

**COLUMBUS COUNTY BOARD OF COMMISSIONERS****Monday, October 25, 2004****5:30 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, to resume the Board Meeting that was recessed on October 18, 2004, for the purpose of discussing the findings on the new jail.

**COMMISSIONERS PRESENT:**

Bill Memory, **Chairman** (Arrived 5:33 P.M.)  
 David L. Dutton, Jr., **Vice Chairman**  
 Kipling Godwin (Arrived 5:45 P.M.)  
 Sammie Jacobs  
 Amon E. McKenzie  
 Lynwood Norris  
 C.E. "Gene" Wilson

**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**

**APPOINTEE ABSENT:**

Roxanne Coleman, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 5:30 P.M., Vice Chairman Dutton called the meeting to order and requested Billy Joe Farmer, County Administrator, to present an update on the new jail.

**NEW JAIL CONSTRUCTION UPDATE:**

Billy Joe Farmer, County Administrator, stated the following:

1. We have met with the Sheriff and the Chief Jailer, Alex Singletary;
2. After discussion was conducted, we have decided to stick to the present architects and modify the plans he presented several years ago;
3. We have a meeting scheduled with Glenn Ware for tomorrow for additional details;
4. We will try and have the results ready for the Board at the second meeting in November;
5. If the Board is in agreement with that, there is no need for any further action to be taken; **and**
6. The attorney will cease his investigation in this matter.

James E. Hill, Jr., Columbus County Attorney, stated that three quarters way through the memorandum, I understand they had resolved the matter among themselves, and given the circumstances, I think this is a satisfactory resolution and given the fact they will probably modify the plans somewhat.

Commissioner Jacobs requested Chairman Memory to give his point of view from the meeting that was conducted with Glenn Ware. Chairman Memory stated the following:

1. We need twenty-four (24) bed for juveniles;
2. We need thirty-six (36) beds for females;
3. There is a possibility of having a dormitory with twenty-four (24) beds in it that basically will be used for males;
4. The question is how many beds will we need for the future;
5. Chief Jailer Singletary and Mr. Farmer are going to get together tomorrow and start looking at the peaks and valleys we need to look at;
6. When we build this jail, we need to build for the future;
7. Our meeting was really good; **and**
8. The Sheriff and Chief Jailer Singletary have a good handle on the situation.

Commissioner Jacobs asked if we looked at the possibility of small courtrooms. Mr. Farmer stated no they had not, but would do that if the Board desired.

James E. Hill, Jr., Columbus County Attorney, stated we needed a small courtroom, large enough to accommodate approximately fifteen (15) people to be utilized for prisoners that the court does not want to transport for safety reasons. This courtroom should be set up for the Magistrate's use. In some situations, the Judge will go out to the jail for safety reasons.

Additional discussion was conducted relative to the use of the old jail, the use of the dormitory space and the connection of the old jail and the new jail.

Chairman Memory stated the Sheriff would be bringing the plans to the Board, and, hopefully, everything will be lined up for the second meeting in November, 2004. Chairman Memory directed Billy Joe Farmer, County Administrator, to have the tentative plans for the November 1, 2004 Board Meeting

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

At 5:41 P.M., Commissioner Norris made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. §143-318.11(6), seconded by Commissioner McKenzie. The motion so carried.

No official action was taken.

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

At 6:11 P.M., Commissioner Wilson made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Norris. The motion so carried.

**PERSONNEL:**

The following personnel actions were taken by the Board:

1. **Salary of Assistant County Administrator:** Commissioner McKenzie made a motion to increase the salary of Darren L. Currie, Assistant County Administrator, to the nearest step to sixty thousand and 00/100 (\$60,000.00) dollars, seconded by Commissioner Jacobs. The motion so carried.
2. **Salary of Clerk to the Board:** Commissioner McKenzie made a motion to increase the salary of June B. Hall, Clerk to the Board, to the nearest step to forty-two thousand and 00/100 (\$42,000.00) dollars, seconded by Vice Chairman Dutton. The motion so carried.
3. **Title Change from Administrator and Assistant Administrator to Manager and Assistant Manger:** Commissioner McKenzie made a motion to change the title of Billy Joe Farmer from Columbus County Administrator to Columbus County Manager, and the title of Darren L. Currie from Columbus County Assistant Administrator to Columbus County Assistant Manager. The motion was seconded by Commissioner Godwin. The motion so carried.

Chairman Memory stated the following for clarification relative to the change in titles of Administrator and Assistant Administrator to Manager and Assistant Manager:

1. In the 1980's, the first Columbus County Administrator was given the duties and powers of a County Manager, but the Board elected to use the title of County Administrator;
2. At this point, Billy Joe Farmer's duties and job description will not change, he has all the duties of a County Manager, and he will just be known as a County Manager;
3. There is only two (2) counties in the State of North Carolina that have a County Administrator; **and**
4. Mr. Farmer has the duties and job description of a County Manager.

**AIRPORT - MANAGEMENT AGREEMENT with CLASSIC AVIATION, INCORPORATED and APPROVAL of BUDGET AMENDMENT:**

Chairman Memory stated the Proposal to Provide Airport Director Services for the Columbus County Airport, accompanied by a Budget Amendment in the amount of thirty-eight thousand and 00/100 (\$38,000.00) dollars for such, was tabled at the recessed meeting on October 18, 2004 and was brought back for consideration, accompanied by the following Management Agreement.

**THIS AGREEMENT MADE AND ENTERED** into this **25th day of OCTOBER, 2004**, by and between the County of Columbus, hereinafter referred to as "OWNER", and **Classic Aviation, Inc.**, hereinafter referred to as "MANAGER,"

**WITNESSETH:**

**WHEREAS**, the OWNER desires **Classic Aviation, Inc** to act as **Manager** in the day-to-day operation of the airport.

**NOW, THEREFORE**, for the mutual consideration hereinafter stated, the OWNER authorizes **Classic Aviation Inc.**, hereinafter referred to as the "MANAGER", to act as Manager of the Columbus County Municipal Airport. As compensation for acting as Airport Manager, the OWNER will compensate the MANAGER to total sum of **\$38,000** annually, and compensate mileage and travel as any other County employee, provided that the MANAGER agrees to the following terms and conditions, to-wit:

1. The MANAGER agrees to operate the airport; in accordance with the obligation of the OWNER to the State of North Carolina and/or Federal Government under any existing or future Grant Agreements. The MANAGER will work to secure highly competitive additional discretionary funding from the FFA. In furtherance of this general covenant, but without limiting its general applicability, the MANAGER specifically agrees:
  - A. to operate the airport for the use and benefit of the public;
  - B. to make available all airport facilities and services to the public on fair and reasonable terms and without discrimination;
  - C. to provide space on the airport, to the extent available, and to grant rights and privileges for use of the landing area facilities of the airport to all qualified persons, firms and corporations desiring to conduct aeronautical operations on the airport;
  - D. to manage the County's airport property;
  - E. to perform routine daily or periodic maintenance and custodial services;
  - F. to inspect on a daily or periodic basis all airport facilities, including airport lighting, navigational aids, runways, ramps, and aprons and report problems/issues to the Airport Authority;
  - G. to coordinate grounds keeping and maintenance activities to aircraft runways, aprons and ramps, including removal of weeds and debris, with the County of Columbus and the Airport Authority.
  - H. to maintain the hours of operation of 8:00am to 6:00pm Monday through Saturday, 9:00am to 6:pm on Sunday and Closed Christmas Day.
  - I. to conduct informal meetings on a regular basis with representatives of airport users to discuss issues, problems, projects, user needs, and complaints. Airport Manager shall also keep the County, Airport Authority, and users apprized of proposal changes, improvements, and problems;
  - J. to provide users with updates to airport rules, regulations, policies, and other changes;
  - K. to report in writing to the County Commissioners on the general state of Airport operations;
  - L. to provide any other related management activities which are now or may become in the future customary for Airport Managers to perform.
  - M. to meet with the North Carolina Department of Aviation, attend Airport Conferences, maintenance seminars and other meetings related to airport improvements and growth;
  - N. establish and maintain effective working relationships with pilots, business

executives, federal, state and local officials, other County department heads, employees, airport consultants, customers, and the general public;

- O. Classic Aviation, Inc. shall also provide personnel services for the vacated technician's position occurring September 2004;
- 2 It is specifically understood and agreed that nothing herein contained shall be construed as granting or authorizing the granting of an exclusive right within the meaning of Section 308(a) of the Federal Aviation Act
- 3 The OWNER reserves the right to take any action it considers necessary to protect the aerial approaches of the airport against obstruction, together with the right to prevent the OPERATOR or MANAGER from erecting, or permitting to be erected, any building or other structures on the airport which, in the opinion of the OWNER, would limit the usefulness of the airport or constitute a hazard to aircraft.
- 4 The OWNER reserves the right to develop or improve the airport as it sees fit, regardless of the desires or views of the MANAGER, and without the interference or hindrance on the part of the MANAGER.
- 5 This Agreement shall be subordinate to the provisions of any existing or future agreement entered into between the OWNER and the State of North Carolina and/or the United States to obtain aid for the improvement or operation and maintenance of the airport.
- 6 The OWNER, upon written notification thereof, reserves the right to terminate the services of the MANAGER, and the MANAGER, upon written notification thereof, reserves the right to resign, either effective upon notice.

IN WITNESS WHEREOF, the parties hereto have caused the Agreement to be duly executed the day and year first above written.

**The County of Columbus**

(SEAL)

BY: \_\_\_\_\_  
**BILL MEMORY, Chairman**

ATTEST:  
BY: \_\_\_\_\_  
**Clerk to Board**

WITNESS:  
\_\_\_\_\_  
\_\_\_\_\_

**Classic Aviation, Inc.**

(CORPORATE SEAL)

BY: \_\_\_\_\_

ATTEST:  
BY: \_\_\_\_\_

WITNESS:  
\_\_\_\_\_  
\_\_\_\_\_

Commissioner Godwin asked if this was a one (1) year contract and what was the termination time frame. Billy Joe Farmer, County Manager, replied stating this was a one (1) year contract, effective as of October 25, 2004, and the termination time frame was ninety (90) days.

Commissioner Godwin made a motion to approve the Management Agreement with Classic Aviation, Incorporated and the Budget Amendment to cover the expenditure in the amount of thirty-eight thousand and 00/100 (\$38,000.00) dollars, seconded by Commissioner Jacobs. The motion so carried.

**RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with**

**N.C.G.S. §143-18.11 (3):**

At 6:17 P.M., Commissioner Jacobs made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S. §143-318.11 (3), seconded by Vice Chairman Dutton. The motion so carried.

Upon discovery of the subject matter by James E. Hill, Jr., Columbus County Attorney, he advised the Board this was not a Closed Session matter and the Board immediately adjourned Closed Session.

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

At 6:19 P.M., Commissioner Wilson made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner McKenzie. The motion so carried.

**SURPLUS PROPERTY -DECLARE TRACT of TIMBER AS SURPLUS PROPERTY by ADOPTION of DECLARATION of SURPLUS PROPERTY RESOLUTION:**

Stuart Carroll, Purchasing Director, requested Board approval of the following Declaration of Surplus Property Resolution.

**DECLARATION of SURPLUS PROPERTY  
RESOLUTION**

**WHEREAS**, Columbus County is desirous of selling certain surplus property, to wit: standing timber located on the property south of US 74/76 Business off of Legion Drive near the Animal Control Office, commonly known as the Old County Farm Tract; **and**

**WHEREAS**, this property is now declared surplus property; **and**

**WHEREAS**, N.C.G.S. §160A-268 allows the Board of County Commissioners of Columbus County, North Carolina, to adopt a resolution authorizing the appropriate official to dispose of the timber by sealed bids; **and**

**WHEREAS**, the Board of County Commissioners of Columbus County, North Carolina, has elected to dispose of the said timber by sealed bids the 15<sup>th</sup> day of November, 2004, at 10:00 A.M., at the Columbus County Administration Office, 111 Washington St., Whiteville N.C., upon the sale being confirmed by the entire Board of County Commissioners. Michael Rhodes, R.F., of M.D. Rhodes & Associates Inc., is the appropriate and official person to conduct the sale of the said standing timber.

**NOW, THEREFORE, BE IT RESOLVED** by the Columbus County Board of Commissioners that **the said timber be declared surplus property and** the said Michael Rhodes, R.F., of M.D. Rhodes & Associates Inc, is selected as the appropriate and official person who will direct the disposal of certain standing timber commonly known as the Old County Farm tract located south of US 74/76 Business off of Legion Drive near the Animal Control Office in Columbus County, North Carolina, to the highest bidder for cash, certified check or company check, on the 15<sup>th</sup> day of November, 2004, at 10:00 A.M., at the Columbus County Administration Office, 111 Washington St, Whiteville N.C.. The sale will be by sealed bid only and the said bids will be opened and immediately read and made public at 10:00 A.M. on the 15<sup>th</sup> day of November, 2004. At any time prior to 5pm on the 14<sup>th</sup> day of October, you may request a showing of the timber and any boundary lines. Written instructions for submitting the bid shall be made available at the said M.D. Rhodes & Associates Inc. at no costs. The sale consists of a CLEAR CUT, excepting any and all marked buffers and Streamside Management Zones.

All bids are subject to deposits as set forth by the North Carolina General Status §143-29, as amended, and the instructions for bidders therein contained. No proposal shall be considered acceptable by the Board of County Commissioners of Columbus County, unless at the time of the filing of the proposal, the same shall be accompanied by a deposit of cash, a cashier's check or a certified check on some bank or trust company insured by the Federal Deposit Insurance Corporation in an amount equal to not less than five (5%) percent of the bid. In lieu of making the cash as above provided, such bidder may file a bid bond executed by a corporate surety licensed under the laws of North Carolina to execute such bonds, conditioned that the surety will upon demand forthwith make a payment to the obligee upon said bond if the bidder fails to execute the

contract in accordance with the bid bond.

That all bids are subject to confirmation by the entire Board of County Commissioners of Columbus County and any and all bids may be rejected for any or no reason by the entire Board.

Any questions concerning the said sale should be directed to Michael Rhodes, R.F., of M.D. Rhodes & Associates Inc., P.O. Box 2158, Whiteville, North Carolina 28472, Telephone: (910) 646-1932.

The said surplus timber may be viewed and examined on site by calling Michael Rhodes at telephone: (910) 840-9257.

**ADOPTED** this the 25<sup>th</sup> day of October, 2004.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**  
**/s/ BILL MEMORY, Chairman**

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

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**JAMES E. HILL, JR.**  
**COLUMBUS COUNTY ATTORNEY**  
**102 Courthouse Square**  
**Whiteville, NC 28472**  
**Telephone: (910) 642-8136**

Stuart Carroll, Purchasing Director, stated the following regarding the said timber:

1. This timber is located near the Waste Management and Animal Control area;
2. The tract consists of 4.6 acres; and
3. This timber is to be sold for the Columbus County Garage.

Vice Chairman Dutton asked Michael Rhodes, Rhodes and Associates, Incorporated, what his fee was for handling the sale of this timber. Mr. Rhodes replied stating his fee was seven (7%) percent. Vice Chairman Dutton stated this fee was high, and the average fee for this type service was six (6%) percent.

Commissioner Wilson made a motion to approve the Declaration of Surplus Property Resolution, seconded by Commissioner Norris. The motion so carried.

For clarification of the intent of the passage of the Declaration of Surplus Property Resolution, James E. Hill, Jr., Columbus County Attorney, prepared the following Memorandum.

**MEMORANDUM to COMMISSIONERS**

**TO:** Board of County Commissioners  
Billy Joe Farmer, Manager  
June B. Hall, Clerk to Board

**FROM:** James E. Hill, Jr.  
Columbus County Attorney

**DATE:** October 27, 2004

**Text:** Upon examination of draft copy, I instructed June B. Hall, Clerk to the Board, to add the following language to the Declaration of Surplus Property passed on October 25, 2004, **“the said timber be declared surplus property and”**.

It was the clear intent of the Board of Commissioners in passing the motion to declare the property surplus and ready for sale by Mr. Rhodes. Upon the passage of the minutes by the Board of Commissioners at the next meeting, everything will be official. This letter is for our information only and should you have any questions, please call me direct at 641-8136.

**LETTER of THANKS:**

Chairman Memory stated the Board of Commissioners, with the help of Travel and Tourism, the Sheriff's Department and Commissioner Elect James E. Prevatte, purchased two (2) bushels of sweet potatoes at the Tabor City Yam Festival of superior quality.

Chairman Memory directed June B. Hall, Clerk to the Board, to send a Letter of Thanks to Travel and Tourism, Sheriff's Department and Commissioner Elect James E. Prevatte for the help they rendered in the purchase of these sweet potatoes.

**AMENDMENT to ADVERTISEMENT FOR BIDS for the COLUMBUS COUNTY WWTP, PHASE ONE:**

Commissioner Godwin made a motion to amend the Advertisement for Bids for the Columbus County WWTP, Phase One, that was approved at the October 18, 2004 Board Meeting as follows:

<b>BID DATE:</b>	<b>November 29, 2004</b>
<b>Advertisement Dates:</b>	<b>October 28, November 4, November 11, November 18, 2004.</b>

This motion was seconded by Commissioner Norris. The motion so carried.

**SECOND AMENDMENT to ADVERTISEMENT FOR BIDS for the COLUMBUS COUNTY WWTP, PHASE ONE:**


By general consensus of the Board members, a second amendment was executed to the Advertisement for Bids for the Columbus County WWTP, Phase One on October 26, 2004 as follows:

<b>BID DATE:</b>	<b>December 2, 2004.</b>
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**ADJOURNMENT:**

At 6:37 P.M., Vice Chairman Dutton made a motion to adjourn, seconded by Commissioner Norris. The motion so carried.

**APPROVED:**

  
 JUNE B. HALL, Clerk to Board

  
 BILL MEMORY, Chairman