
REGULAR MEETING

June 2, 2014

6:15 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, June 2, 2014, at 6:15 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Edward R. Muzzulin, Vice Chairman Benjamin Hobbs
Kyle Jones Matthew Peeler
Tammy Miller-White (arrived at 6:30 p.m.)

MEMBERS ABSENT: Janice McKenzie Cole, Chair

OTHERS PRESENT: Frank Heath, County Manager Mary Hunnicutt, Clerk to the Board
Hackney High, County Attorney (arrived at 6:45 p.m.)

After the Vice Chairman called the meeting to order, he asked Commissioner Hobbs to give the invocation and he then led in the Pledge of Allegiance. Mr. Muzzulin said that the first item of business was to hold several public hearings.

PUBLIC HEARINGS

Case No. CUD-14-02, by Mark Bissell

Vice Chairman Muzzulin notified the public that the applicant had withdrawn their application and that the Public Hearing was cancelled. Vice Chairman Muzzulin then opened the second Public Hearing at 6:45 p.m.

Case No. CUP-13-06, by Glenn & Tonya Speight

Vice Chairman Muzzulin opened the second Public Hearing stating that the purpose of the public hearing was to receive citizens' comments on a Conditional Use Permit to operate a Heavy Equipment & Dump Truck Repair Business at 112 Green Wood Lane. Subject property known as Tax Parcel No. 4-0036-0092 (a 1.72-acre parcel) and a small portion of adjacent Tax Map No. 4-0036-0097, with easement access via Green Wood Lane and zoned CH-Highway Commercial Zone. There were fourteen (14) people present. The Vice Chairman recognized Donna Godfrey, County Planner, who gave an overview of the Conditional Use Permit. At their May 13, 2014 meeting, the Planning Board recommended approval of Conditional Use Permit No. CUP-13-06 conditioned upon the conditions listed in their CUP, adopting Findings to support the motions. Ms. Godfrey said that the applicants were present along with several surrounding property owners. Vice Chairman Muzzulin asked if anyone would like to speak. The applicants and Alma Humpries wanted speak. County Attorney High assisted Vice Chairman Muzzulin by swearing in the applicants. Ms. Speight gave a brief explanation of the request along with addressing several issues that had been brought up in an e-mail that Ms. Godfrey had presented to the Board about this request. County Manager Heath wanted to clarify where the road maintenance was going to start. Mr. Speight showed this on the property how he was going to lay out the business. Vice Chairman Muzzulin asked Ms. Godfrey that, if the Board approves this tonight, is there anything that limits him from working on other vehicles. Ms. Godfrey said that there are no limitations to that effect. The applicant said that they were not asking for that. Commissioner Peeler asked how long it will take to get it cleaned up. Ms. Speight said that their closing date is June 10th and that there is a 10 day waiting period after that. He asked Ms. Godfrey if we could put a stipulation in the CUP to require them to get the property in compliance a certain time after their closing date. Ms. Godfrey explained the process. Vice Chairman Muzzulin called on Emma Humpries, Mr. Speight's mother, to speak supporting their request. Vice Chairman Muzzulin asked if there were any other questions/comments. There being none, Vice Chairman Muzzulin closed the second Public Hearing and proceeded with the third and fourth Public Hearings.

Case No. REZ-14-02 & Case No. CUP-14-07, by Ken Elliott

Vice Chairman Muzzulin opened the third and fourth Public Hearings stating that the purpose of the public hearings were to receive citizens' comments to consider the rezoning of a +/-5-acre portion of a 45.39-acre tract known as Tax Parcel No. 5-0042-0045, from CH, Highway Commercial to RA, Rural Agriculture Zone (see also Case No. CUP-14-07). Site located south of 1074 Ocean Highway North (US Hwy. 17), about 140 to 500 feet southeast of the highway and 590 feet north of Cartwright Swamp Road (SR 1304) and to receive citizens' comments to consider a Conditional Use Permit to establish a Sand Mining Operation on a +/-17-acre portion of a 45.39-acre tract known as Tax Parcel No. 5-0042-0045 (see also Case No. REZ-14-02). Site located south of 1074 Ocean Highway North, about 140 to 1350 feet southeast of the highway to include a 30-foot wide access road leading northeast from Cartwright Swamp Road (SR 1304) for a distance of about 590 feet, approximately 550 feet east of Ocean Highway. There were nineteen (19) people present. The Vice Chairman recognized Donna Godfrey, County Planner, who gave an overview of the Rezoning request and the Conditional Use Permit request. At their May 13, 2014 meeting, the Planning Board recommended approval of the Rezoning Request as presented. Ms. Godfrey said that the applicant and property owner was present. Vice Chairman Muzzulin asked if anyone would like to speak. Mr. Elliott, the applicant, wanted to speak. County Attorney High assisted Vice Chairman Muzzulin by swearing in the applicant. Mr. Elliott presented an overview of his project. Commissioner Peeler asked Mr. Elliott about a possible mosquito problem in the pond. Mr. Elliott said that it would be stocked with fish and the property owner has said that he would take care of that issue. Commissioner Peeler asked Ms. Godfrey why we have a CH Zone. Ms. Godfrey explained. Commissioner Hobbs said that, when they were working on the Zoning Ordinance, the Board established the CH Zone to keep residential development down along US Highway 17. Mr. Elliott stated that sand mining is only allowed in the RA Zone. Vice Chairman Muzzulin asked if there were any other questions/comments. There being none, Vice Chairman Muzzulin closed the third and fourth Public Hearings at 7:15 p.m. and proceeded with the Regular Meeting.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Benjamin C. Hobbs, 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 Tammy Miller-White.

- 1. **Approval of Minutes:** May 5, 2014 Regular Meeting
- 2. **Tax Release Approval:**

PERQUIMANS COUNTY TAX RELEASE:

Pellot, Anthony J.----- \$132.59
Active duty military; Account No. 8088853.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Walter Cayton	Deputy	Resignation			5/29/14

4. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Muzzulin, Edward	Historic Hertford, Inc. Board	Reappointment	3 yrs.	7/1/2014
Bray, Zach	Northeast Regional Workforce Development Board	Reappointment	2 yrs.	7/1/2014
Holman, Lillian	Senior Tarheel Regional Advisory Board	Reappointment	1 yr.	7/1/2014

5. **Budget Amendments:**

**BUDGET AMENDMENT NO. 26
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-018	Mentoring Focus (Local)	2,525	
10-672-570	Mentoring Focus Funds	2,525	
EXPLANATION: To adjust Local Funds for FY 2013-14.			

INTRODUCTION OF NEW EMPLOYEES

Susan Chaney, Director of Social Services, introduced Jovan Ward and Sabrina Patrick. Larry Chappell, EMS Captain, informed the Board that his new employee, C. J. Wilson, called to say that he was sick. He will introduce him next month. The Board welcomed them to the County staff.

BILL JENNINGS, TAX ADMINISTRATOR

Mr. Jennings presented his monthly report and updated the Board on the Revaluation process. County Manager Heath asked about Foreclosure cases. Mr. Jennings said that he had three cases coming up in August. Mr. Heath said that one of these properties was the property in front of the Snug Harbor Club House.

HOMERIA JENNETTE, TELECOMMUNICATIONS

Ms. Jennette presented her monthly report.

SUSAN CHANEY, SOCIAL SERVICES

Ms. Chaney updated the Board on the NCFAS and gave a monthly report.

PRESENTATION OF FY 2014-2015 BUDGET MESSAGE

County Manager Heath presented the following FY 2014-2015 Budget Message to the Board:

June 2, 2014

To: The Honorable Chair, Board of Commissioners, and taxpayers of Perquimans County

I respectfully submit the proposed budget for Perquimans County for the Fiscal Year 2014-2015 (FY 2015). The budget has been prepared in accordance with the North Carolina Local Government Budget and Fiscal Control Act. The budget identifies the estimated revenues and expenditures for the FY 2015 for Perquimans County.

Fiscal Year 2014 was a challenging budget year for Perquimans County and FY 2015 promises more of the same. Perquimans' economic growth, like many Counties in our region, is still in a weakened state, as evidenced by our classification as a Tier 1 county. Although we have seen marked improvement in sales tax revenues, ad valorem property tax growth remains at below 1 percent (0.58%).

Despite the continued stagnation of economic conditions that leads to little revenue growth, the FY 2015 budget proposes no tax increase, keeping the ad-valorem property tax rate at \$0.44/\$100 value. As compared below, Perquimans County has a very favorable tax rate compared to other Northeast North Carolina counties:

<u>County</u>	<u>FY 2014 Tax Rate (per \$100 value)</u>
Camden County	\$0.59
Chowan County	\$0.685
Gates County	\$0.64
Pasquotank County	\$0.63

(Source: North Carolina Association of County Commissioners website- Tax Survey FY 2013-2014)

General Fund Budget Summary

The General Fund budget is \$13,454,278 for 2015, up from the current year's amended budget of \$12,823,924. General Fund requests from all sources totaled \$14,556,940, which is approximately \$1,102,662 more in expenses than expected revenues. To fully fund all budget requests would have required a six cent tax increase. To enable the funding of increased school current expense requests and additional staffing and capital requests for EMS and the Sheriff's Department, this budget designates \$328,500 of general fund balance to be utilized. Even with this amount of fund balance used, we will still maintain a fund balance of over 31%, much more than the 8% recommended by the Local Government Commission.

General Fund Revenues

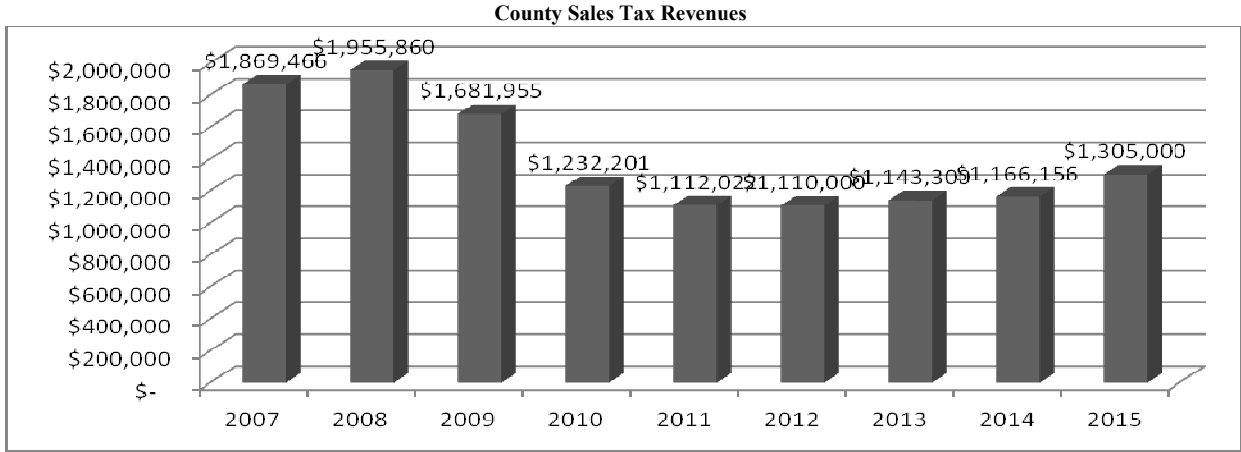
Property taxes account for the vast majority of general fund revenues. Before 2009, Perquimans County's property tax base experienced substantial annual growth mainly due to housing construction and land development for subdivisions, and therefore the County could count on several hundred thousand dollars of additional ad-valorem property taxes each year to fund annual increases for departmental and agency needs. The figures below depict annual tax base growth for the past several years. FY 2008's growth has not been included since that was a revaluation year.

Property Tax Base Growth

2004	\$722,987,820	6.65%
2005	\$790,916,972	9.40%
2006	\$836,935,559	5.81%
2007	\$886,868,795	5.96%
2009	\$1,594,738,937	1.50%
2010	\$1,612,290,534	1.10%
2011	\$1,626,715,116	0.89%
2012	\$1,642,807,013	0.97%
2013	\$1,647,454,667	0.28%
2014	\$1,657,012,860	0.58%

As you can see, the increase in estimated property tax base growth is 0.58% for next fiscal year, which is the fourth year in a row of less than 1% growth. The total real property tax base (including business and public service company property) for FY 2015 is \$1,657,012,860. In addition, we are projecting increases (\$50,000) in DMV tax collection due to the Tax and Tag Together program which began in earnest this fiscal year.

Sales tax revenues are the second largest source of County general fund revenues. Based on good returns from this fiscal year, sales tax revenues are projected to grow by a total of \$138,844. The chart below shows the history of sales tax revenues since 2007.



In addition to the sales tax revenues, there are three other important sources of revenues that provide insight to the strength of the local county economy. They are Building Inspection Fees, Register of Deed Fees, and Land Transfer Tax Revenues. While sales taxes reflect retail sales, these other revenues are construction and real estate based. Expected Land Transfer Tax revenues in FY 2015 are \$250,000, unchanged from last year, and well below the FY 2006 total of \$1,188,541. Building Inspection Fees and Register of Deed Fees revenues remain at among the lowest levels in over a decade, projected at \$225,000 combined. This represents a \$5000 increase in revenue from these two fees for FY 2014.

A continuing revenue for this budget year will be a projected \$500,000 Medicaid hold-harmless allocation from the State.

General Fund Expenses

Most of the departmental operating budgets remain essentially unchanged from the current budget year, with several departments actually slightly decreasing their total budget. By way of comparison, the five largest General Fund expenses by department or agency are as follows:

<u>Department/Agency</u>	<u>Proposed FY 14 Funding</u>	<u>% of Total GF Budget</u>
Perquimans County Schools	\$3,351,604	24.9%
Social Services	\$2,429,074	18.1%
Emergency Medical Services	\$1,110,831	8.3%
Sheriff Department	\$1,092,031	8.2%
Albemarle District Jail	\$893,909	6.6%

School Funding

As presented by the Board of Education and school staff earlier this spring, the Perquimans County School System has requested \$2,709,175 for school current expense, an increase of \$509,175 over last year’s County appropriation of \$2,200,000. This represents a 23% increase from the previous fiscal year. Most of the requested increase in Local Current Expense is associated with funding school staff salaries, fuel, and utilities.

The proposed FY 2015 County budget increases by \$100,000 to a total of \$2,300,000 for Local Current Expense (4.5% increase) and maintains \$215,000 for Capital Outlay. The capital outlay includes parking lot improvements at Perquimans Central, Hertford Grammar School Building D Renovation, and Phase 1 of Access control- Surveillance system upgrades to digital for 97 existing cameras. The County will also carry forward the lottery funding for the remainder of the Hertford Grammar School security improvements. The School system has also requested \$175,000 for a capital reserve for sustainability of their 1:1 technology initiative. This is in response to the Golden Leaf grant that the School has applied for, which requires that funding for the devices be sustainable. The County will instead maintain these monies in its fund balance with an aim to fund sustainability once the devices are sold back and new ones are acquired.

Building and Facility Initiatives

With the completion of the exterior renovations and occupancy of the new Senior Citizens Building, Perquimans County will engage in several new facility projects in FY 2015.

The proposed budget for next year allocates approximately \$30,000 for the Phase 3 renovations to the Senior Citizens facility. This funding should allow for an additional Seniors Citizens parking lot to be paved and additional exterior sidewalks to be constructed.

Also, a new parking lot south of the softball fields at the Recreation Center will be constructed at the cost of \$10,000.

Work will commence on interior improvements at the Courthouse. Work will also be planned for the roof at the Social Services and Albemarle Commission building.

Capital Outlay

Outside of the normal replacement of electronic items such as computers and copy machines, the major capital items included in the FY 2015 budget are the replacement of three Sheriff Department vehicles (\$80,000), a new ambulance for EMS (\$100,000), additions of a new repeater for the Bethel area, and generators at each repeater site in Durants Neck, Bethel and Belvidere (\$70,000).

Personnel

The proposed FY 2015 budget contains a 2% cost of living adjustment for County employees, and re-institutes merit and salary step increases for those employees that qualify. The budget proposes to continue to fully cover the cost of employee health insurance, at a 2.5 % increase cost to the County. The North Carolina Local Government Employees Retirement System has increased the employers’ contribution from 7.07% to 7.17% for the employee.

This budget includes a new Assistant Finance Officer position, a part time Senior Citizens Center position, an additional 911 Telecommunicator, an additional Sheriff’s deputy, and two full time EMT’s for our Emergency Medical Service.

Other Noteworthy Items

- Funding for the County Fire Departments increases to \$62,500 each, up from \$60,000 for each department last year.
- Funding for the Perquimans County Library stays at \$160,000.
- Allocation of \$10,000 to hire a consultant to finalize our land use plan update.
- College of the Albemarle funding increases to \$32,500 from \$30,000.

Water Fund

Perquimans continues to make significant investment in its overall ability to provide water to its customers. Our system is an aging one, with infrastructure aged at over 30 years old in some places. This means that the County makes ongoing repairs to the lines in the system as needed throughout the year. Perquimans continues to purchase 150,000 gallons of reverse osmosis water from Pasquotank County that services customers on the Winfall plant side. The bulk water rate that Pasquotank County charges is expected to increase to \$6.50 per thousand gallons. Also, Perquimans is investing on the Bethel plant side, as we have budgeted for land and capital costs for the Manley well site, a new site that we will test and hope to develop in the upcoming year.

Despite these increases in maintenance, bulk water rates, and capital improvement costs, the water rates for Perquimans County will remain unchanged for the upcoming fiscal year.

Solid Waste Fund

The proposed solid waste fee for FY 15 is \$130, an increase of \$10 from last year. This fee covers the cost of operating the five Convenience Site locations, the County’s portion of the Perquimans-Chowan-Gates Transfer Station operating cost, and the tipping fee for the County’s solid waste at the private landfill in Bertie County. The PCG landfill has increased capital needs, including the purchase of an excavator, conversion of one of our convenience sites to three-phase power, and paving of the 17 South site, necessitating the increase.

Conclusion

Limited real estate property tax base growth continues to negatively affect the County budget. We have, however, seen encouraging improvements in the sales and motor vehicle tax collections, and user fees. These additional revenues, along with a small proportion of fund

balance appropriated, have allowed Perquimans County to hold the tax rate at 44 cents per hundred dollars of value. The tax rate in Perquimans has remained unchanged for the last four budget cycles. As indicated earlier, this budget focuses on increased spending for schools, additional public safety staff and capital outlays for EMS, Sheriff, 911 Communications and Fire Departments. We have focused on our Senior Citizens and our recreation participants by providing additional parking at their facilities. We have provided for our employees by giving a cost of living adjustment and by re-instituting merit and step increases.

I'd like to thank the Department Heads for their stewardship in this budget process and their consideration of the marginal increase in County revenues. I would also like to thank the Board of Commissioners for your involvement in the budget process and for making difficult, but important decisions on behalf of the citizens of Perquimans County. Finally, I'd like to thank County staff: Sharon Ward, Tracy Mathews, and Mary Hunnicutt for their assistance and guidance in this process.

I thank each of you for your consideration of this proposal and welcome any changes the Board deems appropriate.

At the request of the Chairman and Board of Commissioners, a public hearing has been scheduled for Monday, June 16, 2014, at 7:00 p.m. in the Commissioners' Room of the Courthouse Annex for public comment and to consider adoption of the budget.

Submitted by:

W. Frank Heath, III
County Manager/Budget Officer

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Vice Chairman Muzzulin asked if there were any Commissioner's Concerns or Committee Reports. There were none.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **Storm Damage:** County Manager Heath reported that, since our last meeting, the Small Business Administration set up a Disaster Recovery Center which has opened and closed. We are still providing containers in the Chapanoke Road and Parkers Lane areas for debris. Vice Chairman asked about the Snug Harbor. Mr. Heath said that they have reached out to them but they have not requested any containers. The only problem that we have left now is the debris along the right-of-way which NCDOT was to pick up but have not picked up since it was placed after their one run.
- **County Assembly Day:** Mr. Heath and Commissioner Peeler attended the County Assembly Day on May 28th. He gave a short review of the event. Commissioner Miller-White asked if anyone mentioned about the possibility of doing a study to close Elizabeth City State University. Mr. Heath said that they did not released the Budget until after they had left the meeting.

PLANNING BOARD ITEMS

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

Case No. CUP-13-06, by Glenn & Tonva Speight: A Public Hearing was held earlier in the meeting to receive citizens' comments to consider a Conditional Use Permit to operate a Heavy Equipment & Dump Truck Repair Business at 112 Green Wood Lane. Subject property known as Tax Parcel No. 4-0036-0092 (a 1.72-acre parcel) and a small portion of adjacent Tax Map No. 4-0036-0097, with easement access via Green Wood Lane and zoned CH-Highway Commercial Zone. Vice Chairman Muzzulin asked if there were any questions or concerns about the Conditional Use Permit. Ms. Godfrey said that the Board was given a revised Conditional Use Permit prior to the meeting. If they would like to go over the changes, she would be happy to do so. On the cover page, Ms. Godfrey said that items 5 through 8 were changed last week and they are as follows:

- 5) Proposed Use of Property: added language contained in the Applicant's actual statement regarding "is strictly agricultural";
- 6) Opening statement to Conditions: Language added to acknowledge single-family residential use of the property and
- 7) Condition B-1: grammar correction;
- 8) Condition C-1: Correction to remove reference to "shared access agreement" and add statement of commitment (AKA Applicants' "ATTACHMENT TO CUP 13-06)

She further explained the changes to Conditions J and K.

- J. Notwithstanding the BCC's potential denial of the proposed Conditional Use Permit, the Planning Board and the BCC hereby acknowledge Mr. and Mrs. Speight's intent to immediately assume responsibility of maintaining Green Wood Lane and the required buffers, screening, fencing, landscaping, etc., as required by this Conditional Use Permit and the County's Zoning Ordinance, as applicable, and to complete recommence construction of the parking lot, screening, fencing, and other required Site Improvements and the Shared Access Agreement within ~~ten (10) business days~~ no later than September 15, 2014; of approval of the Conditional Use Permit and
- K. During construction, the Applicant shall provide the Planning staff with monthly (?) reports outlining progress to date along with circumstances that may result in delays. In the event completion of the required Site Improvements is delayed beyond November 13, 2014 (?), the Applicant shall formally request an extension be granted by the BCC; otherwise the BCC may revoke the conditional Use Permit and direct the Zoning Administrator to enforce the Zoning Ordinance resulting in the Applicants' immediate removal of the heavy equipment, dump trucks, junk vehicles and all other scrap metals, tires, etc., currently located on the properties.

Pursuant to Sections 903 (a) through (d) and Section 907.8 of the Zoning Ordinance, Matthew Peeler made a motion to find proposed Conditional Use Permit No. CUP-13-06 to be consistent and in harmony with the existing development pattern in and around 112 Green Wood Lane in Hertford, NC and motion to approve Conditional Use Permit No. CUP-13-06, to operate a Heavy Equipment & Dump Truck Repair Business at 112 Green Wood Lane (1.720-acre parcel known as Tax Parcel No. 4-0036-0092 and a portion of adjacent parcel known as Tax Map No. 4-0036-0097), with easement access via Green Wood Lane, based upon compliance with the County minimum standards pertaining to yards, buffers, screening and parking, automobile service areas and vegetated strips conditioned upon the revised Conditional Use Permit No. CUP-13-06 and removing "?" in Condition K and adopting the following Section 903 Findings to support the motion:

- (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 Tammy Miller-White. Vice Chairman Muzzulin asked if there were any questions or further discussion on the motion. There being none, the motion was unanimously approved by the Board. *(see Attachment A for CUP -13-06)*

Case No. REZ-14-02, by Ken Elliott: A Public Hearing was held earlier in the meeting to receive citizens' comments on the rezoning of a +/-5-acre portion of a 45.39-acre tract known as Tax Parcel No. 5-0042-0045, from CH, Highway Commercial to RA, Rural Agriculture Zone (see also Case No. CUP-14-07). Site located south of 1074 Ocean Highway North (US Hwy. 17), about 140 to 500 feet southeast of the highway and 590 feet north of Cartwright Swamp Road (SR 1304). Ms. Godfrey instructed the Board to look at Article VIII – Table of Permitted Uses to make sure that they consider all the uses on this property. Vice Chairman Muzzulin asked for a motion. Matthew Peeler made a motion to find Case No. REZ-14-02 to be inconsistent with what the County is trying to do and that it would allow additional RA uses that would be contrary to the CH zoning we have enforced now. There was no second so the motion died. Pursuant to Section 1302A(1) through (5) guidelines, Kyle Jones made a motion to find Rezoning Request No. REZ-14-02 to be consistent with applicable County Planning and Zoning policies (including Section 604.A and Article VII of the Zoning Ordinance) and to approve Rezoning Request No. REZ-14-02, based upon the following Section 1302A(1) through (5) guidelines to rezone from CH, Highway Commercial to RA, Rural Agriculture Zone, a +/- 5.0-acre portion of the 45.39-acre tract known as Tax Parcel No. 5-0042-0045 (site located about 150 feet southeast of Ocean Highway North about 600 feet north of Cartwright Swamp Road (SR 1304):

- (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 Benjamin C. Hobbs and approved by the Board by a vote of five (5) to one (1) with Matthew Peeler voting against the motion. Commissioner Miller-White asked about the list of the permitted uses. Ms. Godfrey reviewed them for her. County Manager Heath further explained that this is a land lock piece of property which would guarantee that it would be used only for sand mining because you do not have access.

Conditional Use Permit No. CUP-14-07, by Ken Elliott: A Public Hearing was held earlier in the meeting to receive citizens' comments to consider a Conditional Use Permit to establish a Sand Mining Operation on a +/-17-acre portion of a 45.39-acre tract known as Tax Parcel No. 5-0042-0045 (see also Case No. REZ-14-02). Site located south of 1074 Ocean Highway North, about 140 to 1350 feet southeast of the highway to include a 30-foot wide access road leading northeast from Cartwright Swamp Road (SR 1304) for a distance of about 590 feet, approximately 550 feet east of Ocean Highway. Vice Chairman Muzzulin asked if there were any questions or concerns about the Conditional Use Permit. There being none, he asked for a motion. Pursuant to Section 903 (a) through (d) and Section 907 of the Zoning Ordinance, Matthew Peeler made a motion to find proposed Conditional Use Permit No. CUP-14-07 to be consistent and in harmony with the existing development pattern in and around 107 Cartwright Swamp Road in Hertford, NC and motion to approve Conditional Use Permit No. CUP-14-07 to establish a Sand Mine on the same parcel as 107 Cartwright Swamp Road (known as a portion of Tax Parcel No. 5-0042-0045), based upon compliance with the County minimum standards pertaining to buffers and screening and conditioned upon the list of conditions contained in the Conditional Use Permit, adopting the following Section 903 Finding to support the motion:

- (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 Kyle Jones. Vice Chairman Muzzulin asked if there were any questions or further discussion on the motion. There being no other comments, the motion was unanimously approved by the Board. *(see Attachment B for CUP-14-07)*

SINGLE-FAMILY REHAB ASSISTANCE POLICY

County Manager Heath reported that we have not received approval from the State so this matter was tabled until July.

JCPC CERTIFICATION FOR FY 2014-15/INTER-AGENCY COUNCIL APPOINTMENTS

County Manager Heath presented the following Juvenile Crime Prevention Council Certification and Council Appointments for FY 2014-15:

NC Department of Public Safety, Division of Juvenile Justice
Juvenile Crime Prevention Council Certification

Fiscal Year: 2014 -2015

County: Perquimans	Date: May 21, 2014
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CERTIFICATION STANDARDS

STANDARD #1 - Membership

- | | |
|---|-----|
| A. Have the members of the Juvenile Crime Prevention Council been appointed by county commissioners? | Yes |
| B. Is the membership list attached? | Yes |
| C. Are members appointed for two year terms and are those terms staggered? | Yes |
| D. Is membership reflective of social-economic and racial diversity of the community? | Yes |
| E. Does the membership of the Juvenile Crime Prevention Council reflect the required positions as provided by N.C.G.S. §143B-846? | Yes |

If not, which positions are vacant and why?

Not all positions are available in the county

STANDARD #2 - Organization

- | | |
|--|-----|
| A. Does the JCPC have written Bylaws? | Yes |
| B. Bylaws are <input checked="" type="checkbox"/> attached or <input type="checkbox"/> on file (Select one.) | Yes |
| C. Bylaws contain Conflict of Interest section per JCPC policy and procedure. | Yes |
| D. Does the JCPC have written policies and procedures for funding and review? | Yes |
| E. These policies and procedures <input checked="" type="checkbox"/> attached or <input type="checkbox"/> on file. (Select one.) | Yes |
| F. Does the JCPC have officers and are they elected annually? | Yes |
- JCPC has: Chair; Vice-Chair; Secretary; Treasurer.

STANDARD #3 - Meetings

- | | |
|--|-----|
| A. JCPC meetings are considered open and public notice of meetings is provided. | Yes |
| B. Is a quorum defined as the majority of membership and required to be present in order to conduct business at JCPC meetings? | Yes |
| C. Does the JCPC meeting bi-monthly at a minimum? | Yes |
| D. Are minutes taken at all official meetings? | Yes |
| E. Are minutes distributed prior to or during subsequent meetings | Yes |

STANDARD #4 - Planning

- | | |
|---|-----|
| A. Does the JCPC conduct an annual planning process which includes a needs assessment, monitoring of programs and funding allocation process? | Yes |
| B. Is this Annual Plan presented to the Board of County Commissioners and to DPS? | Yes |
| C. Is the Funding Plan approved by the full council and submitted to Commissioners for their approval? | Yes |

STANDARD #5 - Public Awareness

- | | |
|---|-----|
| A. Does the JCPC communicate the availability of funds to all public and private nonprofit agencies which serve children or their families and to other interested community members? <input checked="" type="checkbox"/> RFP, distribution list, and article attached) | Yes |
| B. Does the JCPC complete an annual needs assessment and make that information available to agencies which serve children or their families, and to interested community members? | Yes |

STANDARD #6 — No Overdue Tax Debt

- | | |
|--|-----|
| A. As recipient of the county DPS JCPC allocation, does the County certify that it has no overdue tax debts, as defined by N.C.G.S. §105-243 (1), at the Federal, State, or local level? | Yes |
|--|-----|

Briefly outline the plan for correcting any areas of standards non-compliance.
None

Having complied with the Standards as documented herein, the Juvenile Crime Prevention Council may use up to \$15,500 of its annual Juvenile Crime Prevention fund allocation to cover administrative and related costs of the council. *Form JCPC/OP 002 (b) JCPC Certification Budget Pages* detailing the expenditure budget must be attached to this certification.

The JCPC Certification **must be received by June 30, 2014.**

**JCPC Administrative Funds
SOURCES OF REVENUE**

DJJ	0
Local	0
Other	0
Total	0

<i>Gail White</i> JCPC Chairperson	5/23/14 Date
Chairman, Board of County Commissioners	Date
Chief Deputy Secretary or Designee, Division of Juvenile Justice	Date
Juvenile Crime Prevention Council Certification (cont'd)	
Perquimans	County
	FY 2014-15

Instructions: N.C.G.S. § 14313-846 specifies suggested members be appointed by county commissioners to serve on local Juvenile Crime Prevention Councils. In certain categories, a designee may be appointed to serve. Please indicate the person appointed to serve in each category and his/her title. Indicate appointed members who are designees for named positions. Indicate race and gender for all appointments.

Specified Members (G.S. 147-33.61)	Name	Title	Designee	Race	Gender
1) School Superintendent or designee	Dr. Dwayne Stallings	Superintendent	<input type="checkbox"/>	w	m
2) Chief of Police	n/a		<input type="checkbox"/>		
3) Local Sheriff or designee	Eric Tilley	Sheriff	<input type="checkbox"/>	w	m
4) District Attorney or designee	n/a		<input type="checkbox"/>		
5) Chief Court Counselor or designee	Sherri Ellington	Chief	<input type="checkbox"/>	w	f
6) Director, AMH/DD/SA, or designee	Tracey Webster	SOC Coordinator	<input checked="" type="checkbox"/>	b	f
7) Director DSS or designee	Susan Chaney	Director	<input type="checkbox"/>	w	f
8) County Manager or designee	Frank Heath	County Manager	<input type="checkbox"/>	w	m
9) Substance Abuse Professional	n/a		<input type="checkbox"/>		
10) Member of Faith Community	Rev. Ann Vaughn	Minister	<input type="checkbox"/>	b	f
11) County Commissioner	Kyle Jones	Commissioner & Ass't DA	<input type="checkbox"/>	w	m
12) Two persons under age 18 (State Youth Council Representative, if available)	tbd tbd		<input type="checkbox"/> <input type="checkbox"/>		
13) Juvenile Defense Attorney	n/a		<input type="checkbox"/>		
14) Chief District Judge or designee	Hon. Robert Trivette	District Court Judge	<input checked="" type="checkbox"/>	w	m
15) Member of Business Community	Hattie Sharp	RHEMA Director	<input type="checkbox"/>	b	f
16) Local Health Director or designee	Jessica Wilson	Child Services	<input type="checkbox"/>	w	f
17) Rep. United Way/other non-profit	Janet Stone-Nielson	Hopeline	<input type="checkbox"/>	w	f
18) Representative/Parks and Rec.	Howard Williams	Director	<input type="checkbox"/>	w	m
19) County Commissioner appointee	Gail White	Housing Authority Director	<input type="checkbox"/>	w	f
20) County Commissioner appointee	Leo Higgins	Concerned Citizen	<input type="checkbox"/>	w	m
21) County Commissioner appointee	Anisha Spellman	STOP Coordinator	<input type="checkbox"/>	b	f
22) County Commissioner appointee	Clayton Griffin	Mentoring Focus Director	<input type="checkbox"/>	b	m

On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously approved the FY 2014-2015 JCPC Certification and the Juvenile Crime Prevention Council Members.

BOARD APPOINTMENTS

The following Board appointments were presented for Board action:

- **Local Library Board:** On motion made by Benjamin C. Hobbs, seconded by Tammy Miller-White, the Board unanimously appointed Ruth McNaught for a four-year term effective July 1, 2014. The Board still has one more for the Local Library Board. The Library Board is meeting tonight and should have a recommendation for the July meeting.
- **Recreation Advisory Board:** We received no recommendation from the Recreation Department. This was tabled until July meeting.
- **Social Services Board:** On motion made by Tammy Miller-White, the Board appointed Preston White to the Social Services Board for a three-year term effective July 1, 2014 pending Social Services Commission approval.

PERSONNEL MATTER: RETIREMENT – WATER DISTRIBUTION SUPERVISOR

County Manager Heath informed the Board that Russ Chappell has submitted his letter of retirement effective August 1, 2014. On motion made by Benjamin C. Hobbs, seconded by Matthew Peeler, the Board unanimously approved Mr. Chappell's request.

PUBLIC COMMENTS

Robin Trueblood thanked the Board for their approval of the REZ-14-02 and CUP-14-07. There were no further public comments.

CLOSED SESSION: PERSONNEL MATTER

On motion made by Matthew Peeler, seconded by Benjamin C. Hobbs, the Board unanimously approved the motion to go into closed session to discuss a personnel matter.

The Closed Session was adjourned and the Regular Meeting reconvened on motion made by Matthew Peeler, seconded by Tammy Miller-White. There was no action taken after the Closed Session.

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 Tammy Miller-White.

Edward R. Muzzulin, Vice Chairman

Clerk to the Board

ATTACHMENT A

Final CUP

Do NOT record this page

-Beginning of Conditional Use Permit document to be recorded-

FINAL Conditional Use Permit (Case No. CUP-13-06)
by Glenn & Tonya Speight

for

Proposed Heavy Equipment & Dump Truck Repair
at 112 Green Wood Lane (Private Drive)

NOTE: This Final CUP contains revisions agreed upon during the Board of County Commissioners' meeting on 6-2-14 and includes their removal of question marks next to ultimate dates for compliance with required Site Improvements, removal of junk, scrap metal, tires, etc., and other Conditions for approval as stated herein.

Do NOT record this page

CONDITIONAL USE PERMIT No. CUP-13-06
Page 1 of 9

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: Glenn Douglas and Tonya M. Speight Alma Humphreys
112 Green Wood Lane 125 Hertford Beach Road
Hertford NC 27944 Hertford NC 27944

Site Location/Address: 112 Green Wood Lane, Hertford, NC 27944

Tax Parcel Nos.: 4-0036-0092 (and parking partially located on 4-0036-0097)

Zoning District: CH, Highway Commercial

Proposed Use of Property: In their Statement of the Nature of the Proposed Use (REVISED 3/14), the Applicants state that: *"Glenn Speight Equipment Repair, Inc. was started in 1990. Mr. Speight worked by himself with just a service truck and his tools. In 1992 Glenn Speight Equipment Repair became (incorporated). Now, 24 years later, he has (moved) his family and business to Perquimans. During those 24 years in business Mr. Speight has had his ups and downs. At the peak of his company he had 13 employees. Now with Mr. Speight's years of work he wants to reduce the about of employees, which he has. This allows him to provide his wife with care she needs.*

Mr. Speight has now revised his business. Glenn Speight Equipment Repair, DBA GSE Recovery is now doing repossessions for several loan companies of which no vehicles are being stored at his property. Both of GSE Recovery agents keep their trucks at their homes. Each of which spend no more than 10 to 15 minutes during each week at Mr. Speight's property. We do have a subcontractor which does our accounting and quarterly Federal and State requirements. She is only at our home once a week. In addition Glenn Speight Equipment Repair, Inc. BDA GSE Recovery is fully insured for work performed by our company.

Mr. Speight does do Road Call Services that are repairs performed on the customer's site or on the road side. We hope to have the CUP (Conditional Use Permit) issued to us so Mr. Speight can keep

CONDITIONAL USE PERMIT No. CUP-13-06
Page 2 of 9

his own dump truck. Mr. Speight wishes to stay close to home because of his wife's many health conditions. Mrs. Speight needs to be monitored due to all conditions.

He is regrouping all his assets – selling what he does not need, as well as scrap metal. He proposes to build a shop on his property. WE WILL NOT be bringing customer equipment onto our property (at 112 Green Wood Lane, Hertford, NC 27944). That is unless a repair needs to be perform on his equipment while performing his work.

We ask that the CUP be granted to us due to all listed special conditions above. Mr. Speight wants to follow all the rules that Perquimans County may have on this issue. Attached is a site plan that purposes an additional building on our 1.7 acre track of property that Mr. Speight has paid in full. No bank liens are attached to either track of property. We do understand that purposed building and anything else associated with company will only take place on the 1.7 acre track and a small portion of the 3.5 acre lot as shown on the attached Site Plan for remote parking space and which will also include vegetative screening for the benefit of neighboring properties. Otherwise, the 3.5 acre track is strictly agricultural and will not be used for the business.

Meeting & Hearing Dates: Planning Board on 11-12-13 & 5-13-14 & Board of County Commissioners on 6-2-14.

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 (along with the existing single-family residence located on the subject property and occupied by the Applicants), and that therefore the application to make additional use of the above-described property

for the other purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to “*Automobile Service*” (currently Section 907.8 of the Zoning Ordinance) and other conditions, as follows:

- A. **General:** This Conditional Use Permit No CUP-13-06 sets forth the conditions under which Glenn Speight Equipment Repair, Inc. BDA GSE Recovery shall be developed and utilized. As such, the Applicants, heirs and assigns shall conduct operations in accordance with the following:
- B. **Specified Section 907 Automobile Service criteria:** Verification and acknowledgement of the extent of the approved Automobile Service subject to certain Site Considerations, Screening, and Required Plan, as listed in Section 907.8 (in addition to those requirements listed elsewhere), as follows:
 - 1. **Site Considerations:** Pursuant to Section 907.8B(1) and (2), Minimum setback from any street right-of-way for parking and buildings shall be twenty (20) feet, and minimum setback from any other property line for automobile service areas, parking and buildings shall be at least ten (10) feet, except where greater yard areas are required by the CH Zone in Section 704 and the Highway Corridor Overlay District, Sections 1702, 1704 and 1705, and Buffers and Screening, Section 1803.
 - 2. **Screening:** Pursuant to Sections 907.8C.(1) and (2), Screening is required which completely screens from view the automobile service (and heavy equipment storage) areas. Such screening shall be a durable wall or fence at least seven (7) feet high in addition to a minimum five (5) foot wide vegetative strip around the entire of any automobile service area. This vegetated strip shall consist of a naturally wooded area or planted with a mixture of evergreen and deciduous trees and shrubs to

CONDITIONAL USE PERMIT No. CUP-13-06
Page 3 of 9

simulate a naturally wooded area within three (3) years. Any gates allowing for access must meet the same height requirement and must be kept closed and locked after dark and at any time when not open for business. Notwithstanding the above screening requirements, the Applicants shall comply with Section 1706, Screening and Landscaping Requirements to provide a space to separate differing uses, reduce the visual impact of development, and provide for the retention or re-establishment of existing landscape conditions. At this time, the Applicants’ proposed Site Plan is recognized as a conceptual plan having potential to meet the standards and intent for Buffer Areas, Tree and Shrub Standards, Landscape Screen, and Parking Area Landscaping, as defined in Section 1706.

- 3. **Required Plan (in addition to those listed Section 907.8):** 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.
- C. **Additional Considerations:** To assure that the Automobile Service use in its proposed location will be harmonious with the area and with the spirit of the Zoning Ordinance and clearly in keeping with the public welfare, additional conditions are hereby required by this Conditional Use Permit and created for this specific property, below:
 - 1. **Driveway Access and Maintenance:** The Automobile Service use is hereby approved based in part on the Applicants’ commitment to assume maintenance of Green Wood Lane and responsibility of the upkeep of fence and buffer, as evidenced by the Applicants’ “ATTACHMENT TO CUP 13-06” (page 9). (The potential for direct driveway access to Ocean Highway (US. Hwy. 17) was researched at the request of the Planning Board and neighboring property owners, and found to be unlikely due to the “controlled access” designation for this segment of the highway. Therefore, the use of the subject property is dependent upon access to and from Green Wood Lane, which also provides sole access to two other existing single family dwellings).
 - 2. **Vegetative buffering:** Prior to recommencement of Automobile Service activities as shown the attached Site Plan, vegetative buffering shall be established in compliance with the Highway Corridor Overlay District (Article XVII) and Section 1803 to screen and beautify those portions of the project perimeter located within the view-shed of the highway right-of-way and area residents and including those which face Ocean Highway or residential uses or districts;
- D. **Section 903 Findings:** In application consideration, the Planning Board and Board of County Commissioners shall use as a guide the specific conditions outlined in this Article for each use proposed. In addition, the Boards shall find:
 - (a) That the use 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.

CONDITIONAL USE PERMIT No. CUP-13-06**Page 4 of 9**

- E. **Application Requirements:** The Applicants' attached plans are considered conceptual and demonstrate the ability of the subject property to generally comply with the minimum standards of the County's Zoning Ordinance. Prior to recommencement of the business and prior to any new site improvements, the Applicant shall submit an Application for Zoning Permit along with a final Site Plan which provides more detailed information as required by Section 509 and the scaled locations of all required site improvements noted herein. In six to twelve months, the Applicant shall meet with the Planning & Zoning and Soil & Water Conservation District staff to re-evaluate whether additional parking lot improvements, such as the number of parking spaces and/or the driveway surfacing materials and whether paved aprons at the edge of the road pavement are needed and if determined to be needed, such improvements shall be made by the Applicants, heirs and assigns within ninety days.
- F. **State and Federal regulations:** The Applicants, heirs and assigns shall obtain all required permits from other governmental agencies (local, state, and federal) prior to recommencing the automobile service use of the property and/or prior to new construction or as otherwise required by 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.
- G. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant within 30 days from the date of BCC approval, the BCC may revoke the Conditional Use Permit and direct the Zoning Administrator to enforce the Zoning Ordinance resulting in the Applicants' immediate removal of the heavy equipment and dump trucks associated with the business.
- H. 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 Shop, Equipment Storage, Employee Parking areas, Proposed Driveway, and traffic circulation pattern as shown on the proposed site plan may require adjustments in the exact location 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 of a Certificate of Zoning Compliance and Certificate of Occupancy, in accordance with applicable sections of the Zoning Ordinance.

- I. The Planning Board and the Board of County Commissioners (BCC) hereby acknowledge the unique circumstances under which Mr. and Mrs. Speight make their request in regard to their residential occupancy of the single-family dwelling located on the subject property and their use of a portion of said dwelling to conduct book-keeping tasks. By filing a request with Perquimans

CONDITIONAL USE PERMIT No. CUP-13-06**Page 5 of 9**

County for a Conditional Use Permit to operate a Heavy Equipment and Dump Truck Repair Business at this location, the Applicants hereby acknowledge that the use of the rest of the property for the outside storage of heavy equipment and dump trucks as needed for the proposed business must be approved by the Board of County Commissioners. Outside storage and related activities associated with the business will remain in violation of the Zoning Ordinance unless and until said business is approved by the BCC and a Zoning Permit is subsequently issued by the Planning & Zoning Office and all Conditions stated herein are followed by the Applicants, heirs and assigns. Therefore, said activities must cease and recommence only if said business is approved by the BCC and furthermore only after certain Site Improvements are completed. Following the BCC's action on this request, the Zoning Administrator shall initiate enforcement of the Zoning Ordinance resulting in the Applicants' immediate compliance with the Conditions stated herein or removal of the heavy equipment, dump trucks, junk vehicles and all other scrap metals, tires, etc., currently located on the properties.

- J. Notwithstanding the BCC's potential denial of the proposed Conditional Use Permit, the Planning Board and the BCC hereby acknowledge Mr. and Mrs. Speight's intent to immediately assume responsibility of maintaining Green Wood Lane and the required buffers, screening, fencing, landscaping, etc., as required by this Conditional Use Permit and the County's Zoning Ordinance, as applicable, and to complete construction of the parking lot, screening, fencing, and other required Site Improvements no later than September 15, 2014; and
- K. During construction, the Applicant shall provide the Planning staff with monthly reports outlining progress to date along with circumstances that may result in delays. In the event completion of the required Site Improvements is delayed beyond November 13, 2014, the Applicant shall formally

request an extension be granted by the BCC; otherwise the BCC may revoke the Conditional Use Permit and direct the Zoning Administrator to enforce the Zoning Ordinance resulting in the Applicants' immediate removal of the heavy equipment, dump trucks, junk vehicles and all other scrap metals, tires, etc., currently located on the properties.

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

CONDITIONAL USE PERMIT No. CUP-13-06
Page 6 of 9

We, Glenn Douglas Speight, Tonya M. Speight and Alma Humphreys, Applicants and/or 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.

Glenn Douglas Speight Date

Tonya M. Speight Date

Alma Humphries 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-13-06
Page 7 of 9

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

Final CUP

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-End of Conditional Use Permit document to be recorded-
FINAL Conditional Use Permit (Case No. CUP-13-06)
by Glenn & Tonya Speight
for

Proposed Heavy Equipment & Dump Truck Repair
at 112 Green Wood Lane (Private Drive)

NOTE: This Final CUP contains revisions agreed upon during the Board of County Commissioners' meeting on 6-2-14 and includes their removal of question marks next to ultimate dates for compliance with required Site Improvements, removal of junk, scrap metal, tires, etc., and other Conditions for approval as stated herein.

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ATTACHMENT B

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-Beginning of Conditional Use Permit document to be recorded-
FINAL Conditional Use Permit (Case No. CUP-14-07)
By David O. Parks and Kenneth Elliott
for

Proposed Sand Mine
at Southeast corner of Ocean Highway North
and Cartwright Swamp Road

NOTE: On 6-2-14, the Board of County Commissioners approved Case No. CUP-14-07 to include Sand Mine Maps and Reclamation Plan as revised after the Planning Board's review to show graphic scale and dimensions. Additional "form over substance" changes were made after the BCC's approval, as follows:

- 1) The BCC's signature line was changed from Janice McKenzie Cole, Chair, to Edward R. Muzzulin, Vice Chair;
- 2) David O. Parks' signature line was revised to add his company name;
- 3) Register of Deeds Office required special note to be added to the Landscape Diagram (page 13 of 17);
- 4) Pages were renumbered to include all textual and mapped attachments (17 vs. 10 pages); and
- 5) This FINAL CUP3 document was recorded (along with approved attachments) on 6-9-14 in the Register of Deeds Office at Deed Book 428, Page 334.

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CONDITIONAL USE PERMIT No. CUD-14-07
Page 1 of 17

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

Owner: Robin Trueblood
183 Cartwright Swamp Road
Hertford NC 27944

Authorized	David O. Parks	Kenneth Elliott
Applicants:	Parks Land Development, Inc.	Elliott Consulting
	1252 Florida Road	PO Box 112
	Elizabeth City NC 27909	Aydlett NC 27916

Property Location: Tax Map 5 Block 0042 Lot 0045 (portion of)

Street Address: 107 Cartwright Swamp Road, Hertford, NC 27944

Zoning District: Case No. REZ-14-02 pending approval (from CH, Highway Commercial to RA, Rural Agriculture District.

Proposed Use of Property: In their attached cover letter, the Applicants state that *"This application is for a Conditional Use Permit to be issued to Parks Land Development, Inc. by the Perquimans County Planning Board and the Perquimans County Board of County Commissioners, for the proposed Cartwright Swamp Sand Mine. The Permit will allow the operator to excavate sand and topsoil in an 8.42 acre excavation, occurring within an approved permit area of 14.62 acres.*

"The operator, Mr. David O. Parks of Parks Land Development, Inc. will complete the development strictly in accordance with the plans submitted to the Perquimans County Planning and Zoning Department, and the North Carolina Department of Environment and Natural Resources."

Meeting and Hearing Dates: Planning Board on 5-13-14 & Board of Commissioners on 6-2-14.

CONDITIONAL USE PERMIT No. CUD-14-07
Page 2 of 17

Having heard all the evidence and argument presented at the hearing(s), the Perquimans County Board of Commissioners finds that the application is complete, that the conceptual plan has potential to comply with all applicable requirements and minimum design standards of the Perquimans County Zoning Ordinance for the development proposed, and therefore approves the "Cartwright Swamp Sand Mine,

Hertford, NC” also known as Case No. CUP-14-07, subject to all applicable provisions of the Zoning Ordinance and other related conditions as follows:

- A. General:** This Conditional Use Permit No. CUP-14-07 sets forth the conditions under which the Cartwright Swamp Sand Mine shall be developed and utilized. As such, the Applicants, heirs and assigns shall conduct operations in accordance with the following:
1. **The Site Plan and Application materials** submitted to and approved herein by the Board of Commissioners (BCC), a copy of which is contained in the County Planning & Zoning Office and recorded with the Register of Deeds Office with this CUP document; and
 2. **Standard Section 907 Supplemental Regulations:** Verification and acknowledgement of the extent of the approved Sand Mine, subject to reasonable conditions as determined by the Board of County Commissioners, to be necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in the Zoning Ordinance. Additional Considerations are hereby required by this Conditional Use Permit and created for this specific property, below:
 - a. **Compatibility with Neighboring Properties:** Specific conditions felt to be needed to ensure compatibility of the proposed Sand Mine use with the use and enjoyment of neighboring properties include the following:
 - (1) **Vegetative buffering:** Prior to commencement of mining activities beyond the PHASE 1 EXCAVATED AREA as shown on the attached Mine Map – Phase 1, vegetative buffering shall be established in compliance with the Highway Corridor Overlay District (Article XVII) and Section 1803 to screen and beautify those portions of the Phase 2 perimeter within the view-shed of the highway right-of-way and area residents, including those which face west toward Ocean Highway and those which face properties to the north and south; and
 - (2) **Hours of operation of the Sand Mine:** shall be limited for the quiet enjoyment of nearby residents within those portions of the PHASE 2 EXCAVATED AREA which extend beyond the PHASE 1 EXCAVATED AREA on Monday through Saturday from dawn to dusk, and on Sunday from 1:00 PM to dusk.
 - b. **State and Federal regulations:** The Applicants, heirs and assigns are responsible for compliance with all other required permits to commence excavation activities and related site work approved herein.
 - c. The Applicants’ attached plans are considered conceptual and demonstrate the ability of the subject property to generally comply with the minimum standards of the County’s Zoning Ordinance. Prior to any land-disturbing activity, the Applicant shall submit an Application for Zoning Permit along with a final Site Plan which provides more detailed information as required by Section 509 and the scaled locations of all mining activities noted herein. In six to twelve months, the Applicant shall meet with the Planning & Zoning and Soil & Water Conservation District staff to re-evaluate whether driveway (such as paved aprons at the edge of the road pavement) are needed and if determined to be needed, such improvements shall be made by the Applicants, heirs and assigns within ninety days.

CONDITIONAL USE PERMIT No. CUD-14-07
Page 3 of 17

- d. In the event this Conditional Use Permit is approved by the Board of County Commissioners, the Applicants, heirs and assigns shall ensure that the mining operation has met all applicable Federal, State and local regulations and permitting requirements.

No permits authorizing land disturbing activities shall be issued prior to compliance with all applicable regulations.

- B. Section 903 Findings:** The Applicants, heirs and assigns are also responsible for ensuring compliance with the Conditions that they submitted at Item 8 in their attached cover letter (also referenced at their “*Statement of the nature of the proposed use*”) in support of Section 903 findings:
1. The proposed use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted and approved. Sand mine area will only be accessible through a gated private access road to prevent inadvertent public entry, controlled by operator and landowner. Mine will be screened from public view by foliated berms, planted shrubs and existing trees and shrubs. “No Trespassing” signs will be posted every 250 feet around perimeter of mine.
 2. The proposed use meets all required conditions and specifications. Permit applications are being submitted to Perquimans County Planning and Zoning Department, NCDENR Energy, Mineral & Land Resources Division, and NCDENR Division of Water Quality (for dewatering and storm water control). Excavation will not begin until all approved permits have been received by operator. Yearly reporting and monitoring will be performed as required by all agencies.
 3. The proposed use will not substantially injure the value of adjoining or abutting property, or that the use is of a public necessity. Current use of property is agriculture; proposed use will not decrease value of site or that of adjacent properties. Values may increase due to addition to neighborhood of a scenic recreational use pond. Pond will be separated from the US 17 right-of-way by a 140ft wide undisturbed buffer.
 4. The proposed location 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. Location of proposed sand mine is in a lightly populated RA zoned agricultural area. Sand mining is an accepted use with an approved Conditional Use

Permit. Mine will conform to harmony of the area by use of landscaped perimeter berms and full ground cover over affected areas during and after use.

C. **Minimum information required at time of first Annual Report:**

1. Wetlands Delineation Map, if applicable;
2. U.S. Army Corps of Engineers Wetlands Determination, if applicable;
3. All permits referenced in the Applicants' attached cover letter; and
4. All other State or Federal permits required prior to excavation activities and related site work.

D. Any Major Modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major Modification" is defined as any departure from the conditions contained herein as well as "Any significant change in land use, and 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 mining operation as shown on the Site Plans may require adjustments in the exact location of the screening, fencing, and operational

CONDITIONAL USE PERMIT No. CUD-14-07
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considerations which must comply with the Perquimans County Zoning Ordinance pertaining to the "Mining, Quarrying, Sand Pits, and Mineral Extraction" use otherwise permitted as a Conditional Use per the Article VIII Table of Uses. Section 903 criteria shall be followed in processing changes to the approved plan or conditions.

E. The Applicants, heirs and assigns shall conduct operations strictly in accordance with plans and narrative submitted to and approved by the Board of Commissioners.

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

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the 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.

Edward R. Muzzulin, Vice Chair, Board of County Commissioners Date

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

I (We), _____, Owner(s) or Authorized Applicant(s) of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned does/do 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.

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)

CONDITIONAL USE PERMIT No. CUD-14-07
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I (We), _____, Owner(s) or Authorized Applicant(s) of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned does/do 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.

Parks Land Development, Inc. 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)

I (We), _____, Owner(s) or Authorized Applicant(s) of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned does/do 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.

Authorized Applicant

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)

Do NOT record this page
-End of Conditional Use Permit document to be recorded-
FINAL Conditional Use Permit (Case No. CUP-14-07)
By David O. Parks and Kenneth Elliott
for
Proposed Sand Mine
at Southeast corner of Ocean Highway North
and Cartwright Swamp Road

NOTE: On 6-2-14, the Board of County Commissioners approved Case No. CUP-14-07 to include Sand Mine Maps and Reclamation Plan as revised after the Planning Board's review to show graphic scale and dimensions. Additional "form over substance" changes were made after the BCC's approval, as follows:

- 1) The BCC's signature line was changed from Janice McKenzie Cole, Chair, to Edward R. Muzzulin, Vice Chair;
- 2) David O. Parks' signature line was revised to add his company name;
- 3) Register of Deeds Office required special note to be added to the Landscape Diagram (page 13 of 17);
- 4) Pages were renumbered to include all textual and mapped attachments (17 vs. 10 pages); and
- 5) This FINAL CUP3 document was recorded (along with approved attachments) on 6-9-14 in the Register of Deeds Office at Deed Book 428, Page 334.

Do NOT record this page