

deal with this particular developer so the Board can report back to Mr. Tetirick.

Concern for Adoption of the Proposed Yard Waste Ordinance

Mr. Dick Carter, a concerned citizen, requested the Commissioners to thoroughly review all items concerning the incinerator before adopting the proposed Yard Waste Ordinance. He recommended determining the BTU output of yard waste and stated the moisture content of garbage must be determined before entering the incinerator and after the reburning process. Without determining the amount of moisture in the materials, there is no way to determine the amount of energy consumed to ensure the amount of energy to be generated.

Concern was also expressed for dividing the County into trash districts with exclusive territories awarded to haulers without bids. The County should be very cautious in adopting ordinances, such as the proposed Yard Waste Ordinance, or granting franchises until actual facts on the amount of money involved have been thoroughly examined and the public has been informed. The Commissioners were urged to take one step at a time and to contact Raleigh to see if this situation can be worked out.

Chairman Greer, on behalf of the Board, expressed appreciation to Mr. Carter for his remarks.

Termination of Contract with the North Wilmington Volunteer Fire Department

Mr. Lou Mattes, Chairman of the New Hanover County Board of Fire Commissioners, reported on allegations that have surfaced at the North Wilmington Volunteer Fire Department. Through investigation and reported incidents that have occurred, the Board of Fire Commissioners is requesting termination of the contract with the North Wilmington Volunteer Fire Department under the 90-day no fault clause. This action is not easily recommended; however, due to the following items, the Fire Commissioners feel the contract must be cancelled:

-A lack of trained personnel as well as an inadequate number of fire fighters. The State requires a minimum of 19 fire fighters plus 3 fire/police members to be maintained at all times. During a recent investigation, there were as little as 10-14 available members.

-Poor Management of the North Wilmington Volunteer Fire Department. A number of personal radio-type telephones were purchased in the name of the North Wilmington Volunteer Fire Department. Through an agreement, these members were to reimburse the department; however, no funds have been paid back. At this time, there is a \$10,000 debt.

-The recent fuel spill was due to a lack of control and poor management.

In order to ensure fire protection for this area, the following plan is recommended by the Board of Fire Commissioners:

-Immediately call upon the Wrightsboro and Winter Park Volunteer Fire Departments to respond to fire calls. This will provide adequate fire service to the area.

-Hire two additional fire fighters to temporarily man the fire station during the day until permanent arrangements can be made. These persons will be paid from the unappropriated fund balance of the Fire Service District.

In summary, these types of problems are not indicative of the fire service being provided by seven outstanding Volunteer Departments in New Hanover County. After review, the Fire Commissioners recommend immediate termination of the contract with

the North Wilmington Volunteer Fire Department with dissolution of this fire district and renaming of the district to "County Fire District 5". Also, the County Commissioners are requested to ask the North Wilmington Volunteer Fire Department to turn over all assets to the Board of Fire Commissioners in order to provide an orderly transition and continue to provide fire protection to this area.

Motion: Vice-Chairman Mathews MOVED, SECONDED by Commissioner Sisson to accept the recommendations of the Board of Fire Commissioners and terminate the contract with the North Wilmington Volunteer Fire Department. The floor was opened for discussion.

Attorney James Russell Sugg, Jr., representing the North Wilmington Volunteer Fire Department, reported that the North Wilmington Volunteer Fire Department has never received any written complaints about the services of the Fire Department until this afternoon. After review of the list of complaints, there is no indication that lives have been lost or property damaged due to poor performance by the Fire Department. The North Wilmington Volunteer Fire Department has been in existence for 20 years and for the first time a list of complaints has been presented, of which many are already in the process of being corrected. Cancellation of this contract will cost the taxpayers an additional \$30,000 due to payment for services not rendered. Also, the contract will expire June 30, 1993, which would be a more appropriate time to either cancel or renew the contract. At this point, there are many issues that need to be addressed, particularly with reference to the ownership of equipment. Attorney Sugg requested the County Commissioners to allow the North Wilmington Volunteer Fire Department to respond to the allegations at the next meeting before taking action to terminate the contract.

Commissioner Sisson asked the Assistant County Attorney, Kemp Burpeau, if the recommendations presented by the Board of Fire Commissioners are a valid set of proposals that will provide an effective way to terminate the contract?

Assistant County Attorney Burpeau stated the proposals presented will provide a clean and clear way to terminate the contract under the no-fault provision. The only detriment will be the payment of pro-rata compensation for the 90-day period?

Commissioner Sisson inquired as to whether there is a guarantee that the North Wilmington Volunteer Fire Department will turn over the equipment to the County since it was purchased with County funds?

Assistant County Attorney Burpeau stated the fire equipment is owned by the North Wilmington Volunteer Fire Department; therefore, there is no guarantee the equipment will be returned to the County.

Commissioner Caster asked Chief Phil Spaulding if there is an adequate number of qualified personnel at the North Wilmington Volunteer Fire Department?

Mr. Phil Spaulding, Chief of the North Wilmington Volunteer Fire Department, stated there is an adequate number of qualified personnel.

Chief Lou Mattes stated new members can be added with a period of 12 months allowed to receive 36 hours of training. When reviewing the roster of the North Wilmington Volunteer Fire Department on October 4, 1992, less than 14 members were available.

Commissioner Caster inquired as to whether the accumulated debts for the radios have been paid and if not, who is responsible for the bill?

Chief Spaulding stated the debts are unpaid; however, only \$5,000 is due, not \$10,000 as previously stated. All members of the Fire Department agreed to pay for the radios with purchase of the equipment through the North Wilmington Volunteer Fire Department. This purchase was approved by the former Chairman of the Board of Fire Commissioners. After discussion with the lease company, the Fire Department is technically responsible for the radio debt, but the company feels that some arrangement can be worked out whereby the individuals owning the equipment will be sued.

Commissioner Sisson inquired as to whether the lease company has threatened to sue these individuals for a lack of payment?

Chief Spaulding stated the lease company has threatened to sue the Fire Department and has turned the debt over to a collection agency. At the present time, these members are working with the collection agency to repay the debt.

Attorney Sugg stated the Sheriff's Department did investigate all allegations with a determination that no criminal elements were involved.

Commissioner Sisson responded that the Sheriff's Department did point out substantial evidence of wrong doing but it could not be linked to criminal prosecution.

Chief Spaulding reported on taking over the North Wilmington Volunteer Fire Department approximately a year ago and stated at that time there were problems with management; however, he was promised that he would receive assistance. As of this date, he has not received the assistance needed to correct and work out these problems.

Chairman Greer called for a vote on the motion to accept the recommendations of the Board of Fire Commissioners and terminate the contract with the North Wilmington Volunteer Fire Department. The MOTION CARRIED AS FOLLOWS:

Voting Aye: Commissioner Caster
 Commissioner Sisson
 Vice-Chairman Mathews
 Chairman Greer

Voting Nay: Commissioner Barone

APPROVAL OF CONSENT AGENDA

Chairman Greer requested withdrawal of Consent Agenda Item #1 with a separate motion for approval of the minutes of the Regular Meeting of December 7, 1992, in order to discuss clarification of a substitute motion.

Motion: Commissioner Sisson MOVED, SECONDED by Vice-Chairman Mathews to approve the Consent Agenda with removal of Consent Agenda Item #1. Upon vote, the MOTION CARRIED UNANIMOUSLY.

CONSENT AGENDA

Approval of Budget Amendment #93-00101 - Sheriff's Department

The Commissioners approved the following Budget Amendment:

93-00101 - Sheriff Administration

	Debit	Credit
<u>Sheriff Dept./Administration</u>		
Other	\$20,198	
Motor Vehicle Purchases		\$20,198