

PERSON COUNTY BOARD OF COMMISSIONERS
MEMBERS PRESENT

May 7, 2007
OTHERS PRESENT

Johnny Myrl Lunsford, Chairman
Jimmy B. Clayton, Vice-Chairman
Kyle W. Puryear
Larry H. Bowes
Larry E. Yarborough, Jr.

Steve Carpenter, County Manager
C. Ronald Aycock, County Attorney
Faye T. Fuller, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Monday, May 7, 2007 at 7:00 p.m. in the Commissioners' Room of the Person County Office Building.

Chairman Lunsford called the meeting to order. Commissioner Clayton led in prayer and Commissioner Bowes led the Pledge of Allegiance.

PUBLIC HEARING:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes, and **carried** to open the duly advertised Public Hearing on a Proposed Amendment to the Flood Damage Prevention Ordinance and County Flood Maps.

County Planner Paula Murphy told the Board that the State of North Carolina in conjunction with FEMA has created new Flood Rate Insurance Maps (FIRMS) for Person County. The County has until June 4, 2007 to adopt the new maps as well as revisions to the Flood Damage Prevention Ordinance.

Ms. Murphy stated that Person County has three major river basins – The Roanoke, Neuse and Tar Pamlico. The State, in conjunction with FEMA has mapped all floodplains within the 100 counties. The Neuse and Tar Pamlico were delineated in 2003. At that time, the State held two public meetings in the county to discuss how the maps were created and answer any questions. There was a period of 90 days during this review that anyone could make appeals or protests to the maps. The State was supposed to then complete all of the delineations for the Roanoke Basin, but there was extensive flooding in the mountain regions. Person County was rescheduled for a later time in order for the areas with problems could be addressed first.

The Roanoke Basin maps are dated July 2006. On August 21, 2006 and September 26, 2006. There were two public meetings held for public review and comment. This started the ninety day appeal and protest period. Once that period was over, the six-month compliance period began which is due to end on June 4, 2007, at which time the county has to formally adopt the FIRM's and revised Ordinance.

Failure to amend the ordinance and submit it to the State for review and approval will require suspension from participation in the NFIP – simply put – no one will be able to obtain flood insurance and should we have a disaster – no one would receive Federal monies.

The new ordinance is very similar to our existing ordinance. The one major change is that a Elevation Certificate is required prior to construction for all properties within flood areas

and a final As Built Elevation Certificate. The Planning Office has required proof prior to issuing a zoning permit that structures would not be in a flood area. A final As Built Elevation Certificate has been required. This process will assure the home builder that property located in flood areas is being built properly.

Ms. Murphy further stated that the Planning Board held a public hearing on March 8, 2007 and recommended unanimously to approve the FIRMS's and the Ordinance. Both of these need to be effective June 4, 2007.

Ms. Murphy stated she had received one letter, which she read into the record as follows:

Dear Commissioner,

I received your notification letter for a public hearing on Monday, May 7, 2007 regarding "flood damage prevention ordinance amendments and floodplain map amendment and adoption".

I own property on Mayo Lake (record #7566) and I believe that the new GIS FEMA map shows that my property is now within the new floodplain area. I don't see how it is possible for the new floodplain line to have moved so dramatically for the old "cpl contour line". In addition, I am enclosing a map of the area in question that I received from the Person County GIS website department. It depicts both the old FEMA line (green) and the new FEMA line (red). I have marked with a black arrow a specific area for your attention. How is it possible for this red line to be "IN THE WATER"? Obviously, this is a gross error which is not only affecting me but many of my neighbors and hundreds of your constituents. Please read this section regarding the map into the minutes of the meeting and add a copy of the map to the minutes also.

I was hoping to begin building a new home for myself on this property (for my retirement) immediately. How do all these FEMA/North Carolina Floodplain proposed amendments affect me in obtaining the required permits etc. to begin my building process? I certainly don't wish to be building in the floodplain area, so how do I proceed? Your guidance will be appreciated. Please let me know.

Since I am in NY and will be unable to attend this meeting, I would appreciate a copy of the minutes of the meeting so that I may review them. I have enclosed a stamped self addressed envelope to help facilitate in this matter. Or, if it is easier for you to send the minutes via email, you may send them to dddanhall@yahoo.com

Thank you for your assistance,

(signature)

Daniel E. Hall

33 Iroquois Trail

Ridge, NY 11961

Ms. Murphy stated she reviewed the map and Mr. Hall's property had a small portion under the old FEMA. Under the new, he has none. Therefore, he is not affected at all. Most of the properties on the lake in the past had to get letters of map amendment to make them out of the floodplain area so they didn't have to get flood insurance, now with the new maps, all she has reviewed, has less floodplain than before. Most have none.

Chairman Lunsford asked if there was anyone who wished to speak in opposition to the Ordinance and maps. No one spoke. He then asked if there was anyone who wished to speak in support of the matter.

Ernie Wood - Summit Consulting Engineers – encouraged Board to adopt map. He stated he had a conversation with Mr. Hall prior to the letter being sent to Ms. Murphy and explained to him that he was not in the flood plain. The new maps are so much better than the old ones. They are very accurate. The new maps will help landowners on Hyco and Mayo because the new maps do not reflect floodplains that old ones did. As soon as the maps are adopted insurance underwriters will begin using them and save citizens money on insurance rates. The new Ordinance is a protection to the landowner.

Jay Jennings – Encouraged Board to adopt new maps and Ordinance. He requested that the Board support the staff that administers the Ordinance in their use of common sense in administering the document when in situations where it is obvious, because the mapping is so good, that some of the requirements will not be need on a property that does have flood plains on it.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Bowes and **carried** to close the Public Hearing as there was no one else who wished to speak.

APPROVAL OF AMENDMENT TO FLOOD DAMAGE PREVENTION ORDINANCE AND COUNTY FLOOD MAPS:

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Puryear to **approve** the Amendment to the Flood Damage Prevention Ordinance and County Flood maps. The motion was approved unanimously.

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

Municipal: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

County: 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 to local governmental the responsibility units to adopt regulations designed to promote the public health, safety, and general welfare.

Therefore, the Board of County Commissioners of Person County, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Person 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 of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life, safety, and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business losses and interruptions;
- (5) to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure 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.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

“Building” see “Structure”.

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Development” means 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.

“Disposal” means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

“Elevated Building” means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Encroachment” means the advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

“Existing Manufactured Home Park or Manufactured Home Subdivision” means 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) was completed before the effective date of the initial floodplain management regulations adopted by the community.

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

“Flood Insurance Rate Map (FIRM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“Flood Insurance Study (FIS)” means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs).

“Flood Prone Area” see “Floodplain”.

“Floodplain” means any land area susceptible to being inundated by water from any source.

“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

“Floodplain Management” means 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.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose

ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Floodway” means 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.

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Freeboard” means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

“Hazardous Waste Facility” means, as defined in NCGS 130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

“Historic Structure” means 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 local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

“Lowest Floor” means 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 limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means 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”.

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal: replacement cost depreciated for age of building and quality of construction (Actual Cash Value): or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, 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.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date (February 19, 1990) of the initial floodplain management regulations for that site and includes any subsequent improvements to such structures.

“Non-Encroachment Area” means 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.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after the effective date (September 14, 1990) of the initial Flood Insurance Rate Map for the site.

“Pre-FIRM” means construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate Map for the site.

“Principally Above Ground” means that at least 51% of the actual cash value of the structure is above ground.

“Public Safety” and/or “Nuisance” means anything which 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.

“Recreational Vehicle (RV)” means 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.

“Regulatory Flood Protection Elevation” means the “Base Flood Elevation” plus the “Freeboard”. In “Special Flood Hazard Areas” where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (two) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts 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.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

“Solid Waste Disposal Facility” means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one (1) percent or greater chance of being flooded in any given year, as determined in Article 3 Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage 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.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period 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 damage 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.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any

one-year period for which the cost 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 “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community 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 a historic structure.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level of floods of various magnitudes and frequencies in the floodplains of riverine areas.

“Watercourse” means 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.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Person County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Person County dated June 4, 2007, which are adopted by reference and declared to be a part of this ordinance.

SECTION C. 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 determined in accordance with the provisions of Article 3 Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent ___Person County from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Zoning Administrator , hereinafter referred to as the “Floodplain Administrator”, is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:
 - (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3 Section B, 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 Article 3, Section B;
 - iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - v) the Base Flood Elevation (BFE) where provided as set forth in Article 3 Section B, Article 4 Section C, or Article 5 Section D;
 - vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - vii) the certification of the plot plan by a registered land surveyor or professional engineer.
 - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and

- iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) 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) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5 Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
 - (e) Usage details of any enclosed areas below the lowest floor.
 - (f) 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;
 - (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.)
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5 Section B(6 & 7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including 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 (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A description of the development to be permitted under the floodplain development permit.
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with the available data specified in Article 3 Section B.
 - (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) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.

(3) **Certification Requirements.**

(a) Elevation Certificates

- i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
- ii) A final as-built Elevation Certificate (FEMA Form 81-31) 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 of the reference level and all attendant utilities. 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 required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing 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 and the operational plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5 Section B(3)(b).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified 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 Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - i) Recreational Vehicles meeting requirements of Article 5 Section B(6)(a);
 - ii) Temporary Structures meeting requirements of Article 5 Section B(7); and
 - iii) Accessory Structures less than 150 square feet meeting requirements of Article 5 Section B(8).

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee if additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, CAMA, Riparian Buffers, Mining, etc.) are required, and assure that copies of such permits are provided and maintained on file with the floodplain development permit.
- (3) 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 (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5 Section F are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Article 4 Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4 Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4 Section B(3).

- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4 Section B(3) and Article 5 Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data available from a Federal, State, or other source, including data developed pursuant to Article 5 Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3 Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) 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 carried out 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.
- (16) 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 or in charge of 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.
- (17) Revoke 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, and 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.
- (18) Make periodic inspections throughout the 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.

- (19) Follow through with corrective procedures of Article 4 Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the

governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by Person County, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally dependant facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4 Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to 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 to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependant facility, where applicable;
 - (f) the availability of alternative locations, 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 comprehensive 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 floodwaters 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 streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall 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 not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) 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, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (10) No variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) 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 to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to the provisions of Article 4 Section B(3) of this ordinance.
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3 Section B or Article 5 Section D, the following provisions, in addition to the provisions of Article 5 Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, AH, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight 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. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section H(3). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans.

(3) Manufactured Homes.

- (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation systems or in accordance with the current edition of the State of North Carolina Regulations for Manufactured Homes, 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 thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5 Section B(4)..
- (d) 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.

(4) Elevated Buildings. Fully enclosed areas of new construction and substantially improved structures, which are below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

- v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) 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.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

(6) Recreational Vehicles. Recreational vehicles shall either:

- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- (b) meet all the requirements for new construction.

(7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval;

- (a) a specified time period for which the temporary use will be permitted. Time specified should not exceed three (3) months, renewable up to one (1) year;

- (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5 Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5 Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided in conformance with the provisions of Article 5 Section B(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4 Section B(3).

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Article 3 Section B, where no Base Flood Elevation (BFE) data is available, the following provisions, in addition to the provisions of Article 5 Sections A and B, shall apply:

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the

width of the stream, 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.

- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5 Sections A & B).
 - (b) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3 Section B to be utilized in implementing this ordinance.
 - (c) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Article 2.

SECTION E. STANDARDS FOR RIVERINE FLOODPLAINS WITH BFE BUT WITHOUT ESTABLISHED FLOODWAYS OR NON-ENCROACHMENT AREAS.

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- (1) Standards of Article 5 Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, 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.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3 Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5 Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:
 - (a) it is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5 Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 5 Section B(3); and
 - (b) the no encroachment standard of Article 5 Section F(1).

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted September 14, 1990 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of Person County enacted on September 14, 1990, as amended, which are not reenacted herein are repealed.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT 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 or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. EFFECTIVE DATE.

This ordinance shall become effective upon adoption.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of County Commissioners of Person County, North Carolina, on the Fourth day of June, 2007.

WITNESS my hand and the official seal of Person County, this the Fourth day of June, 2007.

Johnny Myrl Lunsford
Chairman, Board of County Commissioners

DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:

Commissioner Puryear asked that the Request for Incentives-Roxboro Cotton Mills item be moved to the first item on the agenda. He further asked that Reverend Victor Blackwell be added to the agenda.

Commissioner Clayton asked that a Resolution to Adequately Fund Medicaid Relief during this session of the Legislature be added to the agenda.

County Manager Carpenter asked that approval of an Easement for Sewer Lines be added to the agenda.

Chairman Lunsford also asked that Approval of the Flood Damage Prevention Ordinance and County Flood Maps be included on the agenda.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Clayton and **carried** to approve the agenda as amended.

INFORMAL COMMENTS:

Betty Blalock – Expressed concerns about the health of people in the landfill area and the health of future generations.

Kay Reynolds – Asked Board to look for better ways to handle landfill situation.

Jimmy Thomas – Person County Farm Bureau Board of Directors – Presented a letter from Farm Bureau Board of Directors in opposition to any increase in daily tonnage at the landfill.

Patrick Riley – He has been trying to protect groundwater for 20 years. PCPRIDE is a true grassroots organization and need support and membership by many people. He has circulated petition opposing expansion of landfill and contract extension. (He, however, did not present such a petition to the Board.)

APPROVAL OF MINUTES:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear, and **carried** to approve the minutes of April 16, 2007.

ADMINISTRATIVE REPORTS:

The following Administrative Reports were received and accepted by the Board: Airport, Detention Center, Inspections, Tax Administration & Collections.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Yarborough and **carried** to accept the Administrative Reports as presented.

REQUEST FOR INCENTIVES – ROXBORO COTTON MILLS:

Mark Phillips, representing Roxboro Cotton Mills, appeared before the Board to request any incentives for Roxboro Cotton Mills or any other financial considerations for the period in which they will be required to pay property taxes to offset the burden of the taxes. The current taxes are in the amount of \$19,762 in county property tax and \$18,959 in city taxes. After denial for tax exempt status, Roxboro Community School is liable for the taxes. The denial was made because the building is owned by a for-profit company.

He said the County has a financial obligation to help. The money will go back directly to Roxboro Community School for benefit of the teachers and students. The financial assistance is only a temporary measure in order for them to qualify for tax credits available for the property. He will be taking the request to City Council on Tuesday.

Commissioner Puryear asked the County if it is illegal for the Board of Commissioners to give incentives to Roxboro Cotton Mills.

County Attorney Aycock responded that given the facts as he knows them, it is illegal. There is a requirement that any appropriation by the County be made to an agency that could do what agencies which the county appropriates to. There is another provision in the law that specifically governs the charter schools and provides that appropriations cannot be made beyond that through the school board for their per student allocation.

Incentive legislation has certain requirements as well - it would have to meet same requirements which include payback over time through the enhanced tax base.

Chairman Lunsford told Mr. Phillips that the Board has received the information and will be taken up during the budget session and review the relevant law.

REVIEW OF A MAJOR SUBDIVISION CONCEPT PLAN ON PATTERSON DRIVE:

County Planner Paula Murphy appeared before the Board and stated the Planning Board reviewed a request for a Major Subdivision Concept Plan (Patterson Drive) off SR 1148, Patterson Drive as submitted by Coulter Jewell Thames. The firm is representing the developer, Gary Jones. The property consists of 16.5 acres and forty-eight (48), 6,000 square foot minimum lots are proposed. The property will be served by public well and sewer. All roads will be built to NCDOT standards. The property is located in the Flat River watershed and allows 24 percent impervious surface.

The property in question is zoned Residential. The developer is proposing to have public water and sewer which will allow a minimum of 6,000 square feet per lot. Access to the property is off Patterson Drive by a fifty-foot access. On the western boundary of the property line is an existing 60-foot access road that provides access to the County's pump station. On the eastern boundary is a thirty-foot farm road. This property will not have any access on these roads. Access to the properties will be by on-site roads built to NCDOT standards. NCDOT has reviewed the proposed plat and has stated that a left turn lane would be required based on current and future additional traffic volumes. There is an adjacent tract of property that appears to be landlocked. The Board might want to consider some type of stub out for future development of the tract.

The County GIS maps show two water features on this property. The plans show a drained pond with fifty-foot buffers. The question of the water features needs to be resolved since they will require fifty-foot buffers and this could change the lay-outs of lots.

The property in question is vacant land with some trees. Meadowbrook Subdivision with 86 lots is within the area. It consists of doublewide manufactured homes.

Planning Staff recommended the following conditions be included should the Board approve:

1. The roads are to be constructed to NCDOT standards. Road construction plans are to be submitted to and approved by NCDOT. A copy of the approved road construction plans are to be submitted to the Planning Department. Subdivision entrance to be approved by NCDOT. Sight triangles will be needed and they are not shown.
2. An Erosion and Sedimentation Control Plan (if necessary, must be one acre of disturbance) to be submitted to NCDHNR, Division of Land Resources, Land Quality Section and a copy of the approved plan be submitted with the road construction plan.
3. A road maintenance agreement is to be prepared, then reviewed and approved by the County Attorney prior to approval of the final plat.
4. Road name to be presented to the County for approval into the road system.
5. Per 51-2, a right turn lane is required. NCDOT has requested a left turn lane. Consideration of a stub out for the adjacent landlocked property.

6. All water features to have a fifty-foot buffer.
7. Per the Neuse Regulations, the lots can only be 24 percent impervious.
8. Any other requirements per the Person County Subdivision Ordinance.

The Planning Board reviewed this item at their April 12, 2007 meeting and voted unanimously to recommend approval with staff comments and to eliminate the need for the right turn lane since the developer does not own enough right-of-way.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes and **carried** to approve the Major Subdivision Concept Plan as presented.

CONCERN ABOUT 9-1-1 CALL:

Victor Blackwell, Pastor of Olive Branch Road appeared before the Board to express concern about a 9-1-1 call that was made from a cell phone just across the county line in Granville County. The caller lives less than 100 yards from the Person County line, yet cell call went to Halifax County, Virginia, then transferred to Person County. Person County, in turn dispatched to Granville County. He felt the citizen should have received service from Person County EMS since he pays the bulk of his property taxes in Person County. He also felt the citizen would have received more timely service if Person County has responded to the call. He asked the Board to review the policy regarding dispatching ambulances across state/county lines.

PRESENTATION OF PCPRIDE SOLID WASTE PROPOSAL:

Pat Hill & Frances Blalock, on behalf of PCPRIDE presented PowerPoint presentations on Zero Waste Initiative-The Key to our Future and A Vision for the Future. Zero Waste is a policy, a path, a direction, a target; it's a process, a way of thinking, a vision. It has a clear endpoint goal that will help sustain the resources for the future generations. Zero Waste is widely applicable to everyone. It is easily understood, saves money, promotes waste prevention and recover, eliminates pollution and creates new jobs.

The following Resolution was also presented:

ZERO WASTE INITIATIVE RESOLUTION

PCPRIDE recommends that Person County protect and maintain its water and air quality and other resources, as was brought to the attention of the County Commissioners on April 15, by adopting the Zero Waste Initiative.

Whereas PCPRIDE agrees that educating the public on this topic is the top priority.

Whereas corporations and cities across the nation and globe are signing on to environmental stewardship: ZERO WASTE.

Whereas we need a budget that we can rely on, not one built on temporary resources. We must beware of “false economics”.

Whereas, “recyclers” have a positive economic and environmental story to tell, and “wasters” focus strictly on “low cost economics”.

Whereas the current global economic engine is built upon the destruction of our natural world, and Zero Waste principles promote the highest and best use of materials which will eliminate waste and pollution in production and consumption.

We, PCPRIDE, submit this resolution to you, the County Commissioners of Person County, for your acceptance. We ask that you delay making any decisions that have a long term impact on our community. We ask that you allow the education of the community on ZERO WASTE to go forward and allow adequate time to educate and change the habits of our residents.

Ms. Blalock said PCPRIDE is willing to educate the residents of the county on this initiative and its value. They will hold meetings and seminars to help bring this concept to reality. School programs will be designed to educate children. Experts will be brought in to give direction in implementing the program and they will support their words with work and integrity.

Ms. Blalock, asked the Board to adopt the resolution and write a similar one for the county; provide the needed environmental rules and regulations to put this into operation; bring the New Economic Development Umbrella Committee into this mind set, for this will truly ring economic development; help educate all businesses, schools, churches and families on how to develop their own plans for achieving ZERO waste and encourage with incentives; get a volunteer committee to “Plan the Work and Work the Plan”; defer any decision that has a long term impact on the county and allow adequate time for educating the people and bringing about habit change.

Ms. Pat Hill’s presentation on A Vision for the Future centered on the Horry County Solid Waste Authority, Inc. in Conway South Carolina. She explained that it is an example of what Person County could be. Horry County created the authority in 1992 and set up a seven member board to run it apart from the government. They took an old landfill, some old equipment twenty-three convenience centers and seed money of \$500,000. It was a business that just changed hands. They do not get tax money, but they charge everyone that brings in waste. Today it pays the county \$2.25 for every ton that come across the scales. The Authority is working on modern technology that will eventually bring them as close to ZERO WASTE as they will be able to get. They are planning a center for Masters and PHD degrees in Waste Management. The Authority owes no one and has \$32 million in the bank and pays cash for all capital improvements or purchases. Ms. Hill invited the Board and other citizens to visit the facility.

Chairman Lunsford thanked Ms. Blalock & Ms. Hill for their presentations.

APPEARANCE BEFORE BOARD TO DISCUSS LANDFILL ISSUES:

Flora Peed appeared before the Board to discuss landfill contract issues. She spoke about recycling centers which have not been provided by Republic, landfill traffic, trash along roadside. She asked that the county not be made a dumping ground for other counties. She said if the money is needed, raise the taxes so everyone pays instead of punishing those citizens who live near the landfill.

APPEARANCE BEFORE BOARD TO DISCUSS LANDFILL BUSINESS:

Eugene Berryhill – 668 Berryhill Road, Roxboro, NC – appeared before the Board to make clear the history of the landfill to those who were unaware of how the landfill business came to be in Person County.

APPEARANCE BEFORE BOARD TO DISCUSS LANDFILL ISSUES:

Bill Barber appeared before the Board, speaking on behalf of members of the landfill community and other citizens in the county. He said any tonnage increase will impact quality of life of residents who live near landfill. There is no one to monitor the landfill as was promised, nor is there any recycling as promised. Stated the best solution for the county would be to take the landfill back at the end of the contract.

PRESENTATION OF PUBLIC SAFETY CONCERNS AND BUDGET CONCERNS:

Deborah Rickman appeared before the Board and spoke about the incident which took place on March 29, 2007 at her home. (Her husband, Kenny Rickman, made a similar presentation at the April 16th meeting.) Ms. Rickman stated they did not get the service from the Person County Sheriff's Department that she felt they deserved. She said there were questions which still needed to be answered.

Kenny Rickman asked Sheriff Jones to meet with his family to discuss the incident. He also asked Chairman Lunsford to attend.

APPROVAL OF FINANCIAL AUDIT CONTRACT:

Finance Director Andy Davenport submitted a financial audit contract from Winston, Williams, Creech, Evans and Company, LLP for the fiscal year 2007. The contract reflects a 2.5% increase over the cost of the 2006 fiscal year and there are new standards that require more from the auditors than in the past. The cost for the July 1, 2006 and ending June 30, 2007 contract is \$36,600.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Bowes, and **carried** to approve the FY 2007 Audit Contract with Winston, Williams, Creech, Evans and Company, LLP.

APPROVAL OF RE-ROOFING AND HIGH SCHOOL CAPITAL PROJECT ORDINANCE:

A **motion** was made by Commissioner Bowes, **seconded** by Chairman Lunsford and **carried** to approve the Re-Roofing, Paving and High School Capital Project Ordinance as shown below:

SCHOOL BUS GARAGE, HEALTH BUILDINGS RENOVATIONS AND PCC RE-ROOFING CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Board of Commissioners of Person County, North Carolina, that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1 The project authorized is the construction, equipping and furnishing of a new public school bus garage building, replacement of the roof on Buildings "C" and "D" at the Person County Campus of Piedmont Community and the renovation, equipping and furnishing of the former Health Department main and annex buildings. The project is to be financed by an installment financing under G. S. 160A-20 any other revenues that may become available.

Section 2 The officers of this unit are hereby directed to proceed with the capital project within the terms of the financing resolution and the budget contained herein.

Section 3 The following amounts are appropriated for the project:

| | |
|--|-------------------------|
| School Bus Garage | 2,800,000 |
| PCC Re-roofing | 375,000 |
| Old Health Department Building Renovations | 1,079,000 |
| Issuance Costs..... | <u>46,000</u> |
| Total | <u><u>4,300,000</u></u> |

Section 4 The following revenues are anticipated to be available to complete this project:

| | |
|--|-------------------------|
| Proceeds from Financing Agreement..... | <u><u>4,300,000</u></u> |
|--|-------------------------|

Section 5 The Finance officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of any and all applicable requirements of North Carolina General Statutes. The terms of the financing resolution also shall be met.

Section 6 Funds may be advanced from the General Fund for the purpose of making payments as due. Any such advances made prior to the securing of adequate financing are intended to be reimbursed from the proceeds from the financing. Reimbursement requests should be made to the financing institution in an orderly and timely manner. The adoption of an additional reimbursement resolution, needed to preserve the tax-exempt status of the financing, is anticipated at the Board's next meeting.

Section 7 The Finance officer is directed to report, on a monthly basis, on the financial status of each project element in Section 3 and on the total revenues received or claimed.

Section 8 The Budget officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9 Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Director for direction in carrying out this project.

Adopted this 7th day of May 2007

Johnny Myrl Lunsford, CHAIRMAN

Faye T. Fuller, CMC, Clerk to the Board

APPOINTMENTS TO COUNTY ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE AND PERSON COUNTY HOME HEALTH & HOSPICE ADVISORY BOARD:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Willie Farrish to a 3 year, citizen-at-large, position on the Person County Adult Care Home Community Advisory Committee.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to appoint Janine B. Wall to a 3-year, Consumer, term on the Person County Home Health and Hospice Advisory Board.

RESOLUTION REQUESTING GENERAL ASSEMBLY TO ADEQUATELY FUND MEDICAID RELIEF:

Commissioner Clayton **moved** that the Board approve a Resolution requesting the General Assembly to adequately fund Medicaid Relief during this session of the North Carolina General Assembly. He asked that each of Person County's representatives, as well as member of the Finance Committee be mailed a copy of the Resolution. The motion was **seconded** by Commissioner Bowes and unanimously carried.

APPROVAL OF CONSERVATION EASEMENT TO PERSON COUNTY SCHOOLS:

County Manager Carpenter presented a Conservation Easement for approval. The easement crosses the Stories Creek Elementary School property to connect the sewer line from Maple Heights Rest Home to the pump station. The Easement is by and between Person County and the City of Roxboro. The City will maintain the line.

A **motion** was made by Commissioner Bowes, **seconded** by Commissioner Yarborough and **carried** to approve the Easement for Sewer Lines by and between Person County and the City of Roxboro.

BUDGET AMENDMENT:

Upon a motion by Commissioner Clayton, and a second by Commissioner Bowes and majority vote, the Board of Commissioners of Person County does hereby amend the Budget of the **General Fund(s)** on this, the 7th day of May 2007, as follows:

| <u>Dept./Acct No.</u> | <u>Department Name</u> | <u>\$Amount</u> Incr/Decr(-) |
|-----------------------|------------------------|---------------------------------|
| <u>EXPENDITURES</u> | | |
| | (1) <u>General</u> | |
| | Public Safety | 9,245 |
| | Transportation | 200 |
| | Human Services | \$49,646 |

REVENUES

| | | |
|--|----------------------------|--------|
| | (2) <u>General</u> | |
| | Intergovernmental Revenues | 49,646 |
| | Other Revenues | 9,445 |

Explanation:

Appropriate: Insurance proceeds to repair bus \$200; donation from Wal-Mart to Sheriff \$1,000; jail concession sales \$8,245; and Smart Start grant to Health Department \$49,646.

CHAIRMAN’S REPORT:

Reported on a letter from David Thompson asking if any Commissioner would want to serve on NACo Executive Board and if so, please call his office for an application.

Reported on a letter stating that the CAFR will be awarded again this year to the Person County Finance Office.

CHANGE IN VENDOR FOR REGISTER OF DEEDS OFFICE:

County Manager Carpenter addressed a letter from Register of Deeds, Amanda Garrett. Ms. Garrett is proposing to expend monies in order to contract for a more up-to-date, more secure and user friendly computer system for her office. She proposes to contract with Courthouse Computer Systems. Her current vendor has not met all the services offered under his agreement; therefore she proposes a change in companies. Monies needed to upgrade and preserve technology would be expended from the Technology fund.

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to approve Courthouse Computer Systems as the vendor for the Register of Deeds automated record management system.

MANAGER'S REPORT:

Accreditation for Health Department begins this week.

Opened and received bids for taxiway extension at airport; engineers are reviewing bids. Fourth place bidder is contending that the first three bidders failed to comply with some of the requirements. Bid approval will be brought back to the Board at the mid-month meeting.

Tuesday night, May 8, request for water line extension to Hyco plant will go to City.

July mid-month meeting needs to be rescheduled.

Budget Committee will meet again Wednesday morning. Will have document to Board by May 21, 2007

Announcement needs to be published for intent to lease property for Caring Family Network and Electronic Solutions with a ten day open period for comments.

Renewal meetings for insurance took place last week.

COMMISSIONER REPORTS/COMMENTS:

Commissioner Clayton reported that Carmen Hooker Odem has resigned.

Solid Waste Legislation – some type will be passed this session - Board should wait and see what the legislature is going to do.

SWAC Public Forum 12:00 noon – City Hall

ADJOURNMENT:

A **motion** was made by Commissioner Yarborough, **seconded** by Commissioner Puryear and **carried** to adjourn the meeting at 10:10 p.m.

Faye T. Fuller, CMC
Clerk to the Board

Johnny Myrl Lunsford
Chairman