

SPECIAL CALLED MEETING

May 18, 2011

3:00 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting on Wednesday, May 18, 2011 at 3:00 p.m. in the Witherspoon Memorial Library in Elizabeth City. The meeting was held jointly with members of the Pasquotank County Board of Commissioners and Camden County Board of Commissioners.

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

MEMBERS ABSENT: Mack Nixon Sue Weimar

OTHERS PRESENT: Bobby C. Darden, County Manager/Deputy Clerk to the Board
Jim Schenck, Consulting Attorney W. Hackney High, County Attorney
Pasquotank County Officials Camden County Officials

Chairman Hobbs called the meeting to order. Commissioner Miller-White made a motion to go into Closed Session for attorney-client privilege. Commissioner Muzzulin seconded the motion. All members voted in favor of the motion.

Commissioner Cole made a motion to go out of closed session. Commissioner Muzzulin seconded the motion. All members voted in favor of the motion.

ADJOURNMENT

With no further business, the Chairman adjourned the meeting at 4:45 pm.

Benjamin C. Hobbs, Chairman

Bobby C. Darden, Deputy Clerk to the Board

REGULAR MEETING
June 6, 2011
6:40 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, June 6, 2011, at 6:40 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Bobby C. Darden, County Manager Hackney High, County Attorney
Mary Hunnicutt, Clerk to the Board

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

PUBLIC HEARINGS

Administrative Text Amendment No. TXT-11-01

Chairman Hobbs opened the first Public Hearing stating that the purpose of the public hearing was to receive comments concerning the consideration of policy guidelines and approval criteria for the following zoning text amendments in the Zoning Ordinance:

PROPOSED ORDINANCE NO. 78

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 XIII, SECTION 1302 TO ESTABLISH SPECIAL GUIDELINES AND APPROVAL CRITERIA FOR ZONING TEXT AMENDMENTS AND RELATED REFORMATTING TO RETAIN THE EXISTING GUIDELINES USED FOR ZONING MAP AMENDMENTS; 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 XIII, Section 1302 to establish special guidelines and approval criteria for Zoning Text Amendments and related reformatting to retain the existing guidelines used for Zoning Map Amendments thereof and by adding and substitution the following excerpt of **Article XIII** 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 6th day of June, 2011.

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

By: _____
Benjamin C. Hobbs, Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

ARTICLE XIII. AMENDMENTS

Section 1301. Initiation of Amendments

- A. The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify, or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Board of County Commissioners through, and reviewed by, the Planning Board, which shall consider its merit and make a recommendation to the Board of County Commissioners. In no case shall final action by the Board of County Commissioners be taken on amending, changing, supplementing, modifying, or repealing the regulations or district boundaries hereby established until the Board of County Commissioners has held a public hearing.
- (1) Proposed changes or amendments to the Perquimans County Zoning Atlas may be initiated by the Board of County Commissioners, Planning Board, County Administration, or by the owner(s), or his agent, of property within the area proposed to be changed. In the event that the party filing the petition is someone filing the same on behalf of the owner, such party shall attach his authority to execute said petition on behalf of the owner to the petition.
 - (2) Any interested party may initiate proposed amendments to the text of the Ordinance.
 - (3) No property will be accepted for a rezoning request within any zoning district unless and until an appropriate certification from the regional Health Department has been obtained and submitted along with the application for rezoning.
- B. Application: An application for any amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved. Such application shall be filed not later than three weeks prior to the next meeting of the Planning Board unless the participation of the Technical Review Committee is needed, in which case the applicant is advised to submit a completed application no less than three weeks prior to the next meeting of the Technical Review Committee.
- C. Hearing Required; Notice: The process for public hearing outlined in Article XXIII "Hearing Procedures for Appeals and Applications" shall be followed.
- D. Reapplication for Amendment: With the exception of requests originating with the Board of County Commissioners, Planning Board, or County Administration, an application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any one year period. The Board of Commissioners, by eighty percent (80%) affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

Section 1302. Action by the Planning Board

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.

- A. The following policy guidelines shall be followed by the Planning Board and the Board of County Commissioners concerning zoning map amendments. No proposed zoning map amendment will receive favorable recommendation unless:
- (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.
- 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 Planning Board shall render its recommendation on any properly filed petition within sixty (60) days after the introduction of such petition to the Planning Board and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of County Commissioners.

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Section 1303. Action by the Board of County Commissioners

Following the Planning Board's recommendation pursuant to Section 1302, above, the Board of County Commissioners shall call a public hearing for the next available regular evening meeting date, allowing time for advertising. Notice shall also be made by posting the property involved for a period of at least one (1) week prior to the hearing, and in accordance with Article XXIII.

Before taking such lawful action as it may deem advisable, the Board of County Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. The proposed amendment shall be considered no earlier than (45) forty-five days after the completed petition has been filed. If no recommendation has been received from the Planning Board within sixty (60) days after the introduction of the completed petition to the Planning Board, the Board of County Commissioners shall deem the proposed amendment to have been positively recommended by the Planning Board.

The applicant, the Planning Board, and the Planning and Zoning Administrator shall be given written copies of the Board's decision and the reasons therefore.

Section 1304. Withdrawal of the Application

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or district boundaries established by this Ordinance may be withdrawn at any time, but fees are nonrefundable.

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There were eleven (11) people present. The Chairman recognized Donna Godfrey, County Planner, who gave an overview of the proposed Text Amendment. She stated that the proposed language would provide criteria more appropriate than that currently used for both zoning map and text amendments, which in the opinion of the Planning staff do not appear wholly relevant to zoning text amendments. Planning Board approved the request at their May 10th meeting. The Chairman opened the hearing to questions or comments from the Board. Commissioner Nixon asked Ms. Godfrey what will this accomplish. She said that it is more in keeping with the changes that the Board has been making to the Zoning Ordinance with regard to text changes instead of map changes. The Chairman asked if there were any questions or comments from the public. There being no questions/comments from the public, the Chairman opened the second Public Hearing.

Administrative Text Amendment No. TXT-11-02

Chairman Hobbs opened the second Public Hearing stating that the purpose of the public hearing was to receive comments concerning the consideration of standards, conditions, and procedures for Solar Energy Systems in the Zoning Ordinance:

-Beginning of Ordinance document to be recorded-
 Administrative Text Amendment No. TXT-11-02
 Perquimans County Zoning Ordinance
 Articles VII, VIII, IX, XI, XVIII and XXIV
 Establish Solar Energy System Requirements

Note: The attached Draft Ordinance begins with the draft dated 5-16-11 as reviewed by the Planning Board at their special meeting on 5-17-11.

- Additional Changes made during the Planning Board’s 5-17-11 meeting are also shown in single **strikethrough and underline** fashion (in other words, no distinction is made between original draft and the changes made by the Planning Board).
- Proposed changes made by County staff or Applicants since 5-17-11 are shown in **double strikethrough and underline with bold type and yellow highlights** and were made to reflect new information received today from Chowan County.
- Changes made during Sue Weimar’s motion are shown in **double with bold type and blue highlights**.

ORDINANCE NO. 79

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 ARTICLES VII, VIII, IX, XI, XVIII AND XXIV TO ESTABLISH STANDARDS, CONDITIONS AND PROCEDURES FOR “SOLAR ENERGY SYSTEMS” AS A CONDITIONAL USE IN THE RA, **RURAL AGRICULTURE ZONES AND AS A PERMITTED USE IN THE IL AND IH INDUSTRIAL ZONES AND TO REMOVE TYPOGRAPHICAL ERRORS AND UTILIZE THE RECENTLY APPROVED PAGE NUMBERING FORMAT**; 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 Articles VII, VIII, IX, XI, XVIII AND XXIV to establish standards, conditions and procedures for “Solar Energy Systems” as a Conditional Use in the RA, Rural Agriculture Zones and as a Permitted Use in the Heavy Industrial and the Light Industrial Zones **and to remove typographical errors and utilize the recently approved page numbering format** thereof and by adding and substitution the following excerpts of Articles VII, VIII, IX, XI, XVIII and XXIV attached hereto as Exhibits A, B, **and C, D, E and F** 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 6th day of June, 2011.

BOARD OF COUNTY COMMISSIONERS OF
 PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
 Benjamin C. Hobbs, Chairman

ATTEST:

 Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

Exhibit “A”

Section 702. Exceptions to Yard Requirements

A. Conditional Use Requirements Take Precedence: Area, yard and height requirements as specified in the issuance of a Conditional Use Permit shall take precedence over the area, yard and height requirements as set forth in Section 704, Table of Area, Yard and Height Requirements.

C. Accessory Structures: An accessory structure (detached garage, storage building, swimming pool, etc.) to residential uses may be constructed provided that:

- (1) **It shall be located at least ten (10) feet away from any interior Side or Rear Lot Line;**
- (2) **On a Corner Lot it shall be located at least twenty (20) feet away from the Secondary Front property line (abutting the side road);**
- (3) **It shall not be located within a deeded drainage/utility easement as required by Albemarle Regional Health Services or Perquimans County; and**

Section 703. Exception to Height Requirements: Unless otherwise regulated by standards contained elsewhere in this Ordinance and other codes and regulations, certain structures and necessary mechanical appurtenances may be erected to any height, including church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless telecommunications facilities (cell towers), broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), observation towers, electrical transmission towers, silos, and roof structures for housing stairways, heating and air conditioning equipment, ventilating fans or similar equipment may be erected without regard to the maximum height limitation stated herein Article VII. No portion of any structure intended for human occupancy may be constructed above the height limit herein specified. (staff note for review only: see also Section 1103)

Exhibit “B”

Article VIII. Table of Uses (page 5 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Printing, Publishing, and Binding Establishments									P	P
Produce Stands	P					P	P	P	P	P
Produce Stands for sale of produce grown on premises only		P	P	P	P					
Public Facilities and Buildings, including outdoor storage, repair yards, or garages	C					C		P	P	P
Public Building, not including outdoor storage, repair yards, or garages			P			P	P	P		
Public Utility Substations, Transformer Stations and other Facilities	C	C	C	C	C	C	C	C	C	C
Radio and Television Studios								P	P	P
Recreation, Indoor (including, but not limited to bowling alleys and skating rinks)						P	P	P		
Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs, and community rodeos)	C					P	C	C		
Restaurants, without drive-thru	C	C				P	P	P	P	P

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Restaurants, with drive-thru, and fast food						C	C	C		
Retail Sales and other Establishments not otherwise listed						P		P		
Schools, academic	C		C	C	C			C		
Schools, business or trade	C		C	C	C			C		
Sculpting, with outside storage						P				
Sculpting, without outside storage						P	C			
Secondary Temporary Dwelling (for hardship circumstances, usually family)	C		C	C	C					
Services (not elsewhere listed)								P		
Shooting Range, Indoor								C		
Solar Energy System (Ground-mounted, Large Scale)	C								P	P
Subdivisions, Major			P	P	P	P	P	P	P	P
Subdivisions, Minor	P	P	P	P	P	P	P	P	P	P

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
 C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board's recommendation).

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Exhibit "C"

ARTICLE IX. CONDITIONAL USES

Section 901. Objectives and Purposes

It is recognized that there are some land uses that are basically in keeping with the intent and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 902. Procedures

Conditional Use Permits shall be reviewed by the Perquimans County Planning Board for recommendation to the Perquimans County Board of County Commissioners according to the regulations stipulated in Article XXIII "Hearing Procedures for Appeals and Applications." Conditional Use Permits shall be granted by the Perquimans County Board of County Commissioners as permitted by G.S. 153A-135 for all conditional uses enumerated in the Table of Uses. These uses may be established only after approval by the Board of County Commissioners.

The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning Department at least three weeks prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan and be accompanied by a fee set according to the Planning Department Fee Schedule.

All requests for Conditional Use Permits shall be considered by Planning Board and the Board of County Commissioners within ninety (90) days from submission to the Planning Department. However, this requirement is not intended to prevent the Board of County Commissioners from delaying action after review.

Section 903. Planning Board Review and Board of County Commissioners Action

The Planning Board shall consider the application at a public meeting and make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. 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 Plan.

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In granting the Conditional Use Permit the Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and on the Conditional Use Permit granted. ***In order to validate the Conditional Use Permit, the owner(s) or authorized applicant(s) shall sign the document and register it with the Perquimans County Register of Deeds, at which point it remains valid for one year from the date granted by the Perquimans County Board of County Commissioners.***

(This includes Conditional Use Permits granted in the conditional use district rezoning process). All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

Section 904. Denial and Appeal

If the Board of County Commissioners denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. Reasons for denial shall be provided in writing. No appeal may be taken from the action of the Board of County Commissioners in granting or denying a Conditional Use Permit except though the Perquimans County Superior Court within thirty (30) days or forever be barred.

Section 905. Compliance with District Regulations

In addition to the conditions specifically imposed in this paragraph and such further conditions, as the Board of County Commissioners may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Conditional Use provide to the contrary.

Section 906. Failure to Comply with Plans

In the event of failure to comply with the plans approved by the Board of County Commissioners, or with any other condition imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 907. Supplemental Regulations for Conditional Uses

Specific Requirements by Use: *A site plan for a conditional use must always be submitted with the application* based upon the checklist contained in the Zoning Ordinance at Article V, Section 509, Site Plan Requirements. Multiple copies of the plan are required as needed for the Planning staff's distribution to members of the Technical Review Committee, Planning Board and Board of County Commissioners. In addition, an electronic file may be submitted.

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Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Planning Board or Board of County Commissioners may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Commissioners may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Article.

907.28 Solar Farm (Large scale, ground-mounted Solar Power Energy System)

- A. Zoning Districts: RA (Conditional Use)
IL and IH (Permitted Use)
- B. Preamble: A large scale Solar Farm containing ground-mounted solar power electric generation structures, may be permitted in districts as designated in the Table of Permitted and Conditional Uses, subject to the following requirements:
- (1) Site Considerations:
 - (a) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet in height.
 - (b) Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet, whichever is strictest.
 - (c) The setback for any building or parking area proposed to serve the Solar Farm shall be twenty (20) feet or as otherwise required, whichever is strictest, from any street right-of-way and any continuous property line that is used or zoned for residential purposes or located within the Highway Corridor Overlay District.
 - (d) The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.
 - (2) Lighting: Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any street rights of way. The project shall utilize minimal lighting. No lighting other than normal security lighting and that required by government agencies shall be permitted.
 - (3) Screening:
 - (a) General: Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.

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- (b) Highway Corridor Overlay Districts: When located adjacent to the Highway Corridor Overlay District, screening is required which completely screens from view the solar energy system panels and related equipment. Such screening shall be a durable wall or fence and access gate(s) at least seven (7) feet high in addition to a minimum fifteen (15) foot wide vegetated strip along any property line adjacent to or within five hundred (500) feet of the Highway Corridor Overlay District. This vegetated strip shall consist of a naturally wooded area or planted with a mix of evergreens and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.
- (4) Operational Considerations: Any access gate which affords views from an existing residence or from within the Highway Corridor Overlay District must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.
- (5) Application Requirements:
 - (a) Submit Site Plan prepared in accordance with current Site Plan Requirements of Section 509 and denoting the dimensions of the subject property, proposed solar farm location, including the arrangement of solar panels, distance from the proposed site improvements to all property lines, and location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks or any buffer area.
 - (b) The Site Plan should also show the location of any required buffers as outlined in Sections 1803 and 1804.
 - (c) Submit horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.
 - (d) State and local stormwater permits may be required based upon ground cover subject to Article V Site Plan and other requirements as applicable.
 - (e) If applicable, the applicant must apply to and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the proposed use prior to final project approval.
- (6) Approved Solar Components: Solar energy system components must have a UL listing **and must be designed with anti-reflective coating(s).**
- (7) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.
- (8) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.

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Exhibit "D"

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI "Appeals and Variances."

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII "Dimensional Requirements," whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than one hundred (100) feet apart, the required front yard for such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated. *(see also Section 703)*

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

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Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner's association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Section 1107. Solar Energy Facilities

Additional yard setbacks and other design standards shall apply to Solar Farms, or Large Scale Solar Energy Facilities, as provided at Article IX, Conditional Uses for application in the RA (Rural Agriculture), IL (Light Industrial) and IH (Heavy Industrial) Zoning Districts. Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements. A Small Scale Facility which is installed on the ground within the Residential Agricultural, Historic Agriculture and Rural Agriculture Zoning Districts will be subject to the minimum building setbacks applicable to an Accessory structure, provided said facility produces electricity strictly for on-site use.

Perquimans County Zoning Ordinance ~ ~ 2 ~ June 6, 2011

Exhibit "E"**ARTICLE XVIII. BUFFERS AND SCREENING****Section 1801. Purpose of Buffers**

Buffers, or screens, are required to protect one class of use from adverse impacts caused by a use in another class by helping the principal use to blend into the neighborhood, screen its purely functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise. This regulation benefits both the developer and the adjoining landowners because it allows the developer several options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice, thereby protecting the property values of all properties involved.

Section 1802. Buffers Required

~~Unless otherwise stated, in~~ all districts, other than Residential Agricultural, ~~rural Historic Agriculture~~, and rural agriculture districts, a buffer or screen is automatically required ~~on the side and rear lot along the property lines~~ that abut ~~existing single-family residential uses~~ or a Residential Agricultural, ~~rural Historic Agriculture~~, or Rural Agriculture or ~~Highway Corridor Overlay~~ Districts. Information is to be submitted to the Planning Staff showing details of the proposed barrier as to the location and type of buffer. In cases where the use of a building or land is changing, there may be impediments to compliance with this Article. The Planning Department staff shall determine the level of compliance that is practical in these cases. In cases where development that results in a one-time building footprint expansion of two hundred fifty (250) square feet or less, or exterior building remodeling are exempted from the requirements of this Article.

Section 1803. Buffer Specifications

Unless specified elsewhere in this Ordinance, a buffer shall be one of the following:

1. A seven (7) foot high attractive blind barrier; or
2. A three (3) foot wide, seven (7) foot high dense evergreen planting; or
3. A twenty (20) foot wide natural wooded or planted strip.

If a buffer is seven (7) foot high attractive blind barrier, it shall not prevent the passage of light from one side to the other and it must also dampen the noise where needed. Such barrier may be a decorative masonry wall, a wood plank or basketry weave type fence, an open type fence with evergreen vegetation (minimum three (3) feet wide), or the like that is planted facing adjoining property.

Where evergreens (native trees and shrubs) are used, a species and size shall be planted which will normally be expected to reach a height of seven (7) feet in three (3) years time. Low evergreen, plus seven (7) shrubs per one hundred (100) linear feet of lot boundary prorated for less than one hundred (100) foot sections. Previously existing trees and shrubs shall count toward the requirement.

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Section 1804. Location of Buffer

The width of the screen, or buffer, shall be included as part of the required yard (or setbacks).

A fence may also be installed **in addition to** the required buffer, at the discretion of the property owner. However, vegetated buffers shall be located adjacent to the property line and between the property line and any fence four (4) feet in height.

Section 1805. Construction and Maintenance

A buffer must be installed or constructed, as appropriate, prior to the issuance of a Certificate of Occupancy. Once erected, a buffer shall be properly maintained at all times. The construction and maintenance of a buffer shall be the responsibility of the landowner or developer.

Section 1806. Waiving or Deferring Requirements

The buffering requirements may be waived by the Zoning Administrator along any boundary that is naturally screened by topography or may be deferred in order to install landscaping at a more appropriate time. The required landscaping portion may be deferred for up to five (5) months, or the next appropriate planting season, whichever comes first. The deferment shall be approved by the Zoning Administrator, upon receipt of a landscaping guarantee security payable to Perquimans County meeting the following requirements.

- (a) The developer may deposit cash, cashier's check, an irrevocable letter of credit, bond, or other instrument readily convertible into cash at face value in escrow with a financial institution designated as an official depository of Perquimans County.
- (b) The developer or property owner shall obtain a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.
- (c) The bonding instrument shall equal one and a half (1.5) times the entire cost of installing all required landscaping, based on the landscaper's bid.
- (d) The developer shall file with the County Manager an agreement between the financial institution and himself guaranteeing the following:
 - (1) That said escrow account shall be held in trust until released by the County Manager and shall not be used or pledged by the developer in any manner during the term of the escrow, and
 - (2) That in the case of a failure on the part of the property owner to complete said improvements, the financial institution shall, upon notification by the County Manager and submission to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to Perquimans County the funds estimated to complete the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

Section 1807. Plant Material

See list in Article XVII "Highway Corridor Overlay District."

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Exhibit "F"

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

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

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

Energy Generating Facility: A facility that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of energy facilities may include, but are not limited to: petroleum; ethanol; thermal; wind; solar; hydro-electric; and other energy generation facilities.

Grid-Tied Solar System: A photovoltaic solar system that is connected to an electric circuit by an electric utility company.

Off-Grid Solar System: A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Solar Collector (accessory): Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of the devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

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Solar Farm: A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principal use on the site. Also referred to as Solar Power Plant; Solar Photovoltaic Farm; Large-Scale, Ground-Mounted Power Energy System. (Staff note: also see Chowan's draft definition: "An area of land used for the sole purpose of deploying photovoltaic power and generating electric energy.")

-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-11-02
Perquimans County Zoning Ordinance
Articles VII, VIII, IX, XI, XVIII and XXIV
Establish Solar Energy System Requirements

Note: The attached Draft Ordinance begins with the draft dated 5-16-11 as reviewed by the Planning Board at their special meeting on 5-17-11.

- Additional Changes made during the Planning Board's 5-17-11 meeting are also shown in single ~~strikethrough~~ and underline fashion (in other words, no distinction is made between original draft and the changes made by the Planning Board).
- Proposed changes made by County staff or Applicants since 5-17-11 are shown in ~~double strikethrough~~ and underline with bold type and yellow highlights and were made to reflect new information received today from Chowan County.
- Changes made during Sue Weimar's motion are shown in ~~double with bold type and blue highlights~~.

There were eleven (11) people present. The Chairman recognized Donna Godfrey, County Planner, who gave an overview of the proposed Text Amendment. She stated that the proposed language would establish standards, conditions and procedures for "Solar Energy Systems" as a Conditional Use in the RA, Rural Agriculture Zone and as a Permitted Use in the IL and IH Industrial Zones. The Planning Board approved the request at their May 17th Special Called Meeting. The Chairman opened the hearing to questions or comments from the Board. Commissioner Weimar asked about the definition of "Energy Generating Facility" in Exhibit F. She wanted to know if this is strictly for solar energy. Ms. Godfrey said that she was not sure that this definition speaks to everything that is allowed by the Ordinance. Commissioner Nixon said that, if this doesn't work, we can always change it. Ms. Godfrey said that Shelley Layden was present to speak. Ms. Layden said that, due to confidential matters pending, it would be best if she did not speak at this time. The Chairman asked if there were further questions from the Board and if there were any comments/questions from the public. There being none, the Chairman asked if he could proceed with the Department Head reports. County Attorney Crowe concurred.

HOMERIA JENNETTE, TELECOMMUNICATIONS

Ms. Jennette presented her monthly report. She also informed the Board that her staff had completed the 20-hour In-Line Services Training.

SUSAN CHANEY, SOCIAL SERVICES

Ms. Chaney presented her monthly report and an overview of the Department of Social Services Consolidation Study. In addition, Ms. Chaney informed the Board that Shirley Manley's appointment to the Social Services Board expires on June 30, 2011. She has forwarded her recommendation to reappoint Ms. Manley to the State. They meet on June 8th. She asked if the Board would reappoint Ms. Manley pending State approval. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously reappointed Shirley Manley to the Social Services Board for a three-year term effective July 1, 2011 pending approval from the State.

The Chairman closed the Public Hearings at 7:08 p.m. and proceeded with tonight's meeting.

AGENDA

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

CONSENT AGENDA

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

1. **Approval of Minutes:** May 2, 2011 Regular Meeting and May 18, 2011 Special Called Meeting
2. **Approval of Tax Releases** - none
3. **Personnel Matters**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Guy Cayton	Deputy – Certified	Certification	65/1	\$28,972	5/1/2011
Jonathon Coy Stevenson	EMT Fill-In	Appointment	63/1	\$12.75/hour	5/1/2011

4. Budget Amendments:

BUDGET AMENDMENT NO. 23
GENERAL FUND

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-420-040	County Manager - Professional	10,650	
10-345-008	Medicaid Hold Harmless	10,650	
EXPLANATION: To budget for Hazard Mitigation Plan - additional Land Use Plan Invoices - EMS Building Appraisal & Phase I Environmental for FY 2010-11.			

BUDGET AMENDMENT NO. 24
GENERAL FUND

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-500-540	Insurance & Bonds	61,775	
10-345-008	Medicaid Hold Harmless	61,775	
EXPLANATION: To budget Perquimans County's part of Hospitalization Plan deficit for FY 2010-11 (\$49,650), pay increased unemployment amount from Employment Security (\$9,925), and also increased Workers Comp for Fire Depts. (\$2,200).			

5. Board Appointment:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Griffin, James	Senior Tarheel Regional Advisory Board	Reappointment	1 year	7/1/11

FRANK HEATH, TAX ADMINISTRATOR

Mr. Heath presented his monthly report.

PRESENTATION OF FY 2011-2012 BUDGET MESSAGE

County Manager Darden presented the following FY 2011-2012 Budget Message to the Board.

June 6, 2011

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

I respectfully submit the proposed budget for Perquimans County for the Fiscal Year 2012 (FY 2012). 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 2012 for Perquimans County.

Fiscal Year 2011 was a very difficult budget year for Perquimans County and I expect FY 2012 to be more of the same. In addition to normal operating challenges stemming from poor economic conditions, the County is faced with several needed capital projects that have been in the planning stages. The time has come to move forward with these projects, which will have an impact on next year's budget.

The FY 2012 budget proposes a two cent tax increase, which would increase the ad-valorem property tax rate from \$0.42/\$100 value to \$0.44/\$100 value. With this proposed increase, the typical County homeowner would experience an annual increase of approximately \$35 per year in their County property taxes when considering the value of their home and vehicles. As compared below, Perquimans County will still have a very favorable tax rate compared to other Northeast North Carolina counties:

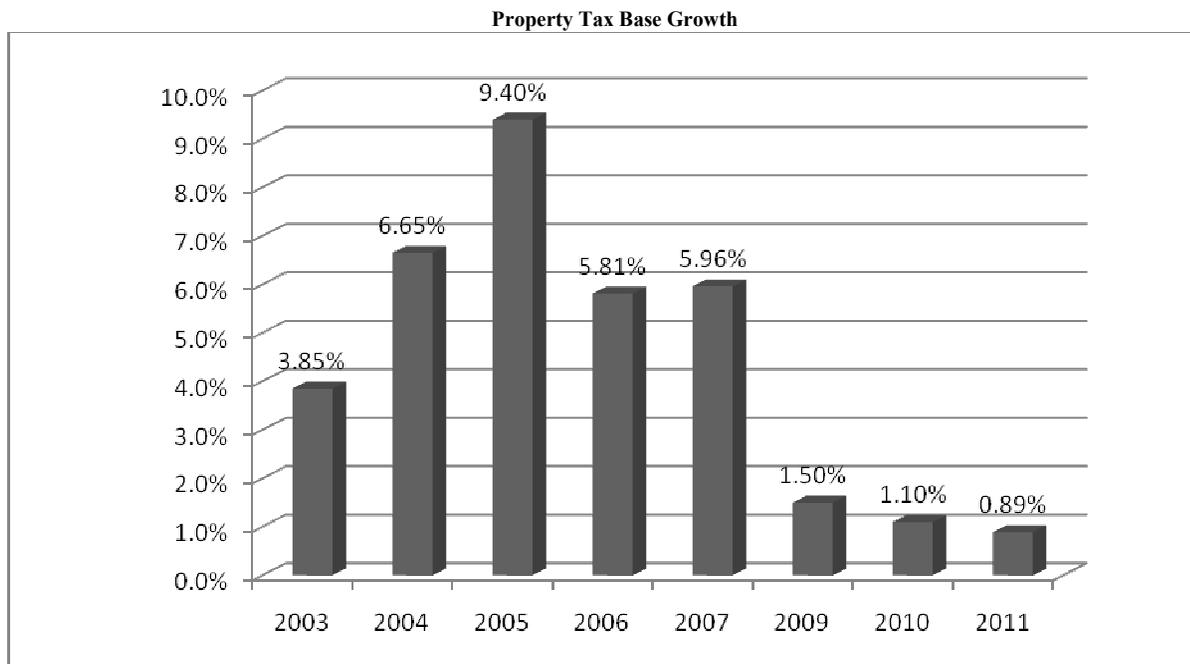
County	FY 2011 Tax Rate (per \$100 value)
Camden County	\$0.59
Chowan County	\$0.685
Gates County	\$0.64
Pasquotank County	\$0.605

General Fund Budget Summary

The General Fund budget is \$12,240,096 for 2012, which is \$369,593 (or 3.0%) more than the current year, but still below the FY 2010 budget of \$12.6 million. General Fund requests from all sources totaled \$12,896,207, which is approximately \$650,000 more in expenses than expected revenues, even after including the additional revenues from the proposed tax increase. To fully fund all budget requests would require a six cent tax increase.

General Fund Revenues

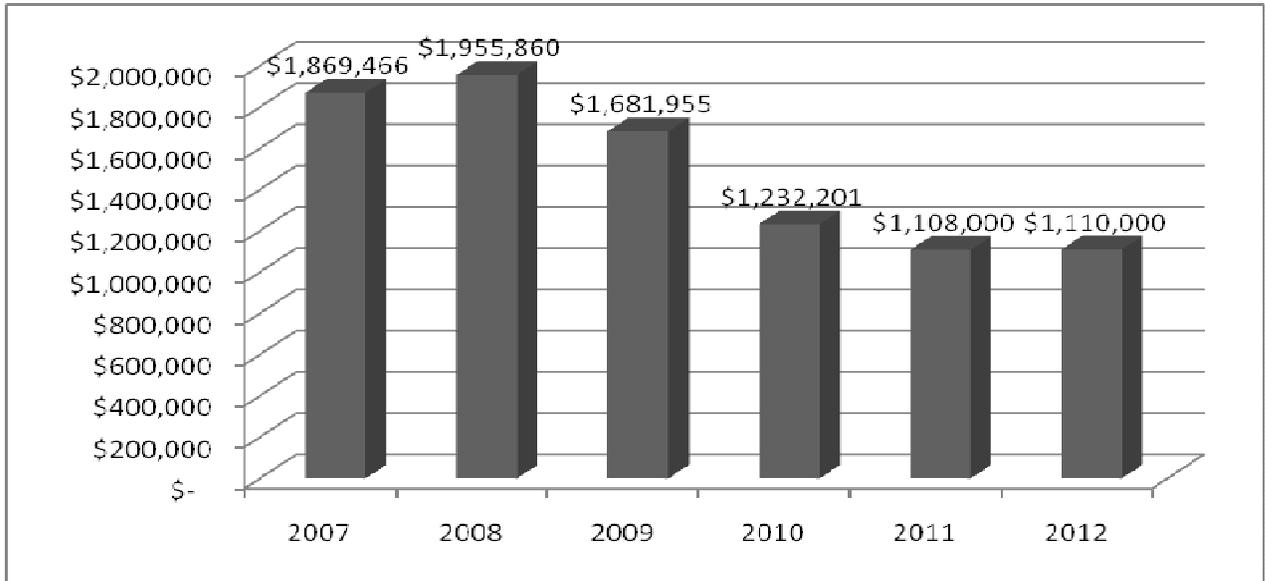
Property taxes account for the vast majority of general fund revenues. Before 2009, Perquimans County's property tax base experienced substantial annual growth mainly due to housing construction and land development for subdivisions, and therefore the County could count on several hundred thousand dollars of additional ad-valorem property taxes each year to fund annual increases for departmental and agency needs. The chart below depicts annual tax base growth for the past several years. FY 2008 has been omitted from the chart since that was a revaluation year.



As you can see, the increase in estimated property tax base growth is less than 1% for next fiscal year, which is less than each of the previous two years. With no tax increase, this would result in only \$45,000 in additional ad-valorem revenues from tax base growth.

Sales tax revenues are the second largest source of County general fund revenues. Sales tax revenues are project to remain essentially the same as the expected current year revenues. FY 2012 revenues are over 40% less than FY 2008's revenues. The following chart indicates how revenues have declined over the past several years.

County Sales Tax Revenues



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 the current FY 2011 are the lowest in 12 years, with no growth budgeted for next year. Building Inspection Fees and Register of Deed Fees are also the lowest in over a decade. In fact these two fees combined decreased by 25% from FY 2010 to FY 2011, again with no growth projected for next year.

General Fund Expenses

Departmental operating budgets remain essentially unchanged from the current budget year. Some capital purchases have been delayed in order to help balance the budget, such as replacement of an EMS ambulance and Building Inspections vehicle. Travel budgets for each department keep the 20% reduction that was put in place in the current fiscal year. By way of comparison, the five largest General Fund expenses by department or agency are as follows:

Department/Agency	Proposed FY 12 Funding	% of Total GF Budget
Perquimans County Schools	\$3,079,980	25.2%
Social Services	\$2,176,031	17.8%
Sheriff Department	\$952,871	7.8%
Albemarle District Jail	\$839,590	6.9%
Emergency Medical Services	\$728,715	6.0%

School Funding

As presented by the Board of Education and school staff earlier this spring, the Perquimans County School System faces major reductions in State and Federal funding for next fiscal year. Depending on the final State budget, the funding levels from those sources could be reduced to levels from 10 years ago.

The Perquimans County School System has requested increases of \$257,463 from the County in Local Current Expense and \$18,204 in Capital Outlay for next fiscal year. Compared to Fiscal Year 2011, this is a 12% increase in Local Current Expense and a 9% increase in Capital Outlay. Most of the requested increase in Local Current Expense is associated with funding school instructional positions.

The proposed FY 2012 County budget has no increases for either Local Current Expense or Capital Outlay.

Building and Facility Initiatives

There are three separate building and facilities initiatives that will have an impact on next year’s budget. The most immediate need and largest impact for the coming year will be the purchase and renovation of the Albemarle Electric Building. The County will need to obtain a loan in the coming months for this purpose. In order to fund the project, the budget proposes to allocate \$165,000 in General Fund monies and \$147,000 of reserve 911 funds in addition to loan proceeds. The general funds monies that are allocated to that fund next year will thereafter be allocated to make the loan repayment, which is anticipated to be a 10 year loan. This project has been planned for years and is absolutely necessary to advance emergency services in Perquimans County. The building will provide space for Emergency Medical Services, 911 Communications, and Emergency Management. The total project budget is expected to be approximately \$1.3 million.

The proposed budget for next year also allocates \$75,000 for the acquisition and some renovations to the Perquimans 20/20 building for a new Senior Citizens facility. This funding should allow for the Seniors Citizens department to occupy that building in the next budget year, but additional future funding will be needed to completely renovate the space and add the necessary amenities for the Senior Center. The existing facility has served the County well, but we’ve simply out-grown that space.

The last building initiative includes funding for professional services in the amount of \$7,500 for site planning for the Perquimans County Library. The Library Board has done their research and presented their plan to build a new library in Perquimans County. This funding is the next step in that process.

Capital Outlay

Other than normal replacement of electronic items such as computers and copy machines, the only major capital items including in the FY 2012 budget are the replacement of three Sheriff Department vehicles. One of these vehicles will be transitioned to the EMS department to replace their existing zone car.

Personnel

The proposed FY 2012 budget contains no salary increase or merit increases for County employees. The budget proposes to continue to fully cover the cost of employee health insurance. The health insurance costs are increasing by approximately 22% to the County for employees’ premiums. This totals an \$110,000 increase to the County’s General Fund. The North Carolina Local Government Employees Retirement System has increased the employers’ contribution from 6.41% to 6.99% for the employee, which is a total cost of \$15,000 of additional retirement benefit paid by the County in order to continue participating in that retirement system.

Other Noteworthy Increases

- Increase in Loan Payment for Albemarle District Jail of \$75,000, which reflects Perquimans County’s 21% portion of the first full year of principal and interest payments on the two loans for that project
- Increase in Albemarle District Jail operating budget expenses of \$160,000 more than the original budget from FY 2011
- Increase the part time hours for 911 Communications to allow for 2 telecommunicators to be on duty 24 hours a day to meet a future North Carolina 911 Board statewide mandate
- Increase East Carolina Behavioral Health requested increase of \$1 per capita to \$2 per capita for all participating counties
- Increase the County’s portion of the NC Forestry Service by approximately \$3,000 to allow for the replacement of the County Ranger’s vehicle, the replacement of which was delayed from the current year’s budget
- Increase of approximately \$1,500 in the Tri-County Animal Shelter budget to cover the administrative fees of Chowan County
- Increase of \$9,000 for 911 Communication tower maintenance items
- Increases in employee benefits of \$125,000, including health insurance and retirement system participation

Water Fund

The water fees, including connection charges and consumption charges, are proposed to remain unchanged for FY 2012. The County will begin its first loan repayment of \$75,000 for the Winfall Water Plant improvements. This is an America Recovery and Reinvestment Act funded project that was half grant and half 0% loan. However, there will be a net decrease in debt service payments next year since the

County has fully paid the loan for the Bethel Water Plant expansion and renovations. With the decrease in total debt service payments, the County will be able to transfer the savings to a reserve construction fund, which can be used to offset future capital projects. The major initiative in the water fund for next year is the completion of the membrane softening pilot project for the Bethel Water Plant. This study will determine if the County can use membrane filtration to soften the drinking water in lieu of using salt, which could net significant operating savings and satisfy future regulatory requirements.

Solid Waste Fund

The solid waste fees of \$120 per year are proposed to remain unchanged in the coming budget year. This fee covers the cost of operating the 5 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.

Conclusion

The poor economy continues to take its toll on the County budget. With no expected significant growth in the tax base and continued stagnant economy-based revenues, there is no financial improvement expected in FY 2012. A tax increase is necessary to move forward with the capital projects that have been planned for years. The County’s reserve fund balances are solid, but not strong enough to accomplish these projects without a tax increase. Even with a 2 cent tax increase, Perquimans County still will have one of the lowest tax rates in the State of North Carolina.

I’d like to thank the Department Heads for their stewardship in this budget process and their consideration of the decline 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, Frank Heath 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 27, 2011, at 7:00 p.m. in the Annex Second Floor Courtroom for public comment and to consider adoption of the budget.

Submitted by:

Bobby C. Darden
County Manager/Budget Officer

COMMISSIONER’S CONCERNS/COMMITTEE REPORTS

There were no Commissioners Concerns/Committee Reports.

UPDATES

County Manager Darden updated the Board on the following projects:

Water System Projects:

➤ **Bethel Water Treatment Plant:** County Manager Darden explained that they are cautiously optimistic about the pilot RO Project at the Bethel Water Treatment Plant.

Jail Project: Commissioner Muzzulin presented his report from the Albemarle District Jail May 16, 2011 meeting. He stated that they had reduced the budget and that they now only have 40 Federal prisoners – a drop from 58.

Tri-County Animal Shelter Memorandum of Agreement Draft

County Manager Darden explained that the three counties needed to meet again to discuss the draft Tri-County Animal Shelter Memorandum of Agreement. In addition to finding out how they will handle the buy-in funds if a County drops out of the program Commissioner Muzzulin had some questions about Item C. It was the consensus of the Board to table this matter.

BOARD APPOINTMENTS

Adult Home Care Advisory Committee The Board has been working on filling the vacancy of Celia Griffin since March. Evelyn Mansfield has expressed an interest in serving on this committee. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously appointed Evelyn Mansfield to the Adult Home Care Advisory Committee to complete Celia Griffin’s term which expires on February 28, 2012.

Inter-Agency Council: County Manager Darden explained that the Inter-Agency Council for the Juvenile Crime Prevention Council is usually presented at the same time the Budget is approved. Mr. Higgins failed to include this with his Budget request approval. The following individuals have been recommended for appointment:

Juvenile Crime Prevention Council Members					
1.	Dr. Dwayne Stallings, Superintendent	11.	Janice McKenzie Cole, Commissioner	21.	Leo Higgins, Non-Profit
2.	Joe Amos, Chief Hertford Police	12.	Jennifer Shriver, Under Age 18 Megan Smith, Under Age 18	22.	Clayton Griffin, Director Restitution/Mentor Program
3.	Eric Tilley, Sheriff	13.	Juvenile Defense Attorney*	23.	Peter LeRoy, 20/20 Chairman
4.	District Attorney or designee*	14.	Honorable J.C. Cole, District Judge	24.	Rebecca Martin, Alternate Education Counselor
5.	Sheri Ellington, Chief Court Counselor	15.	Hattie Sharp, Business Community	25.	Eva Anderson, Court Counselor
6.	Tracey Webster, Director, AMH/DD/SA, or designee	16.	Jessica Wilson, Child Services	26.	Gail White, Hertford Housing
7.	Susan Chaney, Social Services	17.	Janet Stone-Nielsen, Albemarle Hope Line	27.	Clarence Barnes, Court Counselor
8.	Bobby Darden, County Manager	18.	Howard Williams, Recreation Director	28.	
9.	Substance Abuse Professional	19.	Fondella Leigh, Director, Detention Center	29.	
10.	Rev. Anne Vaughn, HOPC CDC Director	20.	Latoria Johnson, School Social Worker		<i>*not available</i>

The Chairman asked if there were any questions or comments. The following questions and/or comments were made:

- Commissioner Miller-White asked why they did not have someone appointed for the Substance Abuse Professional since the School System has started a Substance Abuse Program at the school that seems to be working well.
- Commissioner Cole said that Judge J.C. Cole is no longer a District Judge so they would need to appoint someone else.

On motion made by Janice McKenzie Cole, seconded by Edward R. Muzzulin, the Board unanimously approved the appointment of the above individuals from #19 through #27 for a one-year term effective July 1, 2011 with verification from Leo Higgins of the District Judge, Substance Abuse Professional, and #28-#29 appointees.

CENSUS DISCUSSION

For information purposes, County Manager Darden explained that the Board has until June 1, 2013 to challenge the 2010 Census counts.

SURPLUS VEHICLE BIDS

Frank Heath explained that two people who bid on the surplus bids did not pay. Therefore, they rebid the following vehicles and received the following bids:

BUYER	VEHICLE	START BID	SOLD AMOUNT	GOVDEALS FEE	NET RESULTS	NUMBER OF BIDS
Augustine Nworah	2005 Nissan Maxima	\$300.00	\$4,025.00	\$201.25	\$3,823.75	55
Benjamin Vereen	2004 Ford Crown Victoria	\$250.00	\$1,475.00	\$73.75	\$14,01.25	30
TOTALS		\$550.00	\$5,500.00	\$275.00	\$5,225.00	

LEASE AGREEMENT FOR USDA SERVICE CENTER

For information purposes, County Manager Darden updated the Board on the Lease Agreement for USDA Service Center and that we have requested an extension to June 30, 2011 to complete the required paperwork.

PLANNING BOARD ITEMS

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

Administrative Text Amendment No. TXT-11-01: A Public Hearing was held earlier in the meeting. Considering the following Policy Guidelines to support the motion, Sue Weimar made a motion, to approve Administrative Text Amendment No. TXT-11-01 (Ordinance No. 78), to amend Article XIII, Section 1302 of the Zoning Ordinance to establish special guidelines and approval criteria for zoning text amendments and related reformatting to retain the existing guidelines used for zoning map amendments. **(See Attachment A – Ordinance No. 78)**

- 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 Edward R. Muzzulin and unanimously approved by the Board.

Administrative Text Amendment No. TXT-11-02: A Public Hearing was held earlier in the meeting. Considering the following Policy Guidelines to support the motion, Sue Weimar made a motion, to approve Administrative Text Amendment No. TXT-11-02 (Ordinance No. 79), to amend Articles VI, VIII, IX, XI, XVIII and XXIV of the Zoning Ordinance to establish standards, conditions and procedures for “Solar Energy Systems” as a Conditional Use on the RA Zone and as a Permitted Use in the IL and IH Industrial Zones and remove typographical errors and to utilize recent page numbering system. **(See Attachment B – Ordinance No. 79)**

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

AMERICAN RED CROSS SHELTER AGREEMENT

The American Red Cross has requested that the Board consider the Shelter Agreement for the Perquimans County Recreation Center and the Albemarle Commission Center to be used as a Shelter Facility in the time of an emergency. Mr. Darden explained that these are secondary shelters if needed and that the Perquimans County Middle School was the primary shelter. The Board of Education will have a separate agreement with the American Red Cross for the Middle School. Commissioner Weimar asked about the section stating the cost of food reimbursement and asked if we had food at these locations. Mr. Darden said that this was primarily for the Middle School Shelter. Commissioner Nixon asked about protecting the windows in the Rec Center meeting room. Mr. Darden said that Jarvis Winslow, Emergency Management Coordinator, purchase plywood cut to size to be placed on the windows with special clips. On motion made by Edward R. Muzzulin, seconded by Sue Weimar, the Board unanimously approved the American Red Cross Shelter Agreement for the Recreation Center and Albemarle Commission.

WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

County Manager Darden explained that this Contract was for 20-years and for \$150,000 gallons of water per day. The Board made the following comments before taking any action:

Commissioner Weimar: She asked that Exhibit “B” be cleaned up with regard to the “maintenance & capital reserve fund”. She feels that it needs to be spelled out more.

Commissioner Nixon: He questions recital #5 with regard to whether or not it was necessary since it include in another portion of the contract. He feels that it might cause come confusion.

Commissioner Miller-White: Ms. Miller-White asked if some wording that the Board has asked for regarding the Term of Contract – item #7 had been left out.

Commissioner Muzzulin: Mr. Muzzulin asked when the contract would start.

Commissioner Cole: Ms. Cole asked about item #3 regarding the failure of Pasquotank County to be unable to supply the water to Perquimans County and that Pasquotank County will be excused from this requirement. She wanted to know, what if Perquimans County had a problem and could not receive the water will we have the same benefit?

County Manager Darden and County Attorney High addressed some of the issues. Because there is not rush to get this approved, the Board tabled the matter until these items have been discussed and resolved with Pasquotank County.

APPOINTMENT: MEDICAL DIRECTOR FOR EMS

County Manager Darden notified the Board that our current Medical Director, Dr. Roger Gallant, is planning on leaving the area and will have to step down as our Medical Director. It is the recommendation of the Perquimans County EMS Peer Review Committee to appoint Dr. Gregory Howell to replace Dr. Gallant as our Medical Director effective June 1, 2011. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the recommendation and appointed Dr. Gregory Howell as the County’s EMS Medical Director effective June 1, 2011.

RESOLUTION: OPPOSING HB 635 OR ANY LEGISLATION CHANGING CURRENT TRANSPORTATION FUNDING EQUITY FORMULA

County Manager Darden explained that Albemarle Rural Planning Organization has requested the Board adopt a Resolution opposing HB635 or any legislation changing current transportation funding equity formula. On motion made by Mack E. Nixon, seconded by Sue Weimar, the Board unanimously approved the following Resolution:

RESOLUTION OPPOSING HB 635 OR ANY LEGISLATION CHANGING THE CURRENT TRANSPORTATION FUNDING EQUITY FORMULA

WHEREAS, the North Carolina General Assembly created the Equity Formula for distribution of transportation dollars in 1989 as part of the creation of the Highway Trust Fund; and

WHEREAS, the Equity Formula applies only to Highway Trust Fund revenues for the intrastate highway system, secondary road improvement and Powell Bill funds for municipalities; and

WHEREAS, the Equity Formula has been a fair and reasonable way to share limited transportation resources across North Carolina's 14 Highway Divisions for over twenty years; and

WHEREAS, metropolitan highway divisions already receive more money through the Equity Formula than rural divisions because half of the money is allocated per capita; and

WHEREAS, metropolitan divisions also receive additional transportation resources apart from those distributed through the Equity Formula, including Urban Loop Funds, Congestion Mitigation and Air Quality Compliance funds; and

WHEREAS, proposed legislation that would change the Equity Formula to place more emphasis on population and less on intrastate road improvements will tend to harm the rural Highway Divisions; and

WHEREAS, Eastern North Carolina lags behind in transportation resources and continues to have significant unmet transportation needs;

THEREFORE BE IT RESOLVED, that the Perquimans County Board of Commissioners strongly opposes HB 635 or any other legislation that would change the Equity Formula to shift money from the rural Highway Divisions to the metropolitan Highway Divisions.

Adopted this the 6th day of June, 2011 in Perquimans County, North Carolina.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

Attested by:

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

BOARD APPOINTMENTS

Action was taken on the following Board appointments:

➤ **Local Library Board:** The Library Board will make a recommendation after their June 8th meeting. Mr. Koehl has agreed to serve another term but Mr. Winslow does not have the time to continue to serve. The Board tabled this appointment until the Library Board can make a recommendation.

➤ **Historic Hertford, Inc.:** Commissioner Appointee, Dave Goss' term expires June 30th and Ed Muzzulin's private term is due to expire June, 2012. Mr. Muzzulin is not eligible to serve another term in this capacity. He could serve as a Commissioner Appointee and Mr. Goss could complete Mr. Muzzulin's term. Mr. Goss said that he was willing to do whatever the Board recommends. On motion made by Janice McKenzie Cole, seconded by Edward R. Muzzulin, the Board unanimously reappointed Dave Goss as the Commissioner Appointee for another three-year term effective July 1, 2011.

➤ **Recreation Advisory Board:** Ricky Stallings has missed a number of meetings and is not eligible to serve again. The Advisory Board has no recommendation at this time but will meet this month to discuss this matter. Mr. Proctor, Mr. Colson, and Commissioner Miller-White are interested in continuing to serve on this Advisory Board. On motion made by Mack E. Nixon, seconded by Ed Muzzulin, the Board unanimously reappointed Jeff Proctor, Conrad Colson, and Commissioner Miller-White to the Recreation Advisory Board for a three-year term effective July 1, 2011. The replacement for Ricky Stallings was tabled until we receive a recommendation from the Recreation Advisory Board.

➤ **Senior Citizens Advisory Board:** We have just been notified that Delores Battle is moving to Charlotte, NC and is resigning from the Senior Citizens Advisory Board. From the Volunteer Applications we have on file, the Board appointed Pam Hurdle to complete Ms. Battle's term which is due to expire on January 31, 2013. The Board asked Mary Hunnicutt to contact Ms. Hurdle to verify that she is still interested in serving. On motion made by Janice McKenzie Cole, seconded by Sue Weimar, the Board unanimously appointed Pam Hurdle to the Senior Citizens Advisory Board, effective July 1, 2011, to complete Ms. Battle's term which expires on January 31, 2013 pending verification by Mary Hunnicutt of her acceptance.

➤ **Board of Adjustments:** In addition to the Senior Citizens Advisory Board, Ms. Battle serves on the Board of Adjustments. Therefore, we have a vacancy on that Board. This appointment was tabled until the Alternates to the Board of Adjustments have been contacted to see if they are interested in moving to member status.

DEPUTY COMP TIME PAY

County Manager Darden is requesting to pay all deputies down to 240 hours of comp time. As of April 30, 2011, five deputies have accumulated a total of 534.25 comp hours above 240. The majority of their comp time is comprised of transports, mandated court on their scheduled days off, and/or in-service training. The Sheriff's Department budget will be able to handle this due to a vacant investigator position for several months. The amount of money that this would entail is as follows:

Salary	\$8,281.38
FICA	633.53
Retirement	944.91
TOTAL COST:	\$9,859.82

On motion made by Tammy Miller-White, seconded by Sue Weimar, the Board unanimously approved the paying down of the deputy's comp time as given above.

CONTRACT: PERQUIMANS COUNTY PESTICIDE CONTAINER RECYCLING PROGRAM GRANT

County Manager Darden explained that the County has been awarded the \$1,033.00 Structural Pest Control & Pesticides Division Grant. There is no county match. He presented the following contract for Board action:

STATE OF NORTH CAROLINA
COUNTY OF WAKE

North Carolina Department of Agriculture and Consumer Services
Structural Pest Control and Pesticides Division

CONTRACT # _____

Perquimans County Pesticide Container Recycling Program

Departmental Use Only	
CENTER: _____	6137
ACCOUNT: _____	536401
CFDA/OTHER: _____	PETF
AMOUNT: _____	\$1,033.00

This Contract is hereby entered into by and between the North Carolina Department of Agriculture and Consumer Services, Structural Pest Control and Pesticides Division, Pesticide Section (the "Agency"), and Perquimans County (Grantee), and referred to collectively as the "Parties". The Grantee's federal tax identification number is 56-6000330 and is physically located in Perquimans County, and is further located at 128 North Church Street, Hertford, NC 27944. Financial assistance provided by the Pesticide Environmental Trust Fund for this contract shall be used for the project titled Perquimans County Pesticide Container Recycling Program, and for the purpose of enhancing its pesticide container recycling program.

The Grantee's fiscal year begins July 1 and ends June 30.

On an annual basis, the Agency may extend this Contract, in writing by the Agency, for the purposes of a time extension and to incorporate any other changes that may be appropriate due to changes in applicable rules and regulations, policies and procedures.

1. Contract Documents:

This Contract consists of the following documents:

- (A) The General Terms and Conditions (Attachment A)
- (B) The Scope of Work, Grantee's Duties, or Grantee's Proposal (Attachment B)
- (C) The Line Item Budget and Budget Narrative (Attachment C) (if applicable, Indirect Cost Documentation)

These documents constitute the entire agreement between the Parties and supersede all prior oral or written statements or agreements.

2. Precedence Among Contract Documents:

In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Contract Amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

3. Effective Period:

This contract shall be effective on May 12, 2011 and shall terminate on June 30, 2012, with the option to extend, if mutually agreed upon, through a written amendment as provided for in the General Terms and Conditions as described in Attachment A.

4. Grantee's Duties:

The Grantee shall provide the services as described in Attachment B, continue to train and educate individuals who will be inspecting pesticide containers at collection sites, and private and commercial pesticide applicators, provide leadership to the marketing of the pesticide container recycling program, be the contact organization for the program, conduct an evaluation of the program, and develop reports for North Carolina Department of Agriculture and Consumer Services, and in accordance with the approved budget in Attachment C.

5. Agency's Duties:

The Agency shall pay the Grantee in the manner and in the amounts specified in the Contract Documents. The total amount paid by the Agency to the Grantee under this contract shall not exceed \$1,033.00. This amount consists of \$1,033.00 in State funds.

There are no matching requirements from the Grantee.

The total contract amount is \$1,033.00.

6. Conflict of Interest Policy:

The Agency has determined that the Grantee is not subject to N.C.G.S. 143C-6-23(b).

7. Statement of No Overdue Tax Debts:

The Agency has determined that the Grantee is not subject to N.C.G.S. 143C-6-23(c).

8. Reversion of Unexpended Funds:

Any unexpended grant funds shall revert to the Agency upon termination of this Contract.

9. Reporting Requirements:

The Agency has determined that the Grantee is not subject to N.C.G.S. 143C-6-23.

10. Payment Provisions:

Upon execution of this Contract, the Grantee may request and, upon approval by the Agency, receive an advance of no more than eighty percent (80%) of the total operating expenses. The final payment or the remaining twenty- percent (20%) of the total funding shall be made upon receipt of a final program report and a final financial report, which has been received by the Contract Administrator. The Agency shall have no obligation for payments based on expenditure reports submitted later than 60 days after termination or expiration of the Contract period. However, if federal funds have been approved for an advance, any excess or unearned federal funds advanced must be returned to the Agency no later than the expiration date of the Contract or settled with the submission of the final expenditure report. If this Contract is terminated prior to the end of the Contract period, the Grantee is required to settle or return any State funds advanced within 60 days of the termination date or June 18, whichever occurs first. If the Contract extends beyond June 30, a settlement of State funds can be made during the subsequent month of July and settlement of these State funds must occur at the end of the Contract period, or by June 18 of the following year, whichever occurs first. All payments are contingent upon fund availability.

11. Contract Administrators:

All notices permitted or required to be given by one Party to the other and all questions about the contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Agency:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Dr. Henry Wade, Env. Programs Manager Structural Pest Control and Pesticides Division 1090 Mail Service Center Raleigh, NC 27699-1090 Telephone: 919-733-3556 Email: Henry.Wade@ncagr.gov	2109 Blue Ridge Rd Raleigh, NC 27607

For the Grantee:

IF DELIVERED BY US POSTAL SERVICE	IF DELIVERED BY ANY OTHER MEANS
Bobby C. Darden, County Manager Perquimans County PO Box 45 Hertford, NC 27944 Telephone: 252-426-8484	128 North Church Street Hertford, NC 27944

12. Supplementation of Expenditure of Public Funds:

The Grantee assures that funds received pursuant to this contract shall be used only to supplement, not to supplant, the total amount of federal, state and local public funds that the Grantee otherwise expends to implement a pesticide container recycling program. Funds received under this contract shall be used to provide additional public funding for such services; the funds shall not be used to reduce the Grantee's total expenditure of other public funds for such services.

13. Disbursements:

As a condition of this Contract, the Grantee acknowledges and agrees to make disbursements in accordance with the following requirements:

- a. Implement adequate internal controls over disbursements;
- b. Pre-audit all vouchers presented for payment to determine:
 - Validity and accuracy of payment
 - Payment due date

- Adequacy of documentation supporting payment
 - Legality of disbursement
- c. Assure adequate control of signature stamps/plates;
 - d. Assure adequate control of negotiable instruments; and
 - e. Implement procedures to insure that account balance is solvent and reconcile the account monthly.

14. Outsourcing:

The Grantee certifies that it has identified to the Agency all jobs related to the Contract that have been outsourced to other countries, if any. Grantee further agrees that it will not outsource any such jobs during the term of this Contract without providing notice to the Agency.

15. N.C.G.S. § 133-32 and Executive Order 24:

N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any Department of Agriculture and Consumer Services employee of any gift from anyone with a contract with the Department, or from any person seeking to do business with the Department. By execution of any response in this procurement or Contract, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been made, offered, or promised by any employee of your organization.”

16. Signature Warranty:

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this Contract.

Perquimans Pesticide Container Recycling Program

Signature of Authorized Representative	6/6/2011
	Date
Benjamin C. Hobbs, Perquimans County Board of Commissioners	Chairman
Printed Name	Title

WITNESS

Signature	Date
Mary P. Hunnicutt, Perquimans County Board of Commissioners	Clerk to the Board
Printed Name	Title



North Carolina Department of Agriculture and Consumer Services

Signature of Authorized Representative	Date
N. David Smith, Chief Deputy Commissioner	
Printed Name of Authorized Representative	

CONTRACT NUMBER: _____

On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved this contract for the \$1,033.00 Grant.

PROPOSAL: 2011 GENERATOR MAINTENANCE FOR 5 COUNTY GENERATORS

County Manager Darden informed the Board that it is time to renew the Generator Maintenance for 5 County Generators Contract with Bitting Electric, Inc. The cost is \$2,720.00. This contract is required to qualify for Bitting Electric’s “Emergency Generator Agreement” at no annual cost (unless the County requests a generator). On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved the following contract with Bitting Electric, Inc.:

PROPOSAL
 BITTING ELECTRIC, INC.
 508 OLD APEX ROAD
 CARY, NORTH CAROLINA 27511
 (919) 467-9417
 FAX (919) 481-1582

PROPOSAL SUBMIT: Perquimans County **DATE:** March 11, 2011 **PHONE:** (252) 426-8484

STREET: PO Box 45 - 128 North Church Street **JOB:** 2011 Generator Maintenance for 5 County Generators

CITY, STATE AND ZIP: Hertford, NC 27944 **JOB LOCATION:** _____

CONTACT: Bobby C Darden **FAX NUMBER / E MAIL :** 252) 426-4034 / bdarden@perquimanscountync.gov

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR:

We are pleased to quote the following generator maintenance on five (5) generators. We are quoting two (2) total trips in a calendar year for each station and one (1) oil change

\$ 2,720.00

The following generators will be covered by this agreement:

- 35kW Onan
- 17.5kW Generac
- 8kW Kohler
- 45kW Caterpillar
- 20RES Kohler

NOTE: Customers who have active generator maintenance agreements with Bitting Electric have priority for emergency service

We propose hereby to furnish labor and material – complete in accordance with the above specification for the sum of: TWO THOUSAND SEVEN HUNDRED TWENTY AND 00/100 Dollars: (\$2,720.00)

Payment to be made as follows: IN 30 (Thirty) Days From Date of Bill

All material is guaranteed to be as specified. All work to be complete in a workman like Manner according to standard practices. Any alteration of deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accident or delays are beyond our control. Owner or Prime Contractor (other than Bitting) to carry fire, tornado, flood, casualty, builders risk and other necessary insurance and to provide a safe work place. Unless specifically stated otherwise in this agreement. Bitting Electric, Inc. shall be paid additional sums if Bitting Electric, Inc. incurs any of the following costs including, but not limited to: cost of repair to damage not caused by Bitting Electric, Inc., bond or bonds, identification, removal or disposal of hazardous materials and cost of permits. Our workers are hereby covered by Workman’s Compensation Insurance. Interest will accrue on all sums past due at the rate of 1.5% per month (18% annual percentage rate). In the event that an attorney is retained to collect past due sums or resolve disputes, then the debtor agrees to pay Bitting Electric, Inc. reasonable attorney fees, plus interest at the above rate and all collection and court costs.

NOTE: This proposal may be withdrawn by us if not accepted with 30 days. Authorized Signature: _____

Acceptance of Proposal – The above prices, specification and conditions are Satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above. Signature: _____

Date of Acceptance: _____ Signature: _____

ANNUAL LEASE AGREEMENT: ALBEMARLE COMMISSION

County Manager Darden explained that it is time to renew the annual lease agreements with Albemarle Commission. The existing rate is \$9/square foot and the recommended rate is \$10.50/square foot. Mr. Darden presented the following itemized list showing the annual costs for the Buildings:

<u>Albemarle Commission Building</u>	<u>FY 10/11 Expenses</u>		
Housekeeping Staff (Salary & Benefits)	\$28,593		
Water/Sewer/Electric	12,304		
Natural Gas	3,717		
Solid Waste	420		
Mowing & Landscaping	2,513		
Maintenance & Repairs (7.5% of total)	5,625		
Supplies	1,198		
Property Insurance (7.5% of total)	6,501		
Total Cost	<u>\$60,871</u>		

Rentable Area	Cost/SF
5,899	10.32

On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved Mr. Darden’s recommendation of increasing Albemarle Commission’s rent to \$10.50 per square foot effective July 1, 2011. Commissioner Nixon stated that it would probably be advantageous to the County to move the housekeeper from Albemarle Commission to the AEMC Building when it is opened and contract out the maintenance of Albemarle Commission.

CERTIFICATION: PART-TIME EMT-I

On motion made by Edward R. Muzzulin, seconded by Sue Weimar, the Board unanimously approved the completion of EMT-I certification of James Grosjean effective June 1, 2011 at Grade 66/Step 1 a rate of \$14.56 per hour.

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

The Chairman explained that the Board needed to go into Closed Session for an Attorney/Client Consultation.

On motion made by Janice McKenzie Cole, seconded by Sue Weimar, the Board approved the motion to go into closed session for an Attorney/Client Consultation.

The Closed Session was adjourned and the Regular Meeting reconvened on motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, and unanimously passed. There was no action taken from the Closed Session.

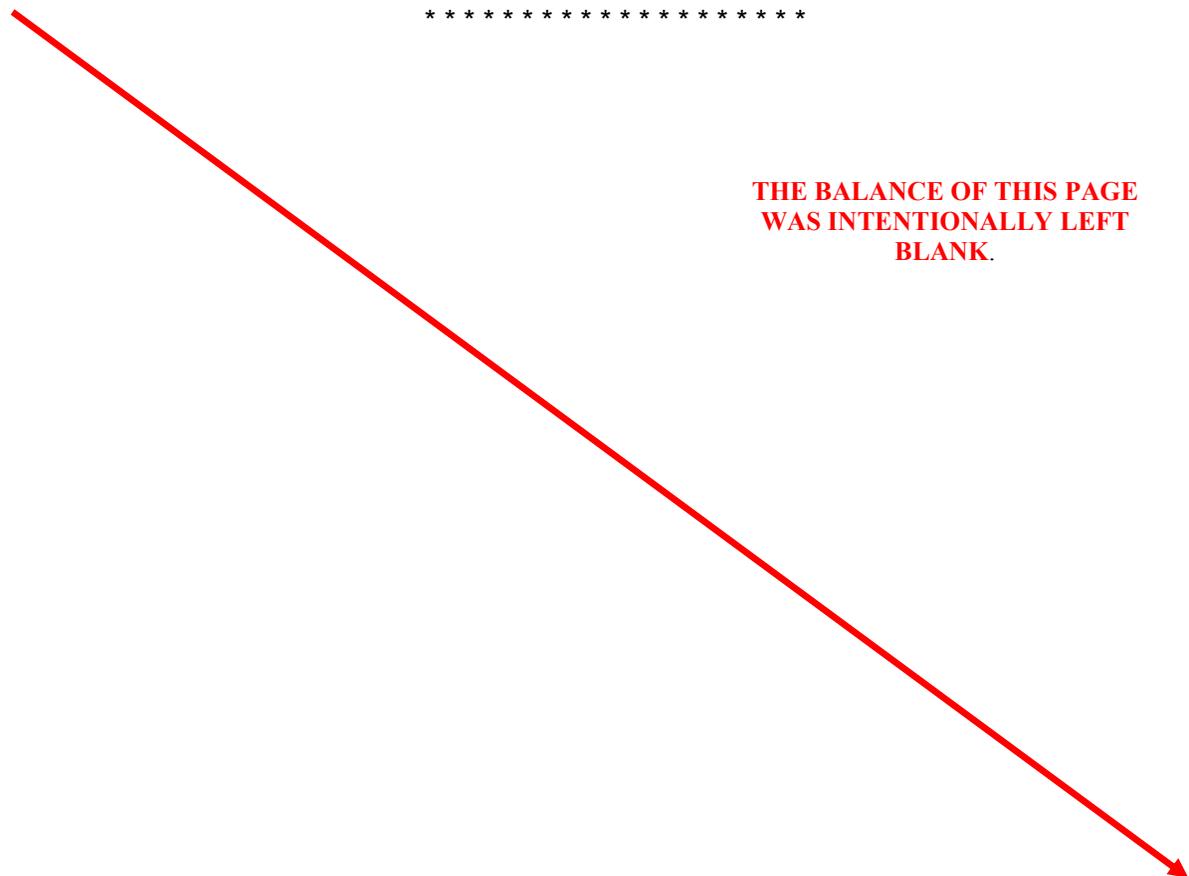
ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned by the Chairman at 8:45 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

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ATTACHMENT A

ORDINANCE NO. 78

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 XIII, SECTION 1302 TO ESTABLISH SPECIAL GUIDELINES AND APPROVAL CRITERIA FOR ZONING TEXT AMENDMENTS AND RELATED REFORMATTING TO RETAIN THE EXISTING GUIDELINES USED FOR ZONING MAP AMENDMENTS; 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 XIII, Section 1302 to establish special guidelines and approval criteria for Zoning Text Amendments and related reformatting to retain the existing guidelines used for Zoning Map Amendments thereof and by adding and substitution the following excerpt of Article XIII 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 6th day of June, 2011.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Benjamin C. Hobbs, Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: June 6, 2011

ARTICLE XIII. AMENDMENTS

Section 1301. Initiation of Amendments

A. The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify, or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the Board of County Commissioners through, and reviewed by, the Planning Board, which shall consider its merit and make a recommendation to the Board of County Commissioners. In no case shall final action by the Board of County Commissioners be taken on amending, changing, supplementing, modifying, or repealing the regulations or district boundaries hereby established until the Board of County Commissioners has held a public hearing.

- a. Proposed changes or amendments to the Perquimans County Zoning Atlas may be initiated by the Board of County Commissioners, Planning Board, County Administration, or by the owner(s), or his agent, of property within the area proposed to be changed. In the event that the party filing the petition is someone filing the same on behalf of the owner, such party shall attach his authority to execute said petition on behalf of the owner to the petition.
- b. Any interested party may initiate proposed amendments to the text of the Ordinance.
- c. No property will be accepted for a rezoning request within any zoning district unless and until an appropriate certification from the regional Health Department has been obtained and submitted along with the application for rezoning.

B. **Application:** An application for any amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary, and the names and addresses of the owner or owners of the property involved. Such application shall be filed not later than three weeks prior to the next meeting of the Planning Board unless the participation of the Technical Review Committee is

needed, in which case the applicant is advised to submit a completed application no less than three weeks prior to the next meeting of the Technical Review Committee.

- C. Hearing Required; Notice: The process for public hearing outlined in Article XXIII "Hearing Procedures for Appeals and Applications" shall be followed.
- D. Reapplication for Amendment: With the exception of requests originating with the Board of County Commissioners, Planning Board, or County Administration, an application for any rezoning of the same property or any application for the same amendment to the Zoning Ordinance text shall be permitted only once within any one year period. The Board of Commissioners, by eighty percent (80%) affirmative vote of its total membership, may waive this restriction if it finds any emergency exists.

Section 1302. Action by the Planning Board

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.

- A. The following policy guidelines shall be followed by the Planning Board and the Board of County Commissioners concerning zoning map amendments. No proposed zoning map amendment will receive favorable recommendation unless:
 - (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.
- 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 Planning Board shall render its recommendation on any properly filed petition within sixty (60) days after the introduction of such petition to the Planning Board and shall transmit its recommendation and report, including the reasons for its determinations, to the Board of County Commissioners.

Section 1303. Action by the Board of County Commissioners

Following the Planning Board's recommendation pursuant to Section 1302, above, the Board of County Commissioners shall call a public hearing for the next available regular evening meeting date, allowing time for advertising. Notice shall also be made by posting the property involved for a period of at least one (1) week prior to the hearing, and in accordance with Article XXIII.

Before taking such lawful action as it may deem advisable, the Board of County Commissioners shall consider the Planning Board's recommendations on each proposed zoning amendment. The proposed amendment shall be considered no earlier than (45) forty-five days after the completed petition has been filed. If no recommendation has been received from the Planning Board within sixty (60) days after the introduction of the completed petition to the Planning Board, the Board of County Commissioners shall deem the proposed amendment to have been positively recommended by the Planning Board.

The applicant, the Planning Board, and the Planning and Zoning Administrator shall be given written copies of the Board's decision and the reasons therefore.

Section 1304. Withdrawal of the Application

Any application submitted in accordance with the provisions of this Article for the purpose of amending the regulations or district boundaries established by this Ordinance may be withdrawn at any time, but fees are nonrefundable.

ATTACHMENT B

-Beginning of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-11-02
Perquimans County Zoning Ordinance
Articles VII, VIII, IX, XI, XVIII and XXIV
Establish Solar Energy System Requirements

Note: The attached Draft Ordinance begins with the draft dated 5-16-11 as reviewed by the Planning Board at their special meeting on 5-17-11.

- Additional Changes made during the Planning Board’s 5-17-11 meeting are also shown in single ~~strickthrough~~ and underline fashion (in other words, no distinction is made between original draft and the changes made by the Planning Board).
- Proposed changes made by County staff or Applicants since 5-17-11 are shown in ~~double strickthrough~~ and underline with bold type and yellow highlights and were made to reflect new information received today from Chowan County.
- Changes made during Sue Weimar’s motion are shown in ~~double with bold type~~ and blue highlights.

ORDINANCE NO. 79

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 ARTICLES VII, VIII, IX, XI, XVIII AND XXIV TO ESTABLISH STANDARDS, CONDITIONS AND PROCEDURES FOR “SOLAR ENERGY SYSTEMS” AS A CONDITIONAL USE IN THE RA, **RURAL AGRICULTURE** ZONES AND AS A PERMITTED USE IN THE **IL AND IH** INDUSTRIAL ZONES **AND TO REMOVE TYPOGRAPHICAL ERRORS AND UTILIZE THE RECENTLY APPROVED PAGE NUMBERING FORMAT**; 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 Articles VII, VIII, IX, XI, XVIII AND XXIV to establish standards, conditions and procedures for “Solar Energy Systems” as a Conditional Use in the RA, Rural Agriculture Zones and as a Permitted Use in the Heavy Industrial and the Light Industrial Zones **and to remove typographical errors and utilize the recently approved page numbering format** thereof and by adding and substitution the following excerpts of Articles VII, VIII, IX, XI, XVIII and XXIV attached hereto as Exhibits A, B, **and C, D, E and F** 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 6th day of June, 2011.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: _____
Benjamin C. Hobbs, Chairman

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Effective Date: June 6, 2011

Exhibit “A”

Section 702. Exceptions to Yard Requirements

- A. **Conditional Use Requirements Take Precedence: Area, yard and height requirements as specified in the issuance of a Conditional Use Permit shall take precedence over the area, yard and height requirements as set forth in Section 704, Table of Area, Yard and Height Requirements.**
- B. **Accessory Structure: An accessory structure (detached garage, storage building, swimming pool, etc.) to residential uses may be constructed provided that:**
 - (1) **It shall be located at least ten (10) feet away from any interior Side or Rear Lot Line;**
 - (2) **On a Corner Lot it shall be located at least twenty (20) feet away from the Secondary Front property line (abutting the side road);**
 - (3) **It shall not be located within a deeded drainage/utility easement as required by Albemarle Regional Health Services or Perquimans County; and**

Section 703. Exception to Height Requirements: Unless otherwise regulated by standards contained elsewhere in this Ordinance and other codes and regulations, certain structures and necessary mechanical appurtenances may be erected to any height, including church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless telecommunications facilities (cell towers), broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), observation towers, electrical transmission towers, silos, and roof structures for housing stairways, heating and air conditioning equipment, ventilating fans or similar equipment may be erected without regard to the maximum height limitation stated herein Article VII. No portion of any structure intended for human occupancy may be constructed above the height limit herein specified. (staff note for review only: see also Section 1103)

Exhibit “B”

Article VIII. Table of Uses (page 5 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Printing, Publishing, and Binding Establishments									P	P
Produce Stands	P					P	P	P	P	P
Produce Stands for sale of produce grown on premises only		P	P	P	P					
Public Facilities and Buildings, including outdoor storage, repair yards, or garages	C					C		P	P	P
Public Building, not including outdoor storage, repair yards, or garages			P			P	P	P		
Public Utility Substations. Transformer Stations and other Facilities	C	C	C	C	C	C	C	C	C	C
Radio and Television Studios								P	P	P
Recreation, Indoor (including, but not limited to bowling alleys and skating rinks)						P	P	P		
Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs, and community rodeos)	C					P	C	C		
Restaurants, without drive-thru	C	C				P	P	P	P	P
Restaurants, with drive-thru, and fast food						C	C	C		
Retail Sales and other Establishments not otherwise listed						P		P		
Schools, academic	C		C	C	C			C		
Schools, business or trade	C		C	C	C			C		
Sculpting, with outside storage						P				
Sculpting, without outside storage						P	C			
Secondary Temporary Dwelling (for hardship circumstances, usually family)	C		C	C	C					
Services (not elsewhere listed)								P		
Shooting Range, Indoor								C		
Solar Energy System (Ground-mounted, Large Scale)	C								P	P
Subdivisions, Major			P	P	P	P	P	P	P	P
Subdivisions, Minor	P	P	P	P	P	P	P	P	P	P

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
 C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board’s recommendation).

Exhibit “C”

ARTICLE IX. CONDITIONAL USES

Section 901. Objectives and Purposes

It is recognized that there are some land uses that are basically in keeping with the intent and purpose of the various districts created by this Ordinance, yet these uses may have a significant impact on those districts. These impacts are best determined following careful review of the specific proposal. In order to add flexibility to this Ordinance, certain uses are allowed by means of controls exercised through the Conditional Use Permit process.

Section 902. Procedures

Conditional Use Permits shall be reviewed by the Perquimans County Planning Board for recommendation to the Perquimans County Board of County Commissioners according to the regulations stipulated in Article XXIII "Hearing Procedures for Appeals and Applications." Conditional Use Permits shall be granted by the Perquimans County Board of County Commissioners as permitted by G.S. 153A-135 for all conditional uses enumerated in the Table of Uses. These uses may be established only after approval by the Board of County Commissioners.

The owner or owners of all the property included in the petition for a Conditional Use Permit shall submit required application information to the County Planning Department at least three weeks prior to the Planning Board meeting at which it is to be heard. Such application shall include all of the requirements pertaining to it in this Ordinance.

Applications shall include a Site Plan and be accompanied by a fee set according to the Planning Department Fee Schedule.

All requests for Conditional Use Permits shall be considered by Planning Board and the Board of County Commissioners within ninety (90) days from submission to the Planning Department. However, this requirement is not intended to prevent the Board of County Commissioners from delaying action after review.

Section 903. Planning Board Review and Board of County Commissioners Action

The Planning Board shall consider the application at a public meeting and make a recommendation to the Board of County Commissioners. The Board of County Commissioners shall consider the application, the Planning Board recommendation, and comments at a public hearing and may grant or deny the Conditional Use Permit. 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.

In granting the Conditional Use Permit the Board of County Commissioners may designate only those conditions, in addition to those stated herein, which, in its opinion, assure that the use in its proposed location will be harmonious with the area and with the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the Conditional Use Permit is granted and on the Conditional Use Permit granted. ***In order to validate the Conditional Use Permit, the owner(s) or authorized applicant(s) shall sign the document and register it with the Perquimans County Register of Deeds, at which point it remains valid for one year from the date granted by the Perquimans County Board of County Commissioners.*** (This includes Conditional Use Permits granted in the conditional use district rezoning process). All specific conditions shall run with the land and shall be binding on the original applicants for the Conditional Use Permit, their heirs, successors, and assigns.

Section 904. Denial and Appeal

If the Board of County Commissioners denies the Conditional Use Permit, it shall enter the reason for its action in the minutes of the meeting at which the action is taken. Reasons for denial shall be provided in writing. No appeal may be taken from the action of the Board of County Commissioners in granting or denying a Conditional Use Permit except though the Perquimans County Superior Court within thirty (30) days or forever be barred.

Section 905. Compliance with District Regulations

In addition to the conditions specifically imposed in this paragraph and such further conditions, as the Board of County Commissioners may deem reasonable and appropriate, Conditional Uses shall comply with all other regulations for the zoning district in which they are located unless the provisions for the Conditional Use provide to the contrary.

Section 906. Failure to Comply with Plans

In the event of failure to comply with the plans approved by the Board of County Commissioners, or with any other condition imposed upon the Conditional Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Conditional Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance. In such cases, owners of adjoining property shall be notified that the Conditional Use Permit is no longer in effect.

Section 907. Supplemental Regulations for Conditional Uses

Specific Requirements by Use: *A site plan for a conditional use must always be submitted with the application* based upon the checklist contained in the Zoning Ordinance at Article V, Section 509, Site Plan Requirements. Multiple copies of the plan are required as needed for the Planning staff's distribution to members of the Technical Review Committee, Planning Board and Board of County Commissioners. In addition, an electronic file may be submitted.

Individual Conditional Uses may require more information, as given in this Section or elsewhere in this Ordinance. In addition, the Planning Board or Board of County Commissioners may require other information as it deems necessary in order to determine if the proposal meets all requirements and will not endanger persons or property.

The Board of Commissioners may impose reasonable conditions in addition to those given in this Section and elsewhere in this Ordinance. In order to do this, the Board must determine that additional conditions are necessary to protect the welfare and safety of the public and of property, or to meet the tests given elsewhere in this Article.

907.28 Solar Farm (Large scale, ground-mounted Solar Power Energy System)

C. Zoning Districts: RA (Conditional Use)

IL and IH (Permitted Use)

D. Preamble: A large scale Solar Farm containing ground-mounted solar power electric generation structures, may be permitted in districts as designated in the Table of Permitted and Conditional Uses, subject to the following requirements:

(9) Site Considerations:

- (e) Height: Solar energy system structures and related equipment shall not exceed fifteen (15) feet in height.
- (f) Setback: Solar energy system structures and related equipment must meet the minimum zoning setback for the zoning district in which it is located, or 30 feet, whichever is strictest.
- (g) The setback for any building or parking area proposed to serve the Solar Farm shall be twenty (20) feet or as otherwise required, whichever is strictest, from any street right-of-way and any continuous property line that is used or zoned for residential purposes or located within the Highway Corridor Overlay District.
- (h) The setback for any building and parking area proposed to serve the Solar Farm shall be in keeping with that required by the zoning district as it applies to any street right-of-way and any contiguous property line that is used or zoned for nonresidential purposes.

(10) Lighting: Outdoor lighting shall be designed so as to minimize light from directly hitting adjacent property or any street rights of way. The project shall utilize minimal lighting. No lighting other than normal security lighting and that required by government agencies shall be permitted.

(11) Screening:

- (c) General: Solar energy system structures and related equipment and buildings shall be screened from routine view from public rights-of-way, existing residential uses and adjacent properties zoned Residential Agriculture, Historic Agriculture, Rural Agricultural, or Commercial Zoning Districts using the County's Buffers and Screening standards currently found in Article XVIII, Sections 1802 and 1803.
- (d) Highway Corridor Overlay Districts: When located adjacent to the Highway Corridor Overlay District, screening is required which completely screens from view the solar energy system panels and related equipment. Such screening shall be a durable wall or fence and access gate(s) at least seven (7) feet high in addition to a minimum fifteen (15) foot wide vegetated strip along any property line adjacent to or within five hundred (500) feet of the Highway Corridor Overlay District. This vegetated strip shall consist of a naturally wooded area or planted with a mix of evergreens and deciduous trees and shrubs to simulate a naturally wooded area within three (3) years.

(12) Operational Considerations: Any access gate which affords views from an existing residence or from within the Highway Corridor Overlay District must be kept closed and locked at any time the Solar Farm is not occupied by the operator for preventive maintenance, repair and similar activities, etc.

(13) Application Requirements:

- (f) Submit Site Plan prepared in accordance with current Site Plan Requirements of Section 509 and denoting the dimensions of the subject property, proposed solar farm location, including the arrangement of solar panels, distance from the proposed site improvements to all property lines, and location of proposed driveway(s). No portion of the Solar Farm may encroach into the required setbacks or any buffer area.
- (g) The Site Plan should also show the location of any required buffers as outlined in Sections 1803 and 1804.
- (h) Submit horizontal and vertical (elevation) to-scale drawings with dimensions. The drawings must show the location of the system on the property.
- (i) State and local stormwater permits may be required based upon ground cover subject to Article V Site Plan and other requirements as applicable.
- (j) If applicable, the applicant must apply to and receive from the North Carolina Department of Transportation (NCDOT) a driveway permit, or submit documentation from NCDOT that the existing site access is acceptable for the proposed use prior to final project approval.

(14) Approved Solar Components: Solar energy system components must have a UL listing **and must be designed with anti-reflective coating(s).**

(15) Compliance with Building Code: All active solar energy systems shall meet all requirements of the North Carolina State Building Code and shall be inspected by a Perquimans County Building Inspector.

(16) Compliance with National Electric Code: All photovoltaic systems shall comply with the National Electrical Code, current edition.

Exhibit “D”**ARTICLE XI. EXCEPTIONS AND MODIFICATIONS**

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI “Appeals and Variances.”

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII “Dimensional Requirements,” whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than one hundred (100) feet apart, the required front yard for such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated. *(see also Section 703)*

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner’s association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Section 1107. Solar Energy Facilities

Additional yard setbacks and other design standards shall apply to Solar Farms, or Large Scale Solar Energy Facilities, as provided at Article IX, Conditional Uses for application in the RA (Rural Agriculture), IL (Light Industrial) and IH (Heavy Industrial) Zoning Districts. Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements. A Small Scale Facility which is installed on the ground within the Residential Agricultural, Historic Agriculture and Rural Agriculture Zoning Districts will be subject to the minimum building setbacks applicable to an Accessory structure, provided said facility produces electricity strictly for on-site use.

Exhibit “E”

ARTICLE XVIII. BUFFERS AND SCREENING

Section 1801. Purpose of Buffers

Buffers, or screens, are required to protect one class of use from adverse impacts caused by a use in another class by helping the principal use to blend into the neighborhood, screen its purely functional aspects from the street and neighboring properties, and absorb and/or deflect any excessive noise. This regulation benefits both the developer and the adjoining landowners because it allows the developer several options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer’s choice, thereby protecting the property values of all properties involved.

Section 1802. Buffers Required

~~It~~ Unless otherwise stated, in all districts, other than Residential Agricultural, ~~rural~~ Historic Agriculture, and rural agriculture districts, a buffer or screen is automatically required ~~on the side and rear lot along the property lines~~ that abut ~~existing single-family residential uses~~ or a Residential Agricultural, ~~rural~~ Historic Agriculture, ~~or~~ Rural Agriculture or Highway Corridor Overlay Districts. Information is to be submitted to the Planning Staff showing details of the proposed barrier as to the location and type of buffer. In cases where the use of a building or land is changing, there may be impediments to compliance with this Article. The Planning Department staff shall determine the level of compliance that is practical in these cases. In cases where development that results in a one-time building footprint expansion of two hundred fifty (250) square feet or less, or exterior building remodeling are exempted from the requirements of this Article.

Section 1803. Buffer Specifications

Unless specified elsewhere in this Ordinance, a buffer shall be one of the following:

1. A seven (7) foot high attractive blind barrier; or
2. A three (3) foot wide, seven (7) foot high dense evergreen planting; or
3. A twenty (20) foot wide natural wooded or planted strip.

If a buffer is seven (7) foot high attractive blind barrier, it shall not prevent the passage of light from one side to the other and it must also dampen the noise where needed. Such barrier may be a decorative masonry wall, a wood plank or basketry weave type fence, an open type fence with evergreen vegetation (minimum three (3) feet wide), or the like that is planted facing adjoining property.

Where evergreens (native trees and shrubs) are used, a species and size shall be planted which will normally be expected to reach a height of seven (7) feet in three (3) years time. Low evergreen, plus seven (7) shrubs per one hundred (100) linear feet of lot boundary prorated for less than one hundred (100) foot sections. Previously existing trees and shrubs shall count toward the requirement.

Section 1804. Location of Buffer

The width of the screen, or buffer, shall be included as part of the required yard (or setbacks).

A fence may also be installed **in addition to** the required buffer, at the discretion of the property owner. However, vegetated buffers shall be located adjacent to the property line and between the property line and any fence four (4) feet in height.

Section 1805. Construction and Maintenance

A buffer must be installed or constructed, as appropriate, prior to the issuance of a Certificate of Occupancy. Once erected, a buffer shall be properly maintained at all times. The construction and maintenance of a buffer shall be the responsibility of the landowner or developer.

Section 1806. Waiving or Deferring Requirements

The buffering requirements may be waived by the Zoning Administrator along any boundary that is naturally screened by topography or may be deferred in order to install landscaping at a more appropriate time. The required landscaping portion may be deferred for up to five (5) months, or the next appropriate planting season, whichever comes first. The deferment shall be approved by the Zoning Administrator, upon receipt of a landscaping guarantee security payable to Perquimans County meeting the following requirements.

- (a) The developer may deposit cash, cashier’s check, an irrevocable letter of credit, bond, or other instrument readily convertible into cash at face value in escrow with a financial institution designated as an official depository of Perquimans County.
- (b) The developer or property owner shall obtain a landscaping plan and guaranteed cost estimate (official bid) from a landscaping firm.
- (c) The bonding instrument shall equal one and a half (1.5) times the entire cost of installing all required landscaping, based on the landscaper’s bid.
- (d) The developer shall file with the County Manager an agreement between the financial institution and himself
- (e) guaranteeing the following:
 - (1) That said escrow account shall be held in trust until released by the County Manager and shall not be used or pledged by the developer in any manner during the term of the escrow, and

- (2) That in the case of a failure on the part of the property owner to complete said improvements, the financial institution shall, upon notification by the County Manager and submission to the financial institution of an estimate of the amount needed to complete the improvements, immediately pay to Perquimans County the funds estimated to complete the improvements up to the full balance of the escrow account, or deliver to the County any other instruments fully endorsed or otherwise made payable in full to the County.

Section 1807. Plant Material

See list in Article XVII “Highway Corridor Overlay District.”

Exhibit “F”

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

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

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

Energy Generating Facility: A facility that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of energy facilities may include, but are not limited to: petroleum; ethanol; thermal; wind; solar; hydro-electric; and other energy generation facilities.

Grid-Tied Solar System: A photovoltaic solar system that is connected to an electric circuit by an electric utility company.

Off-Grid Solar System: A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Photovoltaic System: An active solar energy system that converts solar energy directly into electricity.

Solar Collector (accessory): Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. **Solar Energy Systems may include, but not be limited to, solar farms and any of the devices that absorb and collect solar radiation for use as a source of energy as an accessory use.**

Solar Farm: A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principal use on the site. Also referred to as Solar Power Plant; Solar Photovoltaic Farm; Large-Scale, Ground-Mounted Power Energy System. (Staff note: also see Chowan’s draft definition: “**An area of land used for the sole purpose of deploying photovoltaic power and generating electric energy.**”)

Note: The attached Draft Ordinance begins with the draft dated 5-16-11 as reviewed by the Planning Board at their special meeting on 5-17-11.

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