

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

Monday, August 4, 2003

7:30 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:**

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

**APPOINTEES PRESENT:**

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

**Agenda Items #1 and #2: MEETING CALLED TO ORDER / INVOCATION:**

At 7:30 P.M., Chairman Wilson called the meeting to order. The invocation was delivered by Commissioner McKenzie. Everyone in attendance stood and pledged allegiance to the Flag of the United States of America.

**Agenda Item #3: BOARD MINUTES APPROVAL:**

A motion was made by Commissioner Norris to approve the following Board Minutes, seconded by Commissioner McKenzie. The motion so carried.

- A. July 17, 2003 Columbus County Water and Sewer District II Authority Board;
- B. July 17, 2003 Columbus County Water and Sewer District III Authority Board;
- C. July 21, 2003 Regular Session; **and**
- D. July 21, 2003 Columbus County Water and Sewer District III Authority Board.

**Agenda Item #4: CHAF PROGRAM UPDATE:**

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

**Columbus County Summary Sheet****CHAF Program****Previous  
July 03, 2003**

<b>TOTAL HOUSES</b>				491		
<b>Houses Inspected</b>				491		
Replacement			296		296	
Repair			195		195	
<b>Repair Work</b>			195			
Work Write-up	0				0	
Bids Complete, Not Awarded	0				0	
Board Awarded, No Construction	1				3	
Title Opinion NOT Requested		0				0
Waiting on Title Opinion		0				0
Waiting on Prom. Note/D.O.T.		2				3
Waiting on Contractor		0				0
Under Construction	8				21	
Complete	186				171	
<b>Replacement Work</b>			296			
Work Write-up	0				0	
Board Awarded, No Construction	0				0	
Title Opinion NOT Requested		0				0
Waiting on Title Opinion		0				0

N.O.E. Not Sent		0			0
Waiting on Client		0			0
Under Construction	67			80	
Complete	229			215	
<b>Not Visited</b>				0	0
<b>Legal Work</b>					
Total Titles NOT Requested			0	0	
Total Titles Requested			491	491	
Titles Requested, Not Complete			0	0	
Preliminary Title Complete			26	39	
Prom. Note/D.O.T. Requested, Not Signed			45	41	
Prom. Note/D.O.T. Recorded			420	411	

Mr. Floyd reported last month's total was twenty-nine (29), under the Repair Work, there were nine (9) left to be done and under the Replacement Work, there were sixty-seven (67) left to be done.

James E. Hill, Jr., Columbus County Attorney, presented the following two (2) questions.

1. Mr. Sessions owns a piece of property on Red Hill Road and the access road runs through the property owned by Van Aldridge that was purchased through this program. I asked him whether or not the Board would violate anything if we granted a right-of-way through that piece of property. He has checked the statutes and appropriate material and stated no. Mr. Adams stated that you could not develop the property in any way but the road is already there and it has always been there for one hundred (100) years and you could not develop it any way but you can grant a right-of-way for a roadway and that would not include any development or anything that would be in violation of the requirements of the program which is the HMGP Buyout Program. That property was purchased forever. I will ask the Board later to grant the authority for a right-of-way easement to this property.
2. Someone has approached me and has asked the question if someone could purchase the land that has been deeded to Columbus County from the County even though it would be restricted to the same conditions of no buildings, must be green only, no development, etc. Can this property ever be deeded out of the County's name? I informed them I did not know the answer to that but would find out tonight.

Mr. Adams replied stating no, not to a private individual. You potentially could deed to another municipality or non-profit organization.

Commissioner Dutton asked if a church could purchase property to be used for a parking lot or playground.

Mr. Adams replied stating this situation has arisen before and he had researched this matter, but did not have the answer off the top of his head. I will look this matter up again and advise you on this.

Commissioner Norris made a motion to grant authority, per James E. Hill, Jr.'s, Columbus County Attorney, request, for an easement for a right-of-way to Mr. Sessions' property running through Van Aldridge's property off of Red Hill Road.

**Agenda Item #5: SPRINT COMMUNICATIONS:**

Jeff Peterson, Sprint Corporate Real Estate, requested Board permission to proceed in the process of obtaining an easement to construct a phone cabinet on a mutually agreed upon site near the Landfill. Mr. Peterson stated this phone cabinet was for additional copper lines that were needed.

Commissioner Memory made a motion to grant permission to Sprint Communications to proceed in the process of obtaining an easement to construct a phone cabinet on a mutually agreed upon site near the Landfill, seconded by Commissioner McKenzie.

Billy Joe Farmer, County Administrator, stated that Mr. Peterson had informed him that Sprint did not want to invest a large sum of money until they were sure this site would be suitable

for their purposes and he requested that it be incorporated into the motion that the Board would allow Sprint Communications and Administration to take the survey that was done and follow through.

Commissioner Memory amended his previous motion to include allowing Sprint Communications and Administration to take the survey conducted and follow through, Commissioner McKenzie amended his second. The motion so carried.

**Agenda Item #6: EMERGENCY SERVICES - ACCEPTANCE of MEMORANDUM of AGREEMENT BETWEEN the N.C. DEPARTMENT of CRIME CONTROL and PUBLIC SAFETY, DIVISION of EMERGENCY MANAGEMENT and the COUNTY OF COLUMBUS:**

Ronald Hayes, Emergency Services Director, requested Board approval of a Memorandum of Agreement Between the N.C. Department of Crime Control and Public Safety, Division of Emergency Management and the County of Columbus. This issue was tabled at the July 21, 2003 Meeting. Mr. Hayes explained this grant is designed to improve domestic terrorism preparedness through the purchase of equipment for first responders, as well as to provide funding to train and exercise for chemical, biological, radiological, nuclear and explosive incidents. A copy of this Grant will be kept on file in the Emergency Services Department and in the office of the Clerk to the Board. This grant is broken down into three (3) parts as follows:

- A. Equipment: Forty Nine Thousand Seven Hundred Seventy-six Dollars (\$49,776.00);
- B. Exercises: Eight Thousand Seven Hundred Ninety-seven Dollars (\$8,797.00); **and**
- C. Training: Two Thousand Eight Hundred Eighty-seven (\$2,887.00).

Commissioner Godwin made a motion to approve the acceptance of the Memorandum of Agreement Between the N.C. Department of Crime Control and Public Safety, Division of Emergency Management and the County of Columbus, seconded by Commissioner McKenzie. The motion so carried.

**Agenda Item #7: EMERGENCY SERVICES - ACCEPTANCE of EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG):**

Ronald Hayes, Emergency Services Director, requested Board approval and acceptance of the Emergency Management Performance Grant (EMPG) in the amount of ten thousand eight hundred sixty-five and 32/100 (\$10,865.32) dollars. The sole purpose of this grant is to provide funds to assist local emergency management agency in the emergency management program. A copy of this Grant will be kept on file in the Emergency Services Department and in the Office of the Clerk to the Board.

Commissioner Jacobs made a motion to approve the acceptance of the Emergency Management Performance Grant (EMPG) in the amount of ten thousand eight hundred sixty-five and 32/100 (\$10,875.32) dollars, seconded by Commissioner Norris. The motion so carried.

**Agenda Item: #8: EMERGENCY SERVICES - ACCEPTANCE of EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) - 2003 SUPPLEMENTAL:**

Ronald Hayes, Emergency Services Director, requested Board approval and acceptance of the Emergency Management Performance Grant (EMPG) - 2003 Supplemental in the amount of eleven thousand nine hundred forty and 00/100 (\$11,940.00) dollars. The sole purpose of this grant is to provide funds to assist local emergency management agency in the cost of developing and maintaining a comprehensive emergency management program. A copy of this Grant will be kept on file in the Emergency Services Department and in the Office of the Clerk to the Board.

Commissioner Norris made a motion to approve the Emergency Management Performance Grant (EMPG) - 2003 Supplemental in the amount of eleven thousand nine hundred forty and 00/100 (\$11,940.00) dollars, seconded by Commissioner Godwin. The motion so carried.

**Agenda Item #9: SOCIAL SERVICES - MEDICAID TRANSPORTATION CONTRACT:**

Marva Scott, Social Services Director, requested Board approval to award the Medicaid Transportation Contract to the Columbus County Transportation System at the fixed rate of eighty-nine (\$.89) cents per mile. This was tabled at the July 21, 2003 Meeting. An executed copy of this

contract will be kept on file in the Social Services Department and in the Office of the Clerk to the Board.

Commissioner Dutton made a motion to approve the Medicaid Transportation contract to be awarded to the Columbus County Transportation System at the fixed rate of eighty-nine (\$.89) cents per mile, seconded by Commissioner Norris. The motion so carried.

**Agenda Item #10: G.I.S. - RECLASSIFICATION of the PAY GRADE and STEP for the ADDRESSING SPECIALIST POSITION:**

Carla Strickland, G.I.S. Technician, requested Board approval of the reclassification of the Pay Grade and Step for the Addressing Specialist Position. This position is presently set at Grade 71, Step 3 with the salary of \$32,870.00 and the requested level is Grade 69, Step 1 with a salary of \$27,261.00 which would be more appropriate for the knowledge, skill and experience deemed necessary to perform the duties of the Addressing Specialist.

Commissioner Dutton made a motion to approve the reclassification of the Pay Grade and Step for the Addressing Specialist Position, seconded by Commissioner Norris. The motion so carried.

**Agenda Item #11: ELECTIONS DEPARTMENTAL UPDATE:**

Annie Ruth Buffkin, Elections Director, presented the following update on the Columbus County Elections Department.

1. Returned thanks to the Board of Commissioners and the Maintenance Department for their help in upgrading the voting places located in Columbus County to the Americans With Disabilities Standards. She stated there were only two (2) voting places that had not been done and they were South Williams and Williams #2 and Leroy Sellers, Maintenance Director, was working on these.
2. All of our computer system and software has been converted to the State System as of the last Friday in April, 2003.
3. The State has agreed to train us in how to fill out grants since there are lots of grant money available.
4. We are connected to the State Elections Information System (SEIMS).
5. Thanks to the G.I.S. System we now have, the precincts will be more accurate.
6. We have received training on the new system.
7. We were the 96<sup>th</sup> county in the State to go on this new system and the reason I waited so long to do so is to allow them to get the bugs worked out of the system.
8. The Federal Government has passed the Help America Vote Act (HAVA).
9. The State visited one-half of the precincts located within Columbus County on July 14, 2003 to see how our new system was working and they reported our system was working well.
10. There will be a difference in reporting absentee votes and now these votes can be done on the Internet.
11. We can now allow high school kids to work at the polls providing they are seventeen (17) years of age.
12. I would like to emphasize the importance of everyone voting. One (1) vote can win or lose an election. Several political races have been won by only one (1) vote.
13. We are having close elections and having a good turnout.

**Agenda Item #12: ORDINANCE - SOLID WASTE ORDINANCE AMENDMENT:**

Chuck Stanley, Solid Waste Director, requested Board approval of Attachment I, Amendment VIII to the Columbus County Solid Waste Ordinance. This amendment is to update the Ordinance to match the current fees which were adopted in the Budget Ordinance of FY 2003-2004, as well as implement procedures that were acted upon at the May 17, 2003 Board of Commissioners' Meeting. In addition, this amendment also deletes exemptions for household values that were previously established. The Attachment I, Amendment VIII reads as follows:

**COLUMBUS COUNTY SOLID WASTE ORDINANCE**

**Attachment I**

**Amendment VIII****SOLID WASTE USER FEES:**

Tipping Fee	\$44.83/ton
Collection and Landfill Fee For County Residents	\$177.00
Landfill Fee for Municipal Residents	\$87.00

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**Exemption Categories for Solid Waste User Fees**

1. No Residents should be exempt from paying user fees based on the house value and/or mobile home value.
2. Exemptions are based on Guidelines set by the Board of County Commissioners on March 17, 2003.
3. No line running to power meter base or power meter installed in a dwelling. (House or mobile home)

The above Solid Waste User Fee Ordinance Amendment was passed by the Board of Commissioners of Columbus County on August 4, 2003 to become effective immediately upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and passed unanimously and is recorded in Minute Book 27 page \_\_\_\_\_.

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

**ATTESTED:**  
**JUNE B. HALL, Clerk to Board**

Commissioner Memory made a motion to approve Attachment I, Amendment VIII to the Columbus County Solid Waste Ordinance, seconded by Commissioner Norris. The motion so carried.

**Agenda Item #13: AGREEMENT and LEASE - BELLA COOLA BOAT RAMP:**

Carol M. Worrell, Parks and Recreation Director, requested Board approval of the renewal of the Agreement and Lease with International Paper Company for the Bella Coola Boat Ramp located at Lake Waccamaw.

Commissioner Memory made a motion to approve the Agreement and Lease with International Paper for the Bella Coola Boat Ramp located at Lake Waccamaw, seconded by Commissioner Dutton.

James E. Hill, Jr., Columbus County Attorney, requested the Board not to vote on this item until a discussion was conducted in Closed Session.

Commissioner Memory withdrew his motion to approve the Agreement and Lease with International Paper and Commissioner Dutton withdrew his second.

**Agenda Item #14: WATER FEASIBILITY STUDY:**

Billy Joe Farmer, County Administrator, requested Board approval of the use of Criser and Troutman Consulting Engineers for the Water Feasibility Study and for the interconnectivity study with David E. Criser, P.E., President/Project Engineer heading up the project. This is resulting from a Capacity Building Grant from the North Carolina Rural Center that has been received. At the behest of the Rural Center, we are changing the scope of the project to include the Water Feasibility

Study and also to study interconnectivity of all county, city and town water systems throughout the county. The total cost of the project is not known at this time, but Columbus County will have a 10.1% match on the total cost of the project.

Commissioner Jacobs made a motion to approve the use of Criser and Troutman Consulting Engineers for the Water Feasibility Study and for the interconnectivity study with David E. Criser, P.E., seconded by Commissioner McKenzie. The motion so carried.

**Agenda Item #15: SOLID WASTE - SPECIFICATIONS for REQUEST for PROPOSALS (RFP'S):**

Billy Joe Farmer, County Administrator, requested Board approval of the specifications for Request for Proposals (RFP's) for the solid waste collection from contractors for solid waste service in Columbus County. The specifications were drafted by Administration and the Solid Waste Division and have been reviewed by the County Attorney. A copy of these specifications will be kept on file in the Solid Waste Office and the Office of the Clerk to the Board.

Commissioner Memory asked Mr. Farmer if this was a much better contract than the one we entered into five (5) years ago. Mr. Farmer replied stating yes it was and this contract is catering to individual needs for Columbus County. It is more tailored made for Columbus County.

Commissioner Norris made a motion to approve the specifications for Request for Proposals (RFP's) for the solid waste collection in Columbus County, seconded by Commissioner Memory. The motion so carried.

**Agenda Item #16: ORDINANCE - ORDINANCE AUTHORIZING COLUMBUS COUNTY to ATTACH PERSONAL PROPERTY, GARNISH WAGES and PLACE LIENS on CERTAIN REAL PROPERTY to COLLECT UNPAID FEES for WATER and SEWER:**

Billy Joe Farmer, County Administrator, requested Board approval of the following Ordinance Authorizing Columbus County to Attach Personal Property, Garnish Wages and Place Liens on Certain Real Property to Collect Unpaid Fees for Water and Sewer.

**ORDINANCE for COLUMBUS COUNTY, NORTH CAROLINA**

**ORDINANCE AUTHORIZING COLUMBUS COUNTY TO ATTACH PERSONAL PROPERTY, GARNISH WAGES AND PLACE LIENS ON CERTAIN REAL PROPERTY TO COLLECT UNPAID FEES FOR WATER AND SEWER SERVICES**

**Article A.**

**Section 1: Purpose**

It is the purpose of this ordinance to allow Columbus County to place a lien on personal and real property and to garnish wages or attach personal property for charges of water and sewer services, which are unpaid for a period of ninety (90) days or more.

**Section 2: Authority.**

This ordinance is adopted pursuant to the authority vested in Columbus County by its charter and the General Statutes of North Carolina, particularly Session Law 2003-270, House Bill 469 (Session 2003).

**Section 3. Jurisdiction.**

This ordinance may apply to all unpaid water and sewer bills in Columbus County and which the County of Columbus provides or makes available water and/or sewer services to its citizens or taxpayers. This ordinance shall apply to all areas which are allowed under Session Law 2003-270, House Bill 469.

**Section 4. Effective date.**

This ordinance and its provisions governing the attachment of personal property, garnishment of wages, and the placing of liens on certain real property to collect unpaid fees for water and/or sewer in Columbus County shall become effective from and after its passage.

## **Article B.**

**Section 1.** The Board of County Commissioners, sitting as the members of the Board of County Commissioners and the Columbus County Water and Sewer District I Board and the Columbus County Water and Sewer District II Board and the Columbus County Water and Sewer District III Board and Columbus County Water and Sewer District IV Board do hereby enact this ordinance.

**Section 2.** All fees for water and sewer which are charged by Columbus County or any political subdivision thereof and remain unpaid for a period of ninety (90) days may be collected in any manner by which delinquent personal and real property taxes can be collected. The delinquent fees are a lien on the real property owned by the person contracting with Columbus County for services and the appeal of this lien shall be in accordance with the following:

All appeals of these liens from a decision of the Columbus County Water Department shall be first to the Columbus County Water and Sewer Advisory Committee and then to the Columbus County Administrator, 111 Washington Street, Whiteville, NC or his then designated office and thereafter to the Columbus County Board of Commissioners at a Special Meeting established quarterly to hear any and all appeals which may have arisen since the last meeting. These quarterly meetings of the Board of Commissioners shall be at 6:30 PM on the second Tuesday night during the months of January, April, July, October of each year. The purpose of the appeal is to hear and decide any alleged errors made by the officials of Columbus County or any officials of its political subdivisions. The Columbus County Administrator and the Board of County Commissioners of Columbus County may, so long as in conformity with the terms and conditions of this Ordinance, reverse or affirm in whole or in part any of the prior decisions of the officials of Columbus County.

**Section 3.** The lien shall be valid from the time of the filing in the Office of the Clerk of Superior Court of Columbus County of a statement which contains the name and address of the person against whom the lien is claimed, the name of the county, the water and sewer district, county service district, or municipality, whichever applies and claiming the lien. The statement shall also provide for the specific service provided, the amount of the unpaid charge for the service and the date and place of furnishing the service.

**Section 4.** No lien shall be valid unless filed in accordance with Session Law 2003-270, House Bill 469, after ninety (90) days of the date of the failure to pay for the services and within one hundred (180) days of the failure to pay the services. The lien may be discharged as provided in NCGS 44-48.

**Section 5.** The reference to county shall include a county, a county water and sewer district created under Article 8 of Chapter 162A of the North Carolina General Statutes, a county service district created under Article 16 of Chapter 153A of the North Carolina General Statutes, or a municipality located wholly or partly within Columbus County.

## **ARTICLE C.**

**Section 1.** This act shall not apply to fees collectable under Articles 9A and 9B of Chapter 44 of the North Carolina General Statutes, G.S. 153A-293 and G.S. 160A-314.1.

*Approved and adopted* by the Board of Commissioners this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
C. E. Wilson, Chairman of all above listed Boards

Attested to

by: \_\_\_\_\_

**June B. Hall**  
Clerk to all listed Boards

Approved as to Form

by: \_\_\_\_\_  
County Attorney

Commissioner Godwin asked if this Ordinance required a Public Hearing. James E. Hill, Jr., Columbus County Attorney replied stating no this Ordinance did not require a Public Hearing due to the fact it is not a budgetary item.

Commissioner Godwin asked do we need to do this right now. Billy Joe Farmer, County Administrator, replied stating the policy decision is for the Board to make. When the FY 2003-2004 Operating Budget was adopted, it included the present customers and the new taps for the revenue needed to make Water Districts II and III self operable. The process of cutting customers' water off as a result of non-payment of their bill is not a option we can utilize.

Commissioner McKenzie stated if we do not do this, we will nullify everything we have done so far. As of this date, no one has rendered a better option to be utilized than the one we have chosen. We do need some guidelines established to go by in the due process of this water situation.

Commissioner Memory stated this Ordinance was the end result of the previous discussions and decisions that had been reached by the Board and needed to be executed to finalize the process. All of this discussion needed to take place before the decision for mandatory hookup was made.

Commissioner Jacobs stated the money had been spent and the water pipes were in the ground, therefore, we could not retract at this point in time.

Commissioner Godwin stated there may be a number of options that fall way short of placing liens on people's property. I think we are going too far with this Ordinance. The Ordinance is too rigid.

Commissioner Memory stated he had been informed that in Brunswick County, one part of the county is suing Brunswick County for the water they are not getting. It is tearing the county up.

Commissioner Godwin asked Billy Joe Farmer, County Administrator, if he had exhausted all avenues possible to be utilized in the solution to this problem. Mr. Farmer replied stating he had.

Commissioner Jacobs made a motion to approve the Ordinance Authorizing Columbus County to Attach Personal Property, Garnish Wages and Place liens on Certain Real Property to Collect Unpaid Fees for Water and Sewer Services, seconded by Commissioner McKenzie.

A vote was taken with the following results:

**AYES:** Commissioners McKenzie, Jacobs, Norris, Chairman Wilson, Vice Chairman Memory and Dutton.

**NAYS:** Commissioner Godwin.

Billy Joe Farmer, County Administrator, stated we needed an unanimous vote on this Ordinance and this Ordinance would require a second reading.

Commissioner Memory made a motion to schedule a second reading of the Ordinance for Attaching Property and Garnishing Wages for Unpaid Water and Sewer Services for August 18, 2003, seconded by Commissioner Norris. The motion so carried.

**Agenda Item #17: LETTER of SUPPORT - CAPE FEAR RIVER ASSEMBLY:**

Kurt Taube/Don Freeman, Cape Fear River Assembly, are requesting Board approval of Columbus County submitting a letter of support to the Office of the North Carolina Attorney General for the Smithfield/AG Agreement proposal.

After discussion was conducted among the Board members, Commissioner Norris made a motion to table this item pending further information, seconded by Commissioner Memory. The motion so carried.

**Agenda Item #18: PROCLAMATION - FAMILY DAY:**

Billy Joe Farmer, County Administrator, requested Board approval and adoption of the



following Family Day Proclamation.

**PROCLAMATION**

**FAMILY DAY**

**September 22, 2003**

**WHEREAS**, since 1996, the National Center on Addiction and Substance Abuse (CASA) at Columbia University has performed research which has consistently shown that the more often a child eats dinner with his family, the less likely that child is to smoke, drink or use illegal drugs; **and**

**WHEREAS**, CASA's 1998 Teen Survey found that teens that eat dinner with their parents twice a week or less were four (4) time more likely to smoke cigarettes, three (3) times more likely to smoke marijuana and nearly twice as likely to drink as those who ate dinner with their parents six (6) or seven (7) times a week; **and**

**WHEREAS**, CASA's 1999 Teen Survey found that teens from families that almost never eat dinner together were seventy-two (72%) percent likelier than the average teen to use illegal drugs, cigarettes and alcohol, while those from families that almost always eat dinner together were thirty-one (31%) percent less likely than the average teen to engage in these activities; **and**

**WHEREAS**, research by other organizations has shown that teens who eat frequent family dinners are less likely than other teens to have sex at young ages, get into fights or be suspended from school, and are at lower risk for thoughts of suicide. Frequent family dining is also correlated with doing well in school and developing healthy eating habits. This pattern holds true regardless of a teen's sex, family structure and family socioeconomic level; **and**

**WHEREAS**, in 2002, President Bush and the governors of thirty-five (35) states and Washington, D.C. issued proclamations declaring September 23<sup>rd</sup>, 2002, "**Family Day**" and in 2001 President Bush and thirty-five (35) governors proclaimed the fourth Monday in September "Family Day"; **and**

**WHEREAS**, "**Family Day - - A Day to Eat Dinner With Your Children**" is a national effort to promote parental engagement as a simple, effective way to reduce substance abuse by children and teens and raise healthier children. **Family Day** emphasizes the importance of regular family activities in parent-child communication and encourages Americans to make family dinners a regular feature of their lives; **and**

**WHEREAS**, after gaining knowledge of this important endeavor that will greatly aid in the development of a solid and lasting foundation for our youth, Columbus County would be honored to participate in this annual event.

**NOW, THEREFORE**, we, the Columbus County Board of Commissioners do hereby proclaim September 22, 2003 as "**Family Day – A Day to Eat Dinner With Your Children**"; **and**

**BE IT FURTHER PROCLAIMED** that the fourth Monday of each September in the upcoming years be proclaimed as "**Family Day – A Day to Eat Dinner With Your Children**".

**ADOPTED** this the 4<sup>th</sup> day of August, 2003.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

/s/ **C.E. WILSON, Chairman**

**ATTESTED BY:**

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

Commissioner Norris made a motion to approve the Family Day Proclamation, seconded by Commissioner McKenzie. The motion so carried.

**Agenda Item #19: COMMITTEE APPOINTMENTS:**

The following committee appointments were made.

# 770

## 1. E-911 Oversight Committee:

Chairman Gene Wilson, Zone II, appointed Allen Yates, 2711 Andrew Jackson Highway SW, Chadbourn, NC 28431, Telephone: (910) 654-4355 (H), to serve on this committee. The Bylaws have not been established and the length of term has not been decided.

Commissioner Godwin appointed Charles Godwin, 701 East Fifth Street, Tabor City, North Carolina 28463, to serve on this committee. Bylaws have not been established and the length of term has not been decided.

## 2. Columbus County Water and Sewer Advisory Commission:

Commissioner McKenzie, Water District II, appointed Thaddas Williams, 5136 Joe Brown Road North, Whiteville, North Carolina 28472, Telephone: (910) 648-6771, to serve on this committee. Bylaws have been established but the length of term has not been decided.

## Agenda Item #20: CONSENT AGENDA ITEMS:

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

### 1. Budget Amendments:

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-599-7400	Capital Outlay	(\$4,000)
	10-530-7400	Capital Outlay	\$4,000
Expenditure	10-610-6070	Crisis Intervention	\$62,706
Revenue	10-348-1621	Crisis Intervention	\$62,706

### 2. Tax Refunds and Releases (Note Denials):

#### REFUNDS (as submitted to Administration from the Tax Office): August 4, 2003

Request a refund in the name of Barnes, Guilford, 18645 Peacock Rd., Whiteville, NC 28472. Refund user fee. Customer is using a commercial hauler. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 09-00362, Bill # 58121.

Request a refund in the name of Byrd, Dallas W., P.O. Box 57, Clarendon, NC 28432. Refund user fee. No trash can at this address. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 11-04740, Bill # 62118.

Request a refund in the name of Graham, Gary, 165 George Graham Lane, Lake Waccamaw, NC 28450. Refund the value of a mobile home and the St. James fire fee. House burned in 1995. Check should be payable to the tax office and Mr. Graham. Check will be applied to other delinquent tax owed by Mr. Graham. Amount \$186.84, Value \$15,100.00, Year 1996, Account # 08-06963, Bill # 48263.

Request a refund in the name of Graham, Gary, 165 George Graham Lane, Lake Waccamaw, NC 28450. Refund the value of a mobile home and the St. James fire fee. Home burned in 1995. Make check payable to the tax office and Mr. Graham. Check will be applied to other delinquent tax owed by Mr. Graham. Amount \$208.72, Value \$14,400.00, Year 1997, Account # 08-06963, Bill # 46304.

Request a refund in the name of Norris, Donald W., P.O. Box 331, Chadbourn, NC 28431. Refund the user fee on a mobile home that is vacant. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 13-31073, Bill # 84321.

#### TAX RELEASES (as submitted to Administration from the Tax Office): August 4, 2003

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$32.60, Value \$4,000.00, Year 1998, Account # 15-14740, Bill # 48716.

Release the Property Value in the name of Hinson, Michael. Release the value of a boat, the Klondyke Fire fee (7.70) and the Columbus Rescue fee (2.20). Boat was repossessed in 1997. Amount \$105.27, Value \$11,000.00, Year 2002, Account # 13-19346, Bill # 74866.

Release the Property Value in the name of Graham, William. Release the value of a mobile home and the Buckhead fire fee (12.04) and the Columbus Rescue fee (4.01). Home is double listed in the name of William Robert and Shirleen Graham. Release of user fee approved by Litter Patrol. Amount \$366.77, Value \$20,060.00, Year 2002, Account # 04-03810, Bill # 71896.

Release the Property Value in the name of Graham, Dustin. Release the value of a mobile home and the Columbus Rescue fee. Home was repossessed in 1999. Release of user fee approved by Litter Patrol. Amount \$489.00, Value \$39,000.00, Year 2002, Account # 14-04931, Bill # 71668.

**Solid Waste Department has denied \$177.00 of the total amount of Release for the following two (2) listings:**

Release the Property Value in the name of Graham, Dustin. Release the value of a mobile home and the Columbus Rescue. Home was repossessed in 1999. Release of user fee approved by Litter Patrol. Amount \$477.00, Value \$39,000.00, Year 2001, Account # 14-04931, Bill # 93948.

Release the Property Value in the name of Graham, Dustin. Release the value of a mobile home that was repossessed in 1999. Release of user fee approved by Litter Patrol. Amount \$405.80, Value \$39,000.00, Year 2000, Account # 14-04931, Bill # 93947.

Release the Property Value in the name of Godbold, John. Release the value of a boat and the Columbus Rescue fee. Boat was sold in 1999. Amount \$145.20, Value \$16,500.00, Year 2002, Account # 04-02814, Bill # 70539.

Release the Property Value in the name of Freeman, Harry. Release the property value, the Acme Delco fee (4.80) and the Columbus Rescue fee (.80). Property is double listed in the name of Lula Mae Fulton. Amount \$36.80, Value \$4,000.00, Year 2002, Account # 15-14740, Bill # 69459.

Release the Property Value in the name of Freeman, Harry. Release the property value, the Acme Delco fee (4.80) and the Columbus Rescue fee (.80). Property is double listed in the name of Lula Mae Fulton. Amount \$36.80, Value \$4,000.00, Year 2001, Account # 15-14740, Bill # 91787.

Release the Property Value in the name of Buck, John A.. Release the deferred tax and the Columbus Rescue. Property sold to a family member. Amount \$9.60, Value \$1,200.00, Year 2002, Account # 07-00980, Bill # 61423.

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$32.60, Value \$4,000.00, Year 1999, Account # 15-14740, Bill # 10471.

Release the Property Value in the name of Turner, Jimmy. Release the deferred tax, the Cole Service fee (2.49) and the Columbus Rescue fee (.49). Property was sold to a family member. Amount \$22.45, Value \$2,497.00, Year 2002, Account # 10-17341, Bill # 61545.

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$32.60, Value \$4,000.00, Year 1997, Account # 15-14740, Bill # 44337.

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$18.00, Value \$2,000.00, Year 1996, Account # 15-14740, Bill # 46295.

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$17.60, Value \$2,000.00, Year 1995, Account # 15-14740, Bill # 1293.

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$17.20, Value \$2,000.00, Year 1994, Account # 15-14740, Bill # 30096.

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$16.40, Value \$2,000.00, Year 1993, Account # 15-14740, Bill # 70981.

Release the Property Value in the name of Davis, Paul. Release the value of a mobile home and the Columbus Rescue fee. Home was repossessed in 2001. Release of user fee approved by Litter Patrol. Amount \$273.47, Value \$21,190.00, Year 2002, Account # 10-04762, Bill # 65768.

Release the Property Value in the name of Buck, John A.. Release the deferred tax. Property sold to a family member. Amount \$8.34, Value \$1,200.00, Year 1999, Account # 07-00980, Bill # 61426.

Release the Property Value in the name of Buck, John A.. Release the deferred tax. Property was sold to a family member. Amount \$8.64, Value \$1,200.00, Year 2000, Account # 07-00980, Bill # 61425.

Release the Property Value in the name of Buck, John A.. Release the deferred tax and the Columbus Rescue fee. Property sold to a family member. Amount \$9.60, Value \$1,200.00, Year 2001, Account # 07-00980, Bill # 61424.

Release the Property Value in the name of Freeman, Harry. Release the property value and the Acme Delco fee. Property is double listed in the name of Lula Mae Fulton. Amount \$33.60, Value \$4,000.00, Year 2000, Account # 15-14740, Bill # 91528.

Release the Property Value in the name of Turner, Jimmy H.. Release the deferred tax, the Cole Service fee (2.49) and the Columbus Rescue fee (.49). Property was sold to a family member. Amount \$22.45, Value \$2,497.00, Year 2001, Account # 10-17341, Bill # 61546.

Release the Property Value in the name of Turner, Jimmy H.. Release the deferred tax and the Columbus Rescue fee. Property was sold to a family member. Amount \$20.46, Value \$2,497.00, Year 2000, Account # 10-17341, Bill # 61547.

Release the Property Value in the name of Shortt, Delmar Jr.. Release the value of a mobile home and the Columbus Rescue fee. Home is double listed in the name of Delma & Donna Short. This home was traded for a double wide. Release of user fee approved by Litter Patrol. Amount \$245.61, Value \$9,160.00, Year 2001, Account # 01-82763, Bill # 11867.

Release the Property Value in the name of Lumber River Baptist Assoc.. Release the property value, the Klondyke Fire fee (18.83) and the Columbus Rescue fee (5.38). Property should be tax exempt. Amount \$234.03, Value \$26,900.00, Year 2002, Account # 13-01109, Bill # 79940.

Release the User Fee in the name of Harris, David. Release user fee. House used for storage. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 09-13164, Bill # 73435.

Release the User Fee in the name of Ward, Joyce D.. Release user fee. House vacant. No electricity and no trash can. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 02-01820, Bill # 96878.

Release the User Fee in the name of Smith, Bennie. Release user fee. House vacant. No trash can here. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 03-22245, Bill # 90681.

Release the User Fee in the name of Sellers, Brenda. Release user fee. Trash can was picked up in 2001. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 01-00348, Bill # 89140.

Release the User Fee in the name of Reigelwood Sanitary Dist.. Release user fee. No trash pick up here. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 15-31623, Bill # 87832.

Release the User Fee in the name of Pierce, Audrey. Release user fee. Old mobile home vacant. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 12-21583, Bill # 85524.

Release the User Fee in the name of Nobles, Louise. Release a portion of the user fee. Did not have the trash can for a full year. Approved by Litter Patrol. Amount \$118.00, Value \$0.00, Year 2002, Account # 01-65869, Bill # 84173.

Release the User Fee in the name of Martin, Jimmy. Release user fee. House vacant, No trash can and no electricity. Amount \$177.00, Value \$0.00, Year 2002, Account # 13-03934, Bill # 80461.

**Solid Waste Department has denied.**

Release the User Fee in the name of Martin, Jimmy. Release user fee. House vacant. No electricity and no trash can. Approved by Litter Patrol. Amount \$151.50, Value \$0.00, Year 2001, Account # 13-03934, Bill # 2521.

Release the User Fee in the name of Lowery, James F.. Release user fee. This is vacant land. Billing error. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 16-10411, Bill # 79903.

Release the User Fee in the name of Kelly, Larry. Release one of two trash can. Customer only has one trash can. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 15-22190, Bill # 77723.

Release the User Fee in the name of Floyd, Thomas. Release user fee. House vacant. No trash can here. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 10-05633, Bill # 68678.

Release the User Fee in the name of Boyd, Christina. Release user fee. Customer has never had a trash can. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 15-05956, Bill # 60180.

**Solid Waste Department has denied the following two (2) listings:**

Release the User Fee in the name of Boyd, Christina. Release user fee. Customer has never had a trash can. Approved by Litter Patrol. Amount \$165.00, Value \$0.00, Year 2001, Account # 15-05956, Bill # 82662.

Release the User Fee in the name of Boyd, Christina. Release user fee. Customer has never had a trash can. Approved by Litter Patrol. Amount \$125.00, Value \$0.00, Year 2000, Account # 15-05956, Bill # 82627.

Release the User Fee in the name of Bonsignore, Anthony. Release user fee. House vacant. No trash can at this address. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 15-01122, Bill # 59836.

Release the User Fee in the name of Batten, Gregory. Release user fee. Home repossessed in 2001. User fee billed in error. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 03-00249, Bill # 58524.

Release the User Fee in the name of Ward, Stancil. Release user fee. House vacant. No trash can here. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 07-18820, Bill # 97125.

Release the User Fee in the name of Lennon, Perry. Release one to two user fees. There is no trash can at the restaurant owned by Mr. Lennon. Approved by Litter Patrol. Amount \$177.00, Value \$0.00, Year 2002, Account # 12-15840, Bill # 78918.

**3. Amendment to August 4, 2003 Refunds/Releases:**

Request a refund in the name of Guilford Barns. Account # 09-00362, Bill #58121, Property # 15792, in the amount of \$177.00. This refund was requested at the July 21, 2003 meeting. Please omit the request for August 4, 2003.

**Agenda Item #21: COMMENTS:****A. Public:**

Chairman Wilson asked if anyone in the audience had anything they would like to say. The following people spoke.

1. **Ray Floyd:** I own Ray's Nursery and Landscaping and I will have no problem in paying my water bill every month. From what I have observed when I attend these meetings, this Board is acting like children. You can get more out of people by sweet talking them in lieu of demanding them. You should use a more sensible approach to this water system.
2. **Edward Butler:** I have approached this Board on numerous occasions regarding the water bills I am receiving. I have a \$20.00 bill, a \$22.50 bill and a \$221.00 bill on a vacant rental house and I would like to know if you will pay me rent on this vacant house then I will pay this water bill. I do not think the \$221.00 bill on the vacant house can be correct. The meter was running wild and I took that one out and put another one in which done better.

Chairman Wilson informed Edward Butler that Dixon Medlin, Water Superintendent, would change the meter out on the vacant house to see if the present one was indeed faulty.

Commissioner Godwin stated we would set up a meeting to develop the necessary protocol that was needed regarding the water system.

3. **Roscoe Edwards:** I approached the Board two (2) weeks ago at the July 21, 2003 Meeting and presented a proposition to them regarding the land I donated to Columbus County and I have received no answer. I want the tank you have erected on that land moved off the property. You did not get the land legally. I am presenting a bill to you in the amount of five thousand and 00/100 (\$5,000.00) dollars for damage that incurred to the property.
4. **Charlie Ward:** The problem with this water system is it started out with lies and has continued on with nothing but lies being told to the public. You need to get some of these lies straightened out and tell the public the whole truth about this water system.
5. **Barbara Featherson:** I voted for the water and I use the water. I am employed and can pay by bill. I am deeply concerned about the senior citizens in this County that cannot pay a water bill. We have a segment of people who cannot pay. You approved this bill in whole and you should have approved this bill allowing for extenuating circumstances and this does not mean for anyone to run to their favorite County Commissioner for favors.

**B. Board of Commissioners:**

Commissioner McKenzie extended thanks to Carol Worrell, Parks and Recreation Director, for her assistance in getting a water fountain in the Mount Olive area.

**AGENDA ADD-ON:**

1. **FINANCE - RESOLUTION APPROVING MODIFICATIONS to the COUNTY'S 1997 INSTALLMENT FINANCING for the AGRICULTURAL SERVICE BUILDING, to REDUCE the COUNTY'S INTEREST COST:**

Gayle Godwin, Columbus County Finance Officer, requested Board approval of the following Resolution.

**RESOLUTION APPROVING MODIFICATIONS TO THE COUNTY'S 1997  
INSTALLMENT FINANCING FOR THE AGRICULTURAL SERVICES BUILDING,  
TO REDUCE THE COUNTY'S INTEREST COST**

**WHEREAS**, in 1997, the County entered into an Installment Financing Agreement, and related agreements, to provide financing for the County's agricultural services building. These agreements were made with United Carolina Bank, pursuant to the authorization of Section 160A-20 of the General Statutes; **and**

**WHEREAS**, Branch Banking and Trust Company (“BB&T”) is the corporate successor to United Carolina Bank. BB&T has now offered to restructure the 1997 financing agreements in a manner that will reduce the County’s overall interest expense. The County Manager has presented additional information concerning the restructuring and refinancing to the Board of Commissioners.

**NOW, BE IT THEREFORE RESOLVED, by the Board of Commissioners of Columbus County, North Carolina, as follows:**

1. The Board determines to proceed with the restructuring and modifications to the 1997 financing in accordance with the descriptions presented to this meeting. This restructuring will result in converting the 1997 financing into two separate financings. For one of the resulting financings, the interest paid by the County will continue to be subject to federal income tax. For the other resulting financing, interest will be tax-exempt (this second portion of the financing will be called the “Tax-Exempt Financing” in this resolution).

2. All County officers and employees are authorized and directed to execute appropriate financing and modification agreements (however designated) to carry out the proposed modifications described to this meeting. Such agreements may be in such forms as BB&T may request and as the Finance Officer may approve. It is the Board’s understanding and expectation that the documents used will be in substantially the same forms as similar agreements in common use by BB&T in North Carolina.

The modification agreements in their final form, however, taken as a group, must provide for a lower overall interest cost to the County, and must not provide for any extension to the financing term or any additional collateral to be provided (but the existing collateral - the agricultural services building - will be pledged to secure both of the two financings resulting from the restructuring).

3. The Finance Officer is authorized and directed to hold executed copies of the modification and financing agreements, and any other documents authorized or permitted by this resolution, in escrow on the County's behalf until the conditions for the delivery of such documents have been completed to such officer's satisfaction. The Finance Officer is then authorized and directed to release the executed copies of such documents for delivery to the appropriate persons or organizations.

This authorization and direction to the Finance Officer is specifically extended to authorize such the Finance Officer to approve changes to any documents (including the modification and financing agreements) or closing certifications previously signed by County officers or employees, provided that such changes do not substantially alter the intent of such instruments from the intent expressed in the forms originally signed, and do not otherwise conflict with this resolution. Such officer's authorization of the release of any such document for delivery constitutes conclusive evidence of such officer's approval of any such changes.

4. The County will not take or omit to take any action the taking or omission of which will cause its obligations to pay principal and interest on the Tax-Exempt Financing (the “Payment Obligations”) to be "arbitrage bonds," within the meaning of Section 148 of the “Code” (as defined below), or “private activity bonds” within the meaning of Code Section 141, or otherwise cause interest on such Payment Obligations to be includable in the gross income for federal income tax purposes of the owners of the Payment Obligations. In addition, the County will comply with any Code provisions that may require the County to pay to the United States any part of the earnings derived from the investment of the financing proceeds.

5. The County designates its Payment Obligations on the Tax-Exempt Financing to be “qualified tax-exempt obligations” for the purposes of Code Section 265(b)(3).

6. All County officers and employees are authorized and directed to take all such further action as they may consider necessary or desirable in connection with the furtherance of the purposes of this resolution. All such prior actions of County officers and employees are ratified, approved and confirmed. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately. For the purposes of this resolution, “Code” means the United States Internal Revenue Code of 1986, as amended.

**ADOPTED** this the 4<sup>th</sup> day of August, 2003.

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

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

Commissioner Norris made a motion to approve and adopt the Resolution Approving Modifications to the County's 1997 Installment Financing for the Agricultural Services Building, to Reduce the County's Interest Cost contingent upon James E. Hill, Jr.'s, Columbus County Attorney, advice, seconded by Commissioner Jacobs. The motion so carried.

**RECESS REGULAR SESSION and enter into CLOSED SESSION:**

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

No official action was taken.

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

At 10:43 P.M., Commissioner Norris made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Memory. The motion so carried.

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

At 10:43 P.M., Commissioner Jacobs made a motion to recess Regular Session and enter into Columbus County Water and Sewer District III Authority Board Meeting, seconded by Commissioner Memory. The motion so carried.

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

**RECESS COLUMBUS COUNTY WATER and SEWER DISTRICT III AUTHORITY BOARD MEETING and resume REGULAR SESSION:**

At 10:47 P.M., Commissioner Memory made a motion to adjourn Columbus County Water and Sewer District III Authority Board Meeting and resume Regular Session, seconded by Commissioner Godwin. The motion so carried.

**AGREEMENT and LEASE - BELLA COOLA BOAT RAMP:**

After further discussion was conducted among the Board members regarding the Agreement and Lease for the Bella Coola Boat Ramp, as presented earlier in the Meeting, Commissioner Jacobs made a motion to approve the Agreement and Lease with International Paper for the Bella Coola Boat Ramp, seconded by Commissioner Memory. The motion so carried.

**Agenda Item #23: ADJOURNMENT:**

At 10:55 P.M., Commissioner Jacobs made a motion to adjourn, seconded by Commissioner Memory. The motion so carried.

**APPROVED:**

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

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**C.E. WILSON, Chairman**