

**COLUMBUS COUNTY BOARD OF COMMISSIONERS****November 02, 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**  
 June B. Hall, **Clerk to Board**  
 Bobbie Faircloth, **Finance Officer**

**6:30 P.M.**

**PUBLIC HEARING: Proposed Revised Manufactured/Mobile Home Park Ordinance:** the purpose of this Public Hearing is to notify citizens of the proposed **revised** Ordinance contents and to receive oral or written comments.

**PUBLIC HEARING CALLED to ORDER:**

At 6:30 P.M., Chairman Prevatte called the Public Hearing to order and stated the purpose of the Public Hearing is to notify citizens of the proposed **revised** Ordinance contents and to receive oral or written comments. Chairman Prevatte requested that Mike Stephens, Columbus County Attorney, orally read the Policy on Comments at Public Hearings. Attorney Stephens read the policy orally in its entirety.

**COMMENTS:**

Chairman Prevatte opened the floor for comments. No comments were received either orally or written.

**PUBLIC HEARING CLOSED:**

At 6:33 P.M., Commissioner Norris made a motion to close the Public Hearing, seconded by Commissioner Byrd. The motion unanimously passed.

**7:30 P.M.****REGULAR SESSION****Agenda Items #1, #2 and #3:****MEETING CALLED to ORDER, INVOCATION and PLEDGE of ALLEGIANCE:**

At 6:33 P.M., Chairman James E. Prevatte called the November 02, 2009 Columbus County Board of Commissioners Regular Session 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.

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

Commissioner Norris made a motion to approve the October 19, 2009 Manufactured/Mobile Home Park Ordinance Workshop Minutes, as recorded, seconded by Commissioner Gore. The motion unanimously passed.

Vice Chairman Bullard made a motion to approve the October 19, 2009 Regular Session Board Meeting Minutes, as recorded, seconded by Commissioner Byrd. The motion unanimously passed.

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

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

1. **Harold Marlowe, Private Citizen:** stated the following:
  - A. I own property which I leased to Worseley Oil Company and they have contaminated it;
  - B. I have worked hard and got the taxes down to fifty (50%) percent;
  - C. Presently, I cannot use this property;
  - D. Worseley Oil Company is in the process of fixing this property;
  - E. I would like to be excused from paying taxes on this property until it is usable;
  - F. Once this property has been fixed, I will be limited as to what I can put on it;
  - G. My request to the Board is not to pay taxes this year on this property;
  - H. In 1995, I did receive a small settlement from Worseley Oil Company; **and**
  - I. After the repair work is finished, I would like to have crush-n-run put on this property and the soil to be compacted.

After discussion was conducted with Mr. Marlowe, he was instructed that he would have to go through the Appeals Process with this matter, and to see Richard Gore, Columbus County Tax Administrator, and he would be informed as to what he needed to do.

2. **Kim Smith, Columbus County Health Director:** stated the following:
  - A. I am here tonight to address the H1N1 Flu vaccine;
  - B. I am sure you may have heard complaints about my staff, my public Health Department because the H1N1 vaccine is here and we are trying to get it out to the citizens of Columbus County as fairly as we can, with the directives that we have been given by the State Health Department and the Center for Disease Control;
  - C. The H1N1 Flu vaccine has been received as follows:
 

<b>October 20, 2009</b>	Received 300 Flu Mists, this is inter-nasal
	Received 190 Injectables
<b>October 26, 2009</b>	Received 100 Injectables;
  - D. I have been notified on Friday afternoon at 6:30 P.M. that we are going to receive 100 doses for children that are six (6) months to thirty-five (35) months of age and 100 doses for pregnant women, and that leaves out a lot of people, which have been calling regularly and they are not happy;
  - E. We get small doses and small number of doses, and it is difficult for us to plan for a mass distribution center;
  - F. We are screening callers when they come in because on the handout that I have distributed, it lists the priority groups as follows:
    1. Pregnant women;
    2. People who live with or care for children younger than 6 months;
    3. Healthcare and emergency medical services personnel
    4. People between 6 months and 24 years old; **and**
    5. Adults ages 25 through 64 with chronic health disorders or compromised immune systems; **and**
  - G. That still leaves out a lot of people;
  - H. We will give the vaccine to the priority groups first, period;
  - I. There has been one week when we did not receive any vaccine;
  - J. We are trying to give this vaccine as fairly as we can with what vaccines that we have been given;
  - K. The vaccines comes from the CDC in Atlanta, Georgia up to the State and then the State distributes depending upon population of the county, and we are a small county population wise; **and**
  - L. In the mean time, I need for everyone to be very diligent in practicing the following techniques:
    1. washing their hands;
    2. using a tissue to cover your nose when you cough or sneeze, and then throw that tissue away, and then wash your hands;
    3. Use your sleeve when you cough or sneeze;
    4. Make sure you clean the common areas of your workplace frequently; **and**
    5. If you or your child is sick, stay at home.

3. **Alex Hawes, 1331 South Madison Street, Whiteville, NC:** stated the following:
- A. Our property is adjacent to Mr. Marlowe's property;
  - B. It affects him directly and me indirectly;
  - C. This affects us in the loss of use of the leased property due to six (6) test wells and we also have some contamination from the adjacent lot resulting in the relocation of the vehicles; **and**
  - D. Having to work around the test wells is very inconvenient and we tell a big difference in our business.

4. **Gary Clewis, 2611 Crusoe Island Road, Whiteville, NC:** I would like to know if anyone has any additional information on the clear cutting of the swamp along Waccamaw River.

Chairman Prevatte replied stating the following:

- Edward Davis, Mr. Bill Clark, our attorney and the Forestry Service did visit the site;
- No violations were discovered on the first visit, and they discovered a minor violation on the second visit;
- The violation has been addressed and corrected; **and**
- They are monitoring the site closely.

Mike Stephens, Columbus County Attorney, stated the Forestry Service, I understand, is monitoring the situation three (3) times per week.

-According The News Reporter, it was not the 2,000 acres that we had originally thought, and part of the area is selective cutting instead of clear cutting.

Mr. Clewis stated the small repair work that has been done is fine at this particular time, but when significant rainfall happens, this repair work will wash into the river.

Chairman Prevatte asked Mr. Stephens was there anything we could legally do to stop this. Mr. Stephens replied stating no, until the Forestry Service tells us there is a violation, there is nothing we can do.

Edward Davis, Soil and Water Conservation Director, stated the following:

- We met with the Forestry Service and they are the ones that monitor this type if action, the logging industry;
- One of the things they have done is they have been working with the Division of Water Quality and they will be monitoring several times a week;
- As far as clear cutting, there is nothing to stop the propety owners from doing it, as long as they follow the legalities of keeping the sediment out of the river; **and**
- There is really no buffer that is required along that river.

5. **Kenneth Waddell (Mayor of Chadbourn):** stated the following:
- A. I would like to address Agenda Item #13 on behalf of Chadbourn;
  - B. There seems to be some concern about the Chadbourn Rural Water Association and its association with Chadbourn;
  - C. I had the Town Manager Stevie Cox to make some copies of the contract which he will distribute, that we have with Chadbourn Rural Water Association that is suppose to extend for forty (40) years;
  - D. It was signed in 1979 and it will extend until 2019;
  - E. We have done some research on that, and we did find the contract and we did find the evidence that there is a signed contract, but there has been no Board action on any of this;
  - F. There has been no formal request to us about purchasing the Chadbourn Rural Water Association's lines; **and**
  - G. There has been some questions about some lines that were annexed outside the original Chadbourn's city limits, but there has not been a formal request to the Board which would require Board action for us to either accept or decline what Chadbourn Rural Water Association proposed, which is to possibly purchase those lines.

**Pionts of Discussion:**

- 1. The actual length of the contract;
- 2. No formal request being made to Chadbourn's Board;
- 3. The Town of Chadbourn presently purchasing water from Chadbourn Rural Water Association;

- 4. No signatures on the contract that has been presented; **and**
- 5. The formal contract that has been signed has been seen.

**Agenda Item #6: CDBG GRANT #08-C-1819 SCATTERED SITE HOUSING PROJECT - APPROVAL of LOW BIDDERS for DEMOLITION and ASBESTOS ABATEMENT:**

Floyd Adams, The Adams Company, Incorporated, requested Board approval of the low bidders for demolition and asbestos abatement for CDBG Grant #08-C-1819 according to the following Demolition Bid Tabulation Summary.

**Demolition Bid Tabulation Summary  
2008 Columbus County CDBG-SSH  
Bid Group #1  
Re-Bid Date: October 27, 2009 - 11:00 A.M.**

Contractor	Unit 08-06 Charles & Pauline Joyner	Unit 08-09 Charlotte Spivey	Unit 08-23 Loraine Cokley
Noah Green	9,171	8,400	6,724
Coleman Construction	3,300	2,650	2,175
Kenneth Register	3,900	1,850	1,850
Trigon of Whiteville	1,800	1,800	1,800
Smith & Smith	24,250	32,500	28,575

**2008 Columbus County CDBG  
Demoliton  
Bid Date: October 27, 2009 - 11:00 A.M.  
Summary of Low Bid**

Unit	Contractor	Bid Price
08-06	Trigon of Whiteville	\$1,800.00
08-09	Trigon of Whiteville	\$1,800.00
08-23	Trigon of Whiteville	\$1,800.00

**Recommendation of Award**

Award demolition contracts to the low bidder, Trigon of Whiteville.

Approved: \_\_\_\_\_  
Columbus County

**2008 Columbus County CDBG-SSH  
Asbestos Abatement  
Bid Date: October 23, 2009 - 2:00 P.M.  
Bid Tabulation Summary**

Contractor	Bid Price
Eastern Environmental	\$5,225.00
Environmental Concerns	\$6,695.00

**Recommendation of Award**

Award asbestos abatement contract to the low bidder, Eastern Environmental of Hampstead.

Approved: \_\_\_\_\_

## Columbus County

Mike Stephens, Columbus County Attorney, recommended that this Agenda item be tabled until the November 16, 2009 Meeting to allow him sufficient time to clarify some areas of concern.

Commissioner Gore made a motion to table this Agenda item until the November 16, 2009 Meeting, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #7: CDBG Grant # 08-C-1819 Scattered Site Housing Project - Approval of Recommended Relocation Allowances:**

Floyd Adams, The Adams Company, Incorporated, requested Board approval of the recommended relocation allowances for Units 08-06, 08-09 and 08-23 for the CDBG Grant #08-C-1819, in accordance with the following recommended maximum allowance for the homes along with the fixed moving allowance.

<u>Unit No.</u>	<u>Owner</u>	<u>Max. Allow.</u>	<u>Unit Type</u>	<u>Moving Allow.</u>	<u>Total Max. Allow.</u>
1) 08-06	Charles Joyner 106 W 4 <sup>th</sup> St. Chadbourn, NC 28431	\$88,500	New Construction Approx. 1280 Sq/ft	\$1,500	\$90,000
2) 08-09	Charlotte Spivey 182 Sycamore Dr. Chadbourn, NC	\$87,500	New Construction Approx. 1200 Sq/ft	\$1,300	\$88,000
3) 08-23	Loraine Cokley 1510 Mill Pond Road Whiteville, NC	\$85,900	New Construction Approx. 1080 Sq/ft	\$1,100	\$87,000

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County's Approval

Mike Stephens, Columbus County Attorney, recommended that this Agenda item be tabled until the November 16, 2009 Meeting to allow him sufficient time to clarify some areas of concern.

Commissioner Gore made a motion to table this Agenda item until the November 16, 2009 Meeting, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #8: AGING - APPROVAL to ACCEPT FUNDS from the AMERICAN RECOVERY REINVESTMENT ACT for CONGREGATE and HOME MEAL LUNCHES:**

Ed Worley, Aging Director, requested Board approval of the acceptance of funds from the Cape Fear Council of Governments, through the Home and Community Care Block Grant, what is called the American Recovery Reinvestment Act for Congregate and Home Delivered Meals in the following amounts. Mr. Worley has stated the ten (10%) percent County match was in the Department of Aging's budget.

<b>Congregate:</b>	\$19,640.00
<b>10% County Match:</b>	2,182.00

<b>TOTAL:</b>	<b>\$21,822.00</b>
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<b>Home Delivered:</b>	\$ 9,669.00
<b>10% County Match:</b>	1,074.00

<b>TOTAL:</b>	<b>\$10,743.00</b>
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**GRAND FUNDING TOTAL: \$32,565.00**

Vice Chairman Bullard made a motion to approve the acceptance of funds from the Cape Fear Council of Governments, through the Home and Community Care Block Grant, what is called the American Recovery Reinvestment Act for Congregate and Home Delivered Meals, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #9: ORDINANCE - APPROVAL AND ADOPTION OF THE PROPOSED REVISED MANUFACTURED/MOBILE HOME PARK ORDINANCE:**

Jim Dossett, County Planner, requested Board approval to rescind the existing Manufactured/Mobile Home Park Ordinance, and approval and adoption of the following revised Manufactured/Mobile Home Park Ordinance. The required second Public Hearing was conducted on this date prior to the meeting, and this will be the second reading.

**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 operated 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 7 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 with the exception that pavement surface (S9.5A or S9.5B) will not be required. Appropriate construction testing reports certifying compliance with NC DOT standards shall be provided to the Planning Department. As an alternative cross section to that specified in the referenced NCDOT standards, four (4") inches of ABC with a test certified subgrade at ninety eight (98%) percent compaction or six (6") inches of ABC with a non-certified compacted subgrade may be used.
3. Roads and streets within the manufactured/mobile home park shall have a minimum travel-way width of eighteen (18) 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 high 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 observe the placement of all manufactured/mobile homes and to guarantee that no home is occupied until a current Certificate of Occupancy is issued by the Building Inspections Department.
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, which also includes NC Department of Labor certified "Migrant Camps", 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-A123(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 November 03, 2009.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**  
/s/ **JAMES E. PREVATTE, Chairman**

**ATTESTED BY:**

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

Commissioner Gore made a motion to approve rescinding the existing Manufactured/Mobile Home Park Ordinance, and to approve and adopt the revised Manufactured/Mobile Home Park Ordinance, on its second reading, seconded by Commissioner McKenzie. The motion unanimously passed.

**Agenda Item #10: COOPERATIVE EXTENSION - DEPARTMENTAL UPDATE:**

Howard Wallace, Interim Cooperative Extension Director, delivered the following departmental update to the Board.

1. Based on the former director, Ms. Jacquelyn Roseboro's, advice, I have distributed to you the Extension Highlights from last year which you can read at your own leisure;
2. 2009 Has been an unique year, and also a dawning year with all the budget crunches on the local and State level;
3. We have just recently received some of our travel money back which allows a small amount of travel;
4. We have been nine (9) months without a director;
5. We serve as an educational program to Columbus County;
6. We are not only Agricultural Extension but we are Cooperative Extension;
7. We are more than just cows - plows and sows;
8. We provide educational information to people from all walks of life here in Columbus County through our staff members;
9. One of the best successes that I have seen this year has been the surge in canning and growing of food;
10. We graduated out the first Extension Master Gardener class that we have had in about three (3) years; **and**
11. You can see the awards that have been received by our 4-H members this year.

Chairman Prevatte stated he would like to apologize to the 4-H members that were here at the last meeting for not recognizing them due to the fact he was not aware of their presence. If you will have them present at another meeting and let us know, we will be more than happy to give them special recognition.

**Agenda Item #11: APPOINTMENT - VOLUNTARY AGRICULTURAL DISTRICT BOARD:**

Edward E. Davis, Soil and Water Director, requested the final two (2) appointments to be made for District I and District III for the Voluntary Agricultural District Board.

Commissioner Amon E. McKenzie appointed Alfonza Williams, 102 Pinkley Drive, Whiteville, North Carolina 28472, Telephone: 648-2459, to the Voluntary Agricultural District Board. The length of the term is yet to be determined.

Commissioner Giles E. Byrd appointed Neil King, 2777 Sam Potts Highway, Hallsboro, North Carolina 28442, Telephone: 646-3366 to the Voluntary Agricultural District Board. The

length of the term is yet to be determined.

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

**Agenda Item #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

October 19, 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.

**Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICT II - APPROVAL to ACCEPT DONATION:**

Frederick David Boege, Jr., Chairman of the Chadbourn Rural Water Association, requested the Board to accept any gifts or donations from the Chadbourn Rural Water Association.

This information will be recorded in Minute Book Number 1 for Columbus County Water and Sewer District II.

**Agenda Item #14: COLUMBUS COUNTY WATER AND SEWER DISTRICT II - APPROVAL of \$25,000 for ENGINEERING APPLICATIONS and INTERCONNECTIONS:**

Kip McClary, Public Utilities Director, requested Board approval of the engineering applications to the State, and approximately \$25,000 in funding to do the necessary interconnections and applications for the Chadbourn Rural Water Association's donation.

This information will be recorded in Minute Book Number 1 for Columbus County Water and Sewer District II.

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

At 8:01 P.M., Commissioner Byrd 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, seconded by Commissioner Gore. The motion unanimously passed.

**Agenda Item #15: CONSENT AGENDA ITEMS:**

**A. Tax Refunds and Releases:**

Bobbie Faircloth, Finance Officer, stated there was an error in the Tax Releases for J. Elrod Carroll, The amount should be \$210.00 instead of \$210.20.

Commissioner Norris made a motion to approve the following Tax Refunds and Releases, with the noted correction, seconded by Vice Chairman Bullard. The motion unanimously passed.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):  
November 02, 2009**

Refunds	Name: Hernandez, Sandra	Amount:	\$0.00
Value:	\$0.00 Year 009 Account # 04-07371 Bill # 32155	Total	\$11.00

Refund a portion of the user fee. The house was torn down.  
8378 Old Lake Rd. Bolton NC 28423

Refunds	Name: Suntrust Leasing Corporation	Amount:	\$4,438.20
Value:	\$544,564.00 Year 007 Account # 15-05506 Bill # 77032	Total	\$5,200.59

Refund the business personal value, the Acme Delco Fire (653.48) and the Columbus Rescue (108.91). The property is double listed and paid by Lease Plan USA, Inc.  
9653 Wendell Rd. Dallas TX 75243

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):  
November 02, 2009**

Release the Property Value in the name of **Graham, Mary C.** Amount: **\$939.45**  
 Value: **\$25,900.00** Year: **2002/** Account # **04-06440** Bill # **99999** Total **\$1,505.37**  
 Release the value of a double wide home, the Bolton Fire (83.92) and Columbus Rescue (24.52) for the years 2002 through 2006. The home was repossessed in 2001.

Release the Property Value in the name of **Lamar Adv Of Elizabethtown #205** Amount: \$584.89  
 Value: **\$112,478.00** Year: **2009** Account # **01-06101** Bill # **73606** Total \$584.89  
 Release a portion of the property value for the city of Brunswick. Used incorrect billing procedure as mandated by State for 2009.

Release the Property Value in the name of **Lamar Adv of Elizabethtown #205** Amount: \$916.70  
 Value: **\$112,478.00** Year: **2009** Account # **01-06101** Bill # **73605** Total \$939.20  
 Release a portion of the property value and a portion of the Whiteville Rescue. Used incorrect billing procedure as mandated by State for 2009.

Release the Property Value in the name of **Lamar Adv Of Elizabethtown #205** Amount: **\$6,301.78**  
 Value: **\$773,224.00** Year: **2009** Account # **01-06099** Bill # **73603** Total **\$6,456.42**  
 Release a portion of the property value and a portion of the Whiteville Rescue. Used incorrect billing procedure as mandated by State for 2009.

Release the Property Value in the name of **Lamar Adv Of Elizabethtown #205** Amount: **\$3,717.67**  
 Value: **\$456,156.00** Year: **2009** Account # **01-50841** Bill # **73602** Total **\$3,808.90**  
 Release a portion of the property value and a portion of the Columbus Rescue. Used incorrect billing procedure as mandated by State for 2009.

Release the Property Value in the name of **Wilson, Jimmy D.** Amount: **\$125.52**  
 Value: **\$7,700.00** Year: **2008/** Account # **06-03106** Bill # **99999** Total **\$144.00**  
 Release a portion of the property value a portion of the Yam City Fire (15.40) and a portion of the Columbus Rescue (3.08) for the years 2008 and 2009. A portion of the property is double listed in the name of Brenda S. Brown.

Release the User Fee in the name of **Babson, Vincent** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **03-05711** Bill # **1022** Total **\$210.00**  
 Release the user fee that was prepaid.

User Fee in the name of **Bischoff, Judith** Amount: **\$0.00**  
 Release the  
 Value: **\$0.00** Year: **2009** Account # **07-02641** Bill # **16043** Total **\$210.00**  
 Release the user fee. House vacant, unlivable and has no trash can.

Release the User Fee in the name of **Carroll, J Elrod** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **15-08720** Bill # **19800** Total **\$210.00**  
 Release one of three user fees. Only has one trash can.

Release the User Fee in the name of **Couch, Jill** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **16-05101** Bill # **21782** Total **\$210.00**  
 Release one of two user fees. One house vacant with no can.

Release the User Fee in the name of **Fowler, Betty** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **06-02059** Bill # **26566** Total **\$210.00**  
 Release the user fee. House is vacant and has no trash can.

Release the User Fee in the name of **Freeman, Johnnie** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2008/** Account # **04-05020** Bill # **99999** Total **\$410.00**  
 Release the user fee for 2008 and 2009. House is vacant, unlivable and has no trash can.

Release the User Fee in the name of **Grainger, Nell S. Heirs** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **06-16340** Bill # **29853** Total **\$123.00**  
 Release the user fee. House vacant and does not have a trash can.

Release the User Fee in the name of **Hernandez, Sandra** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **04-07371** Bill # **32155** Total **\$209.29**  
 Release a portion of the user fee. House was torn down in 2008.

Release the User Fee in the name of **Lennon, Perry** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **12-15840** Bill # **37387** Total **\$420.00**  
 Release both user fees. Both houses are vacant and have no trash cans.

Release the User Fee in the name of **Ray, Joseph** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **06-30707** Bill # **46682** Total **\$210.00**  
 Release the user fee. Club house does not have a trash can.

Release the User Fee in the name of **Reeves, Ray** Amount: **\$0.00**  
 Value: **\$0.00** Year: **2009** Account # **11-22130** Bill # **47022** Total **\$210.00**  
 Release the user fee. House vacant and does not have a trash can.

**B. Budget Amendments:**

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

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-5162-526001	IAP Dept Supplies	7,000
Revenue	10-3510-430032	State Immunization Action Plan	7,000
Expenditure	10-5198-512100	Flu Salaries	40,978
	10-5198-512700	Flu Salaries/Wages Longevity	500
	10-5198-518100	Flu FICA	500
	10-5198-518200	Flu Retirement	500
	10-5198-518300	FLU Insurance Contribution	2,000
	10-5198-519001	FLU Contracted Services	3,500
	10-5198-523900	FLU Drugs and Medical	5,000
	10-5198-526001	FLU Departmental Supplies	20,000
	10-5198-525105	FLU Gas	500
	10-5198-532101	FLU Postage	200
	10-5198-512600	FLU Salaries/Wages PT	5,000
Revenue	10-3514-430185	School Flu/H1N1 Flu	78,678
Expenditure	10-5170-512100	WIC Salaries & Wages	5,000
	10-5170-526007	WIC Misc Services C/S	5,000
	10-5170-526009	WIC Misc Support BF	500
	10-5170-543000	WIC Rental Equipment	1,000
	10-5170-531104	WIC Travel C/S	3,500
	10-5170-526001	WIC Dept Supplies	9,120
Revenue	10-3510-430055	WIC	24,120
Expenditure	10-5301-549988	TANF Domestic Violence	21,801
Revenue	10-3530-430065	Work 1 <sup>st</sup> Block Grant	21,801
Expenditure	10-5900-550025	Lottery Disbursement	500,000
Revenue	10-3210-432315	Lottery Funds	500,000

**Agenda Item #16: COMMENTS:**

Chairman Prevatte opened the floor for comments. The following spoke.

**A. Department Heads:**

**Jim Dossett, Columbus County Planner:** stated the following:

1. This is the latest update on the Waccamaw River and the timbering operation;
2. Last Thursday, I did a low altitude, low felocity flight of the dam all the way down to the South Carolina line;
3. The Waccamaw River was flowing clean;
4. There was no evidence of sediment deposits in the river, however a lot of the oxbows in the river, near the timber operation, did have sediment in it;
5. I was pleased to see how it was going on.

**B. Board of Commissioners:**

1. **Commissioner McKenzie:** stated the following:

- A. I would like to extend my thanks to the Planning Board for their success;
- B. On the CDBG grants, both concentrated and scattered, we need to have a

workshop each time one is made available for the purpose of letting each Board member know what the grant entails and have sufficient time to prepare; **and**

C. The CDBG grant process should be a topic for the next Board Retreat.

2. **Commissioner Byrd:** stated the following:

A. I concur with Commissioner McKenzie on the CDBG grants; **and**

B. We should have workshops on the grants for information purposes and to let the Board know what the grant entails, in lieu of bits and pieces presented to us for approval.

3. **Chairman Prevatte:** stated the following:

A. In reference to the \$850,000 CDBG Grant that was rejected by this Board, I do have a problem with someone writing a grant and saying this is what it is going to be; **and**

B. In reference to the Chadbourn Rural Water Association, I would like to state the following:

1. This was a difficult decision for me to make due to all the residents in the Town of Chadbourn;

2. In an official meeting, the Chadbourn Rural Water Association made a decision to donate this water system to Columbus County on behalf of Columbus County Water and Sewer District II, and they were not going to give the system to the Town of Chadbourn;

3. If we had turned this donation down, it would not have made a difference whether Chadbourn had received it or not; **and**

4. The Chadbourn Rural Water Association stated this is what they wanted to do, this is what they presented to the Attorney General and we could not tell them what to do

C. **County Manager (William S. Clark):** stated the applications for the Golden Leaf Grant are due, and six (6) grant applications have been written by County departments.

**RECESS REGULAR SESSION and enter into CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (6) PERSONNEL and § 143-318.11 (3) ATTORNEY-CLIENT PRIVILEGE:**

At 8:09 P.M., Commissioner Gore made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S § 143-318.11 (6) Personnel and § 143-318.11 (3) Attorney-Client Privilege, after a five (5) minute recess, seconded by Commissioner Byrd. The motion unanimously passed.

**Agenda Item #17: CLOSED SESSION in ACCORDANCE with N.C.G.S. § 143-318.11 (6) PERSONNEL and N.C.G.S. § 143-318.11 (3) ATTORNEY-CLIENT PRIVILEGE:**

No official action was taken.

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

At 9:03 P.M., Commissioner Gore made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Norris. The motion unanimously passed.

**READING and APPROVAL of CLOSED SESSION GENERAL ACCOUNT:**

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

*“The Board discussed the following:*

1. *The recommendation to hire Dalton Dockery as the Cooperative Extension Director, at an annual salary of sixty-five thousand, four hundred eighty-one, and 00/100 (\$65,481.00) dollars, to be effective December 01, 2009;*

2. *Give the County Manager and the Attorney authority to proceed with the appraisal of the CHAF property for Lefefia Brown; **and***

3. *Discussion of the pending litigation on the Andrenetta Galloway case.”*

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

**HUMAN RESOURCES - EMPLOYMENT of DALTON DOCKERY as COOPERATIVE EXTENSION DIRECTOR:**

Commissioner McKenzie made a motion to hire Dalton Dockery as the new Columbus County Cooperative Extension Director, at an annual salary of sixty-five thousand, four hundred eighty-one and 00/100 (\$65,481.00) dollars, to be effective as of December 01, 2009, seconded by Commissioner Gore. The motion unanimously passed.

**Agenda Item #18: ADJOURNMENT:**

At 9:05 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Byrd. 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**

**November 02, 2009**

**7:23 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**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 7:23 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 #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner Gore made a motion to approve the October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**ADJOURNMENT:**

At 8:01 P.M., Commissioner Byrd made a motion to adjourn, seconded by Commissioner Gore. 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**

**November 02, 2009**

**7:23 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**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 7:23 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 #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (5 sets)

Commissioner Gore made a motion to approve the October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #13: COLUMBUS COUNTY WATER and SEWER DISTRICT II - APPROVAL to ACCEPT DONATION:**

Frederick David Boege, Jr., Chairman of the Chadbourn Rural Water Association, requested the Board to accept any gifts or donations from the Chadbourn Rural Water Association.

James E. Hill, Jr., Attorney for Chadbourn Rural Water Association, stated the following:

1. I am here on behalf of the Chadbourn Rural Water Association;
2. This is a non-profit corporation;
3. It was begun in May, 1966 with the following individuals: Troy M. Sigmon, Dr. Charles R. King, Sam P. Stanley, Jr., Arthur W. Williamson and Arthur R. Carter;

4. The purpose of the corporation, as stated in the Articles of Incorporation, was to provide a private water system for providing water to its members;
5. In April, 1967, the Association and the Town of Chadbourn entered into a Water Purchase Contract, which states the Resolution was passed on the 12<sup>th</sup> day of April, 1967 by the Council of the Town for the sale of water to the Association according to the provisions that Association were approved;
6. Execution of the contract was carried out, and the Association was authorized by the sitting Mayor and the Secretary, and the Board of Directors of the Association, and on April 20, 1967, the Town of Chadbourn agreed also to the contract;
7. My copy of the Water Purchase Contract is signed by The Honorable W. J. Dutton, Mayor, attested by Estelle Carter, Town Secretary, and is signed by Arthur W. Williamson as President, and S.P. Stanley as Secretary of the Corporation;
8. This was approved by Farmers Home, that part is undated, but the other parts do have signatures on the Contract, and the file copy of the contract states April 24, 1967, and it calls for the Resolution to be passed by the Town Council that same year;
9. Since the formation of the Chadbourn Rural Water Association, Columbus County has formed Columbus County Water and Sewer District II for the furnishing of quality water to the citizens of the area;
10. The Chadbourn Rural Water Associatin was formed for a public purpose, and that is what we did it for;
11. The Board of Directors for the Chadbourn Rural Water Association has determined it would serve the County better to dissolve, and part of this dissolution process is the disposing of the assets to non-profit corporations, such as yourself;
12. The Corporation has voted to make a gift of the water lines, easements, pipes, connections and any other tangible assets, other than bank accounts, to the Columbus County Water and Sewer District II, a political subdivision of Columbus County, to be added onto your lines;
13. This has been done before in the eastern end of the County, it has been done twice in Water District IV in the Hallsboro area;
14. This is the same thing as the previous times, you are taking it over;
15. I understand that there is a study that has been made of the situation;
16. We have received approval from the Attorney General's Office;
17. For the plan of dissolution, we had to go through the Attorney General's Office and they had to pass on it, and they passed on it in September of this year;
18. We are requesting that you do the same as you did for the other two (2) situations, and that is to accept our gift to you as a gift of all the water lines outside the city limits will be yours, and whatever water lines are inside the city limits, what interest we have is yours, and what they have, will have to be worked out between the Town of Chadbourn and Columbus County;
19. It is my understanding that the Public Utilities Department has made a study of the situation, and has written a memorandum to you as to how much it will save, and that could be two (2) cents on the tax rate for the citizens of Water District II;
20. The tax rate could go from a seven (7) cents rate to a five (5) cents rate;
21. We trust you will do the right thing, and the thing that is best for all the citizens of Columbus County to try and keep the tax rate down;
22. This is a gift that is offered to you at this time without any other strings attached; **and**
23. This topic has been discussed with the County for a number of administrations.

**QUESTIONS / ANSWERS / COMMENTS:**

**Commissioner McKenzie:** Did the Chadbourn Rural Water Association contact the Town of Chadbourn?

**Jim Hill:** It is my understanding the Town of Chadbourn raised the water rates without any notification to the customers this year, I am not on the day-to-day operation there. The Board felt like it was better to go with Columbus County Water and Sewer District II

**Commissioner McKenzie:** So the Board decided it was best not to have any actions with the Town of Chadbourn?

**Jim Hill:** The Board decided they would rather be a member of Water District II. They are in the rural community, and they don't live in the Chadbbourn city limits. These one hundred twenty-two (122) members, or whatever, live in the rural community and not in the city limits. They want to dissolve the corporation, and when the corporation is dissolved, no member gets any assets from it or anything, but the corporation needs to dissolve, the corporation thinks that Columbus County Water and Sewer District II is serving the purpose that Chadbourn Rural Water Association initially intended to be, which is providing quality water at a reasonable rate, for the people of that area, and would rather go with Columbus County Water and Sewer District II.

**Commissioner Gore:** Do I understand you right to say that you had a signed contract bearing the date of April, 1967?

**Jim Hill:** April 24, 1967, passed by resolution on the 12<sup>th</sup> of April, 1967, by the Town Council of Chadbourn.

**Commissioner Gore:** Mr. Attorney (Mike Stephens), have you had a chance to look over this contract?

**Mike Stephens:** Yes sir, I have. Mr. Boege contacted me, and after he contacted me, I then contacted Mr. Hill. We were waiting on an opinion from the Attorney General's office as to dissolving the corporation and taking care of the assets. They made a ruling, and that is where we are at. He and I have been in constant communication.

**Commissioner Gore:** Do you see any liabilities if the County takes on this line of any disconnects or interconnects that may be in existence with the Town of Chadbourn?

**Mike Stephens:** I have been discussing this with Kipling Godwin, Public Utilities Director, and there is going to be some costs involved in the County with old pipes, etc.

**Commissioner Gore:** Will be there any legality issues involved?

**Mike Stephens:** The Chadbourn Rural Water Association wants to give us a gift.

**Commissioner Russ:** The only question I have is about the contract which was signed in 1967, and it has expired.

**Chairman Prevatte:** So, you have been without a contract for two (2) years?

**Jim Hill:** That is the way it appears.

**Vice Chairman Bullard:** Would it make a difference if we tabled this matter until the November 16, 2009 Board Meeting?

**Jim Hill:** It is the desire of the corporation to dissolve by the end of the year, and this would slow

the process down.

**Commissioner Byrd:** The copy of the Water Purchase Contract that has been distributed to the Board by Mayor Waddell, bearing the date of September 21, 1979, is not signed by either party involved. With the knowledge that this information was going to be provided, the documents should have been presented to the Board bearing signatures.

**Commissioner McKenzie:** If Chadbourn feels comfortable about us taking it, I think we should. If Chadbourn does not feel comfortable about us taking it, I don't think we should, at this time.

**Jim Hill:** It is up to you, it is a gift.

**The Honorable Kenneth Waddell, Mayor of Chadbourn:** stated the following:

1. I do apologize again for the seemingly misunderstanding, I guess, about the whole Chadbourn Rural Water Association;
2. What I do know about the Chadbourn Rural Water Association is that we have continuously provided water to the Chadbourn Rural Water Association, and have maintained the lines;
3. We have done the administrative work for the Chadbourn Rural Water Association;
4. We do have, and I did see, and once again I will apologize for the lack of signatures on that contract, but I have seen what looks to me as an amendment to the original contract, which should extend out, based on what I read, which I read in a hurry, and I am not a lawyer, should extend that contract out for another forty (40) years;
5. Whether there is a question about whether or not it goes to, or has already expired, or is going to expire in 2019, which is what I feel like is the expiration date, this is something that I feel we need to at least be offered, I understand the gift, but we need at least to have the time to look at those things with the attorney;
6. There has been no formal presentation to the Chadbourn Board as to whether or not we would be interested in either purchasing it or taking over the Chadbourn Rural Water Association's lines;
7. Those lines are, like you said Chairman Prevatte, I believe those lines are probably, by their contract, forty (40) years old;
8. I do have some questions too about water lines, I understand that Water District II would be taking water lines out past the existing water lines to serve other members in Columbus County, but you have some parallel lines to the Chadbourn Rural Water Association;
9. We have not had a chance to do enough work on this, I was not really apprised of this until Friday;
10. Our attorney has just got married and was out of town, but he was now back and is looking over the contract;
11. So, basically I am asking you to give us time to look at the contract and see whether or not there is any kind of conflicts to this gift; **and**
12. We want to work with the County too.

**Commissioner McKenzie:** Basically, what you are asking us to do is to give you time to examine the contract and make sure everything is valid, and if it is valid, then you are okay with this.

**Mayor Waddell:** I would like for you to table this. If we find everything to be valid, then that is their gift. That is what they decided to do.

**Chairman Prevatte:** I have a question for Mr. Hill and our attorney. Is it true, Mr. Attorney, that even if their contract was in 1972 or 1976, that if the Chadbourn Rural Water Association dissolves

itself, the contract would be null and void? If the body dissolves itself, does the contract become null and void?

**Mike Stephens:** Have the dissolution papers been filed?

**Jim Hill:** No Sir. You have to go through a resolution, which we have done, you have to get the Attorney General's approval, which we have done, the last thing you do is you pay all the bills and you file the paperwork, and that dissolves everything, and it is no longer a corporation.

**Chairman Prevatte:** After the corporation is dissolved, the contracts would be gone, or it applies to anything that you might have.

**Chairman Prevatte:** Mr. Hill, did anyone from Columbus County approach the Chadbourn Rural Water Association about donating this property?

**Jim Hill:** This has been discussed for a good while, but no one approached the Chadbourn Rural Water Association about this, that I am aware of. The Chadbourn Rural Water Association approached the County.

**Chairman Prevatte:** Mr. Waddell and I were talking Friday, and it was his impression that the water line that runs from the old city limits of Chadbourn to the new city limits, where they had to extend, could be taken by Chadbourn. Can they do that?

**Jim Hill:** There has been a lot of discussion and argument over that. Mr. Waddell stated there had been no contact, but there have been letters written back and forth between Mr. Pope and myself concerning those water lines that are within the city limits were put in by the Chadbourn Rural Water District and paid for by FHA, and not been compensated for in any way, but are being used now and we are not receiving any funds for them.

**Chairman Prevatte:** Can the Town of Chadbourn take over these lines that were installed by the Chadbourn Rural Water Association, paid for by FHA inside the now city limits, but were not within the city limits at that time?

**Mike Stephens:** No, that is private property.

**Chairman Prevatte:** These people that live in the rural area also live in Columbus County Water and Sewer District II, and it is my understanding from you is that they wanted to donate this because they felt like District II was the best place for them to donate their property. Another benefit for those citizens is that their taxes would be reduced too because they are paying taxes in Water District II even though they are buying water from Chadbourn, they are paying that water district tax, so their tax would be reduced also.

#### **MOTION:**

Commissioner Gore made a motion that Columbus County accept any gifts or donations of Chadbourn Rural Water Association for all connections and other physical property owned by Chadbourn Rural Water Association (not to include any bank accounts), whether individually or jointly owned with another, now in the ground or connected to or part of any distribution system of water to the customers of Chadbourn Rural Water Association.

#### **SUBSTITUTE MOTION:**

Vice Chairman Bullard made a motion that due to Chadbourn's request, and their attorney

being out of town, the Board table this Agenda item for action until the November 16, 2009 Meeting, seconded by Commissioner McKenzie.

Discussion was conducted relative to the need for this Agenda item to be tabled.

Vice Chairman Bullard asked Mr. Hill if it would cause any problems for this item to be tabled until the November 16, 2009 Meeting. Mr. Hill replied stating that we wanted to finish this by the end of this year, and we think it will delay the process, and other gifts involved will be delayed, and we would like to finish this up.

**Kenneth Waddell:** I have looked at either an amendment to the contract or some kind of different contract that would bring up a red flag to me, if I was sitting in your seat. If the contract is dissolved, then the Town of Chadbourn can go and cut the water off right now, and the one hundred twenty-two (122) customers will be without water until you can get some water in place. The Town of Chadbourn is not going to do that.

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

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

The motion fails on a three (3) to four (4) vote.

**ORIGINAL MOTION:**

The original motion previously made by Commissioner Gore was seconded by Commissioner Byrd.

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

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

The motion passed on a four (4) to three (3) vote.

**Agenda Item #14: COLUMBUS COUNTY WATER AND SEWER DISTRICT II - APPROVAL of ENGINEERING APPLICATIONS and \$25,000 for INTERCONNECTIONS:**

Kip McClary, Public Utilities Director, requested Board approval of the engineering applications to the State, and approximately \$25,000 in funding to do the necessary interconnections for the Chadbourn Rural Water Association’s donation.

Mr. McClary stated the following:

1. With the acceptance of the donation from Chadbourn Rural Water Association, we are required by the State to engineer the interconnects that are going to be required to connect the old piping to our twelve (12") inch main that runs along Chadbourn Highway;

2. We actually cross their lines at four (4) locations out there;
3. We are going to need approximately twenty-five thousand, and 00/100 (\$25,000) dollars for the interconnect engineering fees and application for the State to do this;
4. I anticipate, once this goes through, working, beginning immediately, to get the applications made, the engineering done and then probably sometime around the first of the year, actually begin construction on this project; **and**
5. We are required to submit a plan to the State for that.

**QUESTIONS / ANSWERS / COMMENTS:**

**Chairman Prevatte:** asked how long it would be before reimbursement would be made to the General Fund.

**Kip McClary:** replied stating that by projection, we would pay back the General Fund in approximately five (5) months with the additional revenue that would come from the sale of the water

**Bobbie Faircloth, Finance Officer:** recommended that the twenty-five thousand and 00/100 (\$25,000.00) dollars that would be borrowed from the General Fund, to actually roll that over into the amount that Water District II already owes the General Fund, and maybe increasing the yearly payments back to the General Fund and keep it on the same time track. That way, what revenue Water District II does make could be banked in case something does happen and they will have funds there for repair.

**Chairman Prevatte:** stated that personally, I would rather that we pay the General Fund back the twenty-five thousand, and 00/100 (\$25,000.00) dollars.

**Bobbie Faircloth:** replied stating that we would be paying them back, but not in a five (5) month period.

**Chairman Prevatte:** what Kip has proposed is that on a yearly basis, you set aside five thousand, and 00/100 (\$5,000.00) dollars.

**Kip McClary:** This is what we intend to do here. This system was constructed out of material that is now obsolete. In fact, the State recommends that you abandon those materials whenever possible. It is called transite AC pipe, and the pipe is known, in soil conditions like we have around here, to deteriorate over time. So, what we propose, is over a five (5) year phasing plan, to annually place five thousand, and 00/100 (\$5,000.00) additional operational dollars, into the Water District II Fund Balance, to take that five thousand, and 00/100 (\$5,000.00) dollars and do approximately twenty-five (25) change overs per year, which means new taps. Within a five (5) year period, phase out that system and have everybody on our new pipe.

**Commissioner Byrd:** Would there be any additional costs to the customer?

**Kip McClary:** No additional costs.

**Chairman Prevatte:** From what I read, Chadbourn is charging sixteen, plus, (\$16.00, plus) dollars for one thousand (1,000) gallons of water, and each additional one thousand (1,000) gallons was eight, plus, (\$8.00, plus) dollars, and that brings it back to our flat rate of twenty-five and 00/100

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(\$25.00) dollars with two thousand (2,000) gallons of water, so it would not be an increase.

**Kip McClary:** actually, it would save the customer, because our per thousand gallon rate is four and 00/100 (\$4.00) dollars where they have been paying eight and 00/100 (\$8.00) dollars.

## MOTION:

Commissioner Byrd made a motion to approve the twenty-five thousand and 00/100 (\$25,000.00) dollars for the interconnections and engineering applications for Columbus County Water and Sewer District II, and the funds to be taken from the General Fund, seconded by Commissioner Gore.

After Discussion was conducted relative to when the twenty-five thousand and 00/100 (\$25,000.00) dollars taken from the General Fund would begin, it was the general consensus of the Board to begin the payback within five (5) months after the start of the operation.

## AMENDED MOTION:

Commissioner Byrd amended his motion to approve the twenty-five thousand and 00/100 (\$25,000.00) dollars for the interconnections and engineering applications for Columbus County Water and Sewer District II, and the funds to be taken from the General Fund, and the payback of these funds to begin within five (5) months after the start of the operation. Commissioner Gore amended his second.

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

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

**NAYS:** Commissioner McKenzie.

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

## ADJOURNMENT:

At 8:01 P.M., Commissioner Byrd 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**

**November 02, 2009**

**7:23 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**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 7:23 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 #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner Gore made a motion to approve the October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**ADJOURNMENT:**

At 8:01 P.M., Commissioner Byrd 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  
November 02, 2009  
7:23 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**  
June B. Hall, **Clerk to Board**  
Bobbie Faircloth, **Finance Officer**

**MEETING CALLED TO ORDER:**

At 7:23 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 #12: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner Gore made a motion to approve the October 19, 2009 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**WAIVING OF TAP-ON FEE for DELCO ELEMENTARY SCHOOL:****MOTION:**

Commissioner Gore made a motion to waive the tap-on fee for Delco Elementary School on behalf of Columbus County Schools, for their donation of the water line from Riegelwood Sanitary District, that goes underneath the railway to the creek (water line, water vault, meter, etc.) which equated to approximately one hundred sixty thousand, and 00/100 (\$160,000.00) dollars, seconded by Commissioner Byrd. The motion unanimously passed.

**REPAIR of FIRE HYDRANT on MRS. TATE'S ROAD:**

Commissioner Byrd asked Kip McClary, Public Utilities Director, what the status of the repair on the fire hydrant on Mrs. Tate's Road was. Mr. McClary replied stating the fire hydrant was being repaired today.

**ADJOURNMENT:**

At 8:01 P.M., Commissioner Byrd 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**

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**APPROVED:**

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

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**JAMES E. PREVATTE, Chairman**