

**PASQUOTANK COUNTY, NORTH CAROLINA
NOVEMBER 18, 2019**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, November 18, 2019 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Jeff Dixon, Chairman
Frankie Meads
Charles H. Jordan
Sean Lavin
Barry Overman

MEMBERS ABSENT: Lloyd E. Griffin, III, Vice-Chairman
Cecil Perry

OTHERS PRESENT: Sparty Hammett, County Manager
R. Michael Cox, County Attorney
Shelley Cox, Planning Director
Lynn Scott, Clerk to the Board

The meeting was called to order at 6:00 PM by Chairman Jeff Dixon. Commissioner Jordan gave the invocation and Commissioner Frankie Meads led in the Pledge of Allegiance to the American Flag.

1. PUBLIC HEARING ON PROPOSED ZONING ORDINANCE AMENDMENT ZTA 19-02:

Chairman Dixon declared the meeting to be a public hearing on Zoning Ordinance Text Amendment ZTA 19-02. Planning Director Shelley Cox explained that this is for an amendment to the Zoning Ordinance. Frank and Martha Cudequest have applied for a Zoning Ordinance Amendment that would permit a wedding venue in the Agricultural Zoning District.

Wedding venues are not currently listed as a specific use under the Table of Permitted Uses in the Zoning Ordinance. Ms. Cox stated that the amendment would allow event centers, as well as define what an event center is. Additionally, the amendment would establish some potential ways that the County can mitigate any impacts on nearby residences in the agricultural district specifically. She said staff is proposing that event centers be allowed in the C-1, Commercial Zoning District and require a Special Use Permit in the A-1, Agricultural District.

Under the proposed text, an event center would be defined as a multi-purpose facility hosting special events such as graduations, weddings, holiday gatherings, trade shows, corporate functions or parties and more. An event center would typically have a catering kitchen, indoor and / or outdoor seating, and a stage or event area. The Planning Board reviewed the request and recommended approval. Staff recommends that the text amendment request be approved, with the following additional staff recommended standards:

- a. Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. when the use abuts a residential use or a residentially zoned lot;
- b. All weddings and events shall adhere to the Pasquotank County Noise Ordinance and no outside amplified sound is permitted past 11:00 pm;
- c. Off-street parking shall be provided at a ratio of 1 parking space per 4 seats or 1 parking space per 4 persons of maximum building occupancy, whichever is greater. Parking surfaces are not required to be paved, however, parking stops are required;
- d. Exterior lighting shall be such that it is not directed onto any adjacent residential lot;
- e. Environmental Health requirements for sewage disposal and water supply shall be met at all times;
- f. Landscaping and buffer yards shall be provided in accordance with Article 10, Development Standards; and

- g. On agriculturally zoned property, one on-premise sign is allowed with a maximum height of 8 feet and maximum size of 32 square feet. Sign setbacks shall be a minimum of 10 feet from rights-of-way, property lines, and structures.

Ms. Cox noted that the Planning Board has reviewed the proposed amendment and recommended approval. She said the amendment will allow the Cudequest's use in the Agricultural District, but they would have to come back with a Special Use Permit Application, with a site-specific development plan. She noted that currently the ordinance requires a 30' landscape buffer between the street and the use and between residentially zoned properties.

Chairman Dixon called on Eddie Hyman, Timmons Group, to address the Board. Mr. Hyman stated that he is here to speak on behalf of Mr. Cudequest and in favor of the text amendment. He stated that in recent years he has been to weddings at various events centers. He feels that events centers are nice to use for special events like weddings or birthday parties, and they will have a financial impact in the community, with guests coming in and spending money on hotels and at restaurants. They would impact the resources of the County very little, as far as infrastructure goes. He believes Ms. Cox has done well putting the guidelines of the site plan together. Each site will require approval by the Board of Commissioners to make sure it fits the area it is being proposed for. He said at this point the text amendment is not site specific.

Ms. Cox explained that the amendment proposes a Special Use Permit be required, which comes through the Board of Adjustments. In the near future, she will be coming back to amend the ordinance, because state statutes are changing as of January 1, 2020. At that time, City and County enabling statutes will be combined. Under the new statutes, we will no longer be able to require a Conditional Use Permit, it will all have to be through a Special Use Permit, which will have to come from the Board of Commissioners.

At the absence of further comments, the public hearing was closed.

After brief discussion;

Motion was made by Charles Jordan, seconded by Barry Overman to approve the proposed amendment to the Pasquotank County Zoning Ordinance with the standards recommended by staff and the Planning Board. This amendment is consistent with the following policies within the Pasquotank County Elizabeth City Advance Core Land Use Plan:

- Section 4.1.1 Pasquotank County and Elizabeth City Goals - Table 44 Land Use Compatibility Goals "Encourage land development in accordance with the suitability of the land, compatibility of surrounding land uses and the infrastructure available."
- Section 4.1.1 Pasquotank County and Elizabeth City Goals – Table 44 Land Use Compatibility Goals "Promote diversified economic development."

The amendment is reasonable and in the public interest because the text will permit a use that is needed within the community and minimize potential impacts on surrounding property.

The motion carried unanimously and the following text amendment was adopted:

**AMENDMENT TO THE PASQUOTANK COUNTY ZONING ORDINANCE
ALLOWING EVENT CENTERS AS PROPOSED BY ZTA 19-02**

WHEREAS, the Pasquotank County Zoning Ordinance provides for the orderly growth and development of Pasquotank County; and

WHEREAS, the proposed text amendment will allow for Event Centers that meet certain conditions to operate within the County; and

WHEREAS, the Planning Staff recommends approval of the proposed amendment; and

WHEREAS, on October 24, 2019, the Pasquotank County Planning Board reviewed the proposed amendment and recommended that the Board of Commissioners approve the amendment as proposed; and

WHEREAS, the Pasquotank County Board of Commissioners held a duly-noticed public hearing on November 18, 2019 to consider amending the Zoning Ordinance;

NOW, THEREFORE, IT BE ORDAINED BY THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. Article 4 and Article 9 of the Pasquotank County Zoning Ordinance are amended as follows:

Proposed Ordinance Text

Additions and/or changes to the existing regulations are highlighted in yellow. Deletions are noted by strikethrough.

**ARTICLE 4
DEFINITIONS OF TERMS**

SECTION 4.02- WORD AND TERM DEFINITIONS

35. **Event Center:** A multi-purpose venue facility hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions or parties, concert settings, and general get-togethers. An event center could typically have a catering kitchen, indoor and/or outdoor seating and a stage or event area.

**ARTICLE 9
PROVISIONS FOR USES ALLOWED AS SPECIAL USES
AND CONDITIONAL USES**

SECTION 9.04 - Additional Restrictions Imposed on Certain Special and Conditional Uses

9.04-12 **Event Center** – An event center may be permitted in districts designated in the Table of Permitted Uses, subject to the requirements of the district and provided:

- a. Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. when the use abuts a residential use or a residentially zoned lot;
- b. All weddings and events shall adhere to the Pasquotank County Noise Ordinance and no outside amplified sound is permitted past 11:00 pm;
- c. Off-street parking shall be provided at a ratio of 1 parking space per 4 seats or 1 parking space per 4 persons of maximum building occupancy, whichever is greater. Parking surfaces are not required to be paved, however, parking stops are required;
- d. Exterior lighting shall be such that it is not directed onto any adjacent residential lot;
- e. Environmental Health requirements for sewage disposal and water supply shall be met at all times;
- f. Landscaping and buffer yards shall be provided in accordance with Article 10, Development Standards; and
- g. On agriculturally zoned property, one on-premise sign is allowed with a maximum height of 8 feet and maximum size of 32 square feet. Sign setbacks shall be a minimum of 10 feet from rights-of-way, property lines, and structures.

Section 2. These ordinance amendments are effective upon adoption.

ADOPTED this 18th day of November, 2019;

Jeff Dixon, Chairman
Pasquotank County Board of Commissioners

ATTEST:

Lynn B. Scott
Clerk to the Board
(SEAL)

Motion by Commissioner Charles Jordan
Second by Commissioner Barry Overman
Vote: 5 Ayes 0 Nays

**ARTICLE 7
DISTRICT REGULATIONS**

SECTION 7.01 - TABLE OF PERMITTED USES

Table of Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F	P-1
OTHER																
Event Center (See Section 9.04-12)									P			S				

NOTE:

Districts in which particular uses or similar uses are permitted as a Use By Right are indicated by "P".

Districts in which particular uses or similar uses are permitted as a Special Use upon approval of the Board of Adjustment are indicated by "S".

2. PUBLIC HEARING ON PROPOSED SUBDIVISION ORDINANCE AMENDMENT STA 19-01:

Chairman Dixon declared the meeting to be a public hearing on Subdivision Ordinance Text Amendment STA 19-01.

Ms. Cox explained that Subdivision Text Amendment 19-01 proposed the following changes:

- A procedure for minor subdivisions for no more than three lots;
- Approval of family subdivisions by the Subdivision Administrator (instead of the Board Commissioners);
- Removal of street maintenance bonds as a requirement of Final Plats;
- Modification of performance guarantee (formerly improvement guarantee) requirements;
- Clarification of street maintenance requirements;
- A requirement for cluster mailboxes (in accordance with new US Post Office policy); and
- An amendment to the definition of subdivision including an exemption for a division in accordance with a probated will or intestate succession.

Ms. Cox noted that the proposed amendments to the subdivision ordinance within this request are staff generated and have been proposed in response to recently adopted legislation within North Carolina. Years ago, the County had minor subdivisions, but did away with them in the early 2000’s due to some problems. State law now mandates that minor/expedited subdivisions be allowed if there are more than five acres and three lots or less being created. This will not require road frontage. The current ordinance requires at least 25 feet of road frontage on a state maintained road. This change would do away with that. The next amendment would be to Section 304, “Procedure for Family Subdivision” and would allow staff to approve lots approved through the family subdivision procedures, instead or requiring Board of Commissioner approval.

Ms. Cox stated that state statutes have been amended to disallow bonds for road maintenance. Only bonds for improvements are now permitted. In order to help ensure that developers don’t abandon roads before NCDOT accepts them into the state system, staff is proposing that an annual inspection of un-adopted roads be performed by the subdivider’s engineer be required. Any deficiencies that are noted would require the street be brought up to state road standards. Once the

development meets NCDOT's minimum housing requirements, the developer shall petition for state road acceptance within 12 months. The developer will certify on the recorded plat that they are responsible for road maintenance until NCDOT acceptance. Staff also proposes a process for violations of the road maintenance provisions to help ensure compliance. If the developer does not comply, then the County can potentially take them to court. Camden County has been successful in doing so.

The proposed text also includes a requirement for cluster mailboxes within major subdivisions. This language is proposed to ensure developers are aware of the policies adopted by the US Postal Service for mail delivery and that subdivisions are designed to be compliant with those policies.

The final proposal would amend the County's definition of subdivision to exempt divisions of land that are made in accordance with a probated will or interstate succession. This exemption has previously been established through case law; however it was just recently adopted within the State Statutes.

After brief discussion;

Motion was made by Barry Overman, seconded by Sean Lavin to approve the proposed amendment to the Pasquotank County Subdivision Ordinance with standards recommended by staff. This amendment is consistent with the following policies within the Pasquotank County Elizabeth City Advances Core Land Use Plan:

- Section 4.1.1 Pasquotank County and Elizabeth City Goals - Table 44 Land Use Compatibility Goals "Encourage land development in accordance with the suitability of the land, compatibility of surrounding land uses and the infrastructure available."
- Section 4.1.1 Pasquotank County and Elizabeth City Goals – Table 44 Infrastructure Carrying Capacity Goals "Promote land use and public infrastructure development that is compatible with land suitability as well as capabilities to provide requisite public services."

The amendment is reasonable and in the public interest because the text will ensure that the Pasquotank County Subdivision Ordinance is compliant with NC General Statutes and US Post Office Policies.

The motion carried unanimously and the following text amendment was adopted:

**AMENDMENT TO THE PASQUOTANK COUNTY SUBDIVISION ORDINANCE
TO ALLOW FOR PROCEDURES FOR MINOR SUBDIVISIONS,
PERFORMANCE GUARANTEES, MAINTENANCE OF STREETS UNTIL
ACCEPTANCE, CERTIFICATE OF ROAD MAINTENANCE, CLUSTER MAILBOXES
AND MINIMUM DESIGN STANDARDS AS PROPOSED BY STA 19-01**

WHEREAS, the Pasquotank County Subdivision Ordinance provides for the orderly growth and development of subdivisions within Pasquotank County; and

WHEREAS, the proposed text amendments will allow a simplified subdivision process for minor subdivisions, conform to recently enacted legislation and U.S. Postal Service Policies; and

WHEREAS, the Planning Staff recommends approval of the proposed amendments; and

WHEREAS, on October 24, 2019, the Pasquotank County Planning Board reviewed the proposed amendments and recommended that the Board of Commissioners approve the amendments as proposed; and

WHEREAS, the Pasquotank County Board of Commissioners held a duly-noticed public hearing on November 18, 2019 to consider amending the Subdivision Ordinance;

NOW, THEREFORE, IT BE ORDAINED BY THE PASQUOTANK COUNTY BOARD OF COMMISSIONERS THAT:

Section 1. Article III, and Article IV and Article V of the Pasquotank County Subdivision Ordinance are amended as follows:

Proposed Ordinance Text

Additions and/or changes to the existing regulations are highlighted in yellow. Deletions are noted by strikethrough.

**ARTICLE III
PROCEDURES FOR REVIEW AND APPROVAL OF SUBDIVISION
PLATS**

Section 303 ~~**Procedure For Abbreviated Plat Review**~~ (removed 8-5-2002)
Procedure for Minor Subdivisions

(a) Minor subdivision procedures for this section may be used only for land divisions that comply with all of the following criteria:

- 1) The tract or parcel to be divided was not created as an exempt subdivision under the definition of Subdivision in Article V of this Ordinance.
- 2) No part of the tract or parcel to be divided has been divided as a Minor Subdivision in the 10 years prior to division.
- 3) The entire area of the tract or parcel to be divided is greater than five acres.
- 4) After division, no more than three lots result from the division (including any residual or "parent" parcel).
- 5) After division, all resultant lots comply with all of the following:
 - a) Any lot size requirements of the applicable land use-regulations.
 - b) The use of the lots is in conformity with the applicable zoning requirements.
 - c) A permanent means of ingress and egress is recorded for each lot.

(b) Except for subdivisions where all lots shall be served by a central wastewater system, applications for an expedited subdivision shall include an evaluation from Albemarle Regional Health Services (ARHS) indicating that an on-site wastewater system may be used on each lot included in the subdivision.

(c) Minor subdivisions shall be reviewed and approved by the Subdivision Administrator.

(d) Once a minor subdivision is approved, a signed statement of approval shall be entered on the face of the plat by the Subdivision Administrator. A minor subdivision plat may not be recorded without this certification. Land may not be conveyed or construction started until the minor subdivision is recorded.

Section 304 **Procedure For Family Subdivision Review** (Amended 7-9-2007)

(a) Lots divided as a family subdivision, as defined in Article V, shall be approved under the following conditions:

- 1) Lots created by means of a Family Subdivision shall have a minimum of 25' of frontage upon a State-maintained road.
- 2) Lots shall be a minimum of 43,000 square feet in area, with at least 140' of lot width at the front minimum building setback.
- 3) To qualify as a family subdivision, the property owner must provide proof that ownership of the tract to be subdivided has been in continuous ownership for a minimum of 5 years. (Amended 4-21-08)
- 4) Lots created through the Family Subdivision review shall not be eligible for further subdivision for 10 years.
- 5) Lots shall be approved under the family subdivision provisions as a one-time gift of a

single lot to each child, grandchild or parent of the property owner. A gift of any additional lot to the same child or parent shall require compliance with the major subdivision provisions within the County's Subdivision Ordinance.

- (b) Family subdivision plats shall be approved by ~~the Board of Commissioners~~ **the Subdivision Administrator** and submitted in accordance with the following:
- 1) The application and plat indicate that it qualifies as a family subdivision as defined in this Article;
 - 2) The applicant must provide documentation that attests to the linear relationship that qualifies the applicant for the family subdivision;
 - 3) The plat shall state that the lot may not be further subdivided for a period of at least 10 years; and
 - 4) An Improvement Authorization Permit must be provided from the Environmental Health Department regarding the soil suitability for an on-site septic tank disposal system.

Section 306.3 Final Plat Requirements

The final plat shall be at the same scale, same sheet size, graphic media and shall conform substantially to the preliminary plat as approved and shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.

The final plat will show:

- 1) The lines of all streets and roads.
- 2) Lot lines and lot number.
- 3) Minimum building setback lines.
- 4) Reservations, easements, alleys and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
- 5) Sufficient data to determine readily and reproduce on the ground, the location, bearing and length of every street line, lot line, boundary line, block line and building line, whether curved or straight, and including true north point. This should include the radius, center angle, and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
- 6) All dimensions should be to the nearest one hundredth (1/100) of a foot and angles to the nearest second.
- 7) Accurate location and description of all permanent monuments and stakes.
- 8) The names and locations of adjoining subdivisions, and streets, and the location and ownership of adjoining un-subdivided property.
- 9) Title, date, name and location of subdivision, graphic scale and north point (indicate if true north, magnetic north or N. C. State Grid System is used).
- 11) Name of owner, surveyor or land planner.
- 12) Sketch vicinity map showing relationship between subdivision and surrounding area.
- ~~13) Provide maintenance of streets guarantee until acceptance by the North Carolina Department of Transportation.~~
- 13) Payment of fees for water laterals and meters in areas served by the Pasquotank County Water System. The fee shall be paid to the Pasquotank County Water Department in accordance with a fee schedule established from time to time by the Pasquotank County Board of Commissioners.
- 14) Payment of fees for street signs.

As-Built Drainage Plan shall show: *{Amended 11-21-05}*

- 1) The lines of all streets and roads.
- 2) Lot lines and lot number.
- 3) Location of all ditches (includes road and outfall), culverts and related drainage structures.
- 4) High and low ditch inverts elevations. Flow arrows shall be shown along ditches.
- 5) Culvert material, size, and inverts.
- 6) Location of all fire hydrants within subdivision with bench mark elevations established on the top nut and denoted.

Drive Way Culvert Installation Plan – In addition to the information included on the As-Built Drainage Plan the plan shall show: *{Amended 11-21-05}*

- 1) Percent of slope on all ditches indicated to the nearest one hundredth of a percent.
- 2) Indicate at each lot corner that coexist with road right of way the roadway ditch invert (calculated according to ditch slopes).
- 3) Indicate on each lot the minimum driveway culvert size that provides for proper drainage and meets NCDOT requirements.

Section 306.4 Preparation of Final Plat and Installation of Improvements

Upon approval of the preliminary plat by the Pasquotank County Board of Commissioners, the Subdivider may proceed with the preparation or the arrangement for the required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance or guaranteed the installation as provided herein. No final plat will be accepted for review by the Pasquotank County Board of Commissioners unless accompanied by written notice by the Subdivision Administrator acknowledging compliance with the improvement and guarantee standards of this ordinance. Should the final plat require review by the Planning Board, due to discrepancies in the preliminary plat, the Subdivision Administrator shall transmit the final plat together with the Planning Board's recommendations to the County Board of Commissioners for final action. The final plat shall constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at that time; such portion shall conform to all requirements of this ordinance.

Section 306.5 Improvement Performance Guarantees

- 1) Agreement and Security Required

In lieu of required completion of asphalt street paving, shoulder/ditch grading, and seeding prior to final plat approval, the County of Pasquotank may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all asphalt street paving, shoulder/ditch grading, and seeding. Once the agreement is signed by both parties and the required security is provided, the final plat may be approved by the Pasquotank County Board of Commissioners, if all other requirements of this ordinance are met. ~~To secure this agreement, the subdivider shall provide, subject to approval of the Pasquotank County Board of Commissioners any one or combination of the following guarantees:~~

- 2) Surety Performance Bond

To ensure the completion of required improvements in accordance with approved plans, the Subdivider shall provide a performance guarantee in an amount equal to 125% of the estimated cost of completion at the time the performance guarantee is issued. Estimated costs of completing installation of required improvements shall be itemized by improvement type and certified by a licensed professional engineer or other authorized professional, and is subject to approval by the Subdivision Administrator. The Subdivider shall provide, any one or combination of the following guarantees:

- a) Cash or Irrevocable Letter of Credit with a banking institution insured by either FSLIC or FDIC and authorized to do business in the State of North Carolina. The Subdivider shall be required to file with the County an agreement between the financial institution and the developer guaranteeing that in case of a failure on the part

of the developer to complete or repair the improvements, the financial institution shall, upon notification by the County, immediately pay the funds deemed necessary by the County to complete or repair the improvements up to the full balance of the escrow account.

- b) Surety Bond from a bonding company authorized to issue surety bonds in North Carolina and payable to the County.
- 3) Draws Against Performance Guarantee
Should a developer fail to properly install required improvements within the term of the guarantee, the guarantee will be deemed in default. In the case of default, the County is authorized to sue guarantee funds to complete the required subdivision improvements or to let a contract for installation of the required improvements.
- 4) Release of Performance Guarantee
Once the conditions of the performance guarantee have been completed to the satisfaction of the appropriate agencies, including North Carolina Department Of Transportation, the guarantee shall be released. In addition, the developer's engineer or contractor, whichever is appropriate, shall be required to certify that installation of the guaranteed improvements has been completed in accordance with approved plans and specifications. No guarantee may be released until all required certifications of completion have been provided.

~~The Subdivider shall provide a performance guarantee obtain a performance bond from a surety bonding company authorized to do business in the State of North Carolina. The bonds shall be payable to the County of Pasquotank and shall be in an amount equal to 1.30 times the entire cost of required improvements, as estimated by the subdivider and approved by the Pasquotank County Board of Commissioners, of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding. The duration of the bond shall be until such time as the improvements are determined by the Board of Commissioners to be in compliance with the provisions of this ordinance. All improvements must be made within (12) months of the date of authorization of the security bond. *{Amended 11-21-05}*~~

~~3) Cash or Irrevocable Letters of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC OR FDIC and authorized to do business in the State of North Carolina.~~

~~The Subdivider shall deposit, an irrevocable letter of credit or cash with Pasquotank County. The amount of the deposit shall be equal to 1.30 times the entire cost of installing the asphalt street paving and completion of final shoulder/ditch grading and seeding as estimated by the subdivider and approved by the Pasquotank County Board of Commissioners. All improvements must be made within twelve (12) months of the date of authorization of the security. *{Amended 11-21-05}*~~

Section 306.6 Maintenance of Streets Until Acceptance

It shall be the responsibility of the Subdivider to maintain all street and street rights-of-way improvements until such time that the publicly dedicated roads are accepted for maintenance under the North Carolina Department of Transportation (NCDOT) State Road System. The Final Plat shall include the Subdivider's signed and notarized acknowledgment of this responsibility.

- 1) Annual Inspection of Unadopted Roads: The Subdivider's project engineer shall submit an annual report, in a format to be determined by the County, regarding the condition of the unadopted roads in affected subdivisions. Failure to provide an annual report or fix identified deficiencies shall be a maintenance violation.
- 2) Maintenance: All of the following on-site and off-site improvements, as applicable, shall be adequately maintained until adoption by NCDOT: streets and street right-of-way improvements including road surface materials, road base course, and associated drainage improvements (e.g., roadside ditches, storm drains, and drainage cross-piping).
- 3) NCDOT Petition for Road Addition: Once the development meets the minimum housing requirements for state road acceptance, the developer shall petition NCDOT for state road acceptance. After inspection and upon receipt of outcome of the inspection, the developer shall have 12 months to turn over roads to NCDOT.
- 4) Road Maintenance Violations and Corrective Action: Upon determination of a road maintenance violation of this Ordinance, the Subdivision Administrator shall notify the Subdivider in writing of the violation. The Subdivider shall have 30 days to respond in writing and shall outline the plan to correct the violation(s). The Subdivider shall then have 120 days to correct the violation, from the date of their response. If a response is not provided within 30 days or work not completed as needed to correct the violations, the County may proceed with necessary actions

including placing the Subdivider under ordinance violation, subject to the terms of Section 204 of this Ordinance, to ensure that the maintenance violations are corrected.

~~The Subdivider of any development containing streets intended for public dedication shall post a letter of credit or other sufficient surety (see Section 306.7) to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation.~~

Section 306.7 Acceptable Guarantees for Street Maintenance

~~The amount of the security shall constitute thirty percent (30%) of the cost of all improvements relating to road construction (grading, ditching, culverts, stone base, asphalt, seeding, etc.). The developer shall provide information sufficient to determine the cost of the improvements. The following types of bonds/guarantees will be acceptable to the Board of Commissioners for the purpose of satisfying maintenance of streets guarantees prior to final plat approval: *(Amended 11-21-05)*~~

~~1) Surety Bond~~

~~The Subdivider shall obtain a surety bond from a surety bonding company authorized to do business in the State of North Carolina. The bond shall be payable to the County of Pasquotank and shall be in an amount approved by the Pasquotank Board of Commissioners. The duration of the bond shall be until such time as the streets are accepted by the North Carolina Department of Transportation.~~

~~2) Cash or Irrevocable Letters of Credit on forms approved by the County Attorney with a banking institution insured by either FSLIC or FDIC.~~

~~The Subdivider shall deposit, an irrevocable letter of credit or cash with Pasquotank County. The amount of the deposit shall be approved by the Pasquotank County Board of Commissioners. The security shall be held until such time as the streets are accepted by the North Carolina Department of Transportation.~~

Section 308 Certificates to be Applied to Face of Plat

K. Certificate of Road Maintenance

I (We), the developer(s) of roads in _____ Subdivision hereby certify that the subdivision roads are declared public and have been constructed to N.C. Department of Transportation standards. Until such time as the N.C. Department of Transportation adds the roads in _____ Subdivision to the State System for Maintenance, I (We) as developer(s) shall assume all road maintenance responsibilities.

Developer

Date

**ARTICLE IV
MINIMUM DESIGN STANDARDS**

23. **Cluster Mailboxes**

New residential subdivisions shall include cluster mailbox units in accordance with U.S. Postal Service guidelines and the following:

1. Wherever possible, cluster mailboxes shall be located within an open space set-aside, served by pedestrian access and served by two or more off-street parking spaces.
2. In cases where the cluster mailboxes must be placed within a right-of-way, the mailbox unit(s) shall be located and configured in accordance with the latest revision of the NCDOT policy guidance on the placement of cluster box units

(CBUs) on State-maintained streets, including provision of a vehicular turnout.

ARTICLE V DEFINITIONS

Subdivision

All divisions of a tract or parcel of land (in addition to the undivided remaining portion of the original undivided tract) into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations;
 - (2) The division of land into parcels greater than ten acres if no street right-of-way dedication is involved;
 - (3) The public acquisition by purchase of strips of land for widening or opening streets;
 - (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations;
 - (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
-

ARTICLE V DEFINITIONS

Subdivision, Major

- Any subdivision other than a Minor or Family Subdivision.

Subdivision, Minor

- A subdivision that does not involve the creation of more than three (3) lots and meet other qualifications and requirements specified in Section 303.

Section 2. These ordinance amendments are effective upon adoption.

ADOPTED this 18th day of November, 2019;

Jeff Dixon, Chairman
Pasquotank County Board of Commissioners

ATTEST:

Lynn B. Scott
Clerk to the Board
(SEAL)

Motion by Commissioner Barry Overman

Second by Commissioner Sean Lavin

Vote: 5 Ayes 0 Nays

3. APPROVAL OF APPOINTMENTS TO BOARDS AND COMMITTEES:

The Board considered a recommendation made by the Appointments Committee at the last meeting to appoint Dana Cobbs to the Personnel Appeals Committee. Commissioner Jordan noted that copies of her application have been provided to the Board members since the last meeting and the Board can give final approval to this appointment or can nominate other individuals to fill the vacancy. He asked if there were any further nominations for the Personnel Appeals Committee. There being none;

Motion was made by Charles Jordan, seconded by Barry Overman to approve the appointment of Dana Cobbs to the Personnel Appeals Committee. The motion carried unanimously.

4. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of November 4, 2019 Commissioner Meeting

b. Approval of Tax Releases and Refunds

The Finance Committee has recommended approval of the following tax release, tax refunds, and solid waste fee releases:

Tax Release

		County	City
1.	Lemuel Young		112.66

Tax Refunds

		County	City
1.	Floyd George Shaw, Jr.	106.44	
2.	Matthew James Tucker	101.79	101.59

Solid Waste Fee Releases

		Parcel ID #	Reason for Release
1.	Shara Danae & Lenin Plata Chivers	P119-9	Uninhabitable
2.	Rudene R. & Robert J. Felton	11-D-6	Vacant
3.	William E. & Edla Stevens	P88-12	Vacant

c. Approval of Budget Amendments

The Finance Committee has recommended approval of the following budget amendment:

Special Appropriations

Decrease	010.6900.5991.00	Contingency	850.00
Increase	010.6600.5652.05	Albemarle Commission	850.00

d. Approval of Resolution to Authorize the Secretary of the Interior to Conduct a Study to Assess the Suitability and Feasibility of Designating Certain Land as the Great Dismal Swamp National Heritage Area

The Board asked that the resolution authorizing the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Great Dismal Swamp National Heritage Area be removed from the Consent Agenda and reconsidered at a future meeting after staff obtains additional information on the request.

e. Adoption of Resolution Designating Agents for Hurricane Dorian Hazard Mitigation Grant

Staff is recommending approval of the following resolution designating agents for the Hurricane Dorian Hazard Mitigation Grant:

**RESOLUTION - DESIGNATION OF APPLICANT'S AGENT
FOR: Hurricane Dorian 4465-DR-NC Hazard Mitigation Grant Project**

Sparty Hammett Pasquotank County Manager Primary Agent
Sheri Small Pasquotank County Finance Director Secondary Agent

BE IT RESOLVED BY the governing body of Pasquotank County, a public entity duly organized under the laws of the State of North Carolina, that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of Pasquotank County for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available.

BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for Pasquotank County in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and assurances.

BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally.

Passed and approved this _____ day of _____, 2019.

Motion was made by Sean Lavin, seconded by Charles Jordan to approve the Consent Agenda as amended (remove item 4d and reconsider at a future meeting).
The motion carried unanimously.

5. REPORT FROM COUNTY MANAGER:

County Manager Sparty Hammett reported that he will be leaving for training tomorrow afternoon and will be out of the office until next week.

6. REPORTS FROM COMMISSIONERS:

Commission Lavin provided an update on activities at T-Com.

Commissioner Meads stated that the SPCA is currently doing a fundraiser. He applauded their efforts. He asked Chairman Dixon to consider appointing a replacement for him on the SPCA Board. He feels that someone that is more passionate about animals would serve the board better.

Commissioner Jordan reported that the UNC Board was in town last week. He had the opportunity to spend a little time with them, and welcome them to the area. On Saturday, he attended a parent workshop for ECPPS. Unfortunately, very few parents attended. Additionally, he attended the Trillium Board meeting where he learned some great information about vaping and its dangers. He also attended the Ministers Council meeting and the Black Pearls Banquet, which was sponsored by the National Council of Negro Women.

Commissioner Overman reported that the Department of Social Services has concluded interviews for the director position. Ms. Kathy Ford was selected. She is a long-tenured, in-house employee, with a lot of experience. He invited the Board to the upcoming DSS Annual Breakfast.

Chairman Dixon asked if there was any further business to come before the board. There being no further business;

Motion was made by Charles Jordan, seconded by Sean Lavin to adjourn the meeting. The motion carried and the meeting was adjourned at 6:55 PM.

CHAIRMAN

CLERK TO THE BOARD