

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
NOVEMBER 17, 2003 MINUTES**

The Pitt County Board of Commissioners met on Monday, November 17, 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
Melonie Bryan, Deputy County Manager/Financial Services
JoAnne Burgdorff, County Attorney
Phil Dickerson, Deputy County Manager/Public Services
Edward Garrison, DSS Director
Glen Moore, Planning Staff
Jeff Niebauer, Tax Collector
James Rhodes, Planning Director
Stephen Smith, Planning Staff
John Bulow, Deputy County Manager/Human Services

Call to Order

Meeting Notes

Chairman Ward called the meeting to order.

Chairman Ward called for a roll call noting that all commissioners were present.

Invocation and Pledge

Meeting Notes

The invocation was offered by Vice Chairman James.
The pledge of allegiance was led by Commissioner Minges.

Approval of Agenda

Staff Recommendation

Motion to approve the agenda as submitted.

Meeting Notes

Chairman Ward said that they were going to be using some new electronic voting equipment. She asked for a roll call and noted that all commissioners were present.

Motion:

Motion to move hunting ordinance item up to follow public addresses and approve agenda.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Public Hearings

Public Hearing for Amendments to the Pitt County Zoning Ordinance for Flood Hazard Overlay District - Stephen Smith

Information Provided with the Agenda

Pitt County's new floodplain maps will become effective on January 2, 2004. As a result, the County is required to update its Flood Damage Prevention regulations to incorporate the new maps. The County Flood Damage Prevention regulations are to be incorporated into the Flood Hazard Overlay District of the County Zoning Ordinance with an effective date of January 2, 2004. The proposed language closely mirrors that of the state's model ordinance. The proposed amendments retain the County's two (2) foot freeboard requirement which gives extra protection to those structures built in the 100 year floodplain.

The devastating floods caused by Hurricane Floyd revealed severe limitations in the flood hazard data shown on the Flood Insurance Rate Maps (FIRMs). Of the thirty-three FIRMs issued for unincorporated Pitt County, thirteen were created in 1983. The other twenty were updated in 1990. The new flood maps were created by the State of North Carolina through the Federal Emergency Management Agency's (FEMA's) Cooperating Technical Community partnership initiative. Through this initiative, North Carolina will assume primary ownership and responsibility of the FIRMs. This will allow for more frequent updates to the maps.

Based on these new maps, 22% of Pitt County is located in the 100 year floodplain. This is down slightly from the 25% that was previously mapped. In the Tar-Pamlico Basin, 25.5% of the land area is located in the 100 year floodplain. This is down slightly from the 27% that was previously mapped. In the Neuse Basin, 17.5% of the land area is in the 100 year floodplain. This is down from the 22% that was previously mapped. Even though the amount of floodplain area decreased overall, some existing flood hazard areas have expanded (i.e. along the Tar River near the Edgecombe County line). The changes reflect the use of new technology which has produced more accurate maps.

Attached is a list of major changes (See Attachment 1), as well as the sections of the Countywide Zoning Ordinance that reference the Flood Hazard Overlay District (See Attachments 2, 3, & 4). The Planning Board reviewed the proposed changes at its October meeting and gave a unanimous recommendation to accept them. Since that time, the amendments have also been reviewed by Tammy Riddle, Eastern Branch National Flood Insurance Program Planner with the NC Dept. of Emergency Management. Ms Riddle made a few additional changes to the draft regulations, show in bold print and strikethrough, to insure compliance with FEMA standards. The public hearing has been advertised and a list of the major changes has been distributed to local surveyors/engineers for review and comment (See Attachment 5).

Staff Recommendation

Following the public hearing, adopt the proposed Pitt County Zoning Ordinance amendments with an effective date of January 2, 2004.

Manager Comments

Concur with staff recommendation.

Meeting Notes

Mr. Stephen Smith gave a report of the actions to date as noted in the summary of information. He reviewed each area that contained the proposed amendments. Commissioner Bowen suggested that each commissioner had seen this material and to move forward with the public hearing.

Motion:

Motion to accept report and open public hearing.

Motion made by Commissioner David Hammond.

Motion seconded by Vice Chairman Eugene James.

Discussion:

Commissioner Coulson said the Board may have heard or seen the presentation but the public may not have the information. He said this is for a public hearing and the public should be able to hear the presentation.

Vote Record:

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

Total Yes Votes: 6

Total No Votes: 3

Motion Passed.

Chairman Ward stated that the public hearing was open. No one had signed up to speak. Vice Chairman James asked about the 10% reduction in insurance credits. Mr. Smith said he was not sure how long the review process would take. Chairman Ward closed the public hearing.

Motion:

Motion to approve amendment to zoning ordinance effective January 2, 2004.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner Jimmy Garris.

Motion Passed Unanimously.

7.2 Flood Hazard District Overlay Requirements

The Flood Hazard Overlay District (FH), as established in Section 4.3.4 is designed for the purpose of protecting people and property from the hazards of flooding in accordance with the authority provided in NCGS 153A-121. The provisions of this Section replace regulations contained in Article III, Flood Damage Prevention, of the Pitt County Code enacted August 18, 1980, as amended, which has been repealed by Pitt County. For purposes of previously adopted Interlocal Agreements, references to the County's Flood Damage Prevention Ordinance shall mean the provisions of this Section and any subsequent amendments thereto.

7.2.1 Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this Section shall have the meaning indicated when used throughout Section 7.2.

1. Accessory Structure

A structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

2. Addition (to an existing building)

An extension or increase in the floor area or height of a building or structure. Additions to existing buildings shall comply with the requirements for new construction, unless the addition, renovation or reconstruction to any building, that was constructed prior to the initial Flood Insurance Study for that area, and the addition, renovation or reconstruction does not equal 50% of the present market value of the structure. Where a fire wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and must comply with the standards for new construction.

3. Appeal

As described in section 15.4

4. Area of Special Flood Hazard

See "Special Flood Hazard Area (SFHA)"

5. Basement

That lowest level or story which has its floor sub grade on all sides.

6. Base Flood

The flood having a one percent chance of being equaled or exceeded in any given year (100-year flood).

7. Base Flood Elevation

Base flood elevation (BFE) is the highest height, expressed in feet above sea level, of the level of the floodwaters that occur during the base flood.

8. Building

See "Structure"

9. Chemical Storage Facility

A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

10. Development

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
11. Disposal

Defined as in NCGS 130A-290(a)(6)
12. Elevated Building

A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
13. Encroachment

The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
14. Existing Manufactured Home Park or Manufactured Home Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of Section 7.2.
15. Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

 - (a) The overflow of inland or tidal waters; and,
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
16. Flood Boundary and Floodway Map (FBFM)

An official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).
17. Flood Hazard Boundary Map (FHBM)

An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.
18. Flood Insurance

Means the insurance coverage provided under the National Flood Insurance Program.

19. Flood Insurance Rate Map (FIRM)

An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and risk premium zones applicable to the community.

20. Flood Insurance Study (FIS)

Means an examination, evaluation, and determination of flood hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and, if published, Flood Boundary and Floodway Maps (FBFMs).

21. Flood Zone

A geographical area shown on a Flood Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

22. Floodplain or Flood Prone Area

Any land susceptible to being inundated by flood waters from any source.

23. Floodplain Administrator

The individual appointed to administer and enforce the floodplain management regulations.

24. Floodplain Management

The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

25. Floodplain Regulations

Includes this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

26. Floodproofing

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

27. Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Floodways are located within areas of special flood hazard as defined herein.

28. Floor

See also “Lowest Floor”

The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood-frame construction. The term does not include the floor of a garage used solely for parking vehicles.

29. Freeboard

Additional amount of height added to the Base Flood Elevation (BFE) to account for uncertainties in the determination of flood elevations. $\text{Base Flood Elevation (BFE) + Freeboard} = \text{Regulatory Flood Protection Elevation (RFPE)}$.

30. Functionally Dependent Facility

A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

31. Habitable Floor

Any floor usable for living purposes which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a habitable floor.

32. Hazardous Waste Management Facility

A facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

33. Highest Adjacent Grade

The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

34. Historic Structure

Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic place in communities with historic preservation programs that have been certified (1) by an approved

state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

35. Levee

A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

36. Levee System

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

37. Lowest Adjacent Grade (LAG)

The elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A use the natural grade elevation prior to construction.

38. Lowest Floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section.

39. Manufactured Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a recreational vehicle.

40. Market Value

The building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

41. Mean Sea Level

Means the average height of the sea for all stages of the tide. For purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988 or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

42. National Geodetic Vertical Datum (NGVD)

As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

43. New Construction

Structures for which the 'start of construction' commenced on or after the effective date of Section 7.2 and includes any subsequent improvements to such structures.

44. New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of Section 7.2.

45. Nonconforming Building or Development

Any legally existing building or development which fails to comply with the current provisions of this ordinance.

46. Non-Encroachment Area

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

47. North American Vertical Datum (NAVD)

As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

48. Obstruction

Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

49. Post-FIRM

Means construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

50. Pre-FIRM

Means construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

51. Public Safety and/or Nuisance

Means anything that is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

52. Recreational Vehicle (RV)

A vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

53. Reference Level

The portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, or AH, the reference level is the top of the lowest floor.

54. Regulatory Flood Protection Elevation (RFPE)

The elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated or floodproofed, if non-residential. Within areas where Base Flood Elevations (BFEs) have been established, this elevation shall be BFE plus two (2) feet of freeboard. In areas where no BFEs have been established, all structures and other development must be elevated or floodproofed, if non-residential, to two (2) feet above the Highest Adjacent Grade (HAG).

55. Remedy a Violation

To bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impact of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

56. Repetitive Loss

Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

57. Retrofitting

Techniques, such as floodproofing, elevating, construction of small levees, and other modifications, made to an existing building or its yard to protect it from flood damage.

58. Riverine
- Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
59. Salvage Yard
- Means property used for the storage, collection, and/or recycling of any type of equipment whatsoever, whether industrial or noncommercial, and including but not limited to vehicles, appliances and related machinery.
60. Special Flood Hazard Area (SFHA)
- The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year as determined by Section 7.2.3 of this ordinance. This area shall comprise the Flood Hazard Overlay District established in Section 7.2.
61. Solid Waste Disposal Facility
- Any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).
62. Solid Waste Disposal Site
- As defined in NCGS 130A-290(a)(36).
63. Start of Construction
- Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
64. Structure
- For floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground.
65. Substantial Damage
- Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of 'substantial improvement'. Substantial damage also means flood-related damages

sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damaged occurred.

66. Substantial Improvement

Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the 'start of construction' of the improvement. This term includes structures which have incurred 'repetitive loss' or 'substantial damage', regardless of the actual repair work performed. The term does not, however, include either (a) any project of improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local health code enforcement official and which are the minimum necessary to assure safe living conditions or (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

67. Variance

A grant of relief to a person from the requirements of this Section which permits construction in a manner otherwise prohibited by this Section where specific enforcement would result in unnecessary hardship.

68. Violation

The failure of a structure or other development to be fully compliant with the County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Section is presumed to be in violation until such time as that documentation is provided.

69. Watercourse

A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

70. Water Surface Elevation (WSE)

The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

7.2.2 Findings of Fact.

1. The flood prone areas within the jurisdiction of Pitt County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood prone areas by uses vulnerable to floods or hazardous to other lands which

are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

7.2.3 Basis For Establishing The Special Flood Hazard Areas

The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Pitt County dated January 2, 2004 which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

1. generated as a requirement of Section 7.2.11.2 this Ordinance;
2. preliminary FIRMs where more stringent than the effective FIRM; or
3. post-disaster Flood Recovery Maps.

7.2.4 Establishment of Floodplain Development Permit

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas as determined in Section 7.2.3 of this ordinance.

7.2.5 Designation of Floodplain Administrator

The Planning Director or his/her designee, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of Section 7.2.

7.2.6 Floodways and Non-Encroachment Areas

1. Located within areas of special flood hazard are areas designated as floodways or non-encroachment areas. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential.
2. No artificial obstruction may be located within any floodway or non-encroachment area.
3. For purposes of this Section, an artificial obstruction is any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the floodway by a nonhuman cause.
4. The following standards shall apply within floodways or non-encroachment areas or to uses allowed by variance (in accordance with Section 13.2.2):
 - (a) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional

engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

- (b) If subsection 4.(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 7.2.8.
- (c) No manufactured home shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:
 - (i) the anchoring and the elevation standards of Section 7.2.8.4(c);
and
 - (ii) the no encroachment standards of Section 7.2.6.4(a).

7.2.7 (Reserved)

7.2.8 Construction Within Areas of Special Flood Hazard Restricted

1. No new residential building may be constructed and no substantial improvement of a residential building may take place within any area of special flood hazard except in accordance with subsection 4. or 5. of this Section.
2. No new nonresidential building, with the exception of public utility structures, may be constructed and no substantial improvements of a nonresidential building may take place within any area of special flood hazard except in accordance with subsection 4. or 5. of this Section.
3. The following general standards shall apply to any permissible development, any public utility structure and any use allowed by variance (in accordance with Section 13.2.2) in an area of special flood hazard:
 - (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
 - (b) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
 - (c) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - (d) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
 - (e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- (f) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
 - (h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
 - (i) Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this Section shall meet the requirements of 'new construction' as contained in this Section; and
 - (j) Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this Section. Provided, however, nothing in this Section shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of Section 7.2 and located totally or partially within the Floodway Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of Section 7.2.
 - (k) No new solid waste disposal facilities, hazardous waste management facilities, salvage yards, or chemical storage facilities shall be permitted in the 100-year floodplain.
 - (l) Provide that a structure or tank for chemical or fuel storage incidental to a use that is allowed by Section 7.2 of this Article or to the operation of a water treatment plant or wastewater facility may be in a 100-year floodplain only if the structure or tank is either elevated to the Regulatory Flood Protection Elevation and certified according to Section 7.2.11.3 or designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
4. In all areas of special flood hazard where base flood elevation data has been provided, the following specific standards shall apply to any permissible use and any use allowed by variance (in accordance with Section 13.2.2):
- (a) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than the Regulatory Flood Protection Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
 - (b) Non-Residential Construction. New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the Regulatory Flood Protection Elevation. Structures located in A, AE, and A1-A30 zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight

with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 7.2.11.3.

(c) Manufactured Homes.

- (i) Manufactured homes that are placed or substantially improved on sites (1) outside a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or, (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred 'substantial damage' as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than the Regulatory Flood Protection Elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (ii) Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of subsection (i) above must be elevated so that the lowest floor of the manufactured home is elevated no lower than the Regulatory Flood Protection Elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (iii) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the *Regulations for Mobile Homes and Modular Housing* adopted by the Commissioner of Insurance pursuant to NCGS 143.143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height, an engineering certification is required.
- (iv) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

- (d) Recreational Vehicles. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:
 - (i) Be on site for fewer than 180 consecutive days;
 - (ii) Be fully licensed and ready for highway use; or
 - (iii) Meet the requirements of Sections 7.2.8(3)&(4).

- (e) Elevated Buildings. New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - (i) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (2) The bottom of all required openings shall be no higher than one foot above grade; and,
 - a. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - (4) If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter.
 - (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding as described in 7.2.8.3(e).
 - (6) Foundation enclosures:
 - a) Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
 - b) Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

The interior of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

- (f) Temporary Structures. Prior to the issuance of a development permit, for a temporary structure, the following requirements must be met:
 - (i) All applicants must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
 - (1) The name, address and phone number of the individual responsible for the removal of the temporary structure;
 - (2) The time frame prior to the event at which a structure will be removed;
 - (3) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;
 - (4) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved, and;
 - (5) A specified time period for which the temporary use will be permitted.
 - (ii) The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.
- (g) Accessory Structure. When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:
 - (i) Accessory structures shall not be used for human habitation;
 - (ii) Accessory structures shall be designed to have low flood damage potential;
 - (iii) Accessory structures shall be firmly anchored in accordance with Section 7.2.8.3(a); and
 - (iv) Service facilities such as electrical and heating equipment shall be elevated in accordance with Section 7.2.8.3(e).

- (v) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters
 - (vi) Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Section 7.2.8.4e(i).
 - (vii) An accessory structure with a footprint less than 150 square feet does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with 7.2.11.3
- (h) Additions/Improvements.
- (i) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - 1) are not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - 2) are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (ii) Additions to post-FIRM structures with no modifications to the existing structure shall require only the addition to comply with the standards for new construction.
 - (iii) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure
 - 1) are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - 2) are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (iv) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
5. Located within the areas of special flood hazard are small streams where no base flood data has been provided or where no floodways or non-encroachment areas have been identified. The following provisions apply within such areas to any permissible use or any use allowed by variance (in accordance with Section 13.2.2;

- (a) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five times the width of the stream at the top of bank or twenty feet each side from top of bank, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (b) If subsection 7.2.8.5(a) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 7.2.8 and shall be elevated or flood-proofed in accordance with elevations established in accordance with Section 7.2.11.1. When base flood elevation data is not available from a federal, state, or other source, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade.
6. Along rivers and streams where Base Flood Elevation (BFE) data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

7.2.9 Special Provisions for Subdivisions, Mobile Home Parks & Major Developments

1. An applicant for subdivision, mobile home park, or major development plan approval shall be informed by the Floodplain Administrator of the use and construction restrictions contained in Sections 7.2.6, and 7.2.8 if any portion of the land to be subdivided lies within an area of special flood hazard.
2. Final approval for any subdivision, mobile home park, or major development plan containing land that lies within an area of special flood hazard may not be given unless the plat shows the boundary of the area of special flood hazard and floodway boundary and clearly notes the correct flood hazard information as shown on the Flood Insurance Rate Maps.
3. All subdivision, mobile home park, and major development proposals shall be consistent with the need to minimize flood damage.
4. All subdivision, mobile home park, and major development proposals shall have public utilities and facilities such as water, sewer, gas, and electrical systems located and constructed so as to minimize flood damage.
5. All subdivisions, mobile home park, and major development shall have adequate drainage provided to reduce exposure to flood hazards.
6. Base flood elevation data shall be provided for subdivision, mobile home park, and major development proposals that contain fifty lots or five acres, whichever is less.

7.2.10 Water Supply and Sanitary Sewer Systems in Areas of Special Flood Hazard

Whenever any portion of a proposed development is located within an area of special flood hazard or whenever replacement water supply and sewage disposal systems are proposed within an area of special flood hazard, the agency or agencies responsible for certifying to the County the adequacy of the water supply and sewage disposal systems for the development shall be informed by the developer that a specified area within the development lies within an area of special flood hazard. Thereafter, approval of the proposed system by that agency shall constitute a certification that:

1. Such water supply system is designed to minimize or eliminate infiltration of flood waters into it.
2. Such sanitary sewer system is designed to eliminate infiltration of flood waters into it and discharges from it into flood waters.
3. Any on-site sewage disposal system is located to avoid impairment to it or contamination from it during flooding.

7.2.11 Permit Requirements, Duties and Responsibilities of the Zoning and/or Floodplain Administrator, and Certification Requirements

1. Application for a floodplain development, zoning, special use, or conditional use permit shall be made to the Zoning and/or Floodplain Administrator on forms furnished by the Administrator prior to any development activities.
 - (a) The application permit may include, but not be limited to, plot plans in duplicate drawn to scale showing:
 - (i) the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas, and drainage facilities.
 - (ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Section 7.2.3 or a statement that the entire lot is within the Special Flood Hazard Area;
 - (iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 7.2.3;
 - (iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Section 7.2.6;
 - (v) the Base Flood Elevation (BFE) where provided as set forth in 7.2.11.2f(i), 7.2.8.5, or 7.2.8.4;
 - (vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

- (i) The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
 - (ii) If the structure has been floodproofed in accordance with Section 7.2.8.4(b), the elevation (in relation to mean sea level) to which the structure was floodproofed.
 - (iii) The elevation (in relation to mean sea level) to which any proposed utility systems will be elevated or floodproofed.
- (c) Where the base flood elevation data are not provided, the application for a permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- (d) Where any watercourse will be altered or relocated as a result of proposed development, the application for a permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
- (e) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in Section 7.2.8.4(b).
- (f) A Foundation Plan drawn to scale which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
- (i) Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
 - (ii) Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Section 7.2.8.4e(i);
- (g) Usage details of any enclosed space below the regulatory flood protection elevation
- (h) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage
- (i) Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- (j) If floodplain development permit is issued for placement of Recreational Vehicles and/or Temporary Structures, documentation to ensure Sections 7.2.8.4d and 7.2.8.4f.

2. The Floodplain Administrator shall review all zoning, special use, or conditional use permits to assure that any development within an area of special flood hazard is reasonably safe from the hazards of flooding and shall:
 - (a) Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.
 - (b) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - (c) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
 - (d) Prevent encroachments within floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 7.2.8.6 are met.
 - (e) Where base flood elevation data or floodway data are available:
 - (i) Obtain the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
 - (ii) Obtain, for all structures that have been floodproofed (whether or not such structures contain a basement), the actual elevation (in relation to mean sea level) to which the structure was floodproofed; and
 - (iii) Permanently maintain a record of all such information and make these records available to the public.
 - (f) Where base flood elevation data or floodway data have not been provided:
 - (i) Obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to Section 7.2.8.5, for enforcing the requirements set forth in Section 7.2;
 - (ii) Obtain and record the actual elevation constituting the highest adjacent grade, to which all new or substantially improved structures are elevated or floodproofed; and
 - (iii) Permanently maintain a record of all such information and make these records available to the public.

- (g) Notify, in riverine situations, adjacent communities, the NC Department of Crime Control and Public Safety, Division of Emergency Management prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Federal Emergency Management Agency.
- (h) Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (i) Ensure that all necessary permits have been received from those agencies from which approval is required by federal or state law.
- (j) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 7.2.8.4(b).
- (k) When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file
- (l) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (m) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (n) Revocation of floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (o) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right,

upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

(p) Follow through with corrective procedures as described in 11.3..

3. The following pertains to certification requirements as set forth in this section:

(a) A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(b) A Final As-Built Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(c) If a manufactured home is placed within an A, AE, or A1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Section 7.2.8.4c

(d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a

map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

- (e) Certification Exemptions. The following structures, if located within A, AE or A1-30 zones, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:
 - (i) Recreational Vehicles meeting requirements of Section 7.2.8.4d(i)&(ii)
 - (ii) Temporary Structures meeting requirements of Section 7.2.8.4f
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Section 7.2.8.4g
4. The following information shall be provided at a minimum on the Floodplain Development Permit to ensure compliance with this ordinance:
- (a) A description of the development to be permitted under the floodplain development permit issuance.
 - (b) The Special Flood Hazard Area determination for the proposed development per available data specified in Section 7.2.3.
 - (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - (d) The regulatory flood protection elevation required for the protection of all public utilities.
 - (e) All certification submittal requirements with timelines.
 - (f) State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.
 - (g) If in an A, AE or A1-30 zone, specify the minimum foundation opening requirements

7.2.12 Location of Boundaries of Areas of Special Flood Hazard

As used in Section 7.2, the term 'areas of special flood hazard' refers in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of this term. This term also refers to overlay zoning districts whose boundaries are the boundaries of the areas of special flood hazard shown on the map referenced in Sections 7.2.1(16) and (17), which boundaries are intended to correspond to the actual, physical location of areas of special flood hazard. (These overlay districts thus differ from other zoning districts whose boundaries are established solely according to planning or policy, rather than physical criteria.) Therefore, the Floodplain Administrator is authorized to make necessary interpretations as to the exact location of the boundaries of areas of special flood hazards if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the Zoning Administrator, may be appealed to the Board of Adjustment in accordance with the applicable provisions of this ordinance.

7.2.13 Amendments to the Official Flood Hazard Zoning and Flood Hazard Boundary Map; Variance Procedures

- (1) Amendments to the Official Flood Hazard Zoning and Flood Hazard Boundary Map:

- (a) All requests for revisions of areas of special flood hazard boundaries and base flood elevations shall be reviewed and approved by the Federal Emergency Management Agency.
- (b) The existing location of any area of special flood hazard as hereinabove defined may be amended in cases where:
 - (i) A flood control project of the federal, state, county or city government has substantially altered the flood hazard;
 - (ii) Flood data indicates that the boundaries of either of the areas as shown on the official flood boundary and floodway map are no longer correct; or
 - (iii) A private individual, corporation, firm or county agency has submitted plans for a channel improvement or relocation requiring an amendment to the official flood hazard boundary map.

(2) Variance Procedures

Requests for variances from the Flood Hazard Overlay District Requirements shall be reviewed by the Board of Adjustment in accordance with the procedures outlined in Section 13.2.2.

7.2.14 Regulations Do Not Guarantee Flood Protection

The degree of flood protection required by this Section is considered reasonable for regulating purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of Pitt County or by any officer or employee thereof any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

7.2.15 Effect Upon Outstanding Building Permits

Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his authorized agents before the time of passage of this section; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to passage of this section or any revision thereto, construction or use shall be in conformity with the provisions of this section.

7.2.16 Adoption Certification:

I hereby certify that the Flood Hazard Overlay District contains all required regulations intended to protect people and property from the hazards of flooding as adopted by the Board of County Commissioners of Pitt County, North Carolina, on the 17th day of November, 2003.

WITNESS my hand and the official seal of Pitt County, this the 17th day of November, 2003.

7.2.17 (Reserved)

4.3 Overlay Zoning Districts

The overlay zoning districts delineated in Sections 4.3.1 through 4.3.4 are intended to be applied in addition to the underlying general zoning districts to address natural or man-made features of special concern or importance.

4.3.1 AH, Airport Height Overlay

1. Purpose. The intent of this overlay zone is to regulate the height of towers, antennas, and other tall structures in close proximity to, and in the aircraft approaches of, the Pitt-Greenville Airport (PGV). These overlay provisions are designed to protect public safety and investment by preventing obstructions and other hazards to aircraft operations.
2. Regulated Area. As shown on the 'Airport Height Overlay Map,' which is made a part of this Article, and/or official zoning maps.
3. Use Restrictions. Notwithstanding any other provisions of this Article, no use may be established within the regulated area so as to interfere with navigation, radio communication, or otherwise create a hazard to aircraft operations at the Pitt-Greenville Airport.
4. Maximum Height Limits. Except as otherwise provided, no structure shall be constructed or maintained so as to exceed identified maximum imaginary surface heights. The imaginary surfaces shall be computed using the information from Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace, promulgated by the Federal Aviation Agency, as applied to the Pitt-Greenville Airport and shown on the "Airport Height Overlay Map."

4.3.2 WS, Water Supply Watershed Overlay

1. Purpose. These provisions are designed to protect the quality of surface water supplies from nonpoint source pollution, and to minimize stormwater runoff by regulating development densities and the amount of built-upon area within the critical and protected areas of affected watersheds. These provisions also prohibit the establishment of certain uses within a designated water supply watershed.
2. Specific Authority. As required by the Water Supply Watershed Act of 1989 (NCGS 143-214.5), and as allowed through NCGS 153A, Article 6, Section 121, Pitt County has adopted these watershed protection provisions to manage and protect surface water supply watersheds.
3. Regulated Area and Watershed Classification. The Water Supply Watershed Overlay District shall consist of two subcategories: the WSCA, Critical Area Overlay District and the WSPA, Protected Area Overlay District. The provisions of the Watershed Overlay District shall apply within the areas designated by the North Carolina Environmental Management Commission as the critical area (WSCA) or protected area (WSPA) of a surface water supply watershed, as illustrated on the map entitled 'Watershed Protection Map of Pitt County, North Carolina.' The Tar River watershed, generally located in the northwest quadrant

of Pitt County, has been classified as a 'WS-IV' watershed by the Environmental Management Commission.

4. Applicability. These provisions shall apply when a sedimentation and erosion control plan is required for a new development or an existing development. In no case shall land area required for the purpose of complying with the provisions of this section be included in the area required for another building or use.

4.3.3 HC, Highway Corridor Overlay

1. Purpose. The Highway Corridor Overlay District is established to provide specific appearance and operational standards for major highway corridors in Pitt County while accommodating development along the corridors. The manner in which land uses impact interchanges and feeder roads is of particular concern in this overlay district. Within the HC, landscaping and access control plans are required.
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
3. Supplementary Highway Corridor Overlay District standards are delineated in Section 7.4.

4.3.4 FH, Flood Hazard Overlay

1. Purpose. The FH Flood Hazard Overlay District is intended to set forth regulations which will protect people and property from the hazards of flooding. Specifically, the FH is necessary and appropriate in order to:
 - (a) Permit 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
 - (b) Minimize public and private losses due to flood conditions in specific areas by enactment of provisions designed to:
 - (i) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
 - (ii) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

- (iii) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
 - (iv) Control filling, grading, dredging and other development which may increase erosion or flood damage;
 - (v) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
 - (vi) Protect human life and health;
 - (vii) Minimize expenditure of public money for costly flood control projects;
 - (viii) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
 - (ix) Minimize prolonged business interruptions;
 - (x) Minimize damage to public facilities and utilities such as water, sewer, gas, electric, and telephones lines and streets and bridges located in floodplains;
 - (xi) Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas;
 - (xii) Permit and encourage the retention of open land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the community and which will not impede the flow of floodwaters; and
 - (xiii) Ensure that potential buyers are notified whenever property is in a flood hazard area.
2. Specific Authority. The legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated the responsibility of local governmental units to adopt regulations designed to promote the public, health, safety, and general welfare of its citizenry.
 3. Applicability. The FH shall include the land in the floodplain within the zoning jurisdictional area of Pitt County that is subject to a one percent or greater chance of flooding in any given year. As used in this Section, the term refers to that area designated as subject to flood from the one hundred year flood on the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency or as described in Section 7.2.3; copies of which are on file in the Pitt County Planning Department. This area shall comprise the Flood Hazard Overlay District established in Section 4.3.4.
 4. Supplementary Flood Hazard Overlay District standards are delineated in Section 7.2.

13.2 Variances

13.2.1 General

1. An application for a variance along with the required filing fee shall be submitted to the Board of Adjustment by filing a copy of the application with the Zoning Administrator.
2. A variance may be granted by the Board of Adjustment if it concludes that strict enforcement of this Article would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this Article will be observed, public safety and welfare secured, and substantial justice done. It may reach these conclusions if it finds that:
 - (a) If the applicant complies strictly with the provisions of the Article, he can make no reasonable use of his property;
 - (b) The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
 - (c) The hardship relates to the applicant's land, rather than personal circumstances;
 - (d) The hardship is unique, or nearly so, rather than one shared by many surrounding properties;
 - (e) The hardship is not the result of the applicant's own actions; and
 - (f) The variance will neither result in the extension of a nonconforming situation in violation of Section 13.0 nor authorize the initiation of a nonconforming use of land.
3. In granting variances, the Board of Adjustment may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.
4. A variance may be issued for an indefinite duration or for a specified duration only. Unless otherwise specified, any order or decision of the Board of Adjustment granting a variance shall expire if the applicant does not obtain a building permit or certificate of occupancy for such use within 60 days from the date of the decision or if construction of the use has not commenced within 180 days from the date of the issuance of a building permit.
5. The nature of the variance and any conditions attached to it shall be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this Article.

13.2.2 Variances From Flood Hazard Overlay District Requirements

1. In passing upon an application for a variance from the Flood Hazard Overlay District Requirements (Section 7.2), the Board of Adjustment, as established by Section 2.3, shall consider all technical evaluations, all relevant factors, all standards specified in other Sections of this Article, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger of life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations on the subject property, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the land development plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and roads and bridges.
 - (l) Upon consideration of the factors listed above and the purposes of this Article, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Article. Variances are subject to review by the Federal Emergency Management Agency.
2. Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.
3. Conditions for variances:
- (a) Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (c) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result

in exceptional hardship; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local law or ordinances.

- (d) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
- (e) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

13.2.3 Variances From Watershed District Overlay Requirements

1. Minor Variances. Minor variances, as defined in Section 15.0, to the provisions of (Section 7.1) may be approved by the Board of Adjustment pursuant to the procedures outlined in this Article. The Zoning Administrator shall keep a record of all such minor variances and shall submit, for each calendar year, the record to the Water Quality Division of the NC Department of Environment and Natural Resources on or before January 1st of the following year. The record shall include a description of each project receiving a variance and the reasons for granting the variance.
2. Major Variances. Major variances, as defined in Section 15.0 shall be reviewed by the Board of Adjustment pursuant to the procedures outlined in this Article and a recommendation prepared for submission to the NC Environmental Management Commission (EMC). The record of a major variance review shall include the following items:
 - (a) The variance application;
 - (b) The hearing notices;
 - (c) The evidence presented;
 - (d) Motions, offers of proof, objections to evidence, and rulings on them;
 - (e) Proposed findings and exceptions; and
 - (f) The Board of Adjustment's recommendation, including all conditions proposed to be added to the permit.

Upon receiving the record of a major variance review from the Board of Adjustment, the EMC shall (i) review the variance request, (ii) prepare a final decision on the request, and (iii) forward its decision to the Board of Adjustment. If the EMC approves the variance as proposed, the Board of Adjustment shall prepare a final decision granting the proposed variance. If the EMC approves the variance with conditions and stipulations, the Board of Adjustment shall prepare a final decision, including such conditions and stipulations, granting the proposed variance. If the EMC

denies the variance request, the Board of Adjustment shall prepare a final decision denying the variance.

13.2.4 Variances From Airport Overlay Requirements

1. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in compliance with the regulations prescribed in Section 7.3 may apply to the Board of Adjustment for a variance in accordance with the provisions of Section 13.2. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief, if granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice and will be in accordance with the spirit of this Section. Additionally, no application for a variance to the requirements of Section 7.3 may be considered by the Board of Adjustment unless a copy of this application has been furnished to the manager of the Pitt-Greenville Airport for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the application within thirty days after receipt, the Board of Adjustment may act on its own to grant or deny said application.
2. Any variance granted, if such action is deemed advisable to effectuate the purpose of Section 7.3 and be reasonable in the circumstances, may be so conditioned as to require the owner of the structure or tree in question to install, operate or maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Pitt-Greenville Airport Authority, at its own expense, to install, operate and maintain the necessary markings and lights.

Amendment to Soil Erosion and Sedimentation Control Ordinance: Civil Penalty Assessment Appeal Process - James Rhodes

Information Provided with the Agenda

The Soil Erosion and Sedimentation Control Ordinance was amended in 1997 to include plan review and civil penalty assessment by the Technical Review Committee (TRC). Since that time, several civil penalty assessments have been appealed using the current process. Currently, once the TRC conducts a hearing on a civil penalty assessment, the alleged violator may appeal the committee's decision back to the committee. Subsequently, the committee makes a recommendation on the appeal and forwards it to the Board of County Commissioners for final decision.

In an effort to shorten the appeal process, Planning staff recommends removing the step involving the TRC's review of the appeal. The steps for the amended civil penalty assessment process would include: (1) Technical Review Committee review and decision on penalty assessment; (2) if appealed, the Board of Commissioners will render a decision on the penalty assessment; and (3) the Superior Court will consider appeals of the Board of Commissioners decision (see attachment).

Staff Recommendation

After holding public hearing, adopt proposed amendment to the Soil Erosion and Sedimentation Control civil penalty assessment appeal process with an effective date of November 17, 2003.

Manager Comments

Concur with staff recommendation.

Meeting Notes

Mr. Rhodes said there have been several penalty assessments come before the Board after the Technical Review Committee started reviewing these assessments. They have an extra step in the process which they feel slows down the process. They propose that the appeal not come back again to the Technical Review Committee but go directly to the Board of Commissioners. He said this would streamline the process.

Chairman Ward opened the public hearing. She said no one signed up but asked if anyone present wanted to speak to this matter. No one came forward.

Commissioner Bowen said the last person that came up with an appeal, he reported that the TRC had gone out and looked at what the person had done. He asked if they would be expecting the Board of Commissioners to visit sites. Mr. Rhodes said he hoped that the Board would take the staff's recommendation. They would also do a second assessment but TRC would not be involved.

Commissioner Bowen asked why they were locked in on \$5,000 as the penalty. Mr. Rhodes said that these are extreme cases when they come before the Board of Commissioners. Commissioner Owens said they should eliminate the criminal penalty in this and suggested it be removed. Mr. Rhodes said they are administering the State regulations and this is a model ordinance. Commissioner Owens said it was very punitive to assess a criminal and civil penalty. Commissioner Hammond agreed with Commissioner Owens. Commissioner Hammond said he does not want to see these appeals.

Commissioner Coulson said he is not convinced that this should be removed because under criminal it says they have done this knowingly or willingly which means they did it on purpose.

Motion:

Adopt proposed amendment to the Soil Erosion and Sedimentation Control civil penalty assessment appeal process with an effective date of November 17, 2003 with the amendment that the criminal penalty is removed and the maximum civil penalty be \$2500.

Motion made by Commissioner Mark Owens, Jr.

Motion seconded by Commissioner Glenn Bowen.

Commissioner Garris asked if this ordinance would be different from others in the State since it was the model ordinance. Mr. Rhodes said the State sets the maximum penalty. Commissioner Royal asked if there would be any repercussions for not following the State's model. The penalty is a per day fee. The fines can escalate quickly. Vice Chairman James said the County has to enforce it, they should make the rules. There is a formula for assessment.

Vote Record:

Jimmy Garris	Yes
John Minges	No
Mark Owens, Jr.	Yes
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.

Chairman Ward noted that the public hearing was closed.

Sec. 4-132. Penalties

(a) Civil Penalties

1. Any person who violates any of the provisions of this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance, or who initiates or continues a land-disturbing activity for which an erosion control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty. The maximum civil penalty for a violation, other than a violation of a stop-work order issued under G.S. 113A-65.1, is two thousand five hundred dollars (\$2,500.00). The maximum civil penalty for a violation of a stop-work order is two thousand five hundred dollars (\$2,500.00). No penalty shall be assessed until the person alleged to be in violation has been notified of the violation sec 4131-(c) article. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the first day the violation is detected. However, no time period for compliance need be given for or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties. Each day of continuing violation shall constitute a separate violation.

2. The Technical Review Committee (TRC) shall determine the amount of the civil penalty to be assessed under this subsection and shall notify the person who is assessed the civil penalty of the amount of the penalty and the reason for assessing the penalty. In determining the amount of the penalty, the committee shall consider the following criteria:

- a. Severity of the Violation,
- b. Degree and extent of harm,
- c. Type of violation,
- d. Duration,
- e. Cause,
- f. Extent of any off-site damage which may have resulted,
- g. Effectiveness of action taken by violator,
- h. Adherence to plan submitted by violator,
- i. Effectiveness of plan submitted by violator,
- j. Cost of rectifying any damage,
- k. The violator's previous record in complying with the rules of the commission,
- l. Estimated cost of installing and/ or maintaining corrective sediment control measures,
- m. Staff investigative costs

The Notice of Assessment shall be served by any means authorized under section 4-131 (c), and shall direct the violator to either pay the assessment or appeal the assessment, within 30 days after receipt of the notice of assessment, by written demand. The civil penalty appeal shall be conducted by the Board of County Commissioners within (30) days after the date of receipt of the written demand.

The Board of County Commissioners shall render its final decision on the civil penalty within (30) days of consideration of the appeal. Appeal from the final decision of the Board of County Commissioners shall be to the Superior Court of the county where the

violation occurred, or the location of the violator's residence or principal place of business.

3. If payment is not received within 30 days after demand for payment is made, the County of Pitt may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court of the county where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three (3) years of the date the assessment was due. An assessment that is not contested is due when the violator is served with a notice of assessment. An assessment that is contested is due at the conclusion of the administrative and judicial review of the assessment.

4. Civil penalties collected pursuant to this article shall be credited to the general fund of the local government as non-tax revenue.

Public Hearing - Emergency Medical Services Facilities - Melonie Bryan

Information Provided with the Agenda

Under North Carolina General Statutes 160(a)20, a public hearing is required prior to borrowing funds to finance the acquisition and construction of the two Emergency Medical Services facilities as included in the County's Fiscal Year 2003-04 budget. These facilities are planned for the Bell Arthur and Bethel service areas.

Staff Recommendation

Approve attached resolution as presented and direct staff to complete the paperwork necessary to complete this project.

Manager Comments

Concur with staff recommendation.

Meeting Notes

Chairman Ward stated that the third public hearing for the day was open for the Emergency Medical Services facilities. Ms. Bryan stated these resolutions and public hearings are necessary for the findings necessary to borrow funds to build two EMS facilities. She stated the first resolution was for making fact for the need for Wachovia and plans for the deed of trust. The second resolution is to authorize individuals to sign documents necessary to complete these transactions. Chairman Ward asked if anyone wished to speak. No one came forward.

Motion:

Approve attached resolution as presented and direct staff to complete the paperwork necessary to complete this project.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

The Board of Commissioners for the County of Pitt, North Carolina met in a regular meeting in the Commissioners' Auditorium at the Pitt County Office Building in

Greenville, North Carolina, the regular place of meeting, at 6:00 p.m. on November 17, 2003.

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

Absent: _____

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

* * * * *

The Chairman announced that this was the hour and day of the public hearing on a proposed installment financing agreement to be entered into by the County of Pitt, North Carolina pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended (the "Act"), in a principal amount not to exceed \$560,000 for the purpose of providing funds, together with any other available funds, to pay the cost of acquiring, constructing and equipping two emergency medical services facilities for said County. Such financing would be secured by a deed of trust on all or a portion of the project being financed.

The Chairman acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in said County as required by Section 160A-20(g) of the Act and directed the Clerk to said Board of Commissioners to attach the affidavit showing publication in said paper on a date at least ten days prior to the date hereof as Exhibit A hereto.

The Clerk to said Board of Commissioners then announced that said Board of Commissioners would immediately hear anyone who might wish to be heard on advisability of the proposed project or financing as so described.

A list of any persons making comments and a summary of such comments are attached as Exhibit B hereto.

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

Thereupon, Commissioner Eugene James introduced the following resolution the title of which was read and copies of which had been distributed to each Commissioner:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE FINANCING OF EMERGENCY MEDICAL SERVICES FACILITIES IMPROVEMENTS PURSUANT TO AN INSTALLMENT FINANCING AGREEMENT AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Pitt, North Carolina (the "County") as follows:

Section 1. The Board does hereby find and determine as follows:

(a) There exists in the County a need to acquire, construct and equip two emergency medical services facilities for the County;

(b) After due consideration, the County has determined to enter into an installment financing agreement (the "Agreement") in the aggregate principal amount of \$560,000 to pay, together with other available funds, the cost of acquiring, constructing and equipping two emergency medical services facilities for the County (the "Project");

(c) The County will enter into the Agreement with Wachovia Bank, National Association (the "Bank"), pursuant to which Agreement said Bank will advance to the County amounts sufficient to pay the cost of financing the Project, and the County will repay the advancement in installments, with interest (the "Installment Payments");

(d) In order to secure its obligations under the Agreement, the County will execute and deliver a deed of trust (the "Deed of Trust"), granting a lien on all or a portion of the Project;

(e) It is in the best interest of the County to enter into the Agreement and the Deed of Trust in that such transaction will result in providing financing for much needed capital improvements in an efficient and cost effective manner;

(f) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue in that (i) the County does not have the constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the County has not retired a sufficient amount of debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the Project without an election; (ii) the nature of the Project does not allow

for the issuance of revenue bonds to finance the Project; (iii) the cost of the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to commence construction of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and the Local Government Bond Act will delay the commencement of construction of the Project by several months; and (v) there can be no assurances that the Project will be approved by the voters and the necessity of such Project dictates that the Project be financed by a method that assures that such Project will be constructed in an expedient manner;

(g) It has been determined by the Board that the cost of financing the Project through an installment financing agreement is reasonable comparable to the costs of issuing general obligation bonds or other available methods of financing and is acceptable to the Board;

(h) Counsel to the County will render an opinion to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina;

(i) The debt management policies of the County have been carried out in strict compliance with law, and the County is not in default under any obligation for repayment of borrowed money; and

(j) The County intends to make the Installment Payments under the Agreement from general fund revenues, and no tax rate increase is anticipated to be necessary to pay the Installment Payments.

Section 2. The Board hereby ratifies and approves the filing of an application with the Local Government Commission for approval of the Agreement and requests the Local Government Commission to approve of the Agreement and the proposed financing in connection therewith.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Eugene James, seconded by Commissioner David Hammond, the foregoing resolution was adopted by the following vote:

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

Noes: _____

Thereupon, Commissioner Eugene James introduced the following resolution, the title of which was read and copies of which had been distributed to each Commissioner:

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF EMERGENCY MEDICAL SERVICES FACILITIES FOR THE COUNTY

BE IT RESOLVED by the Board of Commissioners (the "Board") for the County of Pitt, North Carolina (the "Board"):

Section 1. The Board does hereby find and determine as follows:

(a) There exists in the County a need to acquire, construct and equip two emergency medical services facilities for the County (the "Project").

(b) After a public hearing and due consideration, the Board has determined that the most efficient manner of financing the Project will be through the entering of an Installment Financing Agreement (the "Agreement") between the County and Wachovia Bank, National Association (the "Bank") pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended. Pursuant to the Agreement, the Bank will advance moneys to the County in an amount sufficient to pay the cost of the Project, and the County will repay the advancement in installments, with interest (the "Installment Payments").

(c) In order to secure the repayment pursuant to the terms of the Agreement by the County of the advance of moneys for financing of the Project, the County will execute and deliver a Deed of Trust (the "Deed of Trust") granting to the Bank a lien on all or a portion of the Project.

(d) There has been presented to the Board at this meeting drafts of the Agreement and the Deed of Trust.

Section 2. In order to provide for the financing of the Project, the County is hereby authorized to enter into the Agreement and receive an advancement pursuant thereto in the principal amount of \$560,000. The County shall repay the advancement in installments due in the amounts and at the times set forth in the Agreement. The payments of the Installment Payments shall be designated as principal and interest as provided in the Agreement.

Section 3. The Board hereby approves the Agreement and the Deed of Trust in substantially the forms presented at this meeting. The Chairman of the Board, the County Manager and the Deputy County Manager/Financial Services are each hereby authorized to execute and deliver on behalf of the County each of said documents in substantially the forms presented at this meeting, containing such insertions, deletions and filling in of blanks as the person executing such documents shall approve, such execution to be conclusive evidence of approval by the Board of any such changes. The Clerk to the Board or any Deputy or Assistant Clerk to the Board is hereby authorized and directed to affix the official seal of the County to each of said documents and to attest the same.

Section 4. No deficiency judgment may be rendered against the County in any action for breach of any contractual obligation authorized pursuant to this resolution and the taxing power of the County is not and may not be pledged directly or indirectly to secure any moneys due under any contract herein authorized.

Section 5. The Chairman of the Board, the County Manager, the Deputy County Manager/Financial Services and the Clerk to the Board for the County, and any other officers, agents and employees of the County, are hereby authorized and directed to

execute and deliver such closing certificates, opinions and other items of evidence as shall be deemed necessary to consummate the transactions described above.

Section 6. The County hereby represents that it reasonably expects that it, all subordinate entities thereof and all issuers issuing obligations on behalf of the County will not issue in the aggregate more than \$10,000,000 of tax-exempt obligations (not counting private-activity bonds except for qualified 501(c)(3) bonds as defined in the Code) during calendar year 2003. In addition, the County hereby designates each of the installment payments under the Agreement as a “qualified tax-exempt obligation” for the purposes of the Code.

Section 7. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Eugene James, seconded by Commissioner David Hammond, the foregoing resolution entitled “RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A DEED OF TRUST AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF EMERGENCY MEDICAL SERVICES FACILITIES FOR THE COUNTY” was passed by the following vote:

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

Noes: _____

* * * * *

I, Susan J. Banks, 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 for said County, at a regular meeting held on November 17, 2003, as it relates in any way to the holding of a public hearing and the passage of the foregoing resolutions relating to an installment financing agreement for emergency medical services facilities improvements for said County and that said proceedings are recorded in the minutes of said Board.

I DO HEREBY FURTHER CERTIFY that a schedule of the regular meetings of said Board, stating that the regular meetings of said Board are held on the first Monday of each month at 9:00 a.m. and 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 official seal of said Board this 17th day of November, 2003.

Clerk to the Board of Commissioners

[SEAL]

Public Addresses to the Board

Meeting Notes

Chairman Ward informed the public of the rules governing public addresses. She stated since there were so many people present, maybe they could have someone represent them.

Jane Barnhill - north of the River on Stantonsburg Road, spoke about the Rules of Procedure and the proposed revisions. She also spoke in support of night meetings.

John Anema - spoke concerning the OLF or landing field which was proposed for Washington County. He asked the Board for a resolution of support for Washington and Beaufort Counties.

Audra Bunch - stated John Anema spoke for her.

William Allegood - spoke in opposition of the OLF in Washington County.

Dennis Bowen - spoke in opposition to the OLF

Carrie Faulk - spoke about the Hunting Ordinance.

T. Soli - spoke on the Hunting Ordinance and the Animal Nuisance Ordinance.

Ernie Marshall - spoke in opposition to the OLF.

Joe Shrader - spoke in support of the Hunting Ordinance.

Hugh Hardee - spoke in opposition to the Hunting Ordinance.

Ray Bailey - spoke in support of the Hunting Ordinance.

Garland Warren - spoke about the Hunting Ordinance.

Hunting Ordinance - JoAnne Burgdorff

Information Provided with the Agenda

The language published in the NC Wildlife Regulations relative to Pitt County does not mirror the language that was adopted by the Board of Commissioners in the Amended Pitt County Hunting Ordinance passed in April 2002 after receiving input from all parties, and public hearing. The Board of Commissioners will decide what action they want to take. With the repeal of the Special Local Act that is now published in the NC Wildlife Regulations, the Pitt County Hunting Ordinance will still be in effect in Pitt County and will continue to be enforced by our Sheriff's Office.

Staff Recommendation

To leave the Special Local Act; or Repeal the Special Local Act through the General Assembly.

Motion:

Instruct staff to take measures introduce to the repealing of Special Local Act 2002 in General Assembly. It will not change the ordinance since it went into effect in 1999. It will not be in NC Wildlife rules.

Motion made by Vice Chairman Eugene James.

Motion seconded by Commissioner David Hammond.

Discussion:

Commissioner Hammond said he has met with these people and nobody has the right to change the ordinance that they presented and approved. Commissioner Bowen suggested they just switch the two words from "allow" dogs to run to "encourage" dogs to run. Ms. Burgdorff said once the County submitted the requested legislation, it was then sent to legislative drafting, then sent to a study committee and on to the Wildlife Resources Commission. She said it did not pass their committee the first time because it did not have the Wildlife Commission's blessing. It was resubmitted again and changed in 2002. It was sent to the legislative drafting office and Wildlife before it was brought back to this Board to pass again. They still would not let it out of committee with that language. She said that it is futile to send back with the same language. Commissioner Bowen asked if the County could have a local ordinance without the State being involved. Commissioner Garris asked if the Board approves this motion, would it mean the Board is requesting they rescind the hunting ordinance they issued and the County would go back to the Hunting Ordinance from 1999 and 2002. Mrs. Burgdorff agreed that was what would happen. Commissioner Garris said he appreciated everybody coming noting that their positions are important and this Board listens to the citizens. He said the original committee was comprised of those in favor of hunting, and those opposed and he will respect their recommendation. He said the success or failure of this process will be dependent on how citizens will respond to what action the Board takes. He said he has received information from both sides of this issue. Some information is not very complementary to some of the actions of others. He stated that they each need to work as a community and do what is right. He said we all need to respect the rights and properties of one another. Commissioner Coulson asked if this request to repeal would erase this local Hunting Ordinance. Ms. Burgdorff stated that it would not remove the local ordinance. Vice Chairman James said the Wildlife Commission will not enforce what is currently in place. Commissioner Hammond said he was in favor of the local ordinance and he was not worried about the other 99 counties.

Motion Passed Unanimously.

Chairman Ward called for a ten minute recess at this time.

Chairman Ward called the meeting back to order.

Items for Report

Manager's Report - Scott Elliott

Information Provided with the Agenda

Next Meetings

- December 1, 9am

- December 15, 6pm

Meeting Notes

Mr. Elliott reviewed the items on his report.

He also informed the Board that the County had closed on the property deal on the Humber House and it now belongs to the State of North Carolina. The City and County contributed \$50,000 each.

Department Spotlight - Tax Collector - Jeff Niebauer

Information Provided with the Agenda

Mr. Niebauer will be presenting the department spotlight on this agenda.

Meeting Notes

Mr. Niebauer stated that there is a \$40 million levy for Pitt County and they collected over 97% overall. He said they usually collected 98-99% by this time of year. He reviewed all the taxes that they collect and noted that garnishment payments have drastically increased, up 22.7% compared to last year. They have collected \$54 million, last year over \$72 million with an increase of over 35% over the last two years. A short video was then shown.

Tax Collector's Report - Jeff Niebauer

Information Provided with the Agenda

Current year tax revenues continue to come in as expected. Delinquent tax collections have steadily increased using several enforcement actions available to the collector's office. There was an increase in garnishment payments for the month of October. This is a result of the increased number of garnishments issued. The collection staff continues to pursue all delinquent taxes.

Staff Recommendation

Approve Tax Collector's Report as submitted

Manager Comments

Concur with staff recommendation.

Pitt County Tax Collector's Report

SUMMARY OF 2003/2004 INFORMATION:

SUMMARY OF 2002/2003 FOR COMPARISON:

Tax collection activity Pitt County:				Difference	% Chg
Total Oct 2003 Collections:	\$1,558,299	Total Oct 2002 Collections:	\$1,410,561	147,738	10.47
Total to Date 2003/2004:	\$24,577,659	Total to Date 2002/2003	\$21,787,715	2,789,944	12.81
Pitt County Levy:					
Oct 2003 Levy:	\$45,947,092	Oct 2002 Levy :	\$41,652,867	4,294,224	10.31
Oct 2003 Percent Collected:	54.03	Oct 2002 Percent Collected:	50.97		
Original Levy	54.4	Original Levy	51.2		
Vehicle	53.0	Vehicle	59.0		
Supplemental	49.2	Supplemental	24.3		
Total collection activity all units including Pitt County:					
Total Oct 2003 Collections:	\$2,354,094	Total Oct 2002 Collections:	\$2,244,381	109,713	4.89
Total to Date 2003/2004	\$37,195,683	Total to Date 2002/2003	\$33,527,260	3,668,423	10.94
Garnishments for Oct 2003:	\$161,289	Garnishments for Oct 2002:	\$117,846	43,443	36.86
Bankruptcy for Oct 2003:	\$8,972	Bankruptcy for Oct 2002:	\$5,731	3,241	
Occupancy for Sept 2003:	\$111,214	Occupancy for Sept 2002:	\$81,119	30,095	37.10
Occupancy Total to Date 03/04:	\$315,742	Occupancy Total to Date 02/03:	\$280,383	35,359	12.61
Gross Receipts Sept 2003	\$11,871	Gross Receipts Sept 2002	\$10,827	1,044	9.64
Gross Receipts total to Date	\$40,513	Gross Receipts total to Date	\$39,369	1,144	2.91

**STATEMENT OF TAXES COLLECTED
BY THE PITT COUNTY TAX COLLECTOR'S OFFICE
2003 - 2004**

<u>TAXING UNIT</u>	<u>OCTOBER 2003</u>	<u>TOTAL TO DATE</u>
Pitt County		
Current Taxes	1,297,902.65	23,495,710.18
Prior Years	212,165.09	928,473.54
Interest/Cost	48,231.42	153,475.73
Total Collected	1,558,299.16	24,577,659.45
Landfill Fees	54,003.34	1,658,474.08
Ayden Fire	1,897.22	20,399.79
*Ayden Rescue	44.33	330.90
Bell Arthur Fire	2,646.96	32,924.82
*Bell Arthur Rescue	40.43	83.48
Black Jack Fire	950.15	9,595.32

Clarks Neck Fire	1,576.59	6,939.13
Eastern Pines Fire	3,520.96	64,159.68
*Eastern Pines Rescue	126.84	396.17
Falkland Fire	2,177.09	29,714.10
Farmville Fire	2,096.57	14,538.77
Fountain Fire	1,033.32	5,494.15
Grimesland Fire	1,478.50	10,420.90
Pactolus Fire	1,970.26	19,949.59
Red Oak Fire	6,149.95	40,497.43
Simpson Fire	2,513.75	39,846.59
Sharp Point Fire	79.74	749.19
Staton House Fire	1,640.90	40,093.10
Stokes Fire	941.58	10,691.04
Winterville Fire	2,247.93	41,825.02
Grifton Fire	1,855.01	29,087.55
Gardnerville Fire	2,067.80	16,934.06
*Pitt EMS	47,646.45	681,401.91
Ayden Town	15,750.66	48,164.89
Bethel Town	12,060.50	121,646.38
Falkland Town	960.38	4,935.62
Farmville Town	12,854.96	49,488.62
Fountain Town	1,282.86	4,230.51
Grifton Town	6,445.08	23,625.43
Grimesland Town	2,058.66	22,138.95
Simpson Village	3,119.78	40,804.62
Winterville Town	18,148.06	61,994.68
City of Greenville	584,408.07	9,466,447.57
GRAND TOTAL	2,354,093.84	37,195,683.49

COMPARISON OF PERCENTAGES COLLECTED

Oct-03	Oct-02
54.03%	50.97%

OCCUPANCY FOR SEPT 2003 - 111,214.48
 BANKRUPTCY FOR OCT 2003 - 8,971.84
 GARNISHMENTS FOR OCT 2003 - 161,288.55
 GROSS RECEIPT FOR SEPT 2003 - 11,871.14

Motion:
 Approve Tax Collector's Report as submitted.

Motion made by Commissioner David Hammond.
Motion seconded by Vice Chairman Eugene James.

Commissioner Bowen stated there had been some talk about movement to combine services of the City and the County. He asked if they collect real estate for some towns. Mr. Niebauer said that they do collect for some towns but they tend to get higher collection rates because of their one-on-one interactions. Vice Chairman James said he hopes they are continually checking behind folks so they would not have any more embezzlements in this department. Mr. Niebauer said they have some spot checks in place to help prevent that happening. Mr. Elliott said at that time the tax collections and assessment were under the same roof and they do not function like they did then. Ms. Bryan said the internal auditor and the external auditor do checks and balances on this function.

Motion Passed Unanimously.

Items for Consent

Consent Agenda Approval

Staff Recommendation

Motion to approve the Consent Agenda Items as presented.

Motion:

Motion to approve the Consent Agenda Items as presented.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Releases and Refunds Greater Than \$100 - Glenn Cutrell

Information Provided with the Agenda

October 2003 Releases and Refunds Greater Than \$100

Releases - Pitt County (108) - \$ 23,030.25

Releases - City of Greenville (28) - \$ 4,677.23

Refunds Greater Than \$100 (2) - \$ 442.95

General Motors - \$ 114.13

Ramirez, Olga - \$ 328.82

Staff Recommendation

Approve as submitted.

Manager Comments

Concur with staff recommendation.

TCL0440

DATE 10/31/03

PITT COUNTY
TAX RELEASE FORM
GREATER THAN \$100

PAGE 1

12/12/2003 11:41 AM

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
ALLEN AND ALLEN ASSS INC NOTE: 2003 - ADJUST VALUE ON VEHICLE.	3070911/2		86202	331.30
ANDERSON, CHARMIN NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11555470, STROUD, RONNIE.	1207619/0		86392	269.04
ARTIS, TERRY NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11670720, ARTIS, DIANE H. AND TERRY.	1198807/0		86413	199.20
ARTIS, TERRY NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11670720, ARTIS, DIANE H. AND TERRY.	1212801/0		86412	176.77
ARTIS, TERRY NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11670720, ARTIS, DIANE H. AND TERRY.	1181396/0		86414	265.56
BARFIELD, ANTHONY NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11765760, BARFIELD, ANTHONY.	1212763/0		86391	211.91
BARRAZA, BALTAZAR NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11953400, BARRAZA, BALTAZAR.	1212963/0		86390	214.23
BRYANT, TONY & CHERYL NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12127050, EMMA GILLIS.	1208914/0		86340	333.26
BOYD, JAMES III NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 10990380, JAMES BOYD III AND MARGARET MARIE BLOW BOYD.	1212901/0		86291	197.57
CAMPER, MAURICE NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11753480, CAMPER, MAURICE.	1212809/0		86407	129.75
CARTRETTE, ANTHONY MYLES NOTE: 2003 - PRORATE TAXES ON VEHICLE.	3070083/3		86244	259.04
CEJA, VICTOR NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11984710, CEJA, VICTERIA MORA.	1198471/0		86408	102.34

TCL0440
DATE 10/31/03

PITT COUNTY
TAX RELEASE FORM
GREATER THAN \$100

PAGE.... 2

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
CHERRY, JACK F. NOTE: 2002 - RELEASED MOBILE HOME. REPOSSESSED IN 2001. INVENTORY AT RC MANUFACTURED HOMES.	1180424/0	60119	86312	559.66
CHERRY, JACK F. NOTE: 2001 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 12082890,	1180424/0	60119	86313	581.20

ABDULLAH HATIM BILAL C/O RC MANUFACTURED HOMES.

CHERRY, RUBY	1212947/0	86395	244.60
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11991890, CHERRY, RUBY.			
CLEMONS, EDWARD EARL	1198490/0	86081	104.67
NOTE: 2003 - RELEASED MOBILE HOME. SEE SEYMORE SMITH MOBILE HOME PARK.			
COLUMBUS, STEPHEN	1207708/0	86336	228.98
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11974060, COLUMBUS, STEPHEN M AND DETRA S ROGERS.			
COLUMBUS, STEPHEN	1207708/0	86337	237.30
NOTE: 2002 - RELELASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11974060, COLUMBUS, STEPHEN M AND DETRA S ROGERS.			
COOK, JAMES	1207714/0	86394	104.15
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12129460, COOK, JAMES.			
COOK, MICHAEL GEAN	1213143/0	86190	132.67
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 10774250, MICHAEL COOK.			
COOK, MICHAEL GEAN	1212767/0	86191	129.99
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 10774250, MICHAEL COOK.			
CORONA, MARCO ANTONIO	1212969/0	86389	139.69
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12089290, SORIA, MARTIN.			
CRATT, GARLAND FREDERICK	3010439/9	86321	166.83
NOTE: 2003 - VEHICLE CHARGED IN ERROR.			
CROTTY, ROBERT M	2120455/1	86108	131.00
NOTE: 2002 - PRORATE TAXES ON VEHICLE.			
DICKENS, CHARLENE REID	1199099/0	86361	146.33
NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11973790, HINES, CHARLIE FRANK.			
TCL0440			
DATE 10/31/03	PITT COUNTY	PAGE....	3
	TAX RELEASE FORM		
	GREATER THAN \$100		
NAME	ACCOUNT #	PARCEL #	RELEASE # TOTAL RELEASED
DIXON, JOE N &	1130250/0		86397 100.48
NOTE: 1998 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11827080, SMITH, TONY B. AND SMITH, BRIDGET L.			
DIXON, XAVIER DERRICK	1198512/0	86056	265.77
NOTE: 2002 - MOBILE HOME DOUBLE CHARGED ON THIS ACCOUNT.			
EVANS JR, LESLIE EDWARD	3070159/8	86261	108.10
NOTE: 2003 - VEHICLE CHARGED IN ERROR.			
FICHUO, SENDY	1175350/0	86210	194.30
NOTE: 2003 - RELEASE MOBILE HOME. LISTED AND PAID ON ACCOUNT NUMBER			

12128110, FISCHUO, SENDY.

GLOVER, LISA ANN	3010571/8		86267	173.50
NOTE: 2002 - VEHICLE CHARGED IN ERROR.				
GODLEY, DEBRA LYNN	1164021/0	56698	86060	192.17
NOTE: 2003 - MOBILE HOME CHARGED AS REAL AND PERSONAL.				
GODLEY, DEBRA LYNN	1164021/0	56698	86084	247.23
NOTE: 2003 - RELEASED MOBILE HOME AS REAL. BILLED BACK AS PERSONAL PROPERTY. FIRST RELEASE ON ACCOUNT WAS MOBILE HOME FOR PERSONAL PROPERTY.				
GREENVILLE GOLF & COUNTRY CLU	3243100/0	9058	86174	333.18
NOTE: 2003 - AMENDED 2003 BUSINESS PERSONAL PROPERTY LISTING.				
GREENVILLE TOYOTA-T	3010097/6		86287	101.17
NOTE: 2002 - VEHICLE CHARGED IN ERROR.				
GURGANUS, ALLEN RAY	1212674/0		86386	187.38
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12126740, GURGANUS, ALLEN RAY.				
HADDOCK, WILLIAM C.	3379600/0		86178	814.89
NOTE: 2003 - FARM EQUIPMENT NOW LOCATED IN BEAUFORT COUNTY.				
HANSLEY, FRANKIE L. &	1162987/0	38224	86371	428.53
NOTE: 2001 - RELEASED MOBILE HOME. PICKED UP AS REAL IN ERROR.				
HANSLEY, FRANKIE L. &	1162987/0	38224	86372	412.98
NOTE: 2002 - RELEASED MOBILE HOME. PICKED UP AS REAL IN ERROR.				
HARDEE, RANDAL RAY	1084930/0	50441	86245	209.79
NOTE: 2003 - RELEASED MOBILE HOME AS PERSONAL. PICKED UP AS REAL ESTATE ON THIS SAME ACCOUNT.				
TCL0440				
DATE 10/31/03	PITT COUNTY		PAGE....	4
	TAX RELEASE FORM			
	GREATER THAN \$100			
NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
HARDISON, GABE HERBERT	1212862/0		86353	113.23
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11831430, HARDISON, HERBERT GABRIEL.				
HAZLE, ROBERT M	3070600/7		86246	204.40
NOTE: 2003 - VEHICLE CHARGED IN ERROR.				
HERNANDEZ, GUADOLIPE ARACIJO	1213008/0		86416	140.57
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11991060, HERNANDEZ, GAUDALUPE ARAUJO.				
HERNANDEZ, ONARIO PAZ	1195503/0		86415	249.32
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12128550, HERNANDEZ, ONORIO PAZ.				
HINSON, TERESA KEMPTON	3011064/3		86079	150.68
NOTE: 2002 - VEHICLE CHARGED IN ERROR.				
HOUSE, BETTY WILLIAMS	1213042/0		86423	116.25
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11810510,				

12/12/2003 11:41 AM

BETTY WILLIAMS HOUSE.

HOWELLS CHILD CARE INC 3070256/5 86405 162.57
 NOTE: 2003 - VEHICLE CHARGED IN ERROR.

HUGGINS, JERRY WAYNE 1198514/0 86105 230.98
 NOTE: 2003 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 11351950,

JERRY WAYNE HUGGINS.

HUGGINS, JERRY WAYNE 1135195/0 86088 233.95
 NOTE: 2003 - RELEASED MOBILE HOME, 1970, KARARAV AND 1976, BRUNSWICK,

HUGGINS, JERRY WAYNE 1198420/0 86101 161.87
 NOTE: 2003 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 11351950,
 JERRY WAYNE HUGGINS.

HUGGINS, JERRY WAYNE 1198421/0 86106 168.80
 NOTE: 2003 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 11351950,
 JERRY WAYNE HUGGINS.

HUGGINS, JERRY WAYNE 1198423/0 86090 214.81
 NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11351950,
 JERRY WAYNE HUGGINS FOR 2003 ONLY.

HUGGINS, JERRY WAYNE 1198422/0 86107 170.16
 NOTE: 2003 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 11351950,
 JERRY WAYNE HUGGINS.

TCL0440

DATE 10/31/03 PITT COUNTY PAGE... 5
 TAX RELEASE FORM
 GREATER THAN \$100

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
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HUGGINS, JERRY WAYNE	1198424/0		86089	168.80
NOTE: 2003 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 11351950, JERRY WAYNE HUGGINS FOR 2003 ONLY.				

HUGGINS, JERRY WAYNE	1198627/0		86103	230.98
NOTE: 2003 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 11351950, JERRY WAYNE HUGGINS.				

HUGGINS, JERRY WAYNE	1198628/0		86104	230.98
NOTE: 2003 - RELEASED MOBILE HOME. BILLED ON ACCOUNT NUMBER 11351950, JERRY WAYNE HUGGINS.				

HUGGINS, WAYNE	1213000/0		86278	201.13
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11351950, JERRY WAYNE HUGGINS.				

JONES, KENNETH EARL	1158919/0		86424	170.45
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11597190, OAKWOOD MOBILE HOMES, INC. C/O KENNETH EARL JONES.				

JONES, LAKEY LEE JR & TERESA	1213095/0		86382	159.82
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12131380, JONES, LAKEY LEE JR.				

JONES, RONALD GREGORY	2070942/5		86233	114.50
NOTE: 2003 - VEHICLE CHARGED IN ERROR.				

KING, EDDIE 1213130/0 86343 188.88
 NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12043730,
 KING, MARTHA.

KOBE, RICHARD WILLIAM 3070600/2 86308 108.06
 NOTE: 2003 - PRORATE TAXES ON VEHICLE.

KOEHLER, LORI 1212690/0 86367 196.09
 NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11871450,
 LORI ANN KOEHLER.

LANGE, JOLIE MANDELL 3070825/6 86347 118.50
 NOTE: 2003 - VEHICLE CHARGED IN ERROR.

LANGLEY, LEATHA MAE 1174356/0 86240 164.17
 NOTE: 2003 - RELEASED BILL FOR 2003 DUE TO DOUBLE BILLED. TAXPAYER
 GETS OAE. OAE AMOUNT IS ON THIS SAME ACCOUNT.

LANGLEY, LEATHA MAE 1174356/0 86241 113.86
 NOTE: 2002 - RELEASED ALL BUT OAE. TAXPAYER QUALIFIED FOR OAE AND OWES
 LANDFILL ONLY.

TCL0440
 DATE 10/31/03

PITT COUNTY
 TAX RELEASE FORM
 GREATER THAN \$100

PAGE.... 6

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
LANGLEY, LEATHA MAE NOTE: 2001 - RELEASED BILL EXCEPT LANDFILL FEE. TAXPAYER QUALIFIED FOR OAE.	1174356/0		86243	126.92
LESLIE, GEORGE HENRY NOTE: 2003 - PRORATE TAXES ON VEHICLE.	3030551/1		86273	125.61
MANGAN, SHARON A NOTE: 2003 - PRORATE TAXES ON VEHICLE.	3050831/9		86444	102.10
MANNING, LECIE GREENE NOTE: 2002 - MOBILE HOME DOUBLE CHARGED ON ACCOUNT NUMBER 1198259/0 (GREENE, LECIE).	1187349/0		86057	194.55
MANNING, LECIE GREENE NOTE: 2000 - MOBILE HOME DOUBLE CHARGED ON ACCOUNT NUMBER 1198259/0 (GREENE, LECIE).	1187349/0		86058	232.84
MCLAWHORN SR, JEFFREY WAYNE NOTE: 2003 - VEHICLE CHARGED IN ERROR.	3070210/5		86435	102.20
MOHAMED, ANGELINE NOTE: 2002 - PRORATE TAXES ON VEHICLE.	2090092/4		86052	101.78
MOORE, ROYCE BRYAN NOTE: 2003 - VEHICLE CHARGED IN ERROR.	3070863/9		86145	142.75
PACE, CHARLES E. & NOTE: 2002 - RELEASED MOBILE HOME AS REAL. BILLED ON ACCOUNT NUMBER 12089130, WILLIAMS, BRENDA.	1182727/0	54946	86306	545.01
PACE, CHARLES E. & NOTE: 2003 - RELEASED MOBILE HOME AS REAL. BILLED ON ACCOUNT NUMBER	1182727/0	54946	86307	517.19

12089130, WILLIAMS, BRENDA.

PACE, CHARLES E. & 1182727/0 54946 86305 563.64

NOTE: 2001 - RELEASED MOBILE HOME AS REAL. BILLED ON ACCOUNT NUMBER
12089130, WILLIAMS, BRENDA.

PAYLOR, RICHARD LOUIS 3011445/9 86270 144.77

NOTE: 2003 - VEHICLE CHARGED IN ERROR.

PEELE, MARY 1204352/0 86440 327.52

NOTE: 2003 - RELEASED MOBILE HOME. LISTED AS REAL ESTATE ON PARCEL

PEELE, MARY WASHINGTON 1188055/0 86439 118.68

NOTE: 2002 - RELEASED MOBILE HOME. ALREADY PAID ON THIS ACCOUNT DUE
TO DOUBLE BILLING.

TCL0440

DATE 10/31/03

PITT COUNTY
TAX RELEASE FORM
GREATER THAN \$100

PAGE.... 7

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
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PHILLIPS, GARNET W	1212886/0		86381	195.29
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NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12089030,
GARNET W. PHILLIPS.

PHYTOMYCO RESEARCH	1196261/0		86228	628.07
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NOTE: 2002 - BUSINESS PERSONAL PROPERTY LISTED IN ERROR.

PLAYERS CHOICE BILLIARDS	1176485/0		86062	216.14
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NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR.

PLAYERS CHOICE BILLIARDS	1176485/0		86065	216.14
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NOTE: 2003 - CREDIT FOR BUSINESS PERSONAL PROPERTY CHARGED IN ERROR
THROUGH TMA AUDIT.

PLAYERS CHOICE BILLIARDS	1176485/0		86063	286.99
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NOTE: 2003 - CREDIT FOR BUSINESS PERSONAL PROPERTY CHARGED IN ERROR
THROUGH TMA AUDIT.

ROBINSON, TERRY LEE	1212754/0		86352	201.57
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NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11878380,

TERRY ROBINSON.

SHIRLEY, DESHON L.	1212930/0		86232	222.87
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NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11985580,
EDWARDS, JAMES EARL.

SINGLETON, JOHN FRANKIE &	7110250/0	36792	86388	273.22
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NOTE: 2003 - RELEASED MOBILE HOME. MOBILE HOME NOT ON LOT JANUARY 1,

SMITH, LINWOOD	1199352/0		86196	101.69
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NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11992750,
GORHAM, BOBBY RAY.

SPEAR, BILLIE EARL	3050355/9		86262	101.61
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NOTE: 2003 - VEHICLE CHARGED IN ERROR.

STEIN, MISTY DAWN	3011148/6		86221	119.80
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NOTE: 2003 - VEHICLE CHARGED IN ERROR.

SULLIVAN, JAMES CLAY 102216/0 41892 86298 256.62
NOTE: 2003 - RELEASED MOBILE HOME AS REAL ESTATE. BILLED ON ACCOUNT
NUMBER 12089100, TURNAGE, CHARLES DINNARD JR. AND PAMELA BARTON
TURNAGE.

TAYLOR, MARTIN RAY 1086281/0 86147 151.70
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12044040,
MARK R. TAYLOR.

TCL0440

DATE 10/31/03

PITT COUNTY
TAX RELEASE FORM
GREATER THAN \$100

PAGE.... 8

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
THIGPEN, ANNIE	1187688/0		86055	283.49
NOTE: 2002 - MOBILE HOME CHARGED IN ERROR.				
THIGPEN, ANNIE	1187688/0		86054	242.82
NOTE: 2003 - MOBILE HOME CHARGED IN ERROR.				
THOMAS, ALTON	1212582/0		86360	216.68
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12130410, REYNA CORREA.				
THOMAS, ALTON	1212617/0		86383	129.83
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11905150, ALTON THOMAS.				
TILLMAN, TARSHA PLESHETTE	1212631/0		86384	187.65
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12126070, TILLMAN, TARSH PLESHETTE.				
TRIPP, CASSANDRA	1181530/0		86211	133.56
NOTE: 2001 - RELEASED MOBILE HOME. BILLED ACCOUNT NUMBER 12080790, OWNER, TRIPP, RONALD LYNN.				
TRIPP, CASSANDRA	1181530/0		86212	158.24
NOTE: 2000 - RELEASED MOBILE HOME. BILLED ACCOUNT NUMBER 12080790, OWNER, TRIPP, RONALD LYNN.				
TRIPP, CASSANDRA	1181530/0		86213	168.54
NOTE: 1999 - RELEASED MOBILE HOME. BILLED ACCOUNT NUMBER 12080790, OWNER, TRIPP, RONALD LYNN.				
TRIPP, MARK JR	1212588/0		86289	178.19
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11453150, TRIPP, MARK DAVID JR.				
WATSON, NOEL	6010859/2		86301	144.94
NOTE: 1995 - VEHICLE CHARGED IN ERROR.				
WHITES HEATING	2070863/0		86038	109.55
NOTE: 2002 - VEHICLE CHARGED IN ERROR.				
WHITES HEATING	2070863/1		86039	109.55
NOTE: 2002 - VEHICLE CHARGED IN ERROR.				
WINGATE, JAMES BRYAN JR	1167143/0		86097	113.86
NOTE: 2003 - RELEASED MOBILE HOME PICKED UP AS PERSONAL AND REAL ESTATE ON PARCEL NUMBER 47129, SAME NAME.				

12/12/2003 11:41 AM

TCL0440

DATE 10/31/03

PITT COUNTY

PAGE... 9

TAX RELEASE FORM
GREATER THAN \$100

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
WOOD, HYMAN PATRICK NOTE: 2003 - VEHICLE CHARGED IN ERROR.	3070362/6		86263	138.45
ZICHERMAN, BARBARA FAYNE NOTE: 2003 - PRORATE TAXES ON VEHICLE.	3070728/0		86430	112.35
ZIMMERMAN, SHEILA M. NOTE: 2003 - RELEASED MOBILE HOME AS REAL ESTATE. LISTED ON ACCOUNT NUMBER 10776700, ZIMMERMAN, MICHAEL AND SHELIA AS PERSONAL.	1197099/0	44756	86080	434.96
TOTAL RELEASES: 108				23030.25

THE RELEASE (G.S. 105-381 OR 382), CORRECTIONS (G.S. 105-325), OR REFUNDS (G.S. 105-381 OR 382) OF TAX BILLS OUTLINED ABOVE ARE APPROVED BY THE PITT COUNTY BOARD OF COMMISSIONERS.

CHAIRMAN OF THE BOARD

DATE APPROVED

TCL0440

DATE 10/31/03

CITY OF GREENVILLE
TAX RELEASE FORM
GREATER THAN \$100

PAGE... 1

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
ARTIS, TITANIA FIONA NOTE: 2003 - VEHICLE CHARGED IN ERROR.	3070827/1		86410	100.01
BARRAZA, BALTAZAR NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11953400, BARRAZA, BALTAZAR.	1212963/0		86390	132.87
BROOKS, JANET BUNTING NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.	3070299/9		86175	131.25
CARTRETTE, ANTHONY MYLES NOTE: 2003 - PRORATE TAXES ON VEHICLE.	3070083/3		86244	227.59
CROTTY, ROBERT M NOTE: 2002 - PRORATE TAXES ON VEHICLE.	2120455/1		86108	119.33
CROUCH, TIMOTHY W NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR. ADJUST VALUE ON VEHICLE.	3040998/4		86290	121.72
DIXON, MARGARET TAYLOR NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.	3070083/8		86218	202.90
GARNER, LUTHER DAVID NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.	2100358/2		86040	158.29

12/12/2003 11:41 AM

GLOVER, LISA ANN	3010571/8	86267	177.92
NOTE: 2002 - VEHICLE CHARGED IN ERROR.			
GREENVILLE GOLF & COUNTRY CLU	3243100/0 9058	86174	292.72
NOTE: 2003 - AMENDED 2003 BUSINESS PERSONAL PROPERTY LISTING.			
GREENVILLE TOYOTA-T	3010097/6	86287	112.49
NOTE: 2002 - VEHICLE CHARGED IN ERROR.			
HARRIS, ANTHONY JAMES	2020783/9	86324	163.96
NOTE: 2001 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.			
KELLY, LEVONDER	3050796/1	86207	105.02
NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.			
LESLIE, GEORGE HENRY	3030551/1	86273	114.24
NOTE: 2003 - PRORATE TAXES ON VEHICLE.			
MCLAWHORN SR, JEFFREY WAYNE	3070210/5	86435	109.79
NOTE: 2003 - VEHICLE CHARGED IN ERROR.			

TCL0440

DATE 10/31/03

CITY OF GREENVILLE
TAX RELEASE FORM
GREATER THAN \$100

PAGE.... 2

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL RELEASED
PAYLOR, RICHARD LOUIS	3011445/9		86270	150.93
NOTE: 2003 - VEHICLE CHARGED IN ERROR.				
PAYTON, JUANITA LYNN	3070096/7		86134	128.61
NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.				
PHILLIPS, GARNET W	1212886/0		86381	116.23
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 12089030, GARNET W. PHILLIPS.				
PHYTOMYCO RESEARCH	1196261/0		86228	567.97
NOTE: 2002 - BUSINESS PERSONAL PROPERTY LISTED IN ERROR.				
PLAYERS CHOICE BILLIARDS	1176485/0		86062	174.81
NOTE: 2003 - BUSINESS PERSONAL PROPERTY CHARGED IN ERROR.				
PLAYERS CHOICE BILLIARDS	1176485/0		86063	259.56
NOTE: 2003 - CREDIT FOR BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA AUDIT.				
PLAYERS CHOICE BILLIARDS	1176485/0		86065	174.81
NOTE: 2003 - CREDIT FOR BUSINESS PERSONAL PROPERTY CHARGED IN ERROR THROUGH TMA AUDIT.				
ROUSE, BOBBE MARTIN	3070161/8		86136	223.50
NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.				
SPEAR, BILLIE EARL	3050355/9		86262	112.30
NOTE: 2003 - VEHICLE CHARGED IN ERROR.				
STEIN, MISTY DAWN	3011148/6		86221	129.21
NOTE: 2003 - VEHICLE CHARGED IN ERROR.				

TAYLOR, JENNIFER BRICK	3060928/3	86050	132.30
NOTE: 2003 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.			
TRIPP, MARK JR	1212588/0	86289	101.20
NOTE: 2003 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER 11453150,			
TRIPP, MARK DAVID JR.			
WATSON, NOEL	6010859/2	86301	135.70
NOTE: 1995 - VEHICLE CHARGED IN ERROR.			

TOTAL RELEASES: 28 4677.23

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CHAIRMAN OF THE BOARD

DATE APPROVED

Motion:

Approve as submitted.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

*Health Department Budget Amendment - Health Bioterror Lab - \$214,500
(No County \$) - John H. Morrow*

Information Provided with the Agenda

Health Department Budget Amendment - Health Bioterror Lab - \$214,500.00 - Additional state/federal funding for equipment and operating expenses for the Bioterror Lab. This funding supports the regional bioterrorism team which serves a 25 counties in the region.

Staff Recommendation

Approve Budget Amendment as presented.

Manager Comments

Concur with staff recommendation.

37 Pitt County
 Finance

Budget Amendment Request

INVOICE NO:
DATE: December 12, 2003

Department: Health Bioterror Lab Date of Request: October 28, 2003

FY Budget: FY 03/04

12/12/2003 11:41 AM

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
153191 436500	DHHS Funds	214,500.00	
155191 553000	Technical Equipment	177,000.00	
155191 523000	Medical/Technical Supplies	25,000.00	
155191 526000	Office Supplies	2,500.00	
155191 533100	Utilities	10,000.00	

Department Justification: Additional state/federal funding for equipment and operating expenses for the bioterror lab.

No additional county funding required.

Motion:

Approve Budget Amendment as presented.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

*Health Department Budget Amendment - Health Administration- \$139,436
(No County \$) - John H. Morrow*

Information Provided with the Agenda

Health Department Budget Amendment-Health Administration- \$139,436.00 - State/Federal funding in support of bioterrorism infrastructure and training requirements. (No additional county funding required)

Staff Recommendation

Approve Budget Amendment as presented.

Manager Comments

Concur with staff recommendation.

38 Pitt County
Finance

Budget Amendment Request

INVOICE NO:
DATE: December 12, 2003

Department: Health Administration Date of Request: October 29, 2003

FY Budget: FY 03/04

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
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153110 436501	DHHS Funds	139,436.00
155110 539600	Specialized Training	55,131.00
155110 539601	Specialized Training	78,452.00
155110 539602	Specialized Training	5,853.00

Department Justification: State/Federal funding in support of bioterrorism infrastructure and training requirements.

No additional county funding required.

* Denotes new account number.

Motion:

Approve Budget Amendment as presented.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Set Public Hearing Date December 15, 2003 for Rezoning Request - Glen Moore

Information Provided with the Agenda

Planning staff has received a petition from Mr. Jake Adams requesting that a portion of his property be rezoned from Rural Residential to General Commercial. The subject property is identified by the Tax Assessor's Office as Parcel Number 009812 and is located on the south side of Wesley Lane approximately 700 feet east of its intersection with NC 43 S. This property is approximately 19.7 acres, of which only the 8.26 acres fronting on Wesley Lane is included in this request for rezoning. The property is currently undeveloped.

The Planning Board will review the rezoning request at its November 19th meeting. The Planning Board will also solicit public comments and make a recommendation to the Commissioners for the December 15th public hearing.

Staff Recommendation

Establish Public Hearing date of December 15, 2003 to consider a Zoning Map amendment for the Jake Adams property located on Wesley Lane.

Manager Comments

Concur with staff recommendation.

Motion:

Establish Public Hearing date of December 15, 2003 to consider a Zoning Map amendment for the Jake Adams property located on Wesley Lane.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Set December 15, 2003, Public Hearing for consideration of Pitt County Stormwater Ordinance for Nutrient Control - James Rhodes

Information Provided with the Agenda

During 2000, the Environmental Management Commission (EMC) adopted a set of nonpoint source rules under the Tar-Pamlico Nutrient Sensitive Waters Strategy. One component of these rules addresses stormwater runoff in urbanized areas of the basin. These rules establish certain requirements for local programs based on the nutrient strategy's goal of reducing nitrogen loading to the estuary by 30% from 1991 levels. Pitt County was one of five counties required to implement the program.

The Tar-Pamlico Stormwater Rule became effective on April 1, 2001. Subsequently, Pitt County Planning staff were involved with the development of the model stormwater program. The program was approved by the Environmental Management Commission on February 13, 2003. Pitt County must submit a local stormwater program to the Division of Water Quality (DWQ) by February 13, 2004, followed by implementation of that program by August 13, 2004.

On July 7, 2003, the Board of County Commissioners appointed the Tar-Pamlico Stormwater Advisory Committee to (a) develop a local program to meet the minimum requirements as set forth in the Tar-Pamlico Stormwater Rules; (b) provide guidance for implementing the Tar-Pamlico Stormwater Program; (c) make recommendations to the Board of County Commissioners; and (d) educate the public on the impacts of the stormwater program. The committee has met four times since its establishment and has created a draft ordinance for consideration and approval by the Board. Committee representatives included:

- Pitt County Planning Department
- Pitt County Engineering Department
- Pitt County Soil and Water Conservation/Natural Resources Conservation Service
- Developer- Cliff Harris, P.E.
- Surveyor/Engineer- Hugh Clark and Dirk Tyson, P.E.
- Environmentalists- Vincente Bellis and Sheridan Jones

Planning staff has received comments on the draft ordinance from the development community. Additionally, staff is scheduled to present the draft ordinance and stormwater program to the regularly scheduled meetings of the Professional Land Surveyors, Professional Engineers and the Home Builders Association. The Division of Water Quality has also reviewed and commented on the draft ordinance.

Staff Recommendation

Set a public hearing date for December 15, 2003, for consideration of the Pitt County Tar-Pamlico Stormwater Ordinance.

Manager Comments

Concur with staff recommendation.

Motion:

Set a public hearing date for December 15, 2003, for consideration of the Pitt County Tar -Pamlico Stormwater Ordinance.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Approval of Minutes - Susan Banks

Information Provided with the Agenda

November 3, 2003 minutes

Staff Recommendation

Approve minutes from November 3, 2003 Board meeting.

Manager Comments

Concur with staff recommendation.

Motion:

Approve minutes from November 3, 2003 Board meeting.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Items for Discussion

Consider Rules of Procedure Revision - Susan Banks

Information Provided with the Agenda

The Chairman, County Manager, County Attorney and Clerk to the Board, with input from commissioners, have reviewed and revised the current rules of procedure for the Board of Commissioners. The revised set of Rules of Procedure are attached for your review. The proposed language has been done in Bold print and the current language to be replaced has been noted with strikethroughs.

Suggested items the Chairman feels should be discussed are:

I. Majority Vote

Current language - five votes shall constitute a majority vote and shall be necessary to pass or defeat any action.

Proposed language - Five (5) votes shall constitute a majority vote and shall be necessary to pass or defeat any action, except when only a quorum (5 members) is present. Then a majority vote of the members present is required to pass or defeat a motion.

II. Commissioners Comments

Current language - shall mean time for individual Board members to share information with other members of the Board and the public."

Proposed language: shall be time for individual Board members to share information concerning their activities on appointed boards with other members of the Board and the public. These comments may be on items requiring action for future agendas, and will not be acted upon at the meeting at which it is first presented unless it is the unanimous consensus of the Board that the item be acted on at the time of presentation.

Staff Recommendation

Motion to instruct the Attorney and Clerk to incorporate any changes made by motion into the Rules of Procedure and provide a revised copy for consideration at the December 1, 2003 Board meeting.

Meeting Notes

Chairman Ward stated that she asked the staff to look at the Rules of Procedure. Ms. Banks explained the proposed majority vote. Vice Chairman James said with five present, a small number of members could pass motions. Three people should not be able to make decisions for Pitt County. Commissioner Coulson said he supports five votes with one exception. He said rules can be corrupted. He thanked the Board for postponing items from the last meeting due to his absence. There is a possibility that three could twist things. With one exception, if the Chairman calls an emergency meeting, under circumstances, those five would be acting in best interest of Pitt County, may be amended for a disaster. Commissioner Bowen said this was changed two years ago.

Commissioner Bowen motioned to adopt the book of Rules of Procedure by IOG as their rules. There was no second. Commissioner Owens said when critiquing rules of procedure we may need to make changes. Nothing precludes anything allowing this board to act. He stated that the Chair should not be required to vote, only vote in the time of a tie. Chair should sit and listen and negotiate to give a better presentation of what's going on. Dispense of preagenda meeting, because dialog is done between members and staff and may pass subconsciously. It should be done openly in the board meeting. If anyone has a question on the agenda, they can meet with the manager. Vice Chairman James said leave it up to individual. The agenda reviews were started so that we wouldn't all be going to him at different times.

Commissioner Royal said it is helpful when he does attend the agenda reviews. Commissioner Owens withdrew his remarks opposing the pre-agenda meetings.

Commissioners recommended that the minutes shall include the names of individuals that address the board and the subject matter of their address.

Vice Chairman James said for a long time there were only five commissioners, three members made up a majority. Commissioner Hammond said the Chairman is elected just like other commissioners and the Chairman should not be limited. Commissioner Coulson asked if State Statute does not demand the Chairman to vote. Ms. Burgdorff stated there are provisions for this Board to make their own rules on this matter.

Commissioner Garris stated he is in favor of the current language. Proposed language is to restrictive and need time to make announcements about the community. Commissioner Coulson states support.

Commissioner Garris spoke about the Chairman making a motion. Commissioner Hammond disagreed. Vice Chairman James said the Chairman can always ask someone to make a motion if they agree with the Chairman's request.

Chairman Ward stated another issue coming up was for the Chairman not to vote unless breaking a tie. Commissioner Garris does not have a problem with the Chairman voting but does have a questions about page 159 (Chairman keeping order and duties).

The consensus of the Board was to remove any member, "excluding" the Chairman could make a motion.

Commissioner Bowen asked about the motion for calling the question. Ms. Burgdorff said when you call the question, it is a motion and requires a second and a vote. Commissioner Coulson said it is not supposed to be called until all members have had an opportunity to speak.

The Clerk read the statement from the Rules regarding calling the question.

Commissioner Garris spoke about the pre agenda meetings. He is in favor of the meetings but if the Board wants to do away with them he will support that decision.

The Board instructed the Clerk to remove "four or less commissioners" from the statement about pre agenda meetings.

Commissioner Garris said he can ask questions there or he can get on the phone. Commissioner Bowen he can get additional information there. Commissioner Owens said when they discuss it one time, they have their mind set on the item. Commissioner Coulson said he agrees with Commissioner Owens. It denies the public what goes into the decision making.

Commissioners requested the following change: Chairman appoint to Vice Chairman unless the Vice Chairman is in debate. Then appoint impartial commissioner to serve as Chairman. Commissioner Hammond said the vice chair serves as chair in chair's absence.

Mrs. Banks asked to remove the "executive session" on page 164.
Copy needs to be sent to members prior to meeting.

Consider Adoption of Animal Control Ordinance and Implementation Consideration - Phil Dickerson

Information Provided with the Agenda

The Animal Control Ordinance was tabled by the Board at the October 6, 2003 Meeting of the Board of Commissioners. Since that time, the Animal Control Advisory Committee has met and the members present voted to request that the Ordinance be funded whether the resources are provided or not. Commissioner Coulson has also requested that this item be considered at the November 3, meeting. At the November 3, meeting, this item was postponed until November 17th. At the request of Commissioner Bowen, the bold language in Article 6, Section 2 has been changed to place a greater responsibility on the person complaining to notify the owner that the animal is a nuisance.

The staff feels that if this Ordinance is passed without additional staff, we cannot enforce any of the provisions without neglecting duties that are now being performed. These duties consist of operations required by law or minimal control of stray animals, etc., that the Ordinance is intended to enhance. We feel that we would actually be able to do less, because of the time consumed in explaining to people that we can't enforce an Ordinance that has been adopted. Although the language suggested by Commissioner Bowen will reduce the work load created by this Ordinance, the additional resources will still be required.

The reason that we are able to operate the Animal Shelter at much less net cost to the County than anticipated is the fact that the field staff is doing more field work in less time, thus freeing up time that is being used to accomplish duties at the Shelter.

Shelter Staff and Mosquito Control Staff has also been utilized in the field to accomplish the Department's objectives. There is no more opportunity to rearrange assignments to get more work done by the existing staff. Even if the staff could enforce the Ordinance, the Shelter could not accommodate the additional animals that would be picked up. At the very least, adoptable animals would have to be euthanized. In all probability, animals would have to be turned away because the shelter has not room for them. The shelter had to refuse to accept cats last week because there was no place to house them.

The Ordinance is designed primarily to address nuisances. It does, however, allow the Animal Control Officers to impound strays and other animals, except hunting dogs and a few other classes of animals, that are running at large.

Additional resources will be required to enforce the proposed ordinance. Those resources as well as their costs follow:

Resources:
2 Additional officers
2 Additional trucks with equipment
Operating Costs

New or expanded Animal Shelter

Costs:

Salaries and benefits	\$82,000
Trucks and equipment	16,000
Debt Service on new bldg.	80,000
Total Annual Cost	\$178,000

The Animal Control Staff has all it can do fulfilling the present demands for rabies control, control of dangerous dogs and shelter operations. Therefore, any new demands necessitate additional personnel.

The Animal Shelter is at capacity. Confiscated animals must be kept at least three days before they can be disposed of. Additional animals brought in due to a new ordinance could not be housed for the statutory period in the existing shelter.

Staff Recommendation

That the Pitt County Board Commissioners set a public hearing on December 15, 2003 for consideration of the attached Ordinance. Following the public hearing, staff recommends adoption of the attached Ordinance with an effective date of July 1, 2004 for its implementation.

THE STAFF STRONGLY RECOMMENDS THAT THE ORDINANCE NOT BE ADOPTED UNLESS THE BOARD IS WILLING TO COMMIT THE ADDITIONAL RESOURCES REQUIRED TO ENFORCE IT.

Manager Comments

Concur with staff recommendation to adopt the proposed Animal Control Ordinance after budgetary resources are identified and approved and a public hearing is conducted. Effective date of proposed Ordinance is recommended to be July 1, 2004.

Meeting Notes

Mr. Dickerson said that the County took over the Animal Shelter on July 1, 2002. They were told by the City that they would need five employees but they have done it with three, but the problem is growing and will get worse with this new ordinance. There is extensive paperwork because people need help with letters and posting notices. He said they have to identify specific animals and this is a 365 day-a-year operation. Rabies control is on call all of the time. All staff are non-exempt so when they work overtime they get time and a half and then it keeps compounding. Mr. Dickerson said they need to consider that there is a revenue side to this program. They had requested \$103,000 additional county funds for last year but ended up only needing \$15,000. Revenue is generated by popular programs like the adoptions. Staff is doing all they can do. Any new ordinance will put additional work on the staff. He said they cannot do what they do now and enforce the ordinance also. Vice Chairman James asked if they could do some switching around. Mr. Dickerson said that they also need to expand the facility. Commissioner Owens said if they had the ordinance passed and everything but the building, they would still be in the same shape they are in now. Commissioner Royal said he supports adoption of the ordinance. He said this is a vastly expanding urban county, and the County cannot keep just getting by.

ANIMAL NUISANCE ORDINANCE

DRAFT

ARTICLE I. PURPOSE:

This Animal Nuisance Ordinance is enacted to protect the public from acts of animals that interfere with the enjoyment of property and/or the peace and safety of the community.

ARTICLE II. GENERAL PROVISIONS:

SECTION 1. Territorial Application. This Ordinance shall be effective within the unincorporated areas of Pitt County and within any towns which have a standing resolution or ordinance adopting this County Ordinance, and have entered into an agreement with Pitt County to provide animal control services.

SECTION 2. Definitions:

Animal: Defined as every nonhuman species, both domestic and wild.

Animal Shelter: The animal shelter operated and maintained by Pitt County and/or a county approved animal protection society for the purpose of impounding animals under the authority of this Ordinance.

Animal Shelter Director: That person designated by appropriate authority in Pitt County, and where appropriate, his or her designee, charged with the responsibility and authority to operate the animal program in Pitt County.

Animal Control Officers: Any animal control officer employed or authorized by Pitt County.

At Large: Refers to an animal that is not in an enclosure, or is otherwise not under physical control, or is not under the control of the owner or other responsible person by means of a leash, cord, chain or voice.

Cat: A domestic feline of either sex.

Dog: A domestic canine of either sex.

Impounded: Any animal which is received into custody by any employee of the Pitt County Animal Shelter.

Keeper: A person having custody of an animal or who keeps or harbors an animal or who knowingly permits an animal to remain on or about any premises occupied or controlled by such person.

Nuisance: An animal or group of animals shall be considered a nuisance if any of the following occurs:

- (1) By the frequent howling, yelping, barking or making other noises shall disturb the peace of a neighborhood.
- (2) Chases, snaps at, or impedes a pedestrian, bicyclist, or vehicle.
- (3) Damages, soils, or defiles private or public property, other than his owner's.
- (4) Interferes with, molests, or attacks persons or other animals, other than those coming upon his owner's property with permission.
- (5) Causes unsanitary, dangerous or offensive conditions to the public health, safety, and welfare.
- (6) Is diseased and a danger to the public.

Owner: Any person, group of persons, firm, partnership, corporation, organization, association, owning, keeping or any person having charge of, sheltering, feeding, harboring, or taking care of an animal for seven (7) or more consecutive days unless the animal is being boarded for a fee. The owner is responsible for the care, actions, and behavior of his animals.

ARTICLE III. PUBLIC NUISANCES PROHIBITED

SECTION 1. Animals Running at Large

A. It shall be unlawful for any person owning, keeping, or controlling any animal to allow the same to create a nuisance or public danger by running at large. It shall be the duty of animal control officers to take up and deliver any domesticated animal found running at large, to the County Animal Shelter.

(1) The Animal Control Department is authorized to place, upon request, live-capture animal traps on private or public property to trap and remove stray, at large, unwanted, or nuisance animals, including cats. It is unlawful for any person other than an animal control officer or their designee to remove any animal from the trap or to damage, destroy, move, or tamper with the trap.

(2) Each person owning, keeping, or controlling an animal shall be responsible for taking whatever measures are reasonably necessary for keeping the animal on the owner's premises or under the owner's control when off his premises.

B. This article shall not be interpreted as restricting persons owning specially trained hunting/working dogs from actually using their dogs for hunting/working said dogs in the presence of and/or under the control of the owner or an agent of the owner, and are actually lawfully being used for hunting or training for hunting in compliance with applicable statutes, regulations, or ordinances of the State of North Carolina and Pitt County.

C. It shall be unlawful for any person to keep any vicious, fierce or dangerous domestic animal within the county unless it is confined within a secure building or enclosure on the owners' premises or property of another with written permission, or it is securely muzzled and under restraint by means of a leash, chain or rope and firmly under control at all times.

SECTION 2. Public Nuisance

A. It shall be unlawful for an owner or keeper to permit an animal or animals to create a nuisance, or to maintain a nuisance created by an animal or animals.

B. Procedures for filing Citizen complaint shall be as follows:

(1) Upon receipt of a written detailed and signed complaint being made to the Animal Control Department by any person or persons that any other person is maintaining a nuisance as defined in this ordinance, the Animal Control Supervisor or his designee shall cause the owner or keeper of the animal or animals in question to be notified that a complaint has been received, and shall cause the situation complained of to be investigated and a report with findings thereon to be reduced to writing.

(2) A complaint shall be accompanied by evidence, satisfactory to the County that the person filing the complaint has made a good faith effort to make the owner of the animal aware that the animal is considered to be a nuisance.

The following is considered satisfactory evidence that the good faith effort has been made:

- (a) copy of a letter with a return receipt for a registered letter sent to the owner or keeper of the animal; or
 - (b) Evidence from the U. S. Postal Service that the owner or keeper has not accepted a registered letter sent to his address; or
 - (c) Acknowledgement on the face of a copy of the letter, that the owner or keeper has received the letter; or
 - (d) Other evidence satisfactory to the County.
- (3) If the written findings indicate that there is probable cause that a violation has occurred, then the Animal Control Supervisor, or person duly authorized by the County, shall cause the owner or keeper of the animal or animals in question to be so notified in writing, and ordered to abate such nuisance within forty-eight (48) hours by whatever means may be necessary.
- (4) In the event the owner or keeper of the animal or animals is unknown and cannot be ascertained, the notice and order of abatement, along with a general description of the animal or animals shall be posted for forty-eight (48) hours at the County Animal Shelter. If after 48 hours the owner or keeper of the animal or animals remains unknown, the animal may be impounded.
- (5) When an animal control officer, law enforcement officer, or person duly authorized by the County observes a violation of this Ordinance, the owner or keeper shall be provided written notification of such violation and be given forty-eight (48) hours from time of notification to abate the nuisance without penalty.

ARTICLE IV. ENFORCEMENT

SECTION 1. Violations

- A. Violation of any of the provisions of this Ordinance shall subject the offender to both civil and criminal penalties as stated herein.
- B. Each day's continuing violation shall constitute a distinct, separate offense under this Ordinance.
- C. Failure to abate a nuisance during the time given on the notification and order of abatement is a violation of this Ordinance.
- D. Following the receipt of a valid complaint, an animal control officer, law enforcement officer, or person authorized by the County may at their discretion, impound the animal upon notice to the owner or keeper of the animal.
- E. Animal control officer, law enforcement officer, or person authorized by the County may seize and arrange for impoundment, where deemed necessary, of any dog or other animal in the County involved in a violation of this or any other county ordinance or state law.

SECTION 2. Redemption:

- A. Notice A good faith effort shall be made to notify owners of impounded animals. If the owner is known, a written notice of impoundment shall be served on the owner or affixed to the owner's premises. The written notice shall describe the animal, state the date, time and place the animal was picked up and inform the owner of the conditions whereby the animal may be redeemed. Instructions on how to determine if an animal

has been impounded shall be posted at the Animal Shelter. The posting of these instructions at the Animal Shelter shall constitute adequate notice to an unknown owner.

B. Ownership. Any person attempting to redeem an impounded animal shall present proof sufficient to satisfy shelter personnel of ownership of the animal. Evidence of ownership may include but is not limited to any of the following:

- (1). License tag from another county.
- (2). Rabies tag for the animal.
- (3). Ownership documents, pedigree papers, bill of sale and any other document identifying the person as owner of the animal.
- (4). Photographs of the animal with the owner or other family members.
- (5). Affidavit from two people in the community stating that the animal has been seen in the presence of possession of the person attempting to resume possession.
- (6). Any person attempting to redeem an animal on behalf of an owner shall present proof sufficient to satisfy shelter personnel that he is acting as agent for the owner.

C. Time Limits. Any person attempting to redeem an animal must make contact with the Animal Shelter within 3 working days of the animal being impounded at the Shelter or some other appropriate facility. After making contact that person shall be given a reasonable amount of time to prove ownership of the animal not to exceed 5 additional working days. Working days shall not include Saturday and Sunday.

D. Payment of all Fees and Penalties. The owner of an impounded animal must pay all redemption fees, boarding fees and civil penalties assessed against the animal before it can be released from the Shelter.

- (1) The animal shall become the property of the County if the owner fails to pay all amounts due and if the appropriate holding period has passed without the animal being claimed and all sums due paid in full.

SECTION 2. Penalties:

A. Criminal. Pursuant to state law, it is a class 3 misdemeanor punishable by a fine not to exceed \$500.00 to violate any provisions of this Ordinance unless otherwise provided herein.

B. Civil. In addition to and/or in lieu of the criminal sanctions imposed pursuant to subsection A. of this section, the County may issue civil citations with fines/penalties in the amounts established by the Board of Commissioners as published in the annual fee manual of Pitt County, for any violation of this Ordinance.

C. Payment. These civil citation fines/penalties may be recovered by the County in a civil action in the nature of debt if the offender does not pay the fine/penalty after being cited as set forth herein.

Adopted by the Pitt County Board of Commissioners on this the 17th day of November, 2003. The Ordinance will be effective on July 1, 2004 contingent upon budget approval.

Chairman

ATTEST:

Clerk to the Board

Motion:

Commissioner Royal motioned to approve the Animal Control Ordinance and support the increase for renovations to the animal shelter. The motion did not receive a second.

Staff Recommendation:

That the Pitt County Board Commissioners set a public hearing on December 15, 2003 for consideration of the attached Ordinance. Following the public hearing, staff recommends adoption of the attached Ordinance with an effective date of July 1, 2004 for its implementation.

THE STAFF STRONGLY RECOMMENDS THAT THE ORDINANCE NOT BE ADOPTED UNLESS THE BOARD IS WILLING TO COMMIT THE ADDITIONAL RESOURCES REQUIRED TO ENFORCE IT.

Commissioner Hammond spoke about the city and their leash law. He said it would require additional personnel and they need expanded space. He stated that they either are going to have to build the animal shelter and hire staff or there is no need to pass this ordinance. Mr. Dickerson said he has an estimate of \$118,000 for expanding the facility compared to the initial \$180,000 that was proposed. Commissioner Garris said there needs to be something done for the animals. Commissioner Hammond asked if this item could be delayed until budget time.

Motion:

Adopt Animal Nuisance Ordinance effective July 1, 2004 provided its been put in the budget.

Motion made by Commissioner Mark Owens, Jr.

Motion seconded by Commissioner David Hammond.

Commissioner Bowen suggested this item should be tabled until budget time. He said he cannot see spending \$118,000 on the animal shelter when there are more pressing needs. He asked if the County could just assist the people by telling them what their remedies are. Commissioner Minges asked how many animal control officers the County has now. Mr. Dickerson responded that there are two (2) full-time and two (2) part-time, who also have the job of mosquito control. The City has five (5) animal control officers. Commissioner Owens said there was nothing wrong with the ordinance.

Vote Record:

John Minges	Yes
Jimmy Garris	Yes
Mark Owens, Jr.	Yes
Beth Ward	Yes
Glenn Bowen	No
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

Budget Amendment - Social Services - Child Support Expansion - \$72,204 - Edward L. Garrison

Information Provided with the Agenda

This item was delayed from the November 3rd meeting because the Social Services Board had not yet met to consider this budget amendment.

The Child Support Unit, IV-D, in the Department of Social Services has experienced significant growth in the past three years. The Department expects this growth to continue in the future. Social Services in cooperation with the Sheriff, Mac Manning, and the County Attorney, JoAnne Burgdorff, are proposing expanding the number of deputies and attorneys supporting the establishment and enforcement of child support orders and enforcement.

The Department of Social Services, in cooperation with Sheriff Mac Manning, is requesting approval to hire an additional Deputy to serve Court Orders for the Child Support Unit. The number of Child Support Cases requiring service by deputies has increased significantly. Show Cause Actions have increased by 63% from 400 per month to 659 per month. The number of orders for arrest have increased by 56% from 90 per month to 150 per month. Civil Suits, subpoenas, and motions have also increase proportionately. The Department's Child Support Unit requests the addition of a Deputy to keep up with the growth in the case loads.

The position will be created in the Sheriff's Department and will be funded through the Department of Social Services. The Department of Social Services is requesting a budget amendment to increase revenues and expenditures of \$26,152. The Department will receive 66% Federal reimbursement (\$17,261) for the position. The balance of the funding, 34% (\$8,891), will come from increased incentive payments generated by the new Deputy. The Department expects, with the new Deputy, to increase the incentive payments which fully justifies the higher revenue projections.

The Department of Social Services, in cooperation with the County Attorney, Ms. Burgdorff, is requesting the approval to hire an additional attorney. The position will be supervised and budgeted in the Legal Department. The total increase including salary, fringe benefits, office equipment and supplies is \$46,052.

The growth in the Child Support case load has also increased the number of hours the Legal Department must devote to Child Support. The current legal staff which includes three full time attorneys cannot continue to support the Child Support Unit and also meet the anticipated increase in the caseload. The Legal Department is reimbursed at the rate of \$110.00 per hour for their services by the Department of Social Services. The Social Services Department will receive 66% Federal reimbursement (\$30,492) for the additional costs. The balance of the funding, 34% (\$15,560), will come from increased revenues generated by the attorney.

No additional County funds are requested.

Staff Recommendation

Staffs recommend approval of the attached budget amendment and the creation of two new positions as described.

Manager Comments

Concur with the recommendation of the DSS Board.

Pitt County
Finance

Budget Amendment Request

INVOICE NO:
DATE: December 12, 2003

Department: SOCIAL SERVICES Date of Request: 10/03/03

FY Budget: FY 03/04

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
165473-519200	LEGAL SERVICES	46,052	
162400-423000	SOCIAL SERVICES ADMINISTRATION	30,394	
162300-420500	IV-D INCENTIVES	15,658	
104160-512000	SALARIES	32,718	
104160-518100	FICA TAXES	2,503	
104160-518200	RETIREMENT	1,593	
104160-518201	401-K RETIRMENT	1,606	
143160-518300	HOSPITALIZATION	2,632	

Department Justification: (Please provide detailed explanation)

The Department is requesting additional funding to employ another Attorney in the Legal Department to service Child Support cases including establishing and enforcing orders. The position should generate sufficient additional revenue to fund the position.

Pitt County
Finance

Budget Amendment Request

INVOICE NO:
DATE: December 12, 2003

Department: SOCIAL SERVICES Date of Request: 10/03/03

FY Budget: FY 03/04

12/12/2003 11:41 AM

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
104160-526000	OFFICE SUPPLIES	2,500	
104160-529102	COMPUTER EQUIPMENT	2,500	
102600-440305	LEGAL FEES	46,052	

Department Justification: (Please provide detailed explanation)

The Department is requesting additional funding to employ another Attorney in the Legal Department to service Child Support cases including establishing and enforcing orders. The position should generate sufficient additional revenue to fund the position.

Pitt County
Finance

Budget Amendment Request

INVOICE NO:
DATE: December 12, 2003

Department: SOCIAL SERVICES Date of Request: 10/03/03

FY Budget: FY 03/04

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
165473-519201	SHERIFF'S DEPUTIES	26,152	
162400-423000	SOCIAL SERVICES ADMINISTRATION	17,261	
162300-420500	IV-D INCENTIVES	8,891	
104310-512000	SALARIES	19,992	
104310-518100	FICA TAXES	1,529	
104310-518200	RETIREMENT	974	
104310-518201	401-K RETIRMENT	982	
14310-518300	HOSPITALIZATION	2,632	
102600-433003	SHERIFF FEES - CHILD SUPPORT	26,109	

Department Justification: (Please provide detailed explanation)

The Department is requesting additional funding to employ another Sheriff Deputy to service Child Support cases including serving orders and enforcing orders. The position should generate sufficient additional revenue to fund the position.

Meeting Notes

Mr. Garrison said he was asking for support for Sheriff's Department, Legal and Social Services to provide excellent child support services to Pitt County. He said they are asking for an additional deputy for serving papers and an attorney for paperwork involved in the additional 10,000 cases. It effects the entire family. Every child should receive maximum amount of support that they are entitled too. David Carter, John Jablonski and George Perry were present. He said they need additional manpower. He said they have 66% of the funding but need 34% of the funding from County funds. The County share needed is \$24,549. Mr. Garrison said this program will help bring those funds back to the County.

Motion:

Motion to approve the attached budget amendments and the creation of two new positions as described.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Jimmy Garris.

Commissioner Coulson asked if they can impose a fine or penalty on deadbeat dads so this can be self-funding. Mr. Garrison said that is an issue that would have to go to the State. Commissioner Coulson should the County should approach the State because its a statewide problem. Mr. Garrison suggested that this County could take the lead and pass a resolution in support of this matter. Commissioner Bowen asked about a car for this program. Mr. Carter stated that there is a car they can use for starting up the service. There should be increased revenues through increased collections. Commissioner Royal asked about the waiting time for families in receiving funds from deadbeat dads. Mr. Garrison said there is a backlog of 1992 cases. This program should help decrease that wait time.

Motion Passed Unanimously.

Award of Contract for Emergency Medical Services Buildings Bell Arthur and North Pitt - Phil Dickerson

Information Provided with the Agenda

After appropriate advertisement, the Engineering Department received bids for the subject structures at 2:00 p.m. on November 10, 2003. Six bids were received. A bid tabulation is attached. A prebid conference was held on November 3, 2003 to answer contractor questions and address concerns.

Hudson Brothers Construction Company was low bidder. The Company's bid for a metal exterior was \$399,000 for both buildings. The bid for a brick exterior was \$449,000. Site work, that was not part of the bid, is \$93,329. Approximately \$44,000 was paid for the Bell Arthur land. The total estimated cost is as follows:

Land & Permits	\$ 48,500
Buildings	449,000
Site Work	93,329
Closing Cost Grand Total	\$597,829

The funding will be a \$560,000 bank loan and the remainder from budgeted EMS funds. The staff is negotiating with the low bidder to reduce the cost of the construction. There should also be some NCDOT participation in the cost of paving the driveways. The amount of that participation is unclear at this time.

Staff Recommendation

The Staff recommends that the buildings contracts be awarded to Hudson Brothers in the amount of \$449,000 for the brick exterior. The Staff will negotiate with the low bidder to see if changes can be made to lower the price.

PITT COUNTY EMERGENCY
SERVICES
EMS STATIONS
NOVEMBER 10, 2003
BID TABULATION

COMPANY	Group III Management 2715 W. Vernon Ave. Kinston, NC 28504	Farrior & Sons, Inc. P. O. Box 127 Farmville, NC 27828	Smithson, Inc. P. O. Box 1731 Rocky Mount, NC 27802
BID BOND	5%	5%	5%
1 EMS STATION NORTH PITT	244,800	207,800	216,644
1A BLOCK EXTERIOR	285,000	245,800	274,460
1B BRICK EXTERIOR	275,900	233,800	265,125
2 EMS STATION BELL ARTHUR	244,000	207,000	216,644
2A BLOCK EXTERIOR	284,200	245,000	274,460
2B BRICK EXTERIOR	275,100	233,000	265,125
TOTAL (ITEMS 1&2) (NO ALTERNATES)	\$488,800	\$414,800	\$433,288

PITT COUNTY EMERGENCY
SERVICES
EMS STATIONS
NOVEMBER 10, 2003
BID TABULATION

COMPANY	Hudson Bros. Cons. Co. 1450 E. Arlington Blvd.	C. A. Lewis Cons. Co., Inc. 2825 S.	Delecon, Inc. 324 S. Evans St. Greenville,
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	Suite A Greenville,NC 27858	Charles Blvd. Greenville, NC 27858	NC 27835
BID BOND	5%	5%	5%
1 EMS STATION NORTH PITT	200,000	267,500	230,014
1A BLOCK EXTERIOR	239,000	286,000	287,866
1B BRICK EXTERIOR	225,000	269,500	219,817
2 EMS STATION BELL ARTHUR	199,000	267,500	239,088
2A BLOCK EXTERIOR	238,000	286,000	280,013
2B BRICK EXTERIOR	224,000	269,500	226,831
TOTAL (ITEMS 1&2) (NO ALTERNATES)	\$399,000	\$535,000	\$469,102

Meeting Notes

Mr. Dickerson said the closing costs of \$7,000 was off of the figures in his recommendation. They are recommending Hudson Brothers in the amount of \$449,000 for the brick exterior.

Motion:

The Staff recommends that the buildings' contracts be awarded to Hudson Brothers in the amount of \$449,000 for the brick exterior. The Staff will negotiate with the low bidder to see if changes can be made to lower the price.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner Jimmy Garris.

Discussion:

Mr. Elliott was asked about the property for the North Pitt station. Mr. Elliott said the County will have to pay the School Board for the North Pitt property and then the County will get the funds back by reducing the appropriation to the Schools.

Motion Passed Unanimously.

Appointment to the Greenville Board of Adjustment - Susan Banks

Information Provided with the Agenda

There is a vacancy on the Greenville Board of Adjustment. Dr. Ernest Schwartz who serves on seat #1 passed away. Please see the list of interested applicants.

Staff Recommendation

No recommended motion.

Meeting Notes

Ms. Banks informed the Board that one of the applicants listed was not in the Greenville ETJ so he was disqualified.

Commissioner Bowen offered a motion, seconded by Vice Chairman James to appoint William Little, III to the Greenville Board of Adjustment. Mrs. Burgdorff stated that Mr. Little is now the Assistant City Attorney and this would be a conflict. Commissioner Owens suggested this vacancy be re-advertised for additional applicants. Commissioner Bowen and Vice Chairman James withdrew their motion and the Clerk was instructed to re-advertise for this vacancy.

Commissioners' Comments

Meeting Notes

Commissioner Mingos said he would like to have a resolution presented in support of Washington County citizens requests regarding the OLF. Commissioner Bowen said Senators Jones and Dole are not against the OLF and do support it. Commissioner Mingos said if there is not a consensus of support of this Board then he would not request the resolution. He stated the Board needs more information before taking action. Chairman Ward said they will have the Manager research the matter and bring forth more information.

Commissioner Coulson asked staff to have a resolution to approach legislature about allowing making collections fines for deadbeat dads so the citizens do not have to pay for the service.

Commissioner Mingos asked how Pitt County compares on getting federal money for those services.

Commissioner Coulson thanked Governor Easley for not supporting the toll road on I-95.

Commissioner Hammond congratulated Raymond Reddrick for having a Pitt Community College building named in his honor. He commended Chairman Ward for being at the groundbreaking of the Senior Center and new shopping center. He made comments about the City Council's decision to move the City Manager into a Deputy Manager position.

Closed Session

Land Acquisition - G.S. 143-318.11 (a) (4) - Scott Elliott

Information Provided with the Agenda

G.S. 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other business in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or comment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

Staff Recommendation

Motion to go into closed session to hear report from staff related to land acquisition.

Meeting Notes

Ms. Burgdorff read the General Statute 143-318.11(a)(4).

Staff Recommendation

Motion to return to open session.

Motion:

Motion to go into closed session pursuant to General Statute 143-318.11(a)(4).

Motion made by Commissioner Bowen.

Motion seconded by Vice Chairman James.

Motion Passed Unanimously.

Motion:

Motion to return to open session.

Motion made by Vice Chairman James.

Motion seconded by Commissioner Royal.

Motion Passed Unanimously.

Motion:

Motion to authorize the purchase of one acre of land from the Pitt County School System for the North Pitt EMS facility for \$25,000.

Motion made by Vice Chairman James.

Motion seconded by Commissioner Coulson.

Motion Passed Unanimously.

Adjourn

Motion to adjourn the meeting around 9:00pm.

Motion:

Motion to return to open session.

Motion made by Vice Chairman James.

Motion seconded by Commissioner Royal.

Motion Passed Unanimously.

Respectfully Submitted,

Susan J. Banks, CMC

Clerk to the Board