

**REGULAR MEETING OF TOWN COUNCIL**

**AGENDA**

**March 20, 2014**

**RULES FOR PERSONS ADDRESSING COUNCIL**

1. Each speaker will identify himself or herself by giving his or her **name and place of residence**.
2. Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
3. Each speaker will be limited to **three (3) minutes** and each group's representative will be limited to a **maximum of ten (10) total minutes**. Each group is encouraged to designate a single spokesperson for their group.
4. Each speaker will confine himself or herself to the general question before the Council and avoid irrelevant comments.

**REGULAR COUNCIL MEETING**

**(6:00 PM)**

1. Invocation
2. Pledge of Allegiance
3. Public Comments
4. Agenda Adoption
5. Approve Consent Agenda *(All matters listed are considered to be routine and non-controversial by Town Council and will be enacted by one motion. There will be no separate discussion unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.)*
  - a. Approve February 20, 2014 Regular Council Minutes (5a)
  - b. Approve March 1, 2014 Special Council Meeting Minutes (5b)
  - c. Approve Proclamation Declaring March as Red Cross Awareness Month (5c)
  - d. Approve Proclamation Declaring April as Child Abuse Prevention Month (5d)
  - e. Approve Resolution Authorizing the Sale of Town Personal Property by Electronic Auction (5e)
6. Consideration of Water Leak Adjustment Policy (6)
7. Consideration of WWTP Change Order #4 – Brian Tripp, WK Dickson (7)
8. Consideration of ABC Board & Planning Board Appointments (8)
9. Consideration of Entering into Agreement with NCLM and American Legal Publishing for Online Storage/Administration of Town Minutes (9)
10. Introduction and Discussion of State-Mandated Zoning Ordinance Amendments (10)
11. Reports
  - a. Council Members Report
  - b. Managers Report (11b)
  - c. Public Works Report (11c)
  - d. Police, ABC, and Fire Department reports (11d)
12. Adjourn

1 Town of Columbus  
2 Minutes of Columbus Town Council  
3 February 20, 2014  
4

5 Mayor McIntyre called the Regular Meeting to order at 6:00 p.m.  
6

7 In attendance were Mayor McIntyre, Councilmen McCallister, Hall, and Denton, Councilwoman  
8 Metcalf, Town Manager Jonathan Kanipe, Town Attorney Bailey Nager, Police Chief Chris  
9 Beddingfield, Public Works Director Robert Rosseter and Town Clerk Devon LaFromboise.  
10

11 **Regular Meeting 6:00 p.m.**  
12

13 **Invocation:**

14 Mayor McIntyre led the invocation.  
15

16 **Public Comments:**

17 Mayor McIntyre opened the floor for agenda item three, public comments.  
18

19 There were no public comments.  
20

21 **Approve Regular Agenda:**

22 Mayor McIntyre asked for any changes to the agenda.  
23

24 There were no changes requested.  
25

26 Councilman Denton moved to approve the agenda, Councilman Metcalf seconded, motion  
27 carried.  
28

29 **Approve Consent Agenda:**

30 Mayor McIntyre asked for further discussion on the consent agenda.  
31

32 There was no further discussion.  
33

34 Councilman McCallister made a motion to approve the consent agenda as written, Councilman  
35 Hall seconded, motion carried.  
36

37 The consent agenda and following items were unanimously approved.  
38

- 39 1. Approve January 16, 2014 Regular Council Minutes
- 40 2. Appoint Councilwoman Metcalf to IPDC Policy Board
- 41 3. Approve Resolution of Commendation for Officer Ron Diaz and Polk County Rescue Squad  
42 Chief Robbie Price  
43

44 This concludes the items approved in the consent agenda.  
45

46 Mayor McIntyre read the Resolution of Commendation for Officer Ron Diaz and Chief Robbie  
47 Price.  
48

49 Michael Crater, EMS Services Director gave a short presentation and card from Mr. & Mrs. Rice.  
50 Mrs. Rice was the lady who was saved by Officer Diaz and Chief Price. Chief Crater then called  
51 Mr. & Mrs. Rice. Mr. Crater explained to Mrs. Rice that she was speaking to the assembly. Mrs.  
52 Rice stated that if it wasn't for the emergency responders she wouldn't be alive today. Mrs. Rice  
53 gave Officer Diaz and Chief Price a heartfelt thanks and praise for their job.  
54

55 Mr. Crater also thanked Council for giving the Emergency Services personnel the opportunity for  
56 training in life saving techniques. Councilwoman Metcalf thanked Mr. Crater for all the hard  
57 work his team does for Columbus.  
58

59 Manager Kanipe then presented the resolutions to Officer Diaz and Chief Price. He also presented  
60 a thank you to Paramedic Kasey Jolly and EMT Eric Etheridge.  
61

### 62 **Water Leak Adjustment Policy – Discussion and Consideration**

63 Manager Kanipe opened the discussion with a brief review of the previous discussion regarding  
64 water leaks and an introduction to the proposed policy. Highlights of the proposed policy include:  
65

- 66 1. If the leak is equal to or below 200% the average of the previous six months usage will be  
67 used
- 68 2. If the leak is greater than 200% the customer would be required to pay the average plus an  
69 additional 25% of the leak amount
- 70 3. No more than 2 adjustments per 12 month period
- 71 4. The Town Manager is authorized to allow larger water bill adjustment or deny  
72 adjustments, and will present these exceptions to Council for review.  
73

74 Councilwoman Metcalf questioned item 3 (the frequency of adjustments per account).  
75 Councilwoman Metcalf's concern is that, through no fault of the home owner, there are multiple  
76 leaks during the year. Manager Kanipe suggested allowing additional adjustments to be made at  
77 the discretion of the Town Manager.  
78

79 Mayor McIntyre suggested changing the idea of item 3 from "no more than 2 adjustments" to "no  
80 more than 2 adjustments per continuous issue".  
81

82 The wording of item four will be changed to include a second sentence worded as: "The Town  
83 Manager is authorized to allow more than two adjustments in a 12 month period if at his/her  
84 discretion they are warranted by extenuating circumstances." Manager Kanipe will present the  
85 policy with the changes for review during the March 2014 Council Meeting.  
86

### 87 **Fourth of July Fireworks Celebration**

88 Manager Kanipe gave Council an update on the fee for this year's celebration. Zambelli quoted  
89 the cost for this year to be \$10,000.00. The Town was given the option to lock into this price  
90 through 2016.  
91

92 Councilman McCallister asked for clarification on the solicitation process to bring in money for  
93 the festival. Manager Kanipe discussed various opportunities such as letters, advertising, calls and  
94 face to face visits. Councilmen McCallister and Denton both spoke with County Commissioners  
95 and were told that the County would not assist financially with the fireworks.  
96

97 Ernie Kan, of 85 Hampton Street, spoke on behalf of the Fabulous 4<sup>th</sup> for 2011. During the 2011  
98 festival, Mrs. Kan explained that the funding came after the confirmation of the cost and payment  
99 of the festival. Mrs. Kan has spoken to a donor who his willing to donate as a reimbursement.

100  
101 Council had a short discussion of the festival, weather, and sponsors; and agreed to move forward  
102 with the fireworks contract with Zambelli for July 4, 2014.

### 103 104 **Town Board Appointments Update – ABC Board & Planning Board**

105 Manager Kanipe gave Council an update on expired terms to the boards. Kathy Nowakowski,  
106 Mary Shambaugh, and Chris Rome confirmed they are willing to continue serving on the  
107 Planning Board. Manager Kanipe recommends appointing the above members to a three year  
108 term and to allow Bevin Corbin, the current Planning Board Alternate, to serve as a member until  
109 Joan Scoggins notifies the Town of her desire to stay or leave the Board.

110  
111 Councilman McCallister suggested allowing Bevin to serve and Joan as an alternate. Council  
112 directed Manager Kanipe to speak with Joan at the earliest possible time to see if she would like  
113 to continue serving as a member on the Planning Board.

114  
115 Councilman McCallister made a motion to reappoint Kathy Nowakowski, Chris Rome, and Mary  
116 Shambaugh. Councilwoman Metcalf seconded, motion carried.

117  
118 Manager Kanipe has reached out to Devin Williams and Marshall Watkins of the Columbus ABC  
119 Board and is awaiting confirmation. Marshall has been a member for 5 years and Devin for 2  
120 years. Council discussed waiting until March to appoint members; this will give Manager Kanipe  
121 time to confirm with Marshall Watkins and Devin Williams. Councilwoman Metcalf asked if  
122 there is a term limit for members to serve. Attorney Nager explained that the Town is responsible  
123 for filling the board and that there is no state mandated term limit. Councilman McCallister  
124 believes there were term limits set.

125  
126 Council directed Manager Kanipe to check the Town’s Ordinances for term limit.

127  
128 Mayor McIntyre asked if the ABC Board is required to disburse a certain dollar amount to the  
129 Town. The North Carolina General Statutes do have regulations for disbursements from the ABC  
130 board. Further discussion regarding disbursements, requirements, and profits followed.

### 131 132 **Town Council Budget & Planning Retreat**

133 Mayor McIntyre announced the Budget Retreat will be held at the Polk County Library in the  
134 Community Room on Saturday, March 1, 2014 at 9:00 a.m. This is the annual goal setting and  
135 prioritization meeting. Jim Edwards of Isothermal Planning and Development Commission will  
136 facilitate the meeting.

### 137 138 **Council Report**

139 Councilman McCallister commended the Columbus Police Department for their quick response  
140 times and specified two occurrences that were noteworthy of praise. One occasion involved a  
141 tractor trailer damaging property along Simms Street. Manager Kanipe suggested speaking with  
142 DOT to see if the Town could get a sign on the corner of 108 and Walker Street. DOT refused a  
143 request to place a sign on the wire of the traffic light. This can be brought up during the DOT  
144 planning project. A long discussion regarding tractor trailers and signage followed.

145  
146 Councilman Denton thanked the Public Works crew for their hard work during the snow to keep  
147 the roads clear. All the council members thanked the crew and complimented on the hard work  
148 they put in to clear the roads and to keep them clear.

149  
150 **Manager's Report**

151 Manager Kanipe presented his report on the following topics:

- 152
- 153 • Staff met with the Engineer, Contractor, and State Inspector during the week of February 10,  
154 2014. Most of the large components are in place and project focus is on bringing all the  
155 components together. The projected finish date is May 26, 2014.
  - 156 • The Public Works crew and the Columbus Police Department did an outstanding job clearing  
157 the streets of snow. The citizens did a good job of staying home and off the streets.
  - 158 • The NC-108 planning project continues. Manager Kanipe will incorporate Council's  
159 discussion on connectivity and truck routes during subsequent meetings.
  - 160 • The Handmade in America Steering Committee will be meeting at the end of March; this was  
161 planned to take place after the Town Council's March 1<sup>st</sup> goal setting meeting.
  - 162 • Manager Kanipe gave kudos to all the emergency crews in response to the power outage. The  
163 CodeRED program is a good outreach tool. Duke Energy restored power as quickly as  
164 possible.
- 165

166 **Public Works Report**

167 There was no Public Works Report.

168  
169 **Police Report**

170 Chief Beddingfield presented his report on the following topics:

- 171
- 172 • The Run for the Fallen 5K had 371 registered participants as of Monday, February 17, 2014.  
173 The PBA is helping to support the run. Participants are not only local, but coming from all  
174 over the Southeast. The race starts at 7:00 p.m. Entertainment will start around 4:00 p.m. and  
175 food will be provided. The scheduled end time is 9:00 p.m. March 1<sup>st</sup> the day for the race. The  
176 Town of Columbus is listed as a sponsor.
  - 177 • Different vendors are calling the Police Department trying to incorporate new video gaming  
178 machines. The vendors are attempting to prove the machines are compliant. The Columbus  
179 Police Department will continue to refer all applicants to the District Attorney's office.
  - 180 • The Police Department is still working on two cases of vehicle break-ins at St. Luke's  
181 Hospital. One break-in was at Blue Ridge Laser Eye, the other was at Hospice. There was a  
182 suspect vehicle identified. While working, Officer Chris Ruff identified the suspect vehicle  
183 and followed it to St. Luke's Hospital. Follow up found the female suspect got treatment  
184 under a pseudonym. The Columbus and Tryon Police Departments made a vehicle stop and  
185 found receipts for stolen credit cards. A house search found more stolen credit cards. All these  
186 cards were stolen from vehicles parked in hospital parking lots. St. Luke's Hospital thanked  
187 the Columbus Police Department for their work.
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189 **ABC Board Report**

190 The ABC report was noted.

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**Fire Department Report**

The Fire Department Report was noted.

Councilman McCallister made a motion to enter closed session per NCGS §143-318.11(a)(3) Attorney/Client Privilege Pending Litigation, Councilman Denton seconded, motion carried.

There being no further business, Councilman Denton made a motion to adjourn, Councilwoman Metcalf seconded, motion carried. The meeting was adjourned at 7:15 p.m.

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Mayor

\_\_\_\_\_  
Town Clerk

Town of Columbus  
Minutes of Columbus Town Council  
Special Meeting – Budget Retreat  
March 1, 2014

Mayor McIntyre began the Special Meeting for the Columbus Town Council Budget Retreat at 9:17 a.m. In attendance were Mayor McIntyre, Councilmen McCallister, Hall, and Denton and Councilwoman Metcalf. Staff present included Town Manager Jonathan Kanipe, Police Chief Chris Beddingfield, Fire Chief Tony Priester, Public Works Director Robert Rosseter, Assistant Finance Director Kathy Gregory, and Town Clerk Devon LaFromboise. Mr. Jim Edwards of IPDC facilitated the retreat.

Councilman McCallister led the invocation.

Mayor McIntyre opened the meeting thanking Jim Edwards of IPDC for facilitating the retreat and introduced Fire Chief Tony Priester.

**Fire Department Head Report**

Fire Chief Tony Priester thanked Council for their support. He then gave a brief review of last year's calls and how an increase of this year's call volume has stretched the department resources. Chief Priester then briefly went over his report covering the Fire Department staffing and the department's 5 year goals. Chief Priester mentioned projects such as:

- New construction on the Fire Department substation,
- Boundary lines in relation to the ISO rating,
- The water shuttle classification to lower the ISO classification in the county,
- Recruitment and retention of volunteer firefighters,
- Emergency Medical response staff and training and fire response staff and training

Chief Priester presented and discussed the fire boundary map, call types, the use of fire department assets, and asset maintenance needs. This discussion included some costs of firefighter tools, vehicle maintenance, substation needs, and utilities. Chief Priester concluded this discussion with a brief outline of the department's 5 year plan of the tax increase and several comparison graphs. These graphs include a graph comparing the budgets of surrounding Fire Departments, a graph comparing call volume of surrounding Fire Departments, a graph comparing full time paid staff of surrounding Fire Departments, and a graph comparing area coverage of surround Fire Departments.

Chief Priester then presented a copy of the current and proposed budget for Council to review. Budget items discussed included workman's compensation, health insurance costs, and Blue Cross / Blue Shield costs. Along with this budget presentation, Chief Priester presented a breakdown of the Columbus Fire Department call responses. Last year there were 452 calls within the city limits and 665 outside the city limits.

Chief Priester shifted his discussion to community projects. He proposed paving the grassy area in front of the Fire Department along Ward Street and also asked Council to consider constructing a public restroom facility at Veterans Park. Stott's Paving Company quoted a cost of \$4,800.00 for

48 paving and creating 10 parking spaces. Mayor McIntyre asked Chief Priester to obtain two more  
49 quotes for the paving project.

50  
51 Councilman McCallister asked for the exact location of the substation. Chief Priester explained the  
52 substation will be located at the 4000 block section of Peniel Rd, outside of the Columbus city  
53 limits. Councilman McCallister then asked why the substation was proposed to be built at its  
54 current location. Chief Priester explained it was the Fire Department's Board of Directors who  
55 chose the location.

56  
57 Councilman Denton asked if there are grants available to assist the Fire Department. Chief Priester  
58 explained there are grants available but these grants require matching funds from the Fire  
59 Department and the current budget will not allow for matching funds. Councilman McCallister,  
60 Mayor McIntyre and Chief Priester then discussed fire truck maintenance and who performs the  
61 maintenance on these vehicles.

62  
63 Mayor McIntyre asked about Tryon Estates and Laurelhurst tax payment to the Columbus Fire  
64 Department. Manager Kanipe explained that Laurelhurst is taxed because they are within the city  
65 limits and recently received an adjustment by the State of North Carolina. Manager Kanipe was  
66 uncertain if Tryon Estates was a tax exempt entity. Mayor McIntyre then asked if there was a fee in  
67 place for responses from the department to areas that do not pay taxes that support the Fire  
68 Department. Chief Priester explained there is an ordinance and fee in place for repeated response  
69 to alarms.

70  
71 Councilman Hall asked if the Fire Department can cut back on the number of call responses out in  
72 the county. Chief Priester explained that many calls are three department dispatch calls. Other calls  
73 are for "non-response" calls, calls that have no departments available for response to the  
74 emergency; many times the Columbus Fire Department will respond to those calls. Chief  
75 Beddingfield elaborated on the ISO rating and how Columbus Fire Department Response helps to  
76 maintain the rating.

77  
78 Councilwoman Metcalf asked how much the maintenance on all the fire department apparatuses  
79 cost per year. Chief Priester explained the cost is \$10,000.00 not including tires and required tests  
80 of vehicle equipment. Fuel costs are budgeted at \$14,000.00 and labor costs are estimated at half  
81 the cost. Councilwoman Metcalf proposed having a Town maintenance department for the  
82 vehicles. Chief Priester explained that to work on a fire apparatus a mechanic would have to have  
83 a special certification. Councilwoman Metcalf asked if the person could be certified to work on the  
84 Fire Department vehicles but also work on the Town and the Columbus Police Department  
85 vehicles. Mayor McIntyre suggested this could be a joint effort with Polk County and further  
86 explained how the joint effort would help lower maintenance costs. Council further discussed the  
87 current cost of maintenance and the idea of consolidating the service.

88  
89 Mayor McIntyre asked how long the two cent tax increase will work for budget needs. Chief  
90 Priester believes it will suffice for 5 years.

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93 **Administration Department Head Report**

94 Town Clerk Devon LaFromboise began her presentation with a proposal for housing some of the  
95 Council's permanent records online with American Legal Publishing. As of now there are 20 years  
96 worth of digital records of Resolutions and Minutes that are in a PDF format. Miss LaFromboise  
97 showed a demo site that housed a small portion of the files that are available. The demo site  
98 showed how the files would appear online, how they could be accessed, and how they would be  
99 searched. This would reduce search time for citizens versus current availability on the Town's  
100 website.

101  
102 Currently on the Town's website a person can only search within one file at a time. If the files were  
103 housed online by American Legal, then one search would encompass all the files stored. Miss  
104 LaFromboise then presented Council with three different quotes: 1) for 1992-current, 2) for  
105 2000-current, and 3) 2010-current. She explained how the costs were applied. There is a base  
106 storage rate of \$350.00 and an additional charge of \$1.10 per new page uploaded. Mayor McIntyre  
107 asked for a quote for a rolling 10 year period. Miss LaFromboise will get a quote for the rolling 10  
108 year period and present it to Council.

109  
110 Miss LaFromboise concluded her presentation with a discussion of the requirements to begin the  
111 online program. The Town of Columbus would have to enter into a contract with American Legal  
112 Publishing for housing the documents online and the Town of Columbus would administrate the  
113 program.

114  
115 Miss LaFromboise then shifted her presentation to IT needs for the Town Hall and Police  
116 Departments. She presented Council with a listing of the computers and their operating systems.  
117 Microsoft will no longer support the XP operating system after April 8, 2014 so Miss LaFromboise  
118 presented a listing of computers that use the XP operating system and the age of that hardware. She  
119 further presented information on the end of life and the recommendations from Microsoft.

120  
121 Miss LaFromboise presented information for Council to consider which machines they would like  
122 to replace, how and when the machines are to be replaced, and which models council would like to  
123 purchase. Manager Kanipe discussed the replacement of top priority computers immediately.  
124 These computers are the SCADA and water billing computers. Mayor McIntyre asked if there will  
125 be funds left over to purchase any other replacements with this year's budget. Manager Kanipe and  
126 Assistant Finance Director Kathy Gregory discussed this year's budget and computer replacement.  
127 Councilman McCallister would like for Manager Kanipe to look at the budget and decide which  
128 computers to replace with this year's budget.

129  
130 Manager Kanipe will start looking at which machines to replace, the cost, and present it to Council  
131 during the March 2014 regular meeting.

132  
133 Miss LaFromboise continued her presentation with an estimate of pricing for the desktops and  
134 laptops from the Dell website. These cost estimates were included in the presentation and handout  
135 material. Manager Kanipe opened discussion for the possibility of using a tablet style computer for  
136 collecting the water meter readings.

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140 Miss LaFromboise concluded her presentation with the recommendation of a replacement  
141 program. She suggested a 3-4 year replacement plan for the desktop and laptop models and a 5-6  
142 year replacement plan for the servers. The final recommendation was for a replacement program  
143 for the software packages used.

144

#### 145 **Finance Department Head Report**

146 Assistant Finance Director Kathy Gregory asked whether Council would like her to continue  
147 providing a monthly listing of bills. Mayor McIntyre prefers to continue to receive the reports.  
148 Mrs. Gregory passed out the budget manual and went over the State Treasurer mandated  
149 retirement rate increase from 7.07 to 7.17; the Police Department has a rate of 7.28 with a possible  
150 increase to 7.41 or 7.51 depending on a COLA. Blue Cross / Blue Shield rates will be available  
151 around April 2014 and a preliminary rate showed a 17% increase with the League of  
152 Municipalities.

153

154 Councilman McCallister asked if the events of this year will affect the rate. Mrs. Gregory does  
155 believe that the events will affect the rate. Mrs. Gregory went into detail of the claims and rates.  
156 Manager Kanipe and Mrs. Gregory discussed the changes and the rate increases and how these  
157 have affected the town. Councilman McCallister asked Mrs. Gregory for a comparison between  
158 the Town's expenses and the expenses through the League of Municipalities.

159

160 Manager Kanipe added information regarding the state tax reform and the privilege license taxing  
161 system changes. Columbus does not tax along the gross receipt basis for privilege license taxing.  
162 The state is looking at a flat \$100.00 charge for privilege licenses. Manager Kanipe concluded the  
163 Finance Department report with further detail on the proposed changes for the privilege license  
164 tax.

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#### 166 **Public Works Department Head Report**

167 Public Works Director Robert Rosseter presented a request to surplus two used items of town  
168 equipment. The first piece of equipment is the 1985 JCB backhoe and the other item is a 1998 Ford  
169 F700 dump truck. Mayor McIntyre inquired about maintenance cost per year for the surplus  
170 equipment. Mr. Rosseter explained the old backhoe is not in use so it does not have the same  
171 maintenance program. Mayor McIntyre asked how long since the dump truck was used. Mr.  
172 Rosseter explained it is also not used. The dump truck currently in service is model year is 1995.  
173 Manager Kanipe reminded Council of a discussion to purchase a new dump truck for dual use as a  
174 plow. If the two pieces of equipment are sold as surplus, then the proceeds could offset part of the  
175 price for new dump truck. Mr. Rosseter and Council discussed various points of the vehicles.

176

177 Mayor McIntyre asked Mr. Rosseter what equipment is needed by the Public Works department.  
178 Mr. Rosseter believes the current equipment is adequate. Mayor McIntyre brought up the idea of  
179 working with the other local municipalities to share assets. Councilwoman Metcalf's concern  
180 about sharing assets is the care and maintenance of assets. Manager Kanipe and Mr. Rosseter  
181 explained that currently Columbus, Tryon and Saluda do borrow assets and manpower.

182

183 Councilman McCallister asked how the surplus vehicles will be sold. Manager Kanipe explained  
184 the surplus items would be sold on Govdeals.com. Govdeals.com is a government surplus site that  
185 handles the advertising and bidding. A reserve can be placed on any surplus item for sale on the  
186 site.

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**Police Department Report**

Chief Beddingfield presented Council with a year-end report. Chief Beddingfield briefly explained the organization of the report highlighting the staff of the Police Department, service calls, traffic enforcement and agreements.

Chief Beddingfield updated Council on achievements of the department and grant updates. The total number of grant and drug seizure money since 2011 was \$625,845.00. The Police Department will continue with seeking all means of available grant funding.

Chief Beddingfield went over last year's budget retreat goals. Three of the goals reached were the installation of the mobile Police-Pak program, the zero budgeting formula on vehicle maintenance, and the building expansion project. The building expansion project is on hold, but a 2014 goal is to ramp up the building expansion project.

Chief Beddingfield touched on a few needs for department space:

1. Ten full time employees working out of three offices
2. Small evidence storage area
3. Two motorcycles and equipment stored offsite
4. One restroom to serve a female employee and several male employees
5. No rear exit in case of an emergency
6. 7 officers work out of one desk area

A successful project would result in many gains: a basement for evidence storage, separate male and female bathrooms, rear exit and fire escape, storage for motorcycles and equipment, and a training/meeting room. If the project is less than \$90,000.00 there would be no need for an architect to sign off on the project. To meet this funding the project could be funded 50/50 with federal drug seizure money. There is a suggested time line for use in the seizure manual to ensure the money is spent.

Chief Beddingfield presented several cost quotes, and an extensive discussion of the plans and regulations followed. Chief Beddingfield suggested that if the cost could not be contained under the threshold of \$90,000.00 it might be cost effective to have an architect stamp the drawing. Manager Kanipe agreed with Chief Beddingfield's idea of sending the drawings to an architect.

A secondary project for the Columbus Police Department is vehicle replacement. There is not a request for a replacement car at this time, but a request for consideration of including replacement car in next year's budget. Mayor McIntyre, Manager Kanipe and Chief Beddingfield discussed the need for a vehicle per the St. Luke's Hospital agreement. Councilman Denton asked if the Explorer could be used at St. Luke's Hospital. It has not been considered because it is an unmarked vehicle; a marked vehicle is more of a deterrent. Manager Kanipe suggested that staff can start looking and present a vehicle proposal during the March or April regular meeting.

Chief Beddingfield concluded his presentation with thanks to the Council and staff for supporting the officers and the Columbus Police Department.

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**Town Manager Report**

Manager Kanipe began his report with a review of last year's prioritization. Manager Kanipe went into a detailed discussion of the goals that were not completed, why the goals were not completed, and what steps have been taken to move forward in achieving or removing these goals. He also highlighted the goals that are in process and have been completed.

Manager Kanipe moved into the next phase of his presentation asking Council to provide the necessary feedback so that staff can implement and complete the goals as set by Council. Manager Kanipe presented the water / sewer projects: the waste water treatment plant project completion date, the recommended utility rates to assist in service payments, some improvements to sludge handling that should lessen cost of handling, and the decreased costs from an increase in efficiency of the electrical system for the aeration basin.

The first water / sewer project discussed was the waste water treatment plant project; the second was a new installation of an 8 inch water line along Walker Road from Windwood Drive to Fox Mountain Road. This would not only serve a new church complex, but also include new residential taps. This would also allow for the potential of completing the south end water loop. A very rough estimate for cost is \$75,000.00. This area would be supplied by the Woods well and more than likely would not require a pump. Councilman McCallister asked how many project customers would be added as water customers. Manager Kanipe explained the layout of the site and potential customers. Councilman McCallister asked about a survey being done to identify potential customers. Manager Kanipe confirmed the customers' needs and expectations would be considered.

Mayor McIntyre asked about the authority of running the new water and sewer lines. Manager Kanipe discussed state and local requirements for protection and expansion. He went into a detailed discussion about service area and budgetary constraints. Other water projects include radio read meters that are replacing manual read meters as allowed by the enterprise budget and the Beechwood subdivision hydrant installation and water line upgrade project. The Beechwood subdivision hydrant installations can possibly be funded by a CDBG grant.

The general fund priorities include street improvements. Gibson Street is going to be a comprehensive project and Walker Street needs shoulder improvements and widening. Councilman Denton asked to look at Gary Street in the Holly Hill subdivision for paving. Council had a lengthy discussion of the issues of paving of Gary Street in the Holly Hill subdivision.

Manager Kanipe moved the discussion into intangible infrastructure. He defined intangible infrastructure as the people and the community vital to Columbus. This included a discussion of businesses, recreations, and transportation networks. The key will be developing relationships between the town and businesses, signage and visibility. Mayor McIntyre described signage used in a small town for way finding and felt it would be a good idea for Columbus. Partnerships will help with these projects. There are no parks for children in Columbus and this is an area that can have focus and grow. The Community Assessment from Handmade in America suggested "Pocket parks". These "pocket parks" only include small benches, tables and landscaping for residents to use.

281 Manager Kanipe went over the White Oak Equestrian Center improvements and how they will  
282 impact Columbus. Manager Kanipe challenged Council to think about how to encourage these  
283 visitors to come to Columbus. Seventy-five percent of the businesses in town are service industries  
284 but Columbus needs recreational getaways and retail oriented businesses. Councilman McCallister  
285 discussed prioritizing the projects to get people to stay in Columbus; what would be needed first,  
286 then second, and so forth. Councilman Denton would like to see signage for Columbus on  
287 Interstate 26.

288  
289 This concluded the Department Head section of the budget retreat and began the Council Project  
290 Prioritization discussions.

291  
292 **Council Project Prioritization**

293  
294 Manager Kanipe turned the meeting over to Mr. Edwards to solidify the Council's priorities.

295  
296 Council had an in-depth discussion about beautification projects, improvements projects,  
297 community projects, infrastructure projects, and economic development projects.

298  
299 Councilman McCallister would like to focus on revenue opportunities. Councilman Denton would  
300 like to see the waterline loop as a high priority. Councilwoman Metcalf would like to have  
301 incentives for shops to open up storefronts in town.

302  
303 Council made the following priorities for 2014:

- 304  
305 1. Walker Road water line installation – 11 points  
306 2. Columbus Police Department renovation – 10 points  
307 3. IT upgrades – 8 points  
308 4. Livability issues – 8 points  
309 5. Public restrooms – 7 points  
310 6. Revenue opportunities – 5 points  
311 7. Fire Department tax increase – 4 points  
312 8. Street improvements – 4 points

313  
314 Mayor McIntyre reviewed the list of priorities.

315  
316 There being no further business, Councilman McCallister made a motion to adjourn, Councilman  
317 Hall seconded. The meeting was adjourned at 3:26 p.m.

318  
319  
320  
321 \_\_\_\_\_  
322 Mayor

323  
324  
325 \_\_\_\_\_  
Town Clerk



## Proclamation American Red Cross Month 2014

**WHEREAS**, March is American Red Cross Month - a special time to recognize and thank our Everyday Heroes – those who reach out to help their neighbors when they are in need; and

**WHEREAS**, American Red Cross heroes are on the front lines every day. They volunteer their time, give blood, take life-saving courses or provide financial donations to help those in need; and

**WHEREAS**, we would like to remember our heroes here in the Town of Columbus who give to help people in need. They work tirelessly to help in time of disaster, when someone needs life-saving blood, or the comfort of a helping hand. They provide round-the-clock support to members of the military, veterans and their families, and teach lifesaving classes in CPR, aquatics safety and first aid; and

**WHEREAS**, across the country and around the world, the American Red Cross responded to hurricanes, tornadoes, floods and wildfires, the tragedy at the Boston Marathon, and typhoon Haiyan in the Philippines; and

**WHEREAS**, when an injured service member ended up in a hospital far from home, the American Red Cross offered comfort. When a hospital patient needed blood, American Red Cross blood donors helped them. When a lifeguard jumped in to save a drowning child or someone stepped up to help a heart attack victim, the American Red Cross was there; and

**WHEREAS**, we dedicate the month of March to all those who support the American Red Cross's mission to prevent and alleviate human suffering in the face of emergencies. Our community depends on the American Red Cross, which relies on donations of time, money and blood to fulfill its humanitarian mission;

**NOW, THEREFORE**, I, Eric McIntyre, Mayor of the Town of Columbus, do hereby proclaim the month of March 2014 as

“American Red Cross Month”

and encourage the citizens of Columbus to observe the day in ways appropriate to its importance and significance. I encourage all Americans to support this organization and its noble humanitarian mission.

**Proclaimed this the 20th day of March, 2014.**

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**Eric McIntyre, Mayor**

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**Devon LaFromboise, Town Clerk**



## **Proclamation**

### **April 2014 is Child Abuse & Neglect Prevention Month**

**WHEREAS**, preventing child abuse and neglect is a community problem affecting both the current and future quality of life of Columbus; and

**WHEREAS**, Nearly 130,000 children in North Carolina are reported as abused or neglected every year, approximately 250 of those each year are reported from Polk County; and

**WHEREAS**, Every child is entitled to be loved, cared for, secure, and safe; It is the responsibility of our communities to promote every child's right to a safe, happy and healthy environment; and

**WHEREAS**, Children have the right to feel safe in their homes and to be provided every opportunity to learn, grow, and thrive; and

**WHEREAS**, Child abuse prevention is a community responsibility and finding solutions depends on involvement among all people; and

**WHEREAS**, Columbus must make every effort to promote programs that benefit children and their families through education and awareness;

**WHEREAS**, Effective child abuse prevention programs succeed because of partnerships among agencies, schools, religious organizations, law enforcement agencies, and the business community; and

**WHEREAS**, Our community should become more aware of child abuse prevention and consider helping parents raise their children in a safe, nurturing environment; and

**WHEREAS**, Child maltreatment occurs when people find themselves in stressful situations, without community resources, and do not know how to cope; and

**WHEREAS**, The majority of child abuse and neglect cases stem from situations and conditions that are preventable in an engaged and supportive community; and

**WHEREAS**, Child abuse and neglect can be prevented by making sure each family has the support they need to raise their children in a healthy environment;

**WHEREAS**, Child abuse and neglect not only cause immediate harm to children, but also can increase the likelihood of criminal behavior, substance abuse, health problems and risky behavior; and

**WHEREAS**, All citizens should become involved to provide safe, nurturing environments for children in all areas of their lives – at home, in school, and in the community – offering them the opportunity to grow up to be caring, contributing members of the community; and

**WHEREAS**, Effective child abuse and neglect prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;



**Proclamation**  
**April 2014 is Child Abuse & Neglect Prevention Month**

**NOW, THEREFORE**, I, Eric McIntyre, Mayor of the Town of Columbus, do hereby proclaim

**“April 2014 is Child Abuse & Neglect Prevention Month”**

and encourage the citizens of Columbus to observe the day in ways appropriate to its importance and significance; and call upon all Columbus citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and neglect and strengthening the community in which we live.

**Proclaimed this the 20th day of March, 2014.**

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**Eric McIntyre, Mayor**

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**Devon LaFromboise, Town Clerk**



**RESOLUTION OF THE COLUMBUS TOWN COUNCIL  
AUTHORIZING THE SALE OF PERSONAL PROPERTY  
BY ELECTRONIC AUCTION**

**WHEREAS**, the Town Council of the Town of Columbus desires to dispose of certain surplus property of the Town;

**NOW, THEREFORE, BE IT RESOLVED** by the Columbus Town Council that:

1. The following described property is hereby declared to be surplus to the needs of the Town of Columbus:

Surplus Item #1:      Year 1985      JCB Backhoe                      Serial #14BN2D59 346795 7  
   Man-Hours Usage: 3,750

Surplus Item #2:      Year 1988      Ford F700 Dump Truck  
   Odometer Reading: 54,650

2. The Town Manager is authorized to receive on behalf of the Columbus Town Council bids at electronic auction for the purchase of the described property.
3. The electronic auction will be held on Wednesday, June 1 on the GovDeals website at [www.govdeals.com](http://www.govdeals.com). The terms of the sale shall be *vehicles are sold as is with no express or implied warranties; vehicle or vehicles must be removed from the premises within ten days of the sale; the successful bidder must pay the full purchase price by certified check or money order upon receipt of the vehicle.*
4. The highest bid, if it complies with the terms of sale, may be accepted by the Town Manager and the sale consummated.
5. The Town Clerk shall cause a notice of the electronic auction to be published in accordance with G.S. 160A-270(b).

Adopted this 20th day of March, 2014.

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Eric McIntyre, Mayor

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Devon LaFromboise, Town Clerk



MEMORANDUM FOR TOWN COUNCIL MEETING  
MARCH 20, 2014

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Water Leak Adjustment Policy  
Date: March 11, 2014

---

Background

During last month's meeting, Council approved proposed amendments to the Town's water leak adjustment policy with one more addition. Direction was given for staff to include language providing the Town Manager flexibility in the number of times an adjustment could be made to a customer's account in a calendar year. This language was added to the revised proposal, and is provided for your review and consideration this evening.

Staff recommends approval of the water leak adjustment policy, as it provides flexibility for the Town to recoup funds during large water losses and also provides specificity for how water leak adjustments will be considered.

### **Town of Columbus Water Leak Adjustment Policy**

If it can be documented that an excessive use of water by any Columbus utility customer is the result of a leak, the following adjustments may be made on the customer's water account:

1. For customers with leaks below or equal to 200% of the six month average use, the customer will be required to pay the average water charge for the previous six months. The sewer charges, if applicable, will be averaged as well.

Ex. Customer averages 4,500 gallons per month for past six months. Current bill is for 12,000 gallons and leak is present. Customer will be charged for 4,500 gallons (average) for both water and sewer, with the Town "forgiving" the approximate 7,500 gallon leak.

2. For customers with leaks greater than 200% of their six month previous average use, the customer will be required to pay the average water charge for the previous six months PLUS 25% of the leak amount. Sewer charges, if applicable, will be the average of the previous six months.

Ex. Customer averages 4,500 gallons per month for past six months. Current bill is for 30,000 gallons and leak is present. Customer will be charged for 4,500 gallons (average) for both water and sewer. Additionally, the customer will be charged for 25 percent of the "overage" between the average gallons and the actual gallons. The overage equals 25,550 gallons so the additional charge is for 6,375 gallons. The customer's total water bill is for 10,875 gallons that month, and the Town is "forgiving" 19,125 gallons.

3. No more than two adjustments may be made to the same account in a twelve (12) month period. The Town Manager is authorized to allow more than two (2) water bill adjustments if, in his/her discretion, the additional adjustments are warranted by extenuating circumstances. The Manager must provide a written reason for this deviation to the Town Council.
4. The Town Manager is authorized to allow larger water bill adjustments or deny adjustments if, in his/her discretion, they are warranted by extenuating circumstances. The Manager must provide a written reason for this deviation to the Town Council.

#### **WATER LEAK SCENARIO PROCESS:**

A customer, noticing excessive water usage on their utility bill, notifies the Town Hall that they have a leak. It is the customer's responsibility to make the necessary repairs to their water system. Once repairs are completed and documentation presented to Town Hall, the customer will complete a utility charge adjustment form. The Town Clerk or designee will calculate the adjustment and request approval from the Town Manager. The Town Manager will make the adjustment on the basis identified above.



## MEMORANDUM FOR TOWN COUNCIL MEETING

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of WWTP Change Order No. 4 – Brian Tripp, W.K. Dickson  
Date: March 11, 2014

---

### Background

Mr. Tripp will be on hand to present Change Order No. 4 for Council's approval.

The change order is in reference to paint being used at for the lab building. If you recall, we hoped to eliminate this change order as a result of removing the coating from the new clarifier. It was determined that the reduction in cost was not enough to warrant removing the clarifier coating. If the net gain to the Town would have been greater, then it may have made sense to remove the clarifier coating – but in this specific instance, that was not the case.

Mr. Tripp can elaborate at greater length about the differences in clarifier coating, but I feel this is an appropriate preventative measure to keep in place for the new clarifier. The Town will certainly never be able to have the clarifier coated at this cost once it is in service.

DOCUMENT 00 94 63  
CHANGE ORDER NUMBER Four (4)

Date: March 5, 2014  
Agreement Date: March 14, 2013

PROJECT: Columbus Wastewater Treatment Plant Upgrade  
OWNER: Town of Columbus, NC  
CONTRACTOR: Buchanan & Sons, Inc.  
WKD Project Number: 20110093.00.CL

Changes and/or additions are hereby made to the Contract Documents as follows:

PAYMENT SCHEDULE THIS CHANGE ORDER	COST CHANGE
Additions	\$ 6,800.00
Deductions	\$ 0.00
<b>Net Change This Change Order</b>	<b>\$ 6,800.00</b>

Change to Contract Time: Ten (10) Days

Justification for Change Order:

- Painting of the Office / Lab
- Ten (10) Days for Painting

Original Contract Price		\$ 2,445,940.00
Contract Additions by Previous Change Orders	Add	\$ 51,775.00
Contract Deductions by Previous Change Orders	Deduct	\$ 0.00
Contract Change by this Change Order	Add	\$ 6,800.00
<b>New Contract Price, including this Change Order</b>		<b>\$ 2,504,515.00</b>

Original Contract Completion Date	<u>April 15, 2014</u>
Contract Completion Date from Previous Change Order	<u>May 27, 2014</u>
Net Change By Calendar Days	<u>Ten (10) Days</u>
<b>New Contract Completion Date</b>	<b><u>June 6, 2014</u></b>

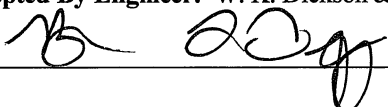
Accepted By Owner: Town of Columbus, NC

\_\_\_\_\_  
Date

Accepted By Contractor: Buchanan & Sons, Inc.

\_\_\_\_\_  
Date

Accepted By Engineer: W. K. Dickson & Co., Inc.

  
\_\_\_\_\_  
Date 3/5/14

## CONTRACT CHANGE REQUEST

TO: Brian Tripp, W.K. Dickson

CONTRACT CHANGE REQUEST NO. 6

DATE: 02/17/2014

PROJECT NAME: Columbus WWTP

PROJECT NO.: 20110093.00.CL

FROM: Tom Edge, Buchanan and Sons Inc

IT IS REQUESTED THAT A CONTRACT CHANGE BE MADE TO THE ABOVE REFERENCED CONTRACT.

1. SCOPE OF WORK (USE ADDITIONAL PAGES IF REQUIRED. ALSO LIST OTHER CONTRACTS INVOLVED.) Painting

2. REASON FOR CHANGE: The following change order request includes the addition of painting of the Lab/Office Building per emailed specs.

3. INCLUDE A COST BREAKDOWN TO CONTRACT PRICE:

Painting            1 LS @6,800            = \$6,800

4. WILL THE CONTRACT NEED ADDITIONAL CONTRACT TIME TO COMPLETE THE CHANGE IN WORK SCOPE?  -YES  -NO  
10 -(CALENDAR DAYS)

5. WILL THE CONTRACTOR NEED ADDITIONAL PERSONNEL TO COMPLETE THE CHANGE IN WORK SCOPE?  -YES  -NO

IF NO, TRADES(S): \_\_\_\_\_

NO. OF PERSONNEL: \_\_\_\_\_

DURATION: \_\_\_\_\_

6. IDENTIFICATION OF ATTACHMENTS: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

REVIEWED BY: \_\_\_\_\_

DATE:

DATE:



MEMORANDUM FOR TOWN COUNCIL MEETING  
MARCH 20, 2014

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of ABC Board and Planning Board Appointments  
Date: March 11, 2014

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Background

Town Council asked for more time to consider final appointments to these two boards last month so the current board members could respond to whether they would like to be re-appointed.

ABC Board

Both Marshall Watkins and Devin Williams have acknowledged that they would like to be re-appointed. The current chair, Pat Feagan, is in the middle of a three year term due to expire in February 2016.

My recommendation is to re-appoint these members for a special one year term (expiring in March 2015), and then re-appoint or appoint new members in 2015 for two-year terms. This will get the ABC Board back on a regular cycle where two members are appointed every two years and the chair every two years, but on off-year cycles. Thereafter, the chair or two board members will always be in place to ensure some continuity in operations and the entire Board will not be changed all at once. The cycle would look like this:

2014: Two (2) members re-appointed to 2-year term  
2015: Two (2) members re-appointed/appointed to 2-year term  
2016: Chair re-appointed/appointed to 2-year term  
2017: Two (2) members re-appointed/appointed to 2-year term  
2018: Chair re-appointed/appointed to 2-year term

## Planning Board

Joan Scoggins has agreed to a new three (3) year term as Board of Adjustments/Planning Board member, and staff recommends this re-appointment. This would allow us to have a full Planning Board with unexpired terms and one viable alternate. We still should investigate finding another alternate to serve, but the Town would be well positioned in regards to the Planning Board with this re-appointment.





MEMORANDUM FOR TOWN COUNCIL MEETING  
MARCH 20, 2014

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Entering into Agreement with NCLM & American Legal Publishing  
for Online Storage/Administration of Town Minutes  
Date: March 11, 2014

---

Background

At this month's budget retreat, Town Clerk Devon LaFromboise presented Council with several options regarding online hosting of the Town Council minutes. The hosting would be provided by American Legal Publishing which currently maintains and hosts the Town's Code of Ordinances. The Town would be under an agreement with the NC League of Municipalities and American Legal would act as their vendor to provide this hosting. It is a setup very similar to the Town's current arrangement for the online hosting/codification of ordinances.

Ms. LaFromboise provided several options for Council to consider, and Mayor McIntyre requested that she investigate having a "rolling" ten years of Council minutes on the site. This was reviewed with American Legal staff and determined to be acceptable.

Ms. LaFromboise has provided all paperwork regarding this agreement as well as the proposed budget for FY14-15 that will be required. If Council enters into the agreement evening, American Legal will archive and publish the minutes online now and the bill will be due after July 1, 2014 for our new fiscal year. Ms. LaFromboise is also investigating the possibility of being allowed to pay for the one-time set up fee over two fiscal years.

Please review the proposed agreement this evening and let me know if you have thoughts or concerns regarding this proposal. The online availability of these minutes would be a significant benefit for our citizens and others who wish to access meeting information, and would provide a much more streamlined way for staff to maintain an orderly records system.

# **Meeting Minutes Proposal**

## **Columbus, North Carolina**



Richard C. Frommeyer  
Codification Consultant  
1-800-445-5588

## **TABLE OF CONTENTS**

1. Letter
2. Advantages and Benefits
3. Meeting Minutes Agreement



**AMERICAN LEGAL**  
Publishing Corporation

---

**NC LEAGUE**  
OF MUNICIPALITIES  
Good government. Great hometowns.

March 6, 2014

Devon LaFromboise  
Town Clerk  
Town of Columbus  
95 Walker Street  
Columbus, NC 28722

Dear Devon:

Thank you for considering American Legal Publishing, the North Carolina League of Municipalities contractor for your meeting minutes project. Enclosed is our proposal to place your meeting minutes and other documents online. You may wish to note that the League payment program will allow you to budget the cost of the project over two fiscal years.

The goal of The League's Meeting Minutes Program is to provide you with instant access to your meeting minutes, agenda, and other documents online at a reasonable price that fits within your budget. The League selected American Legal Publishing to help meet this goal. Under the supervision of the League, American Legal will work directly with you to develop a Meeting Minutes Infobase online, on a network, on a disk, or all three. The program allows you to draw upon the resources of American Legal Publishing, which has been providing codes of ordinances, meeting minutes, and other documents online for over 25 years and codification services for over 79 years.

Some benefits of the program: include no software or hardware to buy; you can control costs; the program is easy to use; the program retains the original layout and formatting; and the program gives you flexibility in managing and accessing your meeting minutes.

We welcome the opportunity to help manage Columbus 's municipal documents. Should you have any questions about the proposal, please call me.

Best regards,

**Richard C. Frommeyer,**  
**Codification Consultant**



## QUALIFICATIONS

- American Legal Publishing Corporation began as the codification division of the Anderson Publishing Company of Cincinnati in 1934. We became a separate corporation in 1979.
- American Legal currently serves more than 2,100 local government clients across the country. Our clients range in size from Ashe County, Calabash, Mills River, and Southern Pines to Charlotte.
- ALP has been a codification consultant to the North Carolina League of Municipalities for over 30 years. We also serve eleven other state municipal leagues.

## PROJECT DEVELOPMENT

- ALP staff will work with each municipality to provide a specialized solution to meet their needs.
- Municipalities will be able to review the minutes before they go online. This review will allow the Municipality to talk with ALP staff about the initial setup or changes before the minutes go live online.
- ALP will arrange your minutes according to year and date. We can make adjustments if you prefer another arrangement.

## TIMELY DELIVERY AND FLEXIBLE BILLING

- ALP can complete your initial minute's project within 60 days (excluding your review time).
- ALP can schedule the project so that it meets your budgetary needs.
- ALP can place newly approved minutes online in days.

## ONLINE ACCESS

- Access every word in your minutes in just seconds with our program. Your minutes can be linked to your code of ordinances, agendas, and other municipal documents. We currently use Folio and NXT software. ALP does all the conversion work ourselves and have produced over 1,000 infobases for municipal clients across the country.
- The Minutes Program can run on a standalone computer or across a network, with a tablet, phone, or other mobile devices.

## UPDATE SERVICE

- Our fast and efficient service will keep your minutes database current in future years as well as adding older minutes at any time. Minutes can be posted in one day.
- It relieves the burden of having to get the minutes online yourself and having them instantly accessible.

## PDF ONLINE SOLUTION

- With our service all we need from you are the copies of the documents. We do the rest.
- The online minutes will appear exactly as the paper version - with signatures and other handwritten markings retained.
- Minutes that are provided to American Legal Publishing in Microsoft Word or Word Perfect will be converted into PDF and placed on the internet.
- Alternately, the Municipality may provide the documents directly to the American Legal Publishing in a PDF format. We can provide you with specific naming conventions, which will reduce your costs significantly.
- The PDF solution is operated on our internet site with a link to the Municipality's website.

## FOLIO NETWORK AND ONLINE SOLUTION

- Folio VIEWS can run on a standalone computer, across a network, and online.
- Folio users can customize their version by creating color highlights, bookmarks, notes, and pop-up links without affecting the original text.
- Infobases vary in size depending on amount of text and size and number of graphics; an average infobase requires less than 10 MB of hard disk space.
- Users can perform stem searches when you are not sure of the ending of the words you want to find (e.g. go% = going, gone, went, etc.) proximity searches (e.g. find "penalty within 5 words of jail"), and more.

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

\_\_\_\_\_  
(Finance Officer)

North Carolina League of Municipalities  
308 West Jones Street  
Raleigh, North Carolina 27603

Town of Columbus  
95 Walker Street  
Columbus, NC 28722

MEETING MINUTES AGREEMENT  
March 6, 2014

WHEREAS, Columbus, a municipal corporation in the State of North Carolina (hereinafter referred to as "Municipality"), has need to convert municipal documents (e.g. meeting minutes, resolutions, ordinances, agendas, and other documents) into a searchable online display.

WHEREAS, The North Carolina League of Municipalities, (hereinafter referred to as "LEAGUE"), desires to perform such services for Municipality, in cooperation with its meeting minutes contractor, American Legal Publishing Corporation of Cincinnati, Ohio (hereinafter referred to as "AMERICAN LEGAL");

NOW THEREFORE, in consideration of the mutual benefits to be derived from entering into and performing this Agreement and the mutual promises and covenants contained herein, the parties agree as follows:

- |  |              |
|--|--------------|
| I. THE LEAGUE (THROUGH AMERICAN LEGAL) SHALL:  | Initial Item |
| (1) Initially setup the splash page and NXT infobase for no fee. Setup includes the initial creation of a splash page on AMERICAN LEGAL's server and processing of any files through the NXT 4.6 software. The Minutes provided will be displayed in reverse chronological order, unless otherwise specified. Any additional changes, additions or deletions to the infobase or splash page will be charged at \$95.00 per hour. AMERICAN LEGAL will provide an estimate for approval before additional work begins.   | _____        |
| (2) Provide at no cost Folio/NXT Toll Free Technical Phone Support (\$500.00 yearly value). The support hours are from 8:30 a.m. to 5:30p.m. Eastern Standard Time.  |              |
| (3) Deliver to the Municipality a link to the splash page and NXT InfoBase online for the Municipality's examination. The time frame of providing the link will be determined by the amount of materials provided to AMERICAN LEGAL by the Municipality.   | _____        |
| (4) Convert paper documents provided in bound minute books requiring copying, scanning minutes into PDF. Scanned files will be named using a two-digit month and date and a four-digit year. All files will be run through an optimal character recognition (OCR) software to ensure best search capability practices before being placed on the AMERICAN LEGAL web server. Finally, all files will have a document property title applied inside the PDF file. This title is used in the online table of contents display. The price for this service is \$2.60 per page. | _____        |

- (5) Convert paper documents provided in three ring binders for scanning and converting into PDF files before being placed on the AMERICAN LEGAL web server. Scanned files will be named using a two-digit month and date and a four-digit year. All files will be run through an optimal character recognition (OCR) software to ensure best search capability practices. Finally, all files will have a document property title applied inside the PDF file. This title is used in the online table of contents display. The price for this service is \$2.15 per page. \_\_\_\_\_
- (6) Convert loose, non-stapled paper documents to be scanned by AMERICAN LEGAL and converted into PDF files before being placed on the AMERICAN LEGAL web server. Scanned files will be named using a two-digit month and date and a four-digit year. All files will be run through an optimal character recognition (OCR) software to ensure best search capability practices. Finally, all files will have a document property title applied inside the PDF file. This title is used in the online table of contents display. The price is \$2.10 per page. \_\_\_\_\_
- (7) Convert electronic files in Word or Word Perfect when the Municipality might not have capabilities to create PDF files themselves. AMERICAN LEGAL shall convert files to PDF and rename using a two-digit month and date and a four-digit year. All files will be run through an optimal character recognition (OCR) software to ensure best search capability practices. Finally, all files will have a document property title applied inside the PDF file. This title is used in the online table of contents display. The price for this service is \$1.50 per page. \_\_\_\_\_
- (8) Convert PDF documents provided to AMERICAN LEGAL with the Municipality naming them using ALP required format of a two-digit month and date and four digit year (Ex: 01-01-1992). Files should also have a completed document properties title, located inside the PDF document, with the month, day and year spelled out (Ex. January 1, 1992). AMERICAN LEGAL will place these files on AMERICAN LEGAL'S web server in a searchable format. The price for this service is \$1.10 per page. \_\_\_\_\_
- (9) Provide a copy of the minutes and other document on disk in PDF for \$10.00 each + shipping and handling on an annual calendar yearly basis. \_\_\_\_\_
- (10) Provide an annual web hosting fee on the AMERICAN LEGAL server for \$350 per year. The price is based on the Town housing ten (10) years or less of the minutes online each year. \_\_\_\_\_
- (11) If necessary, hold a phone conference to make final corrections, additions, and deletions to the Minutes Splash page and Infobase. The Municipality may present requested changes to the Infobase at the conference with American Legal. For any changes, additions, or deletions made by the Municipality that require additional work by AMERICAN LEGAL, the price will be \$95.00 per hour. An estimate will be provided if requested before the work is begun. \_\_\_\_\_
- (12) If a conference is requested by the Municipality which requires the travel of a member of the staff of AMERICAN LEGAL, then the Municipality shall be advised what the estimated cost, if any, for such conference will be and for any additional changes to the Minutes Splash page and Infobase. AMERICAN LEGAL will provide an estimate to the Municipality. \_\_\_\_\_

## II. THE MUNICIPALITY SHALL:

- (1) Designate one official as the contact person with AMERICAN LEGAL and shall use its best efforts to cooperate with the LEAGUE and AMERICAN LEGAL to ensure timely completion of its responsibilities under this agreement.
- (2) Make available copies of all materials necessary to complete the meeting minute process to be sent directly to AMERICAN LEGAL.



- (3) On a monthly, quarterly, six month or yearly basis, new electronic or paper minutes will be sent to AMERICAN LEGAL to be placed online. Future minutes will be placed online at the above listed prices.
- (4) Return to AMERICAN LEGAL by email, fax, or letter an authorization to place the minutes and other documents live online.
- (5) Pay to the League the total cost of the project for its services set out in Section I, payable as follows: Forty percent (40%) within 30 days after submission of the sample infobase online and invoice; the balance within 30 days after Minutes infobase goes live on AMERICAN LEGAL's website.
- (6) Pay any invoices within 30 days of the invoice date. Invoices outstanding beyond the 30 day period shall be subject to a late payment equal to 1½% of the unpaid balance per month, or part thereof.

III. Extension of Time Charge. In the event that the municipal officials should require more than 30 days to review and revise the initial minutes project, the Municipality agrees to make the final payment to the League at that time in accordance with this contract. If more than a total of 120 days are required for the Municipality's review, the LEAGUE and AMERICAN LEGAL reserve the right to delay the final delivery of the project and to add additional reasonable charges not to exceed 10% of the adjusted base price.

#### IV. DISTRIBUTION.

AMERICAN LEGAL shall ship, by common carrier, the number of disks ordered and the Municipality may direct that different portions of the shipment be made at various locations within the municipality at no additional cost. The Municipality will be charged for the direct shipping costs and a handling fee.

#### V. TERMS AND TERMINATION:

- (1) Either party has the right to terminate or alter the terms of the meeting minutes agreement at any time by serving written notice. This written notice shall be sent at least thirty days before the start of additional minutes being placed online.
- (2) This agreement shall automatically renew itself from year to year except that either party may alter or cancel the terms of this agreement at any time upon thirty days written notice.

Transmittal As Offer

The transmittal of this Agreement to Municipality is an offer by the LEAGUE to perform the stated services at the price and upon the terms and conditions referenced above and shall be subject to acceptance by LEAGUE receipt of the agreement executed by Municipality no later than July 31, 2014 unless such date is extended in writing by LEAGUE.

IN WITNESS WHEREOF the parties have hereunto set their hands on the date(s) indicated:

Town of Columbus, North Carolina

BY \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

North Carolina League of Municipalities

BY \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_



MEMORANDUM FOR TOWN COUNCIL MEETING  
MARCH 20, 2014

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Introduction and Discussion of State-Mandated Zoning Ordinance Amendments  
Date: March 11, 2014

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Background

The North Carolina Legislature made significant changes to state law as they relate zoning boards of adjustment and to clarify issues that have arisen in the past few years. The changes were effective October 1, 2013 and are in effect for all Boards of Adjustment in North Carolina. The Town now needs to amend our ordinance as it relates to these changes and align them with the new state laws.

The draft ordinances that you see represent the *new* changes and do not reflect any redlined versions or show the Town's previous versions. This is due mainly to the comprehensiveness of the changes and the fact that these are mostly required amendments by state law. I have reviewed the changes side-by-side with the old ordinance, however, and found these new amendments match up with the old ordinance.

Town Attorney Bailey Nager has prepared guidance regarding these changes as outlined below. The Town Manager's comments to the bulleted items for clarification purposes appear in italics.

- 1) A key substantive change is that while appeals by the property owner must be filed within 30 days of receipt of a decision, other interested persons may have more time to file an appeal as their 30 days is not triggered until they have actual or constructive notice of the decision. Property owners now have the right to post a notice of a decision on their property as a means to put others on constructive notice thereby triggering the time in which they can appeal. These changes are all mandated by the new statute.

- 2) Another key change is that whereas before all decisions of the BOA required a 4/5ths majority to carry, now only decisions on applications for variances require the 4/5ths majority. All other decisions (e.g., appeals from determinations of the zoning administrator, decisions on conditional and special use permits) simply require a simple majority. Again, this is a change mandated by the new statute.
- 3) The new statute also lessens the standard for granting variances. The former requirement that the applicant show that in the absence of a variance no reasonable use of his or her property can be made has been eliminated.
- 4) The change to 154.082(C)(1) is just to fix an error in the old text where it said at the end that the decision was by the Town Council rather than the BOA. *This is an amendment resulting from a flaw in the Town's ordinance, and not mandated by state law.*
- 5) An additional requirement is added so that variances and conditional and special use permits get recorded in the Register of Deed's office. This is not a statutory requirement, but the county and many jurisdictions do this. This recordation will be at the applicant's expense.
- 6) Staff deleted a current section of the Zoning Ordinance as it relates to the Board of Planning and Adjustment (154.040(C)). It puts a 2-term limit on membership on the Board of Planning and Adjustment. *The Town has had significant issues the past few years in filling these appointed positions, and we have not been able to abide by this term limit. Staff recommends removal of this provision and has already done so from the draft ordinance as presented this evening.*

The draft ordinances attached for your review include the changes as mandated by the new state law, as well as the changes staff found in their review. Please look over these drafts during the next month. Staff will schedule a public hearing for the April 17<sup>th</sup>, 2014 Council meeting before consideration of this ordinance, and will also convene the Columbus Planning Board and obtain their recommendation at their regular April meeting.

Please let me know if you have questions or concerns regarding these changes or their impact on the Columbus Zoning Ordinance.

## ORDINANCE AMENDING ZONING ORDINANCE

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COLUMBUS** that the Town's Zoning Ordinance is amended in the following particulars:

1. Sections 154.081(D)(3) and (4) are amended and restated to read in their entirety as follows:

(D) *Decisions.*

(3) *Voting.* The concurring vote of a majority of the members of the Town Council shall be necessary to granting a conditional use permit.

(4) *Public record of decisions.* The decisions of the Town Council, as filed in its minutes, shall be a public record, available for inspection at all reasonable times. In addition, and at the applicant's expense, approved conditional use permits shall be filed with the Polk County Register of Deeds by the Town Clerk within one month from the date of approval.

2. Sections 154.082(C)(1) is amended and restated to read in its entirety as follows:

(C) *Conditions, evidence and findings of fact.*

(1) In approving an application for a special use permit, the Zoning Board of Adjustment may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Zoning Board of Adjustment.

3. Sections 154.082(D) is amended and restated to read in its entirety as follows:

(D) *Decisions and judicial review.* The provisions of § 154.046(E)(1) Voting, (2) Quasi-Judicial Decisions, (4) Public Record of Decisions, and (5) Judicial Review, shall apply to the Zoning Board of Adjustment's consideration of special use permits.

**BE IT FURTHER ORDAINED** that the Town Council finds that the foregoing amendments are consistent with the plans and policies of the Town of Columbus.

Adopted this \_\_\_ day of \_\_\_\_\_, 2014

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Eric McIntyre, Mayor

ATTEST:

\_\_\_\_\_  
Devon LaFromboise, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
A. Bailey Nager, Town Attorney

## **ORDINANCE AMENDING ZONING ORDINANCE**

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COLUMBUS** that the Town's Zoning Ordinance is amended in the following particulars:

1. Sections 154.040 through 154.048 of the Code of Columbus are amended and restated to read in their entirety as follows:

### ***BOARD OF PLANNING AND ADJUSTMENT***

#### **§ 154.040 ESTABLISHMENT OF BOARD OF PLANNING AND ADJUSTMENT.**

(A) A Board of Planning and Adjustment is hereby established to fulfill the duties of the town Planning Board and Board of Adjustments, and all members shall have equal rights, privileges and duties. The Board shall consist of five (5) members. The five (5) members shall be citizens of the Town of Columbus and shall be appointed by the Columbus Town Council.

(B) Initial terms of office shall be as follows: one (1) member appointed for three (3) years; two (2) members appointed for two (2) years; and two (2) members appointed for one (1) year. Upon completion of these initial terms of office, all additional appointments on the Board shall be for three (3) year terms.

(C) Any permanent vacancy in the membership shall be filled for the unexpired term of the vacancy. All members shall serve without pay, but may be reimbursed for any unusual expenses incurred while representing the Board.

(Ord., Art. VI, § 600, passed - -; Am. Ord. 2010-01, passed 3-25-10; Am. Ord. 2010-04, passed 6-17-10; Am. Ord. 2014-\_\_\_\_, passed - -14)

#### **§ 154.041 SELECTION OF ALTERNATE MEMBERS.**

The Columbus Town Council shall also appoint two (2) alternate members to serve on the Board of Planning and Adjustment in the absence, for any cause, of the Board's regular members. Alternate members shall be appointed for three (3) year terms. Such alternate members, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent. Alternate members should attend all proceedings of the Board in order to gain experience.

(Ord., Art. VI, § 601, passed - -; Am. Ord. 2010-01, passed 3-25-10; Am. Ord. 2014-\_\_\_\_, passed - -14)

#### **§ 154.042 RULES OF CONDUCT FOR MEMBERS.**

(A) Members of the Board may be removed for cause, including violation of the rules stated below.

(B) Faithful attendance at meetings of the Board and conscientious performance of the duties of members of the Board shall be considered a prerequisite of continuing membership on the Board. The unexcused absence of three consecutive meetings shall be sufficient grounds for removal from the Board. The removal is subject to approval of a simple majority of a quorum as defined in § 154.044(C) below.

(C) No Board member shall vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(D) A member of the Board or any other body exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(E) No Board member shall vote on any specific matter unless he or she shall have attended all hearings on that matter.

(F) No Board member shall discuss any quasi-judicial case with any parties thereto or other Board members prior to the public hearing on that case; provided however, that members may receive and/or seek information on that case from the Zoning Administrator or any other member of the Board, its secretary or clerk prior to the hearing.

(Ord., Art. VI, § 602, passed - -; Am. Ord. 2010-01, passed 3-25-10; Am. Ord. 2014-\_\_\_\_, passed - -14)

#### **§ 154.043 GENERAL PROCEEDINGS OF THE BOARD OF PLANNING AND ADJUSTMENT.**

(A) The Board shall annually elect a Chairperson and a Vice-Chairperson from among its members. The Chairperson shall in turn appoint a Secretary, who may be a municipal officer, an employee of the town, or a member of the Board of Planning and Adjustment. The Town Clerk or the Town Clerk's appointee shall serve as clerk to the Board. The Board may at its discretion require that the party appealing from a decision of the Zoning Administrator employ and pay for a court reporter to take and to provide to the Board a verbatim transcript of the hearing of the appeal. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and also keep records of its examinations and other official actions.



(B) The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

(C) The Board of Adjustment, through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(Ord., Art. VI, § 603, passed - -; Am. Ord. 2010-01, passed 3-25-10; Am. Ord. 2014-\_\_\_\_, passed - -14)

#### **§ 154.044 MEETINGS.**

(A) *Board meetings.* The Board shall hold regular monthly meetings at a specified time on the second (2<sup>nd</sup>) Thursday of each month and at a specified place. Special meetings may be called at any time at the request of the Chairman or by the request of three (3) or more Board members. At least forty-eight (48) hours notice of the time and place of meetings shall be given, by the Chairman, to each member of the Board. All Board meetings are to be held in accordance with Article 33B of Chapter 143 of the General Statutes of North Carolina, commonly referred to as the Open Meeting Law.

(B) *Cancellation of meetings.* Whenever there is no business for the Board or whenever so many regular members notify the Chairman of the inability to attend that a quorum will not be available, the Chairman may dispense with a meeting by giving notice to all members.

(C) *Quorum.* A quorum shall consist of three (3) members of the Board, but the Board shall not pass upon any questions relating to an application for a variance when there are fewer than four (4) members present.

(D) *Voting.* All regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed in § 154.042 above. The vote of a majority of the members present and voting shall decide issues before the Planning Board. Voting by the Board of Adjustment shall be as set forth in § 154.046(E)(1).

(Ord., Art. VI, § 604, passed - -; Am. Ord. 2010-01, passed 3-25-10; Am. Ord. 2014-\_\_\_\_, passed - -14)

**§ 154.045 POWERS AND DUTIES OF THE BOARD OF PLANNING AND ADJUSTMENT.**

(A) *Planning Board.* When fulfilling its duties as the Planning Board, the Board shall:

- (1) Make studies of the area within its jurisdiction and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and adopt plans for achieving these objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the Town Council concerning the use and amendment of means for carrying out plans;
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the Council may direct;
- (7) Perform any other related duties that the Council may direct;
- (8) Participate in the development review process as directed by the Town of Columbus Zoning Ordinance, Subdivision Ordinance, or any other adopted ordinance and/or regulation of the Town;
- (9) Make recommendations to the Town Council regarding the adoption of any proposed Zoning and/or Subdivision Ordinance or amendment. Furthermore, the Board may initiate from time to time proposals for amendment of the Zoning Ordinance, Zoning Map or Subdivision Ordinance based upon its studies and plans;
- (10) The Board may conduct public hearings to gather information necessary for the drafting, establishment, and maintenance of plans; and
- (11) Submit in writing to the Town Manager in May of each year, a report of its activities, and an analysis of the expenditures to date for the current fiscal year; and submit to the Town Manager for budget consideration its requested budget of funds needed for operation during the ensuing fiscal year.

(B) *Board of Adjustment.* When fulfilling its duties as the Board of Adjustment, the Board shall have the following powers and duties:

(1) *Interpretation.* To interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and any other questions of interpretation that may arise in the administration of this chapter.

(2) *Administrative review.* To hear and decide appeals from any order, requirements, decision or determination made by the Zoning Administrator in the enforcement of this chapter as provided in § 154.046 below. The Board shall also hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

(3) *Special uses.* To grant in particular cases and subject to appropriate conditions and safeguards, permits for special uses as authorized in §§ 154.082 and 154.083 below and set forth as special uses under the various use districts.

(4) *Variances.* To hear and decide variances as provided in § 154.046 below.

The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals, requests for variances and special use permits.

(Ord., Art. VI, § 605, passed - -; Am. Ord. 2010-01, passed 3-25-10; Am. Ord. 2014-\_\_\_\_, passed - -14)

#### **§ 154.046 PROCEEDINGS BEFORE THE BOARD OF ADJUSTMENT.**

(A) *Appeals.* The Board of Adjustment shall hear and decide appeals from decisions of administrative officials charged with enforcement of the Zoning Ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

(1) Any person who has standing under G.S. 160A-393(d) or the Town may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal.

(2) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(3) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(4) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and

identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

(5) The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(6) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(7) Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

(8) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.

(9) When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160A-393(k).

(10) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. A majority of the members

shall be required to decide to determine an appeal made in the nature of certiorari in accordance with Subsection (E)(1), below.

(B) *Special Use Permits.*

(1) A special use permit from the Board of Adjustment is required for all special uses. The Board of Adjustment shall hear and decide special use permits in accordance with standards and procedures specified in this Section and in §§ 154.082 and 154.083 and may issue special use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified herein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, the conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided.

(2) All special use permits that are granted shall run with the property or structure for which the special use permit is being sought and not with the owner of the property or structure.

(C) *Variances.*

(1) When unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

(b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;

(c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and

(d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

(2) *Application.* When a variance is requested the applicant shall submit a completed application for such permit.

(3) *Quasi-Judicial Hearings on Applications for Variances.* Once the Zoning Administrator is in receipt of a complete application and five copies of a complete site plan, he or she will schedule the application for a public hearing before the Board. The Zoning Administrator shall mail the Notice of Hearing in accordance with Subsection (D)(2), below. The Board of Adjustment shall conduct a quasi-judicial hearing on the application and shall allow any interested party to appear, either in person or by agent or attorney.

(4) *Board Action on Applications for Variances.* After the quasi-judicial hearing, and on consideration of the record, the Board shall take action on the application, either (1) denying it, (2) approving it, or (3) approving it subject to one or more conditions. In granting a variance, the Board of Adjustment shall make findings that the requirements of this section have been met. Violation of the conditions shall be deemed a violation of this chapter and punishable under § 154.999 below. A concurring vote of four-fifths of the Board shall be necessary to grant a variance in accordance with Subsection G, below.

(5) *Effect of Approval.* All variances that are granted shall run with the property or structure for which the variance is being sought and not with the owner of the property or structure.

(D) *Hearings.*

(1) *Time.* After receipt of an application or a notice of appeal, the Board Chairperson shall schedule the time for a hearing, which shall be at a regular or special meeting within 31 days from the filing of the application or notice of appeal.

(2) *Notice of hearing.* Notice of hearings conducted pursuant to this Section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the Zoning Ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(3) *Conduct of hearing.* Any party may appear in person or by agent or by attorney at the hearing. The order of business for hearing shall be as follows:

(a) The Chairperson, or such person as he or she shall direct, shall give a preliminary statement of the case;

(b) The applicant shall present the argument in support of his or her application;

(c) Persons opposed to granting the application shall present the argument against the applications;

(d) Both sides will be permitted to present rebuttals to opposing testimony; and

(e) The Chairperson will summarize the evidence, which has been presented, giving the parties opportunity to make objections or corrections. Witnesses may be called and factual evidence may be submitted, but the Board shall not be limited to consideration of only such evidence as would be admissible in a court of law. The Board may view the premises before arriving at a decision. All witnesses before the Board shall be placed under oath and the opposing party may cross-examine them.

(4) *Rehearings.*

(a) An application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence or conditions in the case.

(b) The application for rehearsing shall be denied by the Board if from the record it finds that there has been no substantial change in facts, evidence or conditions. If the Board finds that there has been a change, it shall thereupon treat the requesting the same manner as any other application.

(E) *Decisions and Judicial Review.*

(1) *Voting.* The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(2) *Quasi-Judicial Decisions.* The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from. The record shall state in detail what, if any, conditions and safeguards are

imposed by the Board in connection with the granting of a variance. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board of Adjustment. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(3) *Expiration of permits.* Unless otherwise specified, any order or decision of the Board in granting a variance shall expire if a building permit or certificate of occupancy for the use is not obtained by the applicant within six months from the date of the decision.

(4) *Public record of decisions.* The decisions of the Board, as filed in its minutes, shall be a public record, available for inspection at all reasonable times. In addition, and at the applicant's expense, approved variances and special use permits shall be filed with the Polk County Register of Deeds by the Clerk to the Board of Adjustment within one month from the date of approval.

(5) *Judicial Review.* Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Subsection D, above. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(Ord., Art. VI, § 604, passed - -; Am. Ord. 2010-01, passed 3-25-10; Am. Ord. 2014-\_\_\_\_, passed - -14)

BE IT FURTHER ORDAINED that the Town Council finds that the foregoing amendments are consistent with the plans and policies of the Town of Columbus.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Eric McIntyre, Mayor

ATTEST:

\_\_\_\_\_  
Devon LaFromboise, Town Clerk  
APPROVED AS TO FORM:

\_\_\_\_\_  
A. Bailey Nager, Town Attorney



2014 Town Manager's Report  
*Prepared for Columbus Town Council*  
*Thursday, March 20, 2014*

- 1) **Computer Updates:** Staff has begun the process of updating computers and software as identified during the Council's budget retreat. If you have any questions about this process, please let me know.
  
- 2) **Economic Development Meeting with Polk County:** The Polk County Board of Commissioners requested a meeting with the Town to review the County's forthcoming economic development plan. Staff received a draft of the plan and provided this to Council last week. The meeting is scheduled for Thursday, April 3<sup>rd</sup> at 6pm. Council is invited to review the proposal and prepare any questions or comments for this meeting. The County is seeking feedback on their economic development process and soliciting feedback from the Town.
  
- 3) **NCLM-MEG Working Group Project:** The Town is participating in the NC League of Municipalities' municipal energy group project. The aim of this group is to intervene with the NC Utilities Commission to ensure that public power utilities in North Carolina (Duke Energy) are to reduce the financial burden that an increase in electricity rates would bring upon municipal governments served by the utility. Certainly, rate increases can significantly impact municipal budgets, particularly in those cities and towns providing such services as water and wastewater treatment, street lighting, and recreational facilities. I recently attended a forum regarding LED enhancements and investments throughout town owned/operated street lighting systems and learned a great deal regarding their implementation and use throughout the state. While they are not widespread at this point, and the initial cost savings are not there from a rate perspective, the long-term life expectancy of these lights provides significant benefits to towns. We will continue monitoring the growth of this technology as it applies to street lighting, and may try to implement some of these components into changes throughout our Town system as the time approaches.
  
- 4) **Peniel Road Sidewalk Project:** As discussed previously, the Town submitted this project to NC DOT's new planning and prioritization schedule. We learned late in February that DOT Division 14 also submitted this project in two different segments for funding in the coming year. We continue to hold out hope that this project will be funded and able to be completed by the end of FY15.

COUNCIL RETREAT  
MARCH 1, 2014  
PUBLIC WORKS

## **SURPLUSING OF USED TOWN EQUIPMENT**

### **ITEM 1- 1985 JCB BACKHOE 1400B - 3750 HOURS- SERIAL #14BN2D59 346795 7**

THIS ITEM IS NO LONGER USED BECAUSE WE HAVE A NEW BACKHOE, AND IT LEAKS FLUID AROUND THE O RINGS AT THE HYDRAULICS. THE LEAKING O RINGS IS NOT A MAJOR PROBLEM HOWEVER PUTTING THE MONEY INTO REPAIR WHEN THE ITEM WILL BE USED MINIMALLY IS NOT WORTHWHILE. THE ITEM HAS A PERKINS DIESEL, WHICH RUNS VERY WELL. HAS LOW HOURS, AND OTHER THAN THE LEAKS, IS IN GOOD SHAPE FOR ITS YEARS.

**GOOD POINTS:** LOW HOURS, PERKINS DIESEL MOTOR, WORKING TRANSMISSION, STARTS, RUNS, OVERALL IN GOOD SHAPE.

**BAD POINTS:** 2 WHEEL DRIVE, AGE, LEAKING O RINGS AT THE HYDRAULICS, RUST, BAD PAINT, WORN TIRES.

SALE PRICES RANGE FROM \$7,000 TO \$14,000 TO DEPENDING ON WORKING CONDITION. THIS DATA WAS TAKEN FROM MACHINERY TRADER AND EQUIPMENT TRADER PUBLICATIONS. GOVDEALS RECENTLY SOLD ONE WITH TRANSMISSION ISSUES FOR \$4,000.

I HAVE SPOKEN TO MANY PEOPLE IN THE CONSTRUCTION FIELD TO TRY AND DETERMINE A SALE PRICE FOR THIS ITEM. MOST SAY \$8000, WITH NO LESS THAN \$6000. BIDDING COULD BRING HIGHER.

### **ITEM 2- 1988 FORD F700 DUMP TRUCK- 370 V8- 54560 MILES- 5 SPD**

THIS ITEM IS NOT USED. WHEN PUBLIC WORKS BRINGS A LOAD OF GRAVEL FROM MILL SPRINGS, THE TRUCK BEARLY MAKES IT UP THE HILL PAST THE HIGH SCHOOL, MEANING WORN RINGS WHICH RESULT IN LOSS OF POWER. REPLACING THE RINGS WOULD MEAN COMPLETE ENGINE TEAR DOWN AND REBUILD. NOT WORTH IT.

WE CURRENTLY USE THE 1995 CHEVY DUMP FOR OUR NEEDS.

**GOOD POINTS:** LOW MILES, DUMP BED.

**BAD POINTS:** GAS ENGINE, AGE, CONDITION OF THE ENGINE, FIBERGLASS FENDER IS TORN, BAD PAINT, WORN TIRES.

I HAVE RESEARCHED MANY WEBSITES, AS WELL AS GOVDEALS. IT IS DIFFICULT TO FIND THIS YEAR MODEL. IT IS EVEN MORE DIFFICULT TO FIND ONE WITH MATCHING FEATURES. FROM WHAT I HAVE SEEN TO COMPARE, I WOULD SAY THAT THIS ITEM WOULD BE SOLD AT MINIMUM. HOWEVER BIDDING COULD BRING HIGHER THAN EXPECTED, I WOULD ESTIMATE \$2000 AT BEST.

SHOULD BOTH ITEMS SELL HIGH, THE TOWN COULD RECOUP AROUND \$10,000.

# **COLUMBUS POLICE DEPARTMENT**

## **Department Head Report**

March 20th 2014 Council Meeting

*Chris Beddingfield, Police Chief*

- Statistical Data
- Run for the Fallen 5k
- Officer Jerry Williams Advanced Certification

# Columbus Police Department

## Monthly Activity Report

February 2014

### Calls Answered

Wrecks	5
Alarm Calls	8
Talk with an Officer	53
Domestic	1
Suspicious Vehicles	52
Suspicious Person	12
Assist Fire/EMS	10
Larceny	0
Stranded Motorists	6
Disturbance	2
Involuntary Commitments	2
Breaking & Entering	0
Suicide Threat	0
Hit and Run	1
Armed Robbery	0

**Total Calls Answered: 318**

### Premise Checks

Residence Checks	421
Business Checks	4,889
Church Checks	88
<b>Total Checks</b>	<b>5,398</b>

### Charges

Speeding Citations	56
No Operators License	9
Driving While License Revoked	7
Drug Charges	13
Uninsured Motorists	3
Careless & Reckless Driving	7
Open Container	5
<b>Total Charges</b>	<b>177</b>
(Traffic & Criminal)	

### Arrests

Felony Arrests	3
Misdemeanor Arrests	7
DWI	4
Fugitives Arrested	3
<b>Total Arrests</b>	<b>10</b>

### Training Topics

Drug Recognition Expert School  
Interview & Interrogation  
Property & Evidence Room Management  
Juvenile Legal Issues for Law Enforcement  
Community Oriented Policing

**Total Training Hours Received: 192**

### Requested to Assist Sheriff's Office, City Police Departments & Other Agencies

Calls	21
Hours	27

# Town of Columbus Fire Department

## Incident Summary Report

November 2013

*February 2014*



Type of Incident	Number of Calls	Firefighter Hours Utilized
Emergency Medical Calls	39	43:40:00
Stranded Motorist/Lockout	12	8:26:00
Smoke Scare/Odor of Smoke	4	6:25:00
Emergency Medical Call/D&C	1	0:06:00
Motor Vehicle Accident	3	52:17:00
Public Service	4	6:29:00
Assist Other Agency	1	2:54:00
D&C Fire Alarm-AA	3	1:10:00
Prescribed Burn/AA	1	20:15:00
Tree Down with Power Lines	2	6:24:00
Controlled Burn/Inv/Action	1	0:56:00
Aircraft Standby/D&C	1	1:03:00
Aircraft Standby	3	12:44:00
Vehicle Fire/D&C	1	0:32:00
Detector Activation-No fire	5	8:16:00
Brush/Woods/Grass Fire	2	3:07:00
Structure Fire/AA	4	38:03:00
Cover Fire Station/Assignment	1	0:48:00
<b>Total</b>	<b>88</b>	<b>213:35:00</b>
Training Hours for February 2014		109:30:00
<b>Total Firefighter Hour Calls and Training</b>		<b>323:05:00</b>