

This Amendment to Economic Development Agreement has been pre-audited the extent, and in the manner, required by the **Local Government Budget and Fiscal Control Act**.

Sharon S. Ward  
 Perquimans County Finance Officer, on  
 behalf of the County

W. Hackney High, Jr.  
 Perquimans County Attorney

The Perquimans County Board of Commissioners approved this Amendment to Economic Development Agreement at its meeting held the 15<sup>th</sup> day of December, 2014.

\_\_\_\_\_  
 Chairman, Board of Commissioners

**Exhibit A**

Perquimans County  
 Personal Property Grant Schedule

YEAR	GRANT PERCENTAGE
Year 1	66.91%
Year 2	64.29%
Year 3	60.60%
Year 4	60.34%
Year 5	58.85%
Year 6	59.21%
Year 7	57.07%
Year 8	55.87%
Year 9	53.37%
Year 10	46.45%
Year 11	37.79%
Year 12	27.21%
Year 13	12.28%
Year 14	0.00%
Year 15	0.00%

**ADJOURNMENT**

There being no further comments or business to discuss, the Special Called Meeting was adjourned at 7:40 p.m. and the Regular Work Session began on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

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 Janice McKenzie Cole, Chair

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 Clerk to the Board

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**REGULAR MEETING**  
 January 5, 2015  
 6:45 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, January 5, 2015, at 6:45 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                                              Fondella Leigh  
                                          Wallace Nelson                                              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, Commissioner Peeler led in prayer and the Chair led the Pledge of Allegiance. Ms. Cole said that the first item of business was to hold several public hearings.

**PUBLIC HEARINGS**

**Parent-to-Child Deed of Gift Case No. NZV-14-07 – Alma Riddick Woodard & Family Members**

Chair Cole opened the first Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to consider a one-acre Deed of Gift Subdivision Lot proposed by Alma Riddick Woodard and other family members, for their son/nephew/cousin, located on the south side Bay Branch Road (SR 1213), about 100 feet west of Louis Spivey Road (SR 1214). There were nine (9) people present. The Chair recognized Donna Godfrey who gave an overview of the request. The Planning Board approved this request at their December 9, 2014 meeting. Ms. Godfrey said that the applicant was present. Chair Cole asked if there were any questions or comments from the Board or public and if anyone had signed up to speak. There being none, Chair Cole proceeded with the second Public Hearing.

**Administrative Text Amendment No. TXT-14-02**

Chair Cole opened the second Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to consider an amendment to the Zoning Ordinance regarding Telecommunications Infrastructure to establish certain tower types at various heights and thereby eliminate or at least minimize future visual impacts, especially for towers 199 feet or less. The Planning Board approved this request at their November 18, 2014 meeting. There were fourteen (14) people present. The Chair recognized Donna Godfrey who presented the amendment for consideration. **(See Attachment A)**

Chair Cole asked if there were any questions or comments from the Board or public and if anyone had signed up to speak. There being none, Chair Cole proceeded with the third Public Hearing.

Administrative Text Amendment No. TXT-14-01SR

Chair Cole opened the third Public Hearing stating that the purpose of the public hearing was to receive citizens' comments to consider an amendment to the Subdivision Regulations to exclude from the definition of "subdivision" the recombination of existing lots of record where the resulting number of lots is not increased and a deed of combination is used to acknowledge the intent of the property owner(s). The Planning Board approved this at their November 18, 2014 meeting. There were fourteen (14) people present. The Chair recognized Donna Godfrey who presented the amendment for consideration. **(See Attachment B)**

Chair Cole asked if there were any questions or comments from the Board or public and if anyone had signed up to speak. There being none, Chair Cole closed the Public Hearings at 7:00 p.m. and proceeded with the regular meeting.

AGENDA

On motion made by Edward R. Muzzulin, seconded by Fondella Leigh, the Board unanimously approved the Agenda as amended.

CONSENT AGENDA

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

1. **Approval of Minutes:** December 1, 2014 Regular Meeting & December 15, 2014 Special Called Meeting
2. **Tax Release Approvals:**

PERQUIMANS COUNTY TAX RELEASES:

**Hobbs, III, John Wallace**----- \$1,103.48  
 Farm equipment was double listed and double billed. Now to be paid on Account #261292.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Jarvis Winslow	Emergency Management Assistant – Part-Time	Appointment	67/4	\$17.37/hr.	1/1/2015
Krystal Dozier-Bass	Office Assistant III	Appointment	57/1	\$21,620	1/26/2015
Brian William Watson	Part-Time Animal Control Officer	Appointment	58/1	\$10.86/hr.	1/1/2015

4. **Step & Merit Increases:**

Employee Name	Employee Job Title	Grade/ Step	New Salary	Effective Date
Delphine Madre	Senior Citizen Coordinator	63/8	\$33,408	1/1/15
Steven Pyle	Telecommunicator	60/2	\$12.16/hr.	1/1/15
Sharon Smith	Telecommunicator	60/2	\$12.16/hr.	1/1/15
Paula Cartwright	IMC III - Lead Worker	65/5	\$33,898	1/1/15
Joan Harrell	Human Res. Place. Special.	63/10	\$35,078	1/1/15
Beth Whitehurst	IM Supervisor II	67/10	\$41,830	1/1/15
Marie Cuthrell	EMT-I	66/2	\$32,933	1/1/15
Louis Eason	Groundskeeper	54/6	\$21,411	1/1/15
David Murray	Deputy Sheriff (Certified)	65/2	\$31,515	1/1/15
Valerie Price	Water Clerk	61/10	\$32,124	1/1/15
Tracy Hunter	Technician I	58/5	\$24,909	1/1/15
Eugene Knight	Technician II	60/9	\$29,990	1/1/15
Arnold White	Backhoe Operator	65/7	\$35,592	1/1/15

5. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
White, Joe Towe Jr.	Extraterritorial Rep - Town of Hertford	Reappointment	3 yrs.	2/1/15
Roberts, A.O.	Agricultural Advisory Board - Farm Bureau	Reappointment	3 yrs.	2/1/15
Moore, Michael	Agricultural Advisory Board - FSA	Reappointment	3 yrs.	2/1/15
Perry, Gene	Agricultural Advisory Board - Hertford	Reappointment	3 yrs.	2/1/15
Chappell, Laurence	Agricultural Advisory Board - New Hope	Reappointment	3 yrs.	2/1/15
Cole, Janice	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/15
Emmert, Robert	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/15
Price, Sue	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/15
Hurdle, Pam	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/15
Burket, Stephen	Senior Citizens Advisory Board	Reappointment	2 yrs.	2/1/15

5. **Budget Amendments:**

**BUDGET AMENDMENT NO. 12  
 GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-018	Mentoring Focus (Local)	3,541	
10-672-570	Mentoring Local Funds	3,541	
<b>EXPLANATION:</b> To budget actual funds received for Mentoring Focus for FY 2015-16.			

**BUDGET AMENDMENT NO. 13  
 GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-015	White Goods	6,283	
10-690-933	Health Department - T/ST/WG	6,283	
<b>EXPLANATION:</b> To budget White Goods Grant Funds submitted by ARHS for FY 2015-16.			

PRESENTATION OF PLAQUES: TERRY HUNNICUTT & JARVIS WINSLOW

Chair Cole presented a plaque to Terry Hunnicutt who retired from the Perquimans County Water Department after thirteen years. After Ms. Cole thanked Mr. Hunnicutt, he thanked the Board for allowing him to serve. After his comments, Chair Cole recognized County Manager Heath who made several comments about Jarvis Winslow who was leaving his position of Emergency Management Coordinator after eight years. Chair Cole then presented a plaque to Mr. Winslow and thanked him for his service along with this wife. Mr. Winslow then thanked the Board for allowing him to serve the residents of Perquimans County and thanked his wife for her assistance.

PRESENTATIONS

The following new employees were introduced to the Board:

- **Emergency Services Director:** Frank Heath introduced Jonathan Nixon who was appointed as the new Emergency Services Director effective December 15, 2014. He will replace Larry Chappell and Jarvis Winslow.
- **Full-Time EMT-I:** Jonathan Nixon introduced Heather Vanscoy who was appointed as a Full-Time EMT-I on July 1, 2014.
- **Water Technician I:** Due to illness, Richard Copeland was not available to introduced the new Water Technician I. He will do it next month.
- **Full-Time Telecommunicator:** Frank Heath introduced Kaye Long who was appointed as a Full-Time Telecommunicator on August 18, 2014.

Chair Cole welcomed them to Perquimans County.

**BILL JENNINGS, TAX ADMINISTRATOR**

Mr. Jennings presented his monthly report and notified the Board that the reval was moving smoothly under the direction of Dawn Wilson.

**COMMISSIONER'S CONCERNS/COMMITTEE REPORTS**

Chair Cole asked if there were any Commissioner's Concerns or Committee Reports. The following report was made:

- **Commissioner Muzzulin:** Mr. Muzzulin asked Chair Cole about the Athletic Complex. Chair Cole said that she has a meeting with Susan Cox on Wednesday night.

**UPDATES FROM COUNTY MANAGER**

County Manager Heath presented the following updates:

- **Clearing & Snagging – Little River:** County Manager Heath reported that Pasquotank and Perquimans Counties received funding for the clearing & snagging for the Little River Project. The total amount is about \$30,000. The County would be required to pick up some of the costs but feels that he would be able to cover it under the existing drainage management line item. He does not feel like we will have to budget additional funds for the project.
- **NC Department of Commerce:** Mr. Heath reported that the County has been designated \$1.5 million for Phase I of the Marine Industrial Park Basin. This is contingent upon securing the additional funds of \$5 to \$6 million needed to complete the project. Bob Peele of the Wanchese Seafood Authority is working on securing the additional funding. A formal application requesting the \$1.5 million is required but Mr. Mark Poole of NC Department of Commerce said that there was no rush on the formal application until we secure the other funding. Chair Cole asked Mr. Heath where they are looking to get the extra money. Mr. Heath listed several grant and loan programs that the County could use.
- **Joint Exercise with U.S. Army:** About a year ago, Mr. Heath said that Perquimans County participated in a joint training exercise with the U.S. Army. They were training some of their members to go overseas and provide security detail for several of the embassies. They have asked us to participate again. This will be coming up sometime in March or April. Mr. Heath will keep the Board informed.
- **NC East Economic Development Meeting:** Mr. Heath reported that he, Dave Goss, and Commissioner Muzzulin are attending a meeting with NC East Economic Commission in Edenton tomorrow. He will report back to the Board.

**COMMISSIONERS' BOARD APPOINTMENTS**

With the change in Board members after the election, Chair Cole said that the Board had discussed the appointments of the new Board members to several Committees at their December Work Session. On motion made by Matthew Peeler, seconded by Edward R. Muzzulin, the following Commissioner Board appointments were made:

Name	Board/Committee	Mbrs	Term	Appt.	Expire
<b>JANICE MCKENZIE COLE</b>					
Cole, Janice McKenzie	Chowan/Perquimans Multi-County LEPC	21	Appointed by LEPC each year with Board approval		
Cole, Janice McKenzie	Communications Advisory Board - County	5	2 yrs.	2/1/2013	1/31/2015
Cole, Janice McKenzie	Court Security Committee		unlimited	2/1/2011	unlimited
Cole, Janice McKenzie	East Carolina Behavioral Health Area Board	19	unlimited	5/3/2010	unlimited
Cole, Janice McKenzie	Housing Committee	8	unlimited	2/1/2011	unlimited
Cole, Janice McKenzie	Senior Citizens Advisory Board	5	2 yrs.	2/1/2013	1/31/2015
<b>FRANK HEATH</b>					
Heath, Frank (Alternate)	Albemarle Regional Landfill Authority	22	4 yrs.	1/1/2013	1/31/2017
<b>BENJAMIN HOBBS</b>					
Hobbs, Benjamin	Board Trustees for Bethel Fire Dept. (term ends in October)	-	1 yr.	10/1/2014	9/30/2015
<b>KYLE JONES</b>					
Jones, Kyle	Court Security Committee		unlimited	2/1/2011	unlimited
Jones, Kyle	Home & Community Care Block Grant	11	unlimited	12/3/2012	unlimited
Jones, Kyle	Inter-Agency Council - Commissioner	34	1 yr.	7/1/2014	6/30/2015
Jones, Kyle	Recreation Advisory Committee - Commissioner	10	3 yrs.	7/1/2014	6/30/2017
Jones, Kyle	Social Services Board (as long as Commissioner)	3	3 yrs.	7/1/2013	6/30/2016
<b>FONDELLA LEIGH</b>					
Leigh, Fondella	Albemarle Commission (1st term of 2 successive terms)	10	2 yrs.	1/1/2015	12/31/2016
Leigh, Fondella	Housing Committee Chairman	8	unlimited	2/1/2011	unlimited
Leigh, Fondella	Water Committee		unlimited	2/1/2011	unlimited
Leigh, Fondella	WIA/JTPA Chief Elected Official	-	unlimited	2/1/2011	unlimited
<b>TAMMY MILLER-WHITE</b>					
Miller-White, Tammy	Economic Improvement Council (she will remain)	15	3 yrs.	9/1/2014	8/31/2017
<b>EDWARD MUZZULIN</b>					
Muzzulin, Edward	Agricultural Advisory Board - Commissioner	11	3 yrs.	2/1/2014	1/31/2017
Muzzulin, Edward	Albemarle District Jail Commission	4	2 yrs.	2/1/2013	1/31/2015
Muzzulin, Edward	Board Trustees for Bethel Fire Dept.	-	1 yr.	10/1/2014	9/30/2015
Muzzulin, Edward	Chamber of Commerce Board	13	unlimited	2/7/2011	unlimited
Muzzulin, Edward	Economic Development Commission - County	7	2 yrs.	1/1/2013	1/31/2015
Muzzulin, Edward	EMS Advisory Board	9	2 yrs.	2/1/2013	1/31/2015
Muzzulin, Edward	Historic Hertford, Inc. Board	11	3 yrs.	7/1/2014	6/30/2017
Muzzulin, Edward	Perquimans/Chowan/Gates Landfill Committee	10	indefinite	2/1/2011	indefinite
Muzzulin, Edward	RPO Transportation Advisory Committee	20	2 yrs.	2/1/2013	1/31/2015
Muzzulin, Edward (1st term)	Albemarle Hospital Board of Trustees	15			
Muzzulin, Edward (Chairman)	Tourism Development Authority (Commissioners)	6	2 yrs.	2/1/2014	1/31/2016

Name	Board/Committee	Mbrs	Term	Appt.	Expire
<b>WALLACE NELSON</b>					
Nelson, Wallace	Albemarle Regional Health Services	18	indefinite	12/3/2012	unlimited
Nelson, Wallace	Economic Development Commission - County	7	2 yrs.	2/1/2013	1/31/2015
<b>MATTHEW PEELER</b>					
Peeler, Matthew (voting member)	Albemarle Regional Landfill Authority	22	4 yrs.	2/1/2013	1/31/2017
Peeler, Matthew	Economic Development Commission - County	7	2 yrs.	1/1/2013	1/31/2015
Peeler, Matthew	Nursing Home Advisory Committee - ex-officio	5	unlimited	12/3/2012	unlimited
Peeler, Matthew	Perquimans/Chowan/Gates Landfill Committee	10	indefinite	12/3/2012	indefinite
Peeler, Matthew	RPO Transportation Advisory Committee - Alternate	20	2 yrs.	12/1/2014	11/30/2016
Peeler, Matthew	Tourism Development Authority (Commissioners)	6	2 yrs.	2/1/2013	1/31/2015
Peeler, Matthew	Tri-County Shelter Advisory Committee Board	7	unlimited	2/1/2013	unlimited
Peeler, Matthew	Water Committee		unlimited	12/3/2012	unlimited
<b>VACANCIES</b>					
Vacant	Housing Committee	8	unlimited	2/1/2011	unlimited
Vacant	Water Committee		unlimited	2/1/2011	unlimited

County Manager Heath said that we still have two vacancies to fill. If any of the Commissioners are interested in serving on the Housing or Water Committee, please let him know.

**PLANNING BOARD ITEMS**

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

**Parent-to-Child Deed of Gift Case No. NZV-14-07 – Alma Riddick Woodard:** A Public Hearing was held earlier in the meeting to receive citizens’ comments to consider a one-acre Deed of Gift Subdivision Lot proposed by Alma Riddick Woodard and other family members, for their son/nephew/cousin, located on the south side Bay Branch Road (SR 1213), about 100 feet west of Louis Spivey Road (SR 1214). Considering the following Section 206 Findings and Section 701E exemption criteria, Matthew Peeler made a motion to approve proposed Case No. NZV-14-07, a Parent-to-Child Subdivision requested by Alma Riddick Woodard, Brenda Hamilton, William Hurdle, James Lower, and Robert Nelson Overton, to Gift Deed a 1.0-acre parcel to their son/nephew/cousin, located on the south side of the 200-block of Bay Branch Road (SR 1213), approximately 100 feet west of Louis Spivey Road (SR 1214 (and known as portion of Tax Map No. 1-0017-0004), with conditions, if any, noted herein:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance, and
- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

**Administrative Text Amendment No. TXT-14-02 – Zoning Ordinance:** A Public Hearing was held earlier in the meeting to receive citizens’ comments to consider an amendment to the Zoning Ordinance regarding Telecommunications Infrastructure to establish certain tower types at various heights and thereby eliminate or at least minimize future visual impacts, especially for towers 199 feet or less. Donna Godfrey stated that she would like to put Commissioner Nelson’s cares to rest. She said that she had a conversation with Rick Edwards, consultant with CitiScape, regarding some of the numbers that are changing. He confirmed that these are all the recommendations that he requested. Commissioner Nelson asked if they still had a maximum height of 300 feet. County Manager Heath said that there is a line in the amendment that states the maximum height would be 300 feet. Edward Muzzulin read (c) 2 on page 3 of 12, “Towers up to 250 feet will be monopole type design; towers in excess of 250 feet will be guyed type design.” Mr. Nelson said that originally he thought that it stated somewhere a range of 250 to 300 feet. Ms. Godfrey said that she thought it was later on in the Ordinance in a table that discusses the various table types. Mr. Nelson is okay with this but it implies that towers of excess of 250 feet would be of guyed tower design. County Manager Heath said that he feels that (c) 2 covers this concern. Matthew Peeler made a motion to find Administrative Text Amendment No. TXT-14-02 to advance the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and generally uphold the requirements of State Law in accordance with the (County’s) Land Use Plan and, therefore, to find it consistent with the specific intent of the Zoning Ordinance; and motion to approve Case No. TXT-14-02, to amend Article XXII of the Zoning Ordinance regarding Telecommunications Infrastructure, as stated in the Draft Ordinance, to establish certain tower types at various heights and thereby eliminate or at least minimize future visual impacts, especially for towers 199 feet or less, and to remove duplicated definitions, based upon Section 1302 and the following Policy Guidelines contained in Sections 1302(1) through (4) of the Zoning Ordinance:

Every proposed amendment, supplement, change, modification, or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report. The Planning Board shall hold a public meeting, at which the Board of County Commissioners may sit concurrently with the Planning Board if the Board of Commissioners so desires. Pursuant to Article XXIII, Notice of the public meeting shall be mailed to adjoining property owners in the envelopes provided by the applicant and notice shall be made by posting the property concerned. The Board of County Commissioners shall receive written notice of the meeting and its subject matter from the Planning Board.

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

In deciding whether to adopt a proposed Ordinance text amendment, the central issue before the Board of County Commissioners is whether the proposed amendment advances the public health, safety or welfare and is consistent with any adopted County Land Use Plan documents, the CAMA Land Use Plan, and the specific intent of this Ordinance.

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. **(See Attachment A – Ordinance No. 90).**

**Administrative Text Amendment No. TXT-14-01SR – Subdivision Regulations:** A Public Hearing was held earlier in the meeting to receive citizens’ comments to consider an amendment to the Subdivision Regulations to exclude from the definition of “subdivision” the recombination of existing lots of record where the resulting number of lots is not increased and a deed of combination is used to acknowledge the intent of the property owner(s). Commissioner Peeler did not understand why we needed this since it was a simple administrative typographical error. Ms. Godfrey said that it is a little more than that. Currently, Article VII, Section 701 of the Subdivision Regulations requires that, in order to be exempt from the Subdivision Regulations, any recombination has to meet or exceed minimum lot requirements. This will delegate authority to the staff to sign off on proposals that do not meet or exceed minimum lot requirements. Pursuant to the following Section 207 of the Subdivision Regulations, Kyle Jones made a motion to find Administrative Text Amendment No. TXT-14-01SR to advance the public health, safety and general welfare, encourage orderly development, protect the quality of the environment, and generally uphold the requirements of State Law in accordance with the (County’s) Land Use Plan and, therefore, to find it consistent with the specific intent of the Subdivision Regulations; and a motion to approve Case No. TXT-14-01SR, to amend Article VII of the Subdivision Regulations to exclude from the definition of "subdivision" the recombination of existing lots of record where: (a) the resulting number of lots is not increased; (b) the Subdivision Review Officer sees no special cause for concern requiring Board review; and (3) a deed of combination is used to acknowledge the intent of the property owner(s), as stated in the Draft Ordinance:

The County Board of Commissioners may from time-to-time amend the terms of this ordinance (but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Planning Board for review and recommendation. The Planning Board shall have thirty (30) days from the time proposed amendment is submitted to it within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have recommended approval of the amendment).

No amendment shall be adopted by the governing body until they have held a public hearing on the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the Perquimans County area at least once a week for two (2) consecutive calendar weeks prior to the hearing. The initial notice shall appear not more than twenty-five (25) nor less than fifteen (15) days prior to the hearing date. In computing the fifteen (15) and twenty-five (25) day periods, the date of publication is not to be counted, but the date of the hearing is.

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board. (See Attachment B – Ordinance No. 91).

**BOARD APPOINTMENTS**

The following Board appointments were considered:

**Planning Board:** Lewis Smith and Robert Jackson sent in their application to serve on the Planning Board. Wallace Nelson explained that he had approached Mr. Jackson about serving on the Planning Board prior to finding out that Lewis Smith was interested. Mr. Jackson has a background in the Planning in Chesapeake, Virginia. He was also an Engineer. He has lived in the County for about 10 to 15 years. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously appointed Lewis Smith to complete Wallace Nelson’s term on the Planning Board which is due to expire on November 30, 2016. Chair Cole stated that we have some alternate positions as Alternate on the Board of Adjustment. Mr. Nelson will mention it to him. Ms. Cole said that we did not want to lose the talents that Mr. Jackson could bring to the County. We need to see where we can place him to serve. Commissioner Peeler asked if the Board of Adjustment could handle some of the items that we have been talking about tonight like the deed of gift. Mr. Heath said that they are basically having the Board of Adjustment to handle variance requests to the Zoning Ordinance. This Board has always chosen to take care of these matters. Other counties may have expanded the responsibility of the Board of Adjustment but Perquimans County has set it up like this. Ms. Godfrey said that the Ordinance charges the Board of Adjustment with the responsibility of hearing an appeal of the staff’s interpretation of how things apply to a certain situation. Commissioner Peeler said that had to do with what the staff decides. The Board of Adjustment is not an Advisory Board. If someone does not accept the decision of the Board of Commissioners, does this go to the Board of Adjustment or to the Court System. Ms. Godfrey and Mr. High said that it would go to the Court System. Commissioner Nelson said that he did not think that we need to make any changes. It has been working fine thus far.

**Northeast Workforce Development Board & Board of Adjustments:** The County has received no applications for these two Boards. Therefore, this matter was tabled until the February meeting.

**AMENDMENT TO FY 2013-14 AUDIT CONTRACT**

Chair Cole said that the next item on the Agenda was the amendment to FY 2013-14 Audit Contract. Sharon S. Ward, County Finance Officer, stated that this was not an Amendment but a separate contract on its own to cover the Medicaid Eligibility. The Auditors have always done it but there was nothing in writing that they are doing it. The Local Government Commission (LGC) received our audit and questioned that there was no contract showing them doing the audit for Medicaid Eligibility. The audit has been received and approved by LGC. This is something new and next year, there will be three contracts: (1) with the County; (2) with Medicaid Eligibility; and (3) with Tourism Development Authority. Chair Cole asked why it has to be dated back to September. Sharon said that they recommended it but Ms. Cole could date it tonight when she signs it. Commissioner Muzzulin asked if this was going to cost anymore and County Manager Heath said that it is included in our audit. Ms. Ward said that it has always been included but this is a new step that they are requiring. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously approved the additional contract as presented by the Finance Officer.

**BANK RESOLUTION**

County Manager Heath said that, with Sharon Ward’s retirement on February 1, 2015, the Board needs to authorize Janice McKenzie Cole, Frank Heath, and Tracy Mathews to sign checks. On motion made by Edward R. Muzzulin, seconded by Matthew Peeler, the Board unanimously authorized Janice McKenzie Cole, Frank Heath, and Tracy Mathews to sign checks.

**ECONOMIC IMPROVEMENT COUNCIL’S APPLICATION FOR COMMUNITY SERVICES BLOCK GRANT PROGRAM**

The Economic Improvement Council (EIC) has applied for the Community Service Block Grant. The State requires that they present the application to each of the counties that they represent. A copy of this application was provided to Clerk to the Board, Mary P. Hunnicutt, who has made it available to the Commissioners for review. They have applied for \$237,968. Ms. Hunnicutt has been asked to return the letter stating that the application was presented in Perquimans County. This is for information only.

**PUBLIC COMMENTS**

There were no public comments

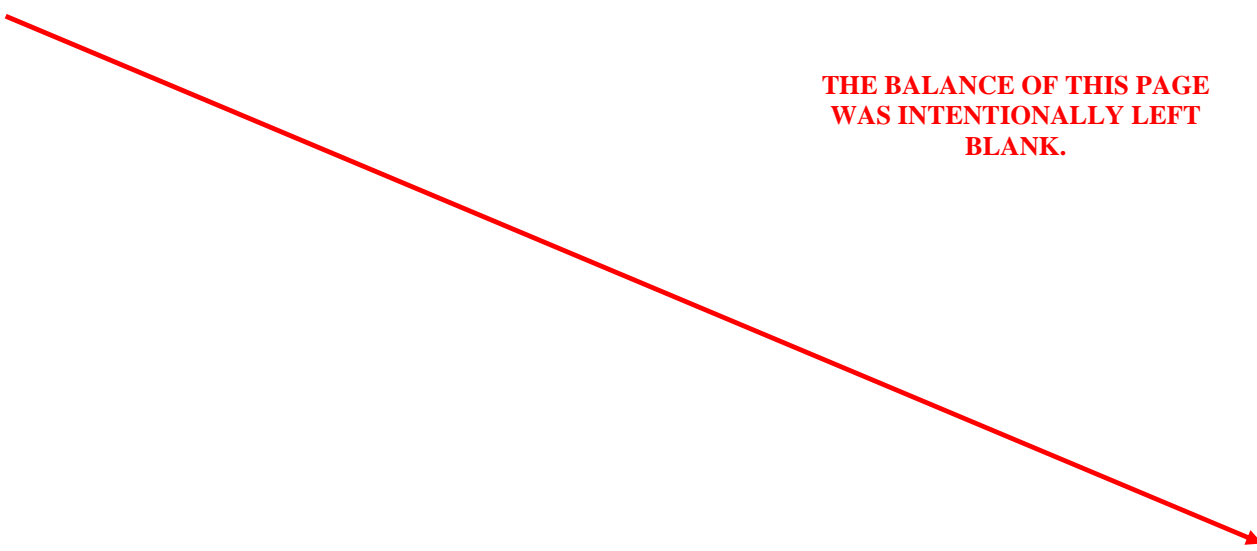
**ADJOURNMENT**

There being no further comments or business to discuss, the Regular Meeting was adjourned at 7:40 p.m. on motion made by Matthew Peeler, seconded by Edward R. Muzzulin.

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Janice McKenzie Cole, Chair

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Clerk to the Board

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**ATTACHMENT A**

**ORDINANCE NO. 90**

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE XXII (“COMMUNICATIONS TOWER ORDINANCE: REGULATING THE DEPLOYMENT OF TELECOMMUNICATIONS INFRASTRUCTURE”) OF THE COUNTY’S ZONING ORDINANCE TO ESTABLISH CERTAIN TOWER TYPES AT VARIOUS HEIGHTS AND THEREBY ELIMINATE OR AT LEAST MINIMIZE FUTURE VISUAL IMPACTS, ESPECIALLY FOR TOWERS 199 FEET OR LESS, AND TO REMOVE DUPLICATED DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**Section 1. Perquimans County Ordinance No. 35** (Zoning Ordinance), as previously amended, is hereby amended by revising **Article XXII** (“*Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure*”) of the County’s Zoning Ordinance, to establish certain tower types at various heights and thereby eliminate or at least minimize future visual impacts, especially for towers 199 feet or less, and to remove duplicated definitions; and by adding and substitution the following excerpts of **Article XXII** attached hereto as **Exhibit A** and incorporated herein by reference, in its stead;

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

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

**PASSED AND ENACTED** by the Board of County Commissioners of Perquimans County, North Carolina, this 5<sup>th</sup> day of January, 2015.

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

By: \_\_\_\_\_  
Janice McKenzie Cole, Chair

ATTEST:

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

Effective Date: \_\_\_\_\_

Exhibit “A”

**Section 2208. Permit (Level III) New Non-Concealed Towers**

- (a) Application Requirements: All Permit (Level III) applications shall contain the following:
  - (1) Completion of the “Communications Tower Ordinance of Perquimans County, North Carolina Application Permit.”
  - (2) Application Fee
  - (3) Site Plan (see also ‘Application Requirements’)
- (b) Determination of Non Concealment: No new or mitigated freestanding tower shall be permitted unless the applicant demonstrates that no non-concealed tower can accommodate the applicant’s proposed use; or that use of such existing facilities would prohibit personal wireless services in the geographic search area to be served by the proposed tower.
- (c) Heights: Height calculations shall include above ground foundations, but exclude lightning rods or lights required by the FAA that do not provide any support for antennas. It is intended that all new non-broadcasting towers be of monopole design and 199 feet or less in height. However, should a tower be required in excess of 200 feet, under no circumstance shall any tower exceed 300 feet. All new towers in excess of 199 feet shall be subject to the following additional requirements:
  - (1) Undisputable evidence that the antenna service area will be so substantially compromised that there would be a requirement of additional antenna array within a distance of two (2) miles.
  - (2) Towers between 200 feet and 300 feet up to 250 feet will be monopole or lattice type design; towers in excess of 250 feet will be guyed type design;

- (3) The tower shall be designed to allow for a future reduction of elevation to no more than 199 feet, or the replacement of the tower with a monopole type structure at such time as the wireless network has developed to the point that such heights can be justified;
  - (4) Any new application which has demonstrated the need for height in excess of 250 feet may request a ~~guyed-wire lattice~~ tower only if it can be further demonstrated to the satisfaction of the Planning Board and Board of County Commissioners that a ~~lattice guyed wire~~ tower is not financially feasible;
  - (5) In Residential zones the maximum height shall be 125 feet.
- (d) Setbacks: New freestanding towers and equipment compounds shall be subject to the setbacks described below for breakpoint technology:
- (1) If the tower is constructed using breakpoint design technology (see Definitions), the minimum setback distance shall be equal to 110 percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum side and rear yard requirements, whichever is greater. Certification by a registered professional engineer licensed by the State of North Carolina of the breakpoint design and the design's fall radius must be provided together with the other information required herein from an applicant. (For example, on a 100 foot tall monopole with a breakpoint at eighty (80) feet, the minimum setback distance would be twenty-two (22) feet (110 percent of 20 feet, the distance from the top of the monopole to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district.)
  - (2) If the tower is not constructed using breakpoint design technology, the minimum setback distance shall be equal to the height of the proposed tower.
- (e) Equipment Cabinets: Cabinets shall not be visible from pedestrian and right-of-way views. Cabinets may be provided within the principal building, behind a screen on a rooftop, or on the ground within the fenced-in and screened equipment compound.
- (f) Fencing: All equipment compounds shall be enclosed with an opaque fence or masonry wall in residential zoning districts, and in any zoning district when the equipment compound adjoins a public right-of-way. Alternative equivalent screening may be approved through the site plan approval process described in section 7(E) below.
- (g) Buffers: The equipment compound shall be landscaped with a minimum ten (10) foot wide perimeter buffer containing the following planting standards:
- (1) All plants and trees shall be indigenous to this part of North Carolina.
  - (2) Existing trees and shrubs on the site should be preserved and may be used in lieu of required landscaping as approved by the Planning Department.
  - (3) One (1) row of evergreen trees with a minimum two (2) inch caliper, twenty-five (25) foot on center.
  - (4) Evergreen shrubs capable of creating a continuous hedge and obtaining a height of at least five (5) feet shall be planted, minimum three (3) gallon or twenty-four (24) inches tall at the time of planting, five (5) foot on center.
  - (5) Alternative landscaping plans which provide for the same average canopy and under story trees but propose alternative locating on the entire subject property may be considered and approved by the Planning Department, provided the proposed alternative maximizes screening as provided above, and is otherwise consistent with the requirements of this section.
- (h) Signage: Commercial messages shall not be displayed on any tower. Required noncommercial signage shall be subject to the following:
- (1) The only signage that is permitted upon a tower, equipment cabinets, or fence shall be informational, and for the purpose of identifying the tower (such as ASR registration number), as well as the party responsible for the operation and maintenance of the facility, and any additional security and/or safety signs as applicable.
  - (2) If more than 220 volts is necessary for the operation of the facility and is present in a ground grid or in the tower, signs located every twenty (20) feet and attached to the fence or wall shall display in large, bold, high contrast letters, minimum height of each letter four (4) inches, the following: "HIGH VOLTAGE - DANGER."
  - (3) Name plate signage shall be provided, in an easily visible location, including the address and telephone number of the contact to reach in the event of an emergency or equipment malfunction, including property manager signs as applicable.
- (i) Lighting: Lighting on towers shall not exceed the Federal Aviation Administration (FAA) minimum standards. All other lighting shall be subject to the following.
- (1) Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Dual lighting standards are required and strobe light standards are prohibited unless required by the FAA.
  - (2) Lights shall be oriented so as not to project directly onto surrounding property or rights-of-way consistent with FAA requirements.
- (j) Equipment Compound: The enclosed compound shall not be used for the storage of any excess equipment or hazardous materials. No outdoor storage yards shall be allowed in a tower equipment compound. The compound shall not be used as habitable space.
- (k) Visibility:
- (1) New towers shall be configured and located in a manner that shall minimize adverse effects including visual impacts on the landscape and adjacent properties.
  - (2) New freestanding towers shall be designed to match adjacent structures and landscapes with specific design considerations such as architectural designs, height, scale, color, and texture.

- (3) A balloon test shall be required subsequent to the receipt of the photo simulations in order to demonstrate the proposed height of the tower. The applicant shall arrange to raise a colored balloon no less than three (3) feet in diameter at the maximum height of the proposed tower, and within fifty (50) horizontal feet of the center of the proposed tower.
- (4) The applicant shall meet the following for the required balloon test:
  - (a) Applicant must inform the Planning Department and abutting property owners in writing of the date and times, including alternative date and times, of the test at least fourteen (14) days in advance.
  - (b) The date, time, and location, including alternative date, time and location, of the balloon test shall be advertised in a locally distributed paper by the applicant at least seven (7) but no more than fourteen (14) days in advance of the test date.
  - (c) The balloon shall be flown for at least four (4) consecutive hours during daylight hours on the date chosen. The applicant shall record the weather during the balloon test.
  - (d) Re-advertisement will not be required if inclement weather occurs.
- (5) New antenna mounts shall be flush-mounted, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.
- (6) Towers shall be constructed to accommodate antenna arrays as follows:
  - (a) All freestanding towers up to 120 feet in height shall be engineered and constructed to accommodate no less than four (4) antenna arrays.
  - (b) All towers between 121 feet and 150 feet shall be engineered and constructed to accommodate no less than five (5) antenna arrays.
  - (c) All towers between 151 feet and taller shall be engineered and constructed to accommodate no less than six (6) antenna arrays.
- (7) Grading shall be minimized and limited only to the area necessary for the new tower and equipment.
- (8) Freestanding non-concealed tower shall be limited to monopole type towers, unless the applicant demonstrates that such design is not feasible to accommodate the intended uses.

#### **Section 2215. Interpretation of Certain Terms & Definitions**

- (a) Interpretation: The following assumptions shall be made:

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (3) The word "shall" is always mandatory and not merely directory.
- (4) The word "may" is permissive.
- (5) The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.

- (b) Definitions:

- (1) Alternative Structure- A structure that is not primarily constructed for the purpose of holding antennas but on which one (1) or more antennas may be mounted, including but not limited to buildings, silos, water tanks, pole signs, billboards, church steeples, and electric power transmission towers.
- (2) Amateur Radio Tower- Any tower used for amateur radio transmissions consistent with the "Complete FCC U.S. Amateur Part 97 Rules and Regulations" for amateur radio towers.
- (3) Ancillary Structure- For the purposes of this Ordinance, any form of development associated with a communications facility, including foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports, but excluding equipment cabinets.
- (4) Anti-Climbing Device- A piece or pieces of equipment, which are either attached to a tower, or which are freestanding and are designed to prevent people from climbing the structure, including fine mesh wrap around structure legs, "squirrel-cones," and other approved devices, but excluding the use of barbed or razor wire.
- (5) Antenna- Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized (panel) antennas, multi or single bay (FM & HDTV), yagi, or parabolic (dish) antennas.
- (6) Antenna Array- A single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic waves.
- (7) Antenna Element- Any antenna or antenna array.
- (8) ASR- The Antenna Structure Registration Number as required by the FAA and FCC.
- (9) Base Station- The electronic equipment utilized by the wireless providers for the transmission and reception of radio signals.
- (10) Board of Adjustment- The Board of Adjustment of Perquimans County as defined by the Perquimans County Zoning Ordinance.
- (11) Breakpoint Technology- The engineering design of a monopole wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.



- (12) Broadcast Facilities- Towers, antennas, and/or antenna arrays for AM/FM/HDTV broadcasting transmission facilities that are licensed by the Federal Communications Commission.
- (13) Collocation- The practice of installing and operating multiple wireless carriers, service providers, and/or radio common carrier licensees on the same tower or attached communication facility using different and separate antenna, feed lines, and radio frequency generating equipment.
- (14) Combined Antenna- An antenna or an antenna array designed and utilized to provide services for more than one (1) wireless provider, or a single wireless provider utilizing more than one (1) frequency band or spectrum, for the same or similar type of services.
- (15) Concealed- A tower, ancillary structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two (2) types of concealed facilities:
  - (a) Antenna Attachments: including painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure; and
  - (b) Freestanding: Freestanding concealed tower's usually have a secondary, obvious function which may include church steeple, windmill, bell tower, clock tower, light standard, flagpole with or without a flag, or tree.
- (16) DAS- Distributed Antennas Systems consist of an antenna and transmit/receive electronics with the capability of providing personal wireless services for one or more individual service providers, utilizing existing infrastructure where available. See Combined Antennas.
- (17) Development Area- The area occupied by a communications facility including areas inside or under an antenna-support structure's framework, equipment cabinets, ancillary structures, and/or access ways.
- (18) Discontinued- Any tower without any mounted transmitting and/or receiving antennas in continued use for a period of 180 consecutive days.
- (19) Equipment Compound- The fenced-in area surrounding the ground-based wireless communication facility including the areas inside or under a tower's framework and ancillary structures such as equipment necessary to operate the antenna on the structure that is above the base flood elevation including cabinets, shelters, pedestals, and other similar structures.
- (20) Equipment Cabinet- Any structure above the base flood elevation including cabinets, shelters, pedestals, and other similar structures and used exclusively to contain radio or other equipment necessary for the transmission or reception of wireless communication signals.
- (21) FAA- The Federal Aviation Administration.
- (22) FCC- The Federal Communications Commission.
- (23) Feed Lines- Cables used as the interconnecting media between the transmission/receiving base station and the antenna.
- (24) Flush-Mounted- Any antenna or antenna array attached directly to the face of the support structure or building such that no portion of the antenna extends above the height of the support structure or building. Where a maximum flush-mounting distance is given, that distance shall be measured from the outside edge of the support structure or building to the inside edge of the antenna.
- (25) Guyed Structure- (see Guyed Tower)
- (26) Geographic Search Ring- An area designated by a wireless provider or operator for a new base station, produced in accordance with generally accepted principles of wireless engineering.
- (27) Handoff Candidate- A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.
- (28) Lattice Structure- (see Lattice Tower)
- (29) Least Visually Obtrusive Profile- The design of a wireless communication facility intended to present a visual profile that is the minimum profile necessary for the facility to properly function.
- (30) Microwave Dish Antenna- a usually round or oval concave antenna element sometimes with a radome (cover) for the purpose of sending and /or receiving data for high speed communications generally for high speed wireless broadband use.
- (31) Mitigation- A modification of an existing tower to increase the height, or to improve its integrity, by replacing or removing one (1) or several tower(s) located in proximity to a proposed new tower in order to encourage compliance with this Ordinance, or improve aesthetics or functionality of the overall wireless network.
- (32) Monopole Structure- (see Monopole Tower)
- (33) Non-concealed- A wireless communication facility that is readily identifiable as such and can be either freestanding or attached.
- (34) Personal Wireless Service- Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the *Telecommunications Act of 1996*.
- (35) Public Safety Communications Equipment- All communications equipment utilized by a public entity for the purpose of ensuring the safety of the citizens of the County and operating within the frequency range of 700 MHz and 1,000 MHz and any future spectrum allocations at the direction of the FCC.
- (36) Radio Frequency Emissions- Any electromagnetic radiation or other communications signal emitted from an antenna or antenna-related equipment on the ground, tower, building, or other vertical projection.
- (37) Radio Frequency Propagation Analysis- Computer modeling to show the level of signal saturation in a given geographical area.
- (38) Replacement- (see Mitigation)
- (39) Satellite Earth Station- A single or group of parabolic or dish antennas mounted to a support device that may be a pole or truss assembly attached to a foundation in the ground, or in some other configuration,

including the associated separate equipment cabinets necessary for the transmission or reception of wireless communications signals with satellites.

- (40) Structure- Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including advertising signs.
- (41) Tower- Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, equipment cabinets, and may include a tower. The following developments shall be deemed a communications facility: new, mitigated, or existing towers, public towers, replacement towers, collocations on existing towers, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20) feet. Types of support structures include the following:
  - (a) Guyed Tower - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.
  - (b) Lattice Tower- A tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.
  - (c) Monopole Tower- A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.
- (42) Tower Base- The foundation, usually concrete, on which the wireless telecommunications tower and other support equipment are situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.
- (43) Tower Height- The vertical distance measured from the grade line (*or tower base*) to the highest point of the tower, including any antenna, lighting or other equipment affixed thereto.
- (44) Tower Site- The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.
- (45) Variance- A modification of the terms of this Ordinance where a literal enforcement of this Ordinance would result in an unnecessary hardship and shall be reviewed and issued by the Board of Adjustment.
- ~~(46) Tower Site- The land area that contains, or will contain, a proposed tower, support structures and other related buildings and improvements.~~
- ~~(47) Variance- A modification of the terms of this Ordinance where a literal enforcement of this Ordinance would result in an unnecessary hardship and shall be reviewed and issued by the Board of Adjustment.~~
- (46) Waveguide- Feed lines used specifically for microwave dish antennas.

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**ATTACHMENT B**

**ORDINANCE NO. 91**

**AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY SUBDIVISION REGULATIONS AS ADOPTED BY ORDINANCE NO. 19, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE VII (“DEFINITIONS”), BY CREATING SECTIONS 701F) AND G) TO EXCLUDE FROM THE DEFINITION OF “SUBDIVISION” THE RECOMBINATION OF EXISTING LOTS OF RECORD WHERE THE RESULTING NUMBER OF LOTS IS NOT INCREASED AND A DEED OF COMBINATION IS USED TO ACKNOWLEDGE THE INTENT OF THE PROPERTY OWNER(S); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**Section 1. Perquimans County Ordinance No. 19 (Subdivision Regulations), as previously amended, is hereby amended by creating Sections 701F) and G) in Article VII (“DEFINITIONS”), to exclude from the definition of “subdivision” the recombination of existing lots of record where the resulting number of lots is not increased and a deed of combination is used to acknowledge the intent of the property owner(s) thereof and by adding and substitution the following excerpts of Article VII attached hereto as Exhibit A, and incorporated herein by reference, in its stead;**

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

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

**PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.**

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

By: \_\_\_\_\_  
Janice McKenzie Cole, Chair

**ATTEST:**

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

Effective Date: \_\_\_\_\_

**EXHIBIT “A”**

**ARTICLE VII: DEFINITIONS**

Section 701 Definition of a Subdivision

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) as pertaining to Abbreviated (Minor) or Major Subdivisions and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition nor be subject to the regulations prescribed by this ordinance:

- A) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance.
- B) The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- C) The public acquisition by purchase of strips of land for the widening or opening of streets.
- D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved, and where the resultant lots are equal to or exceed the standards of the County, as shown by the subdivision regulations contained in this ordinance.
- E) The gift by a property owner of a single lot to his or her child or grandchild or to each of his or her children or grandchildren where no new road is involved, provided that only one such gift per child or grandchild be made during a ten year period and where the resultant lot is equal to or exceeds the standards of the County as shown in these subdivision regulations and provided that the following restrictions are placed in the Deed of Gift to the child or grandchild:

"But this conveyance is made subject to the following restrictions which shall run with the land:

That prior to the sale or transfer of the aforesaid lot and right-of-way to anyone other than the Grantors or either of them or to a child or grandchild of the Grantors, the aforesaid lot shall be brought into compliance with the Subdivision Regulations of Perquimans County in effect at the time of the recording of the present Deed of Gift, including, but not limited to, regulations that require the construction of a paved access road to the lot and the installation of required utilities. However, these restrictions will not apply to any transfer made to secure a loan or to any sale or transfer of the property as part of a foreclosure proceeding or to any subsequent sale or transfer by a Mortgagee who or which has purchased the property at a foreclosure sale."

~~The burden shall be on any conveyor of land to provide proof why their conveyance does not constitute a subdivision. This proof must be presented to the Subdivision Review Officer.~~

F) The combination, recombination or reconfiguration of previously subdivided and recorded lots if the total number of lots is not increased, the nonconforming sizes of the resultant lots are equal to the original nonconforming lot sizes, and no other new conformities of any kind are created. (Example: Lot A is 10,000 square feet and Lot B is 12,000 square feet. These lots may be reconfigured such that Lot A is now 12,000 square feet and Lot B is 10,000 square feet. However, a reconfiguration that results in Lot A being, say, 8,000 square feet and Lot B being 14,000 square feet would not be allowed as the resultant lot sizes are not equal to the original lot sizes. Similarly, an otherwise permitted reconfiguration that caused an existing structure to violate current setback requirements or other regulations would not be permitted as the reconfiguration created a new nonconformity). ~~(ref. Dare Co., 3-21-11)~~

G) The combination or reconfiguration of previously subdivided and recorded lots if the total number of lots is decreased and the size of the resultant lot(s) are equal to or greater than the originally recorded lots size and no other new nonconformities of any kind are created. Example: two nonconforming lots of 5,000 square feet are combined into 1 lot of 10,000 square feet. ~~(ref. Dare Co., 3-21-11)~~

Any combination, recombination or reconfiguration requested under Subsections F and G shall use Deed of Combination Forms as provided by the County and completed by the Applicant's attorney. In addition, requests made pursuant to Subsections F and G may be referred, at the discretion of the Subdivision Review Officer, may be referred to the Planning Board and/or Board of County Commissioners for review and action where concerns regarding the general public health, safety or general welfare are in question or where conditional approval is deemed necessary.

The burden shall be on any conveyor of land to provide proof why their conveyance does not constitute a subdivision. This proof must be presented to the Subdivision Review Officer.



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