

REGULAR MEETING OF TOWN COUNCIL

AGENDA  
July 21, 2011

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 and personalities.

WORK SESSION

(6:00 p.m.)

Includes Closed Session if needed

BUSINESS MEETING

(7:00 p.m.)

1. Invocation
2. Pledge of Allegiance
3. Public Comments
4. Approve Regular Agenda
5. 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 will be considered separately.):*

5a. Approve minutes of June 16 regular meeting (5a)

Public Hearings

- Request for Non-Contiguous Annexation (Giardini Restaurant)
- Amendment to Town Zoning Ordinance (Temporary Vendors)

*This ends the public hearing section of the agenda*

6. Consideration of Ordinance Accepting Annexation Petition (7)  
*(Staff recommends adoption of ordinance)*
7. Consideration of Ordinance to Amend Business Regulation Ordinances (7)  
*(Staff recommends adoption of the ordinance)*
8. Consideration of Ordinance to Amend Town Zoning Ordinance (8)  
*(Staff recommends adoption of the ordinance)*
9. Consideration of Ordinance to Amend Town Public Works Ordinances (9)  
*(Staff recommends adoption of the ordinance)*
10. Republican Headquarters Easement discussion (10)  
*(Staff recommends acceptance of ordinance)*
11. Consideration of Town Wide 25-mph Speed Limit (11)  
*(First introduction – staff requests consideration of issue for next meeting)*

12. July 4<sup>th</sup> update  
*(Councilwoman Ernie Kan will provide an update on the Fabulous 4<sup>th</sup> Festival)*
  
13. TAC appointment (13)  
*(The Council must appoint an elected official to serve as its representative to the TAC)*
  
14. Discussion of sale of Santa House to Saluda
  - 14a. Council Reports
  - 14b. Managers Report (14b)
  - 14c. Departmental, ABC and Fire Department reports (14c)
  
15. Adjourn

Town of Columbus  
Minutes of Regular Meeting  
June 16, 2011

Mayor McIntyre called the work session to order at 6:00 p.m. In attendance were Mayor McIntyre, Councilmen Gage and Hall, Councilwomen Metcalf and Kan, Attorney Bailey Nager, Town Manager Jonathan Kanipe, Chief of Police Chris Beddingfield, Assistant Financial Director Kathy Gregory, and Town Clerk Donna Butler.

Councilman Gage made a motion to enter closed session for attorney client privilege, Councilwoman Kan seconded.

Councilman Gage motion to enter regular session, Councilwoman Metcalf seconded, motion carried.

No action was taken.

Councilman Gage made a motion to approve the regular agenda, Councilwoman Metcalf seconded, motion carried.

Councilman Gage made a motion to approve the consent agenda with changes made by the Town Clerk, Councilwoman Metcalf seconded, motion carried.

**Public Hearing**

Ms. Kan asked if mulch could be taken off of the fee schedule.

Councilman Gage would like to see a CIP with a line item to put money away for future expenditures, Manager Kanipe agreed that the current CIP is too extensive for our needs and should be revised.

Council discussed adding a line item for Police Department vehicles, and to leave the contingency fund where it is.

Councilman Hall made a motion to close the public hearing, Councilwoman Metcalf seconded, motion carried.

**BUDGET 2011/2012:**

Councilman Gage made a motion to take mulch fees off the fee schedule, Councilman Hall seconded, motion carried.

Ms. Gregory said that \$14,764 was received this year in business licenses, which includes \$11,000 for gaming licenses. That amount cannot be expected again for the coming year.

Councilman Gage made a motion to approve fiscal year 2011/2012 budget and fee schedule with changes, Councilwoman Kan seconded, motion carried.

**Fiscal Year 2010/2011 Budget Amendments:**

It was stated that police seizure money was put under expendable supplies and was in a separate bank account at Mountain 1<sup>st</sup> bank. Normally the police department gets 100% of 80% of the seizure money.

Mr. Kanipe stated that the sludge amount changed because the cost of lime went up and we changed haulers. We'll get prices from other sludge haulers for next year.

Councilman Gage made a motion to approve the budget amendments as written, Councilwoman Metcalf seconded, motion carried.

**Stormwater Mini Grant Update:**

Billy Lee and Allen Smith from Withers and Ravenel gave a power point presentation of the mini-stormwater grant project and their findings.

The town applied for this grant in 2008, but was not awarded the funds until 2010. The funding came from the Clean Water Management Trust and funded \$50,000, with a town match of \$5,600.

This grant will enable us to look at improvements to water quality, and slow water down so the Town doesn't have as much erosion. The town will get a GIS map out of the project.

They found erosion problems such as: several ditches are undersized for the amount of flow, the pipes are clogged or undersized in the area behind the Presbyterian Church.

They found that Ms. Metcalf's property is the channel head site with the most significant erosion.

They identified possible locations for best management practices such as collecting stormwater into shallow pools which will control flooding and decrease erosion.

Possible areas for green spaces are the courthouse lawn, Veterans memorial park, the area in front of the post office and behind the post office parking lot.

To limit erosion some suggestions are:

1. Limit concrete and rooftops
2. Use cisterns and rain barrels

3. Encourage creation of rain gardens
4. Retrofit roadside ditches with low impact development methods.

They asked for Council's recommendation as to the two sites they are most interested in investigating and to pursue grant funding. The match is now 50%.

**Public Hearing Date for Annexation of Giardini's Restaurant:**

Councilman Gage made a motion to approve resolution setting date of Public Hearing for July 21, 2011, Councilwoman Metcalf seconded, motion carried.

**Council reports:**

Ms. Kan presented a handout for Handmade in America projects. She and Manager Kanipe attended the Handmade in America annual meeting and met with people who want to work on the courthouse square such as putting in a water garden.

Councilman Gage said the budget process was great.

**Manager's Report:**

Manager Kanipe reported that the pump was installed last week for the hospital lift station.

The Town received a check for \$8,000 from Nationwide for the damaged police vehicle.

Handmade in America will be in Mill Spring for a fiber art demonstration. They will also be here for our farm festival in October.

The PER and EA for the WWTP loan will be completed prior to June 30<sup>th</sup>.

**Police Report:**

Chief Beddingfield reported that May was a very busy month with 71 calls, 56 reports and a rash of shoplifting calls. He received a letter from Congressman Shuler's office congratulating Nick Stott.

The Department is being considered for the Governors highway safety grant. If the grant is received, the Town's obligation for a police officer's 1<sup>st</sup> year salary is \$10,500, 2<sup>nd</sup> year \$21,000, and last year \$14,000. The Town would be required to fund fully for three years after that. The Department is still short one officer. They will make a decision in September.

Officers met with Polk County animal control officer and both departments are on board with procedures.

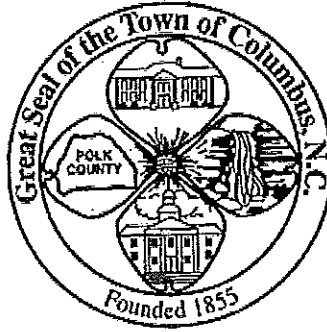
Meeting with St. Lukes hospital officials and Polk county police departments are successful. Officers now have a flow chart for steps to be taken when a citizen must be admitted for mental problems.

There being no further business, Councilwoman Metcalf made a motion to adjourn, Councilman Gage seconded, meeting adjourned at 8:35p.m.

Attest:

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

\_\_\_\_\_  
Mayor



MEMORANDUM FOR TOWN COUNCIL MEETING  
JULY 21, 2011

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Annexation Petition  
Giardini Trattoria Restaurant – 2411 Hwy 108 East  
Date: July 7, 2011

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Background

Council acknowledged receipt of the annexation petition from the owners of Giardini Trattoria and surrounding property at its May meeting. The Town Clerk certified the sufficiency of the petition and Council set the public hearing date for the annexation at its June meeting.

Standards the Satellite Area Must Meet

For satellite annexations, the following standards must be met before the annexation may be approved.

- 1) The nearest point on the satellite area must not be more than three miles from the primary limits of the annexing municipality.
- 2) No point on the satellite area may be closer to the primary limits of another municipality than to the primary limits of the annexing municipality.
- 3) The area proposed for annexation must be so situated that the municipality will be able to provide the same services within the satellite area that it provides within the primary limits.

In regards to standards 1 and 2, above, the property is not more than three miles from the Town limits and is not closer to another municipality. Town Attorney Nager has addressed the provision of services in his supplementary memo attached to this packet, and listed the Town

services required to be provided. Town staff has verified that these services can be provided from the effective date of the annexation, if the ordinance is adopted.

#### Findings Made Before Ordinance Consideration

After the public hearing, Council must make affirm several findings before adopting or denying the annexation ordinance. The Council must find that:

- 1) The area described in the petition meets all the standards for satellite areas proposed for annexation;
- 2) The petition bears all required signatures of the owners of real property in the area to be annexed;
- 3) The petition is otherwise valid; and
- 4) The public health, safety, and welfare of the inhabitants of the municipality and of the area proposed for annexation will be best served by annexing the area described.

If all four findings are affirmed, the Council may adopt an ordinance annexing the area described in the petition. The ordinance may be effective immediately or on any specified date within six months of the ordinance adoption.

#### Procedures Following Ordinance Adoption

If Council approves the annexation ordinance, Town staff will publish the notice of adoption. The Town will then record the annexation with the Board of Elections, Register of Deeds, the Secretary of State and Office of State Planning, in accordance with state law. The annexation will also be held on file in the Town Clerk's office for public review.

#### Applicability of Laws to Annexed Area

After the annexation is effective, all regulations, ordinances, debts, privileges, and benefits are afforded to the annexed area. Property taxes will be due to the Town on a prorated basis per state statute, and the Town will be able to require a privilege license payment from the business located on the annexing property. The privilege license is not prorated. The Town will have a maximum of sixty days for the Planning Board to make a recommendation to Council on the zoning for the property. Until this time, the annexed area shall remain under the County zoning and planning regulations.

#### Recommendation

Staff recommends that Council adopt the annexation ordinance. The property in question is located between the Town's historic limits and the more recently annexed area that will become the Foster Creek development. Town staff, including Police and Public Works departments, does not feel this annexation will cause any undue burden on the Town's current services.



The Town Attorney has provided a supplementary memorandum regarding services the Town must provide to the Giardini Trattoria property. The Town is ready to meet these obligations upon the effective date of the annexation.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF  
COLUMBUS, NORTH CAROLINA

WHEREAS, the Columbus Town Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the Columbus Town Council has by resolution directed the Columbus Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Columbus Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at 95 Walker Street at 7:00 p.m. on July 21st after due notice by publication on July 6<sup>th</sup>, 2011.

WHEREAS, the Columbus Town Council finds that the area described therein meets the standards of G. S. 160A-58.1 (b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Columbus.
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Columbus;
- c. The area described is so situated that the Town of Columbus will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation;
- e. Pursuant to G.S. 160A-58.1(b)(5), the Town of Columbus is exempted from the requirement that the area within its satellite corporate limits not exceed ten percent (10%) of the area within its primary corporate limits.

WHEREAS, the Columbus Town Council further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Columbus Town Council further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Columbus and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Columbus, North Carolina that:

Section 1. By virtue of the authority granted by G. S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Columbus as of July 21, 2011.

BEING all of that certain tract or parcel of land containing 5.20 acres, more or less, as shown and delineated upon a plat entitled, "Bruce E. & Sandra L. Sable, Columbus Twp., Polk Co., No. Car.", dated July 10, 1995, prepared by Butler Associates, Reg. Land surveyor (L-3033), which plat is duly recorded in Card File Page 539, in the Office of the Register of Deeds for Polk County, North Carolina; reference being made to said recorded plat for a full and complete metes and bounds description of said tract, pursuant to North Carolina General Statutes, Section 47-30(g).

The above described property is identical to that conveyed to Bruce E. Sable and wife, Sandra L. Sable by that certain deed from Herman E. Case and wife, Virl P. Case, dated July 13, 1995, and recorded on July 13, 1995, in Book 229 at Page 1239, Polk County Registry.

Section 2. Upon and after July 21, 2011 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Columbus and shall be entitled to the same privileges and benefits as other parts of the Town of Columbus. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Columbus shall cause to be recorded in the office of the Register of Deeds of Polk County and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Polk County Board of Elections, as required by G. S. 163-288.1.

Section 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Columbus.

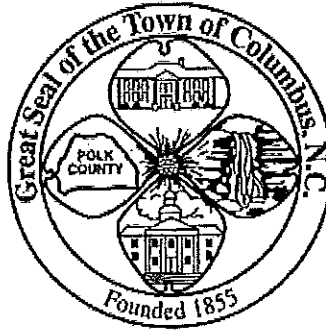
(Ord. 2011-02, passed 07/21/2011)

Adopted this 21<sup>st</sup> day of July, 2011

Eric McIntyre, Mayor

ATTEST:

Donna Butler, Town Clerk



MEMORANDUM FOR TOWN COUNCIL MEETING  
JULY 21, 2011

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Ordinance Amending Business Regulations &  
Consideration of Ordinance Amending Zoning Ordinance  
Date: July 7, 2011

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Background

Town staff and Council have worked during the past several months to craft better ordinances dealing with peddlers, special event sales, and temporary vendors. The Town Attorney, Manager, and Police Chief met during April to discuss possible ideas, and presented these findings to the Council at our regular April meeting.

Staff took comments from Council at that meeting and the Town Attorney has crafted language that we feel suits the Council's wishes for these revised ordinances. Since there are two separate and distinct ordinances (one from the Town Code and the other in the Town Zoning Ordinance), Council must vote on these separately.

It should be noted that the Planning Board will meet on Thursday, July 14 to deliver a recommendation to Council on the portion that would amend language in the zoning ordinance. This meeting will take place after this memorandum is finalized, but staff will have a report for you at the regular meeting.

The proposed ordinances and amended language for each is attached to this memorandum.

Staff recommends approval of each ordinance.

## ORDINANCE AMENDING BUSINESS REGULATION ORDINANCES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COLUMBUS that the following amendments are made within TITLE XI: BUSINESS REGULATIONS of the Code of Columbus:

1. Section 110.33 is amended and restated so that it shall read in its entirety as follows:

### § 110.33 EXEMPTIONS FROM PAYING TAX.

Except as otherwise provided by this code, state law or by the schedule of license taxes referenced in § 110.35, below, there shall be no exception of any person for any reason from the payment of the license taxes levied by this chapter.

(Ord. passed - -, § 14-52; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

2. Section 110.35 is amended and restated so that it shall read in its entirety as follows:

### § 110.35 LICENSE TAX SCHEDULE.

The businesses, trades, occupations, professions, agencies and other operations and subjects which must pay license taxes to the town are identified on, and the amounts which shall be levied and collected annually from them are set forth in, the schedule, as amended from time to time, entitled "Amount of privilege license taxes" on file in the Town Clerk's office.

(Ord. passed - -, § 14-57; Am. Ord. 2010-03, passed 6-2-2010; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

3. CHAPTER 112: PEDDLERS, SOLICITORS AND CANVASSERS is amended and restated so that it shall read in its entirety as follows:

## CHAPTER 112: PEDDLERS, SOLICITORS AND CANVASSERS

### Section

- 112.01 Prohibited activities
- 112.02 Sale of merchandise on streets or sidewalks
- 112.03 Violation a misdemeanor; punishment

### § 112.01 PROHIBITED ACTIVITIES.

It shall be unlawful for any person to go in or upon, or permit his or her representatives to go in or upon, any private residential premises in the town as solicitor, peddler, hawker, itinerant merchant or transient vendor of merchandise, not having been requested or invited so to do by the occupant of the private residence or premises or having procured the occupant's permission so to do, for the purpose of soliciting orders for the sale of goods, wares, magazines or other

periodicals or merchandise, or for the purpose of distributing, disposing of, peddling or hawking the same.  
(Ord. passed - -; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011) Penalty, see § 10.99

### **§ 112.02 SALE OF MERCHANDISE ON STREETS OR SIDEWALKS.**

No person shall sell, barter, trade or auction merchandise of any description on any street or sidewalk except in accordance with the town code of ordinances. (See Chapter 113 for sales during special events; see Chapter 154 for temporary sales.)  
(Ord. passed - -; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011) Penalty, see § 10.99

### **§ 112.03 VIOLATION A MISDEMEANOR; PUNISHMENT.**

If any person shall violate this chapter he or she shall be guilty of a misdemeanor and shall be fined or imprisoned as set forth in G.S. § 14-4. Any violators shall also be subject to civil penalties as outlined in this code of ordinances.  
(Ord. passed - -; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

## **4. CHAPTER 113: STREET VENDING PERMITS; SPECIAL EVENTS is amended and restated so that it shall read in its entirety as follows:**

### **CHAPTER 113: STREET VENDING PERMITS FOR SPECIAL EVENTS**

#### Section

- 113.01 Purpose
- 113.02 Definitions
- 113.03 Required
- 113.04 Applications
- 113.05 Fee
- 113.06 Prohibited conduct
- 113.07 Denial, suspension or revocation
- 113.99 Penalty

### **§ 113.01 PURPOSE.**

It is found and declared that the permitting of street vending for special events promotes the public interest in that:

- (A) The town is a regional center for business, government, finance and tourism;
  - (B) From time to time the town authorizes special events for the purpose of encouraging tourism and civic pride; and
  - (C) The permitting of street vending for these special events contributes to furthering an attractive pedestrian environment and, thus, contributes to the general welfare of the town.
- (Ord. passed - -, § 14-281; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

## § 113.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MERCHANDISE.** Fresh cut flowers, balloons and any other wares, and shall include entertainment.

**SPECIAL EVENTS.** All street fairs, festivals, carnivals, parades, marches, rallies, demonstrations, and other activities or public events that require the temporary closing or obstruction of, or that substantially hinder or prevent the normal flow of vehicular or pedestrian traffic on, all or a portion of any town or county owned property, street, or other public right-of-way within the town.

**STREET VENDOR.** A person who hawks, peddles, sells or offers food or merchandise.

**VENDING STAND.** A mobile cart, wagon, vehicle or stand used or intended to be used for displaying, transporting or storing articles offered for sale by a vendor.  
(Ord. passed - -, § 14-282; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

## § 113.03 REQUIRED.

(A) It shall be unlawful for any person to sell or to offer for sale during, or within the two hours immediately before or after, any special event in the town, any food, beverage or merchandise on foot or from any vending stand on any right-of-way, street, sidewalk or public property within the town without first obtaining a permit pursuant to this chapter.

(B) Any permit issued under this chapter shall be temporary in nature and applicable for one special event. The permit shall be effective only for the duration of the special event specified.

(Ord. passed - -, § 14-284; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011) Penalty, see § 113.99

## § 113.04 APPLICATIONS.

The permit required by § 113.03 above shall be issued only after payment of the fee required by § 113.05 below and completion of an application providing the following information:

(A) The name, home and business address of the applicant, and the name and address of the owner of the vending business, if other than the applicant;

(B) The special event for which the vendor seeks the permit and the name of the entity sponsoring the special event;

(C) A description of the type of food, beverage or merchandise to be sold;

(D) The applicant's state sales tax number or, if the applicant is a charitable organization, its tax exempt number; and

(E) A copy of any approval required by the County Health Department pursuant to "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments," 10 N.C.A.C., Ch. 10, Subchapter 10A.

(Ord. passed - -, § 14-285; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

## § 113.05 FEE.

Fees are as set by Town Council and are found in the town fee schedule.



(Ord. passed - -, § 14-286; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

### § 113.06 PROHIBITED CONDUCT.

It shall be unlawful for a street vendor to:

- (A) Violate any federal, state, county or town law or regulation that pertains to food, beverages or the selling thereof or that pertains to the operation of the vendor's business in the town;
- (B) Fail to permit any lawfully requested inspection by health officials or to comply with any lawful request of a police officer;
- (C) Fail to carry and display at all times of operation the permit issued under this chapter;
- (D) Have a vending stand that is not in compliance with the review regulations or any additional special restrictions or conditions stated in the permit;
- (E) Vend without insurance if such is a condition of the vendor's permit;
- (F) Sell food or beverages for immediate consumption, unless the vendor has available for public use a litter receptacle not more than ten feet distant from the vendor's stand;
- (G) Leave his or her designated location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;
- (H) Allow any item relating to the operation of the vending business to be placed anywhere other than in, on or under the vending stand;
- (I) Offer to sell any goods other than those permitted by the permit;
- (J) Sound or permit the sounding of any device which produces a loud and raucous noise or engage in any hawking or harassment for the purpose of attracting the attention of the public to the vending stand;
- (K) Have any advertising, except the posting of prices, the name of the products, and the name of the vendor; or
- (L) Solicit or conduct business with persons in motor vehicles.

(Ord. passed - -, § 14-287; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011) Penalty, see § 113.99

### § 113.07 DENIAL, SUSPENSION OR REVOCATION.

Any vendor's permit may be denied, suspended or revoked by the town for fraud or misrepresentation in the application for the permit or in the conduct of the business, for conduct of this business in such a manner as to create a public nuisance or constitute a danger to the public health, safety, welfare or morals, or for conduct which is contrary to the provisions of this chapter. Any vendor who has had his or her permit denied, suspended or revoked may, within 15 days of the date of denial, suspension or revocation, appeal the decision to the Town Manager.

(Ord. passed - -, § 14-288; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

### § 113.99 PENALTY.

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with applicable statutes. Any violator is also subject to a civil penalty.

(Ord. passed - -, § 14-283; Am. Ord. 2011-\_\_, passed \_\_-\_\_-2011)

**5. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.**

Adopted this 21st day of July, 2011

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

ATTEST:

\_\_\_\_\_  
Donna Butler, Town Clerk

APPROVED AS TO FORM:

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

(C) *Temporary retail sales uses.*

(1) *Seasonal sale of agricultural products (including Christmas trees).* Temporary use permits are required for all roadside stands in a zoning district in which the stands are permitted under subsection (K) below. ~~these~~ These sales are limited to a period of time not to exceed four consecutive months per calendar year. A maximum of one building/display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed at the end of the period.

(2) *Other temporary retail sales. Temporary vendors.* ~~Temporary use permits are required for the sale of food, cut flowers, beverages, or merchandise from a stand in a zoning district in which the stands are permitted under section 154.128(K), below. The sale of food, beverages, or merchandise from a stand may be allowed in permitted zoning districts as displayed by the permitted temporary use table. Temporary vendors shall have the following restrictions-:~~

(a) A temporary use permit shall be valid for 180 days, and can be renewed at the end of each 180 day period.

(b) Only one temporary use permit for a temporary vendor may be issued at a time.

(c) Trailers, carts and related storage must be removed by the close of each business day and cannot be more than 100 square feet in size. Truck trailers are not permitted except for short term delivery.

(d) The use may only be located on a vacant lot or a lot occupied with a nonresidential use.

(e) ~~All applicable local and state regulations, including but not limited to, Health Department and Environmental Protection, shall be met.~~

~~(f) All discharge, waste and trash shall be properly disposed of in accordance to the applicable regulations by the close of each business day.~~

~~(g) At the issuance and renewal of a temporary use permit, the applicant shall supply the Zoning Administrator with a schedule of the days of operation of the business along with permission from the property owner to locate on the property.~~

~~(h) A site plan shall be submitted with the temporary use permit application depicting the layout of the proposed temporary use in relation to any existing buildings and property lines.~~

(i)(f) The temporary use shall adhere to all setback requirements of the zoning district in which the use is proposed to be located.

(j)(g) The property on which the temporary use is proposed to be located shall be large enough such that the difference between the area of the lot and the area of the footprint of

any existing buildings shall be at least twice the minimum area required by §§ 154.066 through 154.068 above.

(h) The temporary use permit shall be issued only after payment of the fee set forth in the town's fee schedule and completion of an application providing the following information:

(i) The name, home and business address of the applicant, and the name and address of the owner of the vending business, if other than the applicant;

(ii) A description of the type of food, beverage or merchandise to be sold;

(iii) The applicant's state sales tax number or, if the applicant is a charitable organization, its tax exempt number;

(iv) Whether the applicant has been convicted of a felony or misdemeanor other than a minor traffic citation within the past ten years and if so the crime convicted of and date and place of conviction;

(v) A site plan depicting the layout of the proposed temporary use in relation to any existing buildings and property lines;

(vi) The size of the lot or parcel on which the use is proposed to be located, the size of any existing buildings or structures on the subject property, and the number of existing parking spaces on the property; and

(vii) A copy of any approval required by the County Health Department pursuant to "Rules Governing the Sanitation of Restaurants and Other Foodhandling Establishments," 10 N.C.A.C., Ch. 10, Subchapter 10A.

~~(k) The applicant shall submit with a temporary use permit application the size of the lot or parcel on which the use is proposed to be located, the size of any existing buildings or structures on the subject property, and the number of existing parking spaces on the property.~~

~~(l)(i) All temporary use permit applications shall be submitted at least seven days prior to the commencement of the temporary use.~~

(j) It shall be unlawful for a temporary vendor to:

(i) Violate any federal, state, county or town law or regulation that pertains to food, beverages or the selling thereof or that pertains to the operation of the vendor's business in the town;

(ii) Fail to permit any lawfully requested inspection by health officials or to comply with any lawful request of a police officer;

(iii) Fail to carry and display at all times of operation the permit issued under this chapter;

(iv) Have a vending stand that is not in compliance with the review regulations or any additional special restrictions or conditions stated in the permit;

(v) Vend without insurance if such is a condition of the vendor's permit;

(vi) Sell food or beverages for immediate consumption, unless the vendor has available for public use a litter receptacle not more than ten feet distant from the vendor's stand;

(vii) Leave his or her designated location without first picking up, removing and disposing of all trash or refuse remaining from sales made by the vendor;

(viii) Allow any item relating to the operation of the vending business to be placed anywhere other than in, on or under the vending stand;

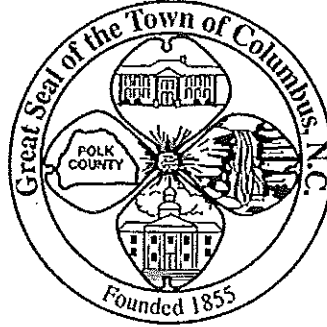
(ix) Offer to sell any goods other than those permitted by the permit;

(x) Sound or permit the sounding of any device which produces a loud and raucous noise or engage in any hawking or harassment for the purpose of attracting the attention of the public to the vending stand;

(xi) Have any advertising, except the posting of prices, the name of the products, and the name of the vendor; or

(xii) Solicit or conduct business with persons in motor vehicles.

(J) *Special events and activities.* Special events and activities conducted on public property such as streets, school sites and public parks, including farmer's markets, shall be exempt from the provisions of this Section of the Zoning Ordinance, but must comply with any guidelines, regulations and permitting processes required by the authorizing agent and with any other applicable provisions of the Code of Columbus. (See Chapter 113 for sales during special events.)



MEMORANDUM FOR TOWN COUNCIL MEETING  
JULY 21, 2011

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Ordinance Regarding Utility Use  
Date: July 7, 2011

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Background

During Attorney Nager's review for the Giardini annexation, he determined that a recently enacted Town ordinance exempting those who use wells as their primary source of water from paying the Town's availability fee would also apply for any properties annexed that used well water primarily. As such, the first portion of Attorney Nager's proposed revision would do away with this by limiting the exception to only those residences within the Town limits as of January 19, 2011.

The second provision is a technical correction that would clarify the Town's mandatory sewer connection section. This amendment states that sewer connection is not mandatory if a residence meets the well water exception and that a mandatory sewer fee shall not be charged to these residences.

Staff recommends approval of these amendments.

TOWN OF COLUMBUS  
AMENDMENT TO PUBLIC WORKS ORDINANCES

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF COLUMBUS that the Code of Ordinances is amended in the following particulars:

1. Section 51.02(B) of the Town's Utility Extension Ordinance is amended and restated so that it reads in its entirety as follows:

**§ 51.02 UTILITY USE AND AVAILABILITY FEES.**

\*\*\*

(B) Any owner of property within the town who does not seek a service connection to a water or sanitary sewer main, or having such connection already made, does not make use of such connection, where the service is available and mains of adequate size are in place to service the property, shall pay to the town monthly water and/or sewer availability fees in an amount as established from time to time by the Town Council and published in the town schedule of fees and charges; provided, however, that availability fees dues hereunder shall not be charged for any residence, located within the Town as of January 19, 2011, relying upon water from a private well located on such residence's property as its primary source of domestic water as of January 19, 2011, until the individual(s) residing in the residence on January 19, 2011, cease to reside in said residence.

(Ord. 2007-\_\_, passed \_\_-\_\_-07; Am. Ord. 2011-\_\_, passed 1-19-11; Am. Ord. 2011-\_\_, passed \_\_-\_\_-11)

2. The following is added as new Section 53.04(B)(4) of the Town's Sewer Use Ordinance:

**§ 53.04 USE OF PUBLIC SEWERS.**

\*\*\*

(B) (4) Notwithstanding the foregoing provisions of this Section (B), sewer availability fees shall not be charged for any residence relying upon water from a private well located on such residence's property as its primary source of domestic water as of January 19, 2011, until either the residence connects to the town sewer system or the

individual(s) residing in the residence on January 19, 2011, cease to reside in said residence.

(Ord. 97-11-07, passed 11-6-1997; Am. Ord. 2011-\_\_, passed \_\_-\_\_-11)



Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2011.

ATTEST:

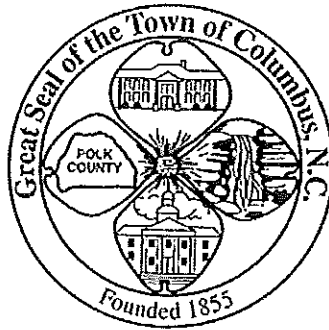
\_\_\_\_\_  
Donna Butler, Clerk

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

(SEAL)

APPROVED AS TO FORM:

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



MEMORANDUM FOR TOWN COUNCIL MEETING  
JULY 21, 2011

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Easement Acceptance from Polk County Republican Party  
Date: July 7, 2011

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Background

The Polk County Republican Party owns the property at 33 South Peak Street in downtown Columbus. They have asked the Town to consider accepting an easement located along the northwestern line of their property. The Town has a sewer line that runs through this portion of the property and continues on throughout the back (and through) the buildings along Mill Street. This easement would provide the firm legal authority for the Town to do any maintenance or work on this portion of the sewer line.

I have attached their proposed easement and a survey of the property boundaries that shows the easement area.

Staff recommends acceptance of this easement.

STATE OF NORTH CAROLINA

COUNTY OF POLK

**RIGHT OF WAY AND UTILITY EASEMENT**

KNOW ALL MEN THESE PRESENTS, That POLK COUNTY REPUBLICAN PARTY hereinafter called "Grantor" (whether one or more) for good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant unto the TOWN OF COLUMBUS, NORTH CAROLINA, and its successors and assigns, subsidiaries and divisions, hereinafter called "Grantee," the perpetual right, privilege and easement to go in and upon that certain land of Grantor (hereinafter "premises") situated in Polk County, North Carolina, property described fully in Deed Book 194 at Page 1890 in the Polk County Registry

and over and across said premises within a right of way strip

having a width of 8 feet from the Southwest corner of the above described property bordering Peak Street and adjoining the property identified Tax Parcel # C7-J6 near the hole in the side walk and extending North 100.5 feet to the end of Grantor's property that borders Tax Parcel C7-J5, to access utilities and to construct, maintain, and operate any necessary services, and to enforce parking and other Town ordinances and regulations.

IN WITNESS WHEREOF, this instrument is executed on this \_\_\_\_ day of \_\_\_\_\_, 2011.

GRANTOR

GRANTEE

\_\_\_\_\_  
Chair- Polk County Republican Party

\_\_\_\_\_  
Agent for Town of Columbus

\_\_\_\_\_  
Vice Chair- Polk County Republican Party

\_\_\_\_\_  
Agent for Town of Columbus

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STATE OF NORTH CAROLINA

COUNTY OF POLK

I, \_\_\_\_\_ (Chair of Polk County Republican Party), a Notary Public in and for said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

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STATE OF NORTH CAROLINA

COUNTY OF POLK

I, \_\_\_\_\_ (Vice Chair of Republican Party), a Notary Public in and for said County and State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and Notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Notary Public

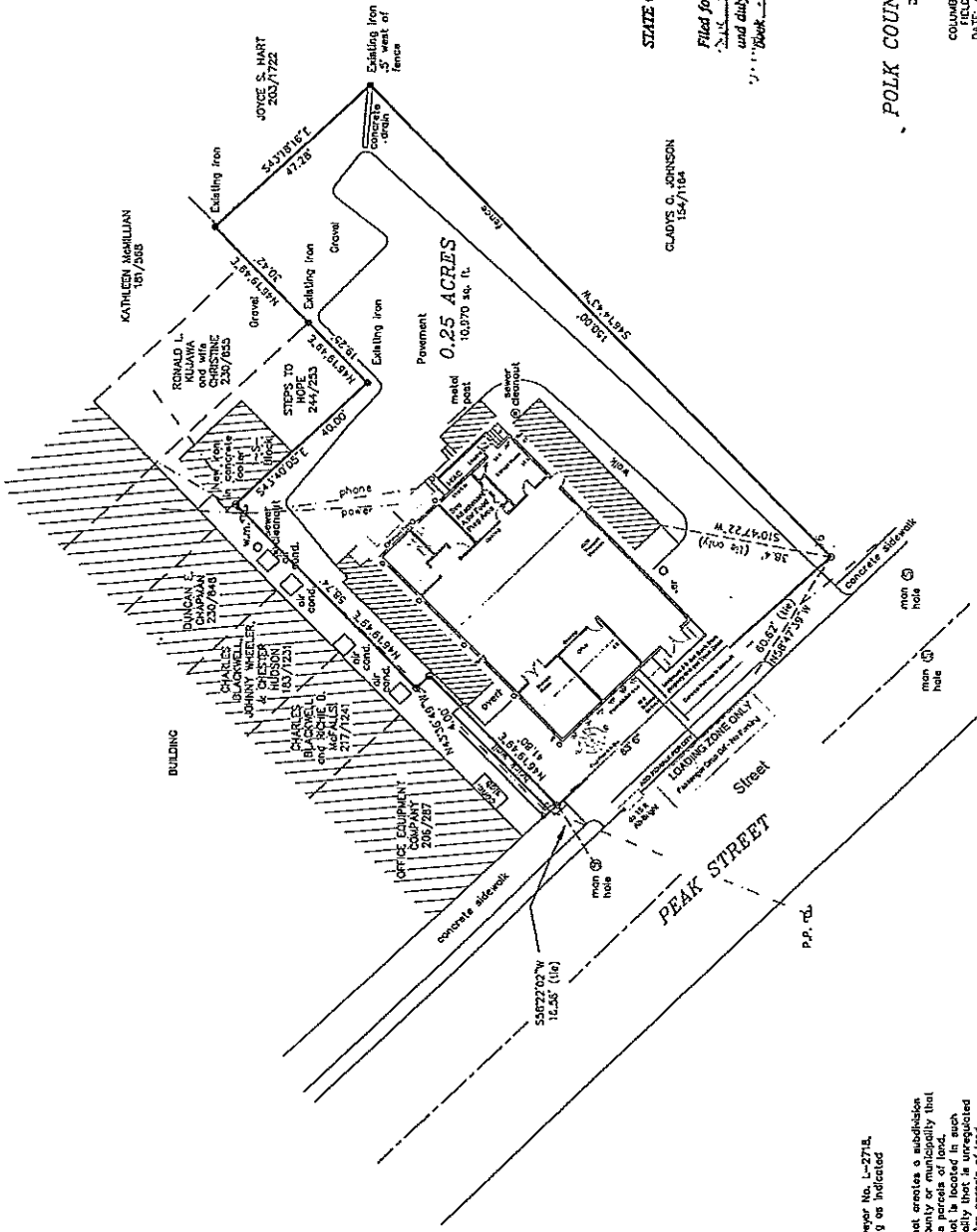
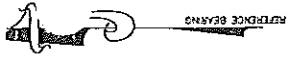
My Commission Expires: \_\_\_\_\_

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Date:

(not to scale)



STATE OF NORTH CAROLINA  
Polk County  
Office of Register of Deeds  
Filed for record this the 7th day of  
August, 2011, at 11:03 o'clock  
and duly registered in said office,  
Book \_\_\_\_\_ page \_\_\_\_\_  
NATHAN ODEM, REGISTER OF DEEDS

POLK COUNTY REPUBLICAN PARTY

DEED BOOK 19A, PAGE 1890  
TAX MAP C-7-J-7

COLUMBUS TOWNSHIP POLK COUNTY, NC  
REGISTERED MAP NO. 1001  
DATE: AUGUST 7, 2001 MAP SCALE 20:10 L



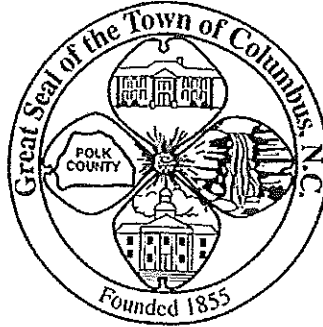
1 INCH = 20 FEET  
PROFESSIONAL SURVEYING SERVICES  
205 N. MAIN STREET  
RUTHERFORDTON, NC 28139  
PHONE (919) 287-7659

PROPERTY CORNER LEGEND	
•	EXISTING IRON PIN (EIP)
○	NEW IRON PIN (NIP)
△	POINT OR RAILROAD SPIKE
⊠	CONCRETE MONUMENT
⊞	RIGHT OF WAY MONUMENT
⊞	STONE

- I, Nathan Odem, Registered Land Surveyor No. L-2718, certify to one or more of the following as indicated, thus,  A or  B:
- A. That this plat is of a survey that creates a subdivision of land within the area of a county or municipality that has an ordinance that requires parcels of land.
  - B. That this plat is of a survey that is located in such a manner that it is necessary to be recorded in such an ordinance that requires parcels of land.
  - C. That this plat is of a survey of an existing parcel or parcels of land.
  - D. That this plat is of a survey of another category, such as that of a subdivision of land, a survey of a tract of land, a survey or other exception to the definition of subdivision, that the information available to this surveyor is such that he can make certain a determination to the best of my ability as to the parcels contained in (A) through (C) above.

*Nathan Odem*  
NATHAN ODEM, REGISTERED LAND SURVEYOR NO. L-2718

1/26



MEMORANDUM FOR TOWN COUNCIL MEETING  
JULY 21, 2011

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Consideration of Town-wide 25 MPH Speed Limit  
(Unless Otherwise Posted)  
Date: July 7, 2011

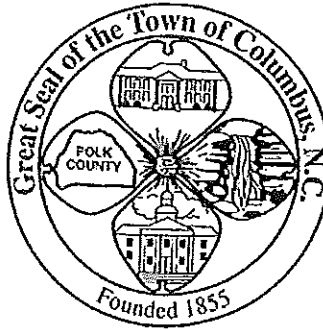
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We discussed the 25-mph speed limit designations briefly during the budget retreat in January. Since then, staff has realized that there is one area in Town that is particularly dangerous and currently is not a 25-mph zone.

According to Chapter 73, Schedule I of the Town Code, the speed limit in the area from the northern corporate limit along NC-108 (just past Jackson's Towing) to Blanton Street in downtown is a 35 mph zone. Staff and the Police Department are concerned that this is too fast for the area with the addition of the new sidewalk and more pedestrian travel along the roadway. Additionally, Scoops n' More does good business in that stretch of road, and many of their customers park across the street at Searcy Mill. It is in the best interest of those pedestrians to have cars slowed earlier at the Town limits sign.

Staff feels changing the entire Town to 25-mph unless otherwise posted would result in more safety in highly traveled areas but would also allow the areas of Town that are currently 35 mph to remain that way as long as they are posted. This allows the Police Department to have adequate legal footing if they stop someone speeding on a small, residential road that has no speed limit sign posted.

If this is something Council wishes to do, staff can research what is needed in order to create signage for the entrances to Town and what restrictions, if any, NCDOT would place on the roads that are state maintained. I have attached the current schedule of speed limits for your reference as you consider this option.



MEMORANDUM FOR TOWN COUNCIL MEETING  
JULY 21, 2011

To: Mayor & Town Council  
From: Jonathan Kanipe, Town Manager  
Re: Appointment to Technical Advisory Committee  
for IPDC Transportation Committee  
Date: July 7, 2011

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Background

The Town currently does not have an elected official designated as the representative for the Town to IPDC's Rural Planning Organization (RPO) Transportation Committee. I currently serve as the Town's liaison on the Technical Coordinating Committee (TCC), but the Town still needs an elected official to serve and vote on the Technical Advisory Committee (TAC).

These meetings are typically held at IPDC in Rutherfordton at noon. Please consider who you think should serve in this role so that we can have someone in place by the next TAC meeting.

The meeting dates for FY 2011/2012 are as follows:

August 24<sup>th</sup>

November 16<sup>th</sup>

February 22<sup>nd</sup>

May 23<sup>rd</sup>

July 2011 Town Manager's Report  
*Prepared for Columbus Town Council*  
*Thursday, July 21, 2011*

- 1) **Emergency Notification System Update:** The CodeRed emergency notification system that was approved during the FY11/12 budget process is ready for roll-out. Town staff received training on the system earlier this month. The Town has distributed a press release detailing the system and how it works. We are trying to hit as many citizens and water/sewer customer as possible to ensure that we have current contact information for them, and to ensure that their preferred method of notification is available to us. As you may recall, the Town has the ability to send instant alerts via telephone, email, and text. These alerts will typically be emergency type notifications, or at least notifications where we need to let a significant number of customers know something quickly. We are very pleased with the system thus far, and the training went very well. As we begin the roll-out, I will keep Council informed and let you know how we are doing and what feedback we receive. Please let me know if you have questions or concerns from anyone.
  
- 2) **New Town Website:** The Town also began the process of changing our website over during the last few weeks. Our new site will allow the Town the flexibility to update all information from Town Hall, and will provide us the ability to have time sensitive materials posted for the public in a much more efficient manner. I will keep you apprised as we work through this process, but our goal is to have the website ready for roll-out by the middle to end of August.
  
- 3) **MCNC Fiber Optic Project:** During the last month, staff was notified that a boring crew planned to come through Town installing fiber optic infrastructure. We finally determined that the project was funded through the Golden Leaf Foundation and were able to get our water and sewer utility lines located prior to any boring taking place. This infrastructure network hopes to connect all educational institutions, libraries, and hospitals within North Carolina on one fiber optic network.
  
- 4) **WWTP Construction Project Update:** The project is still moving along well. The engineers got all required paperwork to the state by the July 1<sup>st</sup> deadline including the final PER and EA. We made our final payment to W.K. Dickson for this portion of the project in FY10-11. They have already begun the design work for the remainder of the project, and as we get further into the design process, I will be sure to provide you with detailed information about our progress.



TOWN OF COLUMBUS

ABC BOARD

Monday June 27,2011

The ABC Board held an emergency meeting Monday June 27, 2010 at the Columbus hardware store.

Chair, Pat Feagan called the meeting to order (5:16pm). Shane makes a motion to approve the minutes from last month, Marshall seconds. Marshall makes a motion to approve the agenda, Shane seconds.

OLD BUISNESS:

Board met at the ABC store on Sunday, June 3 2011, to take a physical inventory, so the board could get a better sense of the labor it takes to run the inventory. It took the board and store manager George Miller 5 hrs to take a physical inventory.

NEW BUISNESS:

During the boards emergency meeting, the board discussed and approved a budget for the upcoming fiscal year, with no oppisition.

With no further buisness Pat motions to adjourn, Shane seconds.

The next meeting will be held Monday July 11, 2010.

Chair, Pat Feagan

Marshall Watkins

Shane Blackwell

TOWN OF COLUMBUS

PUBLIC WORKS REPORT

FOR JUNE 2010

JUNE 1<sup>ST</sup>-4<sup>TH</sup> . ROUNDS: WELLS/LIFT STATIONS . CUT GRASS AT ALL PUMP STATIONS AND LIFT STATIONS. PUMPED OUT WET WELL AT HIGHWOODS WITH PUMP TRUCK BEFORE INSTALLING NEW PUMPS. INSTALLED NEW PUMPS AT HIGHWOODS APARTMENT ON THURSDAY. PICKED UP BRUSH. CHANGED OUT CHLORINE CYLINDERS AT LIFT STATIONS AND WELLS. DAILY WORK ORDERS.

JUNE 7<sup>TH</sup>-11<sup>TH</sup> ROUNDS: WELLS/LIFT STATIONS. MOWED STREET R.O.W'S. SEWER TAP MADE ON TIMOTHY LANE. BARRY HARMS FROM 'TENCARVA' HERE TO INSPECT PUMP INSTALLATION AT HIGHWOODS APARTMENTS. DIRTY WATER REPORTED AT WOODS DEVELOPMENT; BRIDGES RESIDENCE. MET WITH OWNER. DETERMINED THAT MOVING THEIR TAP AND INSTALLING A BLOW OFF WILL HELP PROBLEM. INSTALLED FILTER AT WELL HEAD TO DETERMINE IF SEDIMENT IS PUMPED FROM WELL; NO SIGN OF DIRTY WATER AT WELL HEAD. PICKED UP BRUSH. DAILY WORK ORDERS.

JUNE 14<sup>TH</sup>- 18<sup>TH</sup> ROUNDS: WELLS/LIFT STATIONS. MOWED GRASS IN TOWN. PICKED UP BRUSH. DISCOVERED LIGHTNING HIT WOODS WELL;OUT OF SERVICE. MET WITH PITTMAN WELL DRILLING. METER READING (15<sup>TH</sup>) RADIO READ NOT WORKING;ORDERED NEW ANTENNAE. READ RADIO READS NEXT DAY. FIXED WATER LEAK ON DENTON ST. FIXED WATER LEAK AT MACON BANK. PICKED UP BRUSH. 'DUN-RITE' SERVICES HERE TO MORTAR INSIDE OF MANHOLE #290. DAILY WORK ORDERS.

JUNE 21<sup>ST</sup>- 25<sup>TH</sup> ROUNDS: WELLS/LIFT STATIONS. CUT OFF LIST. MET WITH PITTMAN WELL DRILLING TO BEGIN PULLING PUMP AT WOODS WELL; BACK IN SERVICE. 'DUN-RITE' SERVICES HERE TO EPOXY MANHOLE #290 LOCATED ON SOUTH PEAK ST. ( THIS IS THE LAST PROJECT OF THE MANHOLE REHAB. PROJECT-ARRA FUNDING) RODNEY JAMES AND BOB SHENK FROM DUKE ENERGY FOR REPAIRS TO SCADA SYSTEM DAMAGED DURING LIGHTNING STRIKE AT WOODS WELL. DIRTY WATER REPORTED AT CASE ST. AND VIEW ST. REMOVED BIO- SOLIDS MONITORING WELLS (3)AT FRANK SMITH DAIRY . MOWED, TRIMMED GRASS IN TOWN. MOWED FIELD AT FIREWORKS SIGHT. BRUSH PICK UP. PLACED GRAVEL AROUND MANHOLE AT FIRE DEPT. MUSSELWHITE ELECTRIC HERE TO UPGRADE EVENT POWER SUPPLY PANELS. DAILY WORK ORDERS.

JUNE 28<sup>TH</sup> – 30<sup>TH</sup> ROUNDS: WELLS/LIFT STATIONS. VETERANS PARK MOWED, WEEDED IN PREPERATION OF WEEKS EVENTS. TRIMMED CREPE MYRTLES ON MAIN ST. MOWED FIRE DEPT. SET OUT TRASH CONTAINERS AT VETERANS PARK.MUSSELWHITE ELECTRIC HERE TO FINISH UPGRADES.;DUKE POWER HERE TO TIE IN EVENT PANELS. NUMBERED/MARKED LAYOUT FOR JULY 4<sup>TH</sup> EVENT. MOWED IN TOWN. 'MAINLINE SUPPLY' HERE TO LOOK AT INSTALLATION OF VISUAL SCALE FOR CLEARWELL. WOODS WELL DOWN. 'LINK ELECTRICAL' HERE TO CHECK MOTOR STARTER FOR WELL. GATHERED BANNERS, SIGNS , TENTS FOR 4<sup>TH</sup>. PICKED UP BRUSH. FILLED WATER TANK AT SANCTUARY DEVELOPMENT=45,000 GALLONS. DAILY WORK ORDERS.

# **COLUMBUS POLICE DEPARTMENT**

## **Department Head Report**

July 21st 2011 Council Meeting

*Chris Beddingfield, Police Chief*

- Statistical Data
- News/Unusual calls
- New Police Vehicle Fleet Update
- GHSP Grant Process Update

## June 2011 Incident Summary Report Town of Columbus Fire Department

Type of Incident	Number	Fire Fighter Hours Utilized
Structure Fire	1 (AA)	10:24
Vehicle Fire	1	9:34
Propane Gas Leak	1 (AA)	3:46
Arcing Electrical Lines	5	55:54
Electrical Wiring Problems	2	4:40
Aircraft Standby	2	5:27
Motor Vehicle Accident	5	28:16
Smoke Investigation	3	9:13
Fire Alarm Activation-	1	1:36
No Fire	1 (AA)	1:00
False Alarm	1	0:12
Assist Law Enforcement	4	13:12
Public Service	9	15:03
Medical Emergency	58	46:03
Dispatched & Cancelled	5 (AA)	0:58
Alarm Activation		
Dispatched & Cancelled	3 (AA)	1:39
Structure Fire		
Dispatched & Cancelled	1	0:05
Vehicle Fire		
Dispatched & Cancelled	3	0:21
Medical Emergency		

Dispatched & Cancelled	1	0:35
Public Service		
Totals for June 2011	107	205:13