

The Honorable Columbus County Board of Commissioners met in their said office at 8:00 A.M., June 3, 1991, it being the first Monday.

**BOARD MEMBERS PRESENT:**

Lynwood Norris, Chairman

Ed Worley, Vice Chairman

Junior Dew

Samuel G. Koonce

Mike Richardson

James E. Hill, Jr., Attorney

Roy L. Lowe, Administrator

Ida L. Smith, Clerk to Board

Chairman Lynwood Norris called the meeting to order and Reverend Wade Fowler gave the invocation.

**APPROVAL OF MINUTES**

A motion was made by Commissioner Koonce, seconded by Commissioner Richardson and passed unanimously to approve the minutes of May 20, 1991, 7:00 P.M. Department of Transportation public hearing, as recorded.

**SENIOR/AGING - BY-LAWS RATIFIED**

A motion was made by Commissioner Worley, seconded by Commissioner Dew and passed unanimously to ratify the By-laws of the Columbus County Department of Aging as follows:

**BY-LAWS**

**COLUMBUS COUNTY DEPARTMENT OF AGING**

**ARTICLE I**

Section 1. Name. The name of this organization shall be Columbus County Department of Aging, hereinafter referred to as "Department of Aging".

**ARTICLE II**

Section 1. Geographic District. The County of Columbus and the municipalities therein shall be eligible for activities, services and programs provided by the Department of Aging subject to the provisions of these bylaws.

**ARTICLE III**

**PURPOSE**

Section 1. To provide coordinated activities, services, and programs for adults sixty (60) years of age and older.

Section 2. To provide social interaction and opportunities for enrichment for these adults.

Section 3. To assist in preventing physical and psychological deterioration of these older adults by promoting independent living.

Section 4. To prevent the unnecessary and premature institutionalization of these older adults by providing in-home services, nutrition, and case assistance.

Section 5. To acquire and distribute such funds as necessary to pay costs of equipping and maintaining Senior Centers and Nutrition Sites, and to provide activities, services, and programs for the well-being of older adults.

Section 6. To provide ongoing evaluations of the activities, services and programs of the Department of Aging so as to meet the needs of the older adults in Columbus County.

Section 7. To promote community understanding of the aging process, and of the needs, problems, strengths, and resources of older adults.

Section 8. To provide one port of entry for older adult services through information, referral, and case assistance.

Section 9. To promote the health, safety and general welfare of older adults through activities, services, and programs in cooperation with other agencies.

#### ARTICLE IV

##### DUTIES AND FUNCTIONS

The Department of Aging shall:

Section 1. be an advocate on behalf of older adults;

Section 2. may accept and expend funds, grants, gifts, and/or services from the Government of the United States and its' agencies; from the state of North Carolina, or its' departments and agencies; from agencies or instrumentalities; from any governmental unit whether participating in the Department of Aging or not; and from other civic or private sources;

Section 3. establish an annual operating budget to meet the expenses of the approved program of work. Any such budget shall be authorized and approved by the Commissioners of Columbus County or their designee;

Section 4. have a fiscal year running from July 1 to June 30 except for those federal programs beginning on October 1;

Section 5. discuss questions within the scope of its stated purpose and make recommendations for action by the County Commissioners if such is deemed to be in the interest of the Department of Aging;

Section 6. promote agreements between governmental and non-governmental units and agencies to enhance activities, services, and programs delivery to older adults;

Section 7. have the right to perform and carry out such other powers, duties and responsibilities as may be authorized by the Commissioners of Columbus County provided such do not conflict with these bylaws or federal, state or county laws and statutes.

#### ARTICLE V

##### OFFICES

Section 1. The Department of Aging shall establish a principal office and such other offices as the Department of Aging may from time to time determine to be necessary for the business required of the Department.

## ARTICLE VI

## DEPARTMENT OF AGING BOARD OF DIRECTORS

Section 1. The Department of Aging shall have a Board of Directors/ Executive Committee, hereinafter referred to as Board of Directors, consisting of five (5) persons; a Chairperson; a First Vice-Chairperson; a Second Vice-Chairperson; a Secretary; a Treasurer. These named officers shall be elected from and by the voting members of the Department of Aging Advisory Council.

Section 2. The Board of Directors shall be elected one (1) from each Commissioner's district, and, beginning in fiscal year 1994, will be elected for not more than three (3) years.

Section 3. The Board of Directors may succeed themselves so long as they are voting members of the council.

Section 4. The Board of Directors shall be the Executive Board of the Advisory Council.

Section 5. The Board of Directors shall be directly responsible to the County Commissioners.

Section 6. Vacancies occurring on the Board of Directors during the year shall be filled by the Advisory Council.

Section 7. In addition to the Board of Directors named above an Executive Director shall be employed full time to conduct the major business activities of the Department of Aging. Said Executive Director shall be appointed in keeping with county policy.

Section 8. The Executive Director shall have the responsibility of appointing and discharging all other employees of the Department of Aging, subject to Columbus County personnel policy.

## ARTICLE VII

## DEPARTMENT OF AGING ADVISORY COUNCIL

Section 1. General Powers. The functioning of this Council shall be managed by the Board of Directors.

Section 2. Number. The Council shall consist of twenty-five (25) appointed representatives from Columbus County who are interested in, and supportive of, Department of Aging activities.

Section 3. Selection. The Council shall be appointed by the Columbus County Commissioners. Each Commissioner shall appoint five members from his/her district. At least three out of the five members appointed shall be over sixty (60) years of age. Minorities shall be represented in proportion to their percentage in Columbus County. The council shall prepare a list of qualified candidates to be presented to the Commissioners prior to any selection.

Section 5. *Ex-officio Members.* *Ex-officio members shall be limited to one representative from any agency providing services to older adults. Ex-officio members shall have no voting rights and shall not be allowed to hold office.*

#### ARTICLE VIII

##### REMOVAL OF ADVISORY COUNCIL MEMBERS

Section 1. *Removal.* *A council member may be removed for good cause by the County Commissioners or upon recommendation of four-fifths (4/5) of the members of the Advisory Council present at a regularly scheduled meeting.*

Section 2. *Absenteeism.* *When a council member shall fail to appear at three consecutive meetings of the council or at one-half of the meeting held during a two-year period, such person's membership on the council shall automatically be terminated, and shall be notified by the Secretary in writing. However, such member may, upon written request, be allowed to appear at the next regular meeting of the council to request reinstatement, and the council may, in its discretion and for good cause, **reinstate** that person as a member.*

#### ARTICLE IX

##### RESIGNATION

Section 1. *Resignation.* *A member may resign by written notice to the Chairman of the Board of Directors. The resignation shall be presented at the next regular Advisory Council meeting when it shall take effect.*

#### ARTICLE X

##### VACANCIES

Section 1. *Vacancies.* *Any vacancy occurring on the Advisory Council shall be filled by the Commissioner from whose district the vacancy occurs. The vacancy shall be filled to complete the unexpired term.*

#### ARTICLE XI

##### DUTIES

##### BOARD OF DIRECTORS, ITS OFFICERS, EXECUTIVE, DIRECTOR, AND ADVISORY COUNCIL

Section 1. *Board of Directors.* *The Board of Directors of the Department of Aging shall:*

- (a) *meet on a monthly basis with the Executive Director;*
- (b) *have power to transact all regular business of the council and Department of Aging, provided any action taken shall not conflict with the wishes of the County Commissioners and that it shall refer all matters of major importance to the full council;*
- (c) *serve as the review committee to satisfy all federal, state, and county program requirements provided by the Department of Aging;*
- (d) *be charged with the responsibility of reviewing Advisory Council reports and requests; reports and requests of the Executive Director; and other information in order to help set policy as herein specified and to recommend action to the council and/or County Commissioners;*

- (e) meet regularly with the Executive Director to consider current business, set policy, and act for the Advisory Council;
- (f) consider budget and program needs, and be an advocate on behalf of the Department of Aging to the County Commissioners and any others when feasible.

Section 2. Officers. The Chairperson shall preside at all meetings of

(a) Chairperson. The Chairperson shall have the authority to appoint committees and task forces as are necessary in coordination with the Board of Directors.

(b) First Vice-Chairperson.

At the request of the Chairperson, or in the Chairperson's absence or disability, the First Vice-Chairperson shall perform the duties and possess and exercise the powers of the Chairperson. The First Vice-Chairperson shall have such other powers as the Advisory Council may determine and shall perform such other duties as may be assigned by the council.

(c) Second Vice-Chairperson. At the request of the Chairperson, or in

the Chairperson's and First Vice-Chairperson's absence or disability, the Second Vice-Chairperson shall perform the duties and possess and exercise the powers of the Chairperson. The Second Vice-Chairperson shall have such other powers as the Advisory Council may determine and shall perform such other duties as may be assigned by the council.

(d) Secretary. The Secretary shall keep a complete record of all meetings of the Advisory Council and Board of Directors.

(c) The position of Treasurer shall be bonded. The Treasurer shall supervise all monies and securities of the Advisory Council and shall have same deposited in the name of the council in such bank or banks as the council determines. The Chairperson, the Treasurer and the Secretary shall be responsible for disbursement of such monies of the council.

Section 3. Executive Director. The Executive Director shall:

(a) Office.

maintain and manage the business office and programs of the Department of Aging.

(b) Property and Records. be custodian of all properties and records.

(c) Correspondence. Conduct correspondence as needed

(d) Meetings. Attend all department meetings and be prepared to report on business activities, meetings, proposals, cooperative endeavors, etc. in which the department is currently engaged or may be in the process of developing.

(e) Contacts. maintain close personal contact with representatives of federal, state, and local agencies cooperatively involved in accomplishing the objectives of the department.

- (f) *Legal Procedures.* acquire and maintain a working knowledge of the current laws, and procedures which govern federal, state, and local agencies in order that the Department of Aging may take full advantage of opportunities available through federal, state, local, and private funding.
- (g) *Budget.* prepare a proposed annual budget for consideration by the Cape Fear Council of Governments and the Commissioners of Columbus County.
- (h) *Annual Report.* prepare an annual report for the Cape Fear Council of Governments and other reports as required.
- (i) *Supervision.* be responsible for the supervision of other employees of the Department of Aging.
- (j) *Hiring.* be responsible for hiring all new employees for the Department of Aging as specified in the Columbus County Personnel Policy Handbook.

Section 4. *Advisory Council.* The Advisory Council shall:

- (a) *Advise.* give advise and make recommendations to the Board of Directors;
- (b) *Committees.* act as committees in cooperation with the Board of Directors to perform necessary tasks;
- (c) *Picnic.* plan and conduct an annual picnic for the senior adults of Columbus County during Older Americans Month, in the month of May;
- (d) *Fund Raising.* act as a fund raising committee;
- (e) *Advocate.* act as an advocate for the Department of Aging and for the older adults of Columbus County.

ARTICLE XII

MEETINGS

Section 1. *Regular Meetings.* Regular meetings of the council shall be held monthly, except for the summer months.

Section 2. *Special Meetings.* Special meetings of the council may be called and held for any purpose. Special council meetings may be called by the chairperson or twenty percent (20%) of the members of the council.

Section 3. *Annual Meeting.* An annual meeting of the council shall be held in the month of May of each year, to coincide with the annual picnic.

Section 4. *Board of Directors.* The Board of Directors shall meet monthly which shall include any meetings of the full council.

ARTICLE XIII

NOTICE OF MEETINGS

Section 1. *Regular Meetings.* Notice of meetings of the council shall be given not less than five (5) days before each regular meeting. There shall be public notices of meetings provided through the local media.

Section 2. Special Meetings. Notice of the date, time, and place of any special meeting of the council shall be given to each member at least forty-eight (48) hours prior to the date of such special meeting stating the purpose of the meeting.

Section 3. Annual Meeting. Notice of the annual council meeting shall be publicly announced through the local news media at least two weeks prior to such meeting.

#### ARTICLE XIV

##### QUORUM

Section 1. Advisory Council. Those members present at any regular meeting or properly called special meeting of the council shall constitute a quorum.

Section 2. Board of Directors. To constitute a quorum, at least three board members must be present.

#### ARTICLE XV

##### VOTING

Section 1. Advisory Council. Each member at the time any vote or action of the Advisory Council is taken upon any matter shall be entitled to cast one vote with respect thereto. The vote cast or action taken by a majority of the members present and voting and constituting a quorum at a meeting shall control.

#### ARTICLE XVI

##### COMPENSATION OF THE BOARD AND COUNCIL MEMBERS

Section 1. Compensation. No members shall be entitled as a right to any compensation for attendance at meetings of the council. The council shall determine any compensation for other services.

#### ARTICLE XVII

##### RULES OF PROCEDURE

Section 1. Rules of Procedure. All meetings shall be governed according to Robert's Rules or Order Revised.

#### ARTICLE XVIII

##### AMENDMENTS

Section 1. Amendments. These bylaws may be amended or repealed and new bylaws adopted by the affirmative vote of two-thirds (2/3) of those present at any meeting of the members of the council. A written copy of the proposed amendment changes shall be provided to all Advisory Council members at least two (2) weeks prior to the meeting at which they are to be considered.

#### DISCLAIMER

All actions or clauses which are in conflict with federal, state, or county bylaws are hereby repealed.

These bylaws supersede and replace any and all bylaws previously governing the Department of Aging.

These bylaws ratified June 3, 1991 by the Commissioners of Columbus County.

**BOARD OF DIRECTORS**

**COUNTY**

/s/ T. Ben Douglas  
Chairperson

/s/ Lynwood Norris, Chairman  
County Commissioners

/s/ Lloyd D. Best  
First Vice-Chairperson

/s/ Ida L. Smith  
Clerk to the Board

/s/ C. W. Williams  
Second Vice-Chairperson

/s/ Roy L. Lowe  
County Administrator

/s/ Irene Young  
Secretary

/s/ Barbara L. Sasser  
Treasurer

**BUDGET AMENDMENT - AGING/SENIOR CENTER**

A motion was made by Commissioner Dew, seconded by Commissioner Worley and passed unanimously to approve the following budget amendment:

Accept 12-348-0600 Long Term Screening - CAP Chore	\$ 96,890.00
Accept 12-348-0700 Personal Care Services Chore	73,720.00
Accept 12-348-0900 Title XX Chore	40,020.00

To be expended as follows:

12-609-0300 Salaries	\$223,240.00
12-609-1400 Travel	900.00
12-610-1400 Travel	1,400.00
12-612-3200 Supplies	2,000.00
Decrease 12-609-4500 Contract Services	(15,300.00)
Decrease 12-612-5700 Miscellaneous	( 795.00)
Decrease 10-613-5700 Miscellaneous	( 450.00)
Decrease 12-614-5700 Miscellaneous	( 365.00)

**APPOINTMENTS - YOUTH TASK FORCE**

A motion was made by Commissioner Koonce, seconded by Commissioner Richardson and passed unanimously to appoint the following persons to serve on the Columbus County Youth Task Force as officers for Fiscal Year 1991-92.

Chairperson  
Vice Chairperson  
Secretary  
Assistant Secretary  
Parliamentarian  
Public Relations

Ruth Storms  
Bill Triplett  
Becky Melvin  
Franklin Thurman  
James Prevatte  
Judy Spivey

**SOUTHEASTERN COMMUNITY COLLEGE - REQUEST & APPROVAL TO USE REVENUE SHARING FUNDS**

The Administrator presented a letter of request from Lonnie Fox, Southeastern Community College Dean of Operations and Finance, requesting the \$16,014 remaining in the SCC revenue sharing funds to be used to repair and resurface the perimeter road on campus from the east entrance to the "G" Building parking lot in the rear of the campus.

A motion was made by Commissioner Koonce, seconded by Commissioner Dew and passed unanimously to approve the request from Southeastern Community College which will allow them to use funds in the amount of \$16,014 to resurface and repair the road on campus as described.

CONTRACT - SOCIAL SERVICES FOR FOOD STAMPS ISSUANCE WITH COST CONTAINMENT

A motion was made by Commissioner Dew, seconded by Commissioner Worley and passed unanimously to approve the following Contract with Cost Containment, Incorporated for the issuance of food stamps as follows:

ADDENDUM #2

DATED: April 24, 1991

In reference to the Contract dated June 18, 1990, by and between the County of Columbus, and Cost Containment, Incorporated for the direct mail issuance of Food Stamp coupons, Columbus County is using its option to continue said Contract until June 30, 1992 at the same cost and specifications to include any and all addendums.

IN WITNESS WHEREOF, the parties through their duly authorized representative names on the day and year listed below.

/s/ Lynwood Norris  
Columbus County Official

Sworn and subscribed to before me this the 3rd day of June, 1990.

/s/ Ida L. Smith  
Notary Public

ATTEST:

/s/ Donald Morrison  
Board Member

By: /s/ Doris L. Conklin  
Administrative Manager

BUDGET AMENDMENTS

A motion was made by Commissioner Worley, seconded by Commissioner Dew and passed unanimously to approve the following budget amendments:

SHERIFF:

Accept 10-349-00 Columbus County DEA	\$2,539.80
Expend 10-510-7401 DEA - Capital Outlay	2,539.80

CAPITAL PROJECTS - LAND RECORDS:

Accept 60-348-0200 State Aid - Land Records	\$ 831.00
Expend 60-450-0400 Land Records Professional Ser.	831.00

SOCIAL SERVICES:

Accept 40-348-08 Crisis Intervention	\$1,150.00
Expend 40-616-0000 Crisis Intervention	1,150.00

HEALTH - GENERAL:

Accept 10-348-1501 Environmental State Funds	\$ 750.00
Expend 10-590-02 Salaries	750.00

ORDINANCE - FLOOD DAMAGE PREVENTION ADOPTED

The Administrator presented a new "Flood Damage Prevention Ordinance" and requested the Board to consider adopting the new Ordinance in order to keep the County eligible for Flood Insurance and rescind the "Flood Damage Prevention Ordinance" that was adopted on March 17, 1987.

A motion was made by Commissioner Dew, seconded by Commissioner Koonce and passed unanimously to rescind the "Flood Damage Prevention Ordinance" adopted on March 17, 1987 and adopt the following ordinance effective June 3, 1991. The Ordinance has been recorded in Ordinance Book 1, pages 70 through 87.

**NATIONAL FLOOD INSURANCE  
FLOOD DAMAGE PREVENTION ORDINANCE**

**Regular Phase**

**ARTICLE 1: STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.**

**SECTION A. STATUTORY AUTHORIZATION.**

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160 of the North Carolina Statutes, delegated the responsibility to local government units to adopt regulations designated to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Columbus County, North Carolina does ordain as follows:

**SECTION B. FINDINGS OF FACT.**

- (1) The flood hazard areas of Columbus County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**SECTION C. STATEMENT OF PURPOSE.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accomodation of flood waters;
- (4) control filling, grading, dredging, and other development which may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**SECTION D. OBJECTIVES.**

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditures of public money for costly flood control projects;

- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (7) to insure that potential home buyers are notified that property is in a flood area.

#### ARTICLE 2. DEFINITIONS:

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request from a review of the local administrator's interpretation of any provision of this ordinance.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

"Area of shallow flooding" means a designated AO or VO Zone on community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the floodplains within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that lowest level or story which has its floor subgrade on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect's certificate.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

**"Elevated building"** means a non-basement building (a) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, or X to have the top of the elevated floor, or in the case of a building in Zones VI-V30, VE, or V to have the bottom of the lowest horizontal structural member of the elevated floor above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water and (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the area below is enclosed by means of breakaway walls if the breakaway walls meet the standards of Article 5, Section B(5) of this ordinance.

**"Existing manufactured home park or manufactured home subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

**"Expansion to an existing manufactured home park or subdivision"** means the preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

**"Flood"** or **"flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and,
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**"Floor"** means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

**"Functionally dependent facility"** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

**"Historic Structure"** means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**"Manufactured home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**"Manufactured home park or subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**"National Geodetic Vertical Datum (NGVD)"** as corrected in 1929 is a vertical control used as a reference for establishing within the floodplain.

**"New construction"** means structures for which the "start of construction" commenced on or after the effective date of this ordinance and includes any subsequent improvements to such structures.

**"New manufactured home park or subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of this ordinance.

**"Nonconforming building or use"** means any legally existing building or use which fails to comply with the provisions of the ordinance.

**"Recreational vehicle"** means a vehicle which is: (a) built on single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Remedy a violation"** means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

**"Start of construction"** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), include substantial improvement, and means the date of the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction or columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**"Structure"** means, for floodplains management purposes, a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "substantial improvement".

**"Substantial improvement"** means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the

improvements. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Substantially improved existing manufactured home park or subdivision" means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

### **ARTICLE 3. GENERAL PROVISIONS.**

#### **SECTION 1. LANDS TO WHICH THIS ORDINANCE APPLIES.**

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Columbus County.

#### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.**

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Maps, dated June 3, 1991, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

#### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.**

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

#### **SECTION D. COMPLIANCE.**

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

#### **SECTION E. ABROGATION AND GREATER RESTRICTIONS.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**SECTION F. INTERPRETATION.**

In the interpretation and application of this ordinance all provisions shall be (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

**SECTION G. WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Columbus County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**SECTION H. PENALTIES FOR VIOLATION.**

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Board of Commissioners from taking such other lawful action as is necessary to prevent or remedy any violation.

**ARTICLE 4. ADMINISTRATION.****SECTION A. DESIGNATION OF LOCAL ADMINISTRATOR.**

The County Administrator is hereby appointed to administer and implement the provisions of this ordinance.

**SECTION B. DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.**

Application for a Development Permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The Development Permit may include, but not be limited to, plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations on the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities. Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with Article 4, Section C(10), the application for a Development Permit within the Zone A on the Flood Insurance Rate Map shall show:
  - (a) the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
  - (b) if the structure has been floodproofed in accordance with Article 5, Section B(2), the elevation (in relation to mean sea level) to which the structure was floodproofed.

- (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least 2 feet above the highest adjacent grade.
- (3) Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the floodcarrying capacity on the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential floodproofed structure meets the floodproofing criteria in Article 5, Section B(2).
- (5) A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest flood elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

**SECTION C. DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.**

Duties of the local administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the requirements of this ordinance have been satisfied;
- (2) Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- (5) Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Article 5 are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4, Section B(5).
- (7) Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed, in accordance with Article 4, Section B(5).
- (8) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 5, Section B(2).
- (9) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (10) When base flood elevation data or floodway data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, including data developed pursuant to Article 5, Section D(4), in order to administer the provisions of this ordinance.
- (11) Make on-site inspections of projects in accordance with Article 4, Section D.
- (12) Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Article 4, Section D.
- (13) Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- (14) Annexation. Provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two (2) copies of the maps delineating new corporate limits within six months from date of annexation or change in corporate boundaries.

**SECTION D. ADMINISTRATIVE PROCEDURES.**

- (1) Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.

- (2) Stop-Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (3) Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (4) Periodic Inspections: The local administrator and each member of his inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (5) Violations to be Corrected: When the local administrator finds violations of applicable State and local laws, it shall be his duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law in the property he owns.
- (6) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him written notice, by certified or registered mail to his last known address or by personal service.
- (a) that the building or property is in violation of the Flood Damage Prevention Ordinance;
- (b) that a hearing will be held before the local administrator at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
- (c) that following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (7) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, the administrator may prescribe; provided that where the administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.

- (8) Appeal: Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the administration shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (9) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

**SECTION E. VARIANCE PROCEDURES.**

- (1) The Board of Commissioners as established by Columbus County shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (4) In passing upon such applications, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept on to other lands to the injury of others;
  - (b) the danger to life and property due to flooding or erosion damage;
  - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (d) the importance of the services provided by the proposed facility to the community;
  - (e) the necessity to the facility of a waterfront location, where applicable;
  - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (g) the compatibility of the proposed use with existing and anticipated development;
  - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;

- (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, at the site; and,
  - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (6) Variances shall not be issued within any designated floodway, if any increase in flood levels during the base flood discharge would result.
- (7) Conditions for Variances:
- (a) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
  - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (c) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii), a determination that failure to grant the variance would result in exceptional hardship; and, (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - (d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be build and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
  - (e) The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.**

**SECTION A. GENERAL STANDARDS.**

In all areas of special flood hazard the following provisions are required:

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (3) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;

- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
- (8) Any alteration, repair, reconstruction, or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Non-Conforming Buildings or Uses: Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the Floodway Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

#### **SECTION B. SPECIFIC STANDARDS.**

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Article 3, Section B, or Article 4, Section C(10), the following provisions are required:

- (1) Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- (2) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufacture homes) shall have the lowest floor, including basement, elevated no lower than two (2) feet above the level of the base flood elevation. Structures located in A-zones may be floodproofed in lieu of elevation provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section B(5).

(3) Manufactured Homes:

- (a) Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision or, (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (b) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Article 5, Section B(3a) of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than 2 feet above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
- (c) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Mobile Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to NCGS 143.143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the sight, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the local administrator and the local Emergency Management Coordinator.

(4) Recreational Vehicles: A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:

- (a) be on site for fewer than 180 consecutive days;
- (b) be fully licensed and ready for highway use; or
- (c) meet the requirements of Article 4, Section B and Article 5, Sections A and B(3).

- (5) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
- (i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - (ii) The bottom of all openings shall be no higher than one foot above grade; and
  - (iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- (6) Temporary Structures. Prior to the issuance of a development permit, for a temporary structure, the following requirements must be met:
- (a) All applicants must submit to the local administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
- (i) the name, address and phone number of the individual responsible for the removal of the temporary structure;
  - (ii) the time frame prior to the event at which a structure will be removed;
  - (iii) a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
  - (iv) designation, accompanied by documentation, of a location outside the floodplains to which the temporary structure will be moved.
- (b) The above information shall be submitted in writing to the local administrator for review and written approval.

(7) Accessory Structure. When accessory structure (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation;
- (b) Accessory structures shall be designed to have low flood damage potential;
- (c) Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1); and
- (d) Service facilities such as electrical and heating equipment shall be elevated in accordance with Article 5, Section A(4).

(8) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:

- (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in increase in the flood levels during the occurrence of the base flood. Such certification and technical data should be presented to the local administrator.
- (b) If Article 5, Section B(6a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (c) No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Article 5, Section B(3) are met.

**SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.**

Located within the areas of special flood hazard established in Article 3, Section B, are small streams where no base flood data has been provided or where no floodways have been identified. The following provisions apply within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to 2 times the width of the stream at the top of the bank or twenty feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- (2) If Article 5, Section C(1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Article 5 and shall be elevated or floodproofed in accordance with elevations established in accordance with Article 4, Section C(10). When base flood elevation data is not available from a Federal State, or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

**SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty lots or five acres.

**SECTION E. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of non-residential structures shall:
- (a) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,
- (b) be completely floodproofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance.

Adopted on: June 3, 1991.

By: /s/ Lynwood Norris  
 /s/ Ed Worley  
 /s/ Junior Dew  
 /s/ Mike Richardson  
 /s/ Samuel G. Koonce

Certified by: /s/ Ida L. Smith

Date: June 3, 1991

APPOINTMENT - CHILD PROTECTION COMMITTEE

A motion was made by Commissioner Dew, seconded by Commissioner Worley and passed unanimously to appoint Ruth Whitley to serve as Chairman of the Child Protection Committee representing Columbus County Social Services, effective July 1, 1991.

SOLID WASTE - BIDS FOR INSTALLATION OF SCALES AT LANDFILL TABLED

The Administrator reported that he had received three local bids towards the preparation of the foundation for scales for the Landfill.

The Board reached a general concensus to table the matter until a later date.

TAX RELEASES

A motion was made by Commissioner Richardson, seconded by Commissioner Koonce and passed unanimously to approve the tax releases as recommended by the Tax Supervisor.

John Frank Carter; building (pack house) burned in 1981. Amount \$6.88, valuation \$800, year 1982, account #01-13145.

Investors Management Corporation; M-5-119, lot and house sold per Deed book and page 399/574 and rebilled to Richard & Lisa Thomas on #11-27143. Amount \$399.90, valuation \$45,200, years 1989-90, account #11-13925.

Christine W. Lewis; 1977 Mercury junked. 1982 Chevrolet double-listed to Ted Williams. Amount \$146.97, valuation \$17,035, account #13-23620 and 12-16245.

Boyd Lee & Margaret Thompson; WH-3-54 valuation reduced to \$15,900. Property measured incorrectly. Amount \$49.00, valuation \$7,000, year 1990, account #01-93100.

Thompson Signs; billboard gone for year 1990. Amount \$20.42, valuation \$3,003, account #01-92948.

Sarah Bellamy; 1976 Oldsmobile junked in 1985. Amount \$13.24, valuation \$1,400, year 1986, account #17-01990.

Mary Francis Emick; 1981 Datsun listed in Brunswick County. Amount \$44.46, valuation \$4,700, year 1986, account #17-10520.

Foster Geynell King; 1982 GMC Truck listed in Bladen County. Amount \$121.69, valuation \$2,900, year 1990, account #17-21772.

Timothy Wayne Long; 1986 Pontiac listed in Brunswick County. Amount \$158.42, valuation \$7,810, year 1990, account #17-23726.

Eddie Ray Malpass; 1978 Dodge double listed to Malpass Logging #15-25290. 1986 Ford repossessed December, 1989. Amount \$164.48, valuation \$8,620, year 1990, account #17-25455.

Brian Keith Smith; 1988 Nissan wrecked and totalled in 1988. Amount \$288.12, valuation \$11,780, years 1989-90, account #17-33697.

Tara Jane Smith; 1981 Honda Civic sold for junk. Amount \$111.07, valuation \$1,470, year 1990, account #17-34513.

David Michael Warren; 1977 Plymouth listed in Davidson County. Amount \$104.27, valuation \$570, year 1990, account #17-40088.

Virginia Karen Williamson; 1980 Pontiac double-listed to Ricky D. Worley #02-09123. Amount \$115.63, valuation \$2,090, year 1990, account #17-41521.

WATER BONDS - ORDER AUTHORIZATION

James E. Hill, Jr., County Attorney, presented the Board with the notice from the Local Government Commission that the application of the Columbus County Water and Sewer District I for approval of bonds has been filed and accepted for submission as follows:

A regular meeting of the Board of Commissioners for the County of Columbus, North Carolina, was held at the Columbus County Administrative Building, 111 Washington Street, in Whiteville, North Carolina, the regular place of meeting, at 8:00 A.M., on June 3, 1991.

Present: Chairman Lynwood Norris, presiding, and Commissioners Samuel G. Koonce, Edward D. Worley, Junior Dew, and Michael Richardson.

Absent: None

Also present: Gayle Godwin, Finance Officer, and Ida Smith, Clerk to the Board of Commissioners.

\* \* \* \* \*

Commissioner Worley introduced the following order authorizing bonds which was read:

ORDER AUTHORIZING  
\$1,250,000 WATER BONDS

WHEREAS, pursuant to Article 6 of Chapter 162A of the General Statutes of North Carolina, the Columbus County Water and Sewer District I, in Columbus County, North Carolina, was duly created for the purpose of providing water service to the residents of the territory included within said District and vested with the powers set forth in said Article 6;

WHEREAS, the Board of Commissioners for the County of Columbus, North Carolina, has found, determined and declared that there is a demonstrable need for providing water service in said District; and

WHEREAS, pursuant to said Article 6, said Board is the Governing Body of said District; now, therefore,

BE IT ORDERED by the Board of Commissioners for the County of Columbus, North Carolina:

1. That, pursuant to Article 6 of Chapter 162A of the General Statutes of North Carolina and the Local Government Bond Act, as amended, the Columbus County Water and Sewer District I, in Columbus County, North Carolina, is hereby authorized to contract debt, in addition to any and all other debt which said District may now or hereafter have power or authority to contract, and in evidence thereof to issue Water Bonds in an aggregate principal amount not exceeding \$1,250,000 for the purpose of providing funds, with any other available funds,

for constructing a water system of said District, including the construction and installation of water mains and lines, an elevated water storage tank and appurtenant facilities for the transmission and distribution of water to be provided by the Town of Tabor City, North Carolina and the acquisition of necessary land, rights of way and equipment.

2. That taxes shall be levied in said District in an amount sufficient to pay the principal of and the interest on said bonds.

3. That a sworn statement of the debt of said District has been filed with the Clerk to said Board and is open to public inspection.

4. That this order shall take effect when approved by the voters of said District at a referendum as provided in the Local Government Bond Act, as amended.

The Board of Commissioners thereupon designated the Finance Officer for the County as the officer whose duty it shall be to make and file with the Clerk to the Board of Commissioners the sworn statement of debt of the District which is required by The Local Government Bond Act, as amended, to be filed after the bond order has been introduced and before the public hearing thereon.

Thereupon the Finance Officer filed with the Clerk to the Board of Commissioners, in the presence of the Board of Commissioners, the sworn statement of debt as so required.

Thereupon the order entitled: ORDER AUTHORIZING \$1,250,000 WATER BONDS" was passed on first meeting.

On motion duly made, seconded and unanimously carried, the Board of Commissioners fixed 7:30 P. M., on June 17, 1991, at the Columbus County Administrative Building, 111 Washington Street in Whiteville North Carolina as the hour, day and place for the public hearing upon the foregoing order and directed the Clerk to the Board of Commissioners to publish said order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The News Reporter not later than the sixth day before said date.

\* \* \* \* \*

I, Ida Smith, Clerk to the Board of Commissioners for the County of Columbus, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the Board of Commissioners for said County at a regular meeting held on June 3, 1991 as relates in any way to the introduction and passage on first reading of an order authorizing \$1,250,000. Water Bonds of the Columbus County Water and Sewer District I and the calling of a public hearing upon said order and that said proceedings are recorded in Minute Book 21, of the minutes of of said Board, beginning on page 244 and ending on page 245.

I DO HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board are held at the Columbus County Administrative Building, 111 Washington Street in Whiteville, North Carolina, on the first Monday of each month at 8:00 A. M. and on the third Monday of each month at 7:30 P. M., has been on file in my office pursuant to G. S. 143-318.12 as of a date not less than seven days before said meeting.

WITNESS my hand and the corporate seal of said County, this 3rd day of June, 1991.

(SEAL)

/s/ Ida L. Smith  
Clerk to the Board of Commissioners

\* \* \* \* \*

COLUMBUS COUNTY WATER AND SEWER DISTRICT I,  
NORTH CAROLINA

SWORN STATEMENT OF DEBT MADE PURSUANT TO THE  
LOCAL GOVERNMENT BOND ACT, AS AMENDED

I, Gayle Godwin, Finance Officer for the County of Columbus, North Carolina, having been designated by the Board of Commissioners for said County to make and file with the Clerk to said Board a statement of the debt of the Columbus County Water and Sewer District I pursuant to The Local Government Bond Act, as amended, DO HEREBY CERTIFY that the following is a true statement as shown by the books in my office, not taking into consideration any debt incurred or to be incurred in anticipation of the collection of taxes or other revenues or in anticipation of the sale of bonds other than funding and refunding bonds:

(a) GROSS DEBT

a(1) Outstanding debt evidenced by bonds.....	NONE
a(2) Bonds authorized by an order introduced on June 3, 1991, but not yet adopted:	
Water Bonds.....	\$1,250,000
a(3) Unissued bonds authorized by adopted orders:.....	NONE
a(4) Outstanding debt, not evidenced by bonds.	\$.....NONE
(a) GROSS DEBT, being the sum of a(1), a(2), a(3) and a(4).....	<u>\$1,250,000</u>

(b) DEDUCTIONS

b(1) Funding and refunding bonds authorized by order introduced but not yet adopted.....	NONE
b(2) Funding and refunding bonds authorized but not yet issued.....	NONE
b(3) The amount of money held in sinking funds or otherwise for the payment of any part of the principal of gross debt other than debt incurred for water, gas electric light or power purposes, or sanitary sewer purposes (to the extent that the bonds are deductible under G.S. 159-55(b), or two or more of said purposes..	\$.....-0-.....

b(4) Bonded debt included in gross debt and incurred, or to be incurred, for water, gas, or electric light or power purposes, or any two or more said purposes..... \$1,250,000

b(5) Bonded debt included in gross debt and incurred, or to be incurred, for sanitary sewer system purposes to the extent that said debt is made deductible by G. S. 159-55(b)..... NONE

b(6) Uncollected special assessment heretofore levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that such assessments will be applied, when collected, to the payment of any part of the gross debt..... \$...-0-....

b(7) Estimate of special assessments to be levied for local improvements for which any part of the gross debt (that is not otherwise deducted) was or is to be incurred, to the extent that the special assessments, when collected, will be applied to the payment of any part of the gross debt..... \$...-0-....

(b) DEDUCTIONS, being the sum of b(1), b(2), b(3), b(4), b(5), b(6) and b(7)..... \$1,250,000

(c) NET DEBT

(c) NET DEBT, being the difference between the GROSS DEBT (a) and the DEDUCTIONS (b)..... \$...-0-....

(d) APPRAISED VALUE

(d) APPRAISED VALUE of property subject to municipal taxation before the application of any assessment ratio, being the value fixed in 1990..... \$...-0-....

(e) DEBT RATIO

(e) Percentage which the NET DEBT (c) bears to the APPRAISED VALUE (d)..... 0 . 0 %

The foregoing statement is true.

/s/ Gayle B. Godwin  
Finance Officer for the County  
of Columbus, North Carolina

STATE OF NORTH CAROLINA )  
                                  )  
COUNTY OF COLUMBUS      ) ss.:

Subscribed and sworn to before me this 3rd day of June, 1991.

/s/ Helen B. Register  
Notary Public

My Commission expires 6-15-91

\* \* \* \* \*

I, Ida Smith, Clerk to the Board of Commissioners for the County of Columbus, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of a statement which was filed with me at a meeting of the Board of Commissioners for said County held on June 3, 1991, after the introduction and before the public hearing upon an order authorizing bonds of the Columbus County Water and Sewer District I, and that

said statement is open to public inspection in my office.

WITNESS my hand and the corporate seal of said County, this 3rd day of June, 1991.

/s/ Ida L. Smith  
Clerk to the Board of  
Commissioners

(SEAL)

MEETING RECESSED

The Administrator stated that due to the uncertainty of the state proposed reimbursements to local governments, he requested the Board consider recessing the meeting until Monday, June 10, 1991, for the 1991-92 Proposed Budget presentation.

A motion was made by Commissioner Richardson, seconded by Commissioner Koonce and passed unanimously to recess the meeting until 7:30 A.M., Monday, June 10, 1991, for the 1991-92 Columbus County Proposed Budget presentation.

APPROVED:

Ida L. Smith  
Clerk to the Board

Lawrence Nowis  
Chairman

\* \* \* \* \*