

**COLUMBUS COUNTY**  
**BOARD OF COMMISSIONERS**

**MINUTES**

The Honorable Board of Columbus County Commissioners met in their said office at 111 Washington Street, Whiteville, NC at 8:00 A.M., August 4, 1997, for the regularly scheduled Board Meeting, it being the first Monday.

**BOARD MEMBERS PRESENT:**

C.W. Williams, Chairman

Lynwood Norris, Vice Chairman

Spruell Randolph Britt

David L. Dutton, Jr.

A. Dial Gray, III

Sammie Jacobs

C.E. Wilson

James E. Hill, Jr., Attorney

Dempsey B. Herring  
Administrator

Ida L. Smith, Clerk to Board

The meeting was called to order by Chairman C.W. Williams and the invocation was given by Commissioner C.E. "Gene" Wilson.

**BOARD MINUTES APPROVAL**

A motion was made by Commissioner Britt, seconded by Commissioner Norris, and passed unanimously to approve the Minutes of the July 21, 1997 Board Meeting as recorded.

**CONSENT AGENDA ITEM**

A motion was made by Commissioner Norris, seconded by Commissioner Wilson and passed unanimously to approve the following consent agenda item.

**Tax Releases:**

Milton D. & Juanita S. Smith: Mobile home double listed to Nathan James and Annie Mae Smith. Amount \$84.55, valuation \$10,839.74, year 1997, account #06-33648.

Ordered: That a refund check be issued to Mary S. Jordan (Heirs) c/o James V. Soles, 7081 Clarendon-Chadbourn, NC 28431, in the amount of \$60.00. Taxpayer was billed for two (2) user fees on property. One of the houses on the property is vacant. Amount \$60.00, year 1996, account #13-12960.

**CONTRACT AND AGREEMENT - ACME-DELCO-RIEGELWOOD FIRE-RESCUE DEPARTMENT FOR FIRE TRUCK WITH LADDER EXTENSION**

A motion was made by Commissioner Gray, seconded by Commissioner Dutton and passed unanimously to approve a Contract and Agreement for the purchase of a new fire truck for the Acme-Delco-Riegelwood Fire-Rescue Department as follows:

NORTH CAROLINA

CONTRACT AND AGREEMENT

COLUMBUS COUNTY

THIS CONTRACT AND AGREEMENT, made and entered into on this the 4th day of August, 1997, by and between the COUNTY OF COLUMBUS, party of the first part, also referred to as County and ACME-DELCO-RIEGELWOOD FIRE-RESCUE, INC., party of the second part, also referred to as Fire Department;

**WITNESSETH:**

THAT WHEREAS, N.C.G.S. 69-25.5 provides that counties may provide for fire protection in a fire district by contracting with any incorporated nonprofit volunteer or community fire department; and

WHEREAS, the new N.C.G.S. 159-13 provides that the budget ordinance "may be in any form that the Board (of Commissioners of Columbus County) deems most efficient in enabling it to make the fiscal policy decisions embodied therein, but it shall be so organized that the accounting system will show appropriations and revenues by line items within at least the following fund: . . . a fund for each special district whose taxes are collected by . . ." the County of Columbus; and

WHEREAS, the party of the second part is a nonprofit corporation organized

for fire protection purposes; and

WHEREAS, it serves a special tax district created by a vote of the people; and

WHEREAS, it is desirous to make application to the United States of America, acting through the Rural Development, United States Department of Agriculture, hereinafter referred to as the Rural Development for a loan in the amount of \$320,000.00 for the purchase of a new fire truck with a two (2) story ladder extension; and (Loan amount was amended 10-20-97 to \$340,000.00, page 263.)

WHEREAS, the County of Columbus levies and collects the taxes and is responsible for appropriating said funds for the use and benefit of the citizens in the fire protection district; and

WHEREAS, the County desires to grant a long-term contract to enable party of the second part to make long-range plans; and

WHEREAS, the County desires to standardize all its arrangements with Fire Departments in the County;

NOW, THEREFORE, in consideration of the premises and the consideration of TEN DOLLARS to each the other in hand paid, the parties hereto contract and agree as follows:

1. The party of the first part contracts and agrees that it will cause to be assessed or levied a special tax of up to fifteen cents (\$ 0.15) per one-hundred dollar valuation of all real and personal property in the fire protection district, unless otherwise limited by law and/or a vote of the people, and so long as the County of Columbus imposes a fire protection tax; and will collect said tax as a part of the ad valorem taxes of the County of Columbus.
2. That the funds received by the County of Columbus as a result of said special tax shall pass through directly to the Fire Department, to be held in a special account maintained by the Fire Department.
3. That current taxes, as they are collected and received by the County shall be paid to the Fire Department on the last day of each month from January through December of each calendar year, and the delinquent taxes shall be remitted to the Fire Department as they are collected and received by the

County.

4. The party of the second part shall provide the necessary equipment and personnel for furnishing adequate fire protection as determined by the North Carolina Department of Insurance, Fire and Rescue Services Division, for all property located within the fire protection district, and it will furnish said fire protection to all persons and individuals located in said District in an efficient and workmanlike manner, for a monetary amount to be considered by the Board of Columbus County Commissioners.
5. That all funds paid to the party of the second part by the party of the first part shall be used exclusively to provide fire protection within said fire protection district, and to pay other legitimate fire protection expenses including principal and interest on the aforementioned loan made by the Rural Development.
6. It is agreed that the party of the first part may inspect all books and accounts of the party of the second part at any time that it shall desire; it is further agreed that the Fire Department will present to the County Commissioners an annual audit by a C.P.A. which audit shall be in conformity with existing audit policies of the County.
7. The party of the second part agrees to comply with County budgeting procedures and other procedures provided for by State Law and agrees to submit budget estimates to the Board of Commissioners on the standard forms used by County Departments; the party of the second part also agrees to use standard line items for accounting devised or consented to by the County Accountant from time to time.
8. This contract shall extend for a term of twenty (20) years from the date of the Rural Development Loan and Closing.
9. The party of the second part further agrees to file with the County Auditor a true copy of the Articles of Incorporation, existing Bylaws and any changes made thereto from time to time; further, the party of the second part agrees to adopt bylaws, in addition thereto, have reasonable provisions enabling citizens

of the community to participate in the affairs of the corporation at, at least an annual meeting and vesting in a Board of Directors the authority to manage the affairs of the corporation without a vote of the membership to the extent permitted by N.C.G.S. 55A, the North Carolina Nonprofit Corporation Act.

IN TESTIMONY WHEREOF, the party of the first part has caused this instrument to be executed by the Chairman of the Board of County Commissioners and attested by the Clerk of the County Board of Commissioners, and the party of the second part has caused this instrument to be signed in its name by its president, attested by its Secretary, and its corporate seal hereto affixed, all by order of its Board of Directors duly given.

COLUMBUS COUNTY BOARD OF COMMISSIONERS

/s/ C.W. Williams, Chairman

ATTEST:

/s/ Ida L. Smith, Clerk to Board

(SEAL)

ACME-DELCO-RIEGELWOOD FIRE-RESCUE DEPARTMENT

/s/ Steve Camelin, President

ATTEST:

/s/ Terry Welch, Secretary

(SEAL)

**ATTACHMENT TO FIRE PROTECTION CONTRACT**

This instrument has been pre-audited in the manner required by the Local Government and Fiscal Control Act.

/s/ Gayle B. Godwin, Finance Officer

**ORDINANCE (AMBULANCE) - PERMISSION TO FORMULATE**

A motion was made by Commissioner Norris, seconded by Commissioner Dutton and passed unanimously to permit Dempsey B. Herring, County Administrator, to formulate a franchise agreement, guidelines and set public hearing dates for a County Ordinance for a non-emergency transport ambulance system in Columbus County.

**FINANCE - DESTRUCTION OF RECORDS**

A motion was made by Commissioner Wilson, seconded by Commissioner Norris and passed unanimously to grant Gayle Godwin, Finance Officer, permission for the destruction of financial records that are five (5) years old or older which are past the required retainage dates in accordance with Records Retention and Distribution Schedule, published by the NC Division of Archives and History, as follows:

Fiscal Years 1991-92, 1992-93, 1993-94.

**BANK STATEMENTS:**

General Fund  
HUD  
WSDA/CDBG  
College/Schools  
Public Assistance

**EXPENSE CHECK COPIES:**

General Fund  
HUD  
WSDA/CDBG  
College/Schools  
Public Assistance

**SUPPORTING DATA FOR EXPENSE CHECKS:**

General Fund  
HUD  
WSDA  
Public Assistance  
College/Schools

**DEPOSITS:**

Register of Deeds  
Library  
Department of Social Services  
Finance  
Senior Center  
Tax Office  
Public Assistance  
HUD  
Health Department  
Sheriff Department

**MISCELLANEOUS ITEMS:**

Purchase Order Copies  
Journal Entry Supporting Data  
Postage Reports

Time Sheets  
 Budget Amendments  
 Tax Distributions  
 Expense Check Registers  
 Public Assistance Drafts  
 Co Initiated Check Copies  
 Supporting Data for Deposits  
 Sales Tax Reports  
 Landfill Tipping Fee Transaction Copies

**SOLID WASTE - COLLECTION METHOD WILL BE DOOR-TO-DOOR**

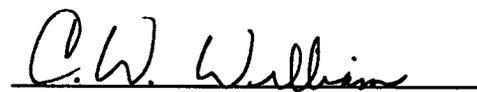
A motion was made by Commissioner Wilson, seconded by Commissioner Gray and passed unanimously to approve the method for household garbage collection as house-to-house pick-up once a week with four (4) convenience centers within specified areas in Columbus County and one (1) convenience center at the existing Landfill where residents will be able to take special wastes, such as yard debris, appliances, furniture and used motor oil. The Board authorized Dempsey B. Herring, County Administrator, and James E. Hill, Jr., County Attorney, to begin negotiating the details of the contracts with American Refuse Systems-Waste Management and Rural Sanitation Incorporated.

**ADJOURNMENT**

A motion was made by Commissioner Dutton, seconded by Commissioner Norris and passed unanimously to adjourn the meeting at 8:15 A.M.

**APPROVED:**

  
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 Ida L. Smith, Clerk to Board

  
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 C.W. Williams, Chairman