

rate of \$235 per month plus applicable taxes and to approve Budget Amendment No. 6. The Board unanimously approved the motion and the following Budget Amendment No. 6:

**BUDGET AMENDMENT NO. 5  
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-480-020	Register of Deeds - Salary		2,500
10-480-740	Capital Outlay	2,500	
<b>EXPLANATION:</b> To budget funds to lease copy machine in Register of Deeds Office for FY 2013-14.			

**PUBLIC COMMENTS**

The following public comments were made:

**County Property in the Town of Hertford:** Mr. David Donahue explained that he and the other residents present tonight were here to discuss the County Property located at the Senior Center, Library, Tennis Courts, and Basketball Courts. There have had problems here before but it seems like things have escalated in the last few months especially since the Senior Center has moved. Mr. Donahue introduced Mr. Don Matthews who has researched the problem and is presenting his report. Mr. Matthews presented a written report to the Board and the Chair asked Mr. Matthews to give them some time to review the report before making any comments. After the Board took time to read his complaint, Mr. Matthews elaborated on some of the events. He further stated that he was told by the Town of Hertford that they needed to come talk to the Commissioners first so that is what they were doing tonight. Sheriff Tilley also made some comments. After all comments were made, Chair Cole said that they would take this under advisement and County Manager Heath will talk with the Town Manager and we would see about changing the times for the Basketball Courts and Tennis Courts. Ms. Cole further advised them to meet with the Town Council explaining their situation. Mr. Matthews invited the Commissioners to go by the area after the meeting to see what they have had to endure over the years.

**CLOSED SESSION: PERSONNEL MATTER & CLOSED SESSION MINUTE APPROVAL**

On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved the motion to go into closed session to discuss a personnel matter and to approve Closed Session Minutes.

The Closed Session was adjourned and the Regular Meeting reconvened on motion made by Edward R. Muzzulin, seconded by Benjamin C. Hobbs. The following action was taken after the Closed Session.

**SALARY FOR NEW REGISTER OF DEEDS APPOINTEE**

On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved to pay Jacqueline Frierson, effective September 1, 2013, \$41,414 per year which is Grade 70/Step 5.

**ADJOURNMENT**

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

\_\_\_\_\_  
Janice McKenzie Cole, Chair

\_\_\_\_\_  
Clerk to the Board

\*\*\*\*\*  
**REGULAR MEETING**  
September 3, 2013  
6:40 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Tuesday, September 3, 2013, at 6:40 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

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

MEMBERS ABSENT: None

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

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

**PUBLIC HEARINGS**

**Conditional Use Permit No. CUP-13-02 – William & Constantine Whidbee**

Chair Cole opened the first Public Hearing stating that this was a quasi-judicial hearing and that the purpose of the public hearing was to receive public comments on consideration of Conditional Use Permit No. CUP-13-02, requested by William & Constantine Whidbee, to resume the Single Family Residential Use of land located at 807 Ocean Highway North, known as Tax Parcel No. 5-0042-0011 (in CH Zone). There were eight (8) people present. The Chair recognized Donna Godfrey, County Planner, who presented an overview of their request. Chair Cole asked if the Board or the public had any questions or comments. The following questions/comments were made:

- **Commissioner Peeler** asked if there are any plans for any of the adjacent properties in the works that placing a house on this property would be detrimental to their plans. Ms. Godfrey said that she did not know of any.
- **Commissioner Hobbs** stated that he thought it was bigger than most of the lots along that area.

There being no further comments or questions from the public or the Board, the Chair moved on to the next Public Hearing.

**Administrative Rezoning Request No. REZ-13-01 – Bethel Fishing Center**

Chair Cole opened the second Public Hearing stating that the purpose of the public hearing was to receive public comments on consideration of Administrative Rezoning Request No. REZ-13-01, to rezone the Bethel Fishing Center property located at 161 and 172 Bethel Fishing Center Road (SR 1356), from RA-25, Residential & Agricultural to CN, Neighborhood Commercial District, and known as Tax Parcel No. 2-D070-0101-BF. There were eight (8) people present. The Chair recognized Donna Godfrey, County Planner, who presented an overview of this request. Chair Cole asked if the Board or the public had any questions or comments. There being none, the Chair moved on to the next Public Hearing.

**Administrative Rezoning No. REZ-13-02 - Point Pleasant**

Chair Cole opened the third Public Hearing stating that the purpose of the public hearing was to receive public comments on consideration of Administrative Rezoning No. REZ-13-02, to re-designate as RA-25, Residential & Agricultural Zoning District, that property located at 1387 Snug Harbor Road (SR 1340) on Yeopim Creek and Yeopim River near the Albemarle Sound. Property known as Tax Parcel No. 2-0085-0004. Action requested as a result of the expired Point Pleasant on the Albemarle Planned Unit Development PUD(CU) District Conditional Use Permit. There were eight (8) people present. The Chair recognized Donna Godfrey, County Planner, who presented an overview of the request. Chair Cole asked if the Board or the public had any questions or comments. The following questions/comments were made:

- **Imerson Cullins** stated that the current infrastructure (4" water lines and the roads) would not support any other type of development. He feels that there would be no real advantage to consider future development unless the infrastructure is updated. He agrees to rezone the parcel to RA-25.
- **Mr. Saunders** stated that looking at the surrounding developments and subdivisions, he feels that rezoning it to RA-25 would be the best for this property.
- **Mark Bissell**, representing the landowners, explained that they do not have objection to the rezoning to RA-25. They do hope to re-establish it as a PUD in the future but at the present time we do not have a developer.

There being no further comments or questions from the public or the Board, the Chair moved on to the next Public Hearing.

**Administrative Text Amendment No. TXT-13-02 – Article VIII**

Chair Cole opened the fourth Public Hearing stating that that the purpose of the public hearing was to receive public comments on consideration of Administrative Text Amendment No. TXT-13-02, to add to Article VIII (Table of Uses), the various types of Telecommunications Towers already regulated and permitted by Section 2205 of Article XXII (Communications Tower Ordinance: Regulating the Deployment of Telecommunications Infrastructure). There were nine (9) people present. The Chair recognized Donna Godfrey, County Planner, who explained that Commissioner Peeler had brought to her attention some problems with the chart and she requests that this be continued to next month so that she would not have to readvertise. Chair Cole approved her request.

There being no further comments or questions from the public or the Board for these Public Hearings, the Chair closed the Public Hearings at 7:00 p.m.

**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 Benjamin C. Hobbs, seconded by Tammy Miller-White.

1. **Approval of Minutes:** August 5, 2013 Regular Meeting
2. **Tax Releases Approvals**

**PERQUIMANS COUNTY TAX RELEASES:**

<b>Phillips, Albert</b> -----	<b>\$104.29</b>
This was billed through DMV - valued at \$23,703 - 2005 Sunn. Account Number 260102.	
<b>Phillips, Albert Ray</b> -----	<b>\$152.11</b>
Vehicle sold. Plate turned in on 7/22/13; Plate expires on 5/3/2014; 2 months used. 10-month release. Lic #CD40914; 2005 Sunn CT. Account Number 8089139.	
<b>Noyes, Lawrence &amp; Madlean</b> -----	<b>\$190.74</b>
Should have received Senior Citizen Exemption in the amount of \$43,350. Parcel #3-0068-00020D assessed value \$86,700. Account Number: 316660.	

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
David Nance	Bailiff/Transport	Appointment		\$13.50/hr.	9/1/2013
Esther Jordan	Telecommunicator Fill-In	Appointment	60/1	\$11.63/hr	9/7/2013
Krystal Agosto	Telecommunicator Fill-In	Appointment	60/1	\$11.63/hr	9/7/2013
Colleen Patterson	Telecommunicator Fill-In	Appointment	60/1	\$11.63/hr	9/7/2013
Rita Saunders	Telecommunicator Fill-In	Appointment	60/1	\$11.63/hr	9/7/2013

4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 7  
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-615-146	SHIIP (Senior Health Ins. Inf. Program)		1,556
10-348-033	State Grants - Senior Medicare		1,556
<b>EXPLANATION:</b> To budget exact amount (\$2,646) to be received in SHIIP for FY 2013-2014.			

5. **Resolution:** The following Resolution was approved by the Board:

**RESOLUTION  
LITTER SWEEP FALL 2013  
IN PERQUIMANS COUNTY**

**WHEREAS**, the North Carolina Department of Transportation organizes an annual fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

**WHEREAS**, the FALL LITTER SWEEP roadside cleanup encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup sponsoring and organizing local roadside cleanups; and

**WHEREAS**, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Public Safety – Division of Adult Correction inmates, community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during FALL LITTER SWEEP and may receive certificates of appreciation for their participation; and

**WHEREAS**, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

**WHEREAS**, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

**WHEREAS**, the FALL LITTER SWEEP will celebrate the 25<sup>th</sup> anniversary of the North Carolina Adopt-A-Highway program and its 4,400 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

**WHEREAS**, the FALL LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

**NOW, THEREFORE, BE IT RESOLVED** that the Perquimans County Board of Commissioners do hereby proclaim September 21 through October 5, 2013, as **“FALL LITTER SWEEP”** time in Perquimans County and encourage its citizens to take an active role in making our community cleaner.

ADOPTED the 3<sup>rd</sup> day of September, 2013.

(SEAL)

Janice McKenzie Cole, Chair  
Perquimans County Board of Commissioners

ATTESTED:

Mary P. Hunnicutt, Clerk to the Board  
Perquimans County Board of Commissioners**PRESENTATION OF PLAQUE – DEBBIE REED, REGISTER OF DEEDS**

After making some personal remarks, Chair Cole presented Debbie Reed with a plaque thanking her for over 36 years of outstanding service in the Register of Deeds Office. Ms. Reed made a few comments and thanked the Board and the public for having faith in her over these years.

**BILL JENNINGS, TAX ADMINISTRATOR**

Bill Jennings presented his monthly report. Mr. Jennings further stated that the Water Department has moved successfully to the EMS Building. He also updated the Board on the three (3) in rem foreclosure cases that was auctioned on August 29<sup>th</sup>.

**COMMISSIONER'S CONCERNS/COMMITTEE REPORTS**

**Matthew Peeler:** Commissioner Peeler read the following concern: "I am concerned about our current zoning ordinance that allows large solar energy systems to be located in RA districts through the conditional use permit process. *The Rural Agriculture District is designed to reflect the pattern of development in rural Perquimans County. The intent of this district is to preserve and protect current uses and way of life and also protect property rights. Home occupations of all types, even those of a commercial or industrial nature may be permitted provided the home occupation use is clearly subordinate to the use of the principal residential structure for residential purposes and limitations are prescribed through the conditional use permit process to prevent incompatible processes normally associated with commercial or industrial uses from adversely impacting adjacent or nearby residential uses or districts. Ordinance VI-2, Section 604. A.* From the documentation for item III.C. "Point Pleasant" "Policy 14: The County will use its regulatory powers to insure that all new developments are designed in such a way as to avoid any negative impacts on fragile areas. The property is currently zoned for R25 and therefore is not a property thought to be "prime farmlands." This concern of protecting "prime farmlands" is within the desire of the RA designation. If an industry is allowed to be established, even with a CUP, that would be contrary to the RA definition. A solar power generating plant is an industry that is not compatible with agriculture or residential uses. Under the conditional use permit process, the first condition must be something related to either agriculture (farming/animal husbandry) or residential use. These large scale plants do not have a dwelling associated with the property or leased property nor do they meet the longstanding definition of what is agriculture or supporting an agricultural district. From the documentation for III.B. a definition of "rural" by CAMA is offered. The (Rural) class is to provide for very low density land uses including residential use . . . Development within this class should be low intensity in order to maintain a rural character." It further goes on to say, "Areas meeting the intent of this class are appropriate for very low intensity residential uses, where lot sizes are large, and where the provision of services will not disrupt the primary rural character of the landscape." Placing a 50 acre 5MW power plant in this rural setting is disruptive to the primary rural character of the landscape even if behind a 7-foot vegetation shield. By the zoning ordinance, a CUP would require the property or plot to meet this definition of being subordinate to agricultural practices or a dwelling. The current proposed large scale solar production power plants, as proposed, would never be able to function in a subordinate role with regard to either agriculture (farming) or as a dwelling. In effect, we have an ordinance that appears to force the county to forgo our farming heritage or require adjacent properties to live with an industrial neighbor. Both these outcomes are not what a RA District desires. I ask that the planning board reevaluate where in the county "solar energy system, large" may be placed especially with the reading of Section 604 in mind." Chair Cole asked County Planner, Donna Godfrey, and the Planning Board to look into this matter and report back to the Board. She said that she would.

**UPDATES**

County Manager Heath, Commissioner Muzzulin, and County Attorney High updated the Board on the following projects:

**Water System Projects:** County Manager Heath reported that the County has been receiving water from the Pasquotank RO Plant since September 1<sup>st</sup> and that things are moving smoothly. He also reported that the Water Department Office has moved over to the EMS Building effective today with only a few minor glitches.

**Jail Project:** Commissioner Muzzulin made a short report which included the fact that Albemarle District Jail had 46 Federal prisoners this month and stated that things were quiet at the Jail.

**Energy Efficiency Contracts:** County Manager Heath explained that the final proposals for these contracts were received today and that he will be reviewing them tomorrow with the School System. They will be holding oral interviews on October 2, 2013. This contract will be looking at methods to save energy in some School Buildings and some County Buildings.

**Minimum Housing:** County Attorney High said that he had gone back and looked at other ordinances primarily with an eye towards the remedies and enforcement actions that we could take. He said that it looked like our proposed Ordinance included pretty much all the ones that he looked at. He did notice that there was one particular one that we did not have in our proposed Ordinance and that was a \$50 fine against the property owner for the violations and that each day constituted a new and distinct violation of that Ordinance and that it could be assessed and collected like the repair costs could if the Board chooses to go that way. The way our Ordinance reads and the way other Ordinances read, you have a menu of enforcement remedies that you can choose from and other Ordinances included that as well. With regard to our proposed Ordinance, he has reviewed it and made some minor changes but not any changes to the substance of the document and it should be ready to come back to the Board for review at their next Work Session. Commissioner Miller-White asked if the \$50 fine could exceed the cost of the repairs. Mr. High said that it could very well happen.

**NO WAKE ZONE – TOWN OF HERTFORD RESPONSE**

For information purposes only, County Manager Heath reported that the increase in size for the No Wake Zone as requested by the Town of Hertford was approved and will be effective September 1, 2013. Chair Cole asked when this request was made. Mr. Heath said that it was requested on November 1, 2011. She said that, judging from this, we can estimate that it would be about a couple of years before the No Wake Zone – Bethel Creek would be approved.

**LOCAL LIBRARY BOARD APPOINTMENT**

Last month, the Board accepted William Byrum's resignation effective June 3, 2013. Judi Bugniazet, Librarian, recommends the appointment of Peter LeRoy to the Local Library Board to complete Mr. Byrum's term which is due to expire on June 30, 2015. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the appointment of Peter LeRoy to complete Mr. Byrum's four-year term which is due to expire on June 30, 2015.

**PLANNING BOARD ITEMS**

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

**Conditional Use Permit No. CUP-13-02 – William & Constantine Whidbee:** A Public Hearing was held earlier in the meeting to receive public comments on consideration of Conditional Use Permit No. CUP-13-02, requested by William & Constantine Whidbee, to resume the Single Family Residential Use of land located at 807 Ocean Highway North, known as Tax Parcel No. 5-0042-0011 (in CH Zone). Benjamin C. Hobbs made a motion to find Conditional Use Permit No. CUP-13-02 to be consistent and in harmony with the existing development pattern in and around 807 Ocean Highway North and the intersection of Union Hall Road (SR 13021; and to approve Case No. CUP-13-02, to allow the resumption or reclamation of the

residential footprint for placement and occupancy of a Single family Site Built Home or a Manufactured Class A (Modular) or B (Doublewide) home at 807 Ocean Highway North, conditioned upon the conditions listed in the Conditional Use Permit and based upon the following findings contained in Sections 903 (a) through (d) and 907.26:

- 1) That the CUP will not materially endanger the public health or safety, if located according to the plan submitted and approved.
- 2) That the use meets the required conditions and specifications.
- 3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.
- 4) That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

The motion was seconded by Tammy Miller-White. Ms. Miller-White asked what the conditions were and when the Whidbee's would be starting construction. Ms. Godfrey said that the conditions were listed in the CUP document that will be recorded and the Whidbee's said that they would start as soon as it was approved. There being no further questions, the motion was unanimously approved by the Board. The CUP-13-02 that will be recorded is as follows:

-Beginning of Conditional Use Permit document to be recorded-  
 Conditional Use Permit No. CUP-13-02  
 for  
 Resumed Single-Family Dwelling  
 at 807 Ocean Highway North  
 by William & Constantine Whidbee  
**Do NOT record this page**

**CONDITIONAL USE PERMIT No. CUP-13-02**

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

**Applicant/Owner:** William E. Whidbee & Constantine N. Whidbee  
 811 Ocean Highway North  
 Hertford NC 27944

**Site Location/Address:** 807 Ocean Highway North, Hertford, NC 27944

**Tax Parcel No.:** 5-0042-0011

**Zoning District:** CH, Highway Commercial

**Proposed Use:** Resumption of Single-Family Dwelling

**Meeting & Hearing Dates:** Planning Board on 8-13-13 & Board of Commissioners on 9-3-13.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "Resumed Single-Family Dwelling" and the following conditions:

- (1) Occupancy of Resumed Single-Family Dwelling shall be strictly in accordance with plans and narrative submitted to and approved by the Board of County Commissioners.
- (2) Verification/acknowledgement of the viability of site improvements which were previously installed or constructed to support a former single-family home and that resumption or reclamation of the residential footprint is acceptable under the circumstances subject to Site Considerations such as those listed in Section 907.26C.
- (3) The Applicant's demonstration that the resumed single-family dwelling will be compatible with existing land uses which are otherwise permitted in the CH Zone.  
 Application Requirements: The Applicant's approved Site Plan is conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, Applicant shall prepare and submit Site Plan which demonstrates compliance with minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operational Considerations and Application Requirements.
- (4) The Applicant shall obtain all required permits from other governmental agencies (local, state, and federal) prior to commencing construction or as otherwise required by the applicable laws and regulations. Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
- (5) The Planning Board and the Board of County Commissioners hereby acknowledge Mr. and Mrs. Whidbee's intent to commence construction of the resumed dwelling in 2013. During construction, the Applicant shall provide the County with reports outlining progress to date along with circumstances that may result in delays. In the event construction is delayed beyond September 2014, the Applicant shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant within 12 months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- (6) If any of the conditions affixed hereto or any part of thereof shall be held invalid or void, then the permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

\_\_\_\_\_  
Janice McKenzie Cole, Chair, Board of County Commissioners Date

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

We, William E. Whidbee and Constantine N. Whidbee, Owners of the above identified property, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

\_\_\_\_\_  
William E. Whidbee Date

\_\_\_\_\_  
Constantine N. Whidbee Date

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The State of \_\_\_\_\_  
County

I, \_\_\_\_\_, a Notary Public in and for the said State and County, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires:  
\_\_\_\_\_  
(Not valid until fully executed and recorded)

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The State of \_\_\_\_\_  
County

I, \_\_\_\_\_, a Notary Public in and for the said State and County, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires:

\_\_\_\_\_  
(Not valid until fully executed and recorded)

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-End of Conditional Use Permit document to be recorded-  
Conditional Use Permit No. CUP-13-02  
for  
Resumed Single-Family Dwelling  
at 807 Ocean Highway North  
by William & Constantine Whidbee  
**Do NOT record this page**

**Administrative Rezoning Request No. REZ-13-01 - Bethel Fishing Center:** A Public Hearing was held earlier in the meeting to receive public comments on consideration of Administrative Rezoning Request No. REZ-13-01, to rezone the Bethel Fishing Center property located at 161 and 172 Bethel Fishing Center Road (SR 1356), from RA-25, Residential & Agricultural to CN, Neighborhood Commercial District, and known as Tax Parcel No. 2-D070-0101-BF. Kyle Jones made a motion to find Administrative Map Amendment No. RITZ-13-0X to be consistent with the existing development pattern of the Bethel Fishing Center Road area as well as the County's Planning & Zoning Policies, *including those guidelines stated in the Zoning Ordinance at Sections 1302A (1) through (5), Policy Guidelines for Zoning Map Amendments (see below), and in the CAMA Land Use Plan Update;* and to approve Case No. REZ-13-01, to rezone the Bethel Fishing Center property located at 161 and 172 Bethel Fishing Center Road (SR 1356), and known as Tax Parcel Nos. 2-D070-0101-BF, from RA-25, Residential & Agriculture, to CN, Neighborhood Commercial District, due to its consistency with the County's Planning & Zoning Policies and Guidelines and that the request is reasonable and in the public interest and promotes orderly growth and development).

- (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 Rezoning Request No. REZ-13-02 – Point Pleasant:** A Public Hearing was held earlier in the meeting to receive public comments on consideration of Administrative Rezoning No. REZ-13-02, to re-designate as RA-25, Residential & Agricultural Zoning District, that property located at 1387 Snug Harbor Road (SR 1340) on Yeopim Creek and Yeopim River near the Albemarle Sound. Property known as Tax Parcel No. 2-0085-0004. Action requested as a result of the expired Point Pleasant on the Albemarle Planned Unit Development PUD(CU) District Conditional Use Permit. Matthew Peeler made a motion to find the Planned Unit Development Conational Use (PUD[CU]) District to be expired and Administrative Map Amendment No. REZ-13-02 to be consistent with the existing development pattern of the Snug Harbor Road area as well as the County's Planning & Zoning Policies, including those guidelines stated in the Zoning Ordinance at Sections 1302A (1) through (5), Policy Guidelines for Zoning Map Amendments (see below); and to approve Case No. REZ-13-02, to revert and rezone the +/- 100-acre tract of land located at 1387 Snug Harbor Road (SR 1340), known as Tax Parcel Nos. 2-0085-0004, back to its original RA-25, Residential & Agricultural Zone, due to its consistency with the County's Planning & Zoning Policies and Guidelines and that the request is reasonable and in the public interest and promotes orderly growth and development:

- (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 Tammy Miller-White. Commissioner Jones asked that, in her report to the Planning Board, Ms. Godfrey said that she mentioned that “the question of precedent may be considered in light of the County’s experiences with other Planned Unit Development Districts.” She said that this was said because this could set the stage for how the Boards will handle future Planned Unit Development Districts. Mr. Hobbs said that they Board had discussed in the past that we might need to consider charging a fee to extend these PUD’s. Chair Cole said that Ms. Godfrey had mentioned something about hold harmless but feels that she should use without prejudice. Commissioner Miller-White asked if there should be something in the motion about the owners agreeing to the rezoning. It was the consensus of the Board that this was not necessary. There being no further questions or comments, the motion was unanimously approved by the Board.

**Administrative Text Amendment No. TXT-13-02, Article VIII:** A Public Hearing was continued earlier in the meeting so no action is being taken on this matter at this time.

**SPECIAL LEAVE PROVISION FOR COOPERATIVE EXTENSION EMPLOYEES**

Lewis Smith, Director of Cooperative Extension, presented the request for Special Leave Provision for Cooperative Extension Employees that was exactly like they had approved last year. The Special Leave provision has the following characteristics:

- It is awarded only to those leave-earning employees employed on July 1, 2013.
- May be used for absences due to illness, but is not required.
- It is paid out only to employees who separate due to retirement; the special leave balance is “forfeited” for all other types of separations
- The entire balance must be utilized on or before June 30, 2014, or it is “forfeited.”

Mr. Smith explained that each County must notify N.C. Cooperative Extension in writing whether or not they agree to award their portion of the State’s Special Leave award. On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously approved the request and authorized the Chair and County Staff to sign the required documentation.

**BOARD APPOINTMENTS**

The following Board appointments were presented for action:

**Smart Start Board:** Chair Cole stated that there were two individuals on the Applicant’s List that indicated that they would be willing to serve on the Smart Start Board and they were Terissa Blanchard and Peggy Modlin. Ms. Hunnicutt, Clerk to the Board, informed the Chair that Ms. Blanchard had been contacted and that she had received permission to serve on the Board and that Ms. Susan Nixon, Smart Start Director, recommends her appointment. On motion made by Kyle Jones, seconded by Tammy Miller-White, the Board unanimously approved the appointment of Terissa Blanchard to the Smart Start Board for a term of two years effective September 1, 2013.

**Albemarle RC&D Council:** County Manager Heath reported that Wayne Howell will not accept another appointment to the Albemarle RC&D (Albemarle Resource Conservation & Development) Council. Therefore, the Board will need to find a replacement for him. Included in the Board's packet was a list of applications for people who were interested in serving on one of our Boards. There was only one individual that indicated she was interested to serve on this Council and that was Lynne Mathis. The Board asked if she had been contacted and it was stated that she had not. Ms. Mathis' application has expired and Ms. Hunnicutt, Clerk to the Board, has forwarded letters to those applicants whose applications have expired and has not received a response from any of them except one and that was Evelyn Mansfield. Ms. Mathis had not responded yet. Commissioner Peeler said that we should scrub the list of individuals that have expired dates and start calling the ones that are still active and whoever is the first one that said that they are interested and bring that name before the Board next month.

**HCCBG GRANT DOCUMENTATION**

The Board has been approved to receive \$155,496 in Home & Community Care Block Grant (HCCBG) funds. On motion made by Tammy Miller-White, seconded by Matthew Peeler, the Board unanimously authorized the Chair and County Staff to sign the required documentation to receive these funds.

**PUBLIC COMMENTS**

There were no public comments.

**ADJOURNMENT**

There being no further comments or business to discuss, the Regular Meeting was adjourned at 8:00 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

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Janice McKenzie Cole, Chair

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Clerk to the Board

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