board.

Board of Commissioners: The Board of Commissioners of Columbus County, North Carolina.

Chairman: Chairman of the Columbus County Voluntary Agricultural District Board.

District: A Voluntary Agricultural District established under the terms and conditions of this program by the Board of Commissioners.

Technical Review Committee: A five (5) member committee. One (1) member each appointed by the Columbus Soil and Water Conservation District, the Columbus County Cooperative Extension Service, the Columbus County Planning Board, the Columbus County Farm Bureau Board, and the Columbus County USDA Farm Service Agency Committee.

ARTICLE VI: QUALIFICATIONS AND CERTIFICATION OF FARMLAND**Section 600. Requirements**

In order for farmland to qualify for participation under the terms of this program, it shall meet the following requirements:

- (1) The farmland shall be real property; AND
- (2) The farm property shall be participating in the farm present-use-value taxation program established by G.S. 105-277.2 through 105-277.7, or is otherwise determined by the County to meet all the qualifications of this program set forth in G.S. 105-277.3 hereby attached and incorporated by reference as Exhibit B ; AND
- (3) The property shall be certified by USDA Farm Service Agency and reviewed by the USDA Natural Resources Conservation Service, the Columbus County Cooperative Extension Service, and the Columbus Soil and Water Conservation District as being a farm on which at least two-thirds of the land is composed of soils that:
 - (a) have good farming qualities.
 - (b) are favorable for crops, livestock, ornamentals, Christmas trees or timber common to Columbus County. AND
- (4) The property, if highly erodible land exists on the farm, is managed in accordance with the USDA Natural Resources Conservation Service defined erosion control practices that are addressed to said highly erodible land; AND

- (5) The property is the subject of a conservation agreement, as defined in G.S. 121-35, hereby attached and incorporated by reference as Exhibit C, between the County and the owner of such land that prohibits non-farm use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable County watershed and subdivision regulations, or the regulations of any municipality which apply to the farm property. The property owner may voluntarily revoke this conservation agreement by submitting a written request to the Board in accordance with Article VIII of this Ordinance.

Section 601. Certification

The owner of the farm seeking to qualify his property for participation in this farmland preservation program ordinance shall submit written evidence that the property conforms to the requirements of Section 600 of this program. This written information shall be submitted to the Chairman of the Voluntary Agricultural District Board or the designated staff person on forms provided by the Board. The certification shall be submitted at the same time the owner applies for inclusion in a district.

ARTICLE VII: APPLICATION, APPROVAL AND APPEAL PROCEDURES FOR VOLUNTARY AGRICULTURAL DISTRICTS

Section 700. Creation of Voluntary Agricultural Districts

In order to implement the purposes stated in Article III, this program provides for the creation of Voluntary Agricultural Districts, which shall meet the following standards:

- (1) The landowner(s) requesting inclusion in the district shall execute an agreement with the County to sustain agriculture in the district in accordance with Section 600 (5) of this program. Said agreement shall be in a form which is reviewed and approved by the Voluntary Agricultural District Board; AND
- (2) For each district created under the terms of this program, one of the existing Voluntary Agricultural District Board members shall be assigned to represent the district.

Section 701. Application to Participate

A landowner may apply to participate in the program by making application to the chairman of the Voluntary Agricultural District Board or to a designated staff person of the Columbus Soil and Water Conservation District, 45 Government Complex Road, Suite B, Whiteville, NC 28472. The application shall be on forms provided and approved by the Columbus County Voluntary Agricultural District Board.

Section 702. Membership Fee for Participate

A one time membership fee as approved by the Voluntary Agricultural District Board will be due from each participate and shall be submitted with the application. This membership/application fee provides the landowner with one (1) Voluntary Agricultural District Membership sign to be placed on the property. Additional signs may be purchased through the Voluntary Agricultural District. The fee for said signs will be set by the Voluntary Agricultural District Board.

Section 703. Approval Process

Upon review by the technical review committee of the written certification and application submitted by the property owner, the Voluntary Agricultural District Board shall meet within 180 calendar days to review or approve said application. The Voluntary Agricultural District Board or representative agent thereof shall notify the applicants by first class mail of said approval or disapproval of participation in the district.

Notification of new Agricultural Districts shall be sent to the County Tax Assessor quarterly.

Section 704. Appeal

If an application is denied by the Voluntary Agricultural District Board, the petitioner has thirty (30) calendar days to record an appeal of the decision to the Clerk to the Board of the Columbus County

Board of Commissioners.

Such appeal shall be presented in writing signed by the applicant or his or her Agent and presented to the Clerk to the Board of Commissioners. The decision of the Board of Commissioners is final. If an application is disapproved by the Voluntary Agricultural District Board and the Board of Commissioners, the membership/application fee will be returned to the said applicant.

ARTICLE VIII: REVOCATION OF CONSERVATION AGREEMENTS

By written notice to the Voluntary Agricultural District Board, a landowner of qualifying farmland may revoke the preservation agreement formulated pursuant to Section 600 (5) of this program, or the Voluntary Agricultural District Board may revoke same preservation agreement based on noncompliance by the landowner. Such revocation shall result in loss of qualifying farm status, and consequently, loss of eligibility to participate in a Voluntary Agricultural District and the benefits thereof.

Revocation by a landowner of a preservation agreement and the resulting loss of qualifying farmland status for the purpose of participation in a Voluntary Agricultural District shall in no way affect the eligibility of the land to be taxed at its present use value as provided in N.C.G.S. 105-277.2 through N.C.G.S. 105-277.6 hereby attached and incorporated by reference as Exhibit B.

If a Voluntary Agricultural District is removed or demised, all signage shall be returned to the Voluntary Agricultural District Board. If a portion of a district is removed for any reason after being established by this program, the remaining qualified farms may remain in the program, provided they meet all other requirements except the minimum area requirements of Section 700 (1).

ARTICLE IX: AGRICULTURAL BOARD

Section 900. Creation

In accordance with N.C.G.S. 106-739, hereby attached and incorporated by reference as Exhibit A, the Board of Commissioners hereby establishes a Voluntary Agricultural District Board to implement the provisions of this program ordinance.

Section 901. Appointments and Memberships

The Voluntary Agricultural District Board shall consist of only seven (7) members appointed by the Columbus County Board of Commissioners upon recommendation and nomination by the County Commissioner representing said District.

- (1) **Requirements.** Each Voluntary Agricultural District Board member shall be a resident of Columbus County. Each Voluntary Agricultural District Board member shall be actively engaged in farming or own qualifying farmland in Columbus County.
- (2) **Membership**
 - (a) The Voluntary Agricultural District Board shall consist of no less than seven (7) members which will be appointed by the Columbus County Board of Commissioners. One (1) shall be appointed from each of the seven (7) districts served by each County Commissioner at the time of appointment.
 - (b) In addition, there will be a five (5) member non-voting advisory Technical Review Committee. One (1) member each appointed by the Columbus Soil and Water Conservation District, the Columbus County Cooperative Extension Service, the Columbus County Planning Board, the Columbus County Farm Bureau Board, and the USDA Farm Service Agency Board.
 - (cc) The seven (7) members may be selected for appointment by the Board of Commissioners from the names of individuals submitted to the Board of Commissioners by the Columbus County Cooperative Extension Service, the Columbus Soil and Water Conservation District, the USDA Farm Service Agency Committee, the Columbus County Planning Department, Columbus County Farm Bureau, or other farm related farming organizations, with an effort to have the broadest geographical and commodity representation possible. Said submitted

names are advisory only to the Board of Commissioners.

- 3) **Tenure.** The initial seven (7) members of the Voluntary Agricultural District Board shall consist of two (2) members appointed for a term of one year, two (2) members appointed for a term of two years, and three (3) members appointed for a term of three years. Thereafter, all appointments to the Voluntary Agricultural District Board will be for a period of three years with reappointment permitted for no more than two consecutive terms. The terms for the appointment of the initial Voluntary Agricultural District Board will be determined by lottery procedure determined by this ordinance.
- 4) **Vacancies.** Any vacancy on the Voluntary Agricultural District Board is to be filled by the Board of Commissioners for the remainder of the unexpired term following the same procedure as for the initial appointment.
- 5) **Removal for Cause.** Any member of the Voluntary Agricultural District Board may be removed for cause by the Board of Commissioners upon written charges and after a public hearing by the Board of Commissioners.
- 6) **Funding.** Appropriations for Performance of Duties. Funds may be appropriated by the Board of Commissioners to the Voluntary Agricultural District Board to perform its duties. **As needed,** a budget request will be presented to the County Finance Office annually following procedures as determined by the Board of Commissioners.

Section 902. Procedures

The Voluntary Agricultural District Board shall adopt rules of procedure which are consistent with the enabling legislation and other applicable statutes.

- (1) **Chairperson;** The Board shall elect a chairperson and vice-chairperson each year at its first meeting of the fiscal year. The chairman and vice-chairman shall be subject to re-election. The chairperson shall preside over all regular or special meetings of the Board. In the absence or disability of the chairperson, the vice-chairperson shall preside and shall have and exercise all the powers of the chairperson so absent or disabled. Additional officers may be elected as needed.
- (2) **Jurisdiction and Procedures: Supplementary Rules;** The jurisdiction and procedures of the Board are set out in this article, except that the Board may adopt supplementary rules of procedure not inconsistent with this article or with other provisions of law.
- (3) **Board Year;** The Board shall use the County fiscal year (July 1 through June 30) as its meeting year.
- (4) **Meetings;** Meetings of the Board, following such notice as required by this article, shall be held at the call of the Chairperson and at such other times as the Board in its rules of procedure may specify. A called meeting shall be held at least semi-annually. A quorum shall consist of a majority of the members of the Board.
- (5) **Voting;** The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or agency to decide in favor of an applicant or to pass upon any other matter on which it is required to act under this article.
- (6) **Records;** The Board shall keep minutes of the proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the Board and shall be a public record.
- (7) **Administrative Services;** The Cooperative Extension Service Office shall serve the Voluntary Agricultural District Board for record keeping, correspondence, and application procedures under this article together with such other services the Board needs to complete its duties.
- (8) **Rules of Procedure;** Other than as specifically differentiated or described by this, or subsequent, Ordinance, the Voluntary Agricultural District Board shall abide procedurally

by Suggested Rules of Procedure for the Board of County Commissioners, Third Edition by Joseph S. Ferrell, North Carolina Institute of Government.

Section 903. Duties

The Voluntary Agricultural District Board shall:

- (1) Review and approve applications for qualified farmland and Voluntary Agricultural Districts; AND
- (2) Advise the Board of Commissioners on projects, programs, or issues affecting the agricultural economy or activities within the County and that will affect agricultural districts; AND
- (3) Perform other related tasks or duties assigned by the Board of Commissioners; AND
- (4) Review and make recommendations to the Columbus County Board of Commissioners concerning proposed amendments to this ordinance; AND
- (5) Develop a county-wide farmland protection plan as defined in N.C.G.S. 106-744(e) (1) hereby attached and incorporated by reference as Exhibit D, for presentation to the Board of Commissioners; AND
- (6) Study additional methods of farmland preservation and make recommendations to the Board of Commissioners.

ARTICLE X: LAND USE INCENTIVES TO VOLUNTARY AGRICULTURAL DISTRICT FORMATION

Section 1000. Purpose

The purpose of this section is to help meet the needs of agriculture as an industry and prevent conflicts between Voluntary Agricultural District participants and non-farm landowners in proximity to districts. **Nothing in this document should be viewed as a change in the status of the numerous non-farm landowners currently located throughout the county. Those landowners retain the same rights and standing held prior to the enactment of a Voluntary Agricultural District.**

Section 1001. Public Notification

- (1) Upon certification of qualifying farmland and designation of real property as a Voluntary Agricultural District, the title to that qualifying farmland and real property, which is contained in the Columbus County Land Records System, shall be changed to include a notice reasonably calculated to alert any person researching the title of a particular tract that such tract is located within one-half (½) aerial mile of a Voluntary Agricultural District. All notice procedures shall be governed by North Carolina law.
- (2) The Voluntary Agricultural District Board, in cooperation with the County, shall take measures as set forth below to provide notification to property owners, residents, and other interested persons in and adjacent to any designated Voluntary Agricultural District with a goal of informing all current and potential residents and property owners in and adjacent to a Voluntary Agricultural District that farming and agricultural activities may take place in this district any time during the day or night.
 - (a) Members of the Voluntary Agricultural District are encouraged to place signs on their individual farms denoting their agricultural district membership in a way calculated to reasonably notify the public and adjoining landowners of the presence of the farm property.
 - (b) Information identifying approved districts shall be provided to the Columbus County Register of Deeds Office, the Columbus Soil and Water Conservation District, the Cooperative Extension Service Office, the Farm Service Agency, the Columbus County Planning Department, and the Columbus County Tax Department. Notice information for each department listed in this section shall be found at the;

Columbus Soil and Water Conservation District
 45 Government Complex Road, Suite B
 Whiteville, NC 28472
 Phone: 910-642-2196 Ext. 3
 Fax: 910-642-6766

- (cc) The following notice shall be displayed in a prominent position in the Office of the Register of Deeds and the public access area in the Columbus County Tax Department in accordance with North Carolina law:

**NOTICE TO REAL ESTATE PURCHASERS IN COLUMBUS COUNTY
 OF VOLUNTARY AGRICULTURAL DISTRICTS**

Columbus County has established Voluntary Agricultural Districts to protect and preserve agricultural lands and activities. These districts have been developed and mapped to inform all purchasers of real property that certain agricultural activities, including but not limited to pesticide spraying, manure spreading, machinery and truck operations, livestock operations, sawing, and similar activities may take place in these districts any time during the day or night. Maps and/or information on the location and establishment of these districts can be obtained from the Cooperative Extension Service Office, County Planning Department, Register of Deeds, Natural Resources Conservation Service, the Farm Service Agency Office, and the County Tax Department.

- (3) Limit of Liability -- In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith, either intentionally or by negligence, in connection with the duties or obligations imposed by this ordinance.
- (4) No Cause of Action -- In no event shall any cause of action arise out of the failure of any person, including a person researching the title of a particular tract, to report to any person the proximity of the tract to a qualifying farm or Voluntary Agricultural District as defined in this ordinance.

Section 1002. Expenditure of County Funds for Non-Farm Uses

Prior to expending any monies which would convert land in a Voluntary Agricultural District to non-farm uses, the County or any other local unit of government shall submit to the Voluntary Agricultural District Board detailed information showing that said governmental unit has considered alternatives.

Section 1003. No Districts in Designated Growth Corridors

Voluntary Agricultural Districts will not be permitted in designated growth corridors as delineated on the official County planning map without the approval of the Board of Commissioners. Upon request, districts located in growth corridors designated after the effective date of this program may be allowed to remain. Upon request, districts located in growth corridors designated after the effective date of this program may be allowed to expand to include adjoining property purchased by a landowner presently participating in the Columbus County Voluntary Agricultural District Ordinance. Any requests made under this Section, should be made through the Planning Board, 111 Washington Street, Whiteville, NC 28472. The approval of the Board of Commissioners will be on a case by case basis.

ARTICLE XI: SUBDIVISION ORDINANCE AND ZONING ORDINANCE REVIEW

Developers of major subdivisions or planned unit developments shall designate on preliminary development plans, the existence of the Voluntary Agricultural Districts within one-half (½) aerial mile of the proposed development.

ARTICLE XII: PUBLIC HEARINGS

A. **Purpose**

Pursuant to N.C.G.S. §106-740, hereby attached and incorporated by reference in Exhibit A, which provides that no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a Voluntary Agricultural District until such agency or unit has requested the Voluntary Agricultural District Board to hold a public hearing on the proposed condemnation.

B. Procedure

1. Upon receiving a request, the Voluntary Agricultural District Board shall publish notice describing the proposed action in the appropriate newspapers of Columbus County within five (5) business days of the request, and will in the same notice notify the public of a public hearing on the proposed condemnation, to be held within ten (10) calendar days of receipt of the request.
2. The Voluntary Agricultural District Board shall meet to review:
 - a. Whether the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved; and
 - b. Whether there are alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Voluntary Agricultural District Board shall consult with the County Agricultural Extension Agent, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies, or organizations deemed by the Voluntary Agricultural District Board to be necessary for its review of the proposed action.
4. Within five (5) business days after the hearing, the Voluntary Agricultural District Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public prior to its being conveyed to the decision-making body of the agency proposing the acquisition. This report will be published describing the action in the appropriate newspapers of Columbus County.
5. There will be a period of ten (10) calendar days allowed for public comment on the report of the Voluntary Agricultural District Board.
6. After the ten (10) calendar day period for public comment has expired, the Voluntary Agricultural District Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision making body of the agency proposing the acquisition.
7. The total time period, from the day that a request for a hearing has been received to the day that a final report is issued to the decision making body of the agency proposing the acquisition, shall not exceed thirty (30) calendar days. If the agency agrees to an extension, the agency and the Voluntary Agricultural District Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
8. Pursuant to N.C.G.S. §106-740, hereby attached and incorporated by reference in Exhibit A, the Board of Commissioners shall not permit any formal initiation of condemnation by local agencies while the proposed condemnation is properly before the Voluntary Agricultural District Board.

ARTICLE XIII: NORTH CAROLINA AGENCY NOTIFICATION

Section 1200. Consultation with N.C. Department of Agriculture and Consumer Services and Other Agencies

The Voluntary Agricultural District Board may consult with the Cooperative Extension Service Office, the USDA Natural Resources Conservation Service Office, the USDA Farm Service Agency

Office, the N. C. Department of Agriculture and Consumer Services, and any other such agency the Voluntary Agricultural District Board deems necessary to properly conduct its business.

Section 1201. Recording the Program Ordinance

An official copy of this program ordinance shall be recorded with the North Carolina Commissioner of Agriculture's Office after adoption. On July 1 of each calendar year, the Voluntary Agricultural District Board shall submit a written report to the Commissioner of Agriculture, including the status, progress and activities of the County's Farmland Preservation program and Voluntary Agricultural Districting information regarding:

- (1) Number of landowners enrolled;
- (2) Number of acres applied;
- (3) Number of acres certified;
- (4) Number of acres denied; and
- (5) Date certified.

ARTICLE XIV: LEGAL PROVISIONS

Section 1300. Severability, Conflict with Other Ordinances and Statutes, and Amendments

- (1) **Severability.** If any article, section, subsection, clause, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
- (2) **Conflict with other ordinances and statutes.** Pursuant to relevant North Carolina law, whenever the provisions of this ordinance conflict with other ordinances of Columbus County, the Board of Commissioners shall determine which ordinance shall govern. Whenever the provisions of any federal or state statute require more restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.
- (3) **Amendments.** This ordinance may be amended from time to time after a public hearing, notice of which shall be sent to program participants by first class mail thirty (30) calendar days prior to the hearing, and in consultation with the Voluntary Agricultural District Board to the Board of Commissioners.

ARTICLE XV: ENACTMENT

The Columbus County Board of Commissioners hereby adopts and enacts the preceding articles and sections of this ordinance.

Adopted this the _____ day of _____, 200__

Attest:

Columbus County Board of Commissioners

Clerk to the Board

Approved as to form: _____, County Attorney

Mr. Edwards stated the following:

1. We had a joint workshop on March 13, 2008 with the Columbus County Board of Commissioners;
2. We have held four (4) public meetings in all the four (4) corners of the County;
3. The attendance was low at the first three (3) meetings due to crop gathering, but at the last meeting, the attendance increased;
4. All the attendees at these public meetings seem to be in favor of this document

Commissioner Jacobs made a motion to establish October 20, 2008, at 6:30 P.M., as the date and time for the Public Hearing on the Voluntary Agricultural Districts Ordinance, and to approve the Voluntary Agricultural Districts Ordinance, on the first reading, seconded by Commissioner Norris. The motion unanimously passed.

Agenda Item #10: DUNN SWAMP DRAINAGE DISTRICT - UPDATE:

Edward Davis, Director of Soil and Water Conservation, and Richard Gore, Tax Administrator, delivered the following update on the Dunn Swamp Drainage District.

Mr. Davis stated he had contacted two (2) members of the committee that was set up for the Dunn Swamp Drainage District Project as follows, Edwin Harris, Chairman, and Glenn Yates, and asked that they come to this meeting and provide the needed information. Mr. Harris and Mr. Yates stated the following:

1. The Dunn Swamp Drainage District Project was formed in the middle 1960's by the Supreme Court of Columbus County;
2. This project was designed to remove debris and provide the necessary drainage for a sixty-eight miles stretch;
3. The citizens affected in this area signed petitions for this to happen;
4. In accordance with Law 566, the money and authority was given by the State of North Carolina;
5. We have a committee of five (5) members with one (1) deceased member which creates a vacancy on the committee;
6. We file an audit every year;
7. The assessments follow the property lines;
8. The project was finished in 1969 and was paid in full in 1999;
9. We are allowed to charge up to five (5%) percent for maintenance, and we have chosen to charge four (4%) percent of the original assessment;
10. There is a ten (10%) percent penalty for delinquent taxes;
11. The sixty-eight (68) miles of drainage benefits five hundred seventy-six (576) people;
12. We have less than twenty thousand and 00/100 (\$20,000.00) dollars in the treasury now due to the non-payment of the maintenance fee;
13. This stretch of drainage needs to be cleaned out again, but the funds are not there to do so; **and**
14. We do the best we can with the available funds we have.

Commissioner Bullard stated the following:

1. A citizen contacted me relative to receiving a six thousand and 00/100 (\$6,000.00) dollars Dunn Swamp Tax Notice;
2. When the citizen called the Tax Office, he was told the tax bill could be reduced to nine hundred seventy-five and 00/100 (\$975.00) dollars, and later was told it could be reduced to thirteen, plus a few cents, (\$13.00) dollars;
3. My concern is why have these bills not been going out before now;
4. Who should be keeping tract of projects of this nature; **and**
5. The Columbus County Tax Office needs to be more thorough before mailing out tax notices of this nature.

Agenda Item #11: ECONOMIC DEVELOPMENT - APPROVAL OF INDUSTRIAL DEVELOPMENT INCENTIVE GRANT FOR PROJECT CLEAN:

Justin Smith, Economic Development Director, requested Board approval of the following Incentive Grant for Project Clean. The required Public Hearing was conducted prior to this meeting.

Project Clean

Investment: \$4,000.00 48 Jobs

Tax Year	Taxes Pd \$1 M Investment	Percentage	Grant Amount
Tax Year 1	\$32,600	85%	\$27,710.00
Tax Year 2	\$32,600	80%	\$26,080.00
Tax Year 3	\$32,600	75%	\$24,450.00
Tax Year 4	\$32,600	70%	\$22,820.00
Tax Year 5	\$23,600	70%	\$22,820.00
TOTAL:	\$163,000	76%	\$123,880.00

**Hypothetical does not include depreciation of equipment, which will affect property taxes paid and incentives grant awarded.

Commissioner Bullard made a motion to approve the Project Clean Incentive Grant, seconded by Commissioner Gore. The motion unanimously passed.

Agenda Item #12: ECONOMIC DEVELOPMENT - ESTABLISHMENT of PUBLIC HEARING for INCENTIVE GRANT for PROJECT RIVER:

Justin Smith, Economic Development Director, requested the Board to establish October 20, 2008 as the date for a Public Hearing for Project River. The time for the Public Hearing needs to be established.

Commissioner Norris made a motion to establish October 20, 2008, at 7:00 P.M., as the date and time for the Public Hearing to be held for the Project River Incentive Grant, seconded by Commissioner Bullard. The motion unanimously passed.

Agenda Item #13: FIRE MARSHAL - DEPARTMENTAL UPDATE: Shannon Blackman, Interim Columbus County Fire Marshall, will deliver a departmental update to the Board.

TABLED

Agenda Item #14: POLICY - APPROVAL of IDENTITY THEFT PREVENTION PROGRAM:

Bobbie Faircloth, Interim Finance Officer, requested Board approval of the following Identity Theft Prevention Program, on its first reading.

**Columbus County
Identity Theft Prevention Program**

Purpose

To establish an Identity Theft Prevention Program designed to detect, prevent, and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

Definitions

Identity theft means fraud committed or attempted using the identifying information of another person without authority.

A **covered account** means:

1. An account that a creditor offers or maintains, primarily for personal, family, or household purposes that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, utility accounts, checking accounts; and
2. Any other account that the creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.

A **red flag** means a pattern, practice or specific activity that indicates the possible existence of identity theft.

The Program

Columbus County Government establishes an Identity Theft Prevention Program to detect, prevent, and mitigate identity theft. The Program shall include reasonable policies and procedures to:

1. Identify relevant red flags for covered accounts it offers or maintains and incorporate those red flags into the program;
2. Detect red flags that have been incorporated into the Program;
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; **and**
4. Ensure the Program is updated periodically to reflect changes in risks to customers and to

the safety and soundness of the creditor from identity theft.

The program shall, as appropriate, incorporate existing policies and procedures that control reasonably foreseeable risks.

Administration of Program

1. The Privacy Committee shall be responsible for the development, implementation, oversight, and continued administration of the Program.
2. The Program shall train staff, as necessary, to effectively implement the Program; and
3. The Program shall exercise appropriate and effective oversight of service provider arrangements.

Identification of Relevant Red Flags

1. The Program shall include relevant red flags from the following categories as appropriate:
 - a. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;
 - b. The presentation of suspicious documents;
 - c. The presentation of suspicious personal identifying information;
 - d. The unusual use of, or other suspicious activity related to, a covered account; and
 - e. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.
2. The Program shall consider the following risk factors in identifying relevant red flags for covered accounts as appropriate:
 - a. The types of covered accounts offered or maintained;
 - b. The methods provided to open covered accounts; and
 - c. The methods provided to access covered accounts; and
 - d. Its previous experience with identity theft.
3. The Program shall incorporate relevant red flags from sources such as:
 - a. Incidents of identity theft previously experienced;
 - b. Methods of identity theft that reflect changes in risk; and
 - c. Applicable supervisory guidance.

Detection of Red Flags

The Program shall address the detection of red flags in connection with the opening of covered accounts and existing covered accounts, such as by:

1. Obtaining identifying information about, and verifying the identity of, a person opening a covered account; and
2. Authenticating customers, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts.

Response

The Program shall provide for appropriate responses to detected red flags to prevent and mitigate identity theft. The response shall be commensurate with the degree of risk posed. Appropriate responses may include:

1. Monitor a covered account for evidence of identity theft;
2. Contact the customer;
3. Change any passwords, security codes or other security devices that permit access to a covered account;
4. Reopen a covered account with a new account number;
5. Not open a new covered account;
6. Close an existing covered account;
7. Notify law enforcement; or
8. Determine no response is warranted under the particular circumstances.

Updating the Program

The Program shall be updated periodically to reflect changes in risks to customers or to the safety and soundness of the organization from identity theft based on factors such as:

1. The experiences of the organization with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods of detect, prevent and mitigate identity theft;
4. Changes in the types of accounts that the organization offers or maintains;
5. Changes in the business arrangements of the organization, including mergers, acquisitions, alliances, joint ventures and service provider arrangements.

Oversight of the Program

1. Oversight of the Program shall include:
 - a. Assignment of specific responsibility for implementation of the Program;
 - b. Review of reports prepared by staff regarding compliance; and
 - c. Approval of material changes to the Program as necessary to address changing risks of identity theft.
2. Reports shall be prepared as follows:
 - a. The Privacy Committee responsible for development, implementation and administration of the Program shall report to the County Manager at least annually on compliance by the organization with the Program.
 - b. The report shall address material matters related to the Program and evaluate issues such as:
 - I. The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - ii. Service provider agreements;
 - iii. Significant incidents involving identity theft and management's response; and
 - iv. Recommendations for material changes to the Program.

Oversight of Service Provider Arrangements

The Privacy Committee shall take steps to ensure that the activity of a service provider is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft whenever the organization engages a service provider to perform an activity in connection with one or more covered accounts.

Duties Regarding Address Discrepancies

The Privacy Committee shall develop policies and procedures designed to enable the organization to form a reasonable belief that a credit report relates to the consumer for whom it was requested if the organization receives a notice of address discrepancy from a nationwide customer reporting agency indicating the address given by the consumer differs from the address contained in the consumer report.

The Privacy Committee may reasonably confirm that an address is accurate by any of the following means:

1. Verification of the address with the consumer;
2. Review of the utility's records;
3. Verification of the address through third-party sources; or
4. Other reasonable means.

If an accurate address is confirmed the Privacy Committee shall furnish the consumer's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

1. The organization establishes a continuing relationship with the consumer; and
2. The organization, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

Specific Program Elements and Confidentiality

For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the organization’s specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program’s general red flag detection, implementation and prevention practices are listed in this document.

Columbus County Board of Commissioners.

Adopted this the 20th day of October 2008.

Commissioner Norris made a motion to approve the Identity Theft Prevention Program Policy, on its first reading, seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #15: GOVERNING BODY - UPDATE on COMMISSIONERS’ APPOINTEES’ ATTENDANCE on COMMITTEES / BOARDS / COUNCILS:

Commissioner Bullard requested an update of the attendance by the Commissioners’ appointees on committees/boards/councils they were appointed to serve on.

Information in totality was provided to each Commissioner relative to the responses received on the attendance of their appointees to committees, boards and councils.

RECESS REGULAR SESSION and enter into a COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V BOARD MEETING

At 8:03 P.M., Commissioner Bullard made a motion to recess Regular Session and enter a **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Commissioner Gore. The motion unanimously passed.

Agenda Item #16: Columbus County Water and Sewer Districts I, II, III, IV and V - Approval of Board Meeting Minutes:

September 15, 2008 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 Sets).

This information will be recorded in Minute Book Number 1 for each water district, respectively.

ADJOURN COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V BOARD MEETING and resume REGULAR SESSION

At 8:05 P.M., Commissioner Gore made a motion to recess the **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V, and resume Regular Session, seconded by Commissioner Bullard. The motion unanimously passed.

Agenda Item #17: APPOINTMENTS/RE-APPOINTMENTS - COMMITTEES/BOARDS:

June B. Hall, Clerk to the Board, requested appointments/re-appointments to the following committees/Boards.

COMMITTEE	ZONE/ EB	PERSON(S)	EXPIR. DATE	BOARD ACTION
Bicentennial Committee	IV	Rob Cross	N/A	HOLD

COMMITTEE	ZONE/ EB	PERSON(S)	EXPIR. DATE	BOARD ACTION
Whiteville (City of) Planning and Zoning Board (Outside City)	EB	Tom Ray	08-01-2010	HOLD

Agenda Item #18: CONSENT AGENDA ITEMS:

A. Budget Amendments:

Commissioner Norris made a motion to approve the following budget amendments, seconded by Commissioner Gore. The motion unanimously passed.

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	14-4311-526001	Dept Supplies	\$1,935
Revenue	14-3431-499101	Drug Fund Balance Appropriated	\$1,935
Expenditure	10-5193-526001	Healthy Carolinians Dept. Supplies	\$5,000
	10-5193-531100	HC Travel	\$727.
Revenue	10-3510-430045	Healthy Carolinians St. Grant	\$5,727
Expenditure	10-4310-535300	M&R Vehicles	\$1,000
Revenue	10-3839-489000	General Funds Valance	\$1,000

B. Amendments to September 15, 2008 Tax Releases:

Commissioner Bullard made a motion to approve the following amendments to the September 15, 2008 Tax Releases, seconded by Commissioner Gore. The motion unanimously passed.

Release the value of a mobile home in the name of James D. King for the year 2004. Property value is \$5,306.00 instead of \$5,464.00

Release the user fee in the name of Richard Duncan, account #13-10866. This should be a refund instead of a release. His mailing address is 7025 Joe Brown Hwy., Chadbourn, N.C. 28431

C. September 15, 2008 Tax Refunds and Releases.

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

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):
October 06, 2008**

Refunds Name: First Citizens Bank & Trust Co. Amount: \$7.57
Value: \$929.00 Year 008 Account # 01-17216 Bill # 57797 Total \$7.76
Refund a portion of the property value and a portion of the Whiteville Rescue. Some of the equipment was struck by lightning and disposed of in 2007.
PO Box 29519 Raleigh NC 27626

Refunds Name: First Citizens Bank & Trust Co. Amount: \$6.49
Value: \$796.00 Year 008 Account # 01-04602 Bill # 57796 Total \$6.49
Refund a portion of the property value and a portion of the Columbus Rescue. Some of the equipment was taken off lease for 2008.
PO Box 29517 Raleigh NC 27626

Refunds Name: James, Glen Dale Amount: \$0.00
Value: \$0.00 Year 007 Account # 12-05754 Bill # 58517 Total \$193.00
Refund the user fee. The house is still under construction. There is no trash can here.
7739 James Way NE Leland NC 28451

800

Refunds Name: Jenkins, William Jr. Heirs Amount: \$101.88
Value: \$12,500.00 Year 008 Account # 04-09080 Bill # 66768 Total \$116.88
Refund a portion of the property value, a portion of Bolton Fire (12.50) and a portion of Columbus Rescue (2.50). The property is double listed in the name of June Munn. Make check payable to June Munn.
1161 East Arcadia Rd. Riegelwood NC 28456

Refunds Name: Munn, June Amount: \$95.63
Value: \$12,500.00 Year 006 Account # 04-00557 Bill # 45540 Total \$110.63
Refund the property value, the Bolton Fire (12.50) and Columbus Rescue (2.50) The property is double listed in the name of William Jenkins Jr. (Heirs).
1161 East Arcadia Rd. Riegelwood NC 28456

Refunds Name: Munn, June Amount: \$101.88
Value: \$12,500.00 Year 007 Account # 04-00557 Bill # 65898 Total \$116.88
Refund the property value, the Bolton Fire (12.50) and Columbus Rescue (2.50). The property is double listed in the name of William Jenkins Jr. (Heirs).
1161 East Arcadia Rd. Riegelwood NC 28456

TAX RELEASES (as submitted to the Governing Body Office from the Tax Office): October 06, 2008

Release the Property Value in the name of Brown, Kim F. Amount: \$21.72
Value: \$2,665.00 Year: 2007 Account # 04-00648 Bill # 1836 Total \$219.24
Release the value of a mobile home, the Buckhead Fire (1.60) and Columbus Rescue (.53). The house is double listed in the name of Walter Freeman.

Release the Property Value in the name of Brown, Kim F. Amount: \$19.55
Value: \$2,399.00 Year: 2008 Account # 04-00648 Bill # 9695 Total \$223.62
Release the value of a mobile home, the Buckhead Fire (1.44) and Columbus Rescue (.48). The house is double listed in the name of Walter Freeman.

Release the Property Value in the name of Brown, Kim F. Amount: \$22.00
Value: \$2,876.00 Year: 2006 Account # 04-00648 Bill # 1835 Total \$219.74
Release the value of a mobile home, the Buckhead Fire (1.73) and Columbus Rescue (.58). The home is double listed in the name of Walter Freeman.

Release the Property Value in the name of Brown, Kim F. Amount: \$22.47
Value: \$3,078.00 Year: 2005 Account # 04-00648 Bill # 1064 Total \$204.43
Release the value of a mobile home, the Buckhead Fire (1.85) and Columbus Rescue (.62). The home is double listed in the name of Walter Freeman.

Release the Property Value in the name of Evans, Jimmy G. Amount: \$13.07
Value: \$1,604.00 Year: 2008 Account # 03-04359 Bill # 7081 Total \$14.67
Release the value of a boat, the Old Dock Fire (1.28) and Columbus Rescue (.32). The boat is listed in the same name of a different account number.

Release the Property Value in the name of Fairfax, George Amount: \$303.18
Value: \$37,200.00 Year: 2007 Account # 13-03542 Bill # 9339 Total \$559.42
Release the value of a double wide, the Roseland Fire (22.32), the Columbus Rescue (7.44) and W2 (33.48). The home was repossessed in 2006 and moved to Bladen County.

Release the Property Value in the name of Fairfax, George Amount: \$303.18
Value: \$37,200.00 Year: 2008 Account # 13-03542 Bill # 7268 Total \$558.98
Release the value of a double wide, the Roseland Fire (22.32), Columbus Rescue (7.44) and W2 (26.04). The home was repossessed in 2006 and moved to Bladen County.

Release the Property Value in the name of Gordon, Margaret Amount: \$214.20
Value: \$28,000.00 Year: 2006 Account # 08-01551 Bill # 2351 Total \$453.26
Release the value of a mobile home, the St James Fire (16.80) and Columbus Rescue (5.60). The home is double listed in the name of Margaret A. Phifer.

Release the Property Value in the name of Gordon, Margaret Amount: \$211.41
Value: \$25,940.00 Year: 2007 Account # 08-01551 Bill # 2542 Total \$448.38

Release the value of a mobile home, the St. James Fire (15.56) and Columbus Rescue (5.19). The home is double listed in the name of Margaret S. Phifer.

Release the Property Value in the name of Gordon, Margaret	Amount:	\$194.54
Value: \$23,870.00 Year: 2008 Account # 08-01551 Bill # 0493	Total	\$434.99

Release the value of a mobile home, the St. James Fire (14.32) and Columbus Rescue (4.77). The home is double listed in the name of Margaret S. Phifer.

Release the Property Value in the name of Parker, Nancy	Amount:	\$0.00
Value: \$0.00 Year: 2008 Account # 01-03668 Bill # 5927	Total	\$5.09

Release the 2% discount not absorbed by computer.

Release the Property Value in the name of Register, Beulah	Amount:	\$12.97
Value: \$1,592.00 Year: 2008 Account # 01-02335 Bill # 8630	Total	\$215.84

Release the value of a mobile home, the Brunswick Fire (1.11) and Whiteville Rescue (.32). The home was destroyed by a storm and condemned.

Release the Property Value in the name of Register, Beulah	Amount:	\$15.03
Value: \$1,965.00 Year: 2006 Account # 01-02335 Bill # 9867	Total	\$211.48

Release the value of a mobile home, the Brunswick Fire (1.38) and Whiteville Rescue (.39). The home was destroyed by a storm and condemned.

Release the Property Value in the name of Register, Beulah	Amount:	\$14.42
Value: \$1,769.00 Year: 2007 Account # 01-02335 Bill # 0297	Total	\$210.61

Release the value of a mobile home, the Brunswick Fire (1.24) and Whiteville Rescue (.35). The home was destroyed by a storm and condemned.

Release the Property Value in the name of Stevens, Pamela	Amount:	\$35.05
Value: \$4,300.00 Year: 2008 Account # 01-90025 Bill # 4477	Total	\$40.64

Release the property value, the Whiteville Rescue (.86) and W3 (4.73). The property is double listed in the name of Debra K. Brown.

Release the Property Value in the name of Stevens, Pamela	Amount:	\$35.86
Value: \$4,400.00 Year: 2008 Account # 01-90025 Bill # 4476	Total	\$41.58

Release the property value, the Whiteville Rescue (.88) and W3 (4.84). The property is double listed in the name of Debra K. Brown.

Release the Property Value in the name of Sustainable Forests LLC	Amount:	\$52.16
Value: \$6,400.00 Year: 2008 Account # 03-07240 Bill # 5387	Total	\$57.92

Release the property value, the Brunswick Fire (4.48) and Columbus Rescue (1.28). The property is double listed in the name of Allen Jefferson Earp.

Release the Property Value in the name of Tompkins, Arthur	Amount:	\$0.00
Value: \$0.00 Year: 2008 Account # 06-39780 Bill # 6604	Total	\$215.69

Release the 2% discount not absorbed by computer. Release also the user fee. The house is vacant and does not have a trash can.

Release the Property Value in the name of Vela, Gerard	Amount:	\$6.60
Value: \$810.00 Year: 2007 Account # 08-01707 Bill # 8967	Total	\$7.44

Release the value of a boat and the Columbus Rescue. The boat is double listed in the name of David M. Velva.

Release the Property Value in the name of Vela, Gerard	Amount:	\$9.31
Value: \$1,275.00 Year: 2005 Account # 08-01707 Bill # 7039	Total	\$10.53

Release the value of a boat and the Columbus Rescue. The boat is double listed in the name of David M. Velva.

Release the Property Value in the name of Vela, Gerard	Amount:	\$8.00
Value: \$1,025.00 Year: 2004 Account # 08-01707 Bill # 2854	Total	\$9.03

Release the value of a boat and the Columbus Rescue. The boat is double listed in the name of David M. Velva.

Release the Property Value in the name of Vela, Gerard	Amount:	\$9.01
Value: \$1,155.00 Year: 2003 Account # 08-01707 Bill # 6530	Total	\$10.16

Release the value of a boat and the Columbus Rescue. The boat is double listed in the name of David M. Velva.

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Release the Property Value in the name of Vela, Gerard Amount: \$11.31
Value: \$1,450.00 Year: 2002 Account # 08-01707 Bill # 5775 Total \$12.76
Release the value of a boat and the Columbus Rescue. The boat is double listed in the name of David M. Velva.

Release the Property Value in the name of Vela, Gerard Amount: \$8.87
Value: \$1,160.00 Year: 2006 Account # 08-01707 Bill # 8392 Total \$10.01
Release the value of a boat and the Columbus Rescue. The boat is double listed in the name of David M. Velva.

Release the Property Value in the name of Williamson, Byron Amount: \$120.54
Value: \$14,790.00 Year: 2008 Account # 15-02158 Bill # 0541 Total \$355.38
Release the value of a mobile home, the Acme Delco Fire (17.75) and Columbus Rescue (2.96). The house was repossessed in 2003.

Release the User Fee in the name of Andrews, Herman Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 15-00610 Bill # 5744 Total \$200.00
Release the user fee on a house that is still under construction. No trash can here.

Release the User Fee in the name of Beard, Anna R. Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 01-03915 Bill # 7199 Total \$87.00
Release a portion of the user fee the user fee. The trash can is inside the city limits.

Release the User Fee in the name of Bischoff, Judith Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 07-02641 Bill # 8013 Total \$200.00
Release the user fee on a house that is vacant, unlivable, has no power and no trash can.

Release the User Fee in the name of Blackmon, Glenn Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 03-05535 Bill # 8131 Total \$200.00
Release one of two user fees. One house is vacant and does not have a trash can.

Release the User Fee in the name of Brigman, Sarah Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 06-02400 Bill # 9139 Total \$200.00
Release the user fee. House is vacant and does not have a trash can.

Release the User Fee in the name of Bryant, James Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 11-04183 Bill # 0053 Total \$200.00
Release the user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of Cartrette, Bessie Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 09-02840 Bill # 1977 Total \$83.35
Release a portion of the user fee. Did not have the trash can for a full year.

Release the User Fee in the name of Clemmons, Bobbie Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 01-05178 Bill # 2755 Total \$200.00
Release the user fee on a house that is vacant, has no power and no trash can.

Release the User Fee in the name of Cribb, Roger Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 09-06120 Bill # 4179 Total \$200.00
Release one of two user fees. House is vacant and does not have a trash can.

Release the User Fee in the name of Davis, Laurene Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 01-18329 Bill # 4815 Total \$113.00
Release the user fee on a house that is vacant and does not have a trash can.

Release the User Fee in the name of Donaldson, Mary Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 05-02133 Bill # 5417 Total \$133.32
Release a portion of the user fee. Did not have the trash can for a full year.

Release the User Fee in the name of Duncan, Connie Amount: \$0.00
Value: \$0.00 Year: 2008 Account # 07-03580 Bill # 5773 Total \$200.00
Release one of two user fees. One house is vacant and does not have a trash can.

Release the User Fee	in the name of Eissens, Paul	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 13-11820 Bill # 6483	Total	\$200.00
Release one of two user fees. One house is vacant and does not have a trash can.			
Release the User Fee	in the name of Elkins, Luther D.	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 04-00313 Bill # 6545	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Etheridge, Estelle	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 08-05460 Bill # 9641	Total	\$113.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Faulk, Dorothy	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 07-04082 Bill # 7422	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Freeman, Henry	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 11-09660 Bill # 8913	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of High, Charles	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 15-18240 Bill # 4162	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Hodge, Beatrice	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 09-14920 Bill # 4919	Total	\$200.00
Release one of two user fees. One house is vacant and does not have a trash can.			
Release the User Fee	in the name of James, Glen	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 12-05754 Bill # 6577	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Jordan, Jack	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 09-16029 Bill # 7597	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Lane, Robert	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 15-03461 Bill # 8511	Total	\$200.00
Release the user fee on a building that is used for storage. No trash can here.			
Release the User Fee	in the name of Lay, Fred Jr. (etal)	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 07-10144 Bill # 8733	Total	\$66.68
Release a portion of the user fee. Business closed and trash can was picked up.			
Release the User Fee	in the name of Lennon, Sherwood	Amount:	\$0.00
Value:	\$0.00 Year: 2007 Account # 12-15920 Bill # 1106	Total	\$193.00
Release the user fee on a house that is unlivable and does not have a trash can.			
Release the User Fee	in the name of Lennon, Sherwood	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 12-15920 Bill # 9193	Total	\$200.00
Release the user fee on a house that is unlivable and does not have a trash can.			
Release the User Fee	in the name of Long, Lawrence	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 09-02947 Bill # 9941	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Long, Leona	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 07-10840 Bill # 9944	Total	\$200.00
Release the user fee on a house that is vacant, has no power and no trash can.			
Release the User Fee	in the name of Long, Leona	Amount:	\$0.00
Value:	\$0.00 Year: 2007 Account # 07-10840 Bill # 1837	Total	\$193.00
Release the user fee on a house that is vacant, has no power and no trash can.			

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Release the User Fee	in the name of Long, Leona	Amount:	\$0.00
Value:	\$0.00 Year: 2006 Account # 07-10840 Bill # 1539	Total	\$193.00
Release the user fee on a house that is vacant, has no power and no trash can.			
Release the User Fee	in the name of Long, Leona	Amount:	\$0.00
Value:	\$0.00 Year: 2005 Account # 07-10840 Bill # 0383	Total	\$177.00
Release the user fee on a house that is vacant, has no power and no trash can.			
Release the User Fee	in the name of McCrimmon, Jesse	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 15-24860 Bill # 1372	Total	\$200.00
Release the user fee on a house that is vacant, unlivable and has no trash can.			
Release the User Fee	in the name of Mitchell, Joseph	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 08-00107 Bill # 3450	Total	\$200.00
Release the user fee on a building that is used for storage.			
Release the User Fee	in the name of Mullins, Leonard (Heirs)	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 01-64100 Bill # 4080	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Peoples, Willie S.	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 03-23354 Bill # 6231	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Pope, James	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 11-20722 Bill # 6880	Total	\$200.00
Release the user fee on a house that is still under construction. There is no trash can here.			
Release the User Fee	in the name of Powers, Elizabeth	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 01-72557 Bill # 7396	Total	\$400.00
Release two user fees. Both houses are vacant and do not have trash cans.			
Release the User Fee	in the name of Prince, Edward	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 09-24300 Bill # 7852	Total	\$200.00
Release one of two user fees. There is no trash can at the shop.			
Release the User Fee	in the name of Reaves, Dinah	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 04-13420 Bill # 8409	Total	\$113.00
Release the user fee on a house that is vacant, has no power and no trash can.			
Release the User Fee	in the name of Rogers, Kevin	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 03-00519 Bill # 9355	Total	\$66.67
Release a portion of the user fee. Did not have the trash can for a full year.			
Release the User Fee	in the name of Stanley, Bobby N.	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 09-28720 Bill # 3895	Total	\$200.00
Release the user fee. The mobile home burned and trash can removed.			
Release the User Fee	in the name of Ward, James F.	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 03-04431 Bill # 8361	Total	\$200.00
Release the user fee on a house that is vacant and does not have a trash can.			
Release the User Fee	in the name of Watts, Mary L.	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 06-03633 Bill # 9099	Total	\$200.00
Release one of two user fees. One house is vacant and does not have a trash can.			
Release the User Fee	in the name of Williams, Annie	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 15-39060 Bill # 0045	Total	\$200.00
Release the user fee on a house that is vacant, unlivable and has no trash can.			
Release the User Fee	in the name of Worrell, Linda F.	Amount:	\$0.00
Value:	\$0.00 Year: 2008 Account # 14-02051 Bill # 1418	Total	\$200.00

Release the user fee on a house that is vacant, unlivable and has no trash can.

Agenda Item #19: COMMENTS:

Chairman Prevatte opened the floor for comments. The following spoke.

A. Department Heads:

Edward Davis: with the help of my office staff, I have provided to you a draft copy of the Columbus County Voluntary Agricultural Districts Ordinance, with attached exhibits for your information and backup.

B. Board of Commissioners:

1. **Commissioner McKenzie:** I would like to have a more timely manner in getting information to the County Commissioners, and for all Commissioners to be provided the same information.

2. **Commissioner Gore:** I would like to know the participation of the public at the Voluntary Agricultural Districts Public Meetings. Edward Davis replied stating there was only two to three (2-3) people at the first three (3) meetings, and at the last meeting, there were twenty (20) people.

C. **County Manager (William S. Clark):** I would like to remind everyone about the quarter-cent sales tax that will be on the November 4, 2008 ballot, and the benefits that will result from this sales tax.

RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (1):

At 8:13 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 (1), seconded by Commissioner McKenzie. The motion unanimously passed.

Agenda Item #20: CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (1)

No official action was taken.

OTHER:

PUBLIC RECORDS REQUEST:

Chairman Prevatte stated the Board filled a Public Records Request during Closed Session and will proceed as quickly as possible.

Agenda Item #21: ADJOURNMENT:

At 9:03 P.M., Commissioner Gore made a motion to adjourn, seconded by Commissioner McKenzie. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

JAMES E. PREVATTE, Chairman

COLUMBUS COUNTY BOARD OF COMMISSIONERS
Re-Districting Workshop
October 06, 2008
5:00 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 the purpose of holding a Re-Districting Workshop which was duly called and advertised.

COMMISSIONERS PRESENT:

James E. Prevatte **Chairman**
 Bill Memory, **Vice Chairman** (Arrived: 5:25 P.M.)
 Amon E. McKenzie
 Sammie Jacobs
 Lynwood Norris
 Ricky Bullard
 Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
 Steven W. Fowler, **County Attorney**
 June B. Hall, **Clerk to Board**
 Bobbie Faircloth, **Deputy Finance Officer**

WORKSHOP CALLED to ORDER:

At 5:00 P.M., Chairman Prevatte called the October 06, 2008 Re-Districting Workshop to order, and stated the purpose of this workshop was to gather information about re-districting from Bill Cooper, Demographer, and Anita Earls, Civil Rights Attorney.

PRESENTATION by BILL COOPER:

- Bill Cooper, Demographer, stated the following:
1. I live in Bristol, Virginia and have learned a lot about Columbus County through the Geographic Information System (GIS) software;
 2. I have prepared plans that have been adopted by six hundred, plus, (600+) communities;
 3. I was contacted by Anita Earls three to four (3-4) years ago to fix a population deviation problem;
 3. A draft plan was prepared to fix the deviation problem which is in excess of ten (10%) percent, and ten (10%) percent is accepted by the One Person One Vote Act, as a general rule;
 4. The draft plan that I prepared included the shape of the district, fixed the deviation problem and at the same time maintaining two (2) minority black districts;
 5. I have subsequently learned from Anita that you do not want to make all these changes due to too much trouble since it is close to the next scheduled census;
 6. It does make sense to fix the deviation problem as best we can, while, at the same time, try to minimize the impact of changing voter precincts;
 7. I have learned along the way there is a prison work farm which is inclusive of approximately six hundred eighty-six (686) inmates in District 7;
 8. It occurred to me that if we take the inmates out of the county population base, then a lot of the One-Person One-Vote problems with districts other than District 4, which is the most mal-portioned, would self correct;
 9. At that time, we would only need to work on Districts 2 and 4 which has the highest deviations;
 10. You need to adopt a policy now to remove the prison population that will be included in the 2010 census;
 11. The change that I have suggested is that we shift District 4 over past Franklin to Madison Street, and also add three (3) blocks to go along Burkehead Street;
 12. I have added five (5) census blocks and the population is around one hundred fifty (150) persons and the net effect is to create a plan which has an overall deviation which is the district with the lowest population added to the district with the highest population, Districts 2 and 4; **and**
 13. I will have to go in and add to District 7 an additional twenty-six (26) persons.

COMMENTS / DISCUSSION / QUESTIONS:

1. **Bill Cooper:** there are various ways of fixing this problem, but the way I am suggesting is the simplest and the least expensive.
2. **Commissioner Gore:** If we decide to pull the Brunswick Prison population out of the equation, and we decide to pull the new prison population out of the equation, what would be the proper procedure we would take to do that, and would the Federal Courts have to approve that?
Bill Cooper: The new prison population will not be included until the 2010 census, and I will let the County Attorney address the legality of removing the prison population from the equation.
3. **Bill Cooper:** How many of you Commissioners are running for re-election in 2010?
Chairman Prevatte: Commissioners McKenzie, Bullard and Gore. The remaining four (4) are running for re-election at the present time.

Bill Cooper: Then, you don't have to do anything at the present time. You may need to legally do some modifications just to say that you are not in violation of the One-Person One-Vote Act. You do not even need to notify voters then.
4. **Anita Earls:** the fact that the change you are making to come into compliance with the One-Person One-Vote Act that won't actually affect anyone that is up for election should make it a lot easier for the Federal Court to approve it, and it makes it easier for an administrative change to being in compliance with the law.
5. **Steven W. Fowler, County Attorney:** I would like to ask Ms. Earls a question following up on the Federal Department of Justice mandatory clearance for this program as opposed to just an advisory coming from the Federal Department of Justice that would probably give this more gravitas before it goes to the Federal Courts. Can Ms. Earls expand on this?
Anita Earls: Because you are not covered by Section 5, it is not mandatory that you submit it to the Justice Department. The Justice Department, in the past, has always been willing to advise local jurisdictions and be as helpful as they can about what is necessary to comply with the voting rights, and you could seek their advice.

PUBLIC COMMENTS:

1. **Robert Adams:** the misdemeanor prisoners in the Brunswick Prison Facility can vote and how can you eliminate this number?
Bill Cooper: I was not aware of this.
2. **Harry Foley:** How can you include the prison population in getting State money and not include them in the voting population?
Anita Earls: in the states that have done this in the past, the courts have said it was legal.

Chairman Prevatte thanked Mr. Cooper and Ms. Earls for being present at this meeting, and stated if you will get this information back to us, we will proceed as we see fit at a later date.

WORKSHOP CLOSED:

At 5:49 P.M., Chairman Prevatte stated the workshop was closed.

APPROVED:

JUNE B. HALL, Clerk to Board

JAMES E. PREVATTE, Chairman

COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING
Monday, October 06 2008
8:03 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, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

James Prevatte, **Chairman**
Amon E. McKenzie
Sammie Jacobs (Left: 7:51 PM)
Lynwood Norris
Ricky Bullard
Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
Steven W. Fowler, **County Attorney**
June B. Hall, **Clerk to Board**
Bobbie Faircloth, **Deputy Finance Officer**

COMMISSIONER ABSENT:

Bill Memory, **Vice Chairman**

MEETING CALLED TO ORDER:

At 8:03 P.M., Chairman Prevatte called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Gore made a motion to approve the September 15, 2008 **Combination Meeting** Minutes of the Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

ADJOURNMENT:

At 8:05 P.M., Commissioner Gore made a motion to adjourn, seconded by Commissioner Bullard. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

JAMES E. PREVATTE, Chairman

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING**

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APPOINTEES PRESENT:

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Steven W. Fowler, **County Attorney**
June B. Hall, **Clerk to Board**
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COMMISSIONER ABSENT:

Bill Memory, **Vice Chairman**

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ADJOURNMENT:

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APPROVED:

JUNE B. HALL, Clerk to Board

JAMES E. PREVATTE, Chairman

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COMMISSIONER ABSENT:

Bill Memory, **Vice Chairman**

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APPROVED:

JUNE B. HALL, Clerk to Board

JAMES E. PREVATTE, Chairman

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COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V
COMBINATION BOARD MEETING

Monday, October 06 2008

8:03 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, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

COMMISSIONERS PRESENT:

James Prevatte, **Chairman**
 Amon E. McKenzie
 Sammie Jacobs (Left: 7:51 PM)
 Lynwood Norris
 Ricky Bullard
 Ronald Gore

APPOINTEES PRESENT:

William S. Clark, **County Manager**
 Steven W. Fowler, **County Attorney**
 June B. Hall, **Clerk to Board**
 Bobbie Faircloth, **Deputy Finance Officer**

COMMISSIONER ABSENT:

Bill Memory, **Vice Chairman**

MEETING CALLED TO ORDER:

At 8:03 P.M., Chairman Prevatte called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:

Commissioner Gore made a motion to approve the September 15, 2008 **Combination Meeting** Minutes of the Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

ADJOURNMENT:

At 8:05 P.M., Commissioner Gore made a motion to adjourn, seconded by Commissioner Bullard. The motion unanimously passed.

APPROVED:

JUNE B. HALL, Clerk to Board

JAMES E. PREVATTE, Chairman