

**COLUMBUS COUNTY BOARD OF COMMISSIONERS****August 03, 2009****6:30 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 the purpose of conducting a Public Hearing and for their regular scheduled meeting on the first Monday.

**COMMISSIONERS PRESENT:**

James E. Prevatte **Chairman**  
 Ricky Bullard, **Vice Chairman**  
 Amon E. McKenzie  
 Giles E. Byrd  
 Edwin Russ  
 Lynwood Norris  
 Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
 Mike Stephens, **County Attorney**  
 Terri L. Martin, **Assistant County Attorney**  
 June B. Hall, **Clerk to Board**  
 Bobbie Faircloth, **Finance Officer**

**6:30 P.M.**

**PUBLIC HEARING: Closing a Portion of South Front Street in Ransom Township** - the purpose of this Public Hearing is to allow all parties having any interest or affected by the proposed closing to be present and be heard.

**PUBLIC HEARING CALLED to ORDER:**

At 6:30 P.M., Chairman Prevatte called the Public Hearing to order and stated the purpose of this Public hearing is to allow all parties having any interest or affected by the proposed closing of a portion of South Front Street in Ransom Township to be present and be heard. Chairman Prevatte requested that Mike Stephens, Columbus County Attorney, orally read the Public Comments at Public Hearings Policy for the rules and procedures of how this Public Hearing would be conducted. Mr. Stephens orally read the policy in its entirety.

**PRESENTATION by COBURN POWELL, ATTORNEY for HAROLD PETERSON:**

Coburn Powell, Attorney for Harold Peterson, stated the following:

1. This is a followup to what we have requested previously;
2. Mr. Peterson's property is divided into two (2) tracts, the upper portion and the lower portion of which Front Street divides these two (2) tracts;
3. We are requesting that this section running in between these two (2) tracts be closed and is the only portion of Front Street that we are requesting the Commissioners to close, eighteen (18') feet by almost four hundred (400') feet;
4. It has been stated in a meeting earlier by Mr. Lewis that he and the surrounding neighbors are using this road to access Highway 74/76 in order to avoid the dangerous intersection;
5. Legally, this section of Front Street should be closed because it is not cutting anyone off from getting access to Highway 74/76;
6. The neighbor to the west of Mr. Peterson's property has his own way out;
7. There is another access to Highway 74/76 if this portion of Front Street is closed;

Commissioner McKenzie asked Mr. Powell if barricades would be erected to stop any and all traffic from happening by the neighbors if this road is closed. Mr. Powell replied stating once this road is closed, this road will not be able to be used by anyone excepting the property owners, and this is the proposal.

8. I can point out that there is precedence from this Board several years ago where they closed other sections of Front Street in Delco, and this is not something that has never been done by this Board, and has been done, and has in fact closed portions of Front Street, and is now sometimes called Lewis Road;
9. I will entertain any questions the Board has, and Mr. Peterson will be happy to speak to the Board also on his interest in having this road closed;
10. We don't think we are harming anyone, and as far as the safety issue is concerned, we think it would simply be safer to come down to the intersection, as it is designed by the Highway

- Department now, for access to Highway 74/76;
11. Obviously, this intersection needs some work by DOT, that is a busy intersection and will probably become a busier intersection;
  12. I will contend to the Commissioners also that if this is a safety issue, which of course you are not responsible for, the Board could rightly raise that issue with DOT; **and**
  13. If it is a safety issue, I would contend that the more access you have, the more potential for serious accidents to happen.

Chairman Prevatte asked Mr. Powell the following questions:

1. Have you posted all the announcements in the newspaper that are required?;
2. Has the property that is being closed been posted with the proper signage?; **and**
3. Have certified letters been sent to all of the adjoining property owners about the proposed closing of this property?

Mr. Powell replied stating the following answers to Chairman Prevatte's questions:

1. Notice for the Public Hearing was run in the newspaper in accordance with the General Statute, but I have not received the Affidavit of Publication yet;
2. I am not sure that has been done, and I have not personally posted the property; **and**
3. They were previously sent letters, and as far as this particular time, I am sure that has been accomplished at this time.

#### COMMENTS:

1. **Harold Peterson:** stated the following:
  - A. It is with our best intentions that we come before you tonight with the resolution to close a section of Lewis Road that runs between our east and west property boundaries located at 161 Lewis Road, Delco which is approximately four hundred ninety (490');
  - B. My wife and I purchased the property in late 2007;
  - C. Since then we have made considerable improvements to this property and homestead;
  - D. Our immediate plans are only to improve and maintain the property;
  - E. Presently we have responsible tenants that maintain the grounds;
  - F. The home is of historic value and we have made upgrades throughout and will continue this restoration;
  - G. We have filled the railroad bed between Lewis Road and the highway and plan to continue to enhance the roadside appearance of the property;
  - H. Closing this section of Lewis Road is part of this plan;
  - I. Presently, adjoining neighbors to the east of our property use Lewis Road and our private driveway to access Highway 74-76. We have not objected to this, but in the near future, we would like to make additional improvements to the highway frontage and therefore would like to see this portion of Lewis Road closed. Our immediate neighbors to the west have no objection to this plan.;
  - J. By closing this portion of Lewis Road, it will not deprive our immediate neighbors to the east and west of a reasonable means of ingress and egress to their property;
  - K. Rumors that we plan to create a trailer park are unfounded;
  - L. Thank you for your time and consideration of this request; **and**
  - M. We see a bright future for the community of Delco and Columbus County and, as property owners, we want to be a positive contributor to this future growth and development.
2. **Mark Christopher Lane, Jr.:** stated the following:
  - A. I am here on behalf of the Acme-Delco-Riegelwood Fire and Rescue Department;
  - B. I will read a letter from our Rescue Chief Ms. Donna Hammonds, as follows:  
"I was unable to attend the Public Hearing. I am in favor of leaving South Front Street, Delco, open. The closing would limit our access for emergency response. Please call me with any questions."
  - C. My concern being the closing of this road would give us alternative access, and if something happened at that intersection at the Post Office where we could not get in front, we would have to go all the way down for access; **and**
  - D. In times of fire, time is of the essence.
3. **Reverend Joseph Michael Lewis, Jr.:** stated the following:

- A. I will read the following notarized letter from Diane Williford:  
 “I live at 39 Lewis Road and I do not want this road closed up. We use both ends of this road to get out. On the east end, we have to use the intersection on 74-76 which is very dangerous early in the morning and late in the evenings. I have saw quiet a few accidents there, it is really dangerous. I have a teenage daughter I make use the west end also. I am terrified when she uses the intersection on 74-76 at the east end. The west end is a whole lot safer. A lot of other people use the west end also so they don’t have to cross the intersection. There has been a few deaths at the intersection. Please keep the road open. It might save a few lives if they can use the west end.”;
- B. I am a part of Acme-Delco-Riegelwood Fire and Rescue, and I stay at 99 Lewis Road;
- C. I have lost a best friend at the intersection at 74-76 trying to cross over where it is so busy;
- D. During the middle of the night and during evening time, I spend many hours of time doing volunteer work at this department trying to keep my life safe and saving other lives;
- E. It’s easier for me to use the east end and go across and not have to worry about using that intersection;
- F. There have been times when I have been on calls and I have merely set for there a minute or so, and in emergency calls, every little second counts; **and**
- G. Please keep that road open so I can help save lives.
4. **Joseph M. Lewis:** stated the following:
- A. First of all, I would like to say that Mr. Peterson is right, the house is historical, and if the house is historical, what about the road that has been there as long as the house has or longer;
- B. If you look at historical, if you get rid of the road, then get rid of the house;
- C. I live right next door and basically his people use my side of the road more than I use it coming out my way, so they use that section more than I do, they use it every day, twice or three times a day;
- D. This road here, whenever you pull up to the Dollar General, you got traffic coming from the mill, traffic coming from Wilmington, Whiteville, and if you to turn or anything, it is go or get gone;
- E. This way, if you utilize this portion of South Front Street that Mr. Peterson wants to close, which has been there all my life, you go up that road, you don’t have any traffic coming this way, you got traffic both ways where you can get across with no problem.
- F. If you got to set there where everybody is turning, these big trucks set there in that lane, you can’t see nothing;
- G. I have got signatures, letters and petitions, and I will read the following letter from Dan T. Bordeauz:  
 “Street known as South Front Street or Lewis Road has been open for years. I would like to see this road say open for public use. Thank you.”;
- H. I have got all these signatures I will leave with you. There is probably 200-300 signatures. It is not just the people on Lewis Road, but other people are interested in keeping this road open too;
- I. This is a Delco Community, other people use it, I look out for my neighbors, neighbors look out for neighbors;
- J. Ms. Wells looked out for us, I looked out for Ms. Wells, and that’s just the way it is out there, and when somebody comes in that doesn’t stay there, **that doesn’t stay there**, that road has been all your life and you use to ride a bicycle on it when you were this high, and then someone comes in and tells you that you cannot go on it;
- H. What is the world coming to, where is my grandchildren going to ride at, on 74-76;
- I. This is the best road you got and it has been there for years;
- J. As far as Mr. Powell sending me a letter, no he has not;
- J. I got a letter one and one-half (1 ½) or two (2) years ago that was the resolution that was approved ahead of time for the road to be closed, and there were no signs posted saying anything about anything about this;
- K. I didn’t even know this was going to happen until I got a call one day last week;
- L. Once again, it was going to be a slide through, the way it has always been and I just don’t like the idea of somebody telling me, and I can work with anybody, but something that has been there for eighty or ninety (80 or 90) years, and I look at the safety of my family, no I don’t like this;
- M. I am sure that if any of you were in my position, you would not like this because I

- would hate to know that I woke up one morning, and I had forced my child or grandchild to go the other way and they got killed;
- N. It would be sad to know that this road has been here for one hundred (100) years and now we cannot use it;
- O. Mr. Peterson's people have got four (4) wheelers and they ride up and down our road all the time, I don't care, and that is what it is for, for little children to stay off the highway;
- P. So, I don't see why they would want the road closed if his people use it as much as I do;
- Q. If the road was not needed, then his people would not be using it; **and**
- R. I will give you all this information that I have.
5. **Ellen G. Lewis:** stated the following:
- A. Please take into consideration our children, our grandchildren and other people's children;
- B. I will read the following letter from Rachel Carroll:  
"I Rachel Carroll live at 71 Lewis Road, Delco, NC 28436 and I ask you to not close the west end of the road off. It's much safer to exit onto 74/76 with my children that way instead of the intersection, 74/76 and Cronley. There have been many accidents there, as well as deaths. Thank you.";
- C. Please take into consideration, that use to be the old 74/76, and we have been using this road for many years;
- D. Ms. Wells was a good neighbor of ours and she passed away, and it has been bought by Mr. Peterson, but he doesn't live there, he has renters, and we have no problem with them, we get along with them;
- E. They use our road and we use theirs; **and**
- F. I just ask you to take this and consider it, because it is dangerous when that school system opens up, and there is a lot of traffic right there in front of the school, and I ask you to please take this into consideration.

Commissioner McKenzie asked Mr. Peterson why was he closing the road. Mr. Peterson replied stating the following:

1. At the present time, we maintain the status quo that we made improvements on the mirror that it is our intention to continue to make improvements;
2. There have rumors that I stated that we are planning a trailer park;
3. I specifically do allow my tenants to use the driveway on my private property to access the rental;
4. That is basically my privilege, as a property owner, to make improvements to my property;
5. I understand the safety issue, and it is a real issue;
6. Again, this is not a public easement, our driveway is private property;
7. I have offered an alternative to Mr. Lewis and I would like for him to consider it that I would be happy to contribute to creating and to share a common boundary on the east side of this property where we could access 74-76;
8. Our access to 74-76 is a dangerous access, it's narrow, has a narrow median, and there is not a proper alternative or safer alternative than the existing access at the Post Office;
9. Apparently, the Commissioners need to request that DOT address that issue, that safety issue, and a traffic light is probably necessary, I am not an expert, but something needs to be done because this area is growing, and, as a property owner, we are part of that growth;
10. As a property owner, I want to make it through to my property without ingressing anyway else's property;
11. As a property owner, I would like you to honor my private property rights;
12. Presently, Lewis Road dead ends, and they have to cross private property to utilize it; **and**
13. Lewis Road is an old road and a historic road and has outlived its vital purpose.

Commissioner Byrd asked Mr. Peterson if he had ever reversed and tried to enter Highway 74-76 at the Andy's and Person-White Store and go straight across toward Riegelwood Village or turn to come toward Whiteville. Mr. Peterson replied stating the following:

1. This issue is indeed one that has to be addressed;
2. That intersection is a very busy and dangerous intersection, and I am in full support of that;
3. A wider median, a wider road, a traffic light, and I don't know whether DOT would consider it, or if this Commission would recommend it, or who it would be, but I think it is a community issue that has to be addressed;

4. To use the alternative as a solution to that, and would be reasonable and fair to us as private property owners; **and**
5. I would be happy to participate in that investigation and promoting a solution to that intersection.

Commissioner Byrd informed Mr. Peterson he had personally seen the four (4) wheelers going up and down this road. Mr. Peterson replied stating he had recommended to the tenants to use the driveways and the back ten (10) acres for this activity, and I will address this issue.

**PUBLIC HEARING CLOSED:**

At 7:03 P.M., Vice Chairman Bullard made a motion to close the Public Hearing, seconded by Commissioner Byrd. The motion unanimously passed.

**7:03 P.M.  
REGULAR SESSION**

**Agenda Item's #1, #2 and #3: MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:**

At 7:03 P.M., Chairman James E. Prevatte called the August 03, 2009 Columbus County Board of Commissioners Meeting to order. The invocation was delivered by Commissioner Ronald Gore. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Vice Chairman Ricky Bullard.

**ADJUSTMENT of AGENDA:**

I have received notification that Agenda Item #14 is to be deleted as per the company's request and I am requesting permission from the Board to move Agenda Item #6 to a later place on the Agenda to allow Dr. Dan Strickland time to arrive at this meeting, after he has finished with another meeting that he is attending.

Commissioner Norris made a motion to delete Agenda Item #14, and to move Agenda Item #6 to a later place on the Agenda to allow Dr. Dan Strickland time to arrive at this meeting, after he has finished with another meeting that he is attending, seconded by Commissioner Byrd. The motion unanimously passed.

**Agenda Item #4: BOARD MINUTES APPROVAL:**

Commissioner Norris made a motion to approve the July 20, 2009 Regular Session Board Meeting Minutes, as recorded, seconded by Commissioner Gore. The motion unanimously passed.

**Agenda Item #5: PUBLIC INPUT:**

Chairman Prevatte opened the floor for public input. The following person spoke.

**Frank Foronda:** stated the following:

1. These packets I have given you are compliments of Company B, First Battalion, 125<sup>th</sup> Infantry;
2. These are the latest combat ration packets;
3. These packets are easy to look at, easy to do and taste good, and much better then the packets during the Vietnam War and the Korean Ward; **and**
4. The soldiers in Iraq are doing good.

Commissioner Russ made a motion to close the Public Input, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #7: ROAD CLOSING - CLOSING a PORTION of SOUTH FRONT STREET in RANSOM TOWNSHIP:**

Coburn Powell, Attorney for Harold Peterson and wife, Pamela Dodge, requested Board approval to close a portion of South Front Street in Ransom Township.

Mr. Powell stated the following:

1. I agree with Commissioner Byrd that this intersection is a very dangerous intersection, and you can not pull a truck across there;
2. Obviously, by the signatures and the response you have here tonight, notice is not an issue, and apparently everyone in Delco was aware of this;
3. If notice is an issue, we would request that you postpone your decision and let us provide any other additional information that is appropriate or required;
4. We are requesting the Commissioners to close this portion of Front Street on Mr. Peterson's property, which is four hundred ninety (490') feet, just that eighteen (18') feet wide portion; **and**
5. We respectfully request that all the Commissioners agree to that.

Chairman Prevatte stated the reason for his statements relative to the signs and notification of the adjoining landowners was that it is a statutory requirement that these actions take place. If this presents a problem, we can delay action or take action at this time.

Commissioner Gore stated the following information and asked Mr. Powell the following questions:

1. The driveway on the center of Mr. Peterson's property is straight across from the driveway that goes into the school;
2. That is a private drive and there is one (1) resident there and a little bit of school traffic, and very little traffic there and providing easier access;
3. If you go to the east entrance at Dollar General and all that traffic is, there is a lot of traffic coming out of there, and it is almost impossible to get across there, particularly if you go down and want to make a turn and go down the west-bound lane, and there is really a traffic jam there;
4. I will ask a three-part question as follows:
  - A. Mr. Peterson stated that he had made a proposal to the people about going east and putting in another driveway on the east boundary of his property;
  - B. The Columbus County School System owns that property across the road beyond the right-of-way, and that is something you need to check into because several years ago I did a deed search on some property down there, and if I remember right, Columbus County School System owns some property on this side of where the railroad bed use to be that fronted the school, and, if they do indeed own it, I am not sure you can put a driveway in there.

Mr. Powell replied stating the following:

1. I have searched Mr. Peterson's property, but I have not searched this particular piece of property, and this is private property, no matter what you do with Lewis Road, this is still private property; **and**
2. Going back to the school issue and the safety issue, I will highlight again what Mr. Peterson said, just because there is a problem here and just because there are issues here with traffic, that doesn't mean that his private property can be burdened to alleviate that problem. That is not a fair use of his private property.

Commissioner Gore asked Mr. Powell if Mr. Peterson owned Lewis Road. Mr. Powell replied stating that Mr. Peterson owned the North to South driveway, but did not own the East to West road known as Lewis Road.

3. I believe that Columbus County School System owns some property on the east side of Mr. Peterson's property up to the rail bed and maybe beyond the rail bed, and this is worth checking into.

Commissioner Byrd asked Mr. Powell what year this map was taken. Mr. Powell replied stating the year was 2007.

Commissioner Byrd stated that the map alone shows the road has been utilized very heavily and freely by all the parties which are involved. Mr. Powell replied stating that if Commissioner Byrd was eluding to Easement by Prescription, there are a lot of very complicated issues relating to this, one of which is that it has to be adverse over an extended period of time, and all the information I have heard, the use has been permissive. My argument would be that you can't have an Easement

by Prescription if you got permissive use.

Commissioner Byrd asked Mr. Powell if the statute states that if the property has been used for the last twenty (20) consecutive years, with no problem then it automatically creates an Easement by Prescription. Mr. Powell replied stating that this would involve the adverse use of the road.

Chairman Prevatte asked Mr. Powell the following questions:

1. Is this road maintained by the State in any way?; **and**
2. Was this road State property at any time?

Mr. Powell replied stating the following:

1. This road is not maintained by the State in any way that I am aware of; **and**
2. No, this road is not State property, and I guess it was developed as Front Street when the New Berlin Colony Map was put on in the 1915-1920 era. There was a New Berlin Colony and they put a map on record that had all kind of streets and roads all over the place on it. That is where various roads developed in and around Delco, but I am not aware of any State maintained area on that Front Street. This property next to Highway 74/76, which belongs to Mr. Peterson, that was owned by the Seaboard Coastline Railroad as all this property was. That could have been part of the property in front of the school that the school might have purchased from the railroad. There are various entities who have bought various parcels up and down that railroad when they abandoned the railroad.

#### **MOTION:**

Commissioner Byrd made a motion to deny the request to close a portion of South Front Street in Ransom Township, seconded by Commissioner Russ. The motion unanimously passed.

#### **Agenda Item #8: ORDINANCE - PRESENTATION of REVISED MANUFACTURED/MOBILE HOME PARK ORDINANCE, and REQUEST PUBLIC HEARING to be ESTABLISHED:**

Jim Dossett, Columbus County Planner, presented the following **revised** Manufactured/Mobile Home Park Ordinance and requested the Board to establish a Public Hearing date.

#### **MANUFACTURED/MOBILE HOME PARK ORDINANCE for COLUMBUS COUNTY**

##### **ARTICLE I: GENERAL PROVISIONS**

##### **Section A: Purpose**

The purpose of this Ordinance is to regulate and guide the establishment of manufactured/mobile home parks in order to promote the health, safety and general welfare of the citizens of Columbus County, North Carolina. This Ordinance is designed to accomplish the following specific objectives:

- To further the orderly layout of manufactured/mobile home parks;
- To secure safety from fire, panic and other danger;
- To provide adequate light and air; **and**
- To ensure that facilities for transportation, parking, water, sewage and recreation are provided for manufactured/mobile home park residents and visitors.

##### **Section B: Jurisdiction**

These regulations shall govern the establishment of each and every new manufactured/mobile home park and the alteration or expansion of existing manufactured/mobile home parks lying within the jurisdiction of Columbus County. Facilities developed within a municipal limit or extra-territorial jurisdiction will come under the authority of that particular municipality.

##### **Section C: Authority**

Columbus County hereby exercises its authority to adopt and enforce a Manufactured/Mobile Home

Park Ordinance pursuant to the authority granted to Columbus County by North Carolina General Statutes 153A-121 and 153A-341.1.

**Section D: Short Title**

This Ordinance shall be known as the **MANUFACTURED/MOBILE HOME PARK ORDINANCE FOR COLUMBUS COUNTY**, and may be cited as the **Manufactured/Mobile Home Park Ordinance**.

**Section E: Administration**

The Planning Department shall administer and enforce this Ordinance. The Planning Department may be provided with assistance of such other persons as necessary.

**ARTICLE II: DEFINITIONS**

**Section A: Word Usage**

1. Words used in the present tense include the future tense.
2. Words used in the singular number include the plural and words used the plural number include the singular.
3. The word "shall" is always mandatory and not merely directory.
4. The word "may" is permissive.
5. The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.
6. Masculine includes feminine and neuter.

**Section B: Definitions**

1. **Abandoned Vehicle:** A motor vehicle which is left on private property without the consent of the owner, occupant or lessee of the property.
2. **Adjacent:** Having a common border such as a space or lot line or street right-of-way.
3. **Building Inspections Department:** Columbus County Building Inspector or designee.
4. **Community or Municipal Sewage Disposal System:** A sewage disposal system which is a single system of sewage collection, treatment and disposal owned and operate by a public utility or community association constructed and operated in compliance with applicable requirements of the North Carolina Department of environment and Natural Resources.
5. **County:** Columbus County, North Carolina acting by and through its Board of County Commissioners or duly authorized designee(s).
6. **Family:** Members of the same family, which shall be limited to spouse, parents, step-parents, grandparents, step-grandparents, children, step-children, brothers, step-brothers, sisters, step-sisters, aunts, uncles, father-in-law, step-father-in-law, mother-in-law, step-mother-in-law, brother-in-law, step-brother-in-law, sister-in-law, step-sister-in-law.
7. **Farm:** Farming operations that include growing crops, raising livestock and poultry, and growing nursery plants. A farm does not include commercial operations related to agriculture, such as a store selling fertilizer, a meat-packing operation, or a commercial grain-drying operation.
8. **Health Director:** The Columbus County Health Director or authorized designee.
9. **Household Solid Waste:** Waste normally generated by households.
10. **Human Habitation:** Used or intended to be used by human beings for occupancy.
11. **Individual Sewage Disposal System:** A septic tank and absorption field sewage system approved by the Environmental Division of the Columbus County Health Department.
12. **Junk: (I)** Any motor vehicle that is partially dismantled or wrecked and cannot be



- self-propelled or moved in the manner in which it was originally intended to move; or (ii) machinery and/or materials in which no specific or expressly written purpose can be provided.
13. **Letter Permitting Construction:** A notice issued by the Planning Department upon approval of the proposed manufactured/mobile home park plan allowing the Operator to begin construction of the manufactured/mobile home park in conformity with the approved manufactured/mobile home park plan.
  14. **Letter of Compliance:** A notice issued at the completion of the construction of the Manufactured/Mobile Home Park and annually thereafter by the Planning Department certifying that the Manufactured/Mobile Home Park has been inspected and found to be in compliance with this Ordinance.
  15. **Manufactured/Mobile Home:** A movable or portable dwelling over 32 feet in length and over 8 feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or more units separately towable but designed to be joined into one integral unit and not complying with the N.C. State Uniform Residential Building Code.
  16. **Manufactured/Mobile Home Park:** Any place, area or tract of land maintained for the purpose of renting a space with or without a manufactured/mobile home where three (3) or more manufactured/mobile homes will be or are used for human habitation purposes, whether the manufactured/mobile homes are owned by the Operator of the manufactured/mobile home park or owned by individual occupants.
  17. **Manufactured/Mobile Home Space:** A plot of land within a manufactured/mobile home park designed for the accommodation of a single manufactured home in accordance with the requirements set forth in this Ordinance.
  18. **Operator:** The person who owns or is responsible for the operation of a manufactured/mobile home park.
  19. **Person:** Any individual, firm, corporation, association or partnership.
  20. **Planning Board:** The Board appointed by the Columbus County Board of Commissioners pursuant to NCGS 153A-321.
  21. **Planning Department:** Columbus County Planning Director or designee.
  22. **Pre-existing Mobile Home Parks:** A manufacture/mobile home park, as defined by this Ordinance, that was in operation and occupied at the time of the effective date of this Ordinance.
  23. **Public Water System:** As defined by Article 10, Chapter 130A, and Section 313 (10) of the North Carolina General Statutes.
  24. **Recreation Area or Park:** An area of land and/or water resource that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.
  25. **Solid Waste:** Garbage, refuse, rubble, trash or other discarded materials resulting from industrial, commercial and agricultural operations, from community activities and from household use of products and materials, but does not include solids or dissolved materials and domestic sewage or other significant pollutants and water resources such as silt, dissolved or suspended solids and industrial pollutants, dissolved or suspended solids and industrial waste effluents, dissolved materials and irrigation, return flows or other common water pollutants.
  26. **Technical Review Committee (TRC):** A committee of representatives chosen by the Planning Department from various county and state departments and agencies involved with development to serve as a review resource of proposed development.

27. **Tie Downs:** Galvanized steel cables or strapping which “tie” a manufactured/mobile home and its steel frame to anchors embedded in the ground.
28. **Tract:** A piece of land whose boundaries have been described or delineated in a legal instrument or on a map submitted to the Planning Department as part of the application for a permit to construct or expand a manufactured/mobile home park.
29. **Travel Trailer:** A wheeled vehicular portable structure built on a chassis designed to be used as a temporary dwelling including, but not limited to, structures mounted on auto or truck bodies that are commonly referred to as campers.
30. **Variance:** A modification of the terms of this Ordinance where, as a result of conditions peculiar to the property, a literal enforcement of this Ordinance would result in an unnecessary hardship.
31. **Wind Zone II:** Structures built to withstand one hundred (100) miles per hour winds.
32. **Wind Zone II Declaration Sticker:** Map of the United States placed in a manufactured/mobile home by manufacturer designating Wind Zone placement areas.
33. **Wind Zone II Designation:** Minimum rating designation required for all manufactured/mobile homes to be set up in Columbus County.

### **ARTICLE III: NON-CONFORMING MANUFACTURED/MOBILE HOME PARKS (PRE-EXISTING PARKS)**

#### **Section A. Minimum Standards**

Manufactured/mobile home parks existing at the time of adoption of this Manufactured/Mobile Home Park Ordinance for which the Operator is not applying for **expansion of or an addition or alteration to such pre-existing manufactured/mobile home park**, and do not meet the minimum standards contained Article IV: Minimum Standards shall have sixty (60) days from the effective date of this Ordinance to comply with the following requirements:

1. Provide street names to be used in the parks:
2. Signage for park;
3. Solid waste disposal plan;
4. Register with the Columbus County Tax Office;
5. Register with the Columbus County Health Director;
6. Register with Columbus County Planning Department; **and**
7. Provide a road maintenance disclosure statement.

#### **Section B: Letter of Compliance**

1. Upon compliance with A. 1. through 6 above and the payment of the appropriate fees, the Letter of Compliance will be issued.
2. Operators of all Manufactured/Mobile Home Parks existing at the time of adoption of this Ordinance shall be required to obtain and maintain a current Letter of Compliance. Failure of an Operator to renew the Letter of Compliance within thirty (30) days following the expiration of such Letter shall result in the permanent loss of the existing status. Once the Ordinance is adopted, Operators will have not more than sixty (60) days after adoption to obtain a Letter of Compliance. Any expansion of the manufactured/mobile home park, either in area or in the number of homes, shall also immediately result in the loss of existing status. Any manufactured/mobile home park which loses its existing status shall be required to meet all minimum standards contained in Article IV: Minimum Standards before a new Letter of Compliance will be issued.

### **ARTICLE IV: MINIMUM STANDARDS OF DESIGN, CONSTRUCTION AND LAYOUT FOR OTHER THAN PRE-EXISTING MANUFACTURED/MOBILE HOME PARKS**

**Section A: Minimum Manufactured/Mobile Home Park Size:** All manufactured/mobile home

parks created after the effective date of this Ordinance shall contain a gross land area of at least two (2) acres and shall contain at least three (3) manufactured/mobile home spaces for occupancy.

**Section B: Phases of Development:** Manufactured/Mobile Home Parks developed in phases shall be required to develop a minimum of three (3) spaces in the first phase and a minimum of four (4) spaces in all additional phases except where the remaining spaces to be developed are less than four (4). In such case, all remaining spaces must be developed in the final phase.

**Section C: Drainage:** No manufactured/mobile home park shall be so located that the drainage of the manufactured/mobile home park area will endanger any public or private water supply.

**Section D: Flood Hazard:** Manufactured/mobile home parks shall not be located in areas that are susceptible to regular flooding as noted on FEMA Maps. Existing manufactured/mobile home parks located in flood hazard areas shall not be allowed to add additional spaces or manufactured/mobile homes. Manufactured/mobile home spaces shall be graded so as to prevent water from ponding or accumulating on the premises.

**Section E: Spaces:** All new manufactured/mobile home parks or additions to existing manufactured/mobile home parks shall have manufactured/mobile home spaces complying with the following:

1. Where a community or municipal sewage disposal system is used, each manufactured/mobile home space shall be at least than forty (40) feet wide and not less than four thousand (4,000) square feet in size.
2. Where individual sewage disposal system is used, unless it is determined by the Health Director that additional area is needed, each manufactured/mobile home space shall be at least sixty (60) feet wide and not less than seven thousand two hundred (7,200) square feet in size for a single-wide unit; and no less than nine thousand six hundred (9,600) square feet in size for a double or triple-wide unit.
3. In all cases, the corners of every manufactured/mobile home space shall be plainly marked by corner markers. The distance between manufactured/mobile homes, including any enclosed extension thereof, shall be at least than fifteen (15) feet. No manufactured/mobile home shall be located closer than fifteen (15) feet to any property line of the manufactured/mobile home park or to any other structure on the premises and not closer than twenty-five (25) feet to any public street or highway right-of-way.

**Section F: Access and Streets**

1. All manufactured/mobile home parks shall be provided with a network of streets, roads or driveways that will allow safe and convenient vehicular access to an improved public street from each manufactured/mobile home space. No Manufactured/Mobile Home Park space may have direct driveway access to public roads. Direct driveway access may not be misconstrued in the meaning as to serve other manufactured/mobile home park spaces as an entrance or a primary Manufactured/Mobile Home Park road.
2. All manufactured/mobile home park roads, streets, driveways and parking areas shall be constructed and maintained with an all-weather surface. The design and construction of the road cross section and associated drainage features shall be in compliance with the Division of Highways, North Carolina Board of Transportation Subdivision Roads / Minimum Design Standards. Appropriate construction testing reports certifying compliance with NC DOT standards shall be provided to the Planning Department.
3. Roads and streets within the manufactured/mobile home park shall have a minimum travel-way width of twenty (20) feet and be aligned and graded to provide adequate drainage.
4. The intersection of the public street with the entrance way or private access road to the manufactured/mobile home park shall be designed to facilitate the free movement of traffic on the public street and to minimize the hazards caused by traffic entering or leaving the manufactured/mobile home park. All park entrance ways shall be hard surface, approved by the North Carolina Department of Transportation, and shall be well marked and lighted. All manufactured/mobile home spaces must be accessed through the use of the interior road network of the manufactured/mobile home park.

5. Through streets connecting two (2) public thoroughfares or extending to adjacent properties shall be built to minimum construction standards required by the North Carolina Department of Transportation for acceptance to the State Highway System. All through streets shall have approval by the North Carolina Department of Transportation.

## **Section G: Parking**

1. Each manufactured/mobile home park shall provide sufficient parking and maneuvering space so that the parking, loading or maneuvering of a manufactured/mobile home shall not necessitate the use of any public street, sidewalk or right-of-way or any private grounds not part of the manufactured/mobile home park.
2. Each manufactured/mobile home space shall have parking space a minimum of 10' x 20' in size, sufficient to accommodate at least two (2) passenger vehicles, on four (4) inches of compacted well graded aggregate base course.

## **Section H: Exterior Lighting**

Adequate lights shall be provided to illuminate streets, common driveways, walkways and dead-end streets for the safe movement of vehicles and pedestrians at night. Minimum requirements will be based on 0.4 foot candles per light, spaced at a maximum of two hundred (200) feet between lights, and nine thousand five hundred (9500) lumens at a twenty-five (25) foot mounting height. Utility Company (Progress Energy or BEMC) lighting shall be acceptable as exterior lighting.

## **Section I: Planting Strip**

The manufactured/mobile home park shall have a planting strip not less than ten (10) feet wide adjacent to the manufactured/mobile home park property line extending along the entire perimeter of the manufactured/mobile home park. The planting strip shall not be a portion of any manufactured/mobile home space, street or private drive. It shall be planted with evergreen and/or deciduous trees not more than eight (8) feet apart and must be at least four (4) feet in height when planted, and a minimum of eight (8) feet tall at maturity. Dead trees must be replaced. It shall be adequately landscaped with grass and shrubbery in such a manner as to be harmonious with the landscaping and/or adjacent properties and in keeping with the general character of the surrounding neighborhood. A privacy fence at least six (6) feet in height may meet the planting strip requirements in such instances where landscaping is impracticable or in instances where the Planning Department determines that a fence would be the most effective buffer. All required planting strips must be continually maintained by the Operator. Failure to maintain any required planting strip may cause the manufactured/mobile home park Letter of Compliance to be withheld or revoked. The planting strip requirement may be waived where a property line of the manufactured/mobile home park abuts a natural vegetative area.

## **Section J: Numbering and Park Signs**

1. The Operator is responsible for obtaining manufactured/mobile home park space numbers from the Columbus County E-911 Addressing Office.
2. The Operator shall be required to install manufactured/mobile home space numbers. These numbers shall be at least six (6) inches in height and three (3) inches in width so as to clearly identify each manufactured/mobile home space from the street. These numbers shall be displayed either on the manufactured/mobile home or on a post placed within the manufactured/mobile home space.
3. All streets within the manufactured/mobile home park will be named. The Operator shall obtain approval of all street names from Columbus County E-911 Addressing Office.
4. The Operator shall purchase all street signs through the Columbus County E-911 Addressing Office.
5. The Operator shall install such street signs in a manner so that the signs are visible and clearly identify the individual streets within the manufactured/mobile home park.
6. Street signs shall be erected before any manufactured/mobile homes enter the manufactured/mobile home park.

7. The Operator shall also be required to install a reflective or lighted manufactured/ mobile home park sign at all entrances which identifies the name of the manufactured/ mobile home park and lists a telephone number at which the Operator may be contacted. The sign must be visible from the road adjacent to the manufactured/mobile home park.
8. Each manufactured/mobile home park sign shall be a minimum of three (3) feet high and four (4) feet wide with letter/numbers at least six (6) inches and three (3) inches wide, visible to traffic at entrances.

## **ARTICLE V: ADDITIONAL REQUIREMENTS AND RESTRICTIONS**

### **Section A: Manufacture Date**

No manufactured/mobile home manufactured prior to July 1, 1976 shall be placed in a Manufactured/Mobile Home Park. A manufactured/mobile home that was manufactured prior to July 1, 1976, and is located in Columbus County as of the adoption of this Ordinance, may be moved to a new Manufactured/Mobile Home Park provided that all other regulations and codes are met.

### **Section B: Responsibilities and Duties of Operator**

1. The Operator shall be required to provide adequate supervision to maintain the manufactured/mobile home park in compliance with the requirements of this Ordinance. The Operator shall keep all park-owned facilities, improvements, equipment and all common areas in good repair and maintained in such a manner as to prevent the accumulation of storage of materials which could constitute a fire hazard or would cause insect or rodent breeding and harborage. Abandoned vehicle storage, the accumulation of junk, or the storage of possessions and/or equipment in the area beneath the manufactured/mobile homes is expressly prohibited in pre-existing and/or new manufacture/mobile home parks.
2. The Operator will use extermination methods and other measures that conform with the requirements of the Health Director to control insects and rodents.
3. The Operator will cause all lumber, pipes, and other building materials to be stored at least one (1) foot above the ground.
4. Where the potential for insect and rodent infestation exists, the Operator will cause all exterior openings in or beneath any structure to be appropriately screened with wire, mesh or other suitable materials.
5. The Operator will control the growth of brush, weeds, and grass so as to prevent harborage of ticks, chiggers, and other noxious insects. The manufactured/mobile home park will be maintained in such a manner as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
6. Prior to the issuance of a Letter of Compliance, the Operator will provide in writing a road disclosure statement regarding the maintenance of manufactured/mobile home park roads. The disclosure will outline the Operator's plan for road upkeep and maintenance. The disclosure statement is required for pre-existing manufactured/ mobile home parks as well as new Manufactured/Mobile Home Parks.
7. The Operator will ensure that all manufactured/Mobile Home Park roads will allow for unencumbered access for emergency and safety vehicles to enter and service emergency and safety needs of the residents of the manufactured/mobile home park.
8. The Operator shall be required to supervise the placement of all manufactured/mobile homes to guarantee that the homes are properly anchored and attached to utilities.
9. All applicable health regulations shall apply to manufactured/mobile home parks except where such regulations are in conflict with the provisions of this Ordinance, in which case the more restrictive provisions shall apply.
10. The Operator shall pay all applicable fees as set out in the "Schedule of Fees for Manufactured/Mobile Home Parks." These fees are determined by the Planning Department

and prominently posted in the Planning Department. Such schedule shall be prepared and posted by the Planning Department no later than the first Monday after the adoption of this Ordinance. Fees are subject to change with the most recent fee changes shown on a new "Schedule of Fees for Manufactured/Mobile Home Parks," which shall be posted within five (5) days of the effective date of the change.

11. Failure to comply with any of these responsibilities and duties shall be cause to revoke or deny a manufactured/mobile home park Letter of Compliance.

### **Section C: Placement and Anchoring**

1. All manufactured/mobile homes within a manufactured/mobile home park shall be properly anchored, or provided with tie downs, in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, manufacturer's instructions and meet all code requirements.
2. All manufactured/mobile homes within a manufactured/mobile home park shall be a minimum of Wind Zone II Certified as designated by the North Carolina Department of Insurance.

### **Section D: Skirting**

Each manufactured/mobile home shall be properly installed with skirting that is anchored down and of the type that is manufactured specifically for such use. The skirting shall be made of a material compatible with the siding of the manufactured/mobile home.

### **Section E: Utility and Solid Waste Disposal Requirements**

1. **Water Supply:** Every manufactured/mobile home shall be provided with a supply of water for domestic purposes from a source approved by the Health Director.
2. **Sewage Disposal:** Every manufactured/mobile home shall be provided with an adequate sewage disposal system by connection to a public sewage system or a septic tank system constructed in compliance with State regulations and approved by the Health Director.
3. **Solid Waste Collection and Disposal:**
  - a. The Operators of manufactured/mobile home parks shall provide for the collection of solid waste from the containers furnished by Operator, and transport of solid waste to certified disposal sites.
  - b. All garbage and refuse in every manufactured/mobile home park shall be stored in suitable water-tight and fly-tight metal receptacles (commercial dumpsters), which shall be kept covered with tight-fitting metal covers or other methods approved by the Health Director. It shall be the responsibility of the Operator to see that all garbage and refuse is disposed of regularly and in a sanitary manner.

### **Section F: Residential Units Not To Be Travel Trailers**

The Operator shall not permit a travel trailer to locate within the manufactured/mobile home park if used for any dwelling purpose whatsoever.

### **Section G: Non-Residential Uses**

No part of the manufactured/mobile home park may be used for non-residential purposes, except uses that are required for the direct servicing and well being of the manufactured/mobile home park residents and for the management and maintenance of the manufactured/mobile home park.

### **Section H: Assist County Tax Assessor**

The Operator shall be required to comply with North Carolina General Statute 105-316 (a) (1) which requires that as of January 1st of each year, the Operator of the manufactured/mobile home park renting spaces for three (3) or more manufactured/mobile homes, furnish to the County Tax Assessor the name of the owner of and a description of each manufactured/mobile home located in the

manufactured/mobile home park.

## **ARTICLE VI: COMPLIANCE**

### **Section A: Approval Required**

Until proper application has been made and approval granted by the Planning Board, no person shall:

1. construct or engage in the construction of any manufactured/mobile home park;
2. make any expansion of or addition or alteration to a manufactured/mobile home park that increases/decreases the number of manufactured/mobile homes within the manufactured/mobile home park;
3. alters the number of spaces available for manufactured/mobile homes within the manufactured/mobile home park; **or**
4. affects the facilities required within the manufactured/mobile home park.

### **Section B: Exception for Farms**

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter any farm, as defined within this Ordinance. The farm owner may request that his farm be exempt from this Ordinance by submitting to the Planning Department a notarized statement stating that the manufactured/mobile homes on the farm property will be used for farm labor housing or family. The farm owner shall provide additional documentation as requested by the Planning Board as supporting proof of the notarized statement.

### **Section C: Exception for Families**

This Ordinance shall in no way regulate, restrict, prohibit or otherwise deter families from occupying more than two (2) manufactured/mobile homes on a single tract of land. The family may request that the homes be exempt from this Ordinance by submitting to the Planning Department a notarized statement stating each and every manufactured/mobile home on the tract is owned and occupied by a family member as defined by in this Ordinance.

### **Section D: Enforcement**

1. If the Planning Department shall find that any of the provisions of this Ordinance are being violated, it shall notify the Operator of the violation in writing, specifying the nature of the violation and what corrective actions must be taken. The Operator shall take the corrective actions within thirty (30) days of receipt of the notice.
2. The Building Inspections Department shall take any action authorized by law to ensure compliance with or to prevent violation of the provisions of this Ordinance.
3. An annual inspection of all Manufactured/Mobile Home Parks shall be conducted by the Planning Department to ensure that all provisions of this Ordinance are being met. The Operator shall be advised, in writing, of any deficiencies. Once the deficiencies are corrected and the inspection fee is paid, a Letter of Compliance shall be issued by the Planning Department.
4. All manufactured/mobile home parks shall be inspected annually by the Health Director.
5. Violation of any provision of this Ordinance constitutes grounds for refusing to issue, renew, or to revoke a Letter of Compliance.

### **Section E: Variances**

The Planning Board may grant a variance from this Ordinance when the Planning Board determines that compliance with this Ordinance will create an undue hardship. In granting any variance, the Planning Board shall make the findings below, taking into account the nature of the proposed manufactured/mobile home park and the probable effect of the manufactured/mobile home park upon traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds

the following facts:

1. There are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the Operator of the reasonable use of the property; and
2. The variance is necessary for the preservation and enjoyment of a substantial property right of the Operator; and
3. The circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance; and
4. The granting of the variance will not be detrimental to the health, safety and welfare of the public or injurious to adjacent property; and
5. The granting of the variance will not confer on the Operator any special privileges; and
6. The granting of the variance will not be in contradiction to other local, state or federal regulations.

#### **Section F: Penalties/Fines**

1. **Criminal:** The Operator who violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than two hundred dollars (\$200.00) or imprisonment not to exceed thirty (30) days, as provided by NCGS 14-4(a).
2. **Civil:** In lieu of or in addition to the criminal penalties outlined above, the Operator who violates any provision of this Ordinance may be subject to a civil penalty under NCGS 153-A12(c), not to exceed two hundred dollars (\$200.00). Each day such violation shall be permitted to exist shall constitute a separate offense. If the Operator does not pay such penalty within thirty (30) days of notification of its assessment, it may be recovered by the County in a civil action in the nature of a debt. The Operator may contest said penalty in the court of appropriate jurisdiction.

#### **Section G: Right of Appeal**

If a Letter of Compliance is denied or revoked, the Operator may appeal the action of the Planning Department to the Planning Board. Such appeal may be made by submitting written notice to the Planning Department. The Planning Board decisions may be appealed to the court of appropriate jurisdiction as provided by law.

### **ARTICLE VII: APPLICATION PROCEDURE**

#### **Section A: Application for Approval**

1. **Sketch Plan:** Prior to a formal application, the Operator is encouraged to meet with the Planning Department in order to discuss the proposed manufactured/mobile home park. At or prior to such meeting, the Operator shall provide to the Planning Department three (3) copies of a sketch plan of the proposed manufactured/mobile home park. The plan shall show existing and proposed roads, proposed spaces, significant natural features (such as, but not limited to, watercourses, wetlands, floodplains, steep slopes), proposed solid waste facilities and any proposed amenities. The sketch plan must be to a scale and in such detail to convey the intent of the proposed manufactured/mobile home park. The sketch plan may be prepared by the Operator or his/her designee. The sketch plan does not require a Professional Engineer's nor a Licensed Surveyor's seal. The Planning Department may request that the sketch plan be reviewed by the Technical Review Committee but such review is not a required step in the approval process.
2. **Application:** Prior to the construction of a manufactured/mobile home park, or the expansion of an existing manufactured/mobile home park, the Operator shall make application to the Planning Department for a permit to construct or expand such manufactured/mobile home park. The application shall be complete when accompanied by three (3) copies of the proposed manufactured/mobile home park plan and any associated fee remitted to the Planning Department. Such proposed manufactured/mobile home park plan



must meet the requirements of Section 2 herein below. The complete application shall become a permanent part of the records of the Planning Board.

3. **Proposed Manufactured/Mobile Home Park Plan Requirements:** The proposed manufactured/mobile home park plan shall be drawn at a scale no smaller than one (1) inch = one hundred (100) feet and must be drawn and sealed by a registered engineer or licensed surveyor and shall include the following:
  - a. The name of the manufactured/mobile home park, the names and addresses of the Operator and the registered engineer or licensed surveyor;
  - b. Date, scale and approximate North arrow;
  - c. Boundaries of the tract shown with bearings and distances;
  - d. Streets, traffic circulation, walkways, driveways, recreation areas, parking spaces, service buildings, water courses, easements, manufactured/mobile home spaces and numbers, all structures to be located in the manufactured/mobile home park and total acreage of the manufactured/mobile home park;
  - e. Vicinity map showing the location of the manufactured/mobile home park and the surrounding land usage;
  - f. Names of adjacent property owners;
  - g. The existing and proposed plans for surface water drainage, street lights, water supply and solid waste and sewage disposal facilities;
  - h. A detailed plan for electrical installations prepared to meet the state and county codes;
  - i. A detailed drawing to scale of not less than one (1) inch = ten (10) feet shall be prepared of a typical manufactured/mobile home space showing the location of the manufactured/mobile home, all utilities, the patio, concrete footing, walks, parking spaces, driveways, and all other improvements; and
  - j. As necessary, provide information concerning phases of development.

#### **Section B: Review**

1. **Planning Department:** The Planning Department shall present the proposed manufactured/mobile home park plan for review to the Technical Review Committee (TRC) within fifteen (15) days of receipt of the complete application.
2. **Technical Review Committee:** The TRC shall make any comments and suggestions concerning the proposed manufactured/mobile home park and return the proposed manufactured/mobile home park plan along with such comments and suggestions to the Planning Department within fifteen (15) days of the TRC receiving the plan. The Planning Department shall present the complete application with the TRC's comments and suggestions to the Planning Board at its next regularly scheduled Planning Board meeting.
3. **Planning Board:** The Planning Board shall review the complete application to determine if the proposed manufactured/mobile home park plan is in accordance with the requirements set forth in this Ordinance.
  - a. If the Planning Board determines that the complete application does not comply with the requirements herein, then the Planning Board shall disapprove the complete application, state the reasons for such disapproval and make recommended changes. The disapproval, the reasons for disapproval and the recommended changes shall be given to the Operator.
  - b. If the Planning Board approves the complete application, one (1) approved copy of the proposed manufactured/mobile home park plan shall be sent to the Building

Inspections Department and one (1) approved copy of the proposed manufactured/mobile home park plan shall be given to the Operator. The Planning Board shall also notify the Planning Department of its approval of the complete application.

4. **Appeal:** The Operator may appeal the decision of the Planning Board disapproving the complete application by making written request for a hearing before the Planning Board. Such appeal must be received by the Planning Department within ten (10) calendar days from the date of such disapproval. Failure to make such appeal within the time specified causes the Operator to lose all right to appeal the decision of the Planning Board. The Planning Department shall submit such appeal to the Chairman of the Planning Board within seven (7) days of receipt of such appeal. A hearing shall be scheduled within forty-five (45) days from the receipt of the notice of appeal. Notice of such hearing shall be mailed by certified mail, return receipt requested at least fifteen (15) days prior to the scheduled hearing. At the hearing the Planning Board shall allow the Operator and any person(s) the Operator wishes to present to the Planning Board to give information to the Planning Board concerning whether the Planning Board should reverse its decision. If the Planning Board upholds its decision to disapprove the complete application, the Operator is precluded from resubmitting the complete application for a 12-month period from the date of the hearing.

## **Section C: Permits**

### **1. Letter Permitting Construction**

- a. After receiving notice of the approval of the proposed manufactured/mobile home park plan from the Planning Board, the Planning Department shall issue a letter informing the Operator that he may proceed with the construction of the manufactured/mobile home park according to the plan as approved by the Planning Board. The letter allowing construction shall not be construed to entitle the Operator to offer space for rent or lease, or to operate a manufactured/mobile home park.
- b. The letter permitting construction shall be valid for twelve (12) months from the date of issuance. The Operator shall begin construction of the manufactured/mobile home park within twelve (12) months from the issuance date of the initial letter permitting construction. If the Operator has not begun construction within twelve (12) months from the issuance letter allowing construction, the Operator may request in writing to the Planning Board for an extension of time to begin construction by showing reasonable cause for the delay in beginning construction. The Planning Board may grant an extension of time to the Operator upon a showing of reasonable cause. If the Planning Board denies the Operator's request for an extension of time, the letter permitting construction expires and the Operator must then resubmit the complete application.

### **2. Letter of Compliance**

- a. When the Operator has completed the construction of the manufactured/mobile home park, he shall notify the Planning Department in writing. The Planning Department shall make an onsite inspection.
- b. If the manufactured/mobile home park conforms to the manufactured/mobile home park plan approved by the Planning Board, the Planning Department shall issue the Operator a Letter of Compliance. The Letter of Compliance issued to the Operator shall constitute authority to operate the manufactured/mobile home park.
- c. If the manufactured/mobile home park does not conform to the approved manufactured/mobile home park plan, the Planning Department shall not issue the Letter of Compliance until the manufactured/mobile home park comes into conformity.
- d. The Building Inspections Department shall not issue a Certificate of Occupancy until after the Letter of Compliance has been issued by the Planning Department.

## **Section D: Annual Review**

The Letter of Compliance shall expire after a one (1) year period and must be renewed annually. For manufactured/mobile homes without a Certificate of Occupancy, the Building Inspections Department shall withhold Certificate of Occupancy Permits until a current Letter of Compliance is issued.

#### **Section E: Development in Phases**

When a manufactured/mobile home park is to be developed in phases, the proposed manufactured/mobile home park plan may be submitted for the entire development. All existing phases of a manufactured/mobile home park must have a current Letter of Compliance in order for any additional phases to be approved. The Operator may request a Letter of Compliance be issued for each phase completed.

#### **Section F: Appeal**

If a Letter of Compliance is denied or revoked, the Operator may appeal the action of the Planning Department to the Planning Board. Such appeal may be made by submitting written notice to the Planning Department. The Planning Board decisions may be appealed to the courts of appropriate jurisdiction as provided by law.

### **ARTICLE VIII: AMENDMENT**

1. The provisions of this Ordinance may be amended, supplemented, changed, modified or repealed by the County.
2. The Planning Board shall consider and make recommendations to the County concerning each proposed amendment.

### **ARTICLE IX: EFFECTIVE DATE**

This Ordinance supersedes all previous versions of this Ordinance and shall take effect and be in force on \_\_\_\_\_.

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

\_\_\_\_\_  
**JAMES E. PREVATTE, Chairman**

#### **ATTESTED BY**

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

Jim Dossett, Planning Director, stated the following:

1. I would like to take this opportunity to thank the members of the Planning Board for their dedication and determination they have shown in demonstrating in moving this issue forward;
2. For nearly a year, the Planning Board has worked on amending the Manufactured/Mobile Home Park Ordinance;
3. The existing Ordinance was adopted in 1997 and then amended in 1998;
4. This Ordinance has several issues that make it difficult for a developer to follow and has some unfair situations for farmers and family estates;
5. The significant changes that have been made are as follows:
  - A. Regrouping of the existing 19 articles into a more logically associated and user friendly 9 articles;
  - B. Shifted administration from Building Inspection Department to the Planning Department;
  - C. Revised the Mobile Home Park definition to exclude sold (subdivided) properties;
  - D. Added definitions for farm, family, community sewage disposal system, pre-existing parks, technical review committee and letter of compliance;
  - E. Revised minimum standards for pre-existing parks to include a road maintenance disclosure statement;
  - F. Added a non-hard surface street pavement option;
  - G. Increase lot number signage from 4" to 6";
  - H. Added specifications to the existing lighting requirement;

- I. Changed planting strip from optional to required with plant specifications;
  - J. Added farm use and family use exemptions; **and**
  - K. Revised process to include a sketch plan option and a Technical Review committee;
6. We are also requesting that the date and time be established for a Public Hearing to be held so we can move forward.

**Discussion:**

**Commissioner Gore:** we just found a couple of things in the last twenty-four (24) hours that he might need to change, and I would like to see the changes before we accept this document as a first reading.

**Chairman Prevatte:** we need to have our Public Hearing on a finished product when he gets through, and we don't need to be adding anything afterwards.

**Vice Chairman Bullard:** that is why we need a workshop.

**Chairman Prevatte:** let's have the Public Hearing at the next meeting and then we will schedule a workshop and then you can have a first reading.

**Commissioner Byrd:** we just need adequate time to go through this document because this is going to affect a lot of people. I noticed in all the people you spoke of on these boards, I didn't hear one (1) time that the landowner was being represented. This is going to affect everybody that lives in Columbus County.

**Chairman Prevatte:** the Technical Review Committee is something that was discussed earlier, and it may change from time to time.

**Jim Dossett:** the Technical Review Committee will change in accordance to who and what is needed for the proper review and expertise.

**Chairman Prevatte:** we will conduct a Public hearing at the next Board Meeting, and at that time, we will schedule a workshop to be held, and Madame Clerk remind us to do that at the next meeting.

**Vice Chairman Bullard:** Mr. Dossett has addressed a lot of the issues that I had concerns about and actually, I was displeased with the old Ordinance. There is a couple of things that I have some questions about.

**Commissioner Byrd:** the old Ordinance was on the website as of the weekend, and when will you put the new Ordinance on the website? Mr. Dossett replied stating that he did not want to release the new document until the Board members had a chance to review it.

There were a lot of labor camps throughout the County, and I, myself, have some, and we were required by the State to keep them up to certain standards, which was very costly. Now, if you have three (3) or more of these buildings, you will be classified as a trailer park. It was grand fathered in up to this point, but this **revised** Ordinance will change that. The farmer has made this investment throughout his family life. If they were pre-existing before this **revised** Ordinance, shouldn't they be grand fathered in? Mr. Dossett replied stating the Planning Board spent hours and hours on this matter, and this is the best we could come up with to do what we were looking for, and that decision will be up to the Board of Commissioners.

**MOTION:**

Commissioner Russ made a motion to accept the **revised** Manufactured/Mobile Home Park Ordinance, and schedule a Public Hearing for August 17, 2009, at 6:30 P.M., and schedule a workshop at that time, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #9: PLANNING - REVISED RULES of PROCEDURE for COLUMBUS COUNTY PLANNING BOARD:**

Jim Dossett, Columbus County Planner, presented the following **revised** Rules of Procedure and requested the Board to accept as the first reading.

**COLUMBUS COUNTY PLANNING BOARD RULES OF PROCEDURE**

**ARTICLE I - GENERAL RULES**

**A. General Rules**

The Planning Board shall be governed by North Carolina General Statute, Article 18, Chapter 153-A, Planning and Regulation of development, and other general and special acts relating to planning and related activities in Columbus County, the Columbus County Planning Review Board Rules of Procedure, and by the ordinance which established the board.

## ARTICLE II - PLANNING BOARD OFFICERS

### A. Electing Officers

At its first meeting in May of each year, the Planning Board shall elect one of its members to serve as Chairman and preside over the board's meetings and one member to serve as Vice Chairman. The persons so designated shall serve in these capacities for terms of one (1) year. Vacancies in these offices may be filled for the unexpired terms only. Election of officers shall occur as the last item of business before adjournment of the May meeting. The candidate for each office receiving a majority vote of the planning board members present shall be declared elected.

### B. Chairman

The Chairman shall be elected by the full membership of the Planning Board. The Chairman shall decide on all points of order and procedure unless directed otherwise by a majority of the board in session at the time. The Chairman shall preside at all meetings, appoint standing and temporary committees.

### C. Vice Chairman

The Vice Chairman shall be elected by the Board from among its regular members in the same manner and for the same term as the Chairman. He shall serve as acting Chairman in case the Chairman is absent, and at such times he shall have the same powers and duties as the Chairman.

## ARTICLE III - MEMBERS

### A. Membership.

Membership on the planning board shall be governed by the terms of Chapter 153 - A of the North Carolina Statutes and applicable Columbus County regulations and policies.

### B. Members.

The Planning Board members shall be appointed by the Board of Commissioners. The Planning Board shall consist of seven (7) members, one to be selected by each County Commissioner. New appointments are for three year terms. Vacancies occurring for reasons other than the expiration of terms shall be filled as they occur for the remainder of the unexpired term.

### C. Attendance

Any members of the Board who miss more than three consecutive meetings or public hearings, or who miss more than four or more meetings in a year, without a reasonable excuse, may result in loss of office. Leave of absence for good cause can be granted by the board of commissioners, for a period not to exceed three (3) months. In either case, until the vacant position has been filled or the member returns from leave of absence, during any interim period the Planning Board shall be deemed to have as its full membership six (6) rather than seven (7) members, and a quorum shall consist of four (4) members.

### D. Payment For Attendance

The Board of Commissioners does not authorize within the operating budget of the planning department a per diem payment for attendance of meetings of the planning board.

### E. Reappointments; ex officio member

Members of the Columbus County Planning Board shall be considered eligible for reappointment by the Board of Commissioners.

### F. Director

The Planning Director or appropriate appointment made by the County Administrator, shall

serve as advisor and clerk to the Planning Board. The Planning Director, or appointee, shall also serve as Secretary to the Planning Board. The Planning Board Chair or his/her designee may have the opportunity to review the minutes of the Planning Board meeting prior to their submission to the Planning Board for approval. The Secretary, subject to the direction of the Chair and the Board, shall keep all the minutes and records of the Planning Board, provide notice of the regular and special meetings to member, and any other such duties normally carried out by the Secretary. The Planning Director, or appointee shall not be eligible to vote.

## **ARTICLE IV - COMMITTEES**

The Planning Board may establish such standing or temporary committees as it may deem useful in its works. The members of these committees shall be appointed by the **Chairman**.

## **ARTICLE V - POWERS AND DUTIES**

It shall be the duty of the Planning Board, in general to:

1. Make studies of the county and surrounding area.
2. Determine objectives to be sought in the development of the study area.
3. Prepare and adopt plans for achieving these objectives.
4. Develop and recommend policies, ordinances, administrative procedures; and other means for carrying out plans in a coordinated and efficient manner.
5. Advise the board of commissioners concerning the use and amendment of means for carrying out plans.
6. Exercise any function in the administration and enforcement of various means for carrying out plans that the board of commissioners may direct, including, but not limited to review of plats, utilities plans, easements, etc.
7. Perform any other related duties that the board of commissioners may direct.

## **ARTICLE VI - MEETING**

### **A. Regular Meetings**

Regular meetings of the Board shall be held on the fourth Tuesday of every month at 7:00 P.M. in the County Commissioners' Chambers at the Columbus County Courthouse Annex or as announced by legal public notice.

### **B. Special Meetings**

The Chairman may call special meetings of the Board at any time. At least forty eight (48) hours written notice of the time and place of special meetings shall be given, by either the Secretary or the Chairman, to each member of the board.

### **C. Cancellation of Meetings**

If there is no business for the Board, or if so many members cannot attend that a quorum will not be available, the Chairman may dispense with a regular meeting by giving written or oral notice to all members not less than twenty four (24) hours before the time set for the meeting.

### **D. Quorum**

A majority of the full membership of the Board must be present at a meeting if the Board is to transact any business other than to adjourn. The Chairman may not call a meeting to order until such a quorum is present unless, after waiting a reasonable time past the meeting's scheduled starting time, the chairman determines that there is no hope of obtaining a quorum. In that case, the chairman shall call the meeting to order, note the lack of a quorum, and

adjourn the meeting. If a quorum ceases to be present at any time during a meeting, the chairman shall note the lack of a quorum, order the cessation of business, and adjourn the meeting.

**E. Voting**

The vote of majority of those members present shall be sufficient to decide all matters before the planning board of a legislative nature, provided a quorum is present. All matters of an evidentiary (Special Exception) nature shall require a four-fifths (4/5) vote for approval. Ex-officio members shall have a vote. No planning board member shall participate in the decisions of any matter in which they have a personal financial interest. Each member shall vote either "yes or no" except when excused by the chairman. The chairman shall be entitled to the same voting privileges as any other member of the board. In the case where a board member excuses himself or herself from participation in planning board matters without prior approval of the chairman, the board members vote shall be recorded a "yes".

**F. Conflicts of Interest**

To preserve public confidence in the integrity of the planning board and the county's governmental process, each board member shall have right and duty to avoid even the appearance of a conflict of interest. A conflict of interest can be defined as participating in a matter where there is either a direct/indirect benefit to the board member, or the perception of a benefit. The board member shall ask the chairman to be excused from participation in any matter before the board in which the members's impartiality might reasonably be questioned. If any other board member questions the impartiality of a board member before or during the board's consideration of a matter, the chair shall treat this as a request that the member be excused from participation. Any request that a board member be excused from participation must disclose the basis for the request. It is the chairman's responsibility to determine if a conflict of interest does exist and to either excuse or not excuse the board member from participation.

**ARTICLE VII - BASIC STUDIES**

**A. Gathering Maps and Aerial Photographs**

The Planning Board may gather maps and aerial photographs of man-made and natural physical features of the county and surrounding area, statistics on past trends and present conditions with respect to population, property values, economic base, land use, and any other pertinent information deemed necessary.

**B. Special Studies**

The Planning Board may make, cause to be made, or obtain special studies on the location, condition and adequacy of specific facilities, which may include such things such as housing inspections, commercial and industrial facilities, parks, playgrounds and recreational facilities, including water and waste disposal systems; and traffic, transportation and parking facilities.

**C. Records or information by County Officials**

All county officials shall, upon request, furnish to the planning board such available records or information as it may require in its work. The board or its agents may, in the performance of their official duties, enter upon lands during reasonable hours and make what ever examinations or surveys and maintain necessary monuments thereon in accordance with State law.

**ARTICLE VIII - RECOMMENDATIONS**

**A. Subdivision Regulations**

The Planning Board shall, from time to time, review the need for regulations for the control of land subdivision in the county and submit their recommendations to the Board of Commissioners. The Planning Board shall be responsible for subdivision plat review and approval in accordance with the Columbus County Subdivision Ordinance.

**ARTICLE IX - ADMINISTRATION****1. Attending Conferences, Meetings, Traveling Expenses**

Members of the Planning Board, when authorized by the Planning Board and approved by the Planning Director, may attend planning conferences, meetings of planning institutions, hearings upon pending planning legislation, and the Planning Board may upon the County Administrators approval, and by formal affirmative vote be reimbursed the reasonable travel expense incident to such attendance.

**B. Publicity and Education**

The Planning Board shall have the power to promote public interest in and on understanding its' recommendations. The Planning Board, with the Planning Director's approval, may publish and distribute copies of its' recommendations and may employ such other means of publicity and education as it may determine.

**ARTICLE X. - ORIENTATION AND TRAINING****A. Orientation of New Members**

The Planning Director shall meet with new board members as soon as possible after their appointment to prepare them for effectively serving on the Planning Board. At that meeting, the Planning Director shall provide each new member a copy of the Planning Board Creation Ordinance and by-laws, and other major statements of the County's growth management and land development policies. The Planning Director shall also generally explain the County's growth management and land development policies, the relationship between the Board and County Planning Staff, and the organization, duties and responsibilities, procedural rules, and legal constraints under which the Board operates.

**B. General**

Board members are encouraged to expand their knowledge and understanding of planning issues by reading planning related literature and attending planning conferences, courses, seminars, and workshops.

**ARTICLE XI. - EFFECTIVE DATE**

These rules of procedure shall become effective on the date of approval by the Columbus County Board of Commissioners, the \_\_\_\_ day of \_\_\_\_\_, 2009.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
**JAMES E. PREVATTE, Chairman**

**ATTEST:**

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

Mr. Dossett stated the Rules of Procedure were being revised to reflect the new meeting date, place and time.

Vice Chairman Bullard made a motion to accept the **revised** Columbus County Planning Board Rules of Procedures as a first reading, seconded by Commissioner Gore. The motion unanimously passed.

**Agenda Item #10: ORDINANCE - REVISED ORDINANCE for NON-EMERGENCY AMBULANCE SERVICE FRANCHISE:**

Jeremy Jernigan, Emergency Services Director, requested the Board to accept the following



revised Ordinance for Non-Emergency Ambulance Service Franchise, on its first reading.

### **ORDINANCE for NON-EMERGENCY AMBULANCE SERVICE FRANCHISE**

This **Ordinance** is not to be construed to govern Emergency Ambulance Service. Columbus County contracts with County rescue squads for emergency services. This **Ordinance** applies to and for a franchise for any non-emergency ambulance service that may wish to operate in the geographical confines of Columbus County. These non-emergency ambulance transport providers shall operate by franchise. This franchise shall be granted by the Columbus County Board of Commissioners.

#### **SECTION I: DEFINITIONS**

Unless the context otherwise requires, the following definitions shall apply in the interpretation and enforcement of this **Ordinance**.

1. **Ambulance:** Any privately or publicly owned motor vehicle, aircraft or vessel that is specifically designed, construed or modified and equipped and is intended to be used for and is maintained or operated for the transportation on any thoroughfare of Columbus County of persons who are sick, injured, incapacitated or helpless and meeting the North Carolina Administration Code TI 0:030.0901-1004.
2. **Ambulance Service:** A public or privately owned enterprise that is engaged in the transportation of patient to non-emergency and/or emergency medical facilities.
3. **County:** The Columbus County Board of Commissioners or a designated representative.
4. **EMS Personnel:** The individual who is responsible for the operation of an ambulance for the transportation of a patient or patients.
5. **Franchise:** A permit issued by the County to a person for the operation of a non-emergency ambulance service.
6. **Franchisee:** Any person having been issued a franchise by the County for the operation of a non-emergency ambulance service.
7. **Non-Emergency Transportation Services:** The operation of an ambulance or rescue vehicle for any purpose other than an emergency.
8. **Operator:** A person in actual physical control of an ambulance or rescue vehicle which is in motion or which has the engine running.
9. **Owner:** Any person or entity who owns and operates an ambulance service.
10. **Patient:** An individual who is sick, injured, wounded or otherwise incapacitated or helpless.
11. **Person:** Any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.

#### **SECTION II: FRANCHISE REQUIRED**

1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of non-emergency transportation of patients within the County of Columbus unless the person holds a valid permit for each ambulance used in such business or service issued by the North Carolina Department of Human Resources, Office of Emergency Medical Services, and has been granted a franchise for the operation of such business or service by the County pursuant to this **Ordinance**.
2. No person shall drive an ambulance, attend a patient in one, or permit one to be operated when transporting a patient within the County of Columbus unless he/she holds a currently valid certificate as a medical responder, emergency medical technician, EMT-intermediate, or EMT-Paramedic issued by the North Carolina Division of Health Service Regulation, Office of

Emergency Medical Services under the United States Department of Health and Human Services.

3. All persons, either as owners, agent or otherwise, shall establish an office in Columbus County with proper ambulances and equipment for the purpose of operating a non-emergency ambulance service.

4. No franchise shall be required for and the provision of this division shall not apply to the following entities. However, such entities must comply with all applicable state and local laws relating to health, sanitation, safety, equipment, ambulance design and all other laws and ordinances.

A. Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe or emergency with which the ambulance services franchised by Columbus County are insufficient or unable to cope; or

B. Any entity operated from a location or headquarters outside of Columbus County in order to transport patients who are picked up beyond the limits of Columbus County, but no such entity shall be used to pick up patients within Columbus County for transporting to locations within Columbus County unless it is rendering assistance as referred to in Subsection A above.

C. Law enforcement personnel.

D. All municipalities within Columbus County.

5. Any ambulance service operated from a location or headquarters inside the County for the purpose of responding to on-site industrial accidents which may result in the non-emergency transport of a patient to an emergency medical facility within the County.

### **SECTION III: APPLICATION for AMBULANCE FRANCHISE**

Application for a franchise to operate ambulances in the County of Columbus shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the County and shall contain:

1. The name and address of the ambulance provider and of the owner of the ambulance(s).

2. The trade or other businesses, corporations or agencies, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name.

3. A resume of the training and experience of the applicant in the transportation and care of patients.

4. A full description of the type and level of service to be provided, including the location of the place or places from which it is intended to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched.

5. A description of the applicant's capability to provide twenty-four (24) hour coverage, seven (7) days per week for the district covered for which the franchise was applied.

6. Any information the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the County of Columbus in accordance with the requirements of State laws and the provisions of this regulation.

### **SECTION IV: GRANTING of FRANCHISE**

1. Prior to accepting applications for the operation of an ambulance service, the Board of Commissioners may designate specific service areas as franchise districts. Said districts will be established using criteria that includes geographic size, road access, the location of existing medical transportation services, population and response time or no geographical districts may be designated with the franchise being inclusive of all of Columbus County. The County shall have the complete authority to delegate service areas at their discretion.

2. Upon receipt of an application for a franchise, the County shall schedule a time and place for

hearing the applicant. Within thirty (30) days after hearing, the County shall cause such investigation as it may deem necessary to be made of the applicant and his/her proposed operations.

3. A franchise may be granted if the County finds that:
  - A. The applicant shows a reasonable effort to meet state standards and standards outlined in the franchise ordinance for non-emergency services.
  - B. The proposed service will fit within the existing service so as not to adversely affect the level of service or operations of other franchisees to render service.
  - C. A need exists for the proposed service in order to improve the level of ambulance services available to residents of the County and that this is a reasonable and cost effective manner of meeting the need.

#### **SECTION V: TERM OF FRANCHISE**

1. The County may issue a franchise hereunder to an ambulance provider, to be valid for a term to be determined by the County, provided that either party as its option, may terminate the franchise upon sixty (60) days prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.

2. Upon suspension, revocation or termination of a franchise granted hereunder, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation or termination of a driver's license, the franchisee shall immediately cause such person to cease to drive an ambulance with an ambulance service. Upon suspension, revocation or termination of an EMS certification, the franchisee shall immediately cause such person to cease to provide medical care in conjunction with an ambulance service.

3. Each franchised ambulance service shall comply, at all times, with the requirements of this Ordinance, the franchise granted hereunder, and all applicable State and local laws relating to health, sanitation, safety, equipment and ambulance design and all other laws and ordinances.

4. Prior approval of the County shall be required where ownership or control of more than ten (10%) percent of the right of control of franchisee is acquired by a person or group of persons acting in concert, none of whom own or control ten (10%) percent or more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the County shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the County.

5. Any change of ownership of a franchised ambulance service without the approval of the County shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this Ordinance as upon original franchising.

6. No franchise may be sold, assigned, mortgaged or otherwise transferred without the approval of the County; and a finding of conformance with all requirements of this Ordinance as upon original franchising. Each franchised ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the State, the County or their designated representatives.

#### **SECTION VI: STANDARDS for DRIVERS and EMS PERSONNEL**

Drivers and EMS personnel are subject to standards developed by the North Carolina Medical Care Commission for certification pursuant to Article 7, Chapter 131E and Article 56, Chapter 143 of the General Statutes of North Carolina and are incorporated into this **Ordinance**.

#### **SECTION VII: STANDARDS for VEHICLES and EQUIPMENT**

Vehicles and equipment are subject to standards developed by the North Carolina Medical Care Commission pursuant to Article 7, Chapter 131E and Article 56, Chapter 143 of the General Statutes of North Carolina and are incorporated into this Ordinance.

#### **SECTION VIII: STANDARDS for COMMUNICATIONS**

1. Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of Columbus

County to the County hospital and all emergency agencies in Columbus County.

2. Each ambulance provider will maintain current Federal Communication Commission licenses. All licenses will be available for inspections at all times per FCC regulations.
3. Each fixed base of operations must have at least one (1) open telephone line. Telephone numbers must be registered with each emergency service agency, communication center and law enforcement agencies in Columbus County.

#### **SECTION IX: INSURANCE**

No ambulance franchise shall be issued under this Ordinance, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the County of Columbus unless the franchisee has, at all times, in force and effect, insurance coverage, issued by an insurance company licensed to do business in the State of North Carolina, for each and every ambulance owned and/or operated by or for the ambulance service providing for the payment of damages:

1. In the sum of five hundred thousand and 00/100 (\$500,000.00) dollars for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him/her by law, regardless of whether the ambulance was being driven by the owner or his/her agency;
2. In the sum of fifty thousand and 00/100 (\$50,000.00) dollars for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the State or as approved by the County of Columbus;
3. Each ambulance provider shall have Worker's Compensation Insurance at all times; and
4. Columbus County will not be held responsible for any negligent or wrongful or malfeasance on civil claims or judgment that may be filed against the non-emergency transport provider.

#### **SECTION X. RECORDS**

1. **TRIP RECORDS:** Records that shall be designed as to provide the patient with a copy thereof containing all required information. A copy of the Trip Record may serve as a receipt for any charges paid.
2. **DAILY REPORT LOGS:** Shall be maintained for the purpose of identifying more than one (1) person transported in any one (1) day.
3. **ANNUAL REPORTS:** Will be provided in written form to the Board of Columbus County Commissioners. This report will identify the number of transports made during the ambulance provider's fiscal year and any other information pertinent to the non-emergency operations. This report will be due thirty (30) days after the close of the past fiscal year.

#### **SECTION XI: ENFORCEMENT**

The Columbus County Emergency Services Office shall be the enforcing agency for regulations contained in this **Ordinance**. The Columbus County Emergency Services Office will:

1. Receive all franchise proposals from potential providers;
2. Study each proposal for conformance to this **Ordinance**;
3. Present the completed application to the Board of County Commissioners for its approval or disapproval of a franchise;
4. Inspect the premises, vehicles, equipment and personnel of the franchisee to assure compliance to this **Ordinance**; and
5. Recommend to the Board of County Commissioners the temporary or permanent suspension of a franchise in the event of non-compliance with the terms of this **Ordinance**.

#### **SECTION XII: VIOLATIONS**

Violation of this **Ordinance** or the terms of any franchise granted hereunder shall be a misdemeanor as provided by North Carolina General Statutes, Section 14-4. Each such violation also shall subject the offender (franchisee) to a civil penalty in the amount of one hundred and 00/100 (\$100.00) dollars for each separate breach of the franchise or violation of this division. This civil penalty must be paid within ten (10) days after the hearing, as provided in Section 153A-123(c) above on said citation, has been held. If not so paid, such penalty may be recovered by the County as provided by North Carolina General Statutes, Section 1 53A-123(c). If the civil penalty is not paid within the ten (10) days as provided for above, the County may suspend or revoke the franchise.

### **SECTION XIII: COMPENSATION**

1. It will be the responsibility of the franchise holder/non-emergency ambulance provider to bill, charge or seek compensation for their services.
2. The Columbus County Board of Commissioners will not be responsible for any expenses or cost associated with the operation of the franchised non-emergency ambulance transport service.
3. Columbus County will provide no monetary inducements, stipends or payment to any non-emergency ambulance transport service.

**AMENDED AND ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.**

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

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**James E. Prevatte, Chairman**

### **ATTESTED BY:**

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**June B. Hall, Clerk to Board**

(SEAL)

In Jeremy Jernigan's stead, Kay Worley presented the following proposed changes to the Ordinance for Non-Emergency Ambulance Franchise.

1. Section 1: Definitions
  - a. Remove Item 2. Ambulance Category II
  - b. Remove Item 3. Ambulance Attendant
  - c. Add EMS personnel definition
2. Section II: Franchise Required
  - a. Item 2, line 3 replace ambulance attendant with medical responder
  - b. Item 2, line 4 replace Department of Human Resources with Division of Health Service Regulation, Office of Emergency Medical Services under the North Carolina Department of Health and Human Services
3. Section III: Application for Ambulance Franchise
  - a. Item 4, line 3 remove last two sentences requiring a financial statement from the applicant. This is recommended since transport companies no longer receive funding from the county.
  - b. Item 5, line 2, remove "and an accurate estimate of the minimum and maximum times for a response to calls within such district". This applies more to EMS departments than transport companies.
4. Section IV: Granting of Franchise
  - a. Item 3.D., remove since it does not pertain to the requirements of granting the franchise.

5. Section V: Term of Franchise
  - a. Item 2, replace the second sentence with “Upon suspension, revocation or termination of a driver’s license, the franchisee shall immediately cause such person to cease to drive an ambulance with an ambulance service. Upon suspension, revocation or termination of a EMS certification, the franchisee shall immediately cause such person to cease to provide medical care in conjunction with an ambulance service.”
6. Section VI: Standards for Drivers and Attendants
  - a. In title replace attendants with EMS personnel
  - b. Line 2, replace Article 26, Chapter 130-233 and Article 7, Chapter 143 with Article 7, Chapter 131E and Article 56, Chapter 143
7. Section VII: Standards for Vehicles and Equipment
  - a. Line 2, replace Article 26, Chapter 130 and Article 56, Chapter 143 with Article 7, Chapter 131E and Article 56, Chapter 143
8. Section VII: Standards for Communications
  - a. Item 1, line 4, remove “as well as the County’s law enforcement agencies”
9. Section XI: Rates and Changes
  - a. Removal of this section. This is recommended since programs such as Medicare and private insurance primarily dictates the rates that will be paid for services
10. Section XII: Enforcement
  - a. Item 3, replace “Recommend to the Board of County commissioners the approval or disapproval of a franchise” with “Present the completed application to the Board of County Commissioners for its approval or disapproval of a franchise.”
11. Section XIII: Violations
  - a. Line 5, replace Section 6-23 (b) with Section 153A-123 (cc)

Vice Chairman Bullard asked if the private transport companies had been made aware of these changes and if they were in agreement with them. Ms. Worley stated they had been made aware of the changes and were in agreement with the changes.

Vice Chairman Bullard made a motion to accept the **revised** Ordinance for Non-Emergency Ambulance Service Franchise, on the first reading, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #6: PROCLAMATION - PROCLAMATION of RECOGNITION and CONGRATULATIONS to DR. DAN STRICKLAND:**

Chairman Prevatte requested Board approval and adoption of the following Proclamation of Recognition and Congratulations to Dr. Dan Strickland.

**PROCLAMATION of RECOGNITION  
and CONGRATULATIONS  
to**

***DR. DAN STRICKLAND***

**WHEREAS, *Dr. Dan Strickland*** was employed with Columbus County Schools on July 01, 1972 as a teacher, and on July 01, 2005 as a Superintendent, and continues to remain in that capacity; **and**

**WHEREAS, *Dr. Strickland*** has been named the Regional 2009- 2010 Superintendent of the Year, and will be considered for the North Carolina Superintendent of the Year; **and**

**WHEREAS,** this honor was granted to ***Dr. Strickland*** based on the following attributes:

- ⇒ **Leadership for learning;**
- ⇒ **Communication skills;**
- ⇒ **Professionalism;**
- ⇒ **Community involvement;**
- ⇒ **Belief that leadership in education is as much about “opening doors to dreams” as it is about “opening minds to learning”;**
- ⇒ **Community builder and advocate; and**
- ⇒ **Encouragement of teachers, principals, families and others who touch the lives of students.**

**NOW, THEREFORE, BE IT PROCLAIMED** the Columbus County Board of Commissioners proudly presents this **Proclamation of Recognition and Congratulations** to **Dr. Dan Strickland** for his invaluable service to Columbus County; **and**

**BE IT FURTHER PROCLAIMED** that we recognize **Dr. Strickland** for this accomplishment and extend our support in his nomination for the North Carolina Superintendent of the Year.

**ADOPTED** this the 3rd day of August, 2009.

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

/s/ **JAMES E. PREVATTE**, District II, Chairman

/s/ **AMON E. McKENZIE**, District I

/s/ **EDWIN RUSS**, District IV

/s/ **RONALD GORE**, District VII

/s/ **RICKY BULLARD**, District VI, Vice Chairman

/s/ **GILES E. (BUDDY) BYRD**, District III

/s/ **LYNWOOD NORRIS**, District V

**ATTESTED BY:**

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

Commissioner McKenzie made a motion to approve and adopt the Proclamation of Recognition and Congratulations to Dr. Dan Strickland, seconded by Vice Chairman Bullard. The motion unanimously passed.

Chairman Prevatte asked if any of the Board members had any comments they would like to make to Dr. Dan Strickland.

**Vice Chairman Bullard:** stated the following:

1. When I was on the school board, I had the opportunity to sit in on the interviews when we hired Dr. Dan Strickland as superintendent back in July, 2005, and that was a good choice that all the school board members made when they selected;
2. As he stood here tonight, you clearly saw that he doesn't take any credit for himself;
3. That is one good thing he has about him;
4. It does take a good chief to keep the tribe together and I do thank him for what he does for Columbus County Schools; **and**
5. You are a good superintendent and I thank you.

**Commissioner Gore:** stated the following:

1. I have been working directly and indirectly with Dan for twenty, plus years;
2. Those items on the Proclamation were well spoken, but there is one (1) item that was not listed that I have noticed over the last years, and that I give him credit for, and that is he wants to see something positive come out of every day;
3. This persona goes out to every school and every child in Columbus County Schools and I appreciate that.

**Commissioner McKenzie:** stated the following:

1. Dr. Dan Strickland is mild mannered;
2. He reminds me of Clark Kent in always doing good for others;
3. His philosophy is getting all the kids to care and excel to their maximum ability; **and**
4. Congratulations.

**Commissioner Norris:** stated I appreciate what you have done and keep the good work up.

**Commissioner Byrd:** I concur with what has been said previously and thank you Dan for the job you do, you do a very good job.

**Commissioner Russ:** I appreciate what you do for this county and keep working hard.

**Chairman Prevatte:** stated the following:

1. In all the thirty-seven (37) years from the time he started teaching at Hallsboro School, until today, I have never seen you when you did not have the children first in your heart and mind; **and**
- 2, I really appreciate this.

**Agenda Item #11: RECREATION - NEW FACILITY FEE SCHEDULE:**

Julie Strickland, Recreation Director, requested Board approval of the following new Facility Fee Schedule for Tabor City Recreation Complex and Riegelwood Community Park.

| ACTIVITY                    | OLD RATE<br>(Effective: July 1, 2006) | NEW RATE<br>(Effective: July 1, 2009) |
|-----------------------------|---------------------------------------|---------------------------------------|
| Ballfield without lights    | \$100 Per Day                         | \$150 Per Day                         |
| Ballfield with lights       | \$150 Per Day                         | \$200 Per Day                         |
| Riegelwood Community Center | \$60.00 Per Rental                    | \$75.00 Per Rental                    |

In addition, maintenance and supervisory services of recreation personnel shall be required and paid at a rate of \$18.00 per hour, when athletic fields are being used.

William S. Clark County Manager, stated the following:

1. You have before you the new rates for the Tabor City Recreation Complex and the Riegelwood Community Park due to the rise in energy cost;
2. These fees should have been included in the Budget Message but were not, however we did include the additional revenue for these fees; **and**
3. We are requesting the Board to approve the new fees.

Vice Chairman Bullard stated he was not in favor of these fees increasing fifty and 00/100 (\$50.00) dollars at one time, and this could prevent some ball teams in the County from using these fields.

Commissioner Russ made a motion to approve the new rates for the Tabor City Recreation Complex and the Riegelwood Community Park due to the rise in energy cost, seconded by Commissioner Norris.

A roll-call vote was taken with the following results:

**AYES:** Chairman Prevatte, Commissioners McKenzie, Russ, Norris, Byrd and Gore; **and**  
**NAYS:** Vice Chairman Bullard.

The motion passes on a six (6) to one (1) vote.

**Agenda Item #12: VETERANS - DEPARTMENTAL UPDATE:**

Sherri Blackman, Veterans Director, delivered the following departmental update to the Board.

1. The Veteran population in Columbus County is 4,394, in North Carolina 772,264 and in the United States 23.8 million.
2. The Veteran dependent population is 37 million.
3. The VA expenditures in Columbus County are \$18,446,000, in North Carolina \$2,910,237,000 and in the United States \$85.3 billion.
4. The backlog of VA claims is now over 400,000 and the VA receives around 82,000 claims per month.
5. The VA has approximately 13, 0000 employees processing disability claims nationwide;
6. The VA Regional Office in Winston-Salem has approximately 80 disability claims



- processors.
7. Locally, we average approximately 500 requests for services in person and approximately 700 by phone.
  8. The majority of claims being received by the VA and by our local office are Vietnam era claims.
  9. Approximately 1200 Columbus County Veterans were enrolled in VA healthcare as of 9-30-2008. The cost of services provided to those 1200 Veterans was \$5,995,000. Enrollment in VA healthcare has greatly increased in the last year due to an aging Veteran population and due to the decline in the economy.
  10. Transportation is being provided to the VAMC Fayetteville on Tuesdays and to the community based outpatient clinic in Wilmington on Thursdays.
  11. Three children of war Veterans were awarded scholarships in the North Carolina Division of Veterans Affairs, Competitive Division - Victoria Sellers, East Columbus, Matthew Harris, South Columbus, and Teresa Meares, West Columbus. The scholarships are for 4 years and include free tuition, a room allowance, a board allowance and exemption from certain mandatory fees in North Carolina public, community and technical colleges.

Commissioner McKenzie asked Ms. Blackmon if there were any needs or anything you need to ask the Board for. Ms. Blackman replied stating they stayed in for lunch a lot, come in early and stay late, but have managed to keep up, but we could use someone to do our filing.

**Agenda Item #13: ECONOMIC DEVELOPMENT - AUTHORIZE CHAIRMAN PREVATTE to SIGN LETTER for GRANT APPLICATION:**

Justin Smith, Economic Development Director, requested the Board to authorize Chairman Prevatte to sign a letter to be included in an application to the North Carolina Rural Center Building Re-use and Restoration Program.

Chairman Prevatte stated the following:

1. There is a business in the process of contract negotiations on a building in Columbus County and they need up fitting monies;
2. The Rural Center will provide up to one-half (1/2) of what they need and he will provide the other one-half (1/2);
3. Columbus County will not provide any money toward this; **and**
4. His part will be three (3%) percent which is an in-kind match.

Commissioner Norris made a motion to authorize Chairman Prevatte to sign a letter to be included in an application to the North Carolina Rural Center Building Re-use and Restoration Program, seconded by Commissioner Gore. The motion unanimously passed.

**Agenda Item #14: ECONOMIC DEVELOPMENT - APPROVAL and ADOPTION of RESOLUTION SUPPORTING ATLANTIC TELEPHONE MEMBERSHIP CORPORATION:** Justin Smith, Economic Development Director, is requesting Board approval and adoption of this Resolution which supports Atlantic Telephone Membership Corporation in their application for American Recovery and Reinvestment Act Funds.

**DELETED** - at the request of Atlantic Telephone Membership Corporation.

**Agenda Item #15: PROCLAMATION - APPROVAL and ADOPTION of FAMILY DAY PROCLAMATION, SEPTEMBER 28, 2009:**

Dana Sheck, The National Center on Addiction and Substance Abuse at Columbia University, requested Board approval and adoption of the following Family Day Proclamation, September 28, 2009.

**FAMILY DAY  
PROCLAMATION  
September 28, 2009**

**WHEREAS**, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; **and**

**WHEREAS**, surveys conducted by The National Center on Addiction and Substance Abuse

(CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink and use illegal drugs; **and**

**WHEREAS**, teenagers who virtually never eat dinner with their families are seventy-two (72%) percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; **and**

**WHEREAS**, the correlation between family dinners and reduced risk for teen substance abuse are well documented; **and**

**WHEREAS**, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; **and**

**WHEREAS**, family dinners have long constituted a substantial pillar of family life in America.

**NOW, THEREFORE**, we, the Columbus County Board of Commissioners do hereby proclaim the fourth Monday in September as:

***“Family Day – A Day to Eat Dinner With Your Children”***

in Columbus County, and call upon all citizens to recognize and participate in its observance.

**ADOPTED** this the 3rd day of August, 2009.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**  
 /s/ **JAMES E. PREVATTE, Chairman**  
**ATTESTED BY:**  
 /s/ **JUNE B. HALL, Clerk to Board**

Commissioner McKenzie made a motion to approve and adopt the Family Day Proclamation, September 28, 2009, seconded by Commissioner Russ. The motion unanimously passed.

**RECESS REGULAR SESSION and enter into COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V BOARD MEETING:**

At 8:29 P.M., Commissioner McKenzie made a motion to recess Regular Session and enter into a **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Vice Chairman Bullard. The motion unanimously passed.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

This information will be recorded in Minute Book Number 1 for each water district respectively.

**ADJOURN COMBINATION MEETING of COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III IV and V BOARD MEETING and resume REGULAR SESSION:**

At 8:30 P.M., Commissioner Norris made a motion to adjourn the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, and resume Regular Session. The motion unanimously passed.

**Agenda Item #17: APPOINTMENTS - COMMITTEES/BOARDS/COUNCILS:**

June B. Hall, Clerk to the Board, requested the following appointments to be made.

| COMMITTEE                            | ZONE/<br>EB | PERSON(S)   | EXPIR. DATE | BOARD ACTION |
|--------------------------------------|-------------|-------------|-------------|--------------|
| Department of Aging Advisory Council | VI          | Myra Godwin | 06-30-2009  | <b>HOLD</b>  |

|                                                                                                                           |    |                       |            |                   |
|---------------------------------------------------------------------------------------------------------------------------|----|-----------------------|------------|-------------------|
| City of Whiteville Planning and Zoning Board<br><b>Motion: Commissioner Norris</b><br><b>Second: Commissioner Byrd</b>    | EB | Everette Lanier (ETJ) | 08-01-2009 | <b>Re-Appoint</b> |
| City of Whiteville Zoning Board of Adjustment<br><b>Motion: Vice Chairman Bullard</b><br><b>Second: Commissioner Gore</b> | EB | Robert Nelson (ETJ)   | 08-01-2009 | <b>Re-Appoint</b> |

**Agenda Item #18: CONSENT AGENDA ITEMS:**

**A. Amendments to August 03, 2009 Tax Refunds and Releases:**

Commissioner Norris made a motion to approve the following amendments to the August 03, 2009 Tax Refunds and Releases, seconded by Commissioner McKenzie. The motion unanimously passed.

Release in the name of Tyrone Freeman: Release a portion of the property value for 2007-2008 that is listed in Bladen County. Should read - Release a portion of the property value and a portion of the Columbus Rescue for 2007-2008. A portion of the property value is listed in Bladen County.

Release the user fee for 2005-2008. There is no trash can at this address. The total amount of the release should be \$749.17 instead of \$763.00.

**B. Tax Refunds and Releases:**

Commissioner Norris made a motion to approve the following Tax Refunds and Releases, seconded by Commissioner McKenzie. The motion unanimously passed.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):  
August 03, 2009**

Refunds Name: Fowler, Stella F. Amount: \$0.00  
 Value: \$0.00 Year 008 Account # 07-19200 Bill # 58694 Total \$200.00  
 Refund the user fee. House vacant and can removed.  
 794 Big Cypress Rd. Nakina NC 28455

Refunds Name: Norris, Lagrant Amount: \$0.00  
 Value: \$0.00 Year 999-0 Account # 06-28080 Bill # 99999 Total \$1,877.00  
 Refund the user fee for 1999 through 2008 that is double listed in the name of Donnie Thompkins.  
 878 Shug Norris Rd. Tabor City NC 28463

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):  
August 03, 2009**

Release the Property Value in the name of Barber, Janet Amount: \$36.77  
 Value: \$4,512.00 Year: 2008 Account # 01-04270 Bill # 6445 Total \$154.44  
 Release the value of a mobile home and the Whiteville Rescue. The home was moved out of the county in 2007.

Release the Property Value in the name of Freeman, Tyrone Amount: \$195.60  
 Value: \$12,000.00 Year: 20007/ Account # 15-04105 Bill # 999 Total \$200.40  
 Release a portion of the property value for 2007 and 2008 that is listed in Bladen County.

Release the Property Value in the name of Tedder Upholstery Amount: \$6.96  
 Value: \$854.00 Year: 2008 Account # 11-27090 Bill # 5791 Total \$7.84  
 Release the business personal value and the Columbus Rescue. The business closed prior to January 2008.

Release the User Fee in the name of Batten, Kim Amount: \$0.00  
 Value: \$0.00 Year: 2008 Account # 14-01730 Bill # 7067 Total \$200.00  
 Release the user fee. House is vacant with no trash can.

Release the User Fee in the name of Boswell, Charles Amount: \$0.00  
 Value: \$0.00 Year: 2008 Account # 13-03415 Bill # 8669 Total \$200.00  
 Release the user fee. House is vacant and has no trash can.

Release the User Fee in the name of Conley, Jimmie Amount: \$0.00  
 Value: \$0.00 Year: 2008 Account # 12-05830 Bill # 3431 Total \$200.00  
 Release the user fee. House is vacant and has no trash can.

Release the User Fee in the name of Fisher, Ronald Amount: \$0.00  
 Value: \$0.00 Year: 2005-0 Account # 01-02717 Bill # 9999 Total \$763.00  
 Release the user fee for 2008-2008. There is no trash can at this address.

Release the User Fee in the name of Williams, Gregory Amount: \$0.00  
 Value: \$0.00 Year: 2008 Account # 12-29188 Bill # 0207 Total \$200.00  
 Release the user fee. House is vacant, used for storage and has no trash can.

**C. Budget Amendments:**

Commissioner Russ made a motion to approve the following Budget Amendments, seconded by Commissioner Gore. The motion unanimously passed.

| TYPE        | ACCOUNT        | DETAILS                                            | AMOUNT |
|-------------|----------------|----------------------------------------------------|--------|
| Expenditure | 69-7400-535904 | Landfill Maintenance                               | 73,815 |
| Revenue     | 69-3725-499100 | Retained Earnings Appropriation                    | 73,815 |
| Expenditure | 63-7114-550000 | Capital Outlay                                     | 26,018 |
| Revenue     | 63-3719-499100 | Retained Earnings Appropriation                    | 26,018 |
| Expenditure | 64-7115-559000 | Other Structures, Improvements, and Capital Outlay | 16,805 |
| Revenue     | 64-3716-499100 | Retained Earnings Appropriation                    | 16,805 |

**Agenda Item #19: COMMENTS:**

**B. Board of Commissioners:**

1. **Vice Chairman Bullard:** stated the following:
  - a. I would like to welcome Mr. Stephens as the Columbus County Attorney, and I look forward to working with you;
  - b. I support open government; **and**
  - c. I think we should take it to the limit of keeping our meetings as open as we possibly can, and I will respect you if you do the same.
2. **Commissioner Byrd:** I concur with Vice Chairman Bullard and welcome on board Mike, and I know you will do a good job.
3. **Commissioner Norris:** Welcome Mike and I look forward to working with you.
4. **Commissioner Russ:** stated the following:
  - a. Welcome Mike, I have known you a long time and I know you will go a good job;
  - b. Milton McLean retired as of July 31, 2009 and I would like to do a proclamation for him; **and**
  - c. There are four (4) private transport services in Columbus County which the hospital contacts when they are needed. I have been informed that only two (2) of these services are being contacted by the hospital. I would like for this matter to be checked into.

5. **Commissioner McKenzie:** stated the following:
  - a. I would like to thank and commend Bladen Fire Department and North Whiteville Fire Department for their quick and well-organized response to a fire last Tuesday at Lennon's Crossroad and Old Lumberton Road. They discovered various unfavorable conditions but handled each one expeditiously and professionally and eliminated any additional damage.; **and**
  - b. I have found out why most people is not hooking up to the water system, and it is because they can't afford to run the water to the road.
  
6. **Chairman Prevatte:** stated the following:
  - a. I would like to remind you of the Personnel Policy Manual Workshop next Monday, August 10, 2009, at 6:30 P.M.; **and**
  - b. I would like to encourage everyone to attend the Golden Leaf Foundation Meeting, at Southeastern Community College, Wednesday night, at 5:30 P.M., for the \$2 million for Columbus County, and the people of Columbus County will decide how this money will be used. We have looked at basically three (3) areas which are: infrastructure, economic development and education.

- C. **County Manager (William S. Clark):** stated the following:
1. We have our first confirmed case of H1N1 Flu in Columbus County;
  2. I would like to welcome Mike on board as our County Attorney and I look forward to working with you; **and**
  3. I would like to thank Terri Martin for all of her hard work as the Interim County Attorney and she has done a good job and everyone has enjoyed working with her.

- D. **County Attorney (Mike Stephens):** stated the following:
1. I would like to express my appreciation for the confidence the Board has placed in me;
  2. I will do the best job I can;
  3. I came on board today and Ms. Martin has been very supportive of me and I appreciate her attitude; **and**
  4. We are going to be a good team.

**Assistant County Attorney (Terri Martin):** stated the following:

1. I enjoyed the work I performed as the Interim County Attorney;
2. I would like to welcome Mike on board;
3. I look forward to working with Mike, and we are a team and we intend to work as a team for the betterment of Columbus County.

**RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (6) PERSONNEL:**

At 8:47 P.M., Commissioner Russ made a motion to recess Regular Session and enter into Closed Session in Accordance with N.C.G.S. § 143-318.11 (6) Personnel, after a five (5) minute recess, seconded by Commissioner Byrd. The motion unanimously passed.

**Agenda Item #20: CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (6) PERSONNEL:**

No official action was taken.

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

At 9:14 P.M., Commissioner Gore made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVAL of CLOSED SESSION GENERAL ACCOUNT:**

Chairman Prevatte requested that Mike Stephens, Columbus County Attorney, orally read the Closed Session General Account. Mr. Stephens orally read the following:

“The Board discussed the performance evaluations of County employees.”

Commissioner McKenzie made a motion to approve the Closed Session General Account, seconded by Commissioner Russ. The motion unanimously passed.

**Agenda Item #21: ADJOURNMENT:**

At 9:17 P.M., Commissioner Norris made a motion to adjourn, seconded by Commissioner Gore. The motion unanimously passed.

**APPROVED:**

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

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**JAMES E. PREVATTE, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**Monday, August 03, 2009**

**8:29 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 act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

**COMMISSIONERS PRESENT:**

James E. Prevatte, **Chairman**  
Ricky Bullard, **Vice Chairman**  
Amon E. McKenzie  
Giles E. (Buddy) Byrd  
Edwin Russ  
Lynwood Norris  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Terri Martin, **Assistant County Attorney**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 8:29 P.M., Chairman Prevatte called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting

Commissioner Gore made a motion to approve the July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, seconded by Commissioner Byrd. The motion unanimously passed.

**ADJOURNMENT:**

At 8:30 P.M., Commissioner Norris made a motion to adjourn, seconded by Commissioner Russ. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**JAMES E. PREVATTE, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

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James E. Prevatte, **Chairman**  
Ricky Bullard, **Vice Chairman**  
Amon E. McKenzie  
Giles E. (Buddy) Byrd  
Edwin Russ  
Lynwood Norris  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Terri Martin, **Assistant County Attorney**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 8:29 P.M., Chairman Prevatte called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting

Commissioner Gore made a motion to approve the July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, seconded by Commissioner Byrd. The motion unanimously passed.

**ADJOURNMENT:**

At 8:30 P.M., Commissioner Norris made a motion to adjourn, seconded by Commissioner Russ. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**JAMES E. PREVATTE, Chairman**



**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**Monday, August 03, 2009**

**8:29 P.M.**

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**COMMISSIONERS PRESENT:**

James E. Prevatte, **Chairman**  
Ricky Bullard, **Vice Chairman**  
Amon E. McKenzie  
Giles E. (Buddy) Byrd  
Edwin Russ  
Lynwood Norris  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Terri Martin, **Assistant County Attorney**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 8:29 P.M., Chairman Prevatte called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting

Commissioner Gore made a motion to approve the July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, seconded by Commissioner Byrd. The motion unanimously passed.

**ADJOURNMENT:**

At 8:30 P.M., Commissioner Norris made a motion to adjourn, seconded by Commissioner Russ. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**JAMES E. PREVATTE, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**Monday, August 03, 2009**

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**COMMISSIONERS PRESENT:**

James E. Prevatte, **Chairman**  
Ricky Bullard, **Vice Chairman**  
Amon E. McKenzie  
Giles E. (Buddy) Byrd  
Edwin Russ  
Lynwood Norris  
Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Terri Martin, **Assistant County Attorney**  
June B. Hall, **Clerk to Board**  
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**MEETING CALLED TO ORDER:**

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**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting

Commissioner Gore made a motion to approve the July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, seconded by Commissioner Byrd. The motion unanimously passed.

**ADJOURNMENT:**

At 8:30 P.M., Commissioner Norris made a motion to adjourn, seconded by Commissioner Russ. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**JAMES E. PREVATTE, Chairman**

**COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V  
COMBINATION BOARD MEETING**

**Monday, August 03, 2009**

**8:29 P.M.**

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**COMMISSIONERS PRESENT:**

James E. Prevatte, **Chairman**  
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Amon E. McKenzie  
Giles E. (Buddy) Byrd  
Edwin Russ  
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Ronald Gore

**APPOINTEES PRESENT:**

William S. Clark, **County Manager**  
Mike Stephens, **County Attorney**  
Terri Martin, **Assistant County Attorney**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 8:29 P.M., Chairman Prevatte called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #16: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting

Commissioner Gore made a motion to approve the July 20, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, seconded by Commissioner Byrd. The motion unanimously passed.

**ADJOURNMENT:**

At 8:30 P.M., Commissioner Norris made a motion to adjourn, seconded by Commissioner Russ. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**JAMES E. PREVATTE, Chairman**