
WORK SESSION / JOINT WORK SESSION

February 20, 2017

7:00 p.m.

The Perquimans County Board of Commissioners met in a Work Session and a Joint Work Session with the Planning Board on Monday, February 20, 2017, at 7:00 p.m. in the Commissioners Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Kyle Jones, Chairman Fondella Leigh, Vice Chair
Wallace Nelson Charles Woodard

MEMBERS ABSENT: Joseph W. Hoffler Edward R. Muzzulin

PLANNING BOARD: Brenda Lassiter Lewis Smith
Antoine Moore

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

After the Chairman called the meeting to order, Commissioner Woodard gave the invocation and the Chairman led the Pledge of Allegiance. The following matters were discussed.

BILL BURGIN, LIBRARY ARCHITECT

Mr. Burgin gave an update on the Library Project.

NOISE ORDINANCE

County Manager Heath explained that he and County Attorney High had prepared the following draft Noise Ordinance for Board review:

PERQUIMANS COUNTY NOISE ORDINANCE

(A) It shall be unlawful to create or assist in creating any unreasonably loud, disturbing and unnecessary noise in the County. Noise of a character, intensity and duration as to be detrimental to the public health, welfare and peace is hereby prohibited,

(B) The following acts, among others, are hereby declared to be unreasonably loud, disturbing and unnecessary noises in violation of this section, but the enumeration shall not be deemed to be exclusive:

(1) The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger signal, so as to create any unreasonably loud or harsh sound, or the sounding of the device for an unnecessary and unreasonable period of time, or the use of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle;

(2) The use of any electronic devices, stereos, speakers, musical instrument, loudspeaker or other device which project sound that is clearly audible at a distance of not less than 50 feet.

(3) The use of any bicycle, skateboard or similar vehicle which creates an unreasonably loud, disturbing or unnecessary noises. The use of any motor vehicle, motorcycle or other vehicle (a) equipped with special or custom muffler, exhaust or other noise control equipment/system; or (b) not equipped with normal, factory issue muffler, exhaust or other noise control equipment/system in good repair; or (c) in jackrabbit starts, spinning tires, racing engines, or other operations so as to create unreasonably loud, disturbing and unnecessary noises.

(4) The erection of any excessive noise on any street adjacent to any school or institution of learning while the same is in session which unreasonably and unnecessarily interferes with the working of the institution, provided conspicuous signs are displayed in the streets indicating that the area is in a school area;

(5) The erection of any excessive noise on Sundays on any street adjacent to any church, provided conspicuous signs are displayed in the streets adjacent to churches indicating that the same is a church street;

(6) Shouting, fighting or creating noise through loud or boisterous speech or singing so as to be audible off the premises upon which the activities and noise occur if so loud as to disturb the peace and tranquility of persons occupying residences, motel, hotels, rest homes, nursing homes or hospitals in the vicinity.

(C) This section shall not apply during any period directly after the announcement of any potential, impending disaster.

(D) If any person shall violate this ordinance, he or she shall be guilty of a Class 3 misdemeanor and shall be fined in an amount as set by the presiding judge or imprisoned for not more than 30 days.

(E) In addition, in the county's discretion, a violation of any provision of this ordinance shall subject the offender to a civil penalty of up to \$100 with a minimum penalty of \$15. If the offender fails to pay this penalty within ten days after being cited for a violation, the county may seek to recover the penalty by filing a civil action in the nature of a debt. If the violator of this ordinance is a person under the age of 18, the parents or legal guardians of the minor shall be subject to the civil penalties referenced herein as if they are the offender,

(F) The county may seek to enforce this section through any appropriate equitable action.

(G) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate violation and each violation shall be subject to an additional civil penalty.

(H) The county may seek to enforce this section by using any one or a combination of the foregoing remedies.

(I) A juvenile who violates any provision of this ordinance is subject to being adjudicated delinquent. The court may, in its discretion, impose any dispositional alternative(s) that are provided in the State Juvenile Code for any juvenile who is delinquent.

Statutory reference: Authority of county to regulate noise, see GS. §153.A-133

The Board discussed the above draft and made only the two changes above. The Board will move forward with holding a Public Hearing for this Noise Ordinance.

SNUG HARBOR GOLF CART ORDINANCE

Chairman Jones explained that the Board had received information from Mr. Lowry of Snug Harbor at the January 3, 2017 meeting and additional information prior to the February 6, 2017 meeting. Each Commissioner expressed their pros and cons to the request. It was the consensus of the Board not to adopt a Golf Cart Ordinance for Snug Harbor.

YEARLY UPDATE – MOORINGS @ ALBEMARLE

J. Stephen Janowski, the Senior Project Manager of Rivers & Associates, provided an annual update on the Moorings @ Albemarle project. Howard Nichols was also present. After the presentation, he asked the Board if they had any questions. After answering several questions, Chairman Jones moved on to the Joint Work Session with the Planning Board.

JOINT WORK SESSION WITH PLANNING BOARD

Chairman Jones began the meeting by stating that a previous Board had requested that the Planning Board revisit the large scale solar farm section of the Zoning Ordinance. In turn, the Planning Board asked for direction from the Board. Therefore, this meeting will hopefully answer all their questions. Commissioner Nelson began discussing the items on the Planning Board Work Program &

Timeline for Fiscal Year 2016-17. County Manager Heath said that, because the Planning Board has been busy with other issues, they have not been able to handle many of these items on their Work Program but tonight's meeting was to discuss the large-scale solar farms. Mr. Lewis ask what was the definition of a large-scale solar farm. Mr. Heath, later in the meeting, told Mr. Smith that a large-scale solar farm is anything over two acres. Ms. Lassiter asked do we have the manpower to enforce the changes that they would make for this section of the ordinance. Commissioner Nelson responded to her question. Commissioner Woodard asked if they were mainly concerned about the enforcement of the ordinance and explained about a situation he had been through with the Town Planning Board. Mr. Heath said that it would come down to the Planning Staff to enforce it. Ms. Lassiter's concern is that there are not enough hours in the day for the Planning Staff to handle their normal duties and enforce it too. Mr. Heath said that it may come down to having a buffering bond which would be some measure to enforce it. Mr. Woodard also said that his biggest concern is not losing the identity of the County. Ms. Lassiter agreed because a good bit of our farm land is disappearing. It was the consensus that the section on large scale solar farms needed to be strengthened. Ms. Lassiter was concerned how it would affect pending applications. Mr. Heath said that there was one application that may be turned in this week. They talked about a moratorium on large solar farms until the Planning Board has had a chance to look over it and recommend changes. Commissioner Nelson expressed concerns about not having jobs for the people who live here now and for future children. During discussion, the following issues on large scale solar farms need to be revisited by the Planning Board:

- Buffering requirements including a buffering bond requirement
- Other highway corridors (i.e. Highway 37, New Hope Road, etc.) – should we have any other highway corridor protection similar to Highway 17 Corridor.
- Belvidere Historic District and Albemarle Plantation – need to see permitted uses that are or are not allowed there.
- Tweak the definition of large scale – what does it consist of.

Mr. Smith asked about a time frame to get this done. The Board said to bring their recommendation to the May meeting. They also discussed the possibility of a moratorium. Mr. Heath and Mr. High will be looking into this.

ADJOURNMENT

There being no further comments or business to discuss, the Work Session was adjourned at 8:25 p.m.

T. Kyle Jones, Chairman

Clerk to the Board

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