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REGULAR MEETING

March 1, 2021

6:25 p.m.

**Special Notice for tonight's meeting:** *The Perquimans County Board of Commissioners' **REGULAR MEETING** will be held on Monday, March 1, 2021, at 6:25 p.m. in the Meeting Room of the Perquimans County Library located at 514 S. Church Street, Hertford, NC 27944. Because this is considered an essential meeting, the public will be able to attend but social distancing will be required. In addition, public comments will be made in person or in writing, which need to be provided to the Clerk to the Board prior to 5:00 p.m. on Monday, March 1, 2021. You may deliver them to her via fax [(252) 426-4034] or e-mail at [rhunnicutt@perquimanscountync.gov](mailto:rhunnicutt@perquimanscountync.gov). If you have any questions, please contact the County Manager's Office at (252) 426-8484.*

The Perquimans County Board of Commissioners met in a regular meeting on Monday, March 1, 2021 at 6:25 p.m. in the Meeting Room of the Perquimans County Library located at 514 S. Church Street, Hertford, NC 27944. The meeting was moved from Commissioners Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Wallace E. Nelson, Chairman                      Fondella A. Leigh, Vice Chair  
Joseph W. Hoffler    T. Kyle Jones (*arrived at 6:45 p.m.*)  
Charles Woodard (*arrived at 6:40 p.m.*)

MEMBERS ABSENT: Alan Lennon

OTHERS PRESENT: Frank Heath, County Manager                      Mary Hunnicutt, Clerk to the Board  
Hackney High, County Attorney

Because we did not have a quorum at 6:25 p.m., Chairman Nelson explained that they had been notified that one commissioner was not going to be there and that the other two commissioners were not able to be here by 6:25 p.m. Therefore the meeting came to order at 6:40 p.m. The meeting was called to order by Chairman Nelson. Commissioner Leigh gave the invocation and the Chairman led the Pledge of Allegiance. Mr. Nelson explained that the first item of business was to hold three (3) public hearings.

PUBLIC HEARINGS

Conditional Use Permit No. CUP-21-01, requested by Booth & Associates, LLC

Chairman Nelson opened the quasi-judicial Public Hearing stating that the purpose of this public hearing is to receive citizens' comments to consider Conditional Use Permit No. CUP-21-01, requested by Booth & Associates, LLC for an AEMC substation on Burnt Mill Road approximately 500 feet from its intersection with Snug Harbor Rd. Subject property is Tax Parcel No. 2-0070-0056E and is zoned Rural Agricultural. There were twenty-eight (28) people present. Rhonda Money, Planner, presented the following overview of their request:

- Neighbors and the general public were notified via mail, local newspaper notice, and sign posting on-site in accordance with County Zoning Ordinance section 2302(a) and State General Statutes.
- Zoning Ordinance section 907.25 applies to Public Utility Substations
- It requires additional setbacks on 3 sides which this site plan meets.
- Setbacks required are 30 ft. from front and side property lines and 60 ft. from rear property lines.
- Vegetation and the 7ft high chainlink security fence topped with barbed wire are allowed in the setbacks.
- No on-site storage will be present.
- Vegetation around the fence perimeter is expected to reach 7 ft. high within 3 years.
- On the Land Use Plan map of Projected Future Land Use the site is zoned as Public/Semi-Public/Religious/Office & Institutional.
- The proposed CUP is based on Alb. Electric's previous substation CUP on Woodville Rd. and on Zoning Ordinance sec 907.25.
- Applicant has 2 years to start construction before needing to request an extension from County Commissioners.
- Planning Board unanimously found proposed CUP-21-01 to be consistent and in harmony with the existing development pattern around 795 Burnt Mill Road and recommended approval of its draft conditional use permit as presented. Planning Staff believes the substation, as proposed may be developed in compliance with Zoning Ordinance Section 907.25.

She stated that, at their February 9, 2021 meeting, the Planning Board found that the project was consistent and in harmony with the existing development pattern around 795 Burnt Mill Road and recommended approval of the draft CUP-21-01. Ms. Money stated that the applicants were present. After her presentation, Chairman Nelson asked if there were any questions or comments from the applicants. Laura Harris, Booth & Associates, LLC, and Kevin Heath, Albemarle Electric Membership Corporation, were present. Mr. Nelson asked if there were any questions for Ms. Money. There being none, he asked if either of the applicants had any comments. Kevin Heath explained the purpose of this project. Chairman Nelson then asked if there any questions for the applicants from the Board. There being none, Mr. Nelson asked if we had anyone sign up to speak from the public. Mary Hunnicutt, Clerk to the Board, stated that there were none. There being no further questions from the Board or public, Chairman Nelson closed the Public Hearing at 6:49 p.m. and proceeded with the second Public Hearing.

Conditional Use Permit No. CUP-21-02, requested by Pamela Askew

Chairman Nelson opened the quasi-judicial Public Hearing stating that the purpose of this public hearing is to receive citizens' comments to consider Conditional Use Permit No. CUP-21-02, requested by Pamela Askew to operate a child daycare Home Occupation at 200 Cedarwood Boulevard, a cul de sac approximately 300 feet south of Mulberry Lane. Subject property is Tax Parcel No. 4-D036-1009-CWI and is zoned residential RA-43. There were twenty-eight (28) people present. Rhonda Money, Planner, presented the following overview of their request:

- Neighbors and the general public were notified via mail, local newspaper notice, and sign posting on-site in accordance with County Zoning Ordinance section 2302(a) and State General Statutes.
- The applicant would like to operate a state licensed childcare center in her home for infants up to 12 years old.
- The State is requiring her to obtain a local zoning permit first before they will accept their own application.
- According to the State, all 3 of the following conditions must be met for regulation to be required for child care:
  1. *Three or more unrelated children under 13 years of age*
  2. *Receiving care from a non-relative*
  3. *Care is on a regular basis, at least once a week for more than four hours per day but less than 24 hours.*

*Licensing as a center is required when **six or more** children are cared for in a residence...Centers will be visited at least annually to make sure they are following the law...Centers located in a residence that are licensed for six to twelve children may care for up to three additional school-age children, depending on the other children in care. When the group has*

*children of different ages, staff-child ratios and group size must be met for the youngest child in the group. There are space requirements for indoor and outdoor environments*

- 2 County Zoning Ordinance sections apply to this case. One for Day Care Facilities (907.17) and the other for Standard Home Occupations (907.22)
- A 25 ft. square fenced play area that would meet accessory structure setbacks is proposed for the backyard as well as 12'X20' storage shed. Using ordinance calculations, the outside play area size would limit the childcare to a maximum of 8 children.
- Being on a cul de sac will help with traffic flow.
- There will be no signage of any kind.
- On LUP projected Future Land Use Map it's zoned Residential
- summarize three emails inquiring and complaining about the proposal
- Discussion with the developer ---- found out the Property Owner Association has not been signed over to the neighborhood yet. The developer is waiting for a specific event and the Architectural Control Committee is the developer's family
- That email letter prompted the Planning Board to add language to the proposed CUP saying the fence must meet criteria of Cedarwood Village covenants/declarations, specifically per R.O.D. book 285 pg. 308 "section 9.8 Fences and Mailboxes"
- The remainder of the proposed CUP is pulled directly from Zoning Ordinance sections 907.17 and 907.22 for Day Cares and Home Occupations.
- Planning Board unanimously found proposed CUP-21-02 to be consistent and in harmony with the existing development pattern around 200 Cedarwood Blvd. and recommended approval of its draft conditional use permit with the added condition that the outside play-area fence must meet the criteria of Cedarwood Village covenants, which was added to number 11 on page 3 in the proposed CUP. Planning Staff believes the child daycare Home Occupation, as proposed may be developed in compliance with Zoning Ordinance Sections 907.17 and 907.22.

She stated that, at their February 9, 2021 meeting, the Planning Board found that the project was consistent and in harmony with the existing development pattern around 200 Cedarwood Boulevard, and recommended approval of the draft CUP-21-02 with the addition of Condition No. 11 regarding fence requirements in that it would need to meet the protective covenant requirements. Ms. Money stated that the applicant, Pamela Askew, was present. Also, Ms. Money explained that she had received three (3) e-mail comments on the project. She read the e-mails. One e-mail from Gary Martin, asked that his e-mail become part of the official minutes. After her presentation, Chairman Nelson asked if there were any questions or comments for Ms. Money from the Board. There being none, he asked if there were any comments from the applicant. Ms. Askew presented information on her background and the details of her proposed child daycare facilities. Mr. Nelson asked if there were any questions for Ms. Askew. The following questions were asked from the Board:

- **Commissioner Woodard:** Mr. Woodard asked Ms. Askew how many children she planned to have in her facility. Ms. Askew said that she was planning on having eight (8) children.
- **Commissioner Leigh:** Ms. Leigh asked if she had any other individuals working with her. Ms. Askew said that she had one assistant who was present tonight and also her husband was on staff.

Chairman Nelson then asked if we had anyone sign up to speak from the public. Mary Hunnicutt, Clerk to the Board, provided a copy of the signup sheet and the following individuals made comments:

- **Gary C. Martin:** Mr. Martin stated that he lives at 111 Oakwood Court, which is behind the development. He expressed his concerns about the large pond and deep stormwater ditch that do not have fencing around them. Currently, the developer has not turned the development over to the Property Owners Association so he was concerned about a liability issue should one of the children fall into the pond or stormwater drainage ditch. He also expressed concerns about the traffic pattern and felt that it will cause issues with deliveries, mail services, EMS Services, and other emergency vehicles. He also mentioned several other violations to the protective covenants within the development which needs to be addressed.
- **John Roland:** Mr. Roland stated that he lives at 203 Cedarwood Boulevard which is next to the property. He is also concerned about traffic issues. He also wanted to know if this is just her eight (8) grandchildren or will there be other children coming.

Chairman Nelson asked if the Board had any questions for these two witnesses. There being none, he asked for Simon Copeland to address the Board.

- **Simon Copeland:** Mr. Copeland stated that he lives at 192 Cedarwood Boulevard. He also stated that he was a 10-year resident of the development. He expressed his concerns about the traffic problems, ditches, and pond. He feels that it is putting the children at a great risk. He also stated that the protective covenants state that this development would be for residential purposes only and now they have this proposed project and some other businesses operating out of the development. He also discussed his suffering from combat stress syndrome which causes him stress when a lot of strangers are around his property.

Chairman Nelson asked if the Board had any questions for any of these witnesses. There being none, he closed the Public Hearing at 7:14 p.m. and proceeded with the third Public Hearing.

Rezoning Request No. (PUD)REZ-20-01, requested by Albemarle Plantation Holdings II, LLC.

Chairman Nelson opened the legislative & quasi-judicial Public Hearing stating that the purpose of this public hearing is to receive citizens' comments to rezone approximately 54.5 acres from residential RA-15 to PUD(CUD), Planned Unit Development Conditional Use District. Subject property encompasses Tax Parcel Nos. 2-0082-0006 and 2-0082-0027A, also known as the Cole Tract. There were twenty-eight (28) people present. Rhonda Money, Planner, presented the following overview of their request:

- Neighbors and the general public were notified via mail, local newspaper notice, and sign posting on-site in accordance with County Zoning Ordinance section 2302(b) and State General Statutes.
- To clarify the difference between this public hearing and the 2 earlier tonight: the 2 earlier this evening were ONLY quasi-judicial public hearings. This one has 2 parts: it has a legislative hearing for the rezoning portion AND a separate quasi-judicial hearing for the Conditional Use Permit part, but both hearings are run simultaneously since both parts, the rezoning and conditional use permit, are discussed at the same time.
- Terms you need to know- Phase 2 was the 1,500 acre PUD that was approved in 2019 that stretches across the street from Alb. Plantation's current main entrance all the way over past Harvey Point Road to the Perquimans River. Phase 3 is the 54 acre Cole Tract we are discussing tonight.
- History of the Cole Tract: The section of land called the Cole Tract is really 2 tax parcels, with one of them being labeled by the Tax Dept. as a residual section of the Randolph tract. Both tax parcels were part of multiple rezoning public hearings in 2006 and 2011. The larger parcel was rezoned from RA, rural agriculture to RA-15 on Sept. 5, 2006. Some concerns of residents in 2006 were negative impacts on water pressure, burdened sewage system, not having enough spatial separation between neighbors and the desire to keep a wooded boundary buffer.
- The smaller parcel was rezoned from RA-25 to RA-15 on May 2, 2011. The main concern of the Technical Review Committee at that time was the need for more than one point of ingress/egress for the neighborhood.
- In March of 2011 the Cole tract sketch plan was called 'Waterleaf' and depicted 87 lots with a loop road, an interior road and 2 cul de sacs.
- The current proposal is being designed to have 95 lots comprised of a mix of townhomes, duplexes, reverse frontage lots and conventional lots. Surrounding zoning includes the PUD of phase 2 to the northeast across Holiday Lane, RA-15 in the Belmont section to the northwest across Matthews road, and RA-25 around all other sides. Three ponds, a walking trail and a community mailbox facility are part of the proposed Master Plan. Reverse frontage as it is meant here is different from the reverse frontage definition in our subdivision regulations. Here it's a lot where the front of the home faces a pond or something scenic and the rear is facing the street. All ingress/egress has loops to allow easy flow of traffic and potable water.

- Number of lots proposed are 45 conventional lots, 18 reverse frontage lots, 14 duplexes and 18 townhomes. Smallest allowed lot size in the current zoning ordinance is a 15,000 sq. ft. minimum and the Cole tract proposed lots range in size from 3,640 to 11,250 which is why a PUD zoning is needed.
- A minimum 20 ft. wide perimeter buffer of existing trees is labeled on the preliminary surveys but staff and Planning Board agree that a wider buffer of at least 50 feet or more, is needed next to the Woodside II neighborhood and the developer has been receptive of the idea. From the engineer's discussion at the Planning Board meeting, a 60 ft. buffer should be easily acceptable along Woodside II's west drainage canal near the southern culvert and a 100 ft. buffer could be maintained along the rest of the drainage canal.
- **Wastewater:** Albemarle Utility Company supplied a letter stating:
  - *"Upon approval to construct and operate the wastewater system that will serve this part of the development, Albemarle Utility Company will be willing and able to provide the sanitary sewer utility needs for the above referenced project for 95 dwelling units with a total allocation of 16,150 gallons per day."*
- **Drinking Water:** The Proposed Use statement in the application says, "Water distribution mains will be connected to existing water lines on Holiday Island Road and Harvey Point Road and looped though the project to provide potable water service as well as fire protection to the development. Water line sizes will be modeled to confirm the sizes of the maintenance."
 

As stated in the rezoning of Phase 2 (in Nov. 2019), current water capacity was available for only 320 lots in Phase 2 over the next four years; this accounted for new water customers in other areas that would normally occur in a four year period. Water service to more than 320 lots will require changes to our current water system. Phase 3 of the proposed Cole Tract PUD will subtract 95 units of water capacity from the 320 previously noted.

The applicant is reminded that the last PUD allowed the County to set a maximum number of approved lots for each phase depending on water availability and that this will also apply to the new PUD.
- **Stormwater:** Their application says, "The Master Plan shows a series of ponds that will serve as both aesthetic amenities and storm water management facilities, and will be designed to retain and treat at least the first 1.5 inches of storm water runoff from the development, in accordance with regulation promulgated by the Division of Environmental Quality. "This was a hot topic between Alb. Plantation neighbors and the applicant at the Planning Board meeting. Our Technical Review Committee comment from Soil and Water Conservation said "As far as drainage goes, Bissell has a well-developed plan. According to elevations, most of the water will be drained towards the west (Pasquotank Blvd.), as they have depicted. The two 18" culverts underneath Pasquotank Blvd. are sized correctly to drain this area and watershed." He was also curious to know how deep the Storm Water Management Ponds were going to be. **Dave Klebitz, of Bissell Professional Group**, responded back. I think the County Commissioners are going to hear about this conversation tonight, so I'll leave it to the residents in the audience and the engineer, Mr. Klebitz.
- **Traffic:** roads will be looped and will connect in two locations which will help with emergency traffic conditions and potable water.
- **Other TRC Meeting Comments:** Water Dept. had no comments because he'd already discussed this in prior meetings and the PUD of 2019. County Manager comments are about the county controlling development based on existing water capacity. Power Company, "Albemarle EMC has already been in contact with the developer for this project and as far as it pertains to our ability to serve its needs we are good with it as is." Building Inspections and Emergency Services had no comments. The Fire Marshal checked hydrant spacing and said they were adequate. Division of Coastal Mgmt. had no comment. NC DOT "With this development existing within the limits of the private Albemarle Plantation subdivision, the Department does not have any comments."
- **Consistency with the Land Use Plan:** According to the Projected Future Land Use map the subject area is zoned **Residential**. For the legislative part of this vote you will have to vote on a consistency statement so I have to explain this a bit. Residential in the LUP list appropriate corresponding zones from our Zoning Ordinance, one of the corresponding zones is a PUD. However we do have a red dotted line on that same map to designate *projected* future PUDs and that line is *not* around the Cole Tract. More information can be found in the staff report.
- **Jumping to the Quasi-Judicial part on the Conditional Use Permit:** The template for this permit was the 2019 PUD permit. Staff removed irrelevant sections and reformatted the setback section of A5 and A6. The highlights are A1, the County has the right to limit the number of lots and housing for each section/phase based on water availability. A2, the developer must obtain approval from the Planning Board and BCC for all sections and/or phases. A4 was a change...it requires a minimum 50 foot naturally existing woodland buffer adjacent to Woodside II. Walking trails may be within the buffer. A minimum 20 foot vegetative buffer or berm is required around all other sections of the perimeter. The building setbacks are at A5 and are pulled directly from the master plan and preliminary plat and are comparable to the 2019 phase 2 PUD. A6 keeps the condition of townhome buildings and any lot with less than 10 foot setbacks will require fire protection measures such as fire retardant walls and/or a sprinkler system in consultation with the County Fire Marshal. In the Drainage & Stormwater section a drainage plan shall be presented to the County prior to **Final** plat approval. All drainage ditches should be protected by easements. A DEQ Stormwater Permit is required prior to **Final** plat. Applicant shall provide the County with an Erosion and Sedimentation Control Plan approval letter prior to **Final** plat (they have one already for 20 acres of the 54 acres). **AND B8 was added at the Planning Board's request...** it states, "All adjoining drainage ditches should be maintained at all times to ensure adequate flow and minimize stormwater impacts to adjacent property owners. The applicant will consult with Albemarle Plantation Property Owners Association to ensure this condition is met." For the Transportation section no on-street parking is allowed. Each residence requires parking for 2 vehicles. Most of the Utility section is about water lines and hydrants and the Water Dept. said it was still applicable to this PUD, the same as for the previous PUD. Under Plat Approvals at the end of the proposed CUP F4 says, "Prior to end of the proposed CUP F4 says,"Prior to the issuance of the first building permit for construction of any structure in Albemarle Plantation Phase 3 PUD, all infrastructure (roads, water, sewer, drainage, with the exception of asphalt pavement)" must be in place for that phase. And lastly, they have 2 years from today to start construction or they will need to formally request an extension be granted by the Board of County Commissioners.
- **Recommendations:** Planning Board voted unanimously that rezoning is consistent and in harmony with the County Comprehensive Land Use Plan existing development pattern. They voted unanimously to recommend approval of Rezoning Request (PUD)REZ-20-01 to rezone from RA-15, Residential & Agricultural to PUD(CUD), Planned Unit Development Conditional Use District. Planning Board voted unanimously to recommend approval of proposed Conditional Use Permit No. (PUD)REZ-20-01, requested by Albemarle Plantation Holdings II, LLC for +/- 54.5 acres encompassing tax parcel numbers 2-0082-0006 and 2-0082-0027A, conditioned upon adding Stormwater condition #8 requiring the applicant to consult with Albemarle Plantation Property Owner's Association to keep the drainage ditches clear for neighboring residents.

Planning staff believes the PUD(CUD), as proposed, may be rezoned and developed in compliance with Zoning Ordinance Articles 13, 15 and 23 rules and guidelines if water and wastewater use is approached slowly and cautiously in cooperation with County staff and with good engineering numbers at each step of the way. Staff recommends a minimum 50 foot perimeter buffer of naturally existing woodland on the east side of the property next to the Woodside II housing section since 20 feet is only the width of one Crepe Myrtle or Redbud. Staff reminds the Boards to give a reason 'why' the rezoning is or is not consistent and in harmony with the surrounding area.

After her presentation, Chairman Nelson asked if there were any questions or comments for Ms. Money from the Board. Chairman Nelson asked if these new conditions were incorporated in the draft PUD(CUD) presented tonight. Ms. Money stated that they were. Mr. Nelson then asked if there were any comments from the applicant. Mr. Bobby Masters presented some information about the project. After Mr. Masters' comments, Chairman Nelson asked if there were any questions from the Board for Mr. Masters. The following questions were asked:

- **Chairman Nelson:** Mr. Nelson asked about the storm drainage issues. Mr. Masters stated that he would discuss this with the Albemarle Plantation Homeowners' Association as they move forward with the project should it be approved tonight.

Chairman Nelson recognized Dave Klebitz, the project's professional engineer, who made a few comments about the project. Chairman Nelson asked if there were any questions from the Board for Mr. Klebitz. The following questions were asked:

- **Commissioner Jones:** Mr. Jones asked if there were other multi-family dwellings within Albemarle Plantation. Mr. Masters said that there were.

Chairman Nelson then asked if we had anyone sign up to speak from the public. Mary Hunnicutt, Clerk to the Board, provided a copy of the sign-up sheet and the following individuals made comments:

- **Carole Medford:** Ms. Medford stated that she lives at 114 Green Court West and explained that she was addressing the screening issue and also the drainage issues. She feels that the fire protection was okay but did not think it will be sufficient once this project has been developed. She provided pictures of the drainage issue that occurred recently when we had the rain.
- **Cole Holz:** Mr. Holz stated that he lives at 102 Lake Mattamuskeet Loop and is concerned about the drainage issues, low water pressure in several areas of Albemarle Plantation, and fire protection. He said that they have talked with Bethel Fire Department about establishing a substation close to Albemarle Plantation. He also found out that the fire hydrants were mainly used for flushing the water lines and not for fire protection. He feels that there will be inadequate fire protection for the area.
- **Rodney Mueller:** Mr. Mueller stated that he lives at 161 French Broad Road and is concerned about drainage issues, domestic water, fire protection, and the increase in cost of their homeowner's insurance. Just like Mr. Holz, he knows that there are some areas of Albemarle Plantation that has low water pressure at some times of the day. This would also put their properties at risk due to inadequate water for putting out fires. This would in turn increase their homeowners' insurance premiums.

Chairman Nelson asked if the Board had any questions for any of these witnesses. There being none, he closed the Public Hearing at 7:59 p.m. and proceeded with the Regular Meeting.

**AGENDA**

Chairman Nelson stated that a copy of the Agenda was at their seats tonight. Charles Woodard made a motion to approve the Agenda, as amended. The motion was seconded by Fondella A. Leigh and unanimously approved by the Board.

**CONSENT AGENDA**

Chairman Nelson asked if there were any items that the Board wished to remove from the Consent Agenda to discuss. There being none, the following items were considered to be routine and were unanimously approved on motion made Joseph W. Hoffler, seconded by Charles Woodard.

1. **Approval of Minutes:** Approval of Minutes: February 1, 2021 Regular Meeting and February 15, 2021 Special Called Meeting & Work Session.

2. **Tax Refund Approvals:**

- Lassiter, Adam & Hilary** ----- \$278.48  
Incorrect assessment caused overpayment by mortgage company. Account No. 117369.
- Baker, Julian** ----- \$264.24  
Combine was double listed on farmers account. Account No. 100380.
- Koltuniak, Aubrey Alexander** ----- \$163.96  
Sold vehicle. 7-month refund. Account No. 53872182.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Rhonda Money	Planner	Job Reclassification	72/9	\$56,685	03/01/2021
Nicole Elliott	Administrative Officer I	Extended Leave Without Pay*			02/01/2021

*\*Effective 2/1/2021, Ms. Elliott was approved to work up to 6 hours per day until re-evaluated by her physician.*

4. **End of Probationary Period & Added to Retirement System**

Employee Name	Employee Job Title	Hire Date	Effective Date
Lacy Roberson, III	Deputy Sheriff (Certified)	03/01/2020	03/01/2021

5. **Budget Amendments:**

**BUDGET AMENDMENT NO. 24  
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-335-001	CARES Relief		449,034
10-420-741	CARES Relief		449,034
10-420-741	CARES Relief		98,718
10-592-020	EMS - Salaries/FT	58,121	
10-592-030	EMS - Salaries/PT	33,165	
10-592-050	EMS - FICA	6,503	
10-592-070	EMS - Retirement	929	

**EXPLANATION:** To amend FY 20/21 budget to reflect the CARES Act funds that were allocated for payroll expenses in FY 19/20 and correct FY 20/21 payroll allocations for remaining CARES Funds.

**BUDGET AMENDMENT NO. 25  
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-397-009	ICPTA Transfer to Senior Center	14,359	
10-660-741	Senior Center - Capital Building Renovations	14,359	

**EXPLANATION:** To amend FY 20/21 budget to include the redistribution of ICPTA funds to our Senior Center.

6. **Board Appointment:** The following Board appointment was unanimously approved by the Board:

Name	Board/Committee	Action Taken	Term	Effective Date
Hoffler, Joseph	Historic Hertford, Inc.	Reappointment	2 yrs.	07/01/2020*
Heath, Frank	Albemarle Regional Landfill Authority (alternate)	Reappointment	4 yrs.	02/01/2021

*\*Appointment in June, 2020 was overlooked. Confirmed that we needed to reappoint him.*

7. **Miscellaneous Documents:** The following miscellaneous documents were unanimously approved by the Board:

- **Memorandum of Participation – Cavanaugh Macdonald Consulting, LLC:** The Board approved the following contract for Cavanaugh Macdonald Consulting to perform a GASB 75 actuarial valuation of the employer's OPEB Plan:

**2020 MEMORANDUM OF PARTICIPATION (MOP) FOR INTERIM (ROLL-FORWARD)  
GASB 75 REPORT OF THE OTHER POSTEMPLOYMENT BENEFITS (OPEB)**

ENTITY NAME: Perquimans County

UNIT'S RETIREMENT SYSTEM (LGERS) I.D. NUMBER(S): 97201

MAILING ADDRESS: P.O. Box 45

CITY: Hertford ZIP CODE: 27944

NAME OF PERSON TO RECEIVE REPORT:  Mr.  Ms. (choose one) Tracy Mathews

PHONE #: (252) 426-8484 TITLE: Finance Officer

E-MAIL ADDRESS: tracymathews@perquimanscountync.gov

On behalf of the employer noted above, we have agreed to engage Cavanaugh Macdonald Consulting, LLC to perform a GASB 75 actuarial valuation of the employer's OPEB Plan. I understand that **we will be billed directly by Cavanaugh Macdonald Consulting, LLC** and a copy of the actuarial report will be e-mailed to the person listed above by Cavanaugh Macdonald Consulting. I understand the fee structure is as follows:

GASB No. 74/75 Valuations	
<b>Base Fee</b>	Base Fee
▪ Less than 20 total active and retired participants	\$5,000
▪ 20-49 total active and retired participants	\$6,500
▪ 50-99 total active and retired participants	\$7,800
▪ 100 or more total active and retired participants	\$8,500
	+ Plus +
<b>Per Participant Fee</b>	
▪ Less than 50 total active and retired participants	\$5.00
▪ 50-99 total active and retired participants	\$4.50
▪ 100-249 total active and retired participants	\$3.25
▪ 250-499 total active and retired participants	\$2.75
▪ 500 or more total active and retired participants	\$2.50

Interested employers must return this Memorandum of Participation indicating their desire to participate along with all requested data as outlined on the following page. We need to receive **all requested information no later than March 15, 2021.**

If (1) your plan is not a single employer, defined benefit plan or (2) if your plan has discreetly presented component units or (3) if your plan has a special funding situation, additional fees may apply. Please contact us for a free quote.

Signed this 1<sup>st</sup> day of March, 2021.

Authorized Signature \_\_\_\_\_

Should you have questions regarding the information requested in this letter, please contact the **OPEB Team** via email at [NCOPEB@CavMacConsulting.com](mailto:NCOPEB@CavMacConsulting.com) or via phone at (678) 388-1700.

**INFORMATION COLLECTION CHECKLIST FOR OPEB REQUEST**

ENTITY NAME: Perquimans County

UNIT'S RETIREMENT SYSTEM I.D. NUMBER(S): 97201

Please provide a completed copy of this checklist to indicate the items being sent and the work being requested. This will help us verify receipt of all information and to be sure nothing was lost in transit.

I. Indicate the work being requested through this agreement (choose all that apply):

- GASB 75 valuation report which will provide information for June 30, 2021 disclosure. This report will use the 6/30/2019 OPEB valuation prepared by Cavanaugh Macdonald as the basis. Liabilities will be re-measured and rolled forward to 6/30/2020.
- Provide additional information related to a split of the liabilities, OPEB expense or proportionate share amounts for the component units. **Additional fees will apply** based on our hourly rates.

II. Check the boxes below to indicate which items are included in this submission. If multiple submissions are needed because some of the information is not immediately available, please provide an updated checklist with each submission.

- Executed 2019 Memorandum of Participation (MOP)
- Have the plan provisions changed since the prior valuation?  Yes  No (choose one) If yes, please provide the new plan provision information detailing the new OPEB Plan benefits. Please note, the roll forward method mentioned above may not be allowed. If this is the case, we will contact you regarding a full valuation. If a plan change has occurred, **additional fees may apply.**
- Claims and/or premiums paid for the year ending 6/30/2020 for retirees and their dependents, if any (amounts for active employees should not be reported.). We provided a template for your use in collecting this information as an attachment in the data request email. Email us at [NCOPEB@CavMacConsulting.com](mailto:NCOPEB@CavMacConsulting.com) if you need another copy. If the template is not fully completed, additional information may be requested and delays may occur.

Please note OPEB plans may provide both fully-insured and self-insured benefits. If this is the case for your plan, be sure to provide both types of contribution information. This information should be the gross amounts (total of employer and retiree paid) and receipts **for retirees and their dependents (do not include amounts for active employees)** for the year ending 6/30/2020.

- The calculation of OPEB Expense includes the "Administrative Cost" for the year. The Administrative Cost reported for this item, if you choose to report any, should be those costs not associated with the direct payment of benefits and not paid from an OPEB trust. Administrative Costs may include professional fees (trust fees, audit fees, actuarial fees, etc.), associated with the administration of the OPEB plan. Note that expenses booked elsewhere or paid from the OPEB Trust should not be included below (to avoid double counting of such expenses). What amount should be included in the OPEB expense?

\$ 0 (enter \$0 or the amount we should use – if blank, \$0 will be assumed)

- Does the Employer plan to establish OPEB assets in a qualified GASB OPEB funding vehicle (i.e., a Trust or Trust like arrangement for the sole purpose of providing OPEB benefits for retirees that cannot be used to pay active health care costs or any other benefits) as of June 30, 2021?  Yes  No (choose one)

➤ Submit all information to the OPEB Team via e-mail at [NCOPEB@CavMacConsulting.com](mailto:NCOPEB@CavMacConsulting.com).

Employer: \_\_\_\_\_  
Measurement Period: 7/1/2019 - 6/30/2020

Amounts below were NOT paid from the OPEB Trust			
For Fully-Insured Benefits:	Gross Premiums Paid for Retirees & their Dependents		
	Pre-Medicare	Medicare	Total
Medical			-
Prescription Drug (if not included above)			-
Dental/Vision (if not included above)			-
Life Insurance Premiums			-
HRA/HSA Contributions (if not included above)			-
Reimbursement of premiums			-
Other (specify)			-
Total			-
	Receipts		
	Pre-Medicare	Medicare	Total
Retiree Amounts Paid for Coverage			-
Other (specify)			-
Total			-
Net Premiums			-

Amounts below were NOT paid from the OPEB Trust			
For Self-Insured Benefits:	Gross Eligible Claims Paid for Retirees & their Dependents		
	Pre-Medicare	Medicare	Total
Medical			-
Prescription Drug			-
Dental/Vision			-
Life Insurance Payouts			-
Stop Loss Premiums			-
Administrative fees			-
HRA/HSA Contributions (if not included above)			-
Other (specify)			-
Total			-
	Receipts		
	Pre-Medicare	Medicare	Total
Retiree Amounts Paid for Coverage			-
Stop Loss Reimbursements			-
Other (specify)			-
Total			-
Net Claims			-

- **Resolution Honoring Judge J. C. Cole on His Retirement:** The Board adopted the following Resolution honoring Judge J.C. Cole on his upcoming retirement:

**RESOLUTION HONORING JUDGE J.C. COLE ON HIS RETIREMENT**

**WHEREAS,** Judge J.C. Cole moved to Perquimans County in 1983 from New York where he worked as a postal inspector and investigator; and

**WHEREAS,** Judge Cole attended undergraduate school at Livingstone College where he majored in mathematics; and

**WHEREAS,** Judge Cole also earned a master's degree in criminal justice and received his law degree from North Carolina Central University School of Law in 1987; and

**WHEREAS,** Judge Cole practiced law in Perquimans County until his appointment as a District Court Judge in 1994, where he filled out the term of his wife Janice McKenzie Cole who had been appointed United States Attorney; and

**WHEREAS,** Judge Cole was appointed Superior Court Judge for the 1<sup>st</sup> District of North Carolina in October of 2009; and

**WHEREAS,** Judge Cole has been continually elected and has faithfully served in the Judicial branch of this State for almost 30 years; and

**WHEREAS,** Judge Cole has been recognized for his judicial temperament and his ability to work with young people on giving them a second chance at life; and

**WHEREAS,** Judge Cole has greatly impacted Perquimans County with his exceptional public service and the positive attitude that he shares with all he comes into contact with;

**NOW, THEREFORE, BE IT RESOLVED THAT** the Perquimans County Board of Commissioners congratulates Judge J.C. Cole on his retirement from public service as a Superior Court Judge and names the Courtroom in the Historic Perquimans County Courthouse the "J. Carlton Cole Courtroom".

Adopted this 1<sup>st</sup> day of March, 2021

\_\_\_\_\_  
Wallace E. Nelson, Chairman  
Perquimans County Board of Commissioners

Attest:

\_\_\_\_\_  
Clerk to the Board

**SEAL**

- **Revised HCCBG Contract:** We were notified that part of the allocation to ICPTA for FY 2020-2021 has been redistributed to our Senior Center. The allocation redistribution in this agreement is for \$14,359. The Board authorized the Chairman and County staff to sign the revised HCCBG Contracts.
- **Revised Nutrition Contract:** With the 3% COLA for the County employees, we need to revise the FY 2020-2021 Nutrition Contract increasing her salary from \$10,749.24 for 999 hours to \$11,628.36 for 999 hours. Board authorized the Chairman and County staff to sign the revised Nutrition Contract.
- **Resolution: Surplus Equipment:** The Board adopted the following resolution declaring certain items as surplus equipment to be sold on GovDeals:

**RESOLUTION AUTHORIZING SALE  
OF CERTAIN SURPLUS COUNTY PROPERTY**

**WHEREAS,** the Perquimans County Board of Commissioners desires to dispose of certain surplus property of the County:

**NOW, THEREFORE, BE IT RESOLVED** by the Perquimans County Board of Commissioners that:

- The following described personal property is hereby declared to be surplus to the needs of the County:
  - 13 – RAM Tough Tray Mounts
  - 7 – Motorola Handheld Radios and accessories (see attached list)
- The County Manager is hereby authorized and directed to proceed on behalf of the Perquimans County Board of Commissioners to sale these surplus items on GovDeals.
- The County reserves the right to reject any or all bids and decide not to sell the property at any time during this process.
- The County Manager, in accordance with State law, shall cause a summary of this resolution to be published once in a newspaper having general circulation in the County and place it on the County's website. After not less than ten (10) days from the date of publication, the County Manager is authorized to sell the above-described property to the highest bidder.

Adopted this the 1<sup>st</sup> day of March, 2021.

\_\_\_\_\_  
Wallace E. Nelson, Chairman  
Perquimans County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Mary P. Hunnicutt, Clerk to the Board

**SEAL**

**SURPLUS EQUIPMENT FOR SHERIFF'S DEPARTMENT**

No. Items	Description	Model #	Serial #	Condition
4	A2 Impact Radio Mics (ear pieces)	AT-2		Like New
2	Motorola Lapel Mics No. 1 Mic No. 2 Mic	PMMN4027A HMN9052B		Used Used
7	Motorola Handheld Radios No. 1 EX600 XLS Radio (PQ, Property #003124) No. 2 EX500 Radio (PQ, Property #003121) No. 3 HT1250 Radio (PQ, Property #02182) No. 4 HT1250 Radio (PQ, Property #02188) No. 5 HT1250 Radio (PQ, Property #02180) No. 6 HT1250 Radio (PQ, Property #02181) No. 7 HT1250 Radio (PQ, Property #02179)	AAH385DH9DU6AN	004HFGB439 004HELO528 749TAN2339 749TDG1162 749TAN3259 749TAN2347 749TAN2353	Used Used - needs antenna Used - needs antenna Used Used Used - needs top buttons replaced Used - needs top buttons replaced
4	Motorola Car Charges (AC plugs)	#RLN4884B #RLN4884B #RLN4884B RLN6434B1912		Used Used Used Used
7	Motorola Free Standing Radio Chargers	HTN9000B HTN9000B HTN9000B HTN9000B HTN9000B HTN9000D HTN9000D		Used Used Used Used Used Used - missing AC Adapters Used - missing AC Adapters

**JONATHAN NIXON, EMERGENCY SERVICES DIRECTOR**

Mr. Nixon presented his annual Public Officials Conference to the Board of Commissioners and to the following public officials from the Towns of Hertford and Winfall:

**TOWN OF HERTFORD**

Earnell Brown, Mayor  
Pamela Hurdle, Town Manager  
Jerry Mimplitsch, Councilman

**TOWN OF WINFALL**

Fred Yates, Mayor  
Ken Rominger, Councilman

Mr. Nixon asked the Board if they had any questions or comments. There being none, Commissioner Woodard thanked Mr. Nixon and his staff for a job well done. Chairman Nelson also thanked Mr. Nixon especially for the work on the Natural Gas Leak at Wynne Fork Road Bridge. Hertford Mayor Brown thanked them for their assistance with the two gas leaks in the Town of Hertford. Chairman Nelson talked about COVID-19 vaccination clinics. He stated that we are the top county in the state to give both doses to our residents. He commended ARHS, EMS, Emergency Management, Sheriff’s Department, CERT Teams, and the National Guard. He also commended the County staff for the handling of the two natural gas leaks.

**LAURA ROLLINSON, SENIOR NUTRITION**

Ms. Rollinson updated the Board on the number of clients receiving meals in Perquimans County and to see if they would possibly be willing to participate in March for Meals Champions Week. If so, please let her or Beverly Gregory, Senior Center Coordinator, know. She also asked the Board to adopt a Proclamation proclaiming March 2021 as the 19<sup>th</sup> Annual March for Meals Month. On motion made by T. Kyle Jones, seconded by Fondella A. Leigh, the Board unanimously approved the following Proclamation:



**A PROCLAMATION PROCLAIMING MARCH 2021 AS THE 19<sup>th</sup> ANNUAL MARCH FOR MEALS MONTH**

**WHEREAS**, on March 22, 1972, President Richard Nixon signed into law a measure that amended the Older Americans Act of 1965 and established a national nutrition program for seniors 60 years and older; and

**WHEREAS**, Meals on Wheels America established the March for Meals campaign in March 2002 to recognize the historic month, the importance of the Older Americans Act Nutrition Programs, both congregate and home-delivered, and raise awareness about the escalating problem of senior hunger in America; and

**WHEREAS**, the 2021 observance of March for Meals celebrates 19 years of providing an opportunity to support Meals on Wheels programs that deliver vital and critical services by donating, volunteering and raising awareness about senior hunger and isolation; and

**WHEREAS**, Meals on Wheels programs – both congregate and home-delivered, in **Perquimans County**, North Carolina have served our communities admirably for more than 20 years; and

**WHEREAS**, volunteers for Meals on Wheels programs in **Perquimans County**, North Carolina are the backbone of the program and they not only deliver nutritious meals to seniors and individuals with disabilities who are at significant risk of hunger and isolation, but also caring concern and attention to their welfare; and

**WHEREAS**, Meals on Wheels programs in **Perquimans County**, North Carolina provide nutritious meals to seniors that help them maintain their health and independence, thereby preventing unnecessary falls, hospitalizations and/or premature institutionalization; and

**WHEREAS**, Meals on Wheels programs in **Perquimans County**, North Carolina provide a powerful opportunity for social connection for millions of seniors to help combat the negative health effects and economic consequences of loneliness and isolation; and

**WHEREAS**, Meals on Wheels programs in **Perquimans County**, North Carolina deserve recognition for the heroic contributions and essential services they have provided amid the COVID-19 pandemic and will continue to provide to local communities, our State and our Nation long after it is over.

**NOW, THEREFORE**, we, as the Board of Commissioners of **Perquimans County**, North Carolina do hereby proclaim March 2021 as the 19<sup>th</sup> Annual March for Meals Month and urge every citizen to take this month to honor our Meals on Wheels programs, the seniors they serve and the volunteers who care for them. Our recognition of, and involvement in, the national 2021 March for Meals can enrich our entire community and help combat senior hunger and isolation in America.

Dated this 1<sup>st</sup> day of March, 2021.

Wallace E. Nelson, Chairman  
Perquimans County Board of Commissioners

ATTEST:

Clerk to the Board

SEAL

**COMMISSIONER’S CONCERNS/COMMITTEE REPORTS**

The following commissioner’s concerns/committee reports were given:

➤ **Fondella A. Leigh:** Ms. Leigh reported to the Board that the Albemarle Commission Board of Trustees had elected their officials as follows:

Lloyd Griffin, Pasquotank County..... Chairman  
Jordan Davis, Tyrrell County..... Vice Chair  
Fondella A. Leigh, Perquimans County..... Secretary

➤ **Wallace E. Nelson:** Chairman Nelson explained that there were going to be several Waterfront & Community Plan Community and Advisory Committee Meetings to discuss some big changes within the Town of Hertford. He encouraged the public to get involved and, if they have not completed their survey, to do so. The meetings will be held on March 1, 2021 at 6:30 p.m. and on March 3, 2021 at 10:00 a.m. They are being held at the Hertford Community Center on Grubb Street. He also mentioned the floating reception honoring Judge J.C. Cole’s retirement on March 27<sup>th</sup> at the Museum of the Albemarle from 12:30 p.m. to 3:30 p.m.

➤ **Joseph W. Hoffer:** Mr. Hoffer asked about the discussion on the Confederate Monument. Mr. Nelson explained that it would be discussed during their March Work Session.

**UPDATES FROM COUNTY MANAGER**

County Manager Heath presented the following updates:

➤ **Mass COVID-19 Vaccine Clinics:** Mr. Heath gave a short report on the COVID-19 Clinics that have been held at the Recreation Center. He thanked all the EMS Staff and the volunteers for all their hard work. He has been very pleased that the National Guard has also been volunteering.

- **Chowan County Feasibility Study:** Mr. Heath reported that Chowan County had a Feasibility Study prepared for their Water System and invited us to participate also. At some point, there will be a joint meeting with Chowan County and Perquimans County to receive the results of this study. The recommendation is to build a \$50,000,000 reverse osmosis plant. The County is not obligated in any way to participate in the project. This would help the Bethel side of the Water System.
- **Angler Cove Property:** Mr. Heath notified that Board that a contract for the property adjacent to the Bethel Water Treatment Plant located on Angler Cove Road has been prepared. He had reported that the price was \$26,500. We should closed on the property in March.
- **Albemarle District Jail Trash Pickup:** Mr. Heath reported that the inmates from Albemarle District Jail will doing a trash pickup for the County. If you know of any secondary roads within Perquimans County that needs to be cleaned up, please let Mr. Heath know so that he can add that street on the list.

## DISPOSAL OF PROPERTY – 407 COX AVENUE, HERTFORD, NC

County Manager Heath explained that, at their November 2, 2020, the Board authorized him to sell the property located at 407 Cox Avenue, Hertford, NC. He further stated that this property was obtained through a foreclosure sale. Property notices were made and the bids were accepted till January 15, 2021 and due to be opened on January 18, 2021. Due to the Martin Luther King, Jr. Holiday, the bids were not opened until January 19, 2021. The highest bidder was Cynthia Sanders with \$8,500 but she withdrew her bid. The next bidder was Mary Curry at \$8,400 so he recommends the acceptance of Mary Curry's bid. On motion made by Fondella A. Leigh, seconded by Joseph W. Hoffer, the Board unanimously accepted Mary Curry's bid of \$8,400 for the 407 Cox Avenue property located in Hertford, NC.

## PLANNING BOARD ITEMS

Chairman Nelson stated that it was time to take action on the following Planning Board items:

- **Conditional Use Permit No. CUP-21-01, requested by Booth & Associates, LLC:** A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Conditional Use Permit No. CUP-21-01, requested by Booth & Associates, LLC for an AEMC substation on Burnt Mill Road approximately 500 feet from its intersection with Snug Harbor Rd. Subject property is Tax Parcel No. 2-0070-0056E and is zoned Rural Agricultural. Fondella A. Leigh made a motion to find the proposed Conditional Use Permit No. CUP-21-01 to be consistent and in harmony with the existing development pattern around 795 Burnt Mill Road, Hertford, NC; and to approve the Conditional Use Permit for the Albemarle Electric Membership Corporation public utility substation; rezoned RA, Rural Agriculture District, also known as Tax Parcel No. 2-0070-0056E as presented and adopting the following Table of Findings to support the motion:

1. That the CUP will not materially endanger the public health or safety if located according to the plan submitted and approved.
2. That the use meets the required conditions and specifications.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
4. 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 motion was seconded by Charles Woodard. Chairman Nelson asked if there were any questions or comments from the Board. There being none, Chairman Nelson called for a vote. The motion was unanimously approved by the Board. (*See Attachment A*)

- **Conditional Use Permit No. CUP-21-02, requested by Pamela Askew:** A Public Hearing was held earlier in the meeting to receive citizens' comments to consider a Conditional Use Permit No. CUP-21-02, requested by Pamela Askew to operate a child daycare Home Occupation at 200 Cedarwood Blvd., a cul de sac approximately 300 feet south of Mulberry Lane. Subject property is Tax Parcel No. 4-D036-1009-CWI and is zoned residential RA-43. Chairman Nelson asked the Board if there were any comments or questions.
  - **Commissioner Hoffer:** Mr. Hoffer stated that he was really concerned about the pool and stormwater drainage ditches not having fencing. Mr. Hoffer agrees with the homeowners surrounding the property.
  - **Chairman Nelson:** Mr. Nelson asked who enforces the protective covenants. County Attorney High said that it was a private matter between the developer and the homeowners. The Court can overturn whatever the County does tonight. He further explained that what Mr. Hoffer was mentioning tonight could fall under the Finding #4. The request has to pass all four findings in order to be approved.
  - **Commissioner Jones:** Mr. Jones agrees with Commissioner Hoffer and does not feel that is not in harmony with the area which it will be located in.
  - **Commissioner Leigh:** Ms. Leigh said that she is looking at the safety issue more so than harmony.
  - **Chairman Nelson:** Mr. Nelson feels that the County does not have the right to enforce the protective covenants and feels that, if the county approves this request, the court could overturn our action.
  - **Commissioner Woodard:** Mr. Woodard agrees with the surrounding homeowners' concerns.

T. Kyle Jones made a motion to deny Conditional Use Permit No. CUP-21-02, and adopted the following Table of Findings to support the motion:

1. That the CUP will not materially endanger the public health or safety if located according to the plan submitted and approved.
2. That the use meets the required conditions and specifications.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
4. That the location and character of the use, if developed according to the plan as submitted and approved, will not 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 motion was seconded by Joseph W. Hoffer. Chairman Nelson asked if there were any questions or comments from the Board. There being none, Chairman Nelson called for a vote. The motion was unanimously approved by the Board to deny Conditional Use Permit No. CUP-21-02.

- **Rezoning Request No. (PUD)REZ-20-01, requested by Albemarle Plantation Holdings II, LLC:** A Public Hearing was held earlier in the meeting to receive citizens' comments to rezone approximately 54.5 acres from residential RA-15 to PUD(CUD), Planned Unit Development Conditional Use District. Subject property encompasses Tax Parcel Nos. 2-0082-0006 and 2-0082-0027A, also known as the Cole Tract. There are two parts to this request. Part A is the approval of the rezoning request. Chairman Nelson asked the Board if there were any comments or questions. There being none, Mr. Nelson called for a motion. T. Kyle Jones made a motion to find proposed Rezoning Request No. (PUD) REZ-20-01(a) to be consistent and in harmony with the county comprehensive Land Use Plan existing development pattern because the proposed PUD area of map Exhibit IX-A, "Projected Future Land Use Unincorporated Portions of Perquimans County", shows the parcel as "Residential" and the CAMA Land Use Plan (LUP) Future Land Use Compatibility Matrix on Page IX-35 allows a Planned Unit Development (PUD) to contain "any combination of uses, permitted and conditional" without requiring a minimum lot size. The motion was seconded by Fondella A. Leigh. Chairman Nelson asked if there were any questions on Step A of this process. There being none, the motion to approve the Rezoning Request No. (PUD)REZ-20-01(a) was unanimously approved.

Chairman Nelson asked if there were any comments or questions from the Board. There being none, Chairman Nelson called for a motion. Charles Woodard made a motion to approve the Rezoning Request (PUD)REZ-20-01(a) to rezone from RA-15, Residential & Agricultural to PUD(CUD), Planned Unit Development Conditional Use District, the +/- 54.5 acre property located at Tax Parcel numbers 2-0082-0006 and 2-0082-0027A, adopting the following Policy Guidelines to support the motion::

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 seconded by T. Kyle Jones. Chairman Nelson asked if there were any questions or comments from the Board. The following questions were asked:

- **Commissioner Woodard:** Mr. Woodard asked if the applicant was going to address the issues presented tonight from the property owners. Chairman Nelson stated that all these conditions listed must be met before the final plat is approved. Mr. Masters said that they would.
- **County Manager Heath:** Mr. Heath addressed the water pressure and firefighting issues. He then asked Mr. Masters when he felt that these issues would be corrected. Mr. Masters said that he hoped to have them corrected within three months.

Chairman Nelson asked if there were any further comments or questions. There being none, Mr. Nelson called for a vote. The motion was unanimously approved by the Board to approve the Rezoning Request (PUD)REZ-20-01(a).

- **Conditional Use Permit No. (PUD)REZ-20-01(b), requested by Albemarle Plantation Holdings II, LLC:** This is Part B to consider the PUD(CUD) Conditional Use Permit No. PUC-REZ-20-01(b) requested by Albemarle Plantation Holdings II, LLC for a Planned Unit Development Conditional Use District, on +/- 54.5 acres located at Tax Parcel number 2-0082-0006 and 2-0082-0027A conditioned upon the conditions included in the Draft Conditional Use Permit, adopting the Findings to support the motion. Chairman Nelson asked if there were any questions or comments from the Board. There being none, Mr. Nelson asked for a motion. Charles Woodard made a motion to approve the Conditional Use Permit No. (PUD)REZ-20-01(b), requested by Albemarle Plantation Holdings II, LLC for a Planned Unit Conditional Use District, on +/- 54.5 acres located at Tax Parcel numbers 2-0082-0006 and 2-0082-0027A conditioned upon the conditions listed in the draft Conditional Use Permit presented tonight adopting the following Findings to support the motion:

1. That the CUP will not materially endanger the public health or safety if located according to the plan submitted and approved.
2. That the use meets the required conditions and specifications.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
4. 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 motion was seconded by T. Kyle Jones. Chairman Nelson asked if there were any questions or comments from the Board. There being none, Chairman Nelson called for a vote. The motion was unanimously approved by the Board to approve Conditional Use Permit No. (PUD)REZ-20-01(b). *(see Attachment B)*

- **Preliminary Plat of Albemarle Plantation Cole Tract:** Ms. Money gave an overview of the Preliminary Plat and explained that the Planning Board unanimously approved the preliminary plat as presented tonight. By meeting the Section 305.1 and 306.7 checklists of the Subdivision Regulations, Ms. Money recommends the approval of this Preliminary Plat. Rodney Muller made a few comments. On motion made by T. Kyle Jones, seconded by Charles Woodard, the Board unanimously approved the Preliminary Plat of Albemarle Plantation Cole Tract as presented.

**Correction in June 7, 2021 Minutes. Added this paragraph**

**FY 2020-2021 AUDIT CONTRACT**

County Manager Heath presented the Audit Contract with Donna Winborne's Office for FY 2020-2021. This contract is to complete the audit for the County and for Tourism Development Authority (TDA). The cost is \$500 more than last year's cost. The staff recommends approval. On motion made by Charles Woodard, seconded by Fondella A. Leigh, the Board unanimously approved the FY 2020-2021 Audit Contract with Donna Winborne's Office at a cost of \$33,500.

**ALBEMARLE COMMISSION – PORT BUILDING LEASE**

County Manager Heath explained that he met with the Michael Ervin, Executive Director of the Albemarle Commission. At that meeting, Mr. Ervin asked about leasing the PORT Building which is about 2900 square feet. Currently, they are paying \$10.50 per square foot. On motion made by T. Kyle Jones, seconded by Fondella A. Leigh, the Board unanimously authorized County Manager Heath to work out the details of the lease agreement with Mr. Ervin for the PORT Building.

**PUBLIC COMMENTS**

The following public comment was made:

- **Earnell Brown:** Ms. Brown stated that she was coming before the Board not as the Mayor of Hertford but as a private citizen of Hertford. She made a formal request for the County to install lights at the King Street and Grubb Street Basketball Courts. She also said that law enforcement will be doing what they are supposed to do to patrol the area during the time that they are open.

**ADJOURNMENT**

There being no further comments or business to discuss, the Regular Meeting was adjourned at 9:21 p.m. on motion made by Fondella A. Leigh, seconded by Charles Woodard.

\_\_\_\_\_  
Wallace E. Nelson, Chairman

\_\_\_\_\_  
Clerk to the Board

\*\*\*\*\*

**ATTACHMENT A**

**Do NOT record this page**

-Beginning of Proposed Conditional Use Permit CUP-21-01  
to be recorded by Booth & Associates, LLC  
on behalf of AEMC

**To Construct a Public Utility Substation  
At 795 Burnt Mill Road**

Applicant: Booth & Associates, LLC  
Owners: Albemarle Electric Membership Corporation  
Per Planning Board meeting Discussion:

**1) Spelled out the owner name fully on page 1 of 6**

**Do NOT record this page**

**CONDITIONAL USE PERMIT No. CUP-21-01**

**Page 1 of 6**

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:** Booth & Associates, LLC  
5811 Glenwood Ave., Suite 109  
Raleigh, NC 27612

**Owner:** Albemarle Electric Membership Corporation

125 Cooperative Way  
Hertford, NC 27944

**Site Location:** 795 Burnt Mill Road, Hertford NC 27944; On Burnt Mill Road approximately 500 feet west of its intersection with Snug Harbor Road

**Tax Parcel No:** 2-0070-0056E

**Zoning District:** RA, Rural Agricultural District

**Proposed Use of Property:** Proposed Use is to construct, operate and maintain an electrical distribution substation known as the Bethel Substation project. See attached letter addressed to the Perquimans County Board of Commissioners.

**Meeting & Hearing Dates:** Planning Board on 2/9/2021 & Board of Commissioners on 3/1/2021.

Having heard all the evidence and argument presented at the hearing(s), the Board of County Commissioners 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” (currently Section 907.25 of the Zoning Ordinance) and other conditions, as follows:

**CONDITIONAL USE PERMIT No. CUP-21-01**

**Page 2 of 6**

- (1) Applicant, owners, heirs and assigns 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 filed with Register of Deeds office. Any major modification proposed to the approved plans shall require reapplication and approval by the BCC. “Major Modification” is defined as: “Any significant change in land use, and/or change in the project boundary and/or 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 proposed site plan may require adjustments in the exact locations within the proposed chain link fence. All required site improvements must be made and shall comply with minimum setbacks, and all screening, buffering, and landscaping requirements must be met prior to the County’s issuance of Certificate of Zoning Compliance and Certificate of Occupancy, in accordance with applicable sections of the Zoning Ordinance, including section 907.25 “Public Utility Substations, Transformer Stations, and other Facilities”.
- (2) The Conditional Use Permit is approved and recorded with the applicant’s statement of the nature of the proposed use and conceptual Site Plan, to become the basis for the Zoning Permit issued by the Planning & Zoning Office upon submittal and approval of a final Site Plan. If the Conditional Use Permit is not recorded in the Register of Deeds (ROD) Office by the Applicant within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- (3) The Electrical Distribution Substation and all related equipment and structures shall maintain standard setbacks if applicable in the zoning district from streets right-of-ways and double (2 times) the standard setbacks from any other property line.
- (4) 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.
- (5) 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 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 right-of-ways shall be exempt from buffer requirements.

**CONDITIONAL USE PERMIT No. CUP-21-01**

**Page 3 of 6**

- (6) 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 and meet 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 section 907.25 of the County Zoning Ordinance
- (7) 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.
- (8) For a period of up to 12 months after the applicant submits the certified ‘as built’ drawings, County staff may confirm compliance with the specifications determined to be within compliance according to Zoning Ordinance Section 907.25.
- (9) 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.

- (10) 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.
- (11) 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 March 2023 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 any of the conditions affixed hereto or any part thereof shall be held invalid or void, then the permit shall be void and of no effect.

**CONDITIONAL USE PERMIT No. CUP-21-01**

**Page 4 of 6**

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.

\_\_\_\_\_  
Wallace Nelson, Chair, Board of Commissioners Date

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

**CONDITIONAL USE PERMIT No. CUP-21-01**

**Page 5 of 6**

I, (We) \_\_\_\_\_, authorized Applicant(s)/Owner(s), of the above identified property, do 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.

\_\_\_\_\_  
Applicant/Owner Date

\_\_\_\_\_  
Applicant/Owner Date

-----  
The State of North Carolina  
Perquimans 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)

-----  
The State of North Carolina  
Perquimans 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

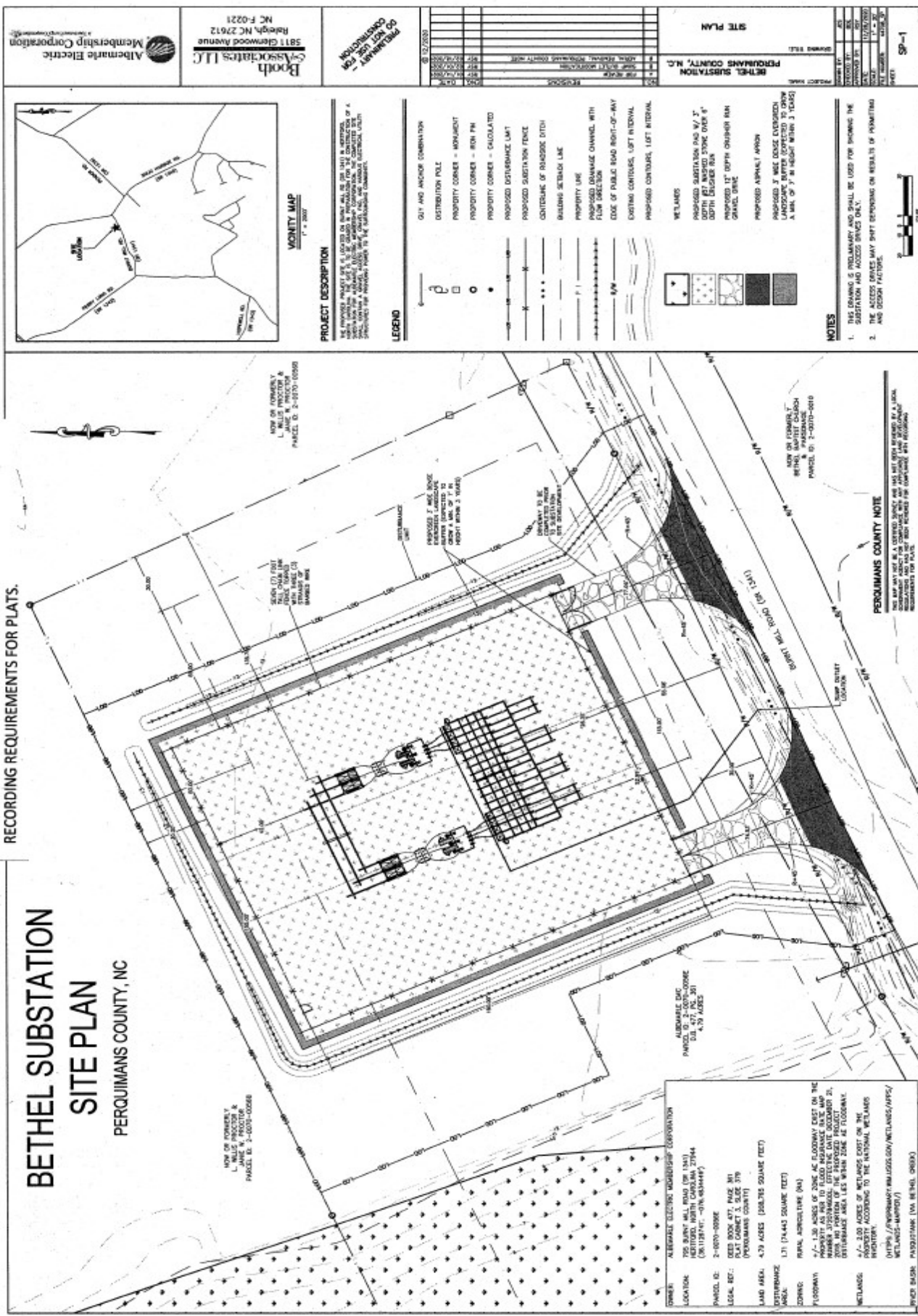
My Commission expires:

\_\_\_\_\_  
(Not valid until fully executed and recorded)

CONDITIONAL USE PERMIT No. CUP-21-01

Insert Here Site Plan(s) no larger than 8.5" X 14"

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.



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-Beginning of Proposed Conditional Use Permit CUP-21-01 to be recorded by Booth & Associates, LLC on behalf of AEMC

To Construct a Public Utility Substation At 795 Burnt Mill Road

Applicant: Booth & Associates, LLC

Owners: Albemarle Electric Membership Corporation

Per Planning Board meeting Discussion:

1) Spelled out the owner name fully on page 1 of 6

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**ATTACHMENT B**

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-Beginning of Proposed Conditional Use Permit No. (PUD)REZ-20-01  
to be recorded by Albemarle Plantation Holdings II, LLC

To

Rezone approximately 54.5 acres, from RA-15 to [PUD(CUD)] Planned Unit Development Conditional Use District. Subject property is also known as Tax Parcel Nos. 2-0082-0006 and 2-0082-0027A.

Per Planning Board Discussion & Vote:

1) Add # 8 condition to Storm water section

2) Remove D(3) Transportation: Per County Zoning Ordinance Section 1503(c), Points of ingress and egress shall be approved by the Board of County Commissioners and minimize traffic hazards, inconvenience, and congestion.

3) Add page numbers

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**CONDITIONAL USE PERMIT No. (PUD) REZ-20-01**

**Page 1 of 8**

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

- Applicant/Owner:** Albemarle Plantation Holdings II, LLC  
c/o Robert Masters  
11675 Rainwater Drive, Suite 210  
Alpharetta, GA 30009
- Site Location:** Approximately 54.5 acres southeast of Mathews Road, southwest of Holiday Lane, and north and east of Pasquotank Blvd.
- Tax Parcel Nos:** 2-0082-0006 and 2-0082-0027A
- Zoning District:** PUD (CUD), Planned Unit Development Conditional Use District

**Proposed Use of Property:** As stated by the Applicant in the CUD Rezoning Request Application Statement of the Nature of the Proposed Use: “To build a community that has a creative design, providing a mix of different residential uses in close proximity to one another, which will include a small section of townhome lots, a section of duplex units, and two styles of single-family detached homes. There will be conventional single-family lots, and also a section of reverse frontage homes, where the rear of the house faces the street, with the front looking out across a large pond or other amenity. There will also be an extensive network of walkways and trails that interconnect the various site features and provide a recreational opportunity.”

**CONDITIONAL USE PERMIT No. (PUD) REZ-20-01**

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**Meeting & Hearing Dates:** Planning Board on 2-9-2021; & Board of County Commissioners on 3-1-2021.

Now therefore be it resolved that the Perquimans County Board of Commissioners approves the application for Albemarle Plantation Holdings II, LLC case number (PUD) REZ-20-01, subject to the following conditions:

Having heard all the evidence and argument presented at the hearing, 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 *Planned Unit Development* and other conditions as follows:

**A. General Land Use:**

- 1) Perquimans County (County) has the right to limit the number of lots and housing for each section/phase based on water availability.
- 2) The developer must obtain approval for all sections and/or phases by the Planning Board and Board of Commissioners for approval under the normal review and approval process of the Subdivision Regulations.
- 3) Each section and/or phase must adhere to the current Subdivision Regulations and State Regulations in effect at the time that particular phase is approved, including, among others, subject to any water capacity or availability restrictions that are in place at the time of approval.
- 4) A minimum 50 foot naturally existing woodland buffer is required on properties adjacent to Woodside II. Walking trails may be within the buffer. A minimum 20 foot vegetative buffer or berm is required around all other sections of the perimeter.
- 5) Building Setbacks shall be :
  - 20’ setback to right-of-way
  - 20’ setback to rear property line
  - 10’ setback to corner lot side right-of-way
  - 5’ setback to side property line on conventional and reverse frontage lots
  - 0’ setback to side property line on duplex and townhome lots
  - 15’ separation between townhome buildings

- 6) Townhome buildings and any lot with less than 10 foot setbacks will require fire protection measures such as fire retardant walls and/or a sprinkler system in consultation with the County Fire Marshal.

**CONDITIONAL USE PERMIT No. (PUD) REZ-20-01**

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- 7) Maximum number of residential lots shall be 95; as presented on the conceptual Master Plan.
- 8) Per County Zoning Ordinance Section 1503(h), At least 5.447 acres of the development shall be set aside as common area or open space. Of this 5.447, a maximum of 2.72 acres may be areas covered by water. In addition, a maximum of 2.72 acres may be covered by structures clearly ancillary to the recreation or common use area. Such structures may include tennis courts, pro shops, swimming pools, and the like. Common area/open space shall be designated on the development plats as such and be held in separate ownership for the use and benefit of the residents of the PUD.
- 9) No commercial development is proposed at this time. If it is requested in the future, all such uses will be presented to the Planning Board and BCC for final approval.

**B. Drainage/Stormwater Improvements:**

- 1) A topographic survey on one foot contours shall be used for development.
- 2) A drainage plan, predicting surface water elevations occurring throughout the subdivision for various storms shall be presented to the County prior to final plat approvals by Planning Board.
- 3) All living space floor-level elevations should be based on the surface water profile predictions, with special emphasis placed on any slab construction.
- 4) All drainage ditches, and major drain-ways should be protected by easements. Major ditches that are traversing platted areas should have side slopes as determined by county staff, to allow mowing and to prevent landowners from filling and obstructing ditches.
- 5) Prior to Final Plat an engineered drainage plan with one-foot contours, ditch or swale layouts with pipe, and showing the flow rates, shall be provided by Applicant and reviewed by County.
- 6) The Applicant, heirs and assigns shall submit a NC Department of Environmental Quality Stormwater Permit prior to Final Plat approval.
- 7) Applicant heirs and assigns shall provide a NC Department of Environmental Quality letter of approval for an Erosion and Sedimentation Control Plan prior to Final Plat approval.
- 8) All adjoining drainage ditches should be maintained at all times to ensure adequate flow and minimize stormwater impacts to adjacent property owners. The applicant will consult with Albemarle Plantation Property Owners Association to ensure this condition is met.

**CONDITIONAL USE PERMIT No. (PUD) REZ-20-01**

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**C. Emergency Services:**

- 1) Alleyways need to meet NC DOT minimum width of an unobstructed 12-14 feet. Residents shall not be allowed to park in alleys; no water utilities shall be located in the alleyways; proper ingress/egress for emergency vehicles shall be designed for, including proper turn-arounds (if not a "thru street") in coordination with County Emergency Services staff.
- 2) Applicant, heirs and assigns shall accommodate and support and hold training sessions for emergency service personnel if requested by the Emergency Services Director with adequate advanced notice.

**D. Transportation:**

- 1) All roads will be designed and constructed in accordance with NCDOT subdivision standards with no road less than 20 feet wide, exclusive of shoulders per NC Fire Code. Fire apparatus access roads must meet weight capacity requirements of NC Fire Code.
- 2) No on-street parking allowed. Each residence will be required to have enough off street parking for at least 2 vehicles.
- 3) Per County Zoning Ordinance Section 1503(f), Parking areas shall have a parking surface meeting the standards of Article XIX "Parking and Loading" and all parking areas and traffic lanes shall be clearly marked.

**E. Utilities:**

- 1) All water lines must be approved by both the State of North Carolina and Perquimans County.
- 2) Hydrant locations shall be every 1,000 feet and no more than 500 feet from any lot. All hydrants must be supplied with a 5 inch storz adapter on the steamer connection or other suitable connection determined after consultation with the local fire department prior to installation.
- 3) The applicant will need to install a water line at least 6 inches in diameter that will supply a minimum of 500 gallons per minute at 20 psi residual pressure to each hydrant. Applicant shall supply a minimum of 1,000 gallons per minute at 20 psi residual for commercial areas, marina areas, and areas with side setbacks less than (ten) 10 feet.

**CONDITIONAL USE PERMIT No. (PUD) REZ-20-01**

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- 4) The design and estimated construction cost of any additional elevated water tanks that Perquimans County deems may be needed shall be paid for by the developer prior to final plat approval of additional lots that the elevated tank may service. Construction estimates and actual tank design shall be performed by Perquimans County and in consultation with the developer.
- 5) The existing Perquimans County Water System will be tested and/or modeled by Perquimans County to determine if any upgrades to the water mains or other parts of the existing water system need to be made to provide domestic and fire flow capabilities to Albemarle Plantation Phase 3 planned unit development. Modeling of the proposed water system within Albemarle Plantation Phase 3 will be the responsibility of

the developer and shall be submitted to Perquimans County for approval. All improvements to the existing county water system deemed necessary by Perquimans County, and in consultation with the developer, to provide domestic and fire flow capabilities shall be made by Perquimans County and paid for by the developer.

- 6) Any water distribution system within Albemarle Plantation Phase 3 will be constructed by the developer at the developer's expense in accordance with the approved model described in item 5 above, Perquimans County standard specifications and applicable regulatory agencies. Water will be provided by Perquimans County Water System in accordance with available capacity which is not committed at this time. Any commercial or residential irrigation systems initially or in the future in this Albemarle Plantation Phase 3 PUD shall be constructed in accordance with all applicable North Carolina General Statutes and Perquimans County Policies.
- 7) Wastewater System -- Detailed engineering drawings and an appropriate description of the proposed wastewater collection, treatment and disposal systems will be submitted by the Applicant with the Final Plat for review and approval. Any operational and maintenance agreements with the Developer's or the Homeowners Association's operator or other contracted operator will be submitted for review and approval by the County prior to Final Plat approval. Proof of an appropriate security bond for wastewater infrastructure submitted to the State Utility Commission will be required prior to Final Plat approval.
- 8) Albemarle Plantation Holdings II, LLC/Applicant/Developer will be responsible for the installation of a community sewer collection system and treatment and disposal facilities in accordance with applicable regulatory agencies. Albemarle Utility Company will be responsible for operation and maintenance of the community sewer collection system and treatment and disposal facilities. Any ownership transfer of the system or facilities will be in accordance with applicable regulatory agencies and approved by the Board of County Commissioners.
- 9) Approval/permits as required by NCDEQ for central wastewater treatment plant and disposal system shall be provided.
- 10) All utilities will be underground.

**CONDITIONAL USE PERMIT No. (PUD) REZ-20-01**

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**F. Plat Approvals & Master Plan Amendments:**

- 1) Prior to approval of a Final Plat, the Developer shall obtain County Attorney approval of the Articles of Incorporation for the Property Owners Association or Homeowners Association and Restrictive Covenants for Albemarle Plantation Phase 3 PUD. Property Owners Association documents shall include provisions for (a) the organizational and operational structure of the Property Owners Association; (b) that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned areas (including but not limited to common areas, areas for infrastructure, recreation areas, private roads and parking lots). The automatic membership rights and assessment obligations of all property owners within Albemarle Plantation Phase 3 PUD shall be so covered by covenants running with the land and other contractual provisions so as to ensure the property maintenance of all commonly owned areas, and shall include provisions for liens against individual property owners within the development.
- 2) Accompanying an Application for Final Plat approval, the Developer shall make a payment to Perquimans County, in an amount determined to be appropriate by the County Manager, to allow the County to retain professional engineering services to review the adequacy of plans and installation of water system, wastewater system, roads, stormwater drainage and other required infrastructure. Also the Developer shall pay the County a System Development Fee as shown in the Perquimans County fee schedule upon each phase's lot recordation.
- 3) The Property Owners Association shall be established prior to approval of the Final Plat and shall be registered/chartered by the Secretary of State with official Articles of Incorporation. In addition, official Bylaws and the organizational/operational structure shall be recorded simultaneous to the Final Plat.
- 4) Prior to issuance of the first building permit for construction of any structure in Albemarle Plantation Phase 3 PUD, all infrastructure (roads, water, sewer, drainage, with the exception of asphalt pavement) located within the boundaries of a given phase shall be complete and in place.
- 5) Per County Zoning Ordinance Section 1508, Planning Board approval is required for the following: (a) Changes in major infrastructure features referred to the Board of County Commissioners by the Planning Director. (b) Changes to the Master Plan that result in increased density. (c) Significant changes in land use.
- 6) Annual Reports: The Planning Board and Board of County Commissioners hereby acknowledge the Applicant's intent to start construction of the PUD in 2021. During construction of the project, the Applicant, heirs and assigns shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. In the event start of construction will be delayed beyond March 1, 2023, the Applicant, heirs and assigns shall formally request an extension be granted by the Board of County Commissioners (BCC); otherwise the BCC may revoke the Conditional Use Permit.

If any of the conditions affixed hereto or any part thereof shall be held invalid by a court or void without remedy, then this permit shall be void and of no effect.

**CONDITIONAL USE PERMIT No. (PUD) REZ-20-01**

**Page 7 of 8**

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.

\_\_\_\_\_  
Wallace Nelson, Chair, Board of Commissioners

\_\_\_\_\_  
Date





**Do NOT record this page**

-Beginning of Proposed Conditional Use Permit No. (PUD)REZ-20-01  
to be recorded by Albemarle Plantation Holdings II, LLC

To

**Rezone approximately 54.5 acres, from RA-15 to [PUD(CUD)] Planned Unit Development Conditional Use District.** Subject property is also known as Tax Parcel Nos. 2-0082-0006 and 2-0082-0027A.

**Per Planning Board Discussion & Vote:**

**1) Add # 8 condition to Storm water section**

**2) Remove D(3) Transportation:** Per County Zoning Ordinance Section 1503(c), Points of ingress and egress shall be approved by the Board of County Commissioners and minimize traffic hazards, inconvenience, and congestion.

**3) Add page numbers**

**Do NOT record this page**

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