

The Honorable Columbus County Board of Commissioners met in their said office at 9:00 A.M., February 6, 1989, it being the first Monday.

BOARD MEMBERS PRESENT:

Samuel G. Koonce, Chairman

Giles E. (Buddy) Byrd, Vice-Chairman

Junior Dew

Lynwood Norris

Ed Worley

James E. Hill, Jr.
County Attorney

Roy L. Lowe
Administrator/Clerk

Ida L. Smith
Deputy Clerk

The Chairman called the meeting to order and the invocation was given by Reverend Wade Fowler, Senior Center Director.

APPROVAL OF MINUTES

A motion was made by Commissioner Norris, seconded by Commissioner Dew and passed unanimously to approve the minutes of the January 16, 1989 meeting, as recorded.

RESOLUTION OF APPRECIATION - COLUMBUS COUNTY FAIR COMMITTEE

A motion was made by Commissioner Worley, seconded by Commissioner Byrd and passed unanimously to adopt the following "Resolution of Appreciation."

R E S O L U T I O N

WHEREAS, the Columbus County Agricultural Fair has won the Image Award, designating it the outstanding fair in North Carolina for 1988; and

WHEREAS, the award was presented to Jimmy Ferguson, Fair Board President, and Calvin Duncan, Fair Manager, in Greensboro at the 56th annual convention of the North Carolina Association of County Fairs; and

WHEREAS, the Columbus County Fair also won first place in the agricultural promotion division, second place in youth participation, and third place for the fair's catalog; and

WHEREAS, the Columbus County fair won first place in the "Goodness Grows in North Carolina" promotion; and

WHEREAS, the Columbus County Law Enforcement Officers Association has been sponsoring the fair since 1980; and

WHEREAS, the fair has won several other state awards during the past nine (9) years, including "Most Improved Fair Award" in 1987.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Columbus County Commissioners would like to publicly recognize, commend and applaud the fair's executive board composed of members of the County Law Enforcement Officers' Association and the advisory board which is composed of community volunteers for their interest, hard work and dedication in bringing Columbus County its Ninth Annual Agriculture Fair and in being responsible for winning the State Awards for Columbus County.

ADOPTED this 6th day of February, 1989.

ATTEST:

/s/ Roy L. Lowe
Administrator

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ Samuel G. Koonce, Chairman
/s/ Buddy Byrd, Vice Chairman
/s/ Junior Dew
/s/ Lynwood Norris
/s/ Ed Worley

FIRE MARSHAL - WELCOME

The Chairman welcomed Stephen Townsend, as Columbus County's first Fire Marshal, who became employed with the County February 1, 1989.

BUGDET AMENDMENT - DEPT. OF AGING

A motion was made by Commissioner Norris, seconded by Commissioner Byrd and passed unanimously to approve a budget amendment for the Department of Aging as follows:

Accept 12-336-0100 Donations for Tabor City Site	\$1,092.27
Accept 12-348-0100 Federal Grant for office repair	1,234.73

To be expended as follows:

12-614-1500 Maintenance and Repair	\$1,234.73
12-614-1100 Telephone	17.27
12-614-3200 Supplies	1,075.00

BUDGET AMENDMENT - LIBRARY

A motion was made by Commissioner Dew, seconded by Commissioner Norris and passed unanimously to approve a budget amendment for the Library as follows:

Appropriate 10-335-0200 Miscellaneous Revenue	\$4,200.00
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To be expended:

10-630-74 Capital Outlay - Panasonic Copier	4,200.00
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Transfer 10-660-9999 Non Dept. Contingencies	\$5,785.00
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To be expended:

10-630-74 Capital Outlay GS 400 Circulation System	5,785.00
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EMERGENCY MANAGEMENT - EMERGENCY RADIO FREQUENCIES

Howard Stanley, Emergency Management Coordinator, addressed the Board in reference to a letter received from the Federal Communications Commission stating the responsibility of the Columbus County Fire and Rescue Emergency Radio Frequency being misused. Mr. Stanley requested the Board adopt a resolution that no one below a fire or rescue chief is to have a radio on this frequency.

A motion was made by Commissioner Dew, seconded by Commissioner Norris and passed unanimously to adopt the following resolution as drafted by the County Attorney.

R E S O L U T I O N

The Columbus County Board of Commissioners at its regular meeting held on February 6, 1989, unanimously adopted the following Resolution:

WHEREAS, the Columbus County Emergency Management Coordinator has contacted Mr. Dan Emrick of the Federal Communications Commission in Virginia Beach, Virginia, concerning the abuse of the Columbus County Radio Emergency Frequency; and

WHEREAS, Mr. J. J. Freeman, the Engineer in charge, has written a letter to Mr. J. Howard Stanley, dated January 27, 1989, which sets forth the facts and the law concerning violators of unauthorized radio communications, said copy of

*letter is attached hereto and made a part of this Resolution as if fully set out herein; and

WHEREAS, the County Commissioners have been requested to by the Emergency Management Coordinator to consider the limited use of the radio frequency by the various Fire and Rescue Departments of Columbus County.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Columbus County, that they do hereby authorize only the Chief and Assistant Chief of each Fire and Rescue Department to use the County-wide radio frequencies, and that this use is to be restricted to the proper authorized subject matter set forth in the license issued by the Federal Communications Commissioner.

Unanimously adopted this 6th day of February, 1989.

ATTEST:

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ Roy L. Lowe
Administrator

/s/ Samuel G. Koonce, Chairman

*Letter to Howard Stanley from Federal Communications Commission:

Dear Mr. Stanley:

This will confirm your recent telephone conversations with my Assistant, Dan Emrick, concerning the improper use of radio frequencies in Columbus County. As a licensee of the FCC, Columbus County is charged with the responsibility of ensuring that radio frequency use is not abused. It is my understanding you represent the Columbus County Board of Supervisors in handling this important responsibility.

You are quite right to be concerned over individuals in certain county volunteer organizations who improperly use county radio frequencies. Abuse of radio frequencies is a serious matter and can jeopardize important, often critical, operations. This is especially true in the public safety services, such as fire and police services.

In the past, some police and rescue organizations have suspended or dismissed individuals SUSPECTED of improper radio use. If such abuses are observed by FCC investigators, the licensee--in your case the Columbus County Board of Supervisors--is held accountable. Repeated violations can be viewed as cause for license suspension or revocation by the Commission. In some cases, with the licensee's cooperation, individuals not authorized to use a licensee's frequency, are considered unlicensed and are thereby subject to a substantial monetary forfeiture. (Substantial means a forfeiture of approximately \$750 or more). Repeated unlicensed operation can lead to criminal prosecution with penalties up to \$10,000 and/or a year in prison.

There is an additional concern. You indicated that certain of the individuals involved are using programmable radios with which they are able to program county frequencies, use them briefly and then remove them from the radio by front panel controls. Radios with this capability have apparently been

modified and therefore are no longer type accepted. Such non-type accepted devices are not authorized for use on ANY land mobile frequencies, not even frequencies for which the individual might otherwise be authorized. This means that not only are such individuals in violation of federal regulations when using frequencies for which they are not authorized, they are in violation by using that particular radio at all!

As you can see, this is a serious matter and one which must be constantly evaluated and controlled by the licensee. I trust this information will be helpful.

Sincerely yours,

/s/ J.J. Freeman
Engineer in Charge

CONTRACT & AGREEMENT WITH FOUR COUNTY TO DISTRIBUTE FOOD COMMODITIES TABLED

The Administrator presented the Board with a proposed Contract and Agreement with Four-County Community Services to distribute commodity foods in Columbus County for their consideration of approval.

A motion was made by Commissioner Byrd, seconded by Commissioner Dew and passed unanimously to table the Contract and Agreement with Four-County Community Services until the next meeting and requested the Administrator to look at alternatives, including the Social Services Department to see if these services can be rendered by a County agency at a more feasible cost.

VOLUNTEER FIRE DEPARTMENT - CONTRACT AGREEMENT FOR OLD DOCK/CYPRESS CREEK

A motion was made by Commissioner Byrd, seconded by Commissioner Norris and passed unanimously to approve the following Contract and Agreement:

NORTH CAROLINA
COLUMBUS COUNTY

CONTRACT
AND
AGREEMENT

THIS CONTRACT AND AGREEMENT made and entered into this 6th of February, 1989, by and between Columbus County, N.C., party of the first part, also referred to as "the said County", and the Old Dock/Cypress Creek Volunteer Fire Department, party of the second part, also referred to as the Fire Department;

W I T N E S S E T H :

THAT WHEREAS, N.C.G.S. 153A-233 provides that the said County may enter into continuing contracts and pursuant to this authority the said County may enter into a continuing contract with a volunteer fire department and may make annual appropriations of such funds as may be provided for in this contract; and

WHEREAS, it is desirous that the Fire Department make application to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture for a loan in the amount of \$50,000.00; and

WHEREAS, in consideration of the mutual promises and agreement herein contained and pursuant to the general power and authority of the Fire Department to furnish fire fighting services and the general power and authority of the said County to provide fire protection for its inhabitants and owners of property within Columbus County, the parties hereto mutually contract and agree as follows:

1. (a) The Fire Department agrees to furnish and provide continuing fire protection service to all properties lying within its fire district in Columbus County, North Carolina, by promptly dispatching, upon call of any resident, property owner or other person, within the said district, the Fire Department's fire fighting equipment and adequate personnel to operate the same, and then making diligent efforts to control and extinguish all fires.

(b) The Fire Department, in providing the said services, shall use its own means and methods which shall not be subject to control, direction or supervision by the party of the first part. All fire fighting equipment and personnel necessary and proper for the performance of this contract shall be provided by the Fire Department at its sole cost and expense, and all persons engaged in fighting fires pursuant to the provisions of the Contract shall be subject to the exclusive control, direction and supervision of the Fire Department. The party of the first part shall not have any right or power with respect to the employment, control, direction, supervision, suspension or discharge of any person who may engage in fire fighting services or activities in the performance of the obligations imposed by this Contract upon the Fire Department in furnishing fire fighting services to the party of the first part for the benefit of its residents and property owners.

2. Procedures for giving fire alarms and communicating the existence of fires to the Fire Department shall be established by mutual agreement between the parties hereto and shall be properly publicized.

3. The party of the first part will adopt such rules and regulations, by ordinance or otherwise, as may be necessary and proper to prohibit interference with personnel of the Fire Department in the discharge of their duties in fighting fires within the fire district in Columbus County, to prohibit damage to and interference with fire fighting equipment and apparatus of the Fire Department and to provide for such other rules and regulations as necessary and proper for the furtherance of the objects of this Contract.

4. (a) As full compensation for the fire fighting services to be rendered by the Fire Department as herein provided, the party of the first part agrees to pay to Old Dock/Cypress Creek Volunteer Fire Department, Incorporated, a sum equal to \$8,694.00 annually on or before the 15th day of September, or as follows: upon submission of all necessary insurance documents including workmens' compensation.

(b) That all funds paid to the party of the second part by the party of the first part shall be used exclusively to provide fire protection within the said district in Columbus County, and to pay other legitimate fire protection expenses including principle and interest on the aforementioned loan made by the Farmers Home Administration.

5. This contract shall extend for a term of 20 years from the date of the Farmers Home Administration loan closing and may be renewed or extended for such term or terms as may be agreed upon by the parties hereto.

6. This contract is hereby pledged to the United States of America, acting through the Farmers Home Administration, as part of the security for a loan from the United States of America.

IN WITNESS WHEREOF, the Columbus County, party of the first part, has caused this contract to be executed in its name by its Chairman, attested by its Clerk to the Board and the County seal hereunto affixed, all by authority of the Board of Commissioners, duly given, and the Old Dock/Cypress Creek Volunteer Fire District Fire Department, Incorporated, has caused this contract to be executed in its name by its proper officers and its corporate seal hereunto affixed, all by authority of its Board of Director duly given, as of the day and year first above written.

ATTEST: COLUMBUS COUNTY

/s/ Roy L. Lowe, Clerk

/s/ Samuel G. Koonce, Chairman

ATTEST: Old Dock/Cypress Creek VFD

/s/ Vernica G. Ward, Secretary

/s/ Neil Hammond, Chairman

SOLID WASTE - REQUEST FOR SHED RENOVATIONS

The Administrator presented the Board with a letter from Chambers Development Company, Inc. requesting the Board appropriate funds in the amount of 75% of \$17,689.00 (\$13,266.75) to renovate the maintenance building at the Landfill.

There was no action taken as renovations to the maintenance building is included in the Landfill Contract with Chambers Development Company, Inc.

COLUMBUS COUNTY BUILDINGS - SPACE STUDY TABLED

The Administrator presented the Board with a proposal from GMK Associates to do a Columbus County facility space needs in the amount of \$4,500.00 and requested their consideration.

A motion was made by Commissioner Byrd, seconded by Commissioner Dew and passed unanimously to table the request until more information is received from the Blue Ribbon Study Committee.

GOVERNING BODY - BOARD MEETING DATE CHANGED

A motion was made by Commissioner Norris, seconded by Commissioner Dew and passed unanimously to adopt the following Resolution changing the Board Meeting date from the first Monday in March to the second Monday in March due to the NACo Legislative Conference in Washington, D.C. being held March 4-7, 1989.

**NOTICE OF RESOLUTION TO ESTABLISH MEETING OF THE BOARD OF
COUNTY COMMISSIONERS OF COLUMBUS COUNTY, NORTH CAROLINA**

THE BOARD OF COUNTY COMMISSIONERS OF COLUMBUS COUNTY, NORTH CAROLINA, at their regular meeting on the 6th day of February, 1989 adopted the following Resolution;

W I T N E S S E T H :

WHEREAS, the BOARD OF COUNTY COMMISSIONERS of Columbus County, North

Carolina, have presently regularly scheduled meetings at 9:00 A.M. on the first Monday and 7:30 P.M. on the third Monday of each calendar month; and

WHEREAS, the BOARD OF COUNTY COMMISSIONERS of Columbus County, North Carolina, are desirous of changing the date for the meeting for the first Monday in March, 1989 only.

BE IT, THEREFORE, RESOLVED that the Board of County Commissioners pursuant to N.C.G.S. 153A-40, that the Board shall meet at 9:00 A.M. in the Board Room of the Columbus County Administration Building, Washington Street, Whiteville, North Carolina, on the second Monday of March, 1989 (March 12, 1989), due to the NACo Legislative Conference in Washington, D.C. being held March 4-7, 1989.

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

ATTEST:

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ Roy L. Lowe, Administrator

/s/ Samuel G. Koonce, Chairman

TAX RELEASES AND REFUNDS

A motion was made by Commissioner Worley, seconded by Commissioner Dew and passed unanimously to approve the tax releases and refunds as recommended by the Tax Administrator.

Ordered: that the tax listing of Lena Christine Edwards, Township #99, be released on the valuation of \$840.00; 1980 Toyota was already listed to H.L. Edwards.

Ordered: that the 1985 through 1988 tax listings of Lorena Ward Kinlaw, Williams Township, be released on the valuation of \$770.00; lot was already listed to Sylvia Ward.

Ordered: that the 1988 tax listing of Nelson Lynn Lee, South Williams Township, be released on the valuation of \$1,230.00; lot on map TC-4-93 combines with TC-4-92.

Ordered: that the 1988 tax listing of Simmons Drug Company #1, Whiteville Township, be released on the valuation of \$20,830; equipment double-listed with Mast-Drug Company.

Ordered: that the 1988 tax listing of Ernest W. Jones, Whiteville Township, be released on the valuation of \$6,480.00; 1988 Ford Escort listed through error in Columbus County.

Ordered: that the 1988 tax listing of Edell Clewis Suggs, Township #99, be released on the valuation of \$1,970.00; motor vehicle listed in Lees Township.

Ordered: that the 1988 tax listing of Anderson Oil Company, Township #99, be released on the valuation of \$1,065.00; trailer was listed on business listing as Irvin L. Anderson, Jr.

Ordered: that the 1988 tax listing of Lloyd Carter, Township #99, be released on the valuation of \$2,350; motor vehicle listed in Welches Creek to Irene & Lloyd Carter.

Ordered: that the 1988 tax listing of Lottie McLaurin Brinkley, Township #99, be released on the valuation of \$1,590; motor vehicle junked prior to 1-1-88.

Ordered: that the 1988 tax listing of Laurette Campbell Freeman, Township #99, be released in the amount of \$100.00; fine was already imposed and taxes were paid.

Ordered: that the 1988 tax listing of Aubray Simmons Stockley, Township #99, be released on the valuation of \$1,780.00; motor vehicle listed in Bladen County.

Ordered: that the 1988 tax listing of Johnnie Ray Uber, Township #99, be released on the valuation of \$1,640.00; motor vehicle listed in Cumberland County.

Ordered: that a refund check be issued to Tabor City Associates, P.O. Box 1401, Winston-Salem, N.C. 27102, South Williams Township, in the amount of \$1,717.99, for year 1988; billed with four (4) apartment houses instead of one (1) apartment house.

Ordered: that a refund check be issued to Lauretta Cox Smith, Route 1, Box 102, Tabor City, NC 28463, Township #99, Discoveries, in the amount of \$128.33 for year 1988; motor vehicle was listed to Thomas R. Smith.

Ordered; that a refund check be issued to Roger D. & Rhonda Ward, Route 3, Box 288A, Whiteville, NC 28472, South Williams Township, in the amount of \$91.00 for year 1988; billed with four (4) bulk barns that were listed to Carl Ward and Bill Clemmons.

Ordered: that a refund check be issued to Lena Christine Edwards, Route 6, Box 299D, Whiteville, NC 28472, Township #99, Discoveries, in the amount of \$6.82, for year 1988; motor vehicle was listed to H.L. Edwards, Jr.

Ordered: that a refund check be issued to C.T. Adams Trucking, Route 3, Box 276A, Tabor City, NC 28463, Township #99, Discoveries, in the amount of \$176.84, for year 1988; 2 motor vehicles double-listed to Charles T. Adams.

Ordered: that a refund check be issued to Irvin Enzor, Route 1, Box 116, Fair Bluff, NC 28439, Fair Bluff Township, in the amount of \$295.47; error in computing the Cole Service District.

Ordered: that a refund check be issued to Claude and Juanita Hooks, Route 2, Box 117, Chadbourn, N.C. 28431, Chadbourn Township, in the amount of \$58.80, for year 1988; billed with two bulk barns listed to Scott & Lisa Hooks.

Ordered: that a refund check be issued to O.C. Jenkins, Jr., Route 1, Box 189, Cerro Gordo, N.C. 28430, Tatum Township, in the amount of \$125.95, for years 1984, 1985, 1986, 1987 and 1988; acquired property of 18.05 acres and bulk barns were not on this property.

Ordered: that a refund check be issued to Esther Long, Route 5, Box 102G, Whiteville, NC 28472, Whiteville Township, in the amount of \$79.26, for year 1988; failed to receive the senior-citizen's exemption.

CORONER - APPROVED RADIO PURCHASE

The Administrator presented two bid proposals for a 40-Watt, Front Mount 8-Channel Mobile Radio with Channel Guard and high gain antenna kit as follows:

General Electric	\$669.50
Motorola, Incorporated	\$935.00

A motion was made by Commissioner Norris, seconded by Commissioner Byrd and passed unanimously to approve the purchase of the radio from the lowest bidder, General Electric in the amount of \$669.50 to be installed on the Assistant Coroner's vehicle. Funds in the amount of \$670.00 are to be appropriated from 10-660-9999 Non-Departmental - Contingencies to be expended in 10-600-74 Radio for Assistant Coroner.

TAX - IMPLEMENT 2% PERCENT TAX REDUCTION ON EARLY PAID TAXES TABLED

Commissioner Byrd requested the Board consider implementing a two percent discount to taxpayers who pay current taxes from the time the tax notices are mailed through August 31st of each year.

The Board reached a general consensus to table the decision on implementing the plan until the Tax Administrator could become involved in reporting how the discounts would offset the amount of interest earned on the early payments and requested the Tax Administrator be present at the next meeting with this information.

GOVERNING BODY - PERSONNEL ISSUES

Commissioner Byrd made the motion that all personnel actions and/or decisions for the Columbus County Local Government be approved by the Board of County Commissioners at the regular meeting of the Board as a routine agenda item. Such personnel actions would include, but not be limited to, employment decisions, dismissals, promotions, demotions, transfers, resignations, reassignments and retirements, and the effective date of this action be February 6, 1989.

Commissioner Dew seconded the motion.

A substitute motion was made by Commissioner Worley that the Board be notified of personnel changes, but that hiring practices not be changed except in supervisory positions.

Commissioner Worley's motion died in lack of a second.

A substitute motion was made by Commissioner Norris to table the decision until the next Board meeting in order for the County Attorney to research the duties of a County Administrator, as set out in the N.C. General Statutes.

Commissioner Norris' motion died in lack of a second.

Commissioner Norris stated that he did not want to vote on the motion on the floor until Attorney Hill informed them of the County Administrator's duties.

Attorney Hill's brief research stated that an ordinance was passed in 1983 which states that the duties of a county administrator require that appointments and suspension of county personnel, with the exception of elected officials, be made with the approval of County Commissioners in accordance with personnel rules.

Commissioner Koonce then called for a vote on Commissioner Byrd's motion.

AYES: Commissioners Byrd and Dew

NOES: Commissioners Norris, Worley and Koonce

The Commissioners voting against the issue stated that the motion was not needed due to the existing Ordinance.

EXECUTIVE SESSION

At 10:18 A.M., a motion was made by Commissioner Byrd, seconded by Commissioner Norris and passed unanimously to adjourn into executive session to discuss a personnel matter.

RESUME REGULAR SESSION

At 11:15 A.M., a motion was made by Commissioner Dew, seconded by Commissioner Norris and passed unanimously to resume regular session. No action was taken.

APPOINTMENTS - CLERK & DEPUTY CLERK

A motion was made by Commissioner Dew, seconded by Commissioner Norris and passed unanimously to appoint Ida L. Smith to serve as Clerk to the Board of County Commissioners and Roy L. Lowe to serve as Deputy Clerk.

ADJOURNMENT

Immediately, a motion was made by Commissioner Norris, seconded by Commissioner Byrd and passed unanimously to adjourn the Board meeting.

APPROVED:

Ida L. Smith
Clerk to the Board

Samuel G. Koonce
Chairman