

COLUMBUS COUNTY BOARD OF COMMISSIONERS**Friday, December 10, 2021****4:00 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and time at the Dempsey B. Herring Courthouse Annex, 112 West Smith Street, Whiteville, North Carolina 28472, for the purpose of conducting the Special Called Meeting.

COMMISSIONERS PRESENT:

Ricky Bullard, **Chairman**
 Jerome McMillian, **Vice Chairman**
 Chris Smith
 Brent Watts
 Charles T. McDowell

APPOINTEES PRESENT:

Eddie Madden, Jr., **County Manager**
 Boyd Worley, **Board Attorney**
 Amanda B. Prince, **Staff Attorney/Clerk to Board**
 Jay Leatherman, **Finance Director**

COMMISSIONERS PRESENT VIA PHONE:

Giles E. Byrd
 Lavern Coleman

Agenda Items #1, #2 and #3: MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:

At 4:00 P.M. Chairman Ricky Bullard called the Friday, December 10, 2021 Columbus County Board of Commissioners Special Called Meeting to order. The invocation was delivered by Commissioner Brent Watts. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Commissioner Charles McDowell.

Agenda Item #4: ADMINISTRATION – DISCUSSION AND APPROVAL OF AGREEMENT WITH TRUIST BANK:

Eddie Madden, County Manager, discussed the agreement with Truist Bank and requested Board Approval.

County Manager Eddie Madden stated the following:

- We appreciate each of you being here.
- We called this special meeting to address three matters.
- One is the consideration of an agreement with Truist Bank, the next is a Capital Project Ordinance Fund that needs to be adopted and then a legal matter regarding the Tabor City School Project.
- The first is in regards to the Truist Bank property located in downtown Whiteville.
- As background, and to continue the presentation I made to this Board in Closed Session on Monday evening, our staff has been planning and coordinating the location of a 911 Call Center.
- Mr. Nick West, Assistant County Manager and Emergency Services Director, and I discussed some weeks ago, after hearing that we were receiving funding from the state to support a new 911 Call Center, different options.
- And, of course, with this Board's acquisition of the North Campus property we anticipated a renovation of a building at that property to house the 911 operations.
- But, after evaluating those buildings, particularly Building E, Mr. West came to me and said I have some issues and concerns with the structural integrity of those buildings.
- They are essentially 30-year-old buildings, not built to today's hurricane standards and if we're going to invest the Capital resources to locate a 911 Center we need to do it in facility that will sustain any kind of weather that we may encounter in the future.
- Having had that conversation with him, we began looking at other options.
- Dr. Lanier approached me with a discussion about the BB&T properties downtown.
- As you know, one of those buildings is a 1 story building, roughly 21,000 square feet facing Lee St.
- As I understand it, and this information has been confirmed, that building was designed many years ago with the thought that it would become a multi-storied building.
- It was super-engineered, certainly capable of handling any kind of hurricane event or storm event that we may be faced with.
- We had consultants to come in and take a look at that building, in fact this week they were down.
- The conclusion is that it would certainly work for a 911 Center.
- We broached a conversation with the Truist/BB&T officials, Mr. Nate Pesenti and others, including, on a local level, Mr. Evan Gore, about the availability of the property.
- We understand that it had been under contract with another interested party but we confirmed, prior to expressing any interest in the site, that it was in fact available and not under contract at the present time.
- Having that information in hand, we toured the site and brought some of our key department managers with us to provide input.

-In essence, what we have determined and what we are recommending to you this evening is that, utilizing the state's funds that we will be receiving in very short order, that this Board consider purchasing the entire Truist/BB&T site that is available downtown.

-In addition to using the single story building for the 911 operations, it's been proposed that we would relocate other departmental functions to that building, to include Building Inspections, Code Enforcement, the Fire Marshal's Office and others to that particular building.

-With regard to the four storied glass building, that building consists of approximately 46,000 square feet, the tentative plans for it would include the possible relocation of the Health Department to that site, at least on the 1st and 2nd floors and possibly the 4th.

-We're recommending the Administration offices and the Commissioner's Chambers be moved to the 3rd floor of the glass building.

-With regard to what we have referred to as the "White House", the former branch building on Madison St, Dr. Lanier and his staff would relocate to that building, along with a new Entrepreneurship Center that has been funded by the Golden Leaf Foundation, in the amount of \$500,000.

-In addition to the White House, the branch building, the glass building and the single storied building on Lee St, it also includes the block from Madison to Lee, the parking lot, the grassy areas in between, as well as the parking area behind The News Reporter.

-All these properties have been made available to this Board and the contract price offered to this group is \$2 million dollars.

-It's on the tax books for in excess of \$7.5 million.

-That is a depreciated amount, if it were in real dollars in today's terms, this is a \$20+ million-dollar complex we are acquiring for potentially \$2 million dollars.

-I can say a lot about what this means to us from an Administration point of view, from a departmental point of view and the impact it has on downtown Whiteville, and I'm happy to do that, but before we do that, I'm happy to entertain any questions the Board may have.

-Included in this purchase is all personal property, so the buildings are essentially move-in ready, particularly the glass building.

-We will need to utilize the ½ million dollar grant from Golden Leaf to finish the renovations at the White House.

-Just as a reminder, we are receiving \$5 million dollars from the state to support a 911 Center redevelopment or construction, so we will be tapping into those funds to acquire the property and make the transaction.

Commissioner McDowell: Mr. Madden, do you want to mention the ATM?

County Manager Eddie Madden stated the following:

-Yes, sir, one of the stipulations to this agreement is that the ATM located here on the corner would remain, so we will need to do some surveying of this property describing the lease area that Truist Bank would retain.

-That lease is for \$1 dollar, in exchange for the purchase of the property at \$2 million dollars.

Commissioner Smith: I believe you said they would be using the vault until the end of the year?

County Manager Eddie Madden stated the following:

-Yes, sir and thank you for pointing that out.

-So, inside the White House is a vault that Truist continues to use and they have asked that they be allowed to continue to use it through the Spring, we have agreed upon allowing them to use it through June 3rd.

-The closing of this is critical to know, it must occur before the end of December to be acceptable by both parties.

-That's why we've called the meeting today and not next week, because with the holidays approaching, we have to get with our attorneys and surveyors and others to make sure this can close before December 31st.

MOTION:

Commissioner McDowell made a motion that the County enter into this agreement with Truist Bank and purchase the property between Madison and Lee Street, seconded by Commissioner Smith. The motion unanimously passed.

Agenda Item #5: PUBLIC INPUT:

Les High, 118 Fuller St, Whiteville, NC 28472, stated the following:

-I'm here on behalf of the Columbus Jobs Foundation, I'm the Chairman, and I wanted to commend the Administration and the Commissioners for their vision.

-This is a tremendous fiscal value for the county but the Entrepreneurship Center that was discussed has been a dream for a long time.

-We had the grant but haven't had a good place to put it.

-Jonathan Medford, who is on our Board and Chairman of the Entrepreneurship Committee, noted that there were 686 new business entities formed in Columbus County in the past year.

-There has never been a time when something like this was needed to create jobs, small business jobs that will stay in Columbus County.

-This is a real tremendous thing, not just for the county but business, so thank you.

Agenda Item #6: FINANCE – APPROVAL OF ORDINANCES AMENDING APPROPRIATIONS TO THE CAPITAL PROJECT FUND:

Jay Leatherman, Finance Director, is requesting Board Approval.

COLUMBUS COUNTY, NORTH CAROLINA
Ordinance amending appropriations to the Capital Project
Fund for the Fiscal Year beginning July 1, 2021

BE IT ORDAINED by the Board of Commissioners of Columbus County, North Carolina as follows:

Section 1: The following amounts are hereby made to the **911 Center Capital Project** pursuant to G.S. 159 -13.2 for the fiscal year beginning July 1, 2021.

		Budget
Project Appropriations		
54-4321-558000	Buildings, Structures & Improvements	4,000,000
54-4321-551010	Furniture, Fixtures & Equipment	300,000
54-4321-999910	Contingency	500,000
54-4321-548002	Administration Costs	<u>200,000</u>
Total Appropriations		<u>5,000,000</u>
Source of Revenue		
54-3425-431019	State Budget Appropriations	<u>5,000,000</u>

Section 2: The project undertaken pursuant to the ordinance is in accordance with the Recommended Budget.

Section 3: The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy all applicable regulations. The terms of any financing agreement also shall be met.

Section 4: The County desires to expend its own funds for the purpose of paying certain costs of various projects, for which expenditures the County reasonably expects to reimburse itself from the proceeds of debt to be incurred by the County.

Section 5: All expenditures relating to obtaining any bond referendum and or installment purchase will be reimbursed from bond proceeds and installment purchase proceeds in accordance with the requirements of the United States Treasury Regulations Section 1.150 -2.

Section 6: This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to expressly declare the official intent of the County to reimburse itself from the proceeds of debt to be hereinafter incurred by the County for certain expenditures paid by the County on or after the date which is sixty (60) days prior to the date hereof.

Section 7: The County intends to seek Federal, State, and/or other grant funding to reduce the amount of loan proceeds. The adoption of this ordinance authorizes the County Manager and/or his representative to apply for and accept such funding if awarded.

Section 8: This project ordinance shall be entered in the minutes of the Board of Commissioners of Columbus County. Within five days hereof, copies of this ordinance shall be filed with the finance office in Columbus County, and with the Clerk to the Board of Commissioners of Columbus County.

Capital Project amendment shall become effective on **December 6, 2021**.

ADOPTED, this 6th day of December, 2021.


 Ricky Bullard, Chairman
 Columbus County Board of Commissioners


 Amanda Prince, Clerk to the Board

COLUMBUS COUNTY, NORTH CAROLINA
Ordinance amending appropriations to the Capital Project
Fund for the Fiscal Year beginning July 1, 2021

BE IT ORDAINED by the Board of Commissioners of Columbus County, North Carolina as follows:

Section 1: The following amounts are hereby made to the **Sheriff Building Capital Project** pursuant to G.S. 159 -13.2 for the fiscal year beginning July 1, 2021.

	Budget
Project Appropriations	
94-4316-519302 Eng/Architect Fees	1,000,000
94-4316-524000 Construction	8,000,000
94-4316-548002 Administration Costs	200,000
94-4316-549956 Contingency	500,000
94-4316-551010 Furniture, Fixtures & Equipment	<u>300,000</u>
Total Appropriations	<u>10,000,000</u>
Source of Revenue	
94-3444-431019 State Budget Appropriation	<u>10,000,000</u>

Section 2: The project undertaken pursuant to the ordinance is in accordance with the Recommended Budget.

Section 3: The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy all applicable regulations. The terms of any financing agreement also shall be met.

Section 4: The County desires to expend its own funds for the purpose of paying certain costs of various projects, for which expenditures the County reasonably expects to reimburse itself from the proceeds of debt to be incurred by the County.

Section 5: All expenditures relating to obtaining any bond referendum and or installment purchase will be reimbursed from bond proceeds and installment purchase proceeds in accordance with the requirements of the United States Treasury Regulations Section 1.150 -2.

Section 6: This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to expressly declare the official intent of the County to reimburse itself from the proceeds of debt to be hereinafter incurred by the County for certain expenditures paid by the County on or after the date which is sixty (60) days prior to the date hereof.

Section 7: The County intends to seek Federal, State, and/or other grant funding to reduce the amount of loan proceeds. The adoption of this ordinance authorizes the County Manager and/or his representative to apply for and accept such funding if awarded.

Section 8: This project ordinance shall be entered in the minutes of the Board of Commissioners of Columbus County. Within five days hereof, copies of this ordinance shall be filed with the finance office in Columbus County, and with the Clerk to the Board of Commissioners of Columbus County.

Capital Project amendment shall become effective on December 6, 2021.

ADOPTED, this 6th day of December, 2021


 Ricky Bullard, Chairman
 Columbus County Board of Commissioners


 Amanda Prince, Clerk to the Board

COLUMBUS COUNTY, NORTH CAROLINA
Ordinance amending appropriations to the Capital Project
Fund for the Fiscal Year beginning July 1, 2021

BE IT ORDAINED by the Board of Commissioners of Columbus County, North Carolina as follows:

Section 1: The following amounts are hereby made to the **Courthouse Renovation Capital Project** pursuant to G.S. 159 -13.2 for the fiscal year beginning July 1, 2021.

		Original Budget	Revised Budget
Project Appropriations			
49-4352-519902	Engineering/Architect Fees	298,263	400,000
49-4352-524000	Construction	1,669,187	5,456,040
49-4352-551010	Furniture Fixtures and Equipment	18,285	30,240
49-4352-999910	Contingency	<u>545</u>	<u>100,000</u>
	Total Appropriations	<u>1,986,280</u>	<u>5,986,280</u>
Source of Revenue			
49-3419-431109	State Budget Appropriations	- 0 -	4,000,000
49-4319-489013	County Appropriation	317,093	317,093
49-3419-489199	Transfer from General Fund Balance	<u>1,669,187</u>	<u>1,669,187</u>
	Total Revenue	<u>1,986,280</u>	<u>5,986,280</u>

Section 2: The project undertaken pursuant to this ordinance is in accordance with the Recommended Budget .

Section 3: The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy all applicable regulations. The terms of any financing agreement also shall be met.

Section 4: The County desires to expend its own funds for the purpose of paying certain costs of various projects, for which expenditures the County reasonably expects to reimburse itself from the proceeds of debt to be incurred by the County.

Section 5: All expenditures relating to obtaining any bond referendum and or installment purchase will be reimbursed from bond proceeds and installment purchase proceeds in accordance with the requirements of the United States Treasury Regulations Section 1.150 -2.

Section 6: This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to expressly declare the official intent of the County to reimburse itself from the proceeds of debt to be hereinafter incurred by the County for certain expenditures paid by the County on or after the date which is sixty (60) days prior to the date hereof.

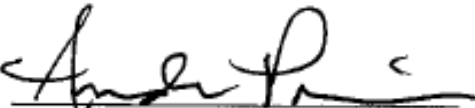
Section 7: The County intends to seek Federal, State, and/or other grant funding to reduce the amount of loan proceeds. The adoption of this ordinance authorizes the County Manager and/or his representative to apply for and accept such funding if awarded.

Section 8: This project ordinance shall be entered in the minutes of the Board of Commissioners of Columbus County. Within five days hereof, copies of this ordinance shall be filed with the finance office in Columbus County, and with the Clerk to the Board of Commissioners of Columbus County.

Capital Project amendment shall become effective on ~~December 6, 2021~~.

ADOPTED, this 6th day of December, 2021


 Ricky Bullard, Chairman
 Columbus County Board of Commissioners


 Amanda Prince, Clerk to the Board

COLUMBUS COUNTY, NORTH CAROLINA
Ordinance amending appropriations to the Capital Project
Fund for the Fiscal Year beginning July 1, 2021

BE IT ORDAINED by the Board of Commissioners of Columbus County, North Carolina as follows:

Section 1: The following amounts are hereby made to the **Rural Airports Projects** pursuant to G.S. 159 -13.2 for the fiscal year beginning July 1, 2021.

	<u>Budget</u>
<u>Terminal Building</u>	
Project Appropriations	
51-4537-519902 Eng/Architect Fees	500,000
51-4537-524000 Construction	2,800,000
51-4537-548002 Administration Cost	100,000
51-4537-551010 Furniture, Fixtures & Equipment	200,000
51-4537-999910 Contingency	<u>200,000</u>
Total Appropriations	<u>3,800,000</u>
Source of Revenue	
51-3457-431019 State Budget Appropriations	<u>3,800,000</u>
 <u>Hangers</u>	
51-4539-519902 Eng/Architect Fees	300,000
51-4539-524000 Construction	2,200,000
51-4539-548002 Administration Cost	200,000
51-4539-999910 Contingency	<u>500,000</u>
Total Appropriations	<u>3,200,000</u>
Source of Revenue	
51-3457-431019 State Budget Appropriations	<u>3,200,000</u>

Section 2: The project undertaken pursuant to the ordinance is in accordance with the Recommended Budget.

Section 3: The Finance Director is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy all applicable regulations. The terms of any financing agreement also shall be met.

Section 4: The County desires to expend its own funds for the purpose of paying certain costs of various projects, for which expenditures the County reasonably expects to reimburse itself from the proceeds of debt to be incurred by the County.

Section 5: All expenditures relating to obtaining any bond referendum and or installment purchase will be reimbursed from bond proceeds and installment purchase proceeds in accordance with the requirements of the United States Treasury Regulations Section 1.150 -2.

Section 6: This declaration of official intent is made pursuant to Section 1.150-2 of the Treasury Regulations to expressly declare the official intent of the County to reimburse itself from the proceeds of debt to be hereinafter incurred by the County for certain expenditures paid by the County on or after the date which is sixty (60) days prior to the date hereof.

Section 7: The County intends to seek Federal, State, and/or other grant funding to reduce the amount of loan proceeds. The adoption of this ordinance authorizes the County Manager and/or his representative to apply for and accept such funding if awarded.

Section 8: This project ordinance shall be entered in the minutes of the Board of Commissioners of Columbus County. Within five days hereof, copies of this ordinance shall be filed with the finance office in Columbus County, and with the Clerk to the Board of Commissioners of Columbus County.

Capital Project amendment shall become effective on December 10, 2021.

ADOPTED, this 10th day of December, 2021


Ricky Bullard, Chairman
Columbus County Board of Commissioners


Amanda Prince, Clerk to the Board

MOTION:

Vice Chairman McMillian made a motion to approve the ordinances, seconded by Commissioner Watts. The motion unanimously passed.

Agenda Item # 7: LEGAL – WAIVER OF CONFLICT OF INTEREST FOR WOMBLE BOND DICKINSON (US) LLP:

Amanda Prince, Staff Attorney/Clerk to the Board, requested Board Approval.

womblebonddickinson.com



December 8, 2021

Womble Bond Dickinson (US) LLP

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Ms. Amanda B. Prince
Staff Attorney
Clerk to the Board
Columbus County
110 Courthouse Square
Whiteville, North Carolina 28472

Re: Waiver of Conflict of Interest – Representation of Columbus County, North Carolina and JPMorgan Chase Bank, N.A. (“JPMorgan Chase”)

Dear Ms. Prince:

The purpose of this letter is to confirm your conversation with Brian Castro about Womble Bond Dickinson’s requested representation of JPMorgan Chase. As discussed, JPMorgan Chase has asked this firm to represent it in connection with a financing transaction between JPMorgan Chase and Columbus County, North Carolina (“Financing Matter”). As you know, our firm is currently representing Columbus County in connection with certain litigation matters.

We are, of course, not undertaking to represent Columbus County in the above-referenced Financing Matter. There is currently no dispute known to us in connection with the Financing Matter between Columbus County and JPMorgan Chase. However, the Firm’s representation of JPMorgan Chase in connection with the Financing Matter will be legally adverse to Columbus County.

Based on the above, a conflict of interest exists that prohibits our Firm from representing JPMorgan Chase in connection with the Financing Matter unless, after due consideration, the conflict is waived by both parties. With the parties’ mutual consent to our representation of JPMorgan Chase in the Financing Matter and in other unrelated matters of Columbus County, we



December 8, 2021
Page 2

believe that we can fulfill our professional responsibilities to both clients. We do not believe that our representation of Columbus County in connection for any Columbus County matters will be limited or adversely affected in any way by our representation of JPMorgan Chase in connection with the Financing Matter or vice versa.

We, of course, will not disclose or make use of any information that we may gain through our representation of Columbus County in connection with our representation of JPMorgan Chase. Likewise, we will not disclose or make use of any information that we may gain from our representation of JPMorgan Chase in connection with our representation of Columbus County.

In addition, our request is conditioned on the understanding that, in the event any dispute shall arise between JPMorgan Chase and the County relating to the Financing Matter which is in litigation, arbitration or other adversarial legal proceeding or which is likely to lead to any such proceeding, we will not represent: (1) the County or any other party adverse to JPMorgan Chase in the matter without the express written consent of JPMorgan Chase; and (2) JPMorgan Chase or any other party adverse to the County without the express written consent of the County.

We understand this is an important decision. If Columbus County agrees to waive any conflict of interest that may arise from our representation of Columbus County in connection with Columbus County matters and our representation of JPMorgan Chase in the Financing Matter, and consents to the terms of our Firm's representation of JPMorgan Chase under the conditions described above, please so indicate by having an officer of Columbus County sign this letter and sending it to me, keeping a copy for your file. If you would like to confer about this, please contact me so that we may discuss it further.

Thank you for your consideration.

Sincerely,

Womble Bond Dickinson (US) LLP

Jonathan T. Mize



December 8, 2021
Page 3

ACKNOWLEDGED AND AGREED:

Columbus County, North Carolina

By: Ricky Bullard

Name: Ricky Bullard

Title: Chairman

Date: 12/10/2021

MOTION:

Commissioner Smith made a motion to approve, seconded by Commissioner McDowell. The motion unanimously passed

Agenda Item #23: ADJOURNMENT:

At 4:16 P.M., Commissioner Smith made a motion to adjourn, seconded by Vice Chairman McMillian. The motion unanimously passed. These minutes were recorded and typed by LaToya Williams.

LATOYA WILLIAMS, Deputy Clerk

RICKY BULLARD, Chairman