
SPECIAL CALLED MEETING

November 18, 2013

7:00 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting on Monday, November 18, 2013, at 7:00 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chairman
Benjamin Hobbs Tammy Miller-White
Matthew Peeler Kyle Jones

MEMBERS ABSENT: None

OTHERS PRESENT: Frank Heath, County Manager/Deputy Clerk to the Board

After the Chair called the meeting to order, she gave the invocation and led the Pledge of Allegiance.

AGENDA

The Agenda was unanimously approved on motion made by Tammy Miller-White, seconded by Edward R. Muzzulin.

APPROVAL OF NOVEMBER 4, 2013 MINUTES

County Manager Heath explained that the Minutes from the November 4, 2013 needed to be approved before the December meeting so that we can forward certified copies to the State for the CDBG Grant Funds. On motion made by Matthew Peeler, seconded by Tammy Miller-White, the Board unanimously approved the November 4, 2013 Minutes.

ADJOURNMENT

There being no further comments or business to discuss, the Special Called Meeting was adjourned and the Regular Work Session began at 7:02 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Deputy Clerk to the Board

REGULAR MEETING

December 2, 2013

6:55 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, December 2, 2013, at 6:55 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chairman
Kyle Jones Benjamin Hobbs
Tammy Miller-White Matthew Peeler

MEMBERS ABSENT: None

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

After the Chair called the meeting to order, she gave the invocation and led in the Pledge of Allegiance.

PUBLIC HEARING

Conditional Use Permit No. CUP-13-07 - Cedric Leach, Jr.

Chair Cole opened the Public Hearing stating that this was a quasi-judicial hearing and that the purpose of the public hearing was to receive citizens' comments to consider Conditional Use Permit No. CUP-13-07, requested by Cedric Leach, Jr., to locate an Internet-based Used Automobile Sales Business (Home Occupation of a Commercial Nature) at 1140 Beech Springs Road (SR 1100). Property zoned RA, Rural Agriculture District and known as Tax Parcel No. 1-0029-0035A. There were ten (10) people present. The Chair recognized Donna Godfrey, County Planner, who explained the Conditional Use Permit. She also explained that she wanted the Board to take special note of the following conditions of the Conditional Use Permit: B, C3, C4, E3, F, I1, I2, and I3. Chair Cole asked if anyone else had signed up to speak. There being none, Chair Cole swore in Mr. Leach, Jr. who thanked Ms. Godfrey for all her help and thanked the Board for this opportunity. The Chair then asked if there were questions from the public or the Board. There being no questions from the public, Mr. Leach answered the following questions from the Board:

- **Commissioner Hobbs** asked if this was going to be a full-time or part-time business. Mr. Leach said that it would be a full-time business since he had recently been furloughed from the Coast Guard.
- **Commissioner Miller-White** asked how the internet auto sales works. Mr. Leach said that, in order for him to obtain a license, he has to have facilities to operate out of. Therefore, he is using his land and home as his office. He would purchase several cars and try to sell them on the internet.
- **Commissioner Peeler** asked about the two parking lots and the three road entrances to the property. He wanted to know if he could turn the cars around in the parking lot without backing onto the main road. Mr. Leach said that he has two driveways on his property now. He plans on taking the driveway that he does not use and use it as his entrance and have it circle around to come out the other way. That will be for the customers. Mr. Peeler asked about the car lot parking. Mr. Leach said that the car lot parking will be large enough to park the cars, etc. without backing onto Beech Springs Road.
- **Commissioner Peeler** asked about requirement of restroom facilities. Ms. Godfrey said that Virgil Parrish, Chief Building Inspector, is checking into the required building codes. She further explained that he will be required to provide an ADA wheelchair accessible parking space and ramp into the building. This will be dictated by the Inspections Department.
- **Commissioner Peeler** asked about the intended on-site customer hours of operation. Mr. Leach said that he would probably operate it from 9:00 a.m. to 4:30 p.m.

Chair Cole asked if the Board or the public had any other questions or comments. There being none, the Chair closed the Public Hearing at 7:10 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Tammy Miller-White, seconded by Matthew Peeler.

CONSENT AGENDA

The following items were considered to be routine and were unanimously approved on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

- 1. **Approval of Minutes:** November 18, 2013 Special Called Meeting
- 2. **Tax Releases Approvals:**

PERQUIMANS COUNTY TAX RELEASES:

Owens, Devin Devon -----	\$108.27
Active duty military. Lic #BAS2588; 2008 Nissan MP. Account Number 8087017	
Hickory Cross Farm -----	\$487.68
Old tractor was not removed from listing and purchase price was incorrect for new tractor. With a difference of 110,835 to be released. Account Number 116475.	
Jones-Gingres, Jennifer Suzanne -----	\$103.84
Military exemption. Account Number 8089703.	

- 3. **Personnel Matter:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Debbie Reed	Fill-In Register of Deeds	Appointment		\$11.52/hr.	10/11/13
James Grosjean	Full-Time EMT-I	Appointment	66/1	\$31,500	12/1/13

- 4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 13
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-690-996	Senior Center - Renovation		7,500
10-660-740	Senior - Capital Outlay	7,500	

EXPLANATION: To move fund from Senior Center Renovation to Senior Capital Outlay to purchase two treadmills.

- 5. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Nelson, Wallace	Planning Board	Reappointment	3 yrs.	12/1/2013
Manley, Donald	Planning Board	Reappointment	3 yrs.	12/1/2013
White, Anne	Nursing Home Advisory Committee	Reappointment	3 yrs.	1/1/2014

INTRODUCTION OF NEW EMPLOYEE – DEPUTY

Eric Tilley, Sheriff, introduced his new Deputy, Ronnie Greer, to the Board. The Chair welcomed him to the County.

DONNA WINBORNE, DOUGLAS HOLLOWELL, CPA

Copies of the FY 2012-2013 Audit were given to the Commissioners prior to tonight's meeting. Ms. Winborne reviewed several items within the audit. Ms. Winborne said that the audit has been forwarded to Local Government Commission but she has not received their stamp of approval. Once she gets the final stamp of approval, she will provide copies of the audit to Sharon to distribute. After reviewing the audit with the Board, Ms. Winborne asked if anyone had any questions. After Ms. Winborne answered several questions from the Board, Edward R. Muzzulin made a motion to approve the FY 2012-2013 Audit as presented. The motion was seconded by Matthew Peeler and unanimously approved by the Board. The Board thanked Ms. Winborne for the preparation of the audit. Ms. Winborne thanked Sharon Ward and her staff for their assistance in the preparation of this Audit.

ANNE ESHELMAN, CO-PLANNER WITH ALTA/GREENWAYS

Ms. Eshelman presented a PowerPoint presentation on the proposed Albemarle Regional Bicycle Plan. After her presentation, she asked if the Board had any questions and requested that the Board consider the sample Resolution that was included in their Agenda Packets. There being no questions, Tammy Miller-White made a motion, which was seconded by Edward R. Muzzulin and unanimously approved by the Board, to adopt the following Resolution:

**A RESOLUTION SUPPORTING ADOPTION
OF THE
ALBEMARLE REGIONAL BICYCLE PLAN**

WHEREAS, the Albemarle Commission and Albemarle Regional Planning Organization (RPO), together with participating local governments, and its subcontractor Alta/Greenways, has prepared the Albemarle Regional Bicycle Plan (the Plan); and

WHEREAS, the purpose of the Plan is to study the feasibility of establishing an interconnected network of off-road and on-road bicycle facilities throughout the entire Albemarle region; and

WHEREAS, the proposed bicycle network includes lands located within the multiple counties and municipalities of the Albemarle Region, including Perquimans County, North Carolina; and

WHEREAS, the Plan process involved public participation; and

WHEREAS, the Plan was financed by a North Carolina Department of Transportation grant.

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

- a. The Plan and related materials are acceptable to the Perquimans County Board of Commissioners and;
- b. The Plan and related materials will be used to guide future bicycle transportation development, operations, and maintenance.

ADOPTED THIS 2nd DAY OF December, 2013, by the Board of Commissioners of Perquimans County, North Carolina.

Janice McKenzie Cole, Chair, Board of Commissioners

Date

Attest: _____
Mary P. Hunnicutt, Clerk to the Board

Date (Seal)

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her monthly report.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

- **Commissioner Muzzulin:** Mr. Muzzulin reminded the Board about the following activities during the month of December: Grand Illumination of Downtown Hertford – December 6th 6:00 p.m.; Winfall Christmas Parade – December 7th 11:00 a.m.; and Hertford Christmas Parade – December 7th 2:00 p.m. Chair Cole asked about the Progressive Colonial Dinner. County Attorney High said that you go to one location and have an appetizer, another location for entrée, etc.
- **Commissioner Muzzulin:** Mr. Muzzulin asked about Perquimans County becoming part of Tier 1 and what that meant. Mr. Heath said that he was going to address this during his updates.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Tier 1 Status:** County Manager Heath reported that Perquimans County is moving from Tier 2 to Tier 1. What this means is that it makes the incentives for grants for potential businesses locating to Perquimans County so much greater. Under Tier 2, the potential state grant incentives to businesses coming into Perquimans County were \$5,000 per job. Under Tier 1, it will be \$12,000 per job. It also helps the school system have a better chance for obtaining grants under Tier 1.
- **Golden Leaf Grant Application:** Mr. Heath reported that the second part of our application has been presented for consideration. He also checked to see if becoming Tier 1 would affect the outcome. They said that we have already made the next round of the competition.
- **Board Retreat Meeting:** Mr. Heath said that everything is set for the Board Retreat on February 1st.
- **EMS Calls:** Mr. Heath reported that we had zero calls over 10 minutes for EMS calls.
- **Regional Planning Organization for Transportation:** We are working on the next round of priorities for projects within the county. We are setting up the process to assign points for each project throughout the region which is setup like the Bicycle Plan – North of the Sound, South of the Sound, and the Outer Banks. We have a total of 1300 points. The North of the Sound will be meeting Wednesday to discuss this process. He said that they want to make sure that we include funding for local projects like the S-Bridge.

ELECTION OF CHAIRMAN/VICE CHAIR

Hackney High, County Attorney, acting as Temporary Chairman of the meeting, opened the floor for nominations for Chairman of the Board. Benjamin C. Hobbs made a motion to re-elect Janice McKenzie Cole as Chair. Edward R. Muzzulin seconded the motion. The Board unanimously re-elected Janice McKenzie Cole as Chair of the Perquimans County Board of Commissioners.

The floor was opened for nominations for the office of Vice Chairman of the Board. Tammy Miller-White made a motion to re-elect Edward R. Muzzulin as Vice Chairman. The motion was seconded by Matthew Peeler. The Board unanimously re-elected Edward R. Muzzulin as Vice Chairman of the Board. Ms. Cole, as Chair, proceeded with the new business of the meeting.

PLANNING BOARD ITEMS

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

Conditional Use Permit No. CUP-13-07 – Cedric Leach, Jr.: A Public Hearing was held earlier in the meeting to receive citizens' comments to consider Conditional Use Permit No. CUP-13-07, requested by Cedric Leach, Jr., to locate an Internet-based Used Automobile Sales Business (Home Occupation of a Commercial Nature) at 1140 Beech Springs Road (SR 1100). Property zoned RA, Rural Agriculture District and known as Tax Parcel No. 1-0029-0035A. Chair Cole said that the Board needed to look at the following conditions in the Conditional Use Permit:

- **Item B:** "If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant within *ten (10) business days(?)* from the date of BCC approval, the BCC may revoke the Conditional Use Permit." Ms. Godfrey explained that that Board will need to decide whether or not 10 business days was enough time for Mr. Leach to record the CUP. Commissioner Peeler felt that 10 business days would not be sufficient time and recommended that we give Mr. Leach the same amount of time that we gave SOLON in their CUP because Mr. Leach will have to have enough time to address all these conditions. Ms. Godfrey explained that normally the CUP is recorded after the Board's approval and then they begin to address the conditions. Because some of the conditions have already been addressed and some may even be deleted, the Board decided that they would come back to this item.
- **Item C3 – Paragraph #1:** "All businesses must be set back at least fifty (50) feet from any street right-of-way, *including the proposed Sales Office and Parking area (?)*. The Applicant's site plan shows the *proposed 12' X 16' Sales office to be located 50 feet from the front property line/street right-of-way of Beech Springs Road. The parking areas are shown closer than 50 feet therefore they will need to be revised to meet the 50-foot setback with dimensions added to show compliance with minimum parking requirements.*" The Board recommends to remove the "?" and strike the rest of the paragraph. Commissioner Peeler asked about the requirements in Article 19 of the Zoning Ordinance. Ms. Godfrey explained that, unless Mr. Leach increases his parking spaces to five, this Article does not apply. If he increases to five parking spaces, then we will have to revisit the permit. Commissioner Miller-White asked, when we make the motion to approve the CUP, could we just add items E3, F, I1, I2, and I3. County Manager Heath said that these items have blanks in it where the Board needs to direct Ms. Godfrey as to what to she needs to place in these blanks.
- **Item C3 – Paragraph #2:** "*The Sales Office and Parking areas and driveways proposed for the Auto Sales Home Occupation must remain accessory to the principal residence. In the event future expansion of the Home Occupation is desired, the maximum square footage of the Sales Office must not exceed forty-nine percent (49%) (?) of the gross floor space of the dwelling, otherwise the expansion will constitute a Major Modification requiring reapplication as described in Condition A herein.*" Ms. Godfrey said that she created this condition to help the applicant not to have to come back to the Board for any minor modifications. After some discussion on this condition, the Board decided to change this condition to: "*The Sales Office and Parking areas and driveways proposed for the Auto Sales Home Occupation must remain accessory to the principal residence. In the event future expansion of the Home Occupation is desired, the number of allowed parking spaces of cars for sale must not exceed five (5), otherwise the expansion will constitute a Major Modification requiring reapplication as described in Condition A herein.*"
- **Item C3 – Paragraph #3:** "*Additional Site Improvements as required by Article XIX will be made a condition for issuance of any Zoning Permit and/or CUP, in the event future expansion of the Sales Office constitutes the need for five (5) or more parking spaces as defined by said Article XIX.*" The Board elected to keep this paragraph in the conditions.
- **Item C4:** "Additional restrictions regarding fencing, buffers, outdoor lighting, storage, and other appearance criteria may be added, as deemed necessary by the Planning Board and Board of County Commissioners." Commissioner Hobbs stated that he likes to see buffers between the business and his neighbors. Commissioner Peeler asked if we were going to require a vegetative buffer on the east side. The Board did not want to make it expensive for Mr. Leary but they would like some kind of buffer between him and his neighbor. Ms. Godfrey asked if the Board could come back to this after looking at the other conditions.
- **Item E3:** "Additional restrictions regarding traffic circulation, operation hours and other operational criteria may be added as deemed necessary by the Planning Board and Board of County Commissioners, as follows: _____." The Board felt that they should strike Item E3. Commissioner Peeler asked about the lighting for the car parking lot. Commissioner Hobbs said that AEMC would come in and place a security light there which is no different than a security light at a residence. Mr. Peeler said that, since this was a business, the lighting would be different. He feels that the Board should put a restriction on this like having the lights out at 9:00 or 10:00 p.m. Commissioner Miller-White wanted to clarify that, if we receive complaints about these issues, we can address them at that time. County Manager Heath stated that Mr. Leach's application states that he wants to operate a small used lot that is internet based. He is not planning on having lighting on the property. If he decides to do this and that it is not internet based, he can come back to the Board and address this issue. Mr. Heath says that the lighting is not part of his proposal. Ms. Godfrey said that Article 19, Section 1910, Item h states that, "Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets." It does not prevent him from having AEMC to put a security light out there so the Board does not feel that this item is necessary and decided to strike it from the conditions.
- **Item F:** "Required Plan (in addition to those listed at top of Section 907): Pursuant to Section 907.8D: Other information that may be necessary to judge the probable effect of the proposed activity on neighboring properties, and to carry out the intent of this

ordinance: _____. The applicant shall demonstrate that the stored materials will not pose a danger to surrounding properties, or residents, due to noise, light, runoff, animal or insect populations, or other factors by: _____.” It was the opinion of the Board to strike this condition.

- **Item 11-3:** “Additional Site Considerations including, but not limited to location of parking areas and traffic circulation in and around existing driveways and Beech Springs Road: _____; Operational Considerations to prohibit creation of traffic congestion or other nuisance factors: _____; and Additional restrictions regarding traffic circulation, operational hours and other operational criteria may be added as deemed necessary by the Planning Board and Board of County Commissioners: _____.” It was the opinion of the Board to strike this entire condition.
- **Item C4:** The Board returned to discuss this condition with regard to parking and buffering. Because Article 19 does not kick in at this time, Commissioner Peeler said that his concerns had been addressed. Therefore, the Board felt that they should strike Item C4 completely.
- **Item B:** Change Condition B to the following: The Conditional Use Permit is approved and recorded with the Applicants’ Statement of the nature of the proposed used 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 Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.

Chair Cole asked if there were any other concerns about the Conditional Use Permit. There being none, she asked for a motion. Tammy Miller-White made a motion to approve Case No. CUP-13-07 to operate an Internet-Based Auto Sales (Home Occupation) Business in front of the owners’ residence at 1140 Beech Springs Road (known as Tax Parcel No. 1-0029-0035A), conditioned upon the revised conditions contained in the DRAFT Conditional Use Permit, adopting the following Findings contained in Sections 903(a) through (d) and based upon Section 907.21:

- (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 motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. A copy of the Conditional Use Permit CUP-13-07 is attached to these Minutes. **(SEE ATTACHMENT A)**

BID AWARDS – CDBG FUNDS PROJECTS

County Manager Heath explained that the bids were opened for the Demolition and New Construction Contracts for the CDBG Funds Projects. Carolyn Morris has forwarded the following recommendations for these bid awards:

2012 PERQUIMANS COUNTY CDBG SCATTERED SITE PROJECT

Housing Rehabilitation Program

APPROVAL OF DEMOLITION CONTRACTOR

Applicant: Deloris White
1613 Ocean Hwy S
Hertford, NC 27944

Date: November 18, 2013

Case Number: PERQ-1

Contract Amount: \$1,000.00

The Community Development Housing Consultant for Perquimans County has reviewed the bids received November 8, 2013 for the above-referenced structure and recommends that the County enter into a contract with the following contractor:

Brandon Williams
C & W Grading
403 Dances Bay Road
Elizabeth City, NC 27909

This recommendation is based upon the following reason (s):

Lowest Bidder

This project is 100% funded by Perquimans County with funds provided by the Division of Community Assistance. The homeowner makes no contribution to the demolition of this dwelling unit.

APPROVED BY:

Chair, Perquimans County Commissioners

Frank Heath, County Manager

2010 PERQUIMANS COUNTY CDBG SCATTERED SITE PROJECT

Housing Rehabilitation Program

APPROVAL OF DEMOLITION CONTRACTOR

Applicant: Charles & Carolyn Langston
383 Pender Road
Hertford, NC 27944

Date: November 18, 2013

Case Number: PERQ-3

Contract Amount: \$2,000.00

The Community Development Housing Consultant for Perquimans County has reviewed the bids received November 8, 2013 for the above-referenced structure and recommends that the County enter into a contract with the following contractor:

Brandon Williams
C & W Grading
403 Dances Bay Road
Elizabeth City, NC 27909

This recommendation is based upon the following reason (s):

Lowest Bidder

This project is 100% funded by Perquimans County with funds provided by the Division of Community Assistance. The homeowner makes no contribution to the demolition of this dwelling unit.

APPROVED BY:

Chair, Perquimans County Commissioners

Frank Heath, County Manager

2012 PERQUIMANS COUNTY CDBG SCATTERED SITE PROJECT

Housing Rehabilitation Program

APPROVAL OF NEW CONSTRUCTION CONTRACTOR

Applicant: Deloris White
1613 Ocean Hwy S
Hertford, NC 27944
Date: November 18, 2013
Case Number: PERQ-1
Contract Amount: \$51,921.00

The Community Development Housing Consultant for Perquimans County has reviewed the bids received November 8, 2013 for the above-referenced structure and recommends that the County enter into a contract with the following contractor:

Ted Holley
T. R. Holley General Contractor
1115 Haughton Road
Edenton, NC 27932

This recommendation is based upon the following reason (s):

Second Lowest Bidder; Dennis Bright supplied a lower bid of \$51,448.00 that was incorrectly completed

This project is 100% funded by Perquimans County with funds provided by the Division of Community Assistance. The homeowner makes no contribution to the demolition of this dwelling unit.

APPROVED BY:

Chair, Perquimans County Commissioners

Frank Heath, County Manager

2012 PERQUIMANS COUNTY CDBG SCATTERED SITE PROJECT

Housing Rehabilitation Program

APPROVAL OF NEW CONSTRUCTION CONTRACTOR

Applicant: Charles & Carolyn Langston
383 Pender Road
Hertford, NC 27944
Date: November 18, 2013
Case Number: PERQ-3
Contract Amount: \$54,824.00

The Community Development Housing Consultant for Perquimans County has reviewed the bids received November 8, 2013 for the above-referenced structure and recommends that the County enter into a contract with the following contractor:

Ted Holley
T. R. Holley General Contractor
1115 Haughton Road
Edenton, NC 27932

This recommendation is based upon the following reason (s):

Second Lowest Bidder; Dennis Bright supplied a lower bid of \$51,448.00 that was incorrectly completed

This project is 100% funded by Perquimans County with funds provided by the Division of Community Assistance. The homeowner makes no contribution to the demolition of this dwelling unit.

APPROVED BY:

Chair, Perquimans County Commissioners

Frank Heath, County Manager

On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the recommendation of Carolyn Morris to award these contracts to these individuals.

NOMINATION TO THE COASTAL RESOURCES ADVISORY COUNCIL

During their Work Session, the Board discussed the request to nominate someone to be on the Coastal Resources Advisory Council. On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously nominated Maurice "Buck" Bunch.

SINGLE FAMILY REHAB GRANT APPLICATION

County Manager Heath stated that we just finished up three (3) houses with the previous Single Family Rehab Grant Project. We are now eligible to apply for the 2014 Single Family Rehab Grant. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously authorized County Manager Heath to file the grant application.

ANIMAL CONTROL

Sheriff Eric Tilley stated that he currently has a vacancy in Animal Control Division. After looking at the last two employees in this position, he talked with County Manager Heath about making the position part-time instead of full-time. He feels that, if these employees had some time on their hands and we are not getting complaints that the Animal Control calls are not being handled, he needed to make a change in their hours. He thought about having this person work from 8:00 a.m. – 12:00 p.m. Monday through Friday. We will do this until the next budget process so that he could see whether or not it really needed to be full-time. If so, then he would request that during the budget process for FY 2014-15. On motion made by Matthew Peeler, seconded by Tammy Miller-White, the Board unanimously approved Sheriff Tilley's request.

RESOLUTION TO AMEND THE BIGGERT-WATERS FIRM OF 2012

Chair Cole gave a brief background of this Resolution and asked the Board to consider adopting it. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously adopted the following Resolution:

RESOLUTION TO AMEND THE BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012

WHEREAS, the home building and real estate industries are major economic drivers throughout the State as well as Northeastern North Carolina; and

WHEREAS, Congress passed the National Flood Insurance Act of 1968 specifically to ensure flood insurance coverage was available on reasonable terms and conditions to citizens who have a need for such protections; and

WHEREAS, the National Flood Insurance Program (NFIP) plays a critical role in the location, placement, and construction of homes and structures within a community, and provides for an estimated 5.68 million National Flood Insurance Program (NFIP) policies nationwide; and

WHEREAS, under the National Flood Insurance Program (NFIP), participating communities with structures located and built in the Special Flood Hazard Areas (Flood Zones A and V), that are backed by federal lender institutions, are required to purchase mandatory flood insurance policies; and

WHEREAS, on July 6, 2012, the President signed into law the Surface Transportation Bill (R.R. 4348), which included the Biggert-Waters Flood Insurance Reform Act (BW-12); and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act re-authorizes the National Flood Insurance Program (NFIP) through 2017, but also puts into place many significant reforms as a result of the high losses incurred by the program in 2005 from Hurricane Katrina and in 2012 from Super Storm Sandy to restore the program's financial solvency; and

WHEREAS, these reforms outlined below include dramatic and in many cases immediate changes for structures built Pre-Firm (Section 205 of the Act), and structures that were built Post-Firm (Section 207 of the Act), as well as, lowering the threshold for what is deemed to be a substantial improvement; and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act will implement actuary insurance rates for homeowners, business owners, and prospective buyers upon the sale or purchase of real property or a lapse in insurance coverage after July 1, 2012; and

WHEREAS, Section 205 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidized insurance rates for all non-primary residences and business properties that were lawfully constructed prior to the first Flood Insurance Rate Maps (Pre-Firm) and are now subject to receive "Full Risk Rates" at a rate increase of twenty-five percent (25%) per year until the "Full Risk Rate" is achieved; and

WHEREAS, Section 207 of the Biggert-Waters Flood Insurance Reform Act removes historical subsidies for any structure (formerly grandfathered of non-subsidized) that is affected by a FIRM designation to a Special Flood Hazard Area and will be subject to receive "Full Risk Rates" at a rate increase of twenty percent (20%) per year until the "Full Risk Rate" is achieved; and

WHEREAS, the Biggert-Waters Flood Insurance Reform Act redefines the term "substantial improvement," thereby discouraging the remodeling and renovation of existing structures by lowering the threshold for "substantial improvement" from fifty percent (50%) of the value of the structure to thirty percent (30%); and

WHEREAS, nationwide the National Oceanic and Atmospheric Administration (NOAA) data shows that fifty-two percent (52%) of the United States population lives in a coastal watershed county, and more than fifty percent (50%) of the United States population lives near a river, creek, bay, sound, lake, stream, or ocean; and

WHEREAS, Perquimans County is extremely concerned that the Biggert-Waters Flood Insurance Reform Act will financially impact home and business owners, negatively affect property values, discourage construction activities, hinder real estate transactions, and may result in foreclosures to owners who have lawfully constructed their homes and businesses in accordance with National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code.

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners urges Congress to amend the Biggert-Waters Flood Insurance Reform Act to:

- Provide a slower rate of increase to flood insurance rates for policy holders required to meet "Full Risk Rates."
• Extend the grandfathering provisions for all existing policy holders who lawfully constructed their homes per the National Flood Insurance Program (NFIP) requirements and the North Carolina State Building Code (in affect at the time of construction).
• Reinstate the substantial improvement threshold at the historical limit of fifty percent (50%) of the value of the structure.
• Address the cost savings that could be incurred through the rate-making processes by participating National Flood Insurance Program (NFIP) communities that engage in Federal Storm Damage Reduction projects, or have specific State building codes, or utilize enhanced construction standards that would further limit flood loss and decrease the likelihood of widespread damage.

BE IT FURTHER RESOLVED that the Perquimans County Board of Commissioners urges Congress to direct an independent examination to:

- Review the National Flood Insurance Program's (NFIP) proposed actuarial rates, issues and alternative solutions regarding the National Flood Insurance Program's (NFIP) solvency, and assess the burden that the Biggert-Waters Flood Insurance Reform Act of 2012 will impose on insurance policy holders.

Adopted this the 2nd day of December, 2013.

ATTEST:

Janice McKenzie Cole, Chairman
Perquimans County Board of Commissioners

Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

SEAL

PUBLIC COMMENTS

Emerson Cullins expressed his thanks for our EMS personnel. Last week, Snug Harbor's Community Watch along with Perquimans County EMS held a Community Meeting regarding emergency issues that may occur in the home. He said that the volunteers and paid staff did an outstanding job. The County needs to be very proud of the EMS Department.

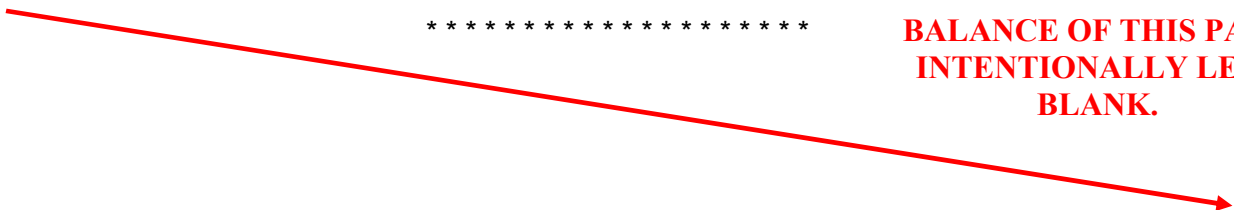
ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:45 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

Janice McKenzie Cole, Chair

Clerk to the Board

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ATTACHMENT A**CONDITIONAL USE PERMIT No. CUP-13-07**

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

Applicants/Owners: Cedric Leach, Jr., and wife Kathrine Leach
1140 Beech Springs Road
Hertford NC 27944

Site Location/Address: 1140 Beech Springs Road, Hertford, NC 27944

Tax Parcel No.: 1-0029-0035A

Zoning District: RA, Rural Agriculture

Proposed Use: See Applicant's two-page *Statement of the nature of the proposed use* (attached).

Meeting & Hearing Dates: Planning Board on **11-12-13** & Board of County Commissioners on **12-2-13**.

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 "*Home Occupation of a Commercial Nature – Automobile Sales*" (currently Sections 907.21 and 907.8 of the Zoning Ordinance) and other conditions, as follows:

- A. The Applicant, Owners, heirs and assigns shall conduct operations in accordance with the plans and application materials submitted to and approved by the Board of County Commissioners (BCC), a copy of which is contained in the Planning & Zoning Office and recorded with the Register of Deeds Office. Any Major Modifications 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 proposed Sales Office, Parking areas and traffic circulation pattern as shown on the proposed site plan may require adjustments in the exact locations within the boundaries of the subject property. All required Site Improvements must be made and shall comply with minimum setbacks, and all screening, buffering, landscaping and parking requirements must be met prior to the County's issuance Certificate of Zoning Compliance and Certificate of Occupancy, in accordance with applicable sections of the Zoning Ordinance.
- B. The Conditional Use Permit is approved and recorded with the Applicants' 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 Office by the Applicant, heirs and assigns within three (3) months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- C. Site Considerations: Sections 907.21B.(1) through (4) of the Zoning Ordinance provides for the development of a business which exceeds the "Standard" Home Occupation but at the same time sets certain limits to the size and scope of such a business, as follows:
 - 1) Unlike the Standard Home Occupation, larger accessory buildings or structures may be used in connection with the home occupation of an industrial or commercial nature provided the Home Occupation is clearly subordinate to the use of the principal residential structure for residential purposes and limitations are prescribed through the Conditional Use Permit process.
 - 2) The proposed use of any accessory structure for home occupation purposes must be documented and depicted on the Applicant's Site Plan and must clearly demonstrate how it will prevent incompatible processes normally associated with commercial or industrial uses from adversely impacting adjacent or nearby residential uses or districts.
 - 3) All businesses must be set back at least fifty (50) feet from any street right-of-way, including the proposed Sales Office and Parking areas.

The Sales Office and Parking areas and driveways proposed for the Auto Sales Home Occupation must remain accessory to the principal residence. In the event future expansion of the Home Occupation is desired, the number of allowed parking spaces of cars for sale must not exceed five (5), otherwise the expansion will constitute a Major Modification requiring reapplication as described in Condition A herein.

Additional Site Improvements as required by Article XIX will be made a condition for issuance of any Zoning Permit and/or CUP, in the event future expansion of the Sales Office constitutes the need for five (5) or more parking spaces as defined by said Article XIX.

- 4) Pursuant to Section 907.8B.(2): Minimum setback from any other property line for auto sales areas, parking, and buildings shall be at least ten (10) feet.
- D. The amount of space devoted to the record-keeping portion of the business located inside the single family dwelling may not exceed twenty-five percent (25%) of the gross floor space of the dwelling.
- E. Operational Considerations: Pursuant to Section 907.21C:
 - 1) The owner of the business must reside on the property on which the business is located.
 - 2) The business use shall not create any noxious fumes, odors, traffic congestion, or other nuisance factors.
- F. Application Requirements: The Applicant's approved Site Plan is conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction of any proposed buildings and prior to operating the proposed business on the subject property, Applicant shall prepare and submit a Site Plan which demonstrates compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operational Considerations and Application Requirements.
- G. 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 regulated by the North Carolina Building Code.
- H. If any of the conditions affixed hereto or any part of thereof shall be held invalid or void, then the 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.

Janice McKenzie Cole, Chair, Board of County Commissioners Date

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

We, Cedric Leach, Jr., and Kathrine Leach, Applicant and Owners 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.

Cedric Leach, Jr. Date

Kathrine Leach Date

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)

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)

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