

SIGNATURE CARDS

With the changes in the County Manager, the Board will need to authorize the Chairman and County staff to sign new signature cards for the following accounts: RBC Bank Signature Card & Resolution/Agreement; Single Family Rehab Grant; and Public School Building Capital Fund. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously authorized the Chairman and County staff to sign new signature cards for the following accounts: RBC Bank Signature Card & Resolution/Agreement; Single Family Rehab Grant; and Public School Building Capital Fund.

PUBLIC COMMENTS

There were no comments from the public.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:40 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

REGULAR MEETING

December 5, 2011

6:20 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, December 5, 2011, at 6:20 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Benjamin Hobbs, Chairman Sue Weimar
Janice McKenzie Cole, Vice Chair Tammy Miller-White
Mack E. Nixon Edward R. Muzzulin

MEMBERS ABSENT: None

OTHERS PRESENT: Frank Heath, Interim County Manager Will Crowe, County Attorney
Mary Hunnicutt, Clerk to the Board

After the Chairman called the meeting to order, Commissioner Muzzulin gave the invocation and the Chairman led the Pledge of Allegiance. Chairman Hobbs proceeded with the Public Hearings.

PUBLIC HEARINGS

Albemarle Electric Membership Corporation for Conditional Use Permit No. CUP-11-03

Chairman Hobbs opened the first Public Hearing stating that the purpose of the public hearing was to receive public comments on consideration of a request by Albemarle Electric Membership Corporation (AEMC) for Conditional Use Permit No. CUP-11-03 to locate an Electrical Distribution Substation on the east side of Woodville Road, in the 1300 block, approximately 4/10 mile north of New Hope Road. Subject property zoned RA, Rural Agriculture District and known as portion of 4-0054-0016. There were five (5) people present. The Chairman recognized Donna Godfrey, Planner, who gave an overview of their request. Ms. Godfrey explained that this would be a Quazi-Judicial procedure and referenced the procedures included in the staff report. She further explained that the subject property has ample space to provide the proposed and required site improvements. There were two (2) unique conditions to their request: (1) the Board will need to acknowledge that AEMC will not begin construction until 2014 to 2016. Therefore, this will be an exception to Section 903. This is covered under their condition #15. AEMC will be required to provide the Board with an annual courtesy update; and (2) At the Technical Review Committee (TRC) meeting, the fire department requested that they install a fire hydrant to service this immediate area. That is covered under condition #14. Their request was approved by the Planning Board at their November meeting. The Chairman asked if there were any questions from the public and from the Board. There were no public comments but the following comments/questions were made from the Board:

➤ **Commissioner Miller-White:** Ms. Miller-White asked about the numbering of the conditions to the permit beginning with the second #3 under #5. Ms. Godfrey said that they would need to be corrected before the Conditional Use Permit is recorded.

➤ **Commissioner Muzzulin:** Mr. Muzzulin asked what the rationale was for requiring the placement of a new fire hydrant. Ms. Godfrey said that it was due to the fact that there were none located close to the site.

The Chairman asked if there were any more comments on this item. There being none, he closed Public Hearing No. 1 and proceeded with the second Public Hearing.

Administrative Amendment No. REZ-11-02

Chairman Hobbs opened the second Public Hearing stating that the purpose of the public hearing was to receive public comments on consideration of Administrative Amendment No. REZ-11-02 to rezone from RA, Rural Agriculture District to CR, Rural Commercial District, the 0.33-acre lot located at 2101 New Hope Road (Tax Parcel No. 4-0054-0031) at the intersection of Woodville Road, across from Foster's Lane and the New Hope United Methodist Church. There were five (5) people present. The Chairman recognized Donna Godfrey, Planner, who gave an overview of the request. Ms. Godfrey explained that this continues the Board of County Commissioners' countywide initiative to correct ill-suited zoning district designations for those pre-existing businesses which are located in the County's outlying "rural villages" or "country crossroads" and which predate the adoption of the County's Zoning Ordinance. This request was approved by the Planning Board at their November meeting. The Chairman asked if there were any questions from the public and from the Board. There were no public comments but the following comments/questions were made from the Board:

➤ **Commissioner Nixon:** Mr. Nixon said that he did not have a problem with the rezoning.

The Chairman asked if there were any more comments on this item. There being none, he closed Public Hearing No. 2 and proceeded with the third Public Hearing.

Administrative Text Amendment No. TXT-11-08

Chairman Hobbs opened the third Public Hearing stating that the purpose of the public hearing was to receive public comments on consideration of Administrative Text Amendment No. TXT-11-08 to clarify the maximum height requirements for residential buildings, with changes to Articles VII and XXIV of the Zoning Ordinance. There were seven (7) people present. The Planning Board approved this amendment at their November meeting. The Chairman recognized Donna Godfrey, Planner, who presented the following Administrative Text Amendment No. TXT-11-08:

-Beginning of Ordinance document to be recorded-
 Administrative Text Amendment No. TXT-11-08
 Perquimans County Zoning Ordinance, Articles VII & XXIV
 Clarify Maximum Building Height of Residential Structures

Note: Text Amendments as proposed by Planning Board on 10-11-11 & 11-8-11 are shown in **single strikethrough and underline and highlighted in yellow**

PROPOSED ORDINANCE NO. 80

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE VII, DIMENSIONAL REQUIREMENTS AND ARTICLE XXIV, DEFINITIONS AND WORD INTERPRETATIONS, TO CLARIFY AND DEFINE MAXIMUM HEIGHT REQUIREMENTS FOR RESIDENTIAL BUILDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (Zoning Ordinance), as previously amended, is hereby amended by revising **Article VII, Dimensional Requirements and Article XXIV, Definitions and Word Interpretations, to clarify and define maximum height requirements for residential buildings** thereof and by adding and substitution the following excerpts of **Articles VII and XXIV** attached hereto as **Exhibits A and B** and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this _____ day of _____, 2011.

**BOARD OF COUNTY COMMISSIONERS OF
 PERQUIMANS COUNTY, NORTH CAROLINA**

By: _____
 Benjamin C. Hobbs, Chairman

ATTEST:

 Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

Exhibit "A"

ARTICLE VII. DIMENSIONAL REQUIREMENTS

Section 701. Exceptions to Lot Requirements

- A. **Availability of Community Water and Sewer Service:** When individual sewage disposal systems are planned, the minimum lot sizes specified in Section 703 of this Ordinance shall be increased as required by the standards of the Albemarle Regional Health Services serving the County. Community water supply and sewage facilities shall comply with applicable laws and regulations as administered by the Albemarle Regional Health Services and the North Carolina Department of Environment and Natural Resources.
 - (1) Residential lots located in the RA-15, Residential and Agricultural Zone which are served by a community water system and by a community sewer system that have been approved by the North Carolina Department of Environment and Natural Resources and the Albemarle Regional Health Services may have a minimum lot size of 15,000 square feet with a minimum lot width of ninety (90) feet as established by Section 704, Area, Yard and Height Requirements Table.
 - (2) Residential lots located in the RA-25, Residential and Agricultural Zone which are served by a community water system and by a community sewer system that have been approved by the North Carolina Department of Environment and Natural Resources and the Albemarle Regional Health Services may have a minimum lot size of 25,000 square feet with a minimum lot width of one-hundred twenty-five (125) feet as established by Section 704, Area, Yard and Height Requirements Table.
 - (3) Residential lots located elsewhere (including the RA-15, RA-25, RA-43, RA, HA, and CH Zones) which are only served by a community water system and which land service by a community sewer system, shall have a minimum lot size of 43,000 square feet in usable area or larger as required by the Albemarle Regional Health Services.
- B. **Cul-de-sac Lots:** Lots fronting on the turnaround portion of a cul-de-sac (dead-end) road may have a reduced lot width of no less than fifty (50) feet as measured at the front property line/road right-of-way as long as the standard lot width is provided at the actual building line, as applicable to the zoning district, including ninety (90) feet in the RA-15 Zone, one hundred twenty-five (125) feet in the RA-25, RA-43 and RA Zones, etc.

Section 702. Exceptions to Yard Requirements

- A. **Conditional Use Requirements Take Precedence:** Area, yard and height requirements as specified in the issuance of a Conditional Use Permit shall take precedence over the area, yard and height requirements as set forth in Section 704, Table of Area, Yard and Height Requirements.
- B. **Variance for Prior Lots of Record:** Notwithstanding provisions related to nonconforming situations and building setbacks/yard areas provided elsewhere in this Ordinance, a principal building or structure may be constructed and occupied by one family on any lot properly zoned and recorded before the adoption of this Ordinance and meeting all of the requirements of the Albemarle Regional Health Services standard and maintaining minimum yard areas as provided by Section 1203 (e) and (f) of this Ordinance, as follows:

<u>Yard Area</u>	<u>Lot Recorded:</u>	
	<u>On or before May 7, 1973</u>	<u>On or before October 2, 2002</u>
Primary Front Yard	25'	25'
Side Yard (interior)	10'	12'
Rear Yard	10'	25'
Secondary Front Yard (abutting side road)	25'	25'
From Major Thoroughfares (1)	40'	40'
From Normal Water Level (2)	40'	40'

Notes: (1) Where yard areas abut a major thoroughfare, a greater building setback will apply.
 (2) Where yard areas abut a navigable waterway, a greater building setback will apply, unless an exemption is granted by the North Carolina Division of Coastal Management under the Coastal Shorelines regulations, Section 15A NCAC 07H.0209, as amended. In no case shall such yard areas be less than 25 feet.

- (3) See additional exceptions and modifications at Articles XI and XII.
- (4) See building setbacks contained in the Section 704 Table, especially for the RA-15 and CH Zones.

- C. **Accessory Structures:** An accessory structure (detached garage, storage building, swimming pool, etc.) to residential uses may be constructed provided that:
- (1) It shall be located at least ten (10) feet away from any interior Side or Rear Lot Line;
 - (2) On a Corner Lot it shall be located at least twenty (20) feet away from the Secondary Front property line (abutting the side road);
 - (3) It shall not be located within a deeded drainage/utility easement as required by Albemarle Regional Health Services or Perquimans County; and

Section 703. Exception to Height Requirements: Unless otherwise regulated by standards contained elsewhere in this Ordinance and other codes and regulations, certain structures and necessary mechanical appurtenances may be erected to any height, including church steeples, chimneys, bellfries, water tanks or towers, fire towers, flag poles, spires, monuments, cupolas, domes, antennas (except satellite dish antennas), observation towers, electrical transmission towers, communication towers, silos, and roof structures for housing stairways, heating and air conditioning equipment, ventilating fans or similar equipment may be erected without regard to the maximum height limitation stated herein **Article VII**. No portion of any structure intended for human occupancy may be constructed above the height limit herein specified.

Section 704. Table of Area, Yard and Height Requirements:

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 1 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT <small>See exception at Section 703</small>
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See Exceptions at Note 2 and Section 702			
RA	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	35 feet
	Corner Lots Abutting Side Street:				25 feet		See Note 3
	Accessory Structures ¹				10 feet		10 feet
	From Street Right-of-way:				20 feet		20 feet
HA	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	35 feet
	Corner Lots Abutting Side Street:				25 feet		See Note 3
	Accessory Structures ¹				10 feet		10 feet
	From Street Right-of-way:				20 feet		20 feet

- 1 Not including fences and walls. Must be located in the rear yard. Detached carports and garages must be located in the side or rear yard and meet all setbacks for the principal building.
- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 3 **The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.**

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 2 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT <small>See exception at Section 703</small>
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See Exceptions at Note 2 and Section 702			
R-43	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	<i>See Note 3</i>
	Corner Lots Abutting Side Street:				25 feet		
	Accessory Structures ¹				10 feet		10 feet
	From Street Right-of-way:				20 feet		20 feet
R-25	25,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	<i>See Note 3</i>
	Corner Lots Abutting Side Street:				25 feet		
	Accessory Structures ¹				10 feet		10 feet
	From Street Right-of-way:				20 feet		20 feet
R-15	15,000 sq. ft.	90 feet	120 feet	25 feet	12 feet	20 feet	<i>See Note 3</i>
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures ¹				10 feet		10 feet
	From Street Right-of-way:				20 feet		20 feet

- 1 Not including fences and walls. Must be located in the rear yard. Detached carports and garages must be located in the side or rear yard and meet all setbacks for the principal building.
- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 3 **Maximum Building Height of structures in all Residential Districts is limited to 35 feet from the bottom of all windows, rooflines, balconies, etc. The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.**

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 3 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT See exception at Section 703
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See exceptions at Note 2 and Section 702			
CR	12,000 sq. ft.	100 feet	100 feet	30 feet	10 feet	20 feet	35 feet
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures 4				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
CN	12,000 sq. ft.	100 feet	100 feet	30 feet	10 feet	20 feet	35 feet
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures 4				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
CH	10,000 sq. ft.	75 feet	100 feet	50 feet 4	10 feet	20 feet	35 feet 5
	Corner Lots Abutting Side Street:				20 feet		See Note 3
	Accessory Structures 6				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	

- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 3 The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.
- 4 Within the first ten (10) feet next to the street of this required yard there shall be no signs, parking, or any use other than landscaping.
- 5 Unless the front yard and each side yard is increased one (1) foot for each one (1) foot or fraction thereof, of building height in excess of thirty-five (35) feet.
- 6 Not including fences and walls. Must be located in the rear yard.

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 4 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT See exception at Section 703
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See exceptions at Note 2 and Section 702			
IL	1 acre	125 feet	150 feet	65 feet 7	25 feet	30 feet	35 feet 8
	Corner Lots Abutting Side Street:				50 feet		
	Abutting Property Zoned Residential:				35 feet	55 feet	
	Accessory Structures				20 feet	20 feet	
	From Street Right-of-way:				30 feet	30 feet	
IH	1 acre	125 feet	150 feet	65 feet 9	25 feet	30 feet	56 feet
	Corner Lots Abutting Side Street:				50 feet		
	Abutting Property Zoned Residential:				35 feet	55 feet	
	Accessory Structures				20 feet	20 feet	
	Abutting Property Zoned Residential:				30 feet	30 feet	
	From Street Right-of-way:				30 feet	30 feet	

- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 7 This yard shall not be used for any purpose other than the necessary drives, walks, and landscaping and shall not be used for off-street parking.
- 8 Unless the front yard and each side yard is increased one (1) foot for each one (1) foot, or fraction thereof, of building height in excess of thirty-five (35) feet.
- 9 This yard shall not be used for any purpose other than the necessary drives, walks, and landscaping and shall not be used for off-street parking.

Exhibit "B"

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

- (i) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
- (ii) The word "shall" is mandatory and not discretionary.
- (iii) The word "may" is permissive.
- (iv) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (v) The word "lot" shall include the words "piece," "parcel," "tract," and "plot."
- (vi) The word "building" includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
- (vii) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Building Height: The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height. For all other structures, building height shall be the vertical distance measured from from the average elevation of the finished grade at the front of the building to the highest point of the building. Exceptions to these definitions are in Section 703 and 1103. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV communications, telecommunication, and water towers are not to be included in the calculations of building height.

Note: Text Amendments as proposed by Planning Board on 10-11-11 & 11-8-11 are shown in ~~single strikethrough and underline and highlighted in yellow~~

The Chairman asked if there were any questions from the public and from the Board. There were no public comments but the following comments/questions were made from the Board:

- **Chairman Hobbs:** Mr. Hobbs asked that when they get their permit will the builder be required to have an elevation certificate. Ms. Godfrey said that they have not really discussed the enforcement of this requirement but feels that this should be handled by the Building Inspections Office. He also asked if they have always had to provide the elevation information. Commissioner Nixon said that they were not required to do that previously. Ms. Godfrey said that she may need to amend her Zoning Permit Application to indicate the elevation requirement. This will have to be worked on as we move along with this procedure.
- **Commissioner Weimar:** Ms. Weimar asked how this will affect the buildings located in Albemarle Plantation – condos, apartments, villas, etc. They will have to change their practices. She further asked how this will effect our ability to put out fires.
- **Commissioner Nixon:** Mr. Nixon asked if multi-family structures were in the Residential District. Ms. Godfrey said that it is in the RA, Residential/Agriculture, and PUD, Planned Unit Development, Districts.
- **Commissioner Miller-White:** Ms. Miller-White asked that, if a PUD has already been approved, how would this amendment affect their structure requirements.
- **Commissioner Nixon:** Mr. Nixon said that, with these questions in mind, could Ms. Godfrey rehudle with the Planning Board and discuss requirements for multi-family structures and the requirement for a sprinkler system in the dwelling. Ms. Godfrey said that she would. He asked her to check with some of the other surrounding counties to see what they require.

The Chairman asked if there were any more comments on this item. Their being none, he closed Public Hearing No. 3 and proceeded with the fourth Public Hearing.

CDBG Funds – Albemarle Commission

Chairman Hobbs opened the fourth Public Hearing stating that the purpose of the public hearing was to receive public input regarding submittal of a Grant Application to the NC Department of Commerce. There were fourteen (14) people present. The Chairman recognized Bert Banks, Executive Director of Albemarle Commission, who explained that the Albemarle Commission was applying for a CDBG Grant for housing rehabilitation, infrastructure, economic development, small business and entrepreneurship, capacity building and catalyst programs. The purpose of this hearing is to allow citizens the opportunity to express views and proposals prior to the submission of a Community Development Block Grant (CDBG) NC Tomorrow application. A full description of the proposed \$50,000 (CDBG) NC Tomorrow Grant application activities including location, activities and cost was provided to the Clerk to the Board for public review. The Chairman asked if there were any public comments:

- **Chairman Hobbs:** Mr. Hobbs asked Mr. Banks who was doing the planning. Mr. Banks said that Albemarle Commission would be hiring a new planner to handle this grant.
- **Commissioner Weimar:** Ms. Weimar asked if the admin funds in this grant includes the cost of the Planner’s salary. Mr. Banks said that it does.
- **Commissioner Muzzulin:** Mr. Muzzulin asked about what product we would receive. Mr. Banks said that we will receive a detail report on economic development information for the state and the region.
- **Commissioner Cole:** Ms. Cole asked what we are applying for and do they have copies of the application. Mr. Banks asked Mary Hunnicutt, Clerk to the Board, to pass the application file to the Board for their review.
- **Commissioner Weimar:** Ms. Weimar asked if some of the reports that we currently receive will be discontinued and this report replace it. Mr. Banks said that this report would be all inclusive.
- **Commissioner Miller-White:** Ms. Miller-White asked if this project could move forward without the CDBG funding and is this the best use of the CDBG Funds. Mr. Banks said that this was set up for this purpose and that, if this is not approved tonight, he would have to look at his budget to see if they could afford to pay for our portion without the CDBG Funds.
- **Commissioner Nixon:** Mr. Nixon asked what was the total amount of money set aside for this grant. Mr. Banks said that it was about \$900,000. This money will be coming from the DCA (Division of Community Assistance).
- **Commissioner Nixon:** Mr. Nixon asked what the difference was between their current data and the data that we will be receiving from this grant. Mr. Banks said that it was more encompassing.
- **Commissioner Muzzulin:** Mr. Muzzulin stated that this grant would only produce one job and a lot of data but it will be 6-8 months old and it would be available to all. Is this correct? Mr. Banks said yes.
- **Jerry Butler:** Mr. Butler said that he is very disturbed by Mr. Banks’ comment: “we have received very little input from the community”. He said that Mr. Banks made it at the first public hearing and repeated it tonight. He wanted to know what input was he looking for from the community and how does the community go about getting the input to him. Mr. Banks said that was the purpose of the public hearings and that the community could contact him directly at the Albemarle Commission.

The Chairman asked if there were further questions from the Board and public. There being no further comments/questions, the Chairman closed the Public Hearings at 7:00 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Sue Weimar, seconded by Edward R. Muzzulin.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Mack E. Nixon, seconded by Janice McKenzie Cole.

1. **Approval of Minutes:** November 7, 2011 Regular Meeting
2. **Approval of Tax Refunds:**
PERQUIMANS COUNTY TAX RELEASES:
 - **Little River Woodworks** \$275.88
First Citizens paid on this account in error. Account Number: 0427911.
 - **Woolard, Jr., Fenner Vernon**..... \$343.52
Vehicle sold and plate turned in. Prorated for 7 months. Account Number: 8078271.

3. Personnel Matters

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Jean Pekofsky	IMC II	Retirement			1/1/2012

4. Budget Amendments:

**BUDGET AMENDMENT NO. 9
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-410-570	Governing Body - Miscellaneous	2,725	
10-420-020	County Manager - Salaries		2,725
EXPLANATION: To provide employees a \$25.00 Christmas Gift Certificate for FY 2011-12 (permanent full-time / permanent part-time).			

**BUDGET AMENDMENT NO. 10
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-021	State Grant - Perquimans County VAD	4,000	
10-615-148	Perquimans County - VAD	4,000	
EXPLANATION: To appropriate funds in FY 2011-12 Budget for Perquimans County Voluntary Agricultural District (VAD) Grant approved at 11/7/2011 Board of Commissioners' Meeting.			

**BUDGET AMENDMENT NO. 11
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-000	State Grants - DSS	176,959	
10-610-192	Crisis Intervention	58,379	
10-610-198	Low Income Energy Ass't (LIEAP)	20,056	
10-610-453	Smart Start Day Care	22,248	
10-610-454	Child / Day Care	51,676	
10-610-452	Foster / Child Care	30,000	
10-399-000	Fund Balance Appropriated	5,400	
EXPLANATION: Additional State Grant Funds available for Crisis, Low Income, and Day Care for FY 2011-12. Additional Funding needed for Foster / Child Care for FY 2011-12 (County's portion is 18%).			

- Register of Deeds: Reduction in Salary Pursuant to GS 153A-92:** Per N.C. General Statutes 153A-92, the Register of Deeds' salary should be reduced to Grade 70/Step 1 at \$36,105 effective December 1, 2012.
- Board Appointment:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Hobbs, Benjamin	Albemarle Commission	Reappointment	1 yr.	1/1/2012

DONNA WINBORNE, DOUGLAS HOLLOWELL, CPA

Copies of the FY 2010-2011 Audit were given to the Commissioners at their November Work Session. Ms. Winborne reviewed several items within the audit. Ms. Winborne thanked Sharon Ward and her staff for their assistance in the preparation of this Audit. She asked if there were any questions. There being none, Mack E. Nixon made a motion to approve the FY 2010-2011 Audit. The motion was seconded by Tammy Miller-White and unanimously approved by the Board.

LEO HIGGINS, JCPC

Mr. Higgins explained that at the time of the original JCPC budget, the State was going to reduce their funding. The State has now decided to give JCPC an additional \$64,160 to be distributed as follows:

FY 2011-2012 Juvenile Crime Prevention Budget Amendment			
Program Provider	DJJDP Funding	Local In-Kind	Total
Restitution	\$23,708	\$2,400	\$26,108
RHEMA Educational Services	20,708	3,200	23,908
Social Thinking Option	16,821	3,000	19,821
JCPC Certification	2,923	0	2,923
TOTALS	\$64,160	\$8,600	\$72,760

On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the JCPC Budget Amendment as presented by Mr. Higgins.

FRANK HEATH, TAX ADMINISTRATOR

Mr. Heath presented his monthly report.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Commissioner Weimar: Ms. Weimar thanked Russ Chappell and the Water Distribution Department for a job well done in handling a bad leak in Snug Harbor last month.

Commissioner Cole: Ms. Cole explained that Roy Wilson of East Carolina Behavioral Health will be retiring the end of January. The search for his replacement is being done in-house.

UPDATES

Interim County Manager Heath updated the Board on the following projects:

Water System Projects:

- **Bethel Water Treatment Plant:** Interim County Manager Heath reported that the cost estimates for the RO Project at the Bethel Water Treatment Plant should be ready by February, 2012.
- **Pasquotank RO Plant:** Interim County Manager Heath reported that we only have verbal agreements with Pasquotank County. They are having a Water Meeting in Pasquotank on Thursday.

Jail Project: Commissioner Muzzulin highlighted several items from his report: (1) There are 49 Federal inmates at Albemarle District Jail; (2) They have not heard anything from Chowan County that they want to join with the Albemarle District Jail; and (3) Lt. Owens has had an exit interview which proved to be very helpful.

WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

Interim County Manager Heath said that there was no new information on the Water Purchase Contract with Pasquotank County. No action taken.

CLAYTON GRIFFIN'S MENTORING CONTRACT & BUDGET AMENDMENT NO. 8

Interim County Manager Heath presented the following revised Mentoring Contract with Clayton Griffin and Budget Amendment No. 8 to budget the funds to cover the Mentoring Program for the remainder of the FY 2011-2012 that was approved at last month's meeting:

NORTH CAROLINA

CONTRACT FOR SERVICES

PERQUIMANS COUNTY

THIS AGREEMENT made and entered into this the 1st day of December, 2011, by and between PERQUIMANS COUNTY, hereinafter referred to as "the County", and CLAYTON H. GRIFFIN, SR., hereinafter referred to as the "Provider";

WITNESSETH:

THAT WHEREAS the County has received grants and monies from various sources to finance the Community-Based Youth Gang Violence Prevention Program; and

WHEREAS the County and the Provider wish to enter into an agreement, by which the Provider will provide Community-Based Youth Gang Violence Prevention services as an independent contractor;

NOW, THEREFORE, PERQUIMANS COUNTY and CLAYTON H. GRIFFIN, SR., agree as follows:

1. RESPONSIBILITIES OF THE PROVIDER.

- As Provider, Clayton H. Griffin, Sr. will administer the Community-Based Youth Gang Violence Prevention Program in Perquimans County according to State of North Carolina guidelines.

b. As Provider, Clayton H. Griffin, Sr. will promptly complete and deliver all paperwork, including, but not limited to, monthly billings to the State, to be signed by the County Manager or Finance Officer of Perquimans County.

c. As Provider, Clayton H. Griffin, Sr. shall, during each fiscal year, make two (2) presentations to the Perquimans County Board of Commissioners as to the performance of the Community-Based Youth Gang Violence Prevention Program in Perquimans County.

2. TERM.

Unless sooner terminated, the term of this contact shall be for the period beginning December 1, 2011 and continuing through June 30, 2012. The Provider will provide a minimum of eight (8) hours of services per day and shall work five (5) days per week, except when he is observing County holidays. All holidays observed by the County shall be observed by the Provider.

3. CONTRACT PRICE.

Perquimans County shall pay the Provider as follows: \$2,500.00 monthly beginning on the 25th of December and on the 25th day of every month thereafter through June 25, 2012. If this contract is terminated prior to June 30, 2012, the Provider shall be paid through the date of termination, but not for any time thereafter.

4. TERMINATION.

This contract may be terminated at any time by the County of Perquimans or by the Provider, Clayton H. Griffin, Sr., upon written notice to the other.

5. WORKERS' COMPENSATION.

The Provider will be covered under Perquimans County's Workers' Compensation Program for the period of time covered by this Agreement.

6. FICA AND TAXES.

The Provider will be required to record and pay all of his Social Security taxes and to file and pay all of his North Carolina and Federal Income taxes.

7. INDEPENDENT CONTRACTOR.

The Provider, Clayton H. Griffin, Sr., shall at all times under this Agreement be considered an independent contractor with Perquimans County. The Provider understands that under this contract he is not a county employee and he shall not be eligible for any of the benefits of the employees of Perquimans County and that he shall not come under the rules of the Perquimans County personnel policy.

IN WITNESS WHEREOF, PERQUIMANS COUNTY has caused this agreement to be executed, in duplicate originals, by the Chairman of its Board of Commissioners and attested by the Clerk to the Board, and its seal to be hereunto affixed, the day and year first above written, and CLAYTON H. GRIFFIN, SR., has hereunto set his hand and seal, in duplicate originals, the day and year first above written.

PERQUIMANS COUNTY

By: _____
Chairman, Board of Commissioners of
Perquimans County

ATTEST:

Clerk to the Board

CLAYTON H. GRIFFIN, SR.

NORTH CAROLINA

PERQUIMANS COUNTY

I, _____, a Notary Public of the County and State aforesaid, certify that Mary P. Hunnicutt, personally came before me this day and acknowledged that she is Clerk to the Board of the Commissioners of Perquimans County, and that by authority duly given and as the act of said Board, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by her as its Clerk.

Witness my hand and official stamp or seal, this _____ day of _____, 2011.

My commission expires: _____

Notary Public

NORTH CAROLINA

PERQUIMANS COUNTY

I, _____, a Notary Public of the County and State aforesaid, certify that CLAYTON H. GRIFFIN, SR., personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this _____ day of _____, 2011.

My commission expires: _____

Notary Public

The following questions were asked by the Board:

- **Chairman Hobbs:** Mr. Hobbs asked if the funds that they had budgeted for the first part of this fiscal year had been repaid to the County. Mr. Griffin said that they had not.
- **Commissioner Nixon:** Mr. Nixon asked how things looked for next fiscal year. Mr. Griffin said that it looks about the same as this year.
- **Commissioner Cole:** Ms. Cole asked again about the hours for the two contracts. It looks like Mr. Griffin is working about 80 hours a week. The current contract needs to be revised to correct the hours.

On motion made by Tammy Miller-White, seconded by Janice McKenzie Cole, the Board unanimously approved the above contract with Clayton Griffin with the adjustment of the hours worked and the following Budget Amendment No. 8:

**BUDGET AMENDMENT NO. 8
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-671-040	Restitution - Professional Mentoring	2,500	
10-672-040	Mentoring - Professional	17,500	
10-671-110	Restitution - Telephone Mentoring	208	
10-348-005	ECBH Collaborative Funds	12,000	
10-399-000	Fund Balance Appropriated	2,500	
10-335-000	Miscellaneous Revenue (School)	2,500	
10-348-018	Mentoring Focus (Local)	500	
10-690-915	Education Programs - OJJ		2,708

EXPLANATION: To fund Mentoring Focus Program through FY 2011-12.

PERQUIMANS COUNTY TRAILBLAZERS' REQUEST

Commissioner Weimar requested to be recused from this matter since she is very involved in the Trailblazers Project. The Chairman asked County Attorney Crowe if that was necessary. Mr. Crowe said that it was okay for her to vote on this matter. Sue Weimar made a motion to approve the reimbursement of the \$975.12 to the Perquimans County Trailblazers to cover the cost of the concrete and other miscellaneous expenses to complete the installation of the nine fitness stations along the trail at the Recreation Center. Edward R. Muzzulin seconded the motion. Interim County Manager Heath

said that the Budget Amendment will be presented in January for Board approval. During the discussion, Commissioner Nixon voiced his concerns again about the maintenance of the items and that no revenue is being generated by the platforms to finance the maintenance of these structures. Commissioner Weimar stated that she understands and that they have tried everything that they could to collect rental for these platforms. She said that his point was taken into advisement and they will continue to work on this. The Chairman called for a vote on the motion. The motion was unanimously approved by the Board.

NORTHEAST AG EXPO REQUEST

Lewis Smith, Extension Director, contacted the County Manager and said that they would be handling the request for insurance and license on their trailer and possibly a truck to pull the trailer. Therefore, there was no action taken on this matter.

SEWER DISTRICT DISCUSSION

The Board decided to table this matter until the January Work Session.

AEMC LIGHT UP CHRSTIMAS PROGRAM

Commissioner Miller-White said that there was no need to discuss this matter any further. Therefore, no action was taken on this matter.

ELECTION OF CHAIRMAN/VICE CHAIR

Chairman Hobbs turned the meeting over to Will Crowe, County Attorney, who acted as Temporary Chairman of the meeting. Mr. Crowe opened the floor for nominations for Chairman of the Board. Mack E. Nixon nominated Benjamin C. Hobbs. Sue Weimar seconded the nomination. There being no further nominations, Mr. Crowe asked for a motion to close the nominations for Chairman. Mack E. Nixon made a motion to close the nominations. Edward R. Muzzulin seconded the motion which was unanimously approved by the Board. The Chairman asked for a vote on Chairman. Benjamin C. Hobbs was elected as Chairman of the Board.

The floor was opened for nominations for the office of Vice Chair of the Board. Tammy Miller-White nominated Janice McKenzie Cole. Sue Weimar seconded the nomination. There being no further nominations, Mr. Crowe asked for a motion to close the nominations for Vice Chair. Mack E. Nixon made a motion to close the nominations which was unanimously approved by the Board. The Chairman asked for a vote on Vice Chair. Janice McKenzie Cole was unanimously elected as Vice Chair of the Board.

CDBG FUND – ALBEMARLE COMMISSION

The Public Hearing was held earlier in the meeting. A motion was made by Edward R. Muzzulin to proceed with the application and have the funds be distributed through Perquimans County. The motion died due to a lack of a second. Interim County Manager Heath will notify Bert Banks that their request had been denied.

PLANNING BOARD ITEMS

Donna Godfrey, County Planner, presented the following items for Board action:

Conditional Use Permit #CUP-11-03 – Albemarle Electric Membership Corporation: A Public Hearing was held earlier in the meeting to consider a request by Albemarle Electric Membership Corporation (AEMC) for Conditional Use Permit No. CUP-11-03 to locate an Electrical Distribution Substation on the east side of Woodville Road, in the 1300 block, approximately 4/10 mile north of New Hope Road. Subject property zoned RA, Rural Agriculture District, and known as portion of 4-0054-0016. Mack E. Nixon made a motion to approve Albemarle Electric Membership Corporation's proposed Conditional Use Permit No. CUP-11-03 to locate an Electrical Distribution Substation on the east side of Woodville Road, in the 1300 block, approximately 4/10 mile north of New Hope Road and known as Tax parcel Nos. 4-0054-0016, subject to the conditions listed in said Conditional Use Permit, Cover Letter and Site Plan with changes in the numbering on the Conditional Use Permit adopting Section 903 Findings to support the motion as follows:

- (a) That the CUP will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

The Board unanimously approved the following Conditional Use Permit No. CUP-11-03, which was recorded in the Register of Deeds' Office:

-Beginning of Conditional Use Permit document to be recorded-
Conditional Use Permit No. CUP-11-03
for AEMC's New Hope Substation
on Woodville Road
by Albemarle Electric Membership Corporation

CONDITIONAL USE PERMIT No. CUP-11-03

On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

Authorized Applicant: Albemarle EMC
125 Cooperative Way (P.O. Box 69)
Hertford NC 27944

Property Location/Address: 4.73-acre portion of Tax Parcel No. 4-0054-0016 located on the east side of Woodville Road, in the 1300 block, approximately 4/10 mile north of New Hope Road

Tax Parcel No: 4-0054-0016 (portion of)

Zoning District: RA, Rural Agriculture

Proposed Use of Property: To construct, operate and maintain an electrical distribution substation in order to alleviate loading and voltage concerns on Albemarle Electric Membership Corporation's present distribution circuit. For additional details, see attached letter addressed to the Perquimans County Board of Commissioners.

Meeting & Hearing Dates: Planning Board on November 8, 2011 and Board of Commissioners on December 5, 2011.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore

the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "Public Utility Substations, Transformer Stations, and Other Facilities" and subject to the following conditions:

- (1) The Applicant shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as "Any significant change in land use, and change in the project boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans." However, it is understood that the conceptual layout of the Electrical Distribution Substation as shown on the Site Plans may require adjustments in the exact location of the equipment within the proposed chain link fence. Minimum setbacks and buffering must comply with Section 907.25 of the Perquimans County Zoning Ordinance.
(2) The Electrical Distribution Substation and all related equipment and structures shall maintain standard setbacks if applicable in the zoning district from street rights-of-way and double (2 times) the standard setbacks from any other property line.
(3) Any equipment producing noise or sound discernible at the property line shall be set back until it is no longer discernible or one hundred (100) feet, whichever comes first.
(4) The Electrical Distribution Substation facilities and structures shall be enclosed with a security fence with a minimum height of seven (7) feet and screened with either a minimum three (3) foot wide strip planted with dense evergreen vegetation such as Wax Myrtle, Wax-Leaf Ligustrum or other suitable plant material expected to grow to at least seven (7) feet in height within three (3) years or a twenty (20) foot wide strip of natural wooded area. The vegetated buffer shall be located adjacent to the property line and between the property line and fence as shown on the attached Site Plan. Transmission line rights-of-way shall be exempt from buffer requirements.
(5) Pursuant to the attached Site Plan, Albemarle EMC does not anticipate the need for outside storage on the subject property. Any future outdoor storage shall be located as follows:
(a) In the rear yard;
(b) Inside the security fence;
(c) Screened from view from the street and adjoining properties;
(d) Set back from any property line at least twenty (20) feet; and
(e) Screened with vegetation in keeping with the neighborhood and meeting the requirements of the three (3) foot wide dense evergreen planting or the twenty (20) foot wide natural wooded or planted strip, as described in Article XVIII "Buffers and Screening" of this Ordinance and referenced in Condition No. 4, above.
(6) Within 12 months of completion of construction, the Applicant shall provide certified "as built" drawings to the County showing the locations of the electrical distribution substation, transmission lines, equipment, driveways, ditches, vegetative buffers, control house and all related improvements.
(7) For a period of up to 12 months after the Applicant submits the certified "as built" drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to Section 907.23 of the Perquimans County Zoning Ordinance.
(8) Any impervious surfaces may require the Applicant to provide the County with proper permitting to ensure that storm water does not cause problems on the site or on adjacent properties. Albemarle EMC shall coordinate with and obtain approval from Perquimans County Soil & Water Conservation District on all drainage improvements;
(9) Conditional Use Permit is approved and recorded with the conceptual Site Plan, in accordance with this Conditional Use Permit and the Perquimans County Zoning Ordinance.
(10) Application Requirements: The Applicant's approved Site Plans are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant shall prepare and submit Site Plans which demonstrate compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operation Considerations and Application Requirements.
(11) The Applicant shall obtain all required permits from other governmental agencies (local, state, and federal) prior to commencing construction or as otherwise required by the applicable laws and regulations. Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
(12) Prior to construction of any building, the Applicant must provide a detailed Site Plan pursuant to Section 509 of the Perquimans County Zoning Ordinance. Where applicable the Applicant must comply with Article XIX Parking and Loading of the Perquimans County Zoning Ordinance and handicapped parking spaces shall be marked in accordance with State law.
(13) A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Perquimans County Zoning Ordinance, Article XX.
(14) Albemarle Electric Membership Corporation shall install a Fire Hydrant in conjunction with the installation of the Substation to serve the immediate area;
(15) The Planning Board and the Board of County Commissioners hereby acknowledge AEMC's intent to commence construction of the Substation in 2014. During construction of the Substation the Applicant shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event construction is delayed beyond January 2016, the Applicant shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant within 12 months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.

If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Benjamin C. Hobbs, Chairman, Board of County Commissioners Date

Attest: Mary P. Hunnicutt, Clerk to the Board Date (Seal)

I, Gary W. Ray, Albemarle EMC, authorized Applicant, of the above identified property, do/does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Gary W. Ray Albemarle Electric Membership Corporation Date
By: Gary W. Ray, its Executive Vice President and General Manager

The State of _____ County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 20 _____.

Notary Public

My Commission expires:

(Not valid until fully executed and recorded)

-End of Conditional Use Permit document to be recorded-
 Conditional Use Permit No. CUP-11-03
 for AEMC's New Hope Substation
 on Woodville Road
 by Albemarle Electric Membership Corporation

Administrative Map Amendment #REZ-11-02 – 2101 New Hope Road: A Public Hearing was held earlier in the meeting to consider the Administrative Amendment No. REZ-11-02 to rezone from RA, Rural Agriculture District, to CR, Rural Commercial District, the 0.33-acre lot located at 2101 New Hope Road. Tammy Miller-White made a motion to approve Zoning Map Amendment No. REZ-11-02, to rezone from RA, Rural Agriculture, to CR, Rural Commercial District, the 0.33-acre-lot located at 2101 New Hope Road (Tax Parcel No. 4-0054-0031) at the intersection of Woodville Road, across from Foster's Lane and the New Hope United Methodist Church and based upon guidelines as contained in Sections 1302A (1) through (5) as follows:

- (1) The proposal will place all property similarly situated in the same category, or in appropriate complementary categories.
- (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved).
- (4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- (5) The proposed change is in accord with the Land Use Plan and sound planning principles.

The motion was unanimously approved by the Board.

Administrative Text Amendment #TXT-11-08 – Articles VII and XXIV: A Public Hearing was held earlier in the meeting to consider the Administrative Text Amendment No. TXT-11-08 to clarify the maximum height requirements for residential buildings. Edward R. Muzzulin made a motion to approve Administrative Text Amendment No. TXT-11-08, to clarify the maximum height requirements for residential buildings, with changes to Articles VII and XXIV of the Zoning Ordinance and based upon the following guidelines as contained in Sections 1302B (1) through (4):

- (1) The extent to which the proposed text amendment is consistent with the remainder of the Ordinance, including, specifically, any purpose and intent statements;
- (2) The extent to which the proposed text amendment represents a new idea not considered in the existing Ordinance, or represents a revision necessitated by changing circumstances over time;
- (3) Whether or not the proposed text amendment corrects an error in the Ordinance; and
- (4) Whether or not the proposed text amendment revises the Ordinance to comply with state or federal statutes or case law.

The Board unanimously approved Text Amendment #TXT-11-08, Ordinance No. 80 (**see Attachment No. A**).

ROAP CONTRACTS

Herb Mullen, Inter-County Transit Authority, provided the following documents for the FY 2012 ROAP Grant:

**MEMORANDUM OF UNDERSTANDING
 BETWEEN
 THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
 AND
 CAMDEN, CHOWAN, CURRITUCK, PASQUOTANK AND PERQUIMANS COUNTIES
 AND
 ALBEMARLE REGIONAL HEALTH SERVICES OPERATING AS
 INTER-COUNTY PUBLIC TRANSPORTATION AUTHORITY
 CONCERNING
 THE RURAL OPERATING ASSISTANCE PROGRAM**

The Rural Operating Assistance Program (ROAP), administered by the Public Transportation Division of the North Carolina Department of Transportation, is a state funded grant program that provides funds for counties to provide transportation services for the elderly, the disabled and low income persons.

The Rural Operating Assistance Program (ROAP) is divided into three programs for which funds are available:

- Elderly and Disabled Transportation Assistance Program (EDTAP)
- Employment Transportation Assistance Program (EMPL)
- Rural General Public Program (RGP)

G.S. §136-44.27 allows public transportation authorities and regional public transportation authorities, created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes, to become applicants and to receive any ROAP funds to which the member municipality or county is entitled.

The Department of Transportation (the Department), Camden, Chowan, Currituck, Pasquotank and Perquimans counties (Counties), and the Albemarle Regional Health Services operating as Inter-County Public Transportation Authority (Authority), collectively the Parties, agree to the following terms and conditions that will enable program delegation from the Counties to the Authority.

COUNTY RESPONSIBILITIES

To achieve the purposes outlined above the County agrees to the following terms and conditions:

1. Each County authorizes the Authority to become the applicant for all Rural Operating Assistance Program funds allocated to the County.
2. Each County authorizes the Authority to be the direct recipient of ROAP disbursements from the Department
3. Each County delegates to the Authority the power to determine how the ROAP funds will be distributed within the county, including the allocation of funds, management of the funds, administering the program, and filing reports that account for how the funds were expended. The distribution methodology shall be in writing and a plan shall be developed for management of the funds that will be approved in advance by the Department.
 In situations where the Authority includes multiple counties, each county in the Authority's region agrees that the Authority shall use the funds to provide transportation services to anyone living in the service area of the transit authority, regardless their county of residence.
4. Each county Representative that sits on the Authority's Governing Board shall provide oversight of the Authority spending and services.
5. The Authority will submit a copy of all NCDOT reports concerning the ROAP program to each county served by the Authority.
6. Each County is responsible to provide written notification to the Department when the County no longer wants the Authority to administer the ROAP Programs on its behalf.

AUTHORITY RESPONSIBILITIES

To achieve the purposes outlined above, the Authority agrees to the following terms and conditions.

1. The Authority will complete all of the application requirements and submit the ROAP grant application for the full allocations to each County and be responsible for that allocation and disbursement of the ROAP funds in each county.
2. To receive and manage the ROAP funds from the Department and to use any interest earned from the disbursements within the ROAP programs.
3. Upon request the Authority will provide all transit service and financial information to the Department and the county manager or his/her designee.
 Should the Authority delegate funds to qualified agencies in the Authority area, those agencies shall provide the same reports and make the reports available as described above.

4. The Authority agrees it is responsible for maintaining all the documentation required for state reporting or auditing in regards to any ROAP funds retained by the authority. The authority will prepare and sign all state required reports and provide them to the county for its review before they are submitted to the Department.

5. The Authority shall ensure that all ROAP funds passed through the authority are accounted for and presented in the authority's A-133 audit. Additionally, the authority will be responsible for refunding any unexpended funds to the state as required.

6. The Authority will comply with any other ROAP program requirements and accountability guidelines not specifically listed in this agreement or mentioned in the Certified Statement.

NOW, THEREFORE, by signing below the duly authorized representative of the Public Transportation Division of the North Carolina Department of Transportation hereby agrees to the following terms and conditions:

1. To disburse the ROAP funds allocated to the Counties to the Authority as scheduled in the annual application documentation.
2. To receive and review a semi-annual and annual report from the designated transportation authority and to invoice the authority for unspent ROAP funds.
3. To notify the Counties if there are any discrepancies or concerns about the transportation authority's administration of the ROAP program.
4. To ask the External Audit Branch to compare information on the ROAP reports to the transportation authority's annual independent audit report. Additionally, the External Audit will do on-site audits of ROAP expenditures as scheduled.

This agreement takes effect immediately after all parties have signed it. All parties to this agreement must mutually agree in writing to any changes. This agreement remains in effect until any agency participant provides written notification to all the other parties to this agreement of their intention to terminate this memorandum of understanding. Any written notification of termination of this memorandum of understanding must include a termination date that provides at least thirty (30) days advance notification to all parties.

"By Executive Order 24, issued by Governor Perdue, and N.C. G.S. § 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e., Administration, Commerce, Correction, Crime Control and Public Safety, Cultural Resources, Environment and Natural Resources, Health and Human Services, Juvenile Justice and Delinquency Prevention, Revenue, Transportation, and the Office of the Governor). This prohibition covers those vendors and contractors who:

- (1) have a contract with a governmental agency; or
- (2) have performed under such a contract within the past year; or
- (3) anticipate bidding on such a contract in the future.

For additional information regarding the specific requirements and exemptions, vendors and contractors are encouraged to review Executive Order 24 and G.S. Sec. 133-32.

Executive Order 24 also encouraged and invited other State Agencies to implement the requirements and prohibitions of the Executive Order to their agencies. Vendors and contractors should contact other State Agencies to determine if those agencies have adopted Executive Order 24."

WITNESS my hand and seal, this day of December 5, 20 11.

Authorized Signature of Board of County Commissioners



Authorized Signature of Transportation Authority Board



Authorized Signature of Department of Transportation



THIS CONTRACT AND AGREEMENT, made and entered into this 1st day of July, 2011, NUNC PRO TUNC, by and between ALBEMARLE REGIONAL HEALTH SERVICES, d/b/a INTER COUNTY PUBLIC TRANSPORTATION AUTHORITY, Party of the First Part; and PERQUIMANS COUNTY, Party of the Second Part;

WITNESSETH:

THAT WHEREAS, the Rural Operating Assistance Program (ROAP) is a state funded public transportation grant program administered by the North Carolina Department of Transportation Public Transportation Division (NCDOT-PTD). ROAP includes the following programs:

- Elderly and Disabled transportation Assistance Program (EDTAP)
- Employment Transportation Assistance Program (EMPL)
- Rural General Public (RGP) Program
- Additional funds, subject to availability. May be added to supplement these programs

The purpose of this program is to provide operating assistance and transportation to rural counties served by the Party of the First Part.

THAT WHEREAS, the basic grant/funds management requirements in G.S. 159, Local Government Finance, and in the Policies Manual for Local Governments apply to ROAP funds. The cost principles of OMB Circular A-87, Cost Principles for State, Local, and Indian Tribal Governments and OMB Circular A-122, Cost Principles for Non-Profit Organizations also apply to ROAP funds. Additionally, funds must be expended according to the program guidelines in the grant application for eligible program expenses identified.

The period of performance for these funds will be July 1 to June 30. The period of performance will remain the same regardless of the date on which ROAP funds are disbursed to the county. Allowable expenses incurred from July 1 for each program are eligible for reimbursement. Any interest earned on the funds will be retained by the transportation program and must be used for transportation related expenses according to program guidelines. Following receipt of the year-end ROAP report, NCDOT will invoice the Party of the First Part to collect any ROAP funds not expended by June 30.

THAT WHEREAS, it is agreed that the Party of the Second Part shall maintain all of their grant records for a period of five (5) years or until all audit exceptions are resolved, whichever is longer.

It is agreed that all account information shall be provided in the records of the Party of the Second Part to enable tracking of disbursements through the Grantor's accounting system.

It is mutually agreed that the parties hereto shall include the names of all parties to the terms of the contract for the Party of the First and the Party of the Second Part, including the employer tax identification number, address, contract information and the Party of the First Part/Party of the Second Party fiscal year end date.

It is mutually agreed that the contract or agreement shall be signed in due form by all parties with authority to enter into such contract.

It is mutually agreed that this contract shall have a duration from July 1 to June 30 of any year that the parties are working together to provide transportation to rural areas.

It is mutually agreed that funds paid by the Party of the First Part and the Party of the Second Part shall be such funds as are made available and the Party of the Second Part is eligible to receive.

It is mutually agreed that the Party of the Second Part shall assume all duties and responsibilities set forth in the terms and provisions of this contract and agreement, and any other terms and provisions that shall be mandated or dictated by the State of North Carolina.

It is mutually agreed that the said Party of the Second Part shall comply with all reports and reporting deadlines as shall be dictated or required by the Party of the First Part or its funding source, the State of North Carolina.

It is mutually agreed that either party shall have the right and privilege to terminate this contract and agreement by mutual consent with sixty (60) days written to the other party or as otherwise provided by law.

It is mutually agreed that this contract and agreement is contingent upon grants and the direction as to their allocation and appropriation of funds to the Party of the First Part as shall be needed or required by the said Party of the Second Part.

It is mutually agreed that in the event of the termination of this contract, any funds not appropriately utilized by the Party of the Second Part shall be refunded to and paid to the said Party of the First Part.

It is mutually agreed that the parties contract and agree to comply with the rules and unexpected requirements outlined in North Carolina General Statutes Chapter 143c ed. seq., which shall include the oversight by the Office of the State Auditor, the provision of access to the accounting records by both the funding entity and the Office of the State Auditor, and availability of audit work papers in the possession of any auditor or any recipient of State funding.

It is mutually contracted and agreed that the terms, provisions, payments and other obligation of this contract, which are or could be assigned to a subcontracting entity, then that entity shall be obligated to the parties of this contract and that entity shall NOT be relieved of any of the duties and responsibilities of the original contract. And the sub-grantee or assignee agrees to abide by the standards contained in this contract and agreement and to provide all information to allow the grantee to comply with standards set forth in North Carolina General Statutes Chapter 143c.

It is mutually contracted and agreed that the agencies shall ensure that oversight and monitoring of grantee and subgrantees occurs to prevent the misuse of State funds. Grantees and subgrantees shall manage the day-to-day operations of grant-supported activities. Grantors shall monitor grant-supported activities to assure compliance with applicable compliance requirements and that performance goals are being achieved. Grantee monitoring shall cover each program, function or activity. An evaluation must be performed with a comparison of actual accomplishments to the measurable objectives or outcomes established for the grant.

It is mutually agreed that agencies shall:

(1) Grant Identification-At the time the grant is made, the agency must provide information to the grantee including the required contract provisions as well as the applicable compliance requirements.

(2) During the grant period, the agency shall monitor the grantee's use of State awards through reporting, site visits, regular contact, or other means to provide assurance that the grantee administers State funds in compliance with laws, rules, and the provisions of grant agreements and that performance goals are achieved.

(3) Ensure that subgrantees expending five hundred thousand dollars (\$500,000) or more in State awards during the subgrantee's fiscal year have met the audit requirements of this Subchapter and that the required audits are completed within nine months of the end of the subgrantee's audit period; issue a management decision on audit findings within six months after receipt of the subgrantee's audit report; and ensure that the subgrantee takes timely corrective action on all audit findings.

(4) Take action using sanctions when a subgrantee has demonstrated a continued liability or unwillingness to provide required audits.

(5) Evaluate the impact of the subgrantee activities on the agency's ability to comply with applicable State rules.

(6) Evaluate the results and outcomes of the activities and accomplishments of the grantee or subgrantee to determine if results were achieved, the success of the activity, and whether the project activities should continue.

This agreement remains in effect until any agency participant provides written notification to all the other parties to this agreement of their intention to terminate this memorandum of understanding. Any written notification of termination of this memorandum of understanding must include a termination date that provides at least thirty (30) days advance notification to all parties.

IN WITNESS WHEREOF, the Party of the First Part and the Party of the Second Part, have caused this instrument to be signed in their names by the authority of their boards duly given.

ALBEMARLE REGIONAL HEALTH SERVICES

(SEAL)

PERQUIMANS COUNTY

Resolution for Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority to seek Legislation to amend N.C.G.S 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program.

A motion was made by Janice McKenzie Cole and seconded by Tammy Miller-White for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority is a Public Transportation Authority created under N.C.G.S 160-575, which serves the counties of Chowan, Perquimans, Pasquotank, Camden, and Currituck.

WHEREAS, this amendment will, by local resolution, allow the member counties of a Regional Public Transportation Authority created under N.C.G.S 160-575 to apply for the county's Elderly & Disabled Transportation Assistance Program funding regionally through the Regional Public Transportation Authority and combine the funding to seamlessly serve the entire region.

WHEREAS, by assuming the responsibility of completing the grant application, directly receiving, and reporting on this funding regionally, the Regional Public Transportation Authority created under N.C.G.S 160-575 will assume all fiduciary, reporting, public notification, and audit requirements associated with the N.C.G.S 136-44.27.

WHEREAS, the purpose is to amend N.C.G.S 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program to accomplish the following objectives:

- ✓ Reduce the number of Rural Operating Assistance Program (ROAP) accounts ARHSICPTA manages from thirty (30) down to six (6).
- ✓ Allow a Regional Public Transportation Authority created under N.C.G.S 160-575 to leverage the region's current EDTAP allocation against the FTA Section 5310 Grant for Elderly Individuals and Individuals with Disabilities created under SAFETEA-LU, which is a 50/50 grant.
- ✓ Reduce the number of grant applications and reports NCDOT will have to review concerning North Carolina's ROAP program.

NOW, THEREFORE, be it resolved; that Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority will seek Legislation to amend N.C.G.S 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program.

I, Benjamin C. Hobbs do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Perquimans County Board of Commissioners duly held on the 1st day of August, 2011.

Signature the Chair of Perquimans County Board of Commissioners.

Subscribed and sworn to me (date) August 1, 2011
William C. Heath, III

Notary

P.O. Box 7, Hertford, NC 27944

Address

My Commission Expires (date) 3/23/13

On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board unanimously approved the above referenced documentation for the FY 2012 ROAP Grant and authorized the Chairman and County Staff to sign as needed.

SIGNATURE CARD – EAST CAROLINA BANK

With the change in County Manager in November, the Board authorized the Chairman and County Staff to sign several signatures cards during last month's meeting. The signature card for East Carolina Bank was inadvertently omitted. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin,

the Board unanimously authorized the Chairman and County Staff to sign the signature card for East Carolina Bank.

PUBLIC COMMENTS

Bob Bastek said that he had taken the opportunity to read the complete Agenda Packet that is on file at the Library and feels that the Commissioners are underpaid.

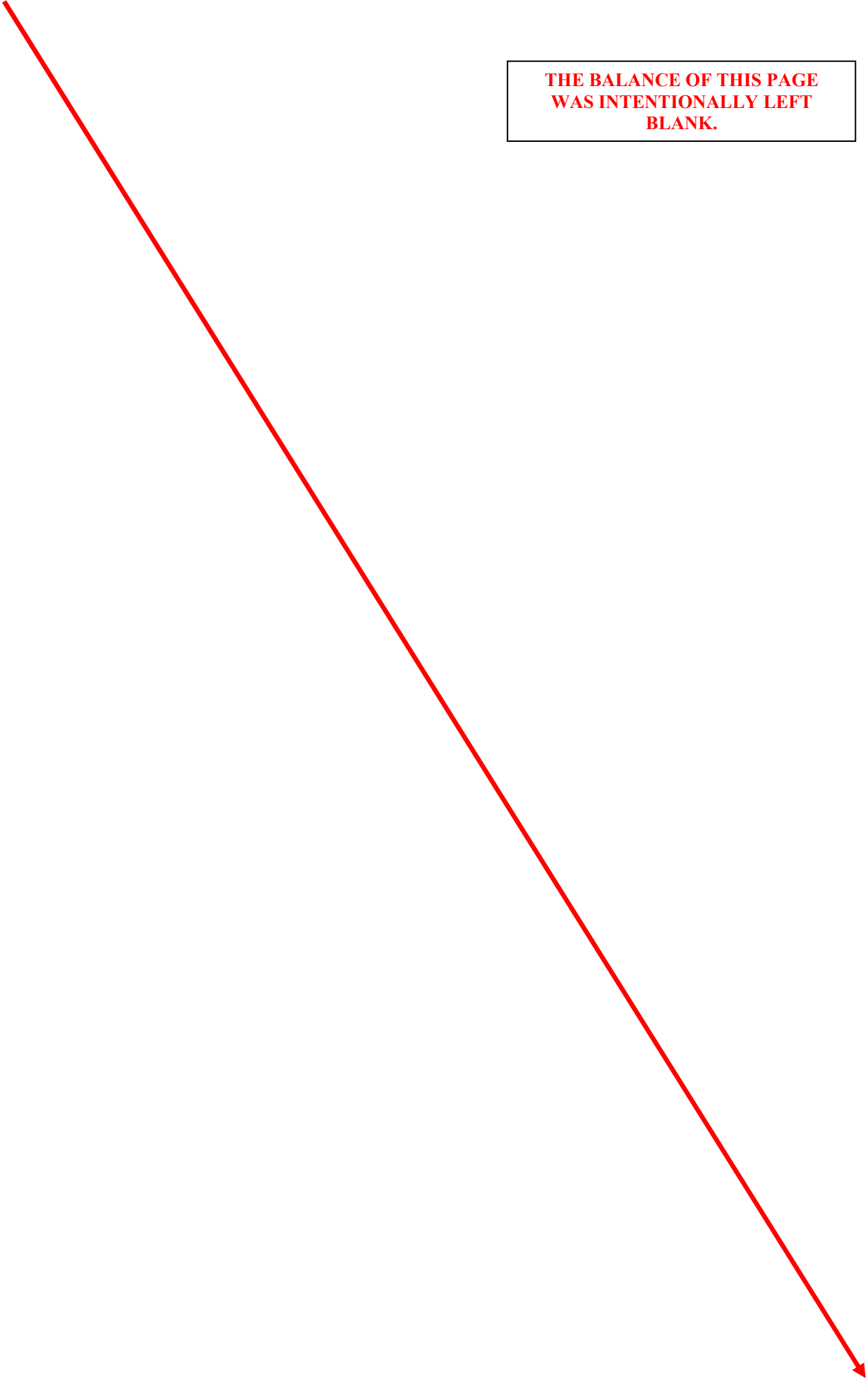
ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:00 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

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ATTACHMENT A

*-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-11-08
Perquimans County Zoning Ordinance, Articles VII & XXIV
Clarify Maximum Building Height of Residential Structures*

Note: Text Amendments as proposed by Planning Board on 10-11-11 & 11-8-11 are shown in single strikethrough and underline and highlighted in yellow

ORDINANCE NO. 80

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE VII, DIMENSIONAL REQUIREMENTS AND ARTICLE XXIV, DEFINITIONS AND WORD INTERPRETATIONS, TO CLARIFY AND DEFINE MAXIMUM HEIGHT REQUIREMENTS FOR RESIDENTIAL BUILDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (Zoning Ordinance), as previously amended, is hereby amended by revising Article VII, Dimensional Requirements and Article XXIV, Definitions and Word Interpretations, to clarify and define maximum height requirements for residential buildings thereof and by adding and substitution the following excerpts of Articles VII and XXIV attached hereto as Exhibits A and B and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Benjamin C. Hobbs, Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

Exhibit "A"

ARTICLE VII. DIMENSIONAL REQUIREMENTS

Section 701. Exceptions to Lot Requirements

A. **Availability of Community Water and Sewer Service:** When individual sewage disposal systems are planned, the minimum lot sizes specified in Section 703 of this Ordinance shall be increased as required by the standards of the Albemarle Regional Health Services serving the County. Community water supply and sewage facilities shall comply with applicable laws and regulations as administered by the Albemarle Regional Health Services and the North Carolina Department of Environment and Natural Resources.

- (1) Residential lots located in the RA-15, Residential and Agricultural Zone which are served by a community water system and by a community sewer system that have been approved by the North Carolina Department of Environment and Natural Resources and the Albemarle Regional Health Services may have a minimum lot size of 15,000 square feet with a minimum lot width of ninety (90) feet as established by Section 704, Area, Yard and Height Requirements Table.
- (2) Residential lots located in the RA-25, Residential and Agricultural Zone which are served by a community water system and by a community sewer system that have been approved by the North Carolina Department of Environment and Natural Resources and the Albemarle Regional Health Services may have a minimum lot size of 25,000 square feet with a minimum lot width of one-hundred twenty-five (125) feet as established by Section 704, Area, Yard and Height Requirements Table.
- (3) Residential lots located elsewhere (including the RA-15, RA-25, RA-43, RA, HA, and CH Zones) which are only served by a community water system and which land service by a community sewer system, shall have a minimum lot size of 43,000 square feet in usable area or larger as required by the Albemarle Regional Health Services.

B. **Cul-de-sac Lots:** Lots fronting on the turnaround portion of a cul-de-sac (dead-end) road may have a reduced lot width of no less than fifty (50) feet as measured at the front property line/road right-of-way as long as the

standard lot width is provided at the actual building line, as applicable to the zoning district, including ninety (90) feet in the RA-15 Zone, one hundred twenty-five (125) feet in the RA-25, RA-43 and RA Zones, etc.

Section 702. Exceptions to Yard Requirements

- A. **Conditional Use Requirements Take Precedence:** Area, yard and height requirements as specified in the issuance of a Conditional Use Permit shall take precedence over the area, yard and height requirements as set forth in Section 704, Table of Area, Yard and Height Requirements.
- B. **Variance for Prior Lots of Record:** Notwithstanding provisions related to nonconforming situations and building setbacks/yard areas provided elsewhere in this Ordinance, a principal building or structure may be constructed and occupied by one family on any lot properly zoned and recorded before the adoption of this Ordinance and meeting all of the requirements of the Albemarle Regional Health Services standard and maintaining minimum yard areas as provided by Section 1203 (e) and (f) of this Ordinance, as follows:

Yard Area	Lot Recorded:	
	On or before May 7, 1973	On or before October 2, 2002
Primary Front Yard	25'	25'
Side Yard (interior)	10'	12'
Rear Yard	10'	25'
Secondary Front Yard (abutting side road)	25'	25'
From Major Thoroughfares (1)	40'	40'
From Normal Water Level (2)	40'	40'

- Notes: (1) Where yard areas abut a major thoroughfare, a greater building setback will apply.
- (2) Where yard areas abut a navigable waterway, a greater building setback will apply, unless an exemption is granted by the North Carolina Division of Coastal Management under the Coastal Shorelines regulations, Section 15A NCAC 07H.0209, as amended. In no case shall such yard areas be less than 25 feet.
- (3) See additional exceptions and modifications at Articles XI and XII.
- (4) See building setbacks contained in the Section 704 Table, especially for the RA-15 and CH Zones.

- C. **Accessory Structures:** An accessory structure (detached garage, storage building, swimming pool, etc.) to residential uses may be constructed provided that:
 - (1) It shall be located at least ten (10) feet away from any interior Side or Rear Lot Line;
 - (2) On a Corner Lot it shall be located at least twenty (20) feet away from the Secondary Front property line (abutting the side road);
 - (3) It shall not be located within a deeded drainage/utility easement as required by Albemarle Regional Health Services or Perquimans County; and

Section 703. Exception to Height Requirements: Unless otherwise regulated by standards contained elsewhere in this Ordinance and other codes and regulations, certain structures and necessary mechanical appurtenances may be erected to any height, including church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, monuments, cupolas, domes, antennas (except satellite dish antennas), observation towers, electrical transmission towers, communication towers, silos, and roof structures for housing stairways, heating and air conditioning equipment, ventilating fans or similar equipment may be erected without regard to the maximum height limitation stated herein Article VII. No portion of any structure intended for human occupancy may be constructed above the height limit herein specified.

Section 704. Table of Area, Yard and Height Requirements:

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 1 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See Exceptions at Note 2 and Section 702			See exception at Section 703
RA	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	35 feet
	Corner Lots Abutting Side Street:				25 feet		See Note 3
	Accessory Structures ¹				10 feet		10 feet
	From Street Right-of-way:				20 feet		20 feet
HA	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	35 feet
	Corner Lots Abutting Side Street:				25 feet		See Note 3
	Accessory Structures ¹				10 feet		10 feet
	From Street Right-of-way:				20 feet		20 feet

- 1 Not including fences and walls. Must be located in the rear yard. Detached carports and garages must be located in the side or rear yard and meet all setbacks for the principal building.
- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 3 The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 2 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See Exceptions at Note 2 and Section 702			See exception at Section 703
R-43	43,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	<i>See Note 3</i>
	Corner Lots Abutting Side Street:				25 feet		
	Accessory Structures ¹				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
R-25	25,000 sq. ft.	125 feet	150 feet	30 feet	15 feet	30 feet	<i>See Note 3</i>
	Corner Lots Abutting Side Street:				25 feet		
	Accessory Structures ¹				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
R-15	15,000 sq. ft.	90 feet	120 feet	25 feet	12 feet	20 feet	<i>See Note 3</i>
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures ¹				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	

- 1 Not including fences and walls. Must be located in the rear yard. Detached carports and garages must be located in the side or rear yard and meet all setbacks for the principal building.
- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 3 Maximum Building Height of structures in all Residential Districts is limited to 35 feet from the bottom of all windows, rooflines, balconies, etc. The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 3 of 4)

DISTRICT	MINIMUM LOT SIZE			MINIMUM YARD SETBACKS			MAXIMUM BUILDING HEIGHT
	SIZE	WIDTH	DEPTH	PRIMARY FRONT	INTERIOR SIDE	REAR	
	See exceptions at Note 2 and Section 701			See exceptions at Note 2 and Section 702			See exception at Section 703
CR	12,000 sq. ft.	100 feet	100 feet	30 feet	10 feet	20 feet	35 feet
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures ⁴				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
CN	12,000 sq. ft.	100 feet	100 feet	30 feet	10 feet	20 feet	35 feet
	Corner Lots Abutting Side Street:				20 feet		
	Accessory Structures ⁴				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	
CH	10,000 sq. ft.	75 feet	100 feet	50 feet ⁴	10 feet	20 feet	35 feet ⁵
	Corner Lots Abutting Side Street:				20 feet		<u>See Note 3</u>
	Accessory Structures ⁶				10 feet	10 feet	
	From Street Right-of-way:				20 feet	20 feet	

- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 3 The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height.
- 4 Within the first ten (10) feet next to the street of this required yard there shall be no signs, parking, or any use other than landscaping.
- 5 Unless the front yard and each side yard is increased one (1) foot for each one (1) foot or fraction thereof, of building height in excess of thirty-five (35) feet.
- 6 Not including fences and walls. Must be located in the rear yard.

SECTION 704. AREA, YARD and HEIGHT REQUIREMENTS TABLE (page 4 of 4)

<u>DISTRICT</u>	<u>MINIMUM LOT SIZE</u>			<u>MINIMUM YARD SETBACKS</u>			<u>MAXIMUM BUILDING HEIGHT</u>
	<u>SIZE</u>	<u>WIDTH</u>	<u>DEPTH</u>	<u>PRIMARY FRONT</u>	<u>INTERIOR SIDE</u>	<u>REAR</u>	
	See exceptions at Note 2 and Section 701			See exceptions at Note 2 and Section 702			See exception at Section 703
IL	1 acre	125 feet	150 feet	65 feet ⁷	25 feet	30 feet	35 feet ⁸
	Corner Lots Abutting Side Street:				50 feet		
	Abutting Property Zoned Residential:				35 feet	55 feet	
	Accessory Structures				20 feet	20 feet	
	From Street Right-of-way:				30 feet	30 feet	
IH	1 acre	125 feet	150 feet	65 feet ⁹	25 feet	30 feet	56 feet
	Corner Lots Abutting Side Street:				50 feet		
	Abutting Property Zoned Residential:				35 feet	55 feet	
	Accessory Structures				20 feet	20 feet	
	Abutting Property Zoned Residential:				30 feet	30 feet	
	From Street Right-of-way:				30 feet	30 feet	

- 2 Additional yard setbacks shall apply to properties fronting on major thoroughfares (40 feet) and waterways (40 feet).
- 7 This yard shall not be used for any purpose other than the necessary drives, walks, and landscaping and shall not be used for off-street parking.
- 8 Unless the front yard and each side yard is increased one (1) foot for each one (1) foot, or fraction thereof, of building height in excess of thirty-five (35) feet.
- 9 This yard shall not be used for any purpose other than the necessary drives, walks, and landscaping and shall not be used for off-street parking.

Exhibit “B”

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

- (viii) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
- (ix) The word “shall” is mandatory and not discretionary.
- (x) The word “may” is permissive.
- (xi) The word “person” includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (xii) The word “lot” shall include the words “piece,” “parcel,” “tract,” and “plot.”
- (xiii) The word “building” includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
- (xiv) The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” and “occupied for.”

Building Height: The height of residential structures shall be measured as the vertical distance from the highest adjacent grade to the mid-point of the highest roof height. For all other structures, building height shall be the vertical distance measured from from the average elevation of the finished grade at the front of the building to the highest point of the building. Exceptions to these definitions are in Section 703 and 1103. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV communications, telecommunication, and water towers are not to be included in the calculations of building height.

-End of Ordinance document to be recorded-
 Administrative Text Amendment No. TXT-11-08
 Perquimans County Zoning Ordinance, Articles VII & XXIV
 Clarify Maximum Building Height of Residential Structures

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