

PITT COUNTY BOARD OF COMMISSIONERS  
GREENVILLE, NORTH CAROLINA  
JULY 21, 2003 MINUTES

The Pitt County Board of Commissioners met on Monday, July 21, 2003, at 6:00 PM in the Commissioners' Auditorium, Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina.

Commissioners present:

Beth Ward, Chairman  
Eugene James, Vice Chairman  
John Minges, Commissioner  
Jimmy Garris, Commissioner  
Mark Owens, Jr., Commissioner  
Glenn Bowen, Commissioner  
Tom Coulson, Commissioner  
David Hammond, Commissioner  
Randy Royal, Commissioner

Staff present:

Scott Elliott, County Manager  
Susan Banks, Clerk to the Board  
JoAnne Burgdorff, County Attorney  
Melonie Bryan, Deputy County Manager/Financial Services  
Thomas Lynch, Public Information Officer  
Glen Moore, Subdivision Administrator  
James Rhodes, Planning Director  
John Bulow, Deputy County Manager/Human Services  
Phil Dickerson, Deputy County Manager/Public Services

**Call to Order**

**Meeting Notes**

Chairman Ward called the meeting to order. Chairman Ward said she was dispensing with the invocation and pledge since it had just been done at the previous 5:00 pm workshop. She welcomed everyone present as well as the television viewing audience.

**Approval of Agenda - Beth Ward**

**Staff Recommendation**

Motion to approve agenda as presented.

**Motion:**

**Commissioner Minges requested to add an item for decision about capital improvements plan next steps as continuation from the 5pm workshop. Motion to accept change and approve agenda**

**Motion made by Vice Chairman Eugene James.**

**Motion seconded by Commissioner John Minges.**

## **Motion Passed Unanimously.**

### **Public Hearings**

*Amendments to 2002 Pitt County Comprehensive Land Use Plan - James Rhodes*

### **Information Provided with the Agenda**

During the development of the countywide zoning ordinance, the Planning Board and staff recognized that changes to the Future Land Use Map may be necessary. Comments received from the six public forums held during the development of the countywide zoning ordinance also supported such changes. Following its May 21st Public Hearing, the Planning Board, by a vote of 10 to 0, recommended amending the Future Land Use Map to expand the number of Rural Commercial/Crossroad Communities.

Rural Commercial/Crossroad Communities are defined in the CLUP as follows: Limited commercial service land uses that are appropriate to rural crossroads development in a prevailing rural/agricultural context; mix of appropriate land uses including residential, public/institutional, and limited commercial and light industrial. Land uses within this category could develop with public sewer or private septic tank systems. Designated at the following intersections: Bell Arthur, Black Jack, Chicod, Eastern Pines, Gardnerville, Hollywood Crossroads, Minnie Bert, Pactolus, St. John's, Stokes, Whitehurst, and Worthingtons Crossroads.

The following is a list of recommended new Rural Commercial/Crossroad Communities:

- 1) Calico Crossroad (NC43 South/NC 102)
- 2) US 264 East/Old Washington Road
- 3) US 264 East/Sheppard Mill Road
- 4) Haddocks Crossroad (County Home Road/Ayden Golf Club Road)
- 5) Old Creek Road/Whichard Road
- 6) Mazingo Road/Stantonsburg Road
- 7) Venters Crossroad (NC 102/County Home Road)

The Planning Board also, by a vote of 10 to 0, recommended adding a section that sets forth amendment procedures for the 2002 Comprehensive Land Use Plan since this section was inadvertently omitted from the adopted plan. The recommended section is identical to the amendment section of the Northwest Planning Area Land Use Plan ( Attachment 1 in agenda).

### **Staff Recommendation**

Adopt Planning Board recommended amendments to the 2002 Pitt County Comprehensive Land Use Plan.

### **Procedure for Amending the Land Use Plan**

#### **Initiation of Amendments**

Any person or organization, including the Planning Department, may petition the Board of Commissioners to amend the Land Use Plan. The petition shall be filed with the Planning Department and shall include:

- (a) The name, address, and phone number of the applicant;
- (b) A description of the proposed text or map amendment, along with an explanation of the changing circumstances that necessitate consideration of the amendment; and
- (c) If the petition proposes an amendment to the land use map, a scaled map with the property affected by the amendment clearly depicted.

Petitions for amendments shall be submitted to the Pitt County Planning Department at least ten (10) days prior to the date of the Planning Board meeting at which the petition will be reviewed.

**Planning Board Review and Recommendation**

Upon receipt of a petition for an amendment, the Planning Department shall forward the request to the Planning Board for its consideration. The Planning Board shall review the proposed amendment, along with planning staff recommendation, and shall submit its recommendation on the proposed amendment to the Board of Commissioners. The Planning Board shall have forty-five (45) days within which to submit its recommendation. Failure of the Planning Board to submit its recommendation within this time period shall constitute a favorable recommendation.

**Public Hearing Requirements**

No amendment to the Land Use Plan may be adopted until a public hearing has been held. Upon receipt of a recommendation from the Planning Board, the Planning Department shall, after consultation with the Clerk to the Board, schedule a public hearing before the Board of Commissioners on the petition. The public notice shall be published one (1) time in a newspaper having general circulation within the County at least ten (10) days prior to the scheduled public hearing date. In computing this period, the date of publication shall not be counted but the date of the public hearing shall be.

With respect to map amendments, the Planning Department shall provide first-class mail notice of the public hearing to:

- (a) owners, according to county tax records, of all properties whose land use classification is changed by the proposed amendment; and
- (b) owners, according to tax records, of all properties within 100 feet of the property affected by the proposed amendment.

The Planning Department may also post notices of the public hearing in the vicinity of the property affected by the proposed amendment and take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing.

The notice required or authorized by this Section shall:

- (a) State the date, time, and place of the public hearing;
- (b) Summarize the nature and character of the proposed change;
- (c) If the proposed amendment involves a change in land use classification, reasonably identify the property whose classification would be affected by the amendment;
- (d) State that the full text of the amendment can be obtained from the Pitt County Planning Department; and

- (e) State that substantial changes in the proposed amendment may be made following the public hearing.

### **Board of Commissioners Review and Adoption**

Upon receipt of a recommendation from the Planning Board, the Planning Department shall schedule a public hearing before the Board of Commissioners on the petition according to the procedure outlined in Section "Public Hearing Requirements".

At the conclusion of the public hearing on the proposed amendment, the Board of Commissioners may proceed to vote on the proposed amendment, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

The Board of Commissioners need not await the recommendations of the Planning Board before taking action on a proposed amendment nor is the Board of Commissioners bound by any recommendations of the Planning Board that are before it at the time the Board of Commissioners takes action on a proposed amendment.

The Board of Commissioners is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments. Decisions by the Board of Commissioners on amendment requests shall be filed in the offices of the Planning Department.

### **Board Of Commissioners Action on Amendments**

In deciding whether to adopt a proposed amendment to the Land Use Plan, the central issue before the Board of Commissioners is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the Chairman and excluded. When considering proposed map amendments:

- (a) The Board of Commissioners shall consider whether the entire range of listed uses in the requested land use classification are more appropriate than the range of uses in the existing land use classification.
- (b) The Board of Commissioners shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

### **Meeting Notes**

Staff Comments – James Rhodes discussed them bringing back countywide zoning and gave a presentation on the following:

- 1997- NC 11 North Land Use Plan & Zoning Ordinance  
Outcome: Tabled indefinitely by BCC
- 1998 - Northwest Planning Area Land Use Plan & Zoning Ordinance  
Outcome: Effective July 1, 2001

- 2001- Comprehensive Land Use Plan Update Initiated
- April 2002- CLUP Adopted  
Primary Goal – “develop an effective jurisdiction-wide land use regulatory program...”
- May 2002- BCC authorized staff to develop countywide zoning ordinance using NWPA zoning ordinance as a template and incorporate stand-alone ordinances

Map and Text Changes in Response to Public Comments Obtained During Public Forums for Draft Countywide Zoning Ordinance & Map

CLUP Amendments

- Rural Commercial / Crossroad Communities
  - Calico Crossroad (NC 43 South/NC 102)
  - US 264 East/Old Washington Road
  - Haddocks Crossroad (County Home Road/Ayden Golf Club Road)
  - Old Creek/Whichard Road
  - Mozingo Road/Stantonsburg Road
  - Venters Crossroad (NC 102/County Home Road)

Crossroad Community

- Limited Commercial Service Land Uses that are Appropriate to Rural Crossroads Development in a Prevailing Rural/Agricultural Context; Mix of Appropriate Land Uses Including Residential, Public/Institutional, and Limited Commercial and Light Industrial

CLUP Amendment Process

- Section was inadvertently omitted from 2002 Comprehensive Land Use Plan
- Copied from Northwest Planning Area Land Use Plan
- Sets forth process and procedures for amending CLUP

Following its May 21, 2003 Public Hearing, the Planning Board Unanimously Recommended:

- Comprehensive Land Use Plan Map Amendments
- CLUP Amendment Procedures

Staff Recommendation

- Adopt Planning Board recommended amendments to the 2002 Pitt County Comprehensive Land Use Plan

Project Schedule

- January 2003 – Held three public forums
  - Chicod Elementary School (34)
  - Farmville Central High School (20)

Stokes Elementary School (52)  
Total Attendance: 106

- February 2003 – Presented comments from public forums to Planning Board and incorporated changes to text and map
- March 2003 – Held 2nd series of public forums  
Farmville Central High School (8)  
Stokes Elementary School (30)  
Chicod Elementary School (17)  
Total Attendance: 55
- April 2003 – Presented comments from public forums to Planning Board and incorporated changes to text and map
- April/May 2003 – Met with Municipal Officials to Review Draft Ordinance & Solicit Comments
- May 2003 – Planning Board workshop & Public Hearing
- June 2003 – Request Public Hearing by BCC
- July 2003 – BCC Public Hearing

Zoning Ordinance Text

- Major Points  
Agricultural Activities Exempt  
Nonconforming Uses  
Home Occupations and Rural Family Occupations

Mr. Rhodes reviewed the Zoning Ordinance Text .

Mr. Rhodes stated that they needed to add an amendment process to the land use plan which had been left out in 2002 version. He said it was the same language as in the NW Planning Area Land Use Plan. They held the public hearing and the Planning Board voted unanimously to approve the map and amendment procedures.

Open Public Hearing – Chairman Ward stated that no one had signed up to speak at this public hearing.

Close Public Hearing - Commissioner Hammond motioned, seconded by Commissioner Royal, to close the public hearing.

**Motion:**

**Adopt Planning Board recommended amendments to the 2002 Pitt County Comprehensive Land Use Plan.**

**Motion made by Commissioner Randy Royal.**

**Motion seconded by Vice Chairman Eugene James.**

**Vote Record:**

<b>John Minges</b>	<b>Yes</b>
<b>Jimmy Garris</b>	<b>Yes</b>
<b>Mark Owens, Jr.</b>	<b>No</b>
<b>Beth Ward</b>	<b>Yes</b>
<b>Glenn Bowen</b>	<b>No</b>
<b>Tom Coulson</b>	<b>Yes</b>
<b>David Hammond</b>	<b>Yes</b>
<b>Eugene James</b>	<b>Yes</b>
<b>Randy Royal</b>	<b>Yes</b>

**Total Yes Votes: 7**

**Total No Votes: 2**

**Motion Passed.**

*Countywide Zoning Ordinance - James Rhodes*

**Information Provided with the Agenda**

Since May 2002, the Planning Board and staff with assistance from The Wooten Company have developed a countywide zoning ordinance and map. The ordinance was fashioned after the Northwest Planning Area Zoning Ordinance with changes made to make it applicable countywide and to respond to public input (see Attachment 1). A zoning map was developed by considering future development patterns as projected in the 2002 Pitt County Comprehensive Land Use Plan, existing uses as noted in field work and by citizen comment (Attachment 2). This effort has involved discussions during the monthly Planning Board meetings, holding two series of public forums (six meetings total), coordination with municipal officials (Attachment 3), and culminated with a public hearing at the May 16th Planning Board meeting. Following the public hearing, the Planning Board, by a vote of 8 to 1 recommended that the Board of County Commissioners adopt the countywide zoning ordinance (Attachment 4).

As the Board considers the proposed zoning ordinance and map, several related items should be addressed. These items include:

- Effective date -- Staff recommends January 1, 2004
- Board of Adjustment structure -- Staff recommends restructuring the Board of Adjustment to provide countywide representation
- Repeal of ordinances -- Flood Damage Protection Ordinance, Water supply Watershed Protection Ordinance and Northwest Planning Area Zoning Ordinance

**Staff Recommendation**

- 1) Adopt countywide zoning ordinance with an effective date of January 1, 2004.
- 2) Restructure Board of Adjustment based on voter district boundaries or other geographic features
- 3) Establish a repeal date for the Flood Damage Protection Ordinance, Water supply Watershed Protection Ordinance and Northwest Planning Area Zoning Ordinance to coincide with the effective date of the countywide zoning ordinance.

## Guiding Principles for Development of Zoning Map

The Rural-Agricultural (RA) zoning district follows the pattern of the Agricultural and Rural Residential areas designated on the Future Land Use Map in the 2002 Comprehensive Land Use Plan. This district reflects the diverse nature of land uses within predominantly rural areas and, therefore, permits a wide array of land uses.

The Rural Residential (Commissioner Royal) zoning district follows the pattern of the Suburban Residential area designated on the Future Land Use Map in the 2002 Comprehensive Land Use Plan. This district is intended to accommodate low-density residential uses.

The areas surrounding the larger, more developed Rural Commercial / Crossroad Community areas are also zoned Rural Residential. Examples of this include Stokes and Pactolus.

The R-40 zone is designated in two areas where the existing development pattern is similar to the R-40 description. This zoning district is intended to accommodate very low-density single family residential uses. In past zoning efforts these areas have supported a large lot, single-family dwelling zoning district.

Parcels with both a small-scale commercial and residential use are zoned residential. The commercial use is considered secondary to the residential use. The commercial use can continue as a nonconforming use. An example of this situation would include a single-family dwelling with a detached garage converted into a beauty shop.

All nonresidential uses, except as cited below, are zoned to accommodate the current use. Exceptions:

- 1) Auto Parts and Scrap Processing Salvage Yards and Cotton Gins (these uses are allowed to continue as a non-conforming use);
- 2) An existing nonresidential use that is allowed outright, without restrictions, in the proposed residential zoning district. (e.g. garden center or retail nursery in RA, riding academy in Commissioner Royal, RA, and R40;
- 3) An existing nonresidential use that would follow the same permitting requirements no matter if zoned in residential or nonresidential zone (e.g. landing strip/flying field).

### Comprehensive List of Revisions To Draft Countywide Zoning Ordinance (6-30-03)

Revised Section 3.5, Plot Plan and Site Plan Procedures:
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- 3.5.3 Exception. The Zoning Administrator may waive the requirement for a site plan or a plot plan if, in his judgement, it is determined that it is not necessary to complete the review of the permit application.

Revisions to Section 4.3.3, Highway Corridor Overlay:
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#### 4.3.3 HC, Highway Corridor Overlay

2. Applicability. The HC shall include the existing or proposed right-of-way of specified thoroughfare corridors at their interchanges. District boundaries shall encompass land located within a buffer strip extending one thousand (1,000) feet in depth on either side of the corridor, as measured from and perpendicular to each side of the right-of-way. Specified thoroughfare corridors include the following as delineated on the official zoning map:
  - (a) NC Highway 11 North.
  - (b) US Highway 264 East.
  - (c) US Highway 264 West

Revisions to Table 5-1, Table of Permitted Uses
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Added 'Special Temporary Event' to the 'Other Uses' category as a land use type permitted in all zoning districts with a development permit, 'D'

Added 'Cotton Gin' to the 'Manufacturing and Industrial Uses' category as a land use type permitted in the RA district with a development permit, 'D', and as a permitted use in the GI district, 'Z'.

Added 'Manufactured Home' to the 'Residential Uses' category as a land use type permitted in the R40 district with a development permit, 'D'.

Added 'Subdivision' to the 'Other Uses' category as a land use type permitted in all zoning districts.

Added 'Welding Shop' to the 'Business, Professional and Personal Services' category as a land use type permitted in the RA, GC and GI districts with a zoning permit, 'Z'.

Changed Table of Permitted Uses to allow 'Fire Station/Emergency Medical Service' in RA and Commissioner Royal with a zoning permit, 'Z'. (Previously this use was allowed with development standards.)

Changed Table of Permitted Uses to allow 'College, University, Technical Institute' in RA, Commissioner Royal and R40 with a special use permit, 'S'.

Revised Section 6.2.4, Accessory Use Area:
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#### 6.2.4 Accessory Use Area.

The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building. Any other nonresidential accessory use in a residential zoning district shall not exceed twenty-five

percent of any of the following measures: building volume, floor area, land area, or any other appropriate measure of usage.

New Definitions in Section 15.0, Definitions and Word Interpretations:

**Nonresidential Zoning District.** The following general and conditional use zoning districts: GC, General Commercial; LI, Light Industrial; and GI, General Industrial.

**Outdoor Fruit and Vegetable Markets.** The seasonal selling or offering for sale at retail of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same on consignment for retail sale.

**Residential Zoning District.** The following general and conditional use zoning districts: RA, Rural Agricultural; Commissioner Royal, Rural Residential; R40, Low Density Residential; SR, Suburban Residential; and MFR, Multifamily Residential.

**Special Temporary Event.** A temporary land use activity whose duration is generally longer than one day but no longer than two weeks, is intended to or likely to attract substantial crowds and to generate significant vehicular traffic, is unlike the customary or usual activity generally associated with the property where the special event is to be located. See Section 8.74.1 for specific standards applicable to special temporary events.

Added Section 7.2, Flood Hazard District Overlay Requirements:

The provisions of this Section replace regulations contained in Article III, Flood Damage Prevention, of the Pitt County Code which will be repealed once the zoning ordinance is adopted.

Revisions to Section 7.3, Airport Height Overlay Requirements:

The following revisions were made at the request of the Greenville-Pitt County Airport to better meet FAA guidelines. The Planning Board endorsed these recommendations at its June 16, 2003 Planning Board meeting.

3. The following definitions shall apply to this Section:
  - (j) Horizontal Zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of the end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
  - (q) Primary Surface. A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the

primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 1,000 feet.

4. Except as otherwise provided in this Section, no structure shall be erected, altered or maintained, and no trees shall be allowed to grow in any zone created by this Article to a height in excess of the applicable height limitations herein established for each zone in questions as follows:
  - (a) Approach Zone (AH-A). Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline. ~~The inner dimension is 500 feet and its outer dimension is 2,000 feet.~~
  - (c) Horizontal Zone (AH-H). ~~Established at 150 feet above the airport elevation or at a height of 175.6 feet above mean sea level. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.~~

Revisions to Section 7.4, Highway Corridor Overlay Requirements:
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## 7.4 Highway Corridor Overlay Requirements

The Highway Corridor Overlay District, as described in Section 4.3.3, is established to provide specific appearance and operational standards for specifically designated highway corridors while accommodating development along the corridors. Single-family residences on individual lots are exempt from the requirements of this Section. All other uses in the Highway Corridor Overlay District (HC) shall require site plan approval from the Planning Director. All other requirements of the underlying zoning districts shall also apply, with the more stringent regulations prevailing when standards conflict.

### 7.4.8 Roads and Access

1. Each building lot shall be limited to two points of ingress to and two points of egress from the adjacent access or major highway. Points of ingress and egress may be combined into one two-way driveway with appropriate separation of lanes. Additional points of ingress to and egress from an access road or highway shall not be allowed

unless necessary to improve traffic movement or safety, increase sight distances, or similar reasons.

2. Ingress to and egress from a corner lot or lots may be limited to the feeder road and shall be prohibited within 175 feet of the intersection with the interchange along the highway for residential uses and 225 feet for industrial and commercial uses.
3. All points of ingress and egress to access roads or major highways shall be designed according to the applicable standards of the North Carolina Department of Transportation.
4. If the owners of two or more lots jointly provide a direct point of both ingress and egress to serve their lots, adequate provisions shall be made by dedication, covenants, restrictions, or other legal instruments for ensuring that such point of ingress and egress on such roads are provided and maintained consistent with the regulations and intent of this Section.
5. Driveway widths and design shall conform to the applicable standards of the North Carolina Department of Transportation.
6. All roads, including frontage roads, rear access roads, and culs-de-sac shall be approved by the North Carolina Department of Transportation and dedicated to the public.
7. Direct vehicular access to individual lots and buildings in subdivision developments, multifamily developments, manufactured home parks, and planned unit developments abutting a corridor highway shall not be provided from the corridor highway unless the applicant can demonstrate, to the satisfaction of the Planning Director, that alternative vehicular access to such lots and buildings is not reasonably practicable due to the size or shape of the tract being developed.

Additions to Section 8.0, Development Standards for Individual Uses:
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**8.74.1.1      Special Temporary Event**

8.74.1.1      Where Required

All Districts

8.74.1.2      The hours of operation allowed shall be compatible with the land uses adjacent to the special temporary event.

8.74.1.3      The amount of noise generated shall not disrupt the

activities of the adjacent land uses.

8.74.1.4 The Zoning Administrator shall not grant the permit unless he finds that the parking generated by the special temporary event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the rights of adjacent and surrounding property owners.

8.74.1.5 The special temporary event complies with all applicable health department requirements for sanitation and public health safety.

### **8.21.1 Cotton Gin**

#### 8.21.1.1 Where Required

RA district.

#### 8.21.1.2 Use Separation

All structures, buildings, or enclosed areas used for the operation shall be a minimum of 100 feet from any residentially-used or zoned property.

#### 8.21.1.3 Access

Principal access shall be from a collector or higher capacity road.

#### 8.21.1.4 Noise

Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residence.

#### 8.21.1.5 Dust

All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

#### 8.21.1.6 Screening

All off-street parking lots and outside storage areas shall be screened from all adjoining single-family residential uses or residentially-zoned lots by a buffer yard. The required buffer yard shall comply with the requirements of Section 10.8.

## **8.16.1 College, University or Technical Institute**

### 8.16.1.1 Where Required

RA, Commissioner Royal, and R40 districts.

### 8.16.1.2 Permissible Uses

There are locations in which educational and support land uses that are physically removed from a main campus environment may be an appropriate and compatible land use in the RA, Commissioner Royal, and R40 zoning districts. In such cases, allowable uses may include, in addition to the principal college, university or technical institute use, the following residential land uses:

- Single-family Detached Dwellings
- Two-family Dwellings
- Townhouse Dwellings
- Multifamily Residences

### 8.16.1.3 Development Standards for Residential Uses

Residential uses shall comply with the dimensional standards of the underlying zoning district except that such residential uses may be developed as a Planned Unit Development, in which case the applicable development standards delineated in Sections 8.55.3 through 8.55.5 shall be may be developed as allowable in PUDs (Section 8.55.7).

## **8.43.2 Manufactured Home, (Low Density Residential District (R40))**

### 8.43.2.1 Where Required

R40 district

### 8.43.2.2 General Requirements

There shall be a continuous, permanent masonry curtain wall, unpierced except for required ventilation and access, installed underneath the manufactured home. Ventilation and access shall be provided for as required by Section 4.7.7 of the State of North Carolina Regulations for Manufactured/Mobile Homes, Pitt County Building

Code. The permanent masonry Curtain wall shall be installed in accordance with this section within 60 days after the approval for occupancy and the electrical permit is issued by Pitt County Building Inspections.

#### 8.43.2.3 Exceptions

The provisions of 8.43.1.2 shall not apply to manufactured homes required to be elevated six (6) feet or more above the highest adjacent grade, due to the provisions of the Flood Damage Prevention Ordinance

### **8.21.1 Sexually-Oriented Business**

#### 8.70.1 Where Required

GC district.

#### 8.70.2 General Requirements

A sexually-oriented business shall comply with the requirements of Chapter \_\_, Ordinance Regulating Adult Establishments, of the Pitt County Code.

#### 8.70.3 Prohibition of Sleeping Quarters

Except for adult motels, no sexually-oriented business shall have sleeping quarters.

#### 8.70.4 Restriction of Uses on the Same Property or in the Same Building

There shall not be more than one sexually-oriented business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any sexually-oriented business.

#### 8.70.5 Signs

Except for a business identification sign permitted in accordance with 9.0, no other exterior advertising, promotional materials, or signage that is visible to the public from a road, sidewalk, or walkway shall be permitted.

#### 8.70.6 Hours of Operation

The hours of operation shall be compatible with the land uses adjacent to the proposed site.

**8.26.1 Family Care Home**

8.26.1.1 Where Required

RA, Commissioner Royal, R40, SR, MFR, and GC districts.

8.26.1.2 Separation Requirement

In accordance with the provisions of NCGS 168-22(a), no family care home may be located within a one-half mile radius of an existing family care home.

Revised Definition in Section 15.0, Definitions and Word Interpretations:

**Home Occupation.** A commercial activity that is conducted by a person within a residence or accessory structure on the same zone lot where such person resides, and is not so insubstantial or incidental or is not so commonly associated with the residential use as to be considered an accessory use, but that can be conducted without any significant adverse impact on the surrounding neighborhood. A permissible home occupation activity is defined as an activity that does not generate traffic, noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district or the surrounding area in which it is located. No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is located. A home occupation use must be a use that is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the residence. The area set aside for a home occupation shall occupy no more than 25 percent of the floor area of the residential dwelling unit whether within the residential structure or in an accessory building.

**Sexually-Oriented Business.** An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, massage parlor, adult motion picture theater, adult theater, escort agency, sexual encounter studio, or any combination of the foregoing.

Revised Appendix B, Information Required with Applications:

The requirement for a certification statement that indicates compliance with the public water supply watershed regulations was added to the list of 'Stormwater Management Plan' items (Appendix B, Information Required with Applications) that must be provided with plot and site plans. The language of the listing is as follows: 'Certification of Compliance indicating that the plan complies with the requirements of Section 7.1'.

**RESOLUTION**  
**RECOMMENDING THAT THE PITT COUNTY BOARD OF**  
**COMMISSIONERS APPROVE AND ADOPT THE PITT COUNTY**  
**COUNTYWIDE ZONING ORDINANCE AND MAP**

THAT WHEREAS, the Pitt County Planning Board has developed the Pitt County Countywide Zoning Ordinance with the intent of addressing the following objectives:

1. Provide for the orderly growth and development of the area of Pitt County located outside corporate or municipal extraterritorial planning jurisdictions;
2. Minimize land use conflicts and encourage the most appropriate use of land throughout the county;
3. Conserve the value of buildings and property;
4. Preserve the desirable features of the county's appearance and character;
5. Protect public investments and facilitate the adequate provision of schools, sewer, water, transportation, parks, and other public requirements;
6. Protect the natural environment and other valuable resources;
7. Promote the overall economic welfare of the county;
8. Protect designated public water supply watersheds from activities which could degrade water quality; and
9. Minimize public and private losses due to flooding by permitting only that development within the floodplain which is appropriate in light of the probability of flood damage and which represents a reasonable social and economic use of land in relation to the hazards involved; and

WHEREAS, the Pitt County Planning Board believes that adoption of the Ordinance is in the best interest of the citizens of Pitt County; and

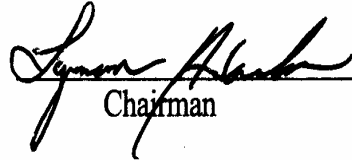
NOW, THEREFORE, BE IT RESOLVED, that the Pitt County Planning Board hereby certifies the Pitt County Countywide Zoning Ordinance for presentation to the Pitt County Board Of Commissioners;

AND BE IT FURTHER RESOLVED, that the Pitt County Planning Board hereby

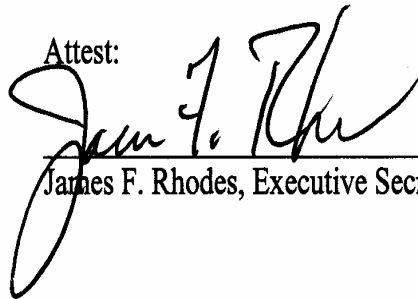
recommends approval and adoption of the Pitt County Countywide Zoning Ordinance.

Duly adopted this the 21<sup>st</sup> day of May, 2003.

PITT COUNTY PLANNING BOARD

  
Chairman

Attest:

  
James F. Rhodes, Executive Secretary

## Meeting Notes

Staff Comments - Mr. Rhodes said the Countywide Zoning Ordinance package, which included a zoning map and text, was sent to the Pitt County Board of Commissioners. He introduced the Planning Board Chairman, Lyman Hardee, who wanted to make a few brief comments and also officially hand over the zoning map and ordinance to the Board of Commissioners. Mr. Hardee presented the certified countywide zoning area map. He stated that some type of land use control has become more and more necessary. He stated that in May of 2002 the Board charged staff to propose a zoning ordinance. The Planning Board has held two series of forums for public comment. The proposed ordinance was developed for orderly growth, minimizing conflict and most use of land. Public comments were taken into consideration. Existing businesses are allowed continued operations and expansions. Home business have been more clearly defined. Mr. Hardee thanked staff and board members, and asked for careful consideration on this matter.

A PowerPoint presentation was shown, which reviewed text and map highlights.

Mr. Rhodes said this is a plan that is intended to help protect property values. The Land Use Plan is used regularly. This final process started one year ago. Two series of public forums began in January. The Planning Board and Staff received input from over 100 people at the first series of meetings. Changes were made to the ordinance based on public comments. Fewer people attended the second public forum, which hopefully was because concerns were addressed at the first public forum. The Planning Board met with municipalities between April and May. In May, the Planning Board held a workshop and a public hearing.

Mr. Rhodes reviewed the highlights of the text. He said they want the people to be able to read and understand the ordinance. Agricultural activities are exempt from county zoning regulations. Non conforming uses are grandfathered in unless closed for more than 180 days, then they have to meet the new regulations. He stated that home occupations were an important item. Rural family occupations are allowed larger commercial developments if enough land goes with it. The Zoning Ordinance tells the types of uses and zoning categories. Other uses are allowed outright and some special uses are treated differently. There is a set of regulations for special uses.

The Northwest Zoning Ordinance has served well and he feels this one will serve well also. They have incorporated some stand alone ordinances into this countywide zoning ordinance. A map was sent to the Board members and it had also changed a lot because of the public forums. They have zoned the County as current use except for a few items, such as scrap and cotton gins. If special requirements in residential districts were kept in residential, they did not pre-zone anything.

Mr. Rhodes reviewed the map and the zoning districts.

Mr. Rhodes stated R40 zone was strictly residential. They have heighten regulations on manufactured housing. Mr. Rhodes said the Planning Board voted eight to two to adopt the map. He stated they were recommending January 1 for effective date and need to restructure Board of Adjustment. Once this ordinance is adopted, and the Zoning Ordinance goes into effect, other ordinances will be repealed.

Chairman Ward opened the public hearing on the Countywide Zoning Ordinance.

Ed Congleton - from Stokes, said when talk about zoning first came about, he was against it. With Pitt County growing like it is, we have to have some protection. In Stokes, a house is falling down, there is no electricity, it is next to a church and next to his rental property. He said they are hoping countywide zoning will pass and make flexible to what the people want. Stokes was the highest in the number of people who attended the zoning meetings. If you look at the map, in the blue area, there are expansions of ETJ's. Mr. Congleton said he holds dearly to the zoning map and to the existing ETJ. He said you can not tell where Winterville stops and Ayden begins. And Simpson and Grimesland are butting against each other.

Jason Briley - Greenville, requested change in property zoned around US 264 to Rams Horn, from rural agricultural to general commercial on the countywide zoning map. He asked that the property be rezoned. Please consider the request. Vice Chairman James said he supports this request.

Jane Barnhill - north of the river, comes as a citizen. As you know, we are reaching consideration for zoning and the people in her area are concerned about and would like to put the following out on the table: insurances about ETJ's, to keep small, protect agricultural interests, assure citizens have fair representation, the industrial park area, and consider a moratorium between the date the zoning is passed and until it becomes effective to prevent situations.

Ricky Hines – from Bethel Community. He said they are now cotton corner, low wealth and a mixed neighborhood. Zoning helps the little people. There are people who spent \$100,000's to fight the cotton gin. Zoning could be good for everybody. He serves on the Planning Board and commends Mr. Rhodes and his staff for their hard work. He said 166 people actually showed up and acted as if they cared about what was going on. With this project , people north of the river are concerned and he supports zoning.

Kathy Ipock – from Bethel said that when zoning talk first started three years ago, she was against it. She was told ETJ's would be limited, if not eliminated. Over the last six weeks, we have heard plans from the cities to take approval of ETJ's from the county. She said if the County is zoned responsibly, then no work needs to be done. Planning staff is responsible. She said she did not originally support zoning but felt the County staff could do it appropriately. The County owes it to the voters to keep tabs on growth and what is happening with the municipalities that effects the County. Safe guards are allowed by special uses or the development permitting process. She said the County should not turn its responsibilities over to the cities.

Larry Dilda – from Fountain, commended Mr. Rhodes and his staff for tackling the job and stated that they had done it exceptionally well. He was originally against the zoning ordinance. He said he is seeing the changes in Pitt County. He said he believes its in the best interest of Pitt County to approve the proposed zoning ordinance as a living document, so that it may be changed if needed. There are adequate safeguards in the document to permit citizens protection and flexibility when the zoning ordinance is implemented. If the document is approved as a living document, Pitt County expansion will go along smoother. He believes other counties will use Pitt County's ordinance as an example.

Chairman Ward said there were no more speakers signed up and closed the public hearing.

**Motion:**

- 1) Adopt countywide zoning ordinance with an effective date of January 1, 2004.
- 2) Restructure Board of Adjustment based on voter district boundaries or other geographic features
- 3) Establish a repeal date for the Flood Damage Protection Ordinance, Water supply Watershed Protection Ordinance and Northwest Planning Area Zoning Ordinance to coincide with the effective date of the countywide zoning ordinance and further, the motion was amended to accept the changes as requested by Mr. Briley and Mr. Lee.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner Randy Royal.

**Discussion:**

Commissioner Bowen asked about the closing of grandfathered businesses. Mr. Rhodes clarified that it was 180 days that a business had to be closed before it would have to meet the new zoning regulations.

**Substitute Motion:**

Motion to exempt all rural areas located three miles outside of any incorporated area. There was no second to the motion.

Motion made by Commissioner Glenn Bowen.

Motion failed due to no second to the motion.

**Discussion;**

Commissioner Minges asked about Mr. Briley's and Mr. Lee's requests. Mr. Rhodes said that some changes were requested after the zoning map was certified for presentation to the Board. He stated that those requests can be handled tonight in conjunction with adoption of the ordinance. He said the Board can review Mr. Briley's request and make an additional map change. Mr. Briley has requested 40 acres be rezoned along US 264 from rural agriculture to general commercial. He stated that similarly, there is a request on Rams Horn Road for an existing commercial (red area) of 100 acres for commercial development. Mr. Lee of Lee's Country Kitchen, has an existing operation and plans to develop a mini storage operation. He is asking for rural residential district to be changed to general commercial. A new crossroad was also added to map. He said that these are the three most recent requested changes that can be considered with the zoning map.

Mr. Rhodes said some changes were made after the map was certified. These requests can be handled tonight and the Board can consider Mr. Briley and Lee's County Kitchen request as part of the proposed zoning ordinance.

**Amendment to the Motion:**

Motion to amend the original motion to accept the changes requested by Mr. Lee and Mr. Briley to the countywide zoning map.

Motion made by Commissioner Hammond.

Motion seconded by Vice Chairman James.

Vice Chairman James stated he would accept those amendments, for Mr. Lee and Mr. Briley, to his motion to follow staff recommendations on adopting the countywide zoning ordinance.

**Motion:**

Motion offered to amend the original motion to have a clear understanding that ETJ's would cease and any extensions in the future would have to come before this Board for approval.

Motion made by Commissioner Coulson.

Motion seconded by Commissioner Bowen.

Commissioner Coulson said if this was not done now, he may not be able to support this motion.

Vice Chairman James said he would not accept the amendment to his motion.

Chairman Ward called for a vote on the original motion with the amendment to include Mr. Lee and Mr. Briley's zoning requests.

**Vote Record:**

John Minges	Yes
Jimmy Garris	Yes
Mark Owens, Jr.	No
Beth Ward	Yes
Glenn Bowen	Yes
Tom Coulson	No
David Hammond	Yes
Eugene James	Yes
Randy Royal	Yes

**Total Yes Votes: 7**

**Total No Votes: 2**

**Motion Passed.**

*Public Hearing to Consider the Current Refunding of Pitt County's 1993 General Obligation Bonds - Melonie Bryan*

**Information Provided with the Agenda**

By action taken at the July 7, 2003 meeting, staff has begun the current refunding process of our 1993 bonds. As noted, this action can save the County and the Board of Education an estimated \$270,000 in future debt payments over the next four years. As you are aware, the Board of Education covers the payment for this issue which provided the funding for JH Rose High School. There are currently just over \$7 million in outstanding callable bonds, which can be refunded at little cost to the county and net savings of almost 4%.

The application process with the Local Government Commission is in process and we plan to "refinance" the debt in late August/early September provided the market is still in our favor. We feel this refunding will be favorably viewed by the Local

Government Commission and will provide budgetary relief as early as this Fiscal Year for the school system. This transaction poses no risk, makes financial sense and saves over \$250,000 over the next 4 years. The benchmark used by the LGC for savings in a refunding is 3% and, as stated earlier, this transaction exceeds that amount. In order to take advantage of the current rate environment, staff plans to follow an aggressive 60 day schedule.

The next step in this process is to hold this public hearing and allow for public comment.

**Staff Recommendation**

Direct staff to start the application process with the Local Government Commission, adopt the attached bond order and call for a public hearing on July 21, 2003.

The Board of Commissioners for the County of Pitt, North Carolina met in a regular meeting in the Commissioners' Auditorium, Pitt County Office Building in Greenville, North Carolina, the regular place of meeting, at 6:00 p.m. on July 21, 2003.

Present: Chairman Beth B. Ward, presiding, and Commissioners Glenn Bowen, Tom Coulson, Jimmy Garris, David Hammond, Eugene James, John Minges, Mark Owens, Jr., and Randy Royal.

Absent: None.

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Also present: Scott Elliott, County Manager; Susan Banks, Clerk; Melonie Bryan, Director of Financial Services; and JoAnne Burgdorff, County Attorney.

\* \* \* \* \*

The Chairman announced that this was the hour and day fixed by the Board of Commissioners for the public hearing upon the order entitled "ORDER AUTHORIZING \$7,900,000 GENERAL OBLIGATION REFUNDING BONDS" and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

A list of all persons making comments and a summary of such comments are attached as Exhibit A.

The public hearing was closed.

All statements and comments by participants of the public hearing were duly considered by the Board of Commissioners.

Thereupon, upon motion of Commissioner Garris, seconded by Commissioner Minges, the order introduced and passed on first reading on July 7, 2003, entitled "ORDER AUTHORIZING \$7,900,000 GENERAL OBLIGATION REFUNDING BONDS" was read a second time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Chairman Beth B. Ward, presiding, and Commissioners Glenn Bowen, Tom Coulson, Jimmy Garris, David Hammond, Eugene James, John Minges, Mark Owens, Jr., and Randy Royal.

Noes: \_\_\_\_\_

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The Clerk to the Board of Commissioners was thereupon directed to publish the aforementioned order, together with the appended statement as required by The Local Government Bond Act, as amended, once in The Daily Reflector.

\* \* \* \* \*

I, Susan J. Banks, CMC, Clerk to the Board of Commissioners for the County of Pitt, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board of Commissioners for said County at a regular meeting held on July 21, 2003, as relates in any way to the holding of a public hearing upon the order authorizing refunding bonds of said County and the adoption of said order and that said proceedings are recorded in the minutes of said Board of Commissioners.

I DO HEREBY FURTHER CERTIFY that a schedule of the regular meetings of said Board of Commissioners, stating that the regular meetings of said Board of Commissioners are held on the first Monday of each month at 9:00 a.m. and on the third

Monday of each month at 6:00 p.m. in the Commissioners' Auditorium at the Pitt County Office Building in Greenville, North Carolina, has been on file with me for at least seven calendar days prior to said meeting, all in accordance with G.S. §143.318.12.

WITNESS my hand and the official seal of said County this 21<sup>st</sup> day of July, 2003.

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Clerk to the Board of Commissioners

[SEAL]

## **EXHIBIT A**

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert "None".]

Nancy Colville asked who gets the savings from this refinancing. She said she understands that it would go to the Board of Education. Mr. Elliott said the County makes the debt payment on the bonds and this money is restricted to use for payment on debt for school facilities.

Chairman Ward announced there were no other speakers and closed the public hearing.

**Motion:**

**Direct staff to start the application process with the Local Government Commission, adopt the attached bond order and call for a public hearing on July 21, 2003.**

**Motion made by Commissioner Jimmy Garris.**

**Motion seconded by Commissioner John Minges.**

**Motion Passed Unanimously.**

**Public Addresses to the Board**

**Meeting Notes**

Kathy Ipock – said she wants to make certain this Board understand its responsibility to the County. She said Mr. Rhodes has converted her to zoning. She wants to make certain that the ETJ issues are addressed. They should have been addressed in the zoning ordinance when it was first mentioned. She asked that the Board please look out for the poor citizens of the County.

Fred Hobbs – of Greenville, spoke about the proposed capital funding for Education. Equity is the top issue. With a possible 30%+ increase in tax bills, please make sure equity is included.

Nancy Colville - spoke about ABC testing for schools. She said that 31 of 32 Pitt County Schools met or exceeded student achievement requirements for this year. The State agency program holds students accountable. She said of the No Child Left Behind program only 9 of the 32 schools have reached the 10% requirement spelled out by Congress. The biggest difference between the State and the Federal, No Child Left Behind is race, family income, limited English skills, and disabilities. Federal funding is earmarked for 10 categories. Students will be able to transfer if school fails to meet the No Child Left Behind guidelines for two consecutive years. She asked how many schools receive funding under Title I in Pitt County? They may request reassignment of the school of their choosing. These guidelines make projecting future growth problematic. The fact is that parents don't want children transferred to other schools for personal reasons. She said with the schools funding being in the top 20% in the State, unfortunately the funding has not found its way into the classroom. Pitt County's School Superintendent's supplement is the highest in the State. Academic progress is not achieved by building new schools and facilities. Quality teachers are not a probation of the No Child Left Behind.

Tom Johnson, Sr. - Commented on schools. This Board and the School Board have taken an oath to uphold the laws of the State of North Carolina and Federal Government. No Child Left Behind is a federal law. It will be a tremendous problem. In a previous meeting, a member of this board stated it was a waste of money for the elevator at South Central High School. All building codes state that all buildings of government, two stories or more in height require an elevator. This is an ADA requirement and the County must abide by it. Figures for an elevator were \$50,000 and that was the cheapest elevator the architect could find on the market.

Bill Taft - Chairman of Building Committee for Pitt County Council on Aging said their group had been talking and they are withdrawing their comments for tonight because of the County's financial situation. They will continue working with the County and ask the Board to continue to consider working with them.

Joyce Manning - north of the river, spoke on Community Schools and Recreation. She spoke on behalf of senior citizens of Pitt County. She said the senior citizens produce a lot of the tax money. She would like to see a gymnasium built for senior citizens. Members are growing in sports such as badminton, basketball, etc. She congratulated Alice Keene and Rita Roy on their work. She said she went to the State tournament for senior games and would like a facility where they did not have to beg for a place to play sports.

Jill Camnitz - Chairman of Board of Education, thanked the Board for taking the step to meet capital needs for the County. The amount of funding is a difficult deliberation. She reminded the Board that the students are the future of Pitt County and they need and deserve these facilities. She can't think of a better investment than the students.

Shirley Morrison - Chairman of Pitt County Community Schools, said they are celebrating 25 years of service, and grateful for the support over the years. It would be wonderful to have a permanent home for the program. There were 11,626 citizens served last year. They need a recreation center for programs. She knows the impact on the citizens of Pitt County. She asked for phase one of the center to be approved.

#### **Items for Report**

*Manager's Report - Scott Elliott*

#### **Information Provided with the Agenda**

NACo Conference Update

August 4, 2003, 9am regular meeting

August 14-17, 2003, NCACC Annual meeting, Guilford County

August 18, 2003, 6pm regular meeting

#### **Meeting Notes**

Mr. Elliott updated the Board on the NACo Conference. He stated that Commissioner Hammond, Commissioner Minges, Commissioner Bowen and himself attended the conference. They attended various workshops and heard from the Secretary of the United States Department of Health and Human Services as well as the Deputy Secretary of the United States Department of Agriculture.

He reported the following:

August 4, 2003, 9am regular meeting.

August 14-17, 2003, NCACC Annual Conference, Guilford County

August 18, 2003, 6pm regular meeting

*Office of Public Information Spotlight - Thomas Lynch*

#### **Information Provided with the Agenda**

Mr. Thomas Lynch will be presenting the departmental spotlight on the Office of Public Information.

**Meeting Notes**

Mr. Lynch provided an information update on the Office of Public Information.

*Appointment to the Ayden Planning Board - Susan Banks*

**Information Provided with the Agenda**

The Clerk would like to report that Donald Kinney, Alternate ETJ Member for the Town of Ayden Planning Board has submitted a letter of resignation. This position has been advertised for quite some time but no applications have been received as of this date 7/10/03.

**Items for Consent**

*Approve Consent Agenda*

**Motion:**

**Motion to approve items for consent.**

**Motion made by Commissioner David Hammond.**

**Motion seconded by Commissioner Randy Royal.**

**Mr. Elliott said there were corrections to the minutes and a memo was put in front of the Board members for these corrections to be approved as part of the consent agenda. Mr. Elliott reviewed the corrections.**

A short break was held.

**Motion Passed Unanimously.**

*Releases & Refunds - June 2003 - Melonie Bryan*

**Information Provided with the Agenda**

In accordance with North Carolina General Statute 105-381(b), the Finance Officer has approved and is reporting the following release and refund information. This information is usually an attachment to the monthly financial status report for the County. Due to the budget workshops, the financial status information has been reported in a different format as a part of the deliberation process. The monthly financial report format will begin again in July 2003 with the Fiscal Year 2003-2004 data.

**Staff Recommendation**

Accept release and refund information as presented.

Item for Report

Releases & Refunds - \$100

or Less

June 2003

In accordance with North Carolina General Statute 105-381(b), the Finance Officer has approved and is reporting the following release and refund information:

Total County Releases:	238	\$8,662.87
Total City Releases:	126	\$4,872.82
Total Tax Refunds:	38	\$1,148.94

**Motion:**  
**Accept release and refund information as presented.**  
**Motion made by Commissioner David Hammond.**  
**Motion seconded by Commissioner John Minges.**  
**Motion Passed Unanimously.**

*Budget Amendment - Planning Department - Capacity Building Grant - \$75,000 - Glen Moore*

**Information Provided with the Agenda**

Pitt County has been awarded a Capacity Building Grant from the North Carolina Division of Community Assistance to hire a Housing Coordinator for a period of 18 months. The Housing Coordinator will assist with the administration of the County's ongoing and expanding Low-income Housing Programs. This position will also assist applicants in qualifying for the different programs offered by the County and coordinate new construction efforts with different volunteer groups.

**Staff Recommendation**

Approve budget amendment as presented.

Pitt County  
Finance

Budget Amendment Request  
DATE: August 21, 2003

Department: State Grants - Capacity Bldg Grant Date of Request: 7-14-03

FY Budget: 03-04

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
243684	Non Federal Categorical	75,000	
245684	Salaries	56,720	
245684	FICA	3,903	
245684	Retirement	2,490	
245684	401K	2,500	
245684	Hospitalization	6,768	
245684	Life Insurance	119	
245684	Travel	500	
245684	Contracted Services	2,000	

**Department Justification:** (Please provide detailed explanation)

Capacity Building Grant awarded from N.C. Division of Community Assistance for 18 months to hire a Housing Coordinator.

**Motion:**

**Approve budget amendment as presented.**

**Motion made by Commissioner David Hammond.**

**Motion seconded by Commissioner John Minges.**

**Motion Passed Unanimously.**

*Resolution for Bethel Extraterritorial Jurisdiction (ETJ) Extension - James Rhodes*

**Information Provided with the Agenda**

North Carolina General Statute 160A-360 (g) stipulates that approval of an ETJ extension "shall be evidenced by a formally adopted resolution" by the County. To formalize the June 16th Board approval of the Town of Bethel's extension request, the attached resolution is offered for consideration. According to Town officials, the ETJ should become effective in August or September.

Item was delayed from July 7, 2003 Board meeting.

**Staff Recommendation**

Adopt resolution for Town of Bethel extraterritorial jurisdiction extension.

PITT COUNTY BOARD OF COMMISSIONERS  
GREENVILLE, NORTH CAROLINA

RESOLUTION EXTENDING THE  
EXTRATERRITORIAL JURISDICTION (ETJ)  
OF THE TOWN OF BETHEL

WHEREAS, the Town of Bethel Board of Commissioners requested an extraterritorial jurisdiction expansion beyond its current one-mile ETJ;

WHEREAS, the Town of Bethel has indicated that it will provide infrastructure extensions to the area;

WHEREAS, the Town of Bethel Board of Commissioners and the Bethel Economic Development and Long Range Planning Board have supported the development of an industrial site in the area; and

WHEREAS, the Town of Bethel held a duly-noticed public hearing to receive public comment on the requested ETJ extension.

NOW, THEREFORE, BE IT RESOLVED BY THE PITT COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION I

The portion of the requested ETJ extension located north of Big Oak Road extending no more than two miles from the current corporate limits, as shown on the attached map, is hereby granted to the Town of Bethel. This extension is granted with the understanding that infrastructure improvements will be provided to the area for purposes of development of an industrial park.

SECTION II

This resolution may be modified at any time by mutual agreement of the Town and County, and can be rescinded upon two years' written notice to the Town by the County.

SECTION III

This ETJ extension request shall be approved upon adoption of this resolution will become effective at a later date determined by the Town of Bethel.

ADOPTED this the 21<sup>st</sup> day of July, 2003.

\_\_\_\_\_  
Beth B. Ward, Chairman  
Pitt County Board of Commissioners

Attest:

\_\_\_\_\_  
Susan J. Banks, CMC  
Clerk to the Board

**Motion:**  
**Motion made by Commissioner David Hammond.**  
**Motion seconded by Commissioner John Minges.**

**Motion Passed Unanimously.**

*Approval of Minutes - Susan Banks*

**Information Provided with the Agenda**

July 7, 2003 regular meeting

**Staff Recommendation**

Motion to approve the July 7, 2003 minutes.

**Motion:**

**Motion to approve the July 7, 2003 minutes.**

**Motion made by Commissioner David Hammond.**

**Motion seconded by Commissioner John Minges.**

**Motion Passed Unanimously.**

**Items for Discussion**

*Request of Mayors Association for Blanket One-Mile ETJ - Scott Elliott*

**Information Provided with the Agenda**

Attached you will find a request from the Chairman of the Pitt County Mayors Association, Don Parrott. The Mayors and Managers of the municipalities have developed the attached resolution. I, as your County Manager, had input into the resolution and support the intent of the resolution in principle. Originally, the Association was seeking a blanket two-mile ETJ approval for the municipalities. As a compromise, I suggested they seek consideration of a one-mile radius as currently permitted within the General Statutes.

The Association would like the Board of County Commissioners to adopt a separate resolution that would allow all the municipalities the right to extend the ETJ's one-mile beyond their corporate limits. This would be in effect after the adoption of county wide zoning. Currently, the municipalities are able to automatically extend their ETJ's one-mile without County approval per the general statutes. Once county wide zoning is in effect, each municipality will have to come before the Board of County Commissioners and justify each request.

At the direction of the Board Chair, the County Attorney has drawn-up a proposed resolution for your consideration.

This item was deferred until the public hearing on countywide zoning had been held. Planning Staff will have a full County map present at the meeting for the Board and public's review of potential extraterritorial jurisdictions for the municipalities.

**Staff Recommendation**

Consider map and take action following decision on countywide zoning.

**RESOLUTION ACKNOWLEDGING REQUEST BY MUNICIPALITIES FOR  
EXPANDING EXTRATERRITORIAL JURISDICTIONS FOLLOWING COUNTYWIDE  
ZONING**

WHEREAS, the Pitt County Mayors Association has presented a Resolution requesting that the Pitt County Board of Commissioners authorize extraterritorial jurisdictional area extensions; and

WHEREAS, the Mayors' Resolution states that this request is prompted by the concerns of the municipalities within the County as to the effects that will result from implementation of the planned countywide zoning; and

WHEREAS, one effect of countywide zoning will be that the current ETJ as established by each municipality based upon their right to one mile beyond their municipal limits will become permanent unless this Board grants approval of individual requests for expansion of that current ETJ; and

WHEREAS, the Mayors believe that requiring them to seek Commissioner approval prior to expansion of their extraterritorial jurisdiction will hamper the growth and development of their communities; and

WHEREAS, the Mayors' Resolution requests that this Board grant them the right to extend their extraterritorial jurisdictional to areas extending not more than one mile beyond their corporate limits following changes to those corporate limits through annexation, without the approval of this Board as to each such extension;

NOW THEREFORE, after thorough consideration of this request, the Board of Commissioners affirms their commitment to assist in the growth and development of the municipalities and pledges their support to give every consideration to requests for extension of extraterritorial jurisdictions when such requests come before this Board in the future;

NOW, THEREFORE, BE TO RESOLVED that the Board of Commissioners hereby pledges to give every consideration to municipalities within Pitt County when they request the right to extend their extraterritorial jurisdictions to encourage their development following the implementation of countywide zoning.

Duly adopted in open session, this the 21st day of July, 2003.

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Susan J. Banks, Clerk

**Meeting Notes**

A short break was held.

Mr. Elliott said that the resolution acknowledging the request by the municipalities for the authority to expanded ETJs was postponed from the last meeting until countywide zoning

had been approved. There were two options proposed for the ETJs. He said the history behind this request started with a two mile request for the ETJ and he advised the municipalities that they should seek consideration of a one mile ETJ. Commissioner Bowen said there was a survey on other counties. Mr. Elliott said a survey was done, about which counties allow this two mile or one mile ETJ. Mr. Rhodes said he spoke with other counties. The other counties that they have surveyed suggested that the municipalities have to come back to the Board of Commissioners.

Commissioner Bowen motioned to table until a later date. No second was made to the motion.

**Motion:**

**Use Option A in the resolution.**

**Motion made by Commissioner Randy Royal.**

**Motion seconded by Commissioner Jimmy Garris.**

**Discussion:**

Commissioner Hammond said sometimes they can go in one or two directions but cannot go other directions. He asked if the motion meant if they go anywhere over one mile? Commissioner Royal said they should come back to the Board if they want to extend their boundaries. Commissioner Owens said restrictions and laws do not always give you a valuation increase. He said the history in this County shows that the towns have been growth areas. This county has grown 20% in growth. He has a problem restricting one elected body by another one. Vice Chairman James said he disagreed and asked for the Planning Board's map of Pitt County and what is already in the ETJ's around the towns and city. He said this Board will listen to the people because they vote for this Board. He said now that we have countywide zoning, this would say the Planning Department is not good enough to plan for these areas. When the Planning Staff went to these towns, they agreed with the County's Planning Department. They need to come back before this Board. This Board has always worked with the towns and cities. Commissioner Hammond asked why restrict the ETJs now? Mr. Hammond said that if zoning and building codes are in place, then they would no longer need ETJs. Mr. Rhodes said they are supporting status quo with the towns. If there is a major extension of infrastructure, then they would need to come back to this Board for approval. Commissioner Hammond said he did not want the County to get into any turf wars about the ETJs. Mr. Rhodes said he has worked with the municipalities first to see what they consider their urban area. Commissioner Coulson said the County Planning Department should be allowed to work with these municipalities. Commissioner Garris said in this resolution, this Board pledges its support on these request.

**Vote Record:**

John Minges	Yes
Jimmy Garris	Yes
Mark Owens, Jr.	No
Beth Ward	Yes
Glenn Bowen	Yes
Tom Coulson	Yes
David Hammond	Yes

Eugene James      Yes  
Randy Royal        Yes

Total Yes Votes: 8  
Total No Votes: 1  
Motion Passed.

**Items for Decision**

*Capital Improvement Plan*

*(See the August 18, 2003 minutes to replace this section of minutes with a more detailed version which was adopted as the correct version)*

**Motion:**

**Motion to issue COPS for capital improvement for \$30 million and to also take \$5 million from the general fund, for a total of \$35 million in funding:  
\$1.55 million for Pitt Community College  
\$1.05 million to Community Schools and Recreation and further,  
\$32.4 million for the Pitt County Schools for the School Board to identify the capital needs for future approval by this Board.  
Motion made by Commissioner Jimmy Garris.  
Motion seconded by Commissioner John Minges.**

**Commissioner Garris asked has the School Board decided where the funds would go? Commissioner Royal said that since the Board of County Commissioners maintain control of the funds, then this Board should adopt the motion and then have the schools prioritize where the money should go. Commissioner Bowen said they can spend the money on whatever they want to. Ms. Bryan said the Board could identify \$32.4 million for the schools and instruct them to return to this Board for approval on their priorities. Commissioner Garris said he is trying to spread out these funds by approving the \$35 million in funding this year and then come back next year and consider the balance of the request. The funds would be spread out over two years.**

**Vote Record:**

John Minges        Yes  
Jimmy Garris       Yes  
Mark Owens, Jr.    Yes  
Beth Ward          Yes  
Glenn Bowen        No  
Tom Coulson        Yes  
David Hammond     No  
Eugene James      Yes  
Randy Royal        Yes

Total Yes Votes: 7  
Total No Votes: 2  
Motion Passed.

*Appointment to the Mid-East Workforce Development Board - Susan Banks*

## **Information Provided with the Agenda**

1. Lee Armstong's term will expire on 6/30/03. According to our records, Mr. Armstrong is eligible for reappointment. Mr. Armstong has attended 7 meetings out of 7 in the past year.

2. John Groesser has resigned from the board. A list of interested applicants is attached. John Chaffee was contacted to make a recommendation from the list of applicants. Mr. Chaffee recommended Joyce Jones to serve on this Board since she is in charge of the STRIVE program.

### **Staff Recommendation**

Motion to reappoint Lee Armstrong to another three year term on the Mid-East Workforce Development Board.

### **Motion:**

**Motion to reappoint Lee Armstrong to another three year term on the Mid-East Workforce Development Board and appoint Joyce Jones to the vacant seat.**

**Motion made by Vice Chairman Eugene James.**

**Motion seconded by Commissioner David Hammond.**

**Motion Passed Unanimously.**

*Appointment to the Committee for Employment of People with Disabilities - Susan Banks*

## **Information Provided with the Agenda**

Robert Thompson's term has expired on the Committee for Employment of People with Disabilities. According to our records, Mr. Thompson is eligible for reappointment.

Paula Dowd has resigned from the Committee for Employment of People with Disabilities. She represents Pitt County Schools. We are waiting for a recommendation from the Superintendent of Pitt County Schools.

### **Staff Recommendation**

Motion to reappointment of Robert Thompson to the Committee for Employment of People with Disabilities.

### **Motion:**

**Motion to reappointment of Robert Thompson to the Committee for Employment of People with Disabilities.**

**Motion made by Commissioner John Mingos.**

**Motion seconded by Vice Chairman Eugene James.**

**Motion Passed Unanimously.**

*Reappointment to the Grimesland Planning Board - Susan Banks*

**Information Provided with the Agenda**

Annie Clemons and Terry Strickland are both completing their first term on the Grimesland Planning Board. They are both eligible for reappointment. There are no additional applicants.

**Staff Recommendation**

Motion to reappoint Annie Clemons and Terry Strickland to the Grimesland Planning Board.

**Motion:**

**Motion to reappoint Annie Clemons and Terry Strickland to the Grimesland Planning Board.**

**Motion made by Commissioner David Hammond.**

**Motion seconded by Commissioner Randy Royal.**

**Commissioner Minges nominated Annie Clemons and Terry Strickland for reappointment.**

**Motion Passed Unanimously.**

*Appointments to the Grimesland Board of Adjustment - Susan Banks*

**Information Provided with the Agenda**

There are two members of the Grimesland Board of Adjustment that have terms that expire July 31, 2003: Mr. Danny Strickland and Mr. Randy Riddle. Their attendance record is attached. There are no additional applicants.

**Staff Recommendation**

Motion to reappoint Danny Strickland and Randy Riddle to the Grimesland Board of Adjustment.

**Motion:**

**Motion to reappoint Danny Strickland and Randy Riddle to the Grimesland Board of Adjustment.**

**Motion made by Commissioner John Minges.**

**Motion seconded by Commissioner Jimmy Garris.**

**Motion Passed Unanimously.**

*Reappointment/Appointment to the Mental Health Advisory Committee - Susan Banks*

## **Information Provided with the Agenda**

The following members on the Mental Health Advisory Committee terms will expire 7/31/2003 and are eligible for reappointment:

Melba Tripp  
Lester Brown  
ET Vinson  
John Swope

The Advisory Committee is recommending the vacant at-large position held by Dr. Ray Webster, which became vacant on July 31, 2003, to be filled by one of the following candidates:

Betty Benfield  
Bruce (Porter) Stokes

This appointment would be for a four-year term expiring on July 31, 2006.  
A list of Interested applicants is attached.

## **Staff Recommendation**

Recommend reappointment of Melba Tripp, Lester Brown, E.T. Vinson and John Swope. The Mental Health Advisory Committee recommends Board appoint a replacement for Dr. Ray Webster from Betty Benfield or Porter Stokes.

## **Motion:**

**Motion to reappoint Melba Tripp, Lester Brown, E.T. Vinson and John Swope.**

**Motion made by Commissioner Jimmy Garris.**

**Motion seconded by Commissioner Randy Royal.**

**Motion Passed Unanimously.**

**Commissioner Garris nominated Porter Stokes for the vacant position.**

**Commissioner Bowen nominated Phyllis Ross for the vacant position.**

**Commissioner Garris spoke to his nomination of Porter Stokes. Commissioner Bowen withdrew his nomination of Phyllis Ross.**

**Motion to accept the appointment of Porter Stokes to the Mental Health Advisory Committee by acclamation.**

**Motion made by Commissioner Jimmy Garris.**

**Motion seconded by Vice Chairman Eugene James.**

**Motion Passed Unanimously.**

*Appointment to the Greenville Board of Adjustment - Susan Banks*

## **Information Provided with the Agenda**

Rudolph Alexander, who was recently appointed to the Greenville Board of Adjustment, declined his appointment. He is willing to serve until September 1, 2003 in order to give the Pitt County Board of Commissioners time to select a replacement.

**Staff Recommendation**

No recommended motion.

**Motion:**

**Motion to appoint Edward Caldwell to the Greenville Board of Adjustment.**

**Motion made by Vice Chairman Eugene James.**

**Motion seconded by Commissioner John Minges.**

**Motion Passed Unanimously.**

*Appointment to the Bethel Board of Adjustment - Susan Banks*

**Information Provided with the Agenda**

Mr. Linwood Bowers has resigned from the Bethel Board of Adjustment. Greg Zephir, Bethel Town Manager recommends Kim Adams be appointed to replace Mr. Bowers. (Seat #1)

Someone also needs to be appointed to seat # 2 as the County's extraterritorial jurisdiction alternate representative. Attached in the agenda is the list of applicants.

**Staff Recommendation**

No recommended motion.

**Motion:**

**Motion to appoint Kim Adams to the Bethel Board of Adjustment.**

**Motion made by Vice Chairman Eugene James.**

**Motion seconded by Commissioner John Minges.**

**Motion Passed Unanimously.**

**Adjourn**

**Staff Recommendation**

Motion to adjourn meeting at 8:15 pm.

**Motion:**

**Motion to adjourn meeting around 8:15 pm.**

**Motion made by Commissioner David Hammond.**

**Motion seconded by Vice Chairman Eugene James.**

**Vote Record:**

**Jimmy Garris            Yes**

<b>John Minges</b>	<b>No</b>
<b>Mark Owens, Jr.</b>	<b>Yes</b>
<b>Beth Ward</b>	<b>Yes</b>
<b>Glenn Bowen</b>	<b>No</b>
<b>Tom Coulson</b>	<b>No</b>
<b>David Hammond</b>	<b>Yes</b>
<b>Eugene James</b>	<b>Yes</b>
<b>Randy Royal</b>	<b>Yes</b>

**Total Yes Votes: 6**

**Total No Votes: 3**

**Motion Passed.**

Respectfully Submitted,

Susan J. Banks, CMC  
Clerk to the Board