

**COLUMBUS COUNTY BOARD OF COMMISSIONERS****February 15, 2010****6:30 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, for the purpose of conducting their regular scheduled meeting on the third Monday.

**COMMISSIONERS PRESENT:**

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

**APPOINTEES PRESENT:**

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

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

At 6:30 P.M., Chairman P. Edwin Russ called the February 15, 2010 Columbus County Board of Commissioners Regular Session Board Meeting to order. The invocation was delivered by Commissioner Ricky Bullard. Everyone in attendance stood and pledged Allegiance to the Flag of the United States of America which was led by Vice Chairman Giles E. Byrd.

**ANNOUNCEMENT:**

Chairman Russ announced that due to an error in the advertisement for the Subdivision Ordinance Public Hearing, we have two (2) public hearings scheduled for 7:00 P.M. Our Rules of Procedure state that our public hearings will be thirty (30) minutes apart, therefore, the public hearing for the Subdivision Ordinance will be held at 7:30 P.M.

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

Commissioner Norris made a motion to approve the January 25, 2010 Workshop for the Columbus County Proposed Subdivision Ordinance Minutes, and the February 01, 2010 Regular Session Board Meeting Minutes, as recorded, seconded by Commissioner Prevatte. The motion unanimously passed.

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

Chairman Russ opened the floor for public input. The following spoke:

**Jim C. Nance, 4248 Princess Ann Road, Chadbourn, NC 28431:** stated the three (3) minutes, per person, limit that is allowed for public input is not enough time for anyone to thoroughly express their opinion on an issue. I would like for the Board to consider allowing more time.

**APPROVAL for AGENDA ADD-ON:**

Commissioner Bullard made a motion to approve the Agenda Add-on for the Tax Department, seconded by Commissioner Norris. The motion unanimously passed.

**Agenda Item #6: MENTAL HEALTH SYSTEM - UPDATE on the STATE'S MENTAL HEALTH SYSTEM and the LOCAL MANAGEMENT ENTITY (LME):**

Sharen Prevatte, CEO of Southeastern Regional Mental Health, delivered the following update to the Board on the State's Mental Health System and the Local Management Entity (LME):

1. I have provided for you a document which provides to you the Columbus County statistical Data for the 1<sup>st</sup> quarter of fiscal year 2009-2010, and the Catchment Area Statistical Data for the 1<sup>st</sup> quarter of fiscal year 2009-2010;

2. The cuts that we have had were higher, or deeper, that we had anticipated;
3. From the services' side, we were needing to look at each individual consumer, and the contracts we had with providers, and in some cases, we had to reduce the amount of time the consumers could receive for a particular service, but we were able to stretch the dollar so that they were providing some services all year;
4. As new funding becomes available, we will then increase those services from time to time, as needed and as requested;
5. From the Administrative side, we received an approximate five (5%) percent cut, and in order to adjust to that, we needed to have ten (10) vacancies in our system;
6. Seven (7) of the vacancies were already held as vacancies and were not planned to be filled, therefore, we had three (3) we had to do a reduction in force;
7. We had two (2) individuals that resigned to take other positions, and therefore, we did not have to lay off those three (3) people that were planned to be laid off on November 15, 2009;
8. There are changes that are happening with Mental Health;
9. The current changes are to go from the providers that do individual services (approximately 213 providers that provide services across our four -4- counties);
10. The new requirements that are coming down from the State are indicating that we are to go back to what we had ten (10) years ago, and that is providers that did an array of services;
11. This is to be in place and ready to go by the first of July, 2010;
12. The Local Management Entity (LME), the Administrative side of the system, is also going to be going through changes;
13. They are looking at reducing the number of LME's from twenty-four (24) to a smaller number over the next three to five (3-5) years;
14. By this time next year, we should have more direction as to what that change will be;
15. We have a Critical Incident Training going on in Lumberton, and you have four (4) individuals from the Whiteville City Police Department who are involved, and two (2) individuals from the Columbus County Sheriff's Department; **and**
16. On April 1, 2010, we will have our local Stakeholders Meeting from 11:00 A.M. to 1:00 P.M., at Cooperative Extension Building, and we will have a Local Crisis Collaborative later that afternoon.

**Agenda Item #7: COURTHOUSE COMMITTEE - REPORT:**

The Honorable Rex Gore, District Attorney, delivered the following report from the Columbus County Courthouse Committee.

1. I am the facilitator for the Columbus County Courthouse Committee;
2. Our primary goal is to keep our costs down;
3. In the last two (2) months, we have had a restoration architect and engineer who came in and looked at our present Courthouse;
4. The architect and engineer who visited the Courthouse stated, and we keep hearing this repeatedly, is that ***"we have an architecturally significant building in our Courthouse"***, especially the outside, and that is generally what they are talking about is the outside, but architecturally, ***"it is a wonderful piece of architecture to have"***;
5. The restoration architect and engineer have looked at the building, and they have made some recommendations, and these are some things that will be for consideration at a later point that we will asking you to look at on down the road;
6. One of the other things that we have done is that the Administrative Office of the Courts, who is responsible for the personnel that works in the Courthouse, they have come down on Friday, a week ago, and looked, did a tour, and met with stakeholders inside the Court system for a preliminary look at how much space, trying to give us some ideas about future space, future needs, and also to assess the building that we are in;
7. This has been done in the past, but this is the latest group that we had to come down to do that, and we expect to hear from them in the near future;
8. The biggest thing that we have done is we have interviewed four (4) architectural firms with the idea of getting a Needs Assessment done, and this is really the first step in putting us to a point where we can come back as a group and give the Board some options and give you something to consider;
9. This particular part of the project will allow them to come in, look at our present facilities, look at our expanded growth possibilities, and be able to predict with some certainty what we will need in the future;
10. They will be identifying those specific needs and will perhaps be giving us some ideas of some options that are available;
11. The sub-committee made up of six (6) members had these groups to come in and make

- presentations, basically saying if you let us do the Needs Assessment, this is how much we will charge you;
12. Through negotiations with each of the firms, Mr. Clark was able to obtain a clear understanding that if they were chosen, or recommended, to do a Needs Assessment, they would do it on the condition there would be no upfront money to do that;
  13. The architect firm that is chosen would roll in the cost for the Needs Assessment into their total package;
  14. If for some reason, the architect firm that did the Needs Assessment was not chosen for the project, then that architect firm would send a bill for their work;
  15. After meeting with all four (4) groups, their proposals for how much the assessment would cost ranged from \$12,500 to \$30,000;
  16. Without taking those estimates into consideration, the Committee voted and are recommending to you that we use Ware Bonsall as the group to do the assessment;
  17. After we got the full committee's approval to move forward with that, we asked to bring this presentation to the Board;
  18. Mr. Clark got a reduced price from Ware Bonsall, and they did not know that we were going to recommend them, and their price went down from \$15,000 to \$9,750 to do the Needs Assessment Appraisal;
  19. The Needs Assessment Appraisal will take approximately five to six (5-6) weeks;
  20. They will come in and talk to all the stakeholders, they would do measurements, they will look at possible sites, and they would, hopefully, after the Needs Assessment, be able to give us some proposals and some options that we can share with the Board as you prepare to make those decisions; **and**
  21. We are coming here tonight asking the Board to approve letting us move forward with Ware Bonsall on doing the Needs Assessment, at the cost of nine thousand, seven hundred fifty, and 00/100 (\$9,750.00) dollars, to be rolled into the cost of the entire project, if selected.

#### QUESTIONS/COMMENTS/DISCUSSION:

1. **Commissioner Bullard:** What does the Needs Assessment include?  
**Mr. Clark:** It includes the following:
  - A. Facility and Site Assessment
  - B. Functional, Personnel and Space Needs;
  - C. Options Evaluation;
  - D. They will come back with reports at different stages during the process; **and**
  - E. At the end, they will make a presentation to the Commissioners.
  
2. **Commissioner Gore:** stated the following:
  - A. Were any of these firms that were interviewed questioned about their capabilities of getting some grant monies to help the County with this expenditure?;
  - B. After correspondence with someone familiar with like activity in Brunswick County, they used Randall and Hemphill out of Charlotte, and this firm was able to obtain grant money to aid in this type of expense; **and**
  - C. If we could get grant money, this would be a big help.**Rex Gore:** I do not remember that particular question being asked of any of the architectural firms that were interviewed. We did not mention that because we are not at that stage yet.
  
3. **Commissioner Bullard:** Is this particular firm under the impression that we are looking to build a new courthouse, or are we looking to remodel the existing courthouse, or what is their opinion?  
**Rex Gore:** None of the four (4) firms that we have met with can be under the impression that we are going to build a new courthouse. They can only be under the impression that we are looking at every single option that is available to give the people of this County the best opportunity to service them with courthouse facilities.
  
4. **Commissioner Prevatte:** stated the following:
  - A. We made it quite clear to each firm that we interviewed that there were no plans of boarding up the existing courthouse;
  - B. It still has value to this community and we want to continue to use it but we have to do some upgrades to make it more usable and then with the Needs Assessment, once they get through with looking at what all the aspects of it are, then they may recommend different options, and then we will look at whether to build, retrofit, or even add on to something that we already have.

5. **Rex Gore:** when the committee first started, we had a lot on our plate, and we started looking at everything quickly, including locations, grants, etc., and after we done that for two (2) months, we pulled back and decided we got to do some things in the order as they are needed. One (1) thing that all the architects knew, and we made clear to them, is that we value the historical significance of the building that we have and there can be no impression that there is any commitment to a final decision on what will be done.
6. **Commissioner McKenzie:** I was under the impression, and have been told, that the existing facility is not adequate to meet our needs. Did I misunderstand something? In its present state, it is simply not adequate for what we need to have.  
**Rex Gore:** In its present state, it is not as functional as it needs to be. That does not mean that it cannot be used for Courthouse functions. What that means is there are other needs.

**MOTION:**

Commissioner McKenzie made a motion to approve Ware Bonsall Architects to do the Needs Assessment, at the cost of nine thousand, seven hundred, fifty and 00/100 (\$9,750.00) dollars to be rolled into the cost of the entire project, if chosen to be the architect firm for this project, seconded by Vice Chairman Byrd.

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

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

The motion passes on a five (5) to two (2) vote.

**RECESS REGULAR SESSION and enter into PUBLIC HEARING #1:**

At 7:03 P.M., Commissioner Prevatte made a motion to recess Regular Session and enter into a Public Hearing, seconded by Vice Chairman Byrd. The motion unanimously passed.

**7:03 P.M.**

**PUBLIC HEARING: Proposed Issuance of Revenue Bonds on Behalf of International Paper Company** - the purpose of this Public Hearing is to give all who appear an opportunity to express their view for or against the proposal to issue the Bonds.

**PUBLIC HEARING CALLED to ORDER:**

At 7:03 P.M., Chairman Russ called the Public Hearing to order, and stated the purpose of the Public Hearing is to give all who appear an opportunity to express their view for or against the proposal to issue the Bonds. Chairman Russ requested that Mike Stephens, Columbus County Attorney, orally read the Policy on Comments at Public Hearings. Mr. Stephens orally read the policy in its entirety. Chairman Russ requested that Brenton Jeffcoat, Attorney for International Paper, to present information relative to the revenue bonds. Mr. Jeffcoat stated the following:

1. This Public Hearing is connected with International Paper Company's request, through the Industrial Facilities and Pollution Control Financing Authority to be able to issue \$20,000,000.00 in Recovery Zone Economic Facilities Bonds;
2. The company did one of these last year with the County and it was the only kind of these bonds that was done in the State of North Carolina in the entire year;
3. There is a new re-allocation process for the County to get more allocation;
4. We have applied for additional allocations for the County up to \$20,000,000.00;
5. We have been in touch with the Department of Commerce which is staffing the re-allocation;
6. We believe that this is in line to be authorized for the additional allocation at their meeting on February 26, 2010, and it will go to the Local Government Commission, for final approval, on March 01, 2010;
7. The company has not had access to use this kind of financing on this broad of a basis during the entire time of my practicing law which started in 1974;
8. They are able to do this \$20,000,000 and use it for any kind of capital expenditure (equipment, machinery, buildings, whatever it is) at the plant, in order to increase the efficiency of the plant, keep it operating and keep the employment going; **and**
9. The company is grateful to Columbus County and to the Commissioners for agreeing to

proceed with this.

**CLOSE PUBLIC HEARING and resume REGULAR SESSION:**

At 7:09 P.M., Commissioner Norris made a motion to close the Public Hearing, seconded by Commissioner Prevatte. The motion unanimously passed.

**RESUME REGULAR SESSION:**

Commissioner Prevatte made a motion to resume Regular Session, seconded by Vice Chairman Byrd. The motion unanimously passed.

**Agenda Item #8: SOIL and WATER CONSERVATION - APPROVAL to ACCEPT GRANT from NC AGRICULTURAL DEVELOPMENT and FARMLAND PRESERVATION TRUST FUND:**

Edward E. Davis, Director of the Soil and Water Conservation District, requested Board approval to accept a grant from the North Carolina Agricultural Development and Farmland Preservation Trust Fund in the amount of three thousand and 00/100 (\$3,000.00) dollars to be used for the purpose of promoting the Columbus County Voluntary Agricultural District Program.

Mr. Davis stated the following:

1. We requested this grant in the amount of three thousand and 00/100 (\$3,000.00) dollars, with a match of nine hundred and 00/100 (\$900.00) dollars for the purpose of funding and promoting the Columbus County Voluntary Agricultural District Program;
2. The matching funds have been approved by my District Board and supervisors to be taken from the No-Till Funds that we have; **and**
3. I request that the Board allows us to use this funding for the Voluntary Agricultural District Program.

Commissioner Bullard made a motion to approve the acceptance of a grant from the North Carolina Agricultural Development and Farmland Preservation Trust Fund in the amount of three thousand and 00/100 (\$3,000.00) dollars to be used for the purpose of promoting the Columbus County Voluntary Agricultural District Program, seconded by Commissioner McKenzie. The motion unanimously passed.

**Agenda Item #9: EMERGENCY SERVICES - APPROVAL to MERGE the TOWN of BOARDMAN, by RESOLUTION, into the COUNTY HAZARD MITIGATION PLAN:**

Jeremy Jernigan, Emergency Services Director, requested Board approval to merge the Town of Boardman into the Columbus County Hazard Mitigation Plan.

Commissioner McKenzie made a motion to approve the Town of Boardman, by resolution, to merge into the Columbus County Hazard Mitigation Plan, seconded by Vice Chairman Byrd. The motion unanimously passed.

**Agenda Item #10: HUMAN RESOURCES - DEPARTMENTAL UPDATE:**

Virginia Taylor, Human Resources Director, delivered the following departmental update to the Board.

1. On January 21, 2010, the Local Government Employee Retirement System Board of Trustees approved an increase for the base employee contribution rate by 1.5%;
2. This increase is the first increase in over twenty-six (26) years;
3. As of July 01, 2010, the contribution for employer rates now is 4.93%, and will increase to 6.35%;
4. For local law enforcement employees, the contribution for employer rates increased from 5.2% to 6.82% increase;
5. We have five hundred one (501) full-time employees, thirteen (13) vacant positions, thirty-seven (37) part-time positions, one hundred thirty-seven (137) contract positions;
6. The overall turn-over rate, for the County, is ten (10%) percent;
7. We have received the first six (6) months of our medical monthly claim experience rate which is looking very good, it is, at this time, .69 loss ratio;

8. At this time, with our monthly premium versus our claim experience, we are in the black at this time; **and**
9. On March 01, 2010, Mark Browder who is our Medical Broker, and Jennifer Ketner who is our Risk Manager Program Specialist, will be here to discuss the increase in our medical insurance, if any.

Commissioner Gore stated the following:

1. I have received information that some counties are taking taxpayer’s dollars and paying for abortions;
2. I would like for someone to check into the Columbus County’s medical insurance coverage to see if we are paying for this procedure;
3. I would like to know if it is legal for this provision to be deleted if it is covered under the County’s insurance policy; **and**
4. I would like a report on this at a later date.

**Agenda Item #11: RESOLUTION - RESOLUTION APPROVING in PRINCIPLE the PLAN of FINANCING for the PROJECT (as DEFINED HEREIN) FOR INTERNATIONAL PAPER COMPANY and APPROVING the ISSUANCE by the COLUMBUS COUNTY INDUSTRIAL FACILITIES and POLLUTION CONTROL FINANCING AUTHORITY of its REVENUE BONDS in the AGGREGATE PRINCIPAL AMOUNT of NOT to EXCEED \$20,000,000:**

Brenton Jeffcoat, Attorney for International Paper Company, requested Board approval of the following Resolution in Principle the Plan of Financing for the Project (as Defined Herein) for International Paper Company and Approving the Issuance by the Columbus County Industrial Facilities and Pollution Control Financing Authority of its Revenue Bonds in the Aggregate Amount of Not to Exceed \$20,000,000.00.

**RESOLUTION APPROVING IN PRINCIPLE THE PLAN OF FINANCING FOR THE PROJECT (AS DEFINED HEREIN) FOR INTERNATIONAL PAPER COMPANY AND APPROVING THE ISSUANCE BY THE COLUMBUS COUNTY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITY OF ITS REVENUE BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000**

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**WHEREAS**, the Board of County Commissioners has created a political subdivision and body corporate and politic of the State of North Carolina known as “The Columbus County Industrial Facilities and Pollution Control Financing Authority” (the “Authority”); and

**WHEREAS**, the Authority is authorized under the Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the General Statutes of North Carolina, as amended (the “Act”), to issue revenue bonds for the purpose, among others, of paying all or any part of the cost of any project (as defined in the Act), and to make and execute financing agreements, security documents and other contracts and instruments necessary or convenient in the exercise of such powers; and

**WHEREAS**, the Authority has declared its intention to issue its revenue bonds, in the aggregate principal amount of not to exceed \$20,000,000 (the “Bonds”), the proceeds thereof to be made available to International Paper Company (the “Company”) to finance the acquisition, construction or renovation of property to be used in connection with the Company’s Riegelwood Mill (the “Mill”) located in Columbus County, North Carolina, consisting of capital improvements, including, but not limited to, pulp mill and power facilities and paper production facilities and related facilities (the “Project”), at the Mill; and

**WHEREAS**, pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), a public hearing on the proposed plan of financing of the Project was held by this Board of Commissioners on February 15, 2010. Such public hearing was held pursuant to public notice published on January 28, 2010 in The News Reporter, a newspaper of general circulation in Columbus County, North Carolina; and

**WHEREAS**, Section 147(f) of the Code provides that the Bonds must be approved by the applicable elected representative of the appropriate governmental unit following a public hearing pursuant to reasonable public notice in order for interest on such Bonds to be tax exempt; and



Clerk, Board of County Commissioners

(SEAL)

Commissioner McKenzie made a motion to approve the Resolution in Principle the Plan of Financing for the Project (as Defined Herein) for International Paper Company and Approving the Issuance by the Columbus County Industrial Facilities and Pollution Control Financing Authority of its Revenue Bonds in the Aggregate Amount of Not to Exceed \$20,000,000.00, seconded by Vice Chairman Byrd. The motion unanimously passed.

**RE-LOCATION of AGENDA ITEM #12:**

Commissioner Prevatte made a motion to re-locate Agenda Item #12 to below Agenda Item #14, seconded by Commissioner Bullard. The motion unanimously passed.

**Agenda Item #13: RESOLUTION - RESOLUTION to NAME the SAMMY EASON MEMORIAL FIELD:**

Julie Strickland, Parks and Recreation Director, requested approval and adoption of the following Resolution to Name the Sammy Eason Memorial Field.

**RESOLUTION to NAME the  
SAMMY EASON MEMORIAL FIELD**

**WHEREAS**, recreation plays a vital role in people's health, physical fitness, one's personality, mental status and interaction with others; **and**

**WHEREAS**, providing adequate areas of recreation serves as a solid foundation for youth to develop their athletic abilities, competitiveness and promotes the mingling of various types of ideas and people, which ultimately allows growth of the mind, spirit and body; **and**

**WHEREAS**, Columbus County was fortunate to have a citizen who was very interested in promoting areas of recreation for our youth, as well as other citizens; **and**

**WHEREAS**, the citizen, namely **SAMMY EASON**, was a well known contractor, with emphasis on electricity, in Columbus County; **and**

**WHEREAS**, through the years, **MR. EASON** performed multiple contractual jobs for Columbus County without receiving any reimbursement, with great emphasis on keeping the recreational areas in a sound, safe and operable condition; **and**

**WHEREAS**, as a small, but significant gesture for the multitude of good deeds **MR. EASON** delivered, the Columbus County Board of Commissioners is desirous of naming the Ballfield Number Three, which is located in the Riegelwood Community Park, and the park consisting of approximately eighteen (18) acres, in Ransom Township, and runs parallel with Highway 87, in his memory.

**NOW, THEREFORE, BE IT RESOLVED** that the Columbus County Board of Commissioners resolves to name the Ballfield Number Three, which is located in the Riegelwood Community Park, and the park consisting of approximately eighteen (18) acres, in Ransom Township, and runs parallel with Highway 87, as the **SAMMY EASON MEMORIAL FIELD**.

**APPROVED and ADOPTED** this the fifteenth day of February, 2010.

**COLUMBUS COUNTY BOARD OF COMMISSIONERS**

\_\_\_\_\_  
/s/ **P. EDWIN RUSS**, Chairman, District IV  
/s/ **AMON E. McKENZIE**, District I  
/s/ **LYNWOOD NORRIS**, District V  
/s/ **RONALD GORE**, District VII

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/s/ **GILES E. BYRD**, Vice Chairman, District III  
/s/ **JAMES E. PREVATTE**, District II  
/s/ **RICKY BULLARD**, District VI

**ATTESTED BY:**

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

Commissioner Bullard made a motion to approve and adopt the Resolution to Name the Sammy Eason Memorial Field, seconded by Commissioner Byrd. The motion unanimously passed.

**AGENDA ADD-ON:**

**TAX DEPARTMENT - Outstanding Tax Report for 2009:** Richard Gore, Columbus County Tax Administrator, presented the following Outstanding Tax Report for real and personal property.

TAX YEAR	BILLED	PAID	OUTSTANDING LEVY	PERCENT COLLECTED
2000	15,422,385.70	15,327,668.52	94,717.18	.9939
2001	16,885,123.35	16,765,918.53	119,204.82	.9929
2002	16,912,632.23	16,769,250.27	143,381.96	.9915
2003	16,914,945.88	16,766,081.98	148,863.90	.9912
2004	17,150,574.63	17,015,291.22	135,283.41	.9921
2005	20,224,589.86	20,070,628.67	153,961.19	.9924
2006	21,442,713.86	21,238,780.70	203,933.16	.9905
2007	23,216,757.38	22,972,419.24	244,338.14	.9895
2008	24,044,459.58	23,611,224.73	433,234.85	.9820
2009	24,292,128.82	20,488,380.70	3,803,748.12	.8434

Mr. Gore stated the following:

1. This report is presented to the Board, in accordance with N.C.G.S. § 105-369 Advertisement of tax liens on real property for failure to pay taxes; **and**
2. This is a regular formality that is done annually.

Commissioner Bullard made a motion to order Richard Gore, Columbus County Tax Collector, to advertise the tax liens, in accordance with N.C.G.S. § 105-369 Advertisement of tax liens on real property for failure to pay taxes, seconded by Commissioner Norris. The motion unanimously passed.

**TEN (10) MINUTE RECESS:**

At 7:19 P.M., Commissioner Prevatte made a motion to have a ten (10) minutes recess, seconded by Commissioner Bullard. The motion unanimously passed.

**RESUME REGULAR SESSION:**

At 7:29 P.M., Commissioner Prevatte made a motion to resume Regular Session, seconded by Commissioner Bullard. The motion unanimously passed.

**RECESS REGULAR SESSION and enter into PUBLIC HEARING #2:**

At 7:30 P.M., Commissioner Prevatte made a motion to recess Regular Session and enter into Public Hearing #2, seconded by Commissioner Norris. The motion unanimously passed.

**7:30 P.M.**

**PUBLIC HEARING: Proposed Subdivision Ordinance** - the purpose of this Public Hearing is to notify citizens of the proposed Ordinance contents and to receive oral or written comments relative to the proposed Ordinance.

**PUBLIC HEARING OPENED:**

At 7:30 P.M., Chairman Russ opened the Public Hearing and stated the purpose of the Public Hearing is to notify citizens of the proposed Ordinance contents and to receive oral or written comments relative to the proposed Ordinance.

**COMMENTS:**

**Doug Klier, Chadbourn, NC:** stated the following:

- A. I have reviewed the Subdivision Ordinance and it appears to me that the lots are too small;  
**and**
- B. These lots need to be increased in size to put some space in between the dwellings.

Commissioner Prevatte asked Jim Dossett, Columbus County Planner, if these specified lot sizes were the minimum size that would be allowed. Mr. Dossett replied stating yes, this was the minimum allowable size.

**PUBLIC HEARING CLOSED:**

At 7:35 P.M., Commissioner Norris made a motion to close the Public Hearing, seconded by Commissioner Prevatte. The motion unanimously passed.

**RESUME REGULAR SESSION:**

Commissioner Prevatte made a motion to resume Regular Session, seconded by Commissioner Bullard. The motion unanimously passed.

**Agenda Item #12: ORDINANCE - APPROVAL and ADOPTION of the COLUMBUS COUNTY SUBDIVISION ORDINANCE:**

Jim Dossett, Planning Director, requested Board approval and adoption of the following Columbus County Subdivision Ordinance, on its second reading. (The required Public Hearing was conducted on this date.)

## **Columbus County Subdivision Ordinance**

### **ARTICLE I INTRODUCTORY PROVISIONS**

**Section 101. Title**

This ordinance shall be known and may be cited as the Subdivision Regulations of Columbus County, North Carolina, and may be referred to as the Subdivision Regulations.

**Section 102. Purpose**

The Purpose of this ordinance is to establish procedures and standards for the development and subdivision of land within the territorial jurisdiction of Columbus County. It is further designed to provide for the orderly growth and development of Columbus County: for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote the public health, safety, and the general welfare. This ordinance is designed to further facilitate adequate provision of water, sewerage, parks, schools, and playgrounds, and also to facilitate the further resubdivision of larger tracts into smaller parcels of land.

**Section 103. Authority**

This ordinance is hereby adopted under the authority and provisions of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.

**Section 104. Jurisdiction**

The regulations contained herein, as provided in G.S. 153A, Article 18 shall govern each and every subdivision within Columbus County outside of the jurisdiction of any incorporated municipality.

**Section 105. Prerequisite to Plat Recordation**

After the effective date of this ordinance, each individual subdivision plat of land within Columbus

County's jurisdiction shall be approved by the Columbus County Planning Board.

**Section 106. Acceptance of Streets**

Reserved.

**Section 107. Thoroughfare Plans**

Where a proposed subdivision includes any part of a thoroughfare which has been designated as such upon the officially adopted thoroughfare plan of Columbus County, such thoroughfare shall be platted by the subdivider in the location shown on the plan and at the width specified in this ordinance.

**Section 108. Adequate Public Facilities**

To insure public health, safety, and welfare, the Columbus County Planning Board and the Technical Review Committee shall review each proposed subdivision to determine if public facilities are adequate to serve the development. The public facilities include, but are not limited to schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining whether facilities are adequate. The Planning Board may recommend denial of a proposed subdivision if it determines that existing public facilities are not adequate.

**Section 109. Zoning and Other Plans**

Proposed subdivisions must comply in all respects with the requirements of the zoning ordinance if in effect in the area to be subdivided, and other officially adopted plans.

**ARTICLE II  
LEGAL PROVISIONS**

**Section 201. General Procedure for Plat Approval**

After the effective date of this ordinance, except for as provided for in Section 501, no subdivision plat of land within Columbus County jurisdiction shall be filed or recorded until it has been submitted to and approved by the Columbus County Planning Board as set forth in Section 105 of this ordinance, and until this approval is entered in writing on the face of the plat by the Chairman and attested by Columbus County Clerk. The Register of Deeds shall not file or record a plat of a subdivision of land located within the territorial jurisdiction of Columbus County that has not been approved in accordance with these provisions, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with this section.

**Section 202. Statement of Owner**

The owner of land shown on a subdivision plat submitted for recording, or his authorized agent, shall sign a statement on the plat stating whether or not any land shown thereon is within the subdivision-regulation jurisdiction of Columbus County.

**Section 203. Effect of Plat Approval on Dedications**

Pursuant to G.S. 153A-333, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat shall nor be construed to do so.

**Section 204. Penalties for Violation**

**204.1** After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this ordinance, thereafter subdivides his land in violation of this ordinance or transfers or sells land by reference to exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this ordinance and recorded in the Office of the Columbus County Register of Deeds (excepting the presale or pre-leasing of unrecorded lots referencing an approved Preliminary Plat and subject to the requirements of Section 303)

shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The County through its attorney or other official designated by the Board of Commissioners may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 14-4.

**204.2** The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$ 500.00 to be recovered by Columbus County. Violators shall be issued a written citation, which must be paid within ten (10) days.

**204.3** Each day's continuing violation of this ordinance shall be a separate and distinct offense.

**204.4** Notwithstanding Subsection 204.2 above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

**204.5** The County may cause building permits to be denied for lots that have been illegally subdivided.

**204.6** Nothing in this section shall be construed to limit the use of remedies available to Columbus County. Columbus County may seek to enforce this ordinance by using any one, all, or a combination of remedies. In addition to other remedies, the County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

## **Section 205. Severability**

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

## **Section 206. Variances**

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this ordinance would cause an unnecessary hardship, upon the written request of the subdivider, the Planning Board may recommend a variance hearing be set to consider such variance to the terms of this ordinance only to the extent that is absolutely necessary and not to an extent which violates the intent of this ordinance. The variance process shall follow the Developers Agreement process set by G.S. 160A-400.20 to 400.32 including all required public hearings and associated fees. The Board of Commissioners prior to making a decision regarding the variance request shall seek the written recommendation of the Technical Review Committee and the Planning Board. The schedule of fees for all variance requests shall be approved by the Board of Commissioners and posted in the Planning Department.

## **Section 207. Amendments**

The Board of Commissioners may from time-to-time amend the terms of this ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation). The Planning Board shall have sixty (60) days from the time the proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment. The governing body shall adopt no amendment until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the County at least once a week for two (2) successive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than ten (10) days prior to the hearing date. In computing the ten (10) to twenty-five (25) day period, the date of publication is not to be counted, but the date of the hearing is.

## **Section 208. Development Moratoria**

The County may adopt temporary moratoria on any County development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions.

### **208.1 Notice of Public Hearing**

Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of sixty (60) days or any shorter period, the Board of County Commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven (7) days before the date set for the hearing. A development moratorium with a duration of sixty-one (61) days or longer, and any extension of a moratorium so that the total duration is sixty-one (61) days or longer, is subject to the published newspaper notice and hearing requirements required for an amendment to this ordinance as found in Section 207.

### **208.2 Application of Moratorium on Existing/Pending Permits and Approvals**

Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this Section shall not apply to development set forth in a site-specific or phased development plan approved pursuant to a granted vested right, or to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the County prior to the call for the public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the County prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

### **208.3 Contents of Ordinance Adopting Moratorium**

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

1. A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the County and why those alternative courses of action were not deemed adequate.
2. A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
3. An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
4. A clear statement of the actions, and the schedule for those actions, proposed to be taken by the County during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

### **208.4 Extension of Moratorium**

No moratorium may be subsequently renewed or extended for any additional period unless the County shall have taken all reasonable and feasible steps proposed to be taken by the County in its ordinance establishing the moratorium to address the problems or conditions leading to the imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in Subsection 208.3, including what new facts or conditions warrant the extension.

### **208.5 Judicial Review**

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this Section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the County shall have the burden of showing compliance with the procedural requirements of this Section.

### **Section 209. Abrogation**

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the

provisions of this ordinance shall govern.

**Section 210. Re-Enactment and Repeal of Existing Subdivision Ordinance**

Reserved.

**Section 211. Effective Date**

This ordinance shall take effect and be in force from and after 02/16/2010.

**Section 212. Adoption**

Duly adopted by Columbus County Board of Commissioners, in the State of North Carolina, this the 15th day of February, 2010.

**Section 213. Administrator**

The holder of the office of Columbus County Planning Director is hereby appointed to serve as Subdivision Administrator.

**ARTICLE III  
PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS**

**Section 301. Plat Shall Be Required on Any Subdivision of Land**

Pursuant to G.S. 153A-330, a final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance whenever any subdivision of land takes place.

**Section 302. Approval Prerequisite to Plat Recordation**

Pursuant to G.S. 153A-331, no final plat of a subdivision within the jurisdiction of Columbus County as established in Section 104 of this ordinance shall be recorded by the Register of Deeds of Columbus County until it has been approved as provided herein. To secure such approval of a final plat, the subdivider shall follow the procedures established in this article.

**Section 303. Presale /Prelease of Unrecorded Lots Permitted Upon Approval of Preliminary Plan/Plat.**

303.1 The subdivider, upon approval of a preliminary plan/plat, may enter into contracts to sell or lease the lots shown on the approved preliminary plan/plat, provided that the contract does all of the following:

1. Incorporates as an attachment a copy of the approved preliminary plan/plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the approved and recorded final plat prior to closing and conveyance.
2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plans/plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final approved and recorded plat differs in any material respect from the approved preliminary plan/plat.
3. Provides that if the approved and approved and recorded final plat does not differ in any material respect from the plan/plat referred to in the contract, the buyer or lessee may not be required by the seller or leaser to close any earlier than five (5) days after the delivery of a copy of the final approved and recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the approved preliminary plan/plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final approved and recorded plat, during which fifteen (15) day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

303.2 The provisions of this Section shall not prohibit any owner or his/her agent from entering into contracts to sell or lease land by reference to an approved preliminary plan/plat for which a final plat has not been properly approved under this ordinance or recorded with the Office of the Columbus County Register of Deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the requirements of this ordinance and recorded in the Office of the Columbus County Register of Deeds.

#### **Section 304. Procedures for Review of Major and Minor Subdivisions**

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in Section 306 through 307. Minor subdivisions shall be reviewed in accordance with the provisions in Section 305. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated procedure. Furthermore, the abbreviated procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary of final plat approval. A minor subdivision is defined as one involving no new public or private street or roads, or right-of-way dedication, no easements, no extension of public water and/or sanitary sewerage systems other than to serve individual lots, where the entire tract to be subdivided will result in four (4) or fewer lots after the subdivision is completed.

### **MINOR SUBDIVISIONS**

#### **Section 305. Procedure for Review of Minor Subdivision**

##### **305.1 Preliminary Plan for Minor Subdivisions**

Prior to submission of a final plat, the subdivider shall submit to the Administrator five (5) copies of a Preliminary Plan of the proposed subdivision containing the following information:

- A A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions roads, and waterways;
- B The boundaries of the tract and the portion of the tract to be subdivided;
- C The total acreage to be subdivided;
- D The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- E The existing street layout and right-of-way width, lot layout and size of lots;
- F The name, address and telephone number of the owner;
- G The name, if any, of the proposed subdivision;
- H Streets and lots of adjacent developed or platted properties;
- I The zoning classification (if applicable) of the tract and of adjacent properties;
- J A Statement from the Columbus County Health Department that a copy of the Preliminary Plan has been submitted to them, if septic tanks or other onsite water or waste water systems are to be used in the subdivision, and that all lots meet applicable requirements.

The Preliminary Plan shall be submitted to the Planning Director or his designee for review. The Planning Director or his designee shall review the Preliminary Plan for general compliance with the requirements of this ordinance and the zoning ordinance if applicable. The Planning Director shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat. One (1) copy of the Preliminary Plan will be retained in the Planning Department's records and the remaining copies will be returned to the subdivider.

##### **305.2 Final Plat for Minor Subdivisions.**

Upon approval of the Preliminary Plan by the Planning Director or his designee, the subdivider may

proceed with the preparation of the final plat in accordance with the requirements of this ordinance.

The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina.

Five copies of the final plat shall be submitted, two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina where applicable, and the requirements of the Columbus County Register of Deeds.

The final plat shall be of a size suitable for recording with the Columbus County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one sheet with appropriate match lines. Submission of the final plat shall be accompanied by a filing fee of \$50.00. This final plat shall meet the specifications in Section 308.

The following signed certificates shall appear on all five (5) copies of the final plat:

**a) Certificate of Ownership and Dedication**

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Columbus and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

\_\_\_\_\_ Date \_\_\_\_\_ Owner

The certificate of the Notary to the owner's signature shall read as follows:

State of \_\_\_\_\_  
 County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the State and County aforesaid, hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
 Notary Public Seal Stamp

My Commission expires: \_\_\_\_\_

**b) Certificate of Survey and Accuracy in accordance with G.S. 47-30:**

There shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the Professional Land Surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed. The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plate before adjustments and shall be in substantially the following form:

“I \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_, Page \_\_\_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_, Page \_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2010.

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 Surveyor Seal or Stamp

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 Registration Number

### c) Certificate of Review Officer

I, \_\_\_\_\_, Review Officer of Columbus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

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 Review Officer

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 Date

### Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the County of Columbus, North Carolina and that this plat has been approved by the Columbus County Planning Director for recording in the Office of the Register of Deeds of Columbus County.

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 Planning Director

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 Date

If the final plat is disapproved by the Planning Director the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Planning Director as part of the proceedings; one (1) copy of the reasons and three (3) copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by Planning Director. If the final plat is approved by the Planning Director, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the County Clerk, and one (1) print shall be returned to the Planning Department for its records. The subdivider shall file the approved final plat with the Register of Deeds of Columbus County within 90 days of Planning Board approval; otherwise such approval shall be null and void.

## MAJOR SUBDIVISIONS

### Section 306. Sketch Plan Submission and Review for Major Subdivisions

- 306.1 For every subdivision within the territorial jurisdiction established by Section 104 of this ordinance, the subdivider shall meet with the Planning Department in order to discuss the proposed subdivision. At or prior to such meeting, the Subdivider shall provide to the Planning Department three (3) copies of a Sketch Plan of the proposed subdivision.
- 306.2 The sketch plan shall provide the required information as indicated on the “Plan / Plat Information Chart” in Section 308 and shall be to a scale and in such detail to convey the intent of the proposed subdivision. The sketch plan may be prepared by the subdivider or his/her designee.
- 306.3 The sketch plan does not require a Professional Engineer’s nor a Licensed Surveyor’s seal.
- 306.4 The Planning Department may request that the sketch plan be reviewed by the Technical Review Committee but such review is not a required step in the approval process and is the option of the Planning Department.
- 306.5 Review comments will be provided during the meeting and in writing within 7 days after the meeting unless the Planning Department requires that the TRC review the plan, in which case their comments shall be provided in writing within 15 days of initial submittal.

### Section 307. Preliminary Plat Submission and Review for Major Subdivisions

**307.1 Submission Procedure**

- A For every subdivision within the territorial jurisdiction established by Section 104 of this ordinance and after Sketch Plan comments have been provided as per Section 306, the subdivider shall submit a preliminary plat which shall be reviewed and approved by the Board of County Commissioners before any construction or installation of improvements may begin.
- B Five (5) copies of the preliminary plat and any additional copies which the subdivision administrator determines are needed to be sent to other agencies shall be submitted to the administrator of this ordinance at least 21 days prior to the Planning Board meeting at which the subdivider desires the review of the preliminary plat.
- C Preliminary plats shall meet the specifications in Section 308 and contain the following information:
- 1) A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
  - 2) The boundaries of the tract and the portion of the tract to be subdivided;
  - 3) The total acreage to be subdivided;
  - 4) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
  - 5) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
  - 6) The name, address, and telephone number of the owner;
  - 7) The name, if any, of the proposed subdivision;
  - 8) Streets and lots of adjacent developed or platted properties.
  - 9) The zoning classification (if applicable) of the tract and of adjacent properties;
  - 10) A statement from the Columbus County Health Department that a copy of the Preliminary Plan has been submitted to them, if septic tanks or other onsite water or waste-water systems are to be used in the subdivision.

**307.2 Review by Other Agencies**

After having received the preliminary plat from the subdivider, the subdivision administrator shall submit copies of the preliminary plat and any accompanying material to the Technical Review Committee (TRC). The TRC shall have 10 days to review and provide comments to the administrator. At the option of the administrator a meeting of the TRC may be required.

**307.3 Procedure**

- A The Planning Board shall review the preliminary plat at or before its next regularly scheduled meeting which follows at least 21 days after the Administrator receives the preliminary plat from the subdivider.
- B The Planning Board shall, in writing, recommend approval, conditional approval with recommended changes to bring the plat into compliance, or disapproval with reasons within 45 days of its first consideration of the plat.
- C If the Planning Board recommends approval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit three (3) copies of the plat to the administrator with its recommendation, and return the final copy to the subdivider.
- D If the Planning Board recommends conditional approval of the preliminary plat it shall keep one (1) copy of the plat for its minutes, transmit three (3) copies of the plat and its recommendation to the administrator, and return the remaining copy of the plat and its recommendation to the subdivider.
- E If the Planning Board recommends disapproval of the preliminary plat, it shall retain one (1) copy of the plat for its minutes, transmit three (3) copies of the plat and its recommendation to the administrator, and return the remaining copy of the plat and its recommendation to the subdivider.
- F If the preliminary plat is disapproved, the subdivider may make the recommended changes

and submit a revised preliminary plat, or appeal the decision to the Board of County Commissioners.

- G If the Planning Board does not make a written recommendation within 45 days after its first consideration of the plat, the subdivider may apply to the Board of County Commissioners for approval or disapproval.
- H Once the Planning Board has provided the recommended action of the preliminary plat the subdivider shall request in writing that the Administrator place the Preliminary Plat on the agenda of next available Board of County Commissioner meeting. During such meeting the Administrator shall present the TRC comments and the Planning Board's recommendation. The subdivider shall be provided time for comments. The Board of Commissioners shall have 30 days to decide the status of the Preliminary Plat.

### **Section 308. Final Plat Submission and Review for Major Subdivisions**

#### **308.1 Preparation of Final Plat and Installation of Improvements**

Upon approval of the preliminary plat by the Board of County Commissioners, the subdivider may proceed with the preparation of the final plat, and the installation of, or arrangement for required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed their installation as provided herein. No final plat will be accepted or reviewed by the Planning Board unless accompanied by written notice by the County Clerk acknowledging compliance with any applicable improvement or guarantee standards of this ordinance. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

#### **308.2 Improvement Guarantees**

##### **a) Agreement and Security Required**

In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the County of Columbus may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements. Once said agreement is signed by both parties and the security required herein is provided, the final plat may be approved by the Planning Board, if all other requirements of this ordinance are met. To secure this agreement, the subdivider shall provide, subject to the approval of the County Commissioners, either one, or a combination of the following guarantees not exceeding 1.25 times the entire cost as provided herein:

##### **1. Surety Performance Bond(s)**

The subdivider shall obtain a performance bond(s) from a surety bonding company authorized to do business in North Carolina. The bonds shall be payable to the County of Columbus and shall be in an amount equal to 1.25 times the entire cost, as estimated by the subdivider and approved by the County Commissioners, of installing all required improvements. The duration of the bond(s) shall be until such time as the improvements are accepted by the County Commissioners.

##### **2. Cash or Equivalent Security**

The subdivider shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the County or in escrow with a financial institution designated as an official depository of the County. The use of any instrument other than cash shall be subject to the approval of the County Commissioners. The amount of deposit shall be equal to 1.25 times the cost, as estimated by the subdivider and approved by the County Commissioners, of installing all required improvements. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the subdivider shall file with the County Commissioners an agreement between the financial institution and himself guaranteeing the following:

- (i) That said escrow account shall be held in trust until released by the County Commissioners and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
- (ii) That in the case of a failure on the part of the subdivider to complete said improvements the

financial institution shall, upon notification by the County Commissioners, and submission by the County Commissioners to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the County the funds estimated to complete the improvement up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

#### **b) Default**

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the County Commissioners pay all or any portion of the bond or escrow fund to the County of Columbus up to the amount needed to complete the improvements based on an engineering estimate. Upon payment, the County Commissioners, in its discretion, may expend such portion of said funds as it deems necessary to complete all improvements.

#### **c) Release of Guarantee Security**

The County Commissioners may release a portion of any security posted as the improvements are completed and recommended for approval by the Planning Board. Within 45 days after receiving the Planning Board recommendation, the County Commissioners shall approve said improvements. If the County Commissioners approve said improvements, then it shall immediately release any security posted.

### **308.3 Submission Procedure**

If the final plat is the same as the preliminary plat, with no changes, or if the preliminary plat was conditionally approved and those conditions are met in the final plat, the final plat may be administratively approved by the Planning Director or his designee. Otherwise, the subdivider shall submit the final plat, so marked, to the Administrator not less than 10 working days prior to the Planning Board meeting at which it will be reviewed; further, the final plat for the first stage of the subdivision shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise such approval shall be null and void, unless a written extension of this limit is granted by the Planning Board on or before the twelfth month anniversary of the approval. The final plat shall be prepared by a Professional Land Surveyor currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and the Standards of Practice for Land Surveying in North Carolina. Five (5) copies of the final plat shall be submitted; two (2) of these shall be on reproducible material; three (3) shall be black or blue line paper prints. Material and drawing medium for the original shall be in accordance with the Standards of Practice for Land Surveying in North Carolina, where applicable, and the requirements of the Columbus County Register of Deeds. The final plat shall be of a size suitable for recording with the Columbus County Register of Deeds and shall be at scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a filing fee of \$100.00. The final plat shall meet the specifications in Section 308 of this ordinance.

The following signed certificates shall appear on all five (5) copies of the final plat:

#### **a) Certificate of Ownership and Dedication**

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Columbus and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer and water lines, if any, to the Utility entity.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

The certificate of the Notary to the owner's signature shall read as follows:

State of \_\_\_\_\_  
 County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public of the State and County aforesaid, hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and notarial seal, this the \_\_\_\_ day of \_\_\_\_\_, 2010.

Seal Stamp \_\_\_\_\_

Notary Public

My Commission expires: \_\_\_\_\_

#### **b) Certificate of Survey and Accuracy**

In accordance with G.S. 47-30 there shall appear on each plat a certificate by the person under whose supervision such survey or such plat was made, stating the origin of the information shown on the plat, including a recorded deed and plat references shown thereon. The ratio of precision as calculated by latitudes and departures before any adjustments must be shown. Any lines on the plat that were not actually surveyed must be clearly indicated and a statement included revealing the source of information. The execution of such certificate shall be acknowledged before any officer authorized to take acknowledgments by the Professional Land Surveyor preparing the plat. All plats to be recorded shall be probated as required by law for the registration of deeds. Where a plat consists of more than one sheet, only the first sheet must contain the certification and all subsequent sheets must be signed and sealed. The certificate required above shall include the source of information for the survey and data indicating the accuracy of closure of the plat before adjustments and shall be in substantially the following form:

"I \_\_\_\_\_, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book \_\_\_\_, Page \_\_\_\_, etc.) (other); that the boundaries not surveyed are shown as broken lines plotted from information found in Book \_\_\_\_, Page \_\_\_\_; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number, and seal this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
 Surveyor Seal or Stamp

\_\_\_\_\_  
 Registration Number

#### **c) Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements and Payment of Filing Fee**

I hereby certify that all streets, utilities and other required improvements have been installed in an acceptable manner and according to County specifications and standards in the \_\_\_\_\_ Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the County of Columbus has been received, and that the filing fee for this plat, in the amount of \$\_\_\_\_\_ has been paid.

\_\_\_\_\_  
 Subdivision Administrator for Columbus County

\_\_\_\_\_  
 Date

#### **d) Certificate of Review Officer**

I, \_\_\_\_\_, Review Officer of Columbus County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

\_\_\_\_\_  
 Review Officer

\_\_\_\_\_  
 Date

The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least 25 days after the Administrator receives the final plat. The Planning Board shall recommend approval, conditional approval with modifications to bring the plat into

compliance, or disapproval of the final plat with reasons within 25 days of its first consideration of the plat. If the Planning Board recommends approval of the final plat it shall retain one (1) copy and transmit all remaining copies of the plat and its written recommendations to the subdivider through the Administrator. If the Planning Board recommends conditional approval of the final plat with modifications to bring the plat into compliance, it shall retain one (1) print of the plat for its minutes, return its written recommendations and two (2) reproducible copies of the plat to the subdivider, and transmit one (1) print of the plat and its written recommendation to the Administrator. If the Planning Board recommends disapproval of the final plat, it shall instruct the subdivider concerning resubmission of a revised plat and the subdivider may make such changes as will bring the plat into compliance with the provisions of this ordinance, and resubmit same for reconsideration by the Planning Board, or appeal the decision to the Board of County Commissioners. Failure of the Planning Board to make a written recommendation within 45 days shall constitute grounds for the subdivider to apply to the Board of County Commissioners for approval. If the subdivider appeals to the Board of County Commissioners, the Commissioners shall review and approve or disapprove the final plat within 45 days after the plat and recommendations of Planning Board have been received by the Administrator. If the Planning Board approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

**Certificate of Approval for Recording**

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the County of Columbus, North Carolina and that this plat has been approved by the Columbus County Planning Board for recording in the Office of the Register of Deeds of Columbus County.

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

If the final plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Planning Board as part of its proceedings, one copy of the reasons shall be transmitted to the Administrator, and one (1) copy of the reasons and remaining copies of the plat shall be transmitted to the subdivider. If the final plat is disapproved, the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board. If the final plat is approved by the Planning Board, the original tracing and one (1) print of the plat shall be retained by the subdivider. One (1) reproducible tracing and one (1) print shall be filed with the County Clerk, and one (1) print shall be returned to the Planning Board for its records. The subdivider shall file the approved final plat with the Register of Deeds of Columbus County within 90 days of Planning Board approval; otherwise such approval shall be null and void. Section 309. Information to be Contained In or Depicted On Final Plats for Minor Subdivisions and Preliminary and Final Plats for Major Subdivisions. The sketch, preliminary and final plats shall depict or contain the information indicated in the following table. An x indicates that the information is required.

<b>INFORMATION</b>	<b><u>SKETCH PLAN</u></b>	<b><u>PRELIMINARY PLAN</u></b>	<b><u>FINAL PLAT</u></b>
Title Block Containing:			
Property Designation	X	X	X
Name of Owner		X	X
Location (including township, county, state)	X	X	X
Dates of survey and drawing		X	X
Scale (feet per inch)	X	X	X
Bar Graph		X	X
Name, Address, Registration Number and Seal of Professional Land Surveyor		X	X
Name of Subdivider		X	X

<b>INFORMATION</b>	<b>SKETCH PLAN</b>	<b>PRELIMINARY PLAN</b>	<b>FINAL PLAT</b>
A sketch vicinity map showing the relationship between the proposed subdivider and surrounding area	X	X	X
Corporate limits, township boundaries, county lines if on the subdivision tract	X	X	X
The names, address and telephone numbers of all owners, mortgages, Professional Land Surveyor, land planner architects, landscape architects, and professional engineers responsible for the subdivision		X	X
The registration numbers and seals of the professional engineers		X	X
Date of plat preparation		X	X
North arrow and orientation	X	X	X
The boundaries of the tract or portion thereof to be subdivided, distinctly and accurately represented with all bearings and distances shown Note: 1 approximate on sketch plan	X	X	X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X	X
The names of owners of adjoining properties		X	X
The names of any adjoining subdivisions of record or proposed and under review	X	X	X
Minimum building setback lines		X	X
The zoning classifications of the tract to be subdivided and adjoining properties (if applicable)	X	X	X
Existing property lines on the tract to be subdivided and on adjoining properties	X	X	X
Existing buildings or other structures, water courses, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining	X	X	
Proposed lot lines, lot and block numbers, and approximate dimensions	X	X	
The lots numbered consecutively throughout the subdivision		X	
Wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or streambeds and any other natural features affecting the site	X	X	
The exact location of the flood hazard, floodway and floodway fringe areas from the county's FHBM or other FEMA maps		X	X
The following data concerning streets:			
Proposed streets	X	X	X
Existing and platted streets on adjoining properties and in the proposed subdivision	X	X	X
Rights-of-way, location and dimensions		X	X
Pavement widths		X	X

INFORMATION	<u>SKETCH PLAN</u>	<u>PRELIMINARY PLAN</u>	<u>FINAL PLAT</u>
Approximate grades		X	X
Design engineering data for all corners and curves		X	X
Typical street cross sections		X	X
Street names		X	X
Street maintenance agreement in accordance with Section 405.1 of this Ordinance		X	X
Type of street dedication; all streets must be designated either "public" or "private" Where all public streets are involved which will not be dedicated to a municipality, the subdivider must submit the following documents to the N.C. Department of Transportation District Highway Office for review: a complete site layout, including any future expansion anticipated; horizontal alignment indicating general curve data on site layout plan; vertical alignment indicated by percent grade, PI station and vertical curve length on site plan layout; the District Engineer may require the plotting of the ground profile and grade line for roads where special conditions or problems exist; typical section indicating the pavement design and width and the slopes, widths and details for either the curb and gutter or the shoulder and ditch proposed, drainage facilities and drainage areas.		X	X
Where streets are dedicated to public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Section 405.2 of this ordinance		X	X
Where streets are dedicated to public, but not accepted into a municipal or the state system before lots are sold, a statement explaining the status of the street in accordance with Section 405.2 of this ordinance		X	X
If any street is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as required by the N.C. Department of Transportation, Division of Highways' Manual on Driveway Regulations. Evidence that the subdivider has obtained approval.		X	X
The location and dimensions of all:			
Utility and other easements		X	X
Areas to be dedicated to or reserved for public use	X	X	X
Areas to be used for purposes other than residential with the areas to be used for purposes other than residential with purpose of each stated		X	
The future ownership (dedication or reservation for public use to governmental body, for owners to duly constituted homeowners' association, or for tenants remaining in subdivider's ownership) of recreation and open space lands			X
The plans for utility layouts including:			

<b>INFORMATION</b>	<b>SKETCH PLAN</b>	<b>PRELIMINARY PLAN</b>	<b>FINAL PLAT</b>
Sanitary sewers	X	X	
Storm Sewers		X	
Other drainage facilities, if any		X	
Water distribution lines	X	X	
Natural gas lines		X	
Telephone lines		X	
Electric lines Note: 1 Required on final plat only of minor subdivision	X	X	
Illustrating connections to existing systems, showing line sizes, the location of fire hydrants, blow-offs, manholes, force mains and gate valves		X	
Plans for individual water supply and sewage disposal systems, if any		X	
Profiles based upon Mean Sea Level datum for sanitary sewers and storm sewers		X	
Site calculations including:			
Acreage in total tract to be subdivided		X	X
Acreage in other nonresidential uses		X	X
Total number of parcels created		X	X
Acreage of smallest lot in subdivision Note: 1 On final plat show SF of all lots		X	
Linear feet in streets		X	
The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places	X	X	X
Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line of curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one tenth of a foot and all angles to the nearest minute.		X	X
The accurate locations and descriptions of all monuments, markers and control points			X
A copy of any proposed deed restrictions or similar covenants. Such restrictions are mandatory when private recreation areas are established.		X	X
A copy of the erosion control plan submitted to the appropriate authority, if such a plan is required.		X	
Topographic map if required.		X	
All certifications required in Section 307. (For major Subdivisions)		X	X

INFORMATION	<u>SKETCH PLAN</u>	<u>PRELIMINARY PLAN</u>	<u>FINAL PLAT</u>
Any other information considered by either the subdivider, Planning Board, or County Commissioners to be pertinent to the review of the plat.		X	X

**Section 310. Recombination of Land**

- 310.1 Any plat or any part of any plat may be vacated by the owner at any time before the sale of any lot in the subdivision by a written instrument to which a copy of such plat shall be attached, declaring the same to be vacated.
- 310.2 Such an instrument shall be approved by the same agencies as approved the final plat. The governing body may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- 310.3 Such an instrument shall be executed, acknowledged or approved and recorded and filed in the same manner as a final plat; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- 310.4 When lots have been sold, the plat may be vacated in the manner provided in Sections 310.1 through 310.3 by all owners of the lots in such plat joining in the execution of such writing.

**Section 311 Resubdivision Procedures**

For any replatting or resubdivision of land, the same procedures, rules and regulations shall apply as prescribed herein for an original subdivision.

**ARTICLE IV  
REQUIRED IMPROVEMENTS, DEDICATIONS, RESERVATIONS,  
AND MINIMUM STANDARDS OF DESIGN**

**Section 401. General**

Each subdivision shall contain the improvements specified in this article, which shall be installed in accordance with the requirements of this ordinance and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance. Land shall be dedicated and reserved in each subdivision as specified in this article. Each subdivision shall adhere to the minimum standards of design established by this article.

**Section 402. Suitability of Land**

- 402.1 Land which has been determined by the Planning Board on the basis of engineering or other expert surveys to pose an ascertainable danger to life or property by reason of its unsuitability for the use proposed shall not be platted for that purpose, unless and until the subdivider has taken the necessary measures to correct said conditions and to eliminate said dangers.
- 402.2 Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the Columbus County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.
- 402.3 Flood Hazard: Subdivisions and all improvements within the subdivisions be designed, constructed and maintained in compliance with the Columbus County Flood Prevention regulations, Code of Ordinances Chapter 38.

**Section 403 Name Duplication**

The name of the subdivision shall not duplicate nor closely approximate the name of a existing subdivision within Columbus County.

**Section 404. Subdivision Design****404.1 Blocks**

- a) The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; zoning requirements, if any; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas.
- b) Blocks shall not be less than 400 feet or more than 1,800 feet.
- c) Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except where single tier lots are required to separate residential development from a collector street or road, a nonresidential use, adjacent to the subdivision boundary, in nonresidential subdivisions, or where abutting a water area.
- d) Where deemed necessary by Planning Board, a pedestrian crosswalk at least fifteen (15) feet in width may be required to provide convenient public access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.
- e) Block numbers shall conform to the County street numbering system.

**404.2 Lots**

- a) If applicable, all lots in new subdivisions shall conform to any zoning requirements of the district in which the subdivision is located. Conformance to zoning requirements means, among other things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet zoning requirements. In unzoned areas of the County, the following chart provides dimensional requirements.

	<b>PUBLIC WATER PUBLIC SEWER</b>	<b>PUBLIC WATER NO PUBLIC SEWER</b>	<b>NO PUBLIC WATER NO PUBLIC SEWER</b>
Min. Lot Size (Square Feet)	15,000	25,000	30,000
Min. Lot Width (Feet)	50	100	100
Min. Lot Depth (Feet)	200	200	200
Min. Front Setback (Feet)	50	50	50
Min. Side Setback (Feet)	15	15	15
Min. Side Setback (Abutting Street) ( Feet)	20	20	20
Min. Rear Setback (Feet)	25	25	25

- b) Lots shall meet any applicable requirements of the Columbus County Health Department.
- c) Double frontage lots shall be avoided wherever possible.
- d) Side lot lines shall be substantially at right angles to or radial to street lines.
- e) Minimum lot width shall be measured at the lot's narrowest point. A cul-de-sac lot's width shall be measured at the required front building setback.
- f) All lots must contain a minimum of 50 feet of road frontage on an existing public street or on a proposed public or private street that the developer is constructing as a part of the subdivision development. However, cul-de-sac lots may have 30 feet of street frontage if the lot is a minimum width of 50 feet at the front building setback.

### 404.3 Easements

#### a) Utility Easements

Easements for underground or above ground utilities shall be provided, where necessary, across lots or centered on rear or side lot lines and shall be at least 12 feet wide, or greater if required, for water and sanitary sewer lines and as required by the companies involved, for telephone, cable TV, gas and power lines. The Planning Board will determine whether one (1) easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

#### b) Drainage Easements

Where a subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose.

## Section 405. Streets

### 405.1 Type of Street Required

All subdivision lots shall abut on a public street. All public streets shall be designed and constructed to the standards of this ordinance and the Division of Highways, North Carolina Board of Transportation Subdivision Roads / Minimum Design Standards. Under certain circumstances, as approved by the Planning Board, private paved streets may be allowed providing a street disclosure statement is prepared by the seller and signed by the buyer and a homeowner's association is formed. Private streets serving five (5) or fewer lots may substitute compacted crushed aggregate (stone) for the pavement surface (S9.5A or S9.5B). In such cases appropriate construction testing reports certifying compliance with NC DOT standards shall be provided to the Planning Department. Also, such alternative cross section to that specified in the referenced NCDOT standards shall be either four (4") inches of ABC with a test certified subgrade at ninety eight (98%) percent compaction or six (6") inches of ABC with a non-certified compacted subgrade may be used. Public streets which are eligible for acceptance into the State Highway System shall be constructed to the standards necessary to be put on the State Highway System or the standard in this ordinance, whichever is stricter in regard to each particular item, and shall be put on such system. Streets which are not to be put on the State Highway System because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be in accordance with the standards in this ordinance or the standards necessary to be put on the State Highway System, whichever is stricter in regard to each particular item, so as to be eligible to be put on the system at a later date. A written maintenance agreement with provisions for maintenance of the street until it is put on the State system shall be included with the final plat. No lots may be sold until this provision is satisfied.

### 405.2 Subdivisions Street Disclosure Statement

All streets shown on the final plat shall be designated in accordance with G.S. 136- 102.6 and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into a municipal or the State system, before lots are sold, and statement explaining the status of the street shall be included with the final plat.

### 405.3 Half-Streets

The dedication of half streets of less than sixty (60) feet at the perimeter of a new subdivision shall be prohibited. If circumstances render this impractical, adequate provision for the concurrent dedication of the remaining half of the street shall be furnished by the subdivider. Where there exists a half-street in an adjoining subdivision, the remaining half shall be provided by the proposed subdivision. However, in circumstances where more than sixty (60) feet of right-of-way is required, a partial width right-of-way, not less than sixty (60) feet in width, may be dedicated when adjoining undeveloped property is owned or controlled by the subdivider; provided that the width of the partial dedication is such as to permit the installation of such facilities as may be necessary to serve abutting lots. When the adjoining property is subdivided, the remainder of the full required right-of-way shall be dedicated.

### 405.4 Marginal Access Streets Frontage Road

Where a tract of land to be subdivided adjoins a principal arterial road Street, the subdivider may

be required to provide a marginal access street frontage road parallel to the arterial street or reverse frontage on a minor street for the lots to be developed adjacent to the arterial. Where reverse frontage is established, private driveways shall be prevented from having direct access to the principal arterial.

#### **405.5 Access to Adjacent Properties**

Where, in the opinion of the Planning Board, it is necessary to provide for street access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property and a temporary turnaround provided.

#### **405.6 Nonresidential Streets**

The subdivider of a nonresidential subdivision shall provide streets in accordance with I.F-4 of the North Carolina Roads, Minimum Construction Standards, July 1, 1985; and the standards in this ordinance, whichever are stricter in regard to each particular item.

#### **405.7 Design Standards**

The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation, Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals, with the exceptions as provided in Section 405.1. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, July 1, 1985 shall apply for any items not included in this ordinance, or where stricter than this ordinance. The following signed certificates shall appear on all copies of the final plat:

- a) Certificate of Ownership and Dedication  
I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Columbus and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water.

#### **405.8 Other Requirements**

- a) Through Traffic

Discouraged on Residential Collector and Local Streets Residential collector and local streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to places of public assembly.

- b) Sidewalks

Sidewalks may be required by the Planning Board on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas. Such sidewalks shall be constructed to a minimum width of five (5) feet, and shall consist of a minimum thickness of four (4) inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six (6) inches of concrete at driveway crossings.

- c) Street Names

Proposed streets which are obviously in alignment with existing streets shall be given the same name. In assigning new names, duplication of existing names shall be avoided and in no case shall the proposed name be phonetically similar to existing names in the county irrespective of the use of a suffix such as street, road, drive, place, court, etc. All street names and addressing shall comply with Columbus County's 911-Addressing requirements. Street names shall be subject to the approval of Columbus County.

- d) Street Name Signs

The subdivider shall be required to provide and erect street name signs to County standards at all

intersections within the subdivision.

e) Permits for Connection to State Roads

An approved permit is required for connection to any existing state system road. This permit is required prior to any construction on the street or road. The application is available at the office of the nearest district engineer of the Division of Highways.

f) Offsets to Utility Poles

Poles for overhead utilities should be located clear of roadway shoulders, as close to the right-of-way as possible. On streets with curb and gutter, utility poles should be set back a minimum distance of six (6) feet from the face of curb.

g) Wheelchair Ramps

In accordance with Chapter 136, Article 2A, Section 136-44.14, all street curbs in North Carolina being constructed or reconstructed for maintenance procedures, traffic operations, repairs, correction of utilities, or altered for any reason after September 1, 1973, shall provide wheelchair ramps for the physically handicapped at all intersections where both curb and gutter and sidewalks are provided and at other major points of pedestrian flow.

h) Curb and Gutter

The subdivider may construct curb and gutter, but it is not required by this ordinance for plat approval.

**Section 406. Utilities**

406.1 Water and Sanitary Sewer Systems

Each proposed lot in all subdivisions within the county's jurisdiction shall be provided with an extension of the county water (and/or sanitary sewer) systems at the subdivider's expense if there such system has capacity and is within one thousand feet (1,000') of the subdivision property boundary practical. A subdivision lot in the county's jurisdiction may be provided with extensions to a municipal system in lieu of the County system. Water and sanitary sewer lines, connections, and equipment shall be in accordance with the County standards. All lots in subdivisions not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of the appropriate agencies.

406.2 Storm Water Drainage System

The subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, as reflected in Handbook for the Design of Highway Surface Drainage Structures, (1973), subject to review by the County Engineer/County Consulting Engineer.

406.3 Streetlights

All subdivisions that have one or more public streets shall have streetlights installed at no more than 200 feet apart along each street. The subdivider is responsible for installation expenses. The long-term maintenance of the streetlights is to be assigned prior to the selling of any lots.

406.4 Underground Wiring

Reserved

**Section 407. Buffering, Recreation and Open Space Requirements.**

407.1 Perennial streams shall be protected with a thirty five foot (35') undisturbed conservation buffer running adjacent to the stream and indicated on the final plat.

407.2 Proposed subdivisions adjacent to land uses other than residential shall establish, along it's entire perimeter a twenty five foot (25') buffer as defined in Section 502. The Planning

Board may consider berming, fencing or open space in lieu of the buffer.

- 407.3 Proposed subdivisions with any lot less than 21,780 square feet shall provide fifteen percent (15%) open space. Such open space shall be designed to provide the conservation of natural features (streams, wetlands, mature trees, etc), access to recreational spaces including man made and natural water features, buffering, and storm water management facilities.

## **Section 408. Other Requirements**

### 408.1 Placement of Monuments

Unless otherwise specified by this ordinance, the Manual of Practice for Land Surveying as adopted by the N.C. State Board of Registration for Professional Engineers and Land Surveyors, under the provisions of Title 21 of the North Carolina Administrative Code, Chapter 56 (21 NCAC 56), shall apply when conducting surveys for subdivisions; to determine the accuracy for survey and placement of monuments, control corners, markers, and property corner ties; to determine the location, design, and material of monuments, markers, control corners, and property corner ties; and to determine other standards and procedures governing the practice of land surveying for subdivisions.

### 408.2 Construction Procedures

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved, and all plans and specifications have been approved by the appropriate authorities. No building, zoning or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this ordinance until all the requirements of this ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the administrator of this ordinance to provide for adequate inspection. The approving authorities having jurisdiction or their representatives shall inspect and approve all completed work prior to release of the surety.

### 408.3 Oversized Improvements

The County of Columbus may require installation of certain oversized utilities or the extension of utilities to adjacent property when it is in the interest of future development. If the County requires the installation of improvements in excess of the standards adopted by reference, the County shall pay the cost differential between the improvement required and the standards in this ordinance.

### 408.4 Soil Erosion and Sediment Control

Prior to the approval of the Preliminary Plan the subdivider shall provide evidence of approval from the North Carolina Department of Environmental and Natural Resources (DENR) of a Erosion and Sediment Control Plan.

### 408.5 Storm water Management Plan

Prior to the approval of the Preliminary Plan the subdivider shall provide evidence of approval from the North Carolina Department of Environmental and Natural Resources (DENR) of a Storm water Management Plan.

## **ARTICLE V DEFINITIONS**

### **Section 501. “Subdivision Defined”**

For the purposes of this ordinance, “subdivision” means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing street; but the following shall not be included within this definition nor be subject to any regulations enacted pursuant to this ordinance.

- a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in this ordinance.

# 561

- b) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- c) The public acquisition by purchase of strips of land for the widening or opening of streets, and
- d) The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the county as shown in this ordinance;

## **Section 502. Other Definitions.**

For the purpose of this ordinance, certain words or terms used herein shall be defined as follows:

**Block.** A piece of land bounded on one or more sides by streets or roads

**Buffer** A strip of land of specified width. The buffer must be in addition to and not part of any required lot area. It shall be planted with evergreen and/or deciduous trees not more than eight (8) feet apart and must be at least four (4) feet in height when planted, and a minimum of eight (8) feet tall at maturity. It shall be adequately landscaped with grass and shrubbery in such a manner as to be harmonious with the landscaping and/or adjacent properties and in keeping with the general character of the surrounding neighborhood. A privacy fence at least six (6) feet in height may meet the buffer requirements in such instances where landscaping is impracticable or in instances where the Subdivision Administrator determines that a fence would be the most effective buffer. The planting requirement may be waived where a property line of the subdivision abuts a natural vegetative area that provides equal buffering.

**Building Setback Line.** A line parallel to the front property line in front of which no structure shall be erected. Setbacks shall be figured from the right-of-way line.

**Dedication.** A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

**Easement.** A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

**Family.** Members of the same family, which shall be limited to spouse, parents, step-parents, grandparents, step-grandparents, children, step-children, brothers, step-brothers, sisters, step-sisters, aunts, uncles, father-in-law, step-father-in-law, mother-in-law, step-mother-in-law, brother-in-law, step-brother-in-law, sister-in-law, step-sister-in-law.

**Half-Street.** A street whose centerline coincides with a subdivision plat boundary, with one half (½) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

**Lot.** A portion of a subdivision, or any other parcel of land, intended as a unit of transfer of ownership or for development or both.

**Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Columbus County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

### **Lot Types:**

**Corner Lot.** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lines to the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.

**Double Frontage Lot.** A continuous (through) lot which is accessible from both streets upon which it fronts.

**Interior Lot.** A lot other than a corner lot with only one frontage on a street.

**Through Lot or “Double Frontage Lot”.** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**Reversed Frontage Lot.** A lot on which the frontage is at right angles or approximately right angles (interior angles less than one hundred thirty-five (135) degrees to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

**Single-Tier Lot.** A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

**Official Maps or Plans.** Any maps or plans officially adopted by the Board of Commissioners.

**Open Space.** An area (land and /or water) generally lacking in man-made structures and reserved for enjoyment in its unaltered state.

**Planned Unit Development.** A definition compatible with the local zoning ordinance should be inserted here.

**Plat.** A map or plan of a parcel of land which is to be, or has been subdivided.

**Private Driveway.** A roadway serving two (2) or fewer lots, building sites or other division of land and not intended to be public ingress or egress.

**Private Street.** An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. 136-102.6.

**Reservation.** A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time

**Street.** A dedicated and accepted public right-of-way for vehicular traffic (or a private road only if permitted by this ordinance). The following classifications shall apply:

**Rural Roads:**

**Principal Arterial.** A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

**Minor Arterial.** A rural link in a network joining cities and larger towns and providing intrastate and intercounty service a relatively high overall travel speeds with minimum interference to through movement.

**Major Collector.** A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

**Minor Collector.** A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

**Local Road.** A local road serves primarily to provide access to adjacent land and for travel over relatively short distances.

**Specific Type Rural Streets:**

**Residential Collector Street.** A local access street which serves as a connector street between local residential streets and the thoroughfare system. Residential collector streets typically collect traffic from 100 to 400 dwelling units.

**Local Residential Street.** Cul-de-sacs, loop streets less than 2,500 feet in length, or streets

less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

**Cul-de-sac.** A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turnaround provided.

**Frontage Road.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

**Alley.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

**Subdivider.** Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as here in defined.

### **Section 503. Word Interpretation**

For the purpose of this ordinance, certain words shall be interpreted as follows:

- Words used in the present tense include the future tense.
- Words used in the singular number include the plural and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- The word “person” includes a firm, association, corporation, trust, and company as well as an individual.
- The word “used for” shall include the meaning “designed for”.
- The word “structure” shall include the word “building”.
- The word “lot” shall include the words “plot”, “parcel”, or “tract”.
- The word “shall” is always mandatory and not merely directory.

### **Section 504. Gift Lots Defined**

For the purpose of interpreting these regulations, when a land owner makes a gift to a family member of a parcel of land divided from the land owner’s property, the transaction shall not be deemed to be for the purpose of sale or building development. The resulting transaction shall therefore not be subject to any regulations enacted pursuant to this ordinance. A gift lot shall also be interpreted to include the division of land to heirs of an estate following the death of the land owner. However, this exemption applies to only this original “gift” division of the property and does not exempt any further or future division of the property by the heirs or any other owners of the property. All persons wishing to claim this “gift lot” exemption may be required to provide legal documentation proving the relationship between property grantee and grantor(s) (i.e., birth certificates, death certificates, Social Security records, marriage certificates, tax records, etc.).

### **ADOPTION CERTIFICATION STATEMENT**

The Columbus County Subdivision Ordinance was duly adopted by the Columbus County Board of Commissioners on the February 15, 2010

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

/s/ **P. EDWIN RUSS, CHAIRMAN**

### **ATTESTED BY:**

/s/ **JUNE B. HALL, CLERK TO BOARD**

Vice Chairman Giles Byrd stated he had a concern on the number of lots in a minor subdivision referenced in Section 304, and it would serve Columbus County better if the number was ten (10) or less.

Afer in-depth discussion was conducted relative to the number of lots in a minor subdivision, Vice Chairman Byrd recommended that the change be made to ten (10) or less lots where there was public State road access.

### **MOTION for CHANGE:**

Vice Chairman Byrd made a motion to change the number of lots in a minor subdivision to

ten (10) or less, lots where there was public State road access, in the following Section of the Columbus County Subdivision Ordinance seconded by Commissioner Bullard. The motion unanimously passed.

**Section 304. Procedures for Review of Major and Minor Subdivisions**

All subdivisions shall be considered major subdivisions except those defined as minor subdivisions in this section. Major subdivisions shall be reviewed in accordance with the procedures in Section 306 through 307. Minor subdivisions shall be reviewed in accordance with the provisions in Section 305. However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road or right-of-way from the property to be subdivided, the subdivision shall not qualify under the abbreviated procedure. Furthermore, the abbreviated procedure may not be used a second time within three (3) years on any property less than fifteen hundred (1500) feet from the original property boundaries by anyone who owned, had an option on, or any legal interest in the original subdivision at the time the subdivision received preliminary of final plat approval. A minor subdivision is defined as one involving no new public or private street or roads, or right-of-way dedication, no easements, no extension of public water and/or sanitary sewerage systems other than to serve individual lots, where the entire tract to be subdivided will result in ~~four (4)~~ **ten (10)** or fewer lots after the subdivision is completed.

Commissioner Prevatte made a motion to approve and adopt the Columbus County Subdivision Ordinance, on its second reading, with the above listed change, seconded by Commissioner Norris. The motion unanimously passed.

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

At 7:51 P.M., Commissioner Prevatte made a motion to recess Regular Session and enter into a **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting, seconded by Vice Chairman Byrd. The motion unanimously passed.

**Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

February 01, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

This information will be recorded in Minute Book Number 1 for each Water District respectively.

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

At 7:53 P.M., Commissioner McKenzie made a motion to adjourn the **combination meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V, and resume Regular Session, seconded by Commissioner Norris. The motion unanimously passed.

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

**A. Budget Amendment:**

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

TYPE	ACCOUNT	DETAILS	AMOUNT
Expenditure	10-5197-540699	Employee Wellness Grant	7,500
Revenue	10-3510-441040	Col. Co. Employee Wellness Grant	7,500

**B. Tax Refunds and Releases:**

Commissioner Norris made a motion to approve the following Tax Refunds and Releases,

seconded by Commissioner Bullard. The motion unanimously passed.

**TAX REFUNDS (as submitted to the Governing Body Office from the Tax Office):  
February 15, 2010**

Refunds Name: Kennedy, David Eugene Amount: \$0.00  
Value: \$0.00 Year 009 Account # 12-13940 Bill # 36158 Total \$210.00  
Refund user fee. M/H vacant.  
8715 Haynes Lennon Hwy Evergreen NC 28438

Refunds Name: Lanier, William Richard Jr. Amount: \$157.90  
Value: \$4,362.00 Year 005/0 Account # 09-16605 Bill # 99999 Total \$945.22  
Refund property value. Double listed to Jack Perry. Refund Williams Fire (20.27) refund Columbus Rescue (4.05) and refund user fees.  
5179 walter Todd Rd. Clarendon NC 28432

Refunds Name: Whaley, Fred A. Amount: \$0.00  
Value: \$0.00 Year 009 Account # 3-01950 Bill # 57943 Total \$210.00  
Refund user fee. There is not a can at this location.  
1621 MM Ray Road Nakina NC 28455

Refunds Name: Newsome, L Ronald & Laura Amount: \$370.01  
Value: \$45,400.00 Year 008 Account # 01-03938 Bill # 74742 Total \$379.09  
Refund a portion of property value. Double listed to Whiteville Mini Storage. Release Whiteville Rescue (9.08)  
101 Leslie Newsome Rd. Whiteville NC 28472

Refunds Name: Norris, Legrant Elwood Amount: \$0.00  
Value: \$0.00 Year 009 Account # 06-28080 Bill # 43550 Total \$210.00  
Refund user fee. Property is vacant.  
878 Shug Norris Rd. Tabor City NC 28463

**TAX RELEASES (as submitted to the Governing Body Office from the Tax Office):  
February 15, 2010**

Release the Property Value in the name of Barhill, Milton Russ Amount: \$50.00  
Value: \$6,135.00 Year: 2009 Account # 09-00443 Bill # 4758 Total \$60.40  
Release portion of property value. Boat sold. Release portion of Williams Fire (3.68), portion of Columbus Rescue (1.23)

Release the Property Value in the name of Barnhill, Milton Russ Amount: \$55.56  
Value: \$6,817.00 Year: 2008 Account # 09-00443 Bill # 6748 Total \$67.11  
Release portion of property value. Boat sold. Release portion of Wiliams Fire (4.09), release portion of Columbus Rescue (1.36)

Release the Property Value in the name of Cartrette, James Floyd Amount: \$232.44  
Value: \$13,730.00 Year: 2008/0 Account # 05-02342 Bill # 9999 Total \$690.99  
Release property value. Double listed to James Cartrette Act# 5-04133. Release Columbus Rescue (5.71), Water District III (31.37)

Release the Property Value in the name of Cowpin Tower Amount: \$122.25  
Value: \$15,000.00 Year: 2009 Account # 11-03318 Bill # 1903 Total \$134.25  
Release entire portion of property value. Billed by State. Release Hallsboro Fire (9.00), Release Columbus Rescue (3.00)

Release the Property Value in the name of Green, John (Jr) Amount: \$24.45  
Value: \$3,000.00 Year: 2009 Account # 01-03376 Bill # 0080 Total \$27.15  
Release property value. No land, leasehold only. Release Brunswick Fire(2.10), Release Whiteville Rescue(.60)

Release the Property Value in the name of Hardie, Anthony Amount: \$1,066.51  
Value: \$9,960.00 Year: 2000/0 Account # 01-37043 Bill # 9999 Total \$3,072.42  
Release entire portion of property value. Does not exist. Release Columbus Rescue (3.46), release Brunswick Fire (71.74), release Whiteville Rescue (20.49)

Release the Property Value in the name of Lanier, William Richard (Jr) Amount: \$35.55  
 Value: \$4,362.00 Year: 2009 Account # 09-16605 Bill # 6830 Total \$250.78  
 Release property value. Double listed to Jack Perry. Release Williams Fire (4.36), release Columbus Rescue (.87)

Release the Property Value in the name of Newsome, L Ronald Amount: \$370.01  
 Value: \$45,400.00 Year: 2009 Account # 01-03938 Bill # 3027 Total \$379.09  
 Release property value. Double listed to Whiteville Mini Storage. Release Whiteville Rescue (9.08)

Release the Property Value in the name of Nobles, Lillie Mae Amount: \$198.05  
 Value: \$24,300.00 Year: 2009 Account # 13-00011 Bill # 3290 Total \$234.50  
 Release a portion of the property value. Land Use Value Removed in error. Release a portion of Roseland Fire (14.58), portion of Columbus Rescue (4.86), portion of Water District II( 17.01)

Release the Property Value in the name of Nobles, Lillie Mae Amount: \$401.80  
 Value: \$49,300.00 Year: 2009 Account # 13-00011 Bill # 3291 Total \$475.75  
 Release a portion of the property value. Land Use Value Removed in error. Release a portion of Roseland Fire(29.58), release portion of Columbus Rescue (9.86), release portion of Water District II(34.51)

Release the Property Value in the name of Nobles, Lillie Mae Amount: \$195.60  
 Value: \$24,000.00 Year: 2009 Account # 13-00011 Bill # 3289 Total \$231.60  
 Release a portion of property value. Land use removed in error. Release portion of Roseland fire (14.40), release portion of Columbus Rescue (4.80), release portion of Water District II (16.80)

Release the Property Value in the name of Nobles, Lillie Mae Amount: \$148.33  
 Value: \$18,200.00 Year: 2009 Account # 13-00011 Bill # 3288 Total \$175.63  
 Release a portion of property value. Land Use Value removed in error. Release a portion of Roseland Fire (10.92), portion of Columbus Rescue (3.64), portion of Water District II (12.74)

Release the Property Value in the name of Scott, Mary Amount: \$16.79  
 Value: \$2,060.00 Year: 2009 Account # 06-32282 Bill # 8754 Total \$231.19  
 Release a portion of property value and user fee. Property not livable. Release portion of Yam City (2.06), Columbus Rescue (.41)

Release the Property Value in the name of Stewart, Christopher Amount: \$52.93  
 Value: \$1,000.00 Year: 2004/0 Account # 12-00225 Bill # 9999 Total \$1,366.43  
 Release entire portion of property value. Billed on Act#11-01105 under Christopher Stewart. Release Evergreen Fire (150.00), Release Columbus Rescue (1.35), Release Water District II (6.70)

Release the Property Value in the name of Summerset at Lake Waccamaw Amount: \$482.48  
 Value: \$59,200.00 Year: 2009 Account # 04-01317 Bill # 3715 Total \$494.32  
 Release portion of property value. Billed with incorrect land footage. Release portion of Columbus Rescue

Release the Property Value in the name of Troche, Clara Marshall & George Amount: \$170.12  
 Value: \$5,300.00 Year: 2006/0 Account # 01-96654 Bill # 9999 Total \$174.36  
 Release a portion of the property value. Incorrect footage. Release Whiteville Rescue fee.

Release the Property Value in the name of Wells Fargo Bank NA Amount: \$109.54  
 Value: \$13,440.00 Year: 2009 Account # 15-03714 Bill # 7843 Total \$128.36  
 Release property value. Double listed to Lawrence Sauls. Release Acme Delco (16.13) release Columbus Rescue (2.69)

Release the Property Value in the name of Willoughby, Johnathan Amount: \$113.81  
 Value: \$13,964.00 Year: 2009 Account # 12-01021 Bill # 9360 Total \$138.03  
 Release property value of boat. Listed in Robeson County, Release Columbus Rescue(2.79) release Water District II (9.77)

Release the User Fee in the name of Alford, Kelly James Amount: \$0.00  
 Value: \$0.00 Year: 2009 Account # 15-00200 Bill # 3411 Total \$210.00  
 Release user fee. Property is vacant.

Release the User Fee in the name of Boswell, William Randolph Amount: \$0.00  
 Value: \$0.00 Year: 2009 Account # 01-07260 Bill # 6735 Total \$210.00  
 Release user fee. Vacant.

# 567

Release the User Fee in the name of Cartrette, Pauline	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 09-03720 Bill # 0259	Total	\$210.00
Release user fee. Vacant.		
Release the User Fee in the name of Clewis, James Michael	Amount:	\$0.00
Value: \$0.00 Year: 2008/0 Account # 01-04807 Bill # 999	Total	\$410.00
Release user fee for years 2008 and 2009. Property is vacant.		
Release the User Fee in the name of Core, Rutheria	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 10-02923 Bill # 1744	Total	\$123.00
Release a portion of user fee. Vacant.		
Release the User Fee in the name of Dubar, Flecksie(Jr. )	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 15-12423 Bill # 3773	Total	\$210.00
Release user fee. Vacant.		
Release the User Fee in the name of Duncan, Worth Nelson	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 07-01201 Bill # 4111	Total	\$210.00
Release user fee. Vacant.		
Release the User Fee in the name of Freeman, Henry Wells	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 11-09660 Bill # 7056	Total	\$210.00
Release user fee. Property is vacant.		
Release the User Fee in the name of Kronenwetter, Eric	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 01-02736 Bill # 6571	Total	\$210.00
Release user fee. Uses a commercial hauler.		
Release the User Fee in the name of Kronewetter, Eric	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 01-50721 Bill # 6574	Total	\$210.00
Release user fee. Uses commercial hauler.		
Release the User Fee in the name of Long, James Alton	Amount:	\$0.00
Value: \$0.00 Year: 2008/0 Account # 03-02015 Bill # 9999	Total	\$410.00
Release user fee for years 2008 and 2009. Home repo.		
Release the User Fee in the name of Marlowe, Watson Dean	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 07-11940 Bill # 9008	Total	\$210.00
Release user fee. Property is vacant.		
Release the User Fee in the name of Thompson, Joseph	Amount:	\$0.00
Value: \$0.00 Year: 2003/0 Account # 12-02632 Bill # 999	Total	\$1,327.00
Release user fee for years 2003-2009. No can sent to this address.		
Release the User Fee in the name of Thompson, Joseph E	Amount:	\$0.00
Value: \$0.00 Year: 2003/0 Account # 12-01959 Bill # 99999	Total	\$354.00
Release user fee. Double listed to Joseph Thompson.		
Release the User Fee in the name of Ward, Joyce S.	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 09-32220 Bill # 6841	Total	\$210.00
Release user fee. Vacant.		
Release the User Fee in the name of Zephyr Enterprises of WH LLC	Amount:	\$0.00
Value: \$0.00 Year: 2009 Account # 03-04428 Bill # 999	Total	\$1,260.00
Release user fee. Uses commercial hauler.		

## **Agenda Item #16: COMMENTS:**

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

### **B. Board of Commissioners:**

1. **Commissioner Gore:** stated the following:
  - a. I have received some information in an envelope from Administration where

eleven (11) people out of twenty-seventy (27) people attended a meeting, and this needs to be checked into; **and**

- b. I have received an e-mail relative to a potential seven (7%) percent cut from the State level which will include personnel, and we need to be looking at areas where we can save money without eliminating any personnel.

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

- a. Mike Stephens, Columbus County Attorney, has informed me that the company that has sent out information to the water customers which provides insurance on the water lines from the meter to the house, has been licensed to do business in North Carolina;
- b. This company is a legitimate company; **and**
- c. The only problem we have discovered is that we have been unable to locate anyone in Columbus County that would actually perform the repair work, if needed, so buyers beware.

3. **Vice Chairman Byrd:** Kip, can you bring me up-to-date on the two (2) water systems with Mr. Green, that we were discussing?

**Kip McClary** replied stating we do not have that worked out yet. We are presently working on the final phases of Water District IV in Delco, but we have not worked out the Hallsboro area.

4. **Chairman Russ:** stated the following:

- a. I would like to remind the Board of the following dates:  
-Thursday, February 18, 2010, 3:00 P.M., Congressman McIntyre will be at the Bolton Volunteer Fire Department to present \$61,750;
- b. -Monday, February 22, 2010, 7:00 P.M., the Intergovernmental Council Meeting, at Daddy Joe's in Tabor City; **and**  
-Tuesday, February 23, 2010, 6:30 P.M., Update of Columbus County's Hazard Mitigation Plan; **and**
- c. There is a water tower in the eastern end of the County now.

C. **County Manager (William S. Clark):** stated the following:

1. On March 04, 2010, the Board Retreat will be held at Southeastern Community College, from 9:30 A.M. until 12:00 Noon;
2. On March 08, 2010, we have the Emergency Communications Workshop, at 6:00 P.M.; **and**
3. On March 09, 2010, the Fair Bluff Chamber of Commerce Banquet.

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

At 8:01 P.M., Commissioner Prevatte made a motion to recess Regular Session and enter into Closed Session in accordance with N.C.G.S.. § 143-318.11 (3) Attorney-Client Privilege and (6) Personnel, seconded by Vice Chairman Byrd. The motion unanimously passed.

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

No official action was taken.

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

At 9:23 P.M., Commissioner McKenzie made a motion to adjourn Closed Session and resume Regular Session, seconded by Commissioner Norris. The motion unanimously passed.

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

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

- Item Number 1: The County Attorney discussed the water issue involving the Town of Chadbourn; **and***
- Item Number 2: The County Manager discussed personnel issues with the Board of*

*Commissioners.”*

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

**Agenda Item #18: ADJOURNMENT:**

At 9:25 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Vice Chairman Byrd. The motion unanimously passed.

**APPROVED:**

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

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**P. EDWIN RUSS, Chairman**

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

**February 15, 2010**

**7:51 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

**COMMISSIONERS PRESENT:**

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

**APPOINTEES PRESENT:**

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

**MEETING CALLED TO ORDER:**

At 7:51 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

February 01, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the February 01, 2010 Columbus County Water and Sewer District I Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**ADJOURNMENT:**

At 7:53 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**P. EDWIN RUSS, Chairman**

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

**February 15, 2010  
7:51 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

**COMMISSIONERS PRESENT:**

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

**APPOINTEES PRESENT:**

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

**MEETING CALLED TO ORDER:**

At 7:51 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

February 01, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the February 01, 2010 Columbus County Water and Sewer District II Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**ADJOURNMENT:**

At 7:53 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**P. EDWIN RUSS, Chairman**

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

**February 15, 2010**

**7:51 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

**COMMISSIONERS PRESENT:**

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

**APPOINTEES PRESENT:**

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

**MEETING CALLED TO ORDER:**

At 7:51 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

February 01, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the February 01, 2010 Columbus County Water and Sewer District III Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**ADJOURNMENT:**

At 7:53 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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

\_\_\_\_\_  
**P. EDWIN RUSS, Chairman**

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

**February 15, 2010**

**7:51 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

**COMMISSIONERS PRESENT:**

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

**APPOINTEES PRESENT:**

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

**MEETING CALLED TO ORDER:**

At 7:51 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

February 01, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the February 01, 2010 Columbus County Water and Sewer District IV Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**ADJOURNMENT:**

At 7:53 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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

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**P. EDWIN RUSS, Chairman**

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

**February 15, 2010**  
**7:51 P.M.**

The Honorable Columbus County Commissioners met on the above stated date and at the above stated time in the Dempsey B. Herring Courthouse Annex Building, located at 112 West Smith Street, Whiteville, North Carolina, to act as the Columbus County Water and Sewer Districts I, II, III, IV and V Board.

**COMMISSIONERS PRESENT:**

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

**APPOINTEES PRESENT:**

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

**MEETING CALLED TO ORDER:**

At 7:51 P.M., Chairman Russ called the Columbus County Water and Sewer Districts I, II, III, IV and V **Combination** Board Meeting to order.

**Agenda Item #14: COLUMBUS COUNTY WATER and SEWER DISTRICTS I, II, III, IV and V - APPROVAL of BOARD MEETING MINUTES:**

February 01, 2010 **Combination Meeting** of Columbus County Water and Sewer Districts I, II, III, IV and V Board Meeting (**5 sets**)

Commissioner McKenzie made a motion to approve the February 01, 2010 Columbus County Water and Sewer District V Board Meeting Minutes, as recorded, seconded by Commissioner Norris. The motion unanimously passed.

**ADJOURNMENT:**

At 7:53 P.M., Commissioner McKenzie made a motion to adjourn, seconded by Commissioner Norris. The motion unanimously passed.

**APPROVED:**

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

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**P. EDWIN RUSS, Chairman**