

Bertie County Board of Commissioners



November 2, 2020
6:00 PM

Chair	Ronald “Ron” Wesson	District I
	Greg Atkins	District II
Vice Chair	Tammy A. Lee	District III
	John Trent	District IV
	Ernestine (Byrd) Bazemore	District V



Bertie County is now utilizing Zoom during the COVID-19 pandemic.

Zoom is available to the public to participate during this meeting.

To call in to our meeting on the phone, use the following information:

Phone #: 1-301-715-8592

Meeting ID: 723 391 6141

To listen to our meeting online, click or copy and paste this link into your browser:

<https://us02web.zoom.us/j/7233916141>

Questions? Call the County Manager's Office at 794-5300.

BERTIE COUNTY BOARD OF COMMISSIONERS
November 2, 2020
Meeting Agenda

This agenda is only a tentative schedule of matters the Commissioners may address at their meeting and all items found on it may be deleted, amended or deferred. The Commissioners may also, in their absolute discretion, consider matters not shown on this agenda.

6:00 Call to Order and Welcome by Chairman Wesson, Commissioners Room, Windsor

Invocation and Pledge of Allegiance by Commissioner Lee

Public Comments (3-minute time limit per speaker)

(A)

***** REPORTS AND APPOINTMENTS *****

- (1) Public Hearing for Bertie County Ordinance Amendments for NCGS 160D Local Planning & Development Regulation – Planning Director Traci White
- (2) Solar Operations & Maintenance/Roanoke Connect Project – Roanoke Electric Cooperative CEO Curtis Wynn, VP of Member Services/Marketing & PR Kirby Jordan, Quality Control Supervisor Carol Ward, Business Development Representative Basil Williams, Jr.
- (3) Library & Cooperative Extension construction project update - MHAworks Project Architects Dani Hoff and Amber Idol
- (4) Introduction of newly hired Albemarle Regional Library Executive Director Hugh Davis

Board Appointments (B)

TBD

Consent Agenda (C)

1. Approve Minutes for Regular Meeting 9-8-20
2. Approve Minutes for Closed Session 9-8-20
3. Approve Minutes for Joint Meeting 9-29-20
4. Approve Minutes for Regular Meeting 10-5-20
5. Budget Amendments
6. Register of Deeds Report – September 2020
7. Approve and authorize the sale by public auction of additional personal property for online auction scheduled for November 14, 2020

8. North Carolina Community College System College Budget FY 2020-21 for Roanoke-Chowan Community College

****OTHER ITEMS****

Discussion Agenda (D)

1. Update on Water Customer outreach regarding disconnections resuming November 2020 by Water Superintendent Ricky Spivey
2. Maintenance Updates & Animal Shelter Upgrade Plans – Maintenance Director Anthony Rascoe
3. Early Voting & Absentee Ballot Update for General Election 2020 by Board of Elections Director Sheila Holloman
4. Confirmation of Plans for Employee Appreciation 2020

Commissioners' Reports (E)

County Manager's Reports (G)

County Attorney's Reports (I)

Status of notification to property owners for Road Safety & Maintenance Ordinance violations

Public Comments Continued

Closed Session, if needed

ADJOURN



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: November 2, 2020

SECTION: Appointments & Reports (A-1 to A-4)

DEPARTMENT: Governing Body

TOPICS:

- (1) Public Hearing for Bertie County Ordinance Amendments for NCGS 160D Local Planning & Development Regulation – Planning Director Traci White
- (2) Solar Operations & Maintenance/Roanoke Connect Project – Roanoke Electric Cooperative CEO Curtis Wynn, VP of Member Services/Marketing & PR Kirby Jordan, Quality Control Supervisor Carol Ward, Business Development Representative Basil Williams, Jr.
- (3) Library & Cooperative Extension construction project update - MHAworks Project Architects Dani Hoff and Amber Idol
- (4) Introduction of newly hired Albemarle Regional Library Executive Director Hugh Davis

COUNTY MANAGER RECOMMENDATION OR COMMENTS: --

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): --

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



A-1

160D Summary of Ordinance Changes

Flood Damage Prevention Ordinance

- Change reference in Article 1, Section A – *Parts 3 & 4 of Article 18 of Chapter 153A to Articles 7, 9, & 11 of Chapter 160D (Effective January 1, 2021)*
- Update Article 6, Section D for adoption and effective dates
- Update Article 3, Section B for language changes due to passing of Auto-adoption

Tri County Airport Height Restriction Ordinance

- Change statutory reference on page 1 - *153A-340 to 160D-9-4*
- Update Section 1.15 for adoption and effective dates

Planning Board Ordinance

- Change reference in Section 1- *153A-321 to 160D-3-1*
- Update Section 8 for adoption and effective dates

Development Agreement Ordinance

- Update all references throughout ordinance from *153A* to applicable *160D*
- Update or add language for following sections:
 - 1.2 Purpose
 - 2.2 Definitions – Comprehensive Plan, Developer, Development, Development Approval, Development Regulation
 - 4.2 Minimum Requirements – Regarding public facilities, reservation or dedication of land for public
 - 5.1 Step 7 Recordation
 - 5.3 Amendments – some rewording
- Remove language or sections:
 - #7 under Section 1.2 Purpose
 - 2.2 Definitions – Definition of Development Permit, Land Development Regulations, Laws Local Government, Local Planning Board, Person, Property
 - #6 under Section 4.2
 - Section 4.4 Other Requirements (entire section)
 - 5.2 Breach & Cure (Periodic Review) – 12-month minimum removed
 - Section 6.3 Relationship of Agreement to other Regulations (entire section)
- Update Section 6.6 for adoption and effective dates

Subdivision Ordinance

- Update all references throughout ordinance from *153A* to applicable *160D*
- Update or add language to following sections:

- Section 301, updated and moved language regarding divisions of heir land to meet statutory definition
- Updated language regarding exemption for existing home sites
- Section 301, added reference to appendix for special legislation allowing family land divisions as exempt from the definition of a subdivision in Bertie County (added appendix)
- Section 302, new section added regarding Expedited Review
- Several changes to language in Article VIII regarding Vested Rights
- Section 1001 – Changes to definitions for Specific Vesting Plan and Vested Right
- Update Section 1101 for adoption and effective dates
- Remove language or sections:
 - Section 102, some language removed regarding dedications and rights of way
 - Section 203, some language removed due to rewording under Duty of Review Officer
 - Some deletions in Article VIII regarding Vested Rights

BERTIE COUNTY
FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

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

SECTION A. STATUTORY AUTHORIZATION.

~~The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; and Article 7, 9, and 11 of Chapter 160D (Effective January 1, 2021) of the North Carolina General Statutes, delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare.~~

~~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 units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.~~

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

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of Bertie 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 floodwaters;
- (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 flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

- (1) protect human life, safety, and health;
- (2) minimize expenditure of public money for costly flood control projects;
- (3) minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) minimize prolonged business losses and interruptions;
- (5) 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) help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) 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”.

“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 initial effective date of the 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 Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

“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) and Flood Boundary and Floodway Maps (FBFMs), if published.

“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 Management Facility” means, as defined in NCGS 130A, 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 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 of the

initial floodplain management regulations 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 of the initial Flood Insurance Rate Map.

“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.

“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.

“Reference Level” is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A or AE.

“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 five (5) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least five (5) feet above the highest adjacent grade. Duct Work & non-flood resistant materials are subject to the Regulatory Flood Protection Elevation.

“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 any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a)(35).

“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 percent (1%) 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 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 coastal or 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 of Bertie 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 FIS dated February 4, 2009 for Bertie County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance, and all revisions thereto.

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~~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 Bertie County dated February 4, 2009, which are adopted by reference and declared to be a part of this ordinance.~~

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Bertie County Unincorporated Area	December 4, 1985
Town of Windsor	July 18, 1977
Town of Aulander	February 4, 2009
Town of Roxobel	February 4, 2009

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 Bertie 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 Bertie 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 Planning Director or his/her designee, 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 or A 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 and AE;
 - (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) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (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 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 or AE .
 - (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (3) **Certification Requirements.**
- (a) Elevation Certificates
 - (i) In lieu of a preliminary Elevation Certificate, a temporary benchmark at the Regulatory Flood Elevation & BFE shall be placed on site by a registered land surveyor prior to issuance of a Floodplain Development Permit/Building 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, an operational plan, and an inspection and maintenance plan are 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, the operational plan, and the inspection and maintenance 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 or AE 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 or AE, 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) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.
- (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, along with floodway data or non-encroachment area 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 or 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) 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.
- (14) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) Follow through with corrective procedures of Article 4, Section D.
- (19) Review, provide input, and make recommendations for variance requests.

- (20) 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.
- (21) 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 Commissioners of Bertie County is hereby established as the Appeal Board (and any reference herein to the "Appeal Board" shall mean the Board of commissioners of Bertie County) and 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 dependent 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 dependent 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) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) Bertie County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

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 in accordance with the provisions of Article 4, Section B(3).
- (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 or AE 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. 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 system, or in accordance with the most 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 area, of new construction and substantially improved structures, which is 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;
 - (c) shall include, in Zones A and AE, 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 as outlined above.

(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 may 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 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 below regulatory flood protection elevation 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 has been provided by FEMA, the following provisions, in addition to the provisions of Article 5, Section A, 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 and B.
 - (b) When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Article 5, Sections B and F.
 - (c) 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 and utilized in implementing this ordinance.

- (d) 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 or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

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 (1) 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 December 4, 1985 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 Bertie County enacted on December 4, 1985, as amended, which are not reenacted herein are repealed.

The date of the initial flood damage prevention ordinance for each municipal jurisdiction within Bertie County is as follows:

Town of Windsor	March 14, 1974
Town of Aulander	June 27, 2000
Town of Roxobel	November 26, 2002

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 February 4, 2009.

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 Commissioners of Bertie County, North Carolina, on the 4th day of February, 2009 and amended January 7th, 2019 and January 1, 2021.

WITNESS my hand and the official seal of Bertie County, this the 7th ^{2nd} day of ~~January~~ November, 2019~~20~~.

Formatted: Superscript

BERTIE COUNTY:

Chairman, Bertie County Board of Commissioners:

ATTEST:

County Clerk to the Board of Commissioners

Bertie County, North Carolina
Tri-County Airport Height Restriction Ordinance

ORDINANCE SECTIONS

- 1.01 Short Title
- 1.02 Definitions
- 1.03 Airport Height Zones and Height Limitations
- 1.04 Use Restrictions
- 1.05 Nonconforming Uses – Regulations Not Retroactive
- 1.06 Permits
- 1.07 Variances
- 1.08 Enforcement
- 1.09 Zoning Board of Adjustment
- 1.10 Appeals
- 1.11 Judicial Review
- 1.12 Penalty
- 1.13 Conflicting Regulations
- 1.14 Severability
- 1.15 Effective Date

Statutory reference:

NC General Statutes, Model Airport Zoning Act, § 63-30 et seq.

NC General Statutes, Specific Powers of Municipalities Operating Airports, §63-53

NC General Statutes, Chapter § ~~153A-340~~160D-9-4 et seq.

PURPOSE AND INTENT

AN ORDINANCE REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE TRICOUNTY AIRPORT, BERTIE COUNTY, NORTH CAROLINA.

APPLICABILITY

This ordinance is adopted pursuant to the authority conferred under Chapter 63 of the North Carolina General Statutes, Article 4. Accordingly, it is declared:

1. that the creation or establishment of an obstruction has the potential of being a public nuisance and may impact the utility of the Tri-County Airport and the public investment therein;
2. that it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented, and;
3. that the prevention of these obstructions should be accomplished, to the extent legally permissible, by the exercise of the authority invested in Bertie County.

It is further declared that the prevention of the creation or establishment of hazards to air navigation, the elimination, removal, alteration or mitigation of hazards to air navigation, or the marking and lighting of obstructions are in the public interest for which a political subdivision may raise and expend public funds and acquire land or interests in land.

SECTION § 1.01 SHORT TITLE

IT IS HEREBY ORDAINED BY the Bertie County Commission, as follows:

This Ordinance shall be known and may be cited as the "Tri-County Airport Height Restriction Ordinance." This attached map shall be known and may be cited as the "Tri-County Airport Height Restriction Ordinance Map".

SECTION § 1.02 DEFINITIONS

For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR: - The individual responsible for performing the administrative functions of this ordinance. The administrator shall be the Bertie County Planning Director, unless otherwise designated or represented.

AIRPORT: The Tri-County Airport, North Carolina (ASJ)

AIRPORT AUTHORITY: - An appointed group of members representing the interests of the Tri-County Airport.

AIRPORT ELEVATION: - The highest point of an airport's usable landing area measured in feet (tenths) from mean sea level.

AIRPORT HAZARD: Any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking-off at the airport or is otherwise hazardous to such landing or taking-off of aircraft.

AIRPORT REFERENCE POINT (ARP): The point established as the approximate geographic center of the airport landing area and so designated.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 1.03 of this Ordinance. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES: These zones are set forth in Section 1.03 of this Ordinance.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty feet horizontally for each one foot vertically (20:1) for a horizontal distance of 4,000 feet.

COUNTY: shall mean the governing body of the Commissioners of Bertie County, North Carolina.

COUNTY ZONING BOARD OF ADJUSTMENT: The Bertie County Board of Commissioners shall serve as the Board of Adjustment.

EXCEPTED HEIGHT LIMITATIONS: - Means that nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree or other vegetation to a height up to 50 feet above the surface of the land.

HAZARD TO AIR NAVIGATION: - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace. A determination by the Federal Aviation Administration as to a hazard to air navigation is per FAA Form 7460-1.

HEIGHT: For the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Tri-County Airport Height Restriction Ordinance Map, the datum shall be mean sea level elevation unless otherwise specified.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

LAND USE, COMPATIBLE: The use of land adjacent to the Airport that does not endanger the health, safety, or welfare of the owners occupants, or users of the land because of levels of noise or vibrations or because of the risk of personal injury or property damage created by the operation of the Airport, including the take-off and landing of aircraft.

NONCONFORMING USE: Any structure, tree or use of land which does not conform to a regulation prescribed in this Ordinance or any amendment thereto, as of the effective date of such regulation.

NON-PRECISION INSTRUMENT RUNWAY: - A runway end having an instrument procedure utilizing air navigation facilities with horizontal approach guidance or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

OBSTRUCTION: - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned.

PRIMARY SURFACE: - A surface longitudinally centered on a runway extending 200 feet beyond each end of a hard surfaced runway. The width of the primary surface is set forth as specified by the width of the runway inner approach surface. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: - A defined area on an airport prepared for landing and take-off of aircraft along its length. The runway end is the physical end of the hard-surfaced asphalt or turf runway threshold, having a defined coordinate and elevation as noted on the Tri- County Airport Height Restriction Ordinance Map.

RUNWAY ENDS: - Refers to the planned usable physical end of the hard-surfaced asphalt runway, having a defined coordinate and elevation as noted on the Tri- County Height Restriction Ordinance Map.

STRUCTURE: - An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

TREE: Any object of natural growth.

State Law References: Definitions relating to municipal airports, G.S. §63-1.

SECTION § 1.03: AIRPORT HEIGHT ZONES AND HEIGHT LIMITATIONS

In order to carry out the provisions of this Ordinance, there are created and established certain zones which include all of the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones, and conical zone. Such areas and zones are shown on the Tri-County Airport Height Restriction Ordinance Map, dated May, 2004, which is incorporated by reference and made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

- A. Primary Surface Zone - A rectangular surface longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway 1-19: 1,000 feet wide and extends 200 feet beyond each runway end.

- B. Approach Surface Zones - A trapezoidal inclined plane symmetrically centered along the extended runway centerline, longitudinally extending outward and upward from the end of the primary surface. The perimeter of the approach surface coincides with the perimeter of the approach zone, extending per a boundary and slope defined below, and as shown on the Tri-County Airport Height Restriction Ordinance Map.

Runway End	Inner Width/Length/Outer Width (Slope)
Runway 1 approach surface zone*:	1,000' x 50,000' x 16,000' (0'-10,000' @ 50:1) (10,000' - 50,000' @ 40:1)
Runway 19 approach surface zone**:	1,000' x 50,000' x 16,000' (0'-10,000' @ 50:1) (10,000' - 50,000' @ 40:1)

* *Portion of zone extends into Bertie County.*

** *Portion of zone extends into Northampton County.*

- C. Horizontal Surface Zone* - A plane, elliptical in shape, with a height one hundred and fifty (150) feet above the established airport elevation and having a specified radius from the center of the primary surface for each runway end. The perimeter of the horizontal surface coincides with the perimeter of the horizontal zone as indicated on the Tri-County Airport Height Restriction Ordinance Map.

Runway 1-19 horizontal radius: 10,000'

**Portion of zone extends into Northampton County.*

- D. Conical Surface Zone* - A surface, elliptical in shape, extending radially outward and upward from the periphery of the horizontal surface zone at a slope of 20: 1 for a horizontal distance of 4,000 feet and vertical elevation of 200 feet above the horizontal surface. The conical surface zone is shown on the Tri-County Airport Height Restriction Ordinance Map.

**Portion of zone extends into Northampton County.*

- E. Transitional Surface Zones - Inclined planes with a slope of 7:1 measured upward and outward in a vertical plane at right angles to the centerline of the runway and approach surfaces. The transitional surface zones, located on either side of the runway and symmetrically parallel to and level with the runway centerline, extend upward and outward from the primary surface and approach surface elevation to a point intersecting the horizontal or conical surface (150 feet above the airport elevation). Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping 7:1 measured upward and outward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline. The transitional surface zones are shown on the Tri-County Airport Height Restriction Ordinance Map.

Nothing in this Ordinance except as defined by Section 1.03 shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree, to a height of 50 feet above the surface of the land.

SECTION § 1.04 USE RESTRICTIONS

Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any approach surface zone, horizontal surface zone, conical surface zone or transitional surface zone, in such manner as to create electrical interference with navigational signals or radio communication between the Airport and aircraft, make it difficult for flyers to distinguish between Airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the Airport, create bird strike hazards or otherwise endanger the landing, taking-off or maneuvering of aircraft intending to use the Tri-County Airport.

SECTION § 1.05 NONCONFORMING USES - REGULATIONS NOT RETROACTIVE

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Ordinance, and is diligently prosecuted. Except as specifically provided in this section, it is not permissible for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. Physical alteration of structures or the placement of new structures on open land is unlawful if they result in:

- a. An increase in the total amount of space devoted to a nonconforming use; or
- b. Greater nonconformity with respect to height limitation.

Nonconforming Uses Abandoned or Destroyed - Whenever the Administrator determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

Marking and Lighting - Notwithstanding the preceding provision of this Ordinance, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Administrator to indicate to the operators of aircraft in the vicinity of the Airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Airport Authority

Notwithstanding any preceding provision of this Ordinance, if, by a determination of the NC Division of Aviation or Federal Aviation Administration, the encroachment of any structure or tree into regulated airspace is such that providing markers and lights is insufficient to protect the life and property of the flying public, the Airport Authority shall institute steps to have such structures or trees mitigated at the expense of the Airport Authority. If unsuccessful in obtaining the cooperation of the parties involved, Bertie County shall institute the appropriate legal action, as reasonably necessary, to insure the safety of the flying public in airspace regulated by this Ordinance.

SECTION § 1.06 PERMITS

N.C.G.S. §63-32 provides for the issuance of permits with respect to allowing the construction of new structures and other uses, and to replace existing structures and other uses, or making substantial changes therein or substantial repairs thereof. Permit applications shall be made to the Administrator upon a form published for that purpose.

Permit Application -Each application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this Ordinance, including any additional information requested by the Administrator as necessary to determine compliance with this Ordinance and the laws of the State of North Carolina and any applicable federal rules or regulations. A copy of the permit application shall be furnished to the County Building Inspector and Airport Authority, or to other designated agents, for advice as to the aeronautical effects of the said permit application.

Permit Review - Applications required by this Ordinance shall be promptly considered and granted or denied. Application for action by the Zoning Board of Adjustment shall be forthwith transmitted by the Administrator, or a designated representative

1. **Future Uses** - Except as specifically provided in (a) and (b) hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted.

No permit for a use inconsistent with the provisions of this Ordinance, as depicted on the Tri-County Airport Height Restriction Ordinance Map, shall be granted unless a variance has been approved in accordance with Section 1.07.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones.
- b. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 50 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limits prescribed for such transition zones.

The preceding paragraphs (a) and (b) corresponds with permit areas (shaded yellow) identified on the Tri-County Airport Height Restriction Ordinance Map. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance except as set forth in Section 1.03 and Section 1.04.

2. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

SECTION § 1.07 VARIANCES

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this Ordinance, may apply to the Administrator for a variance from such regulations. The application for variance shall be accompanied by a determination from the NC Division of Aviation and/or Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Ordinance.

Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Zoning Board of Adjustment, this condition may be modified to require the owner to permit the Airport Authority, at its own expense, to install, operate, and maintain the necessary markings and lights.

SECTION § 1.08 ENFORCEMENT

It shall be the duty of the Administrator to administer and enforce the regulations prescribed herein. Applications for permits required by this Ordinance shall be promptly considered and granted or denied. Applications for variances may require up to forty- five (45) days. The ordinance may be enforced by any one or more of the remedies authorized by G.S.153A-123.

SECTION § 1.09 ZONING BOARD OF ADJUSTMENT

The Zoning Board of Adjustment shall have and exercise the following powers: (1) to hear and decide appeals from any order, requirement, decision, or determination made by the Administrator in the enforcement of this Ordinance; (2) to hear and decide special exceptions to the terms of this Ordinance upon which such Zoning Board of Adjustment under such regulations may be required to pass, and; (3) to hear and decide specific variances.

SECTION § 1.10 APPEALS

It shall be the duty of the Zoning Board of Adjustment to hear and decide appeals and review any orders, requirements, decisions or determinations made by the enforcement officer responsible for administration or enforcement of this Ordinance.

SECTION § 1.11 JUDICIAL REVIEW

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment, or any office, department, board or bureau of the County, under this Ordinance, may petition the superior court for a review of such decision.

State law references: Judicial review, G.S. § 63-34.

SECTION § 1.12 PENALTIES

In accordance with North Carolina General Statutes § 63-35; each violation of this Ordinance or of any regulation, order, or ruling promulgated hereunder shall constitute a Class 3 misdemeanor punishable by a fine of not more than one hundred dollars (\$100) or imprisonment for not more than thirty (30) days or both; and each day a violation continues to exist shall constitute a separate offense.

In lieu of this criminal penalty, the responsible person may be subject to a civil penalty pursuant to N.C.G.S. 1530A-123(c) in the amount of \$1,000 per day for each day the violation continues, recoverable by the County Zoning Board of Adjustment through its Administrator in a civil action in the nature of a debt. In addition to all other remedies available either at law or in equity, the County Zoning Board of Adjustment through its Administrator may institute an action in the General Court of Justice seeking enforcement of the ordinance by injunction or order of abatement, or both, pursuant to N.C.G.S. 153A-123(d) and (e).

State law references: Enforcement and remedies, G.S. §63-35.

SECTION § 1.13 CONFLICTING REGULATIONS

Where this Ordinance imposes a greater or more stringent restriction upon the use of land than is imposed or required by any other ordinance or regulation of the County, the provisions of this Ordinance shall govern. Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

SECTION § 1.14 SEVERABILITY

If any of the provisions of this Ordinance or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION §1.15 EFFECTIVE DATE

WHEREAS, the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and this Ordinance shall be in full force and effect immediately after its passing, publication, and posting, as required by law. This Ordinance shall be effective upon adoption.

Duly adopted this 7th day of *January, 2019, amended November 2nd, 2020 effective January 1, 2021.*

BERTIE COUNTY:

Chairman, Bertie County Board of Commissioners:

ATTEST:

County Clerk to the Board of Commissioners

ORDINANCE TO CREATE THE BERTIE COUNTY PLANNING BOARD

Section 1 Created

The Board of Commissioners hereby creates the Bertie County Planning Board, pursuant to N.C.G.S. § ~~153A-321~~160D-3-1, hereinafter referred to as the “Planning Board”. The Planning Board previously created under Article IV of the Bertie County Subdivision Ordinance is hereby abolished.

Section 2 Membership; Terms, Vacancies

The planning board shall be appointed by the Board of Commissioners and shall consist of seven (7) members, one shall be appointed from each of the five (5) Commissioner Districts. The remaining two (2) members shall be appointed from the at-large population of the county. No more than two (2) members shall reside in any town limit or extraterritorial jurisdiction.

The terms of office for Planning Board membership shall be for overlapping terms of three (3) years. Initial appointment of the members shall be as follows:

- a. Three (3) regular members for a one-year term;
- b. Two (2) for two year terms; and
- c. Two (2) for three-year terms.

Thereafter, members shall be appointed for three (3) years each. Members shall be eligible for reappointment for one (1) additional term. Should a member be appointed to fill an unexpired term, the member shall be considered eligible to serve two (2) full terms, if so appointed. A citizen who previously served as a member of the Planning Board may be considered for a new appointment following an absence of one (1) term.

Vacancies occurring for reasons other than the expiration of term shall be filled by appointment made by the Board of Commissioners for the remainder of the unexpired term.

Section 3 Organization, Rules of Procedure, Meetings, Attendance, Records

The Planning Board shall annually elect a chairman and vice chairman. The Planning Director shall serve as the executive secretary of the Planning Board and shall administer its activities.

The Planning Board shall adopt rules of procedure for the transaction of official business.

The Planning Board shall hold monthly meetings as needed. All meetings shall be open to the public. A quorum of the planning board shall consist of a majority of the board membership, excluding vacant seats. A quorum is necessary for the board to take official action. All actions of the planning board shall be taken by majority vote, a quorum being present.

If appointees have unexcused absences, which constitute more than 25% of the Planning Board meetings in any calendar year, which they are required to attend pursuant to their appointment, they are obligated to resign. Excused absences are defined as absences caused by events beyond one’s reasonable control. If individuals refuse to resign they may be dismissed by action of the County Board of Commissioners subject to state and/or local law. A calendar year is to be defined as a 12 month period beginning on the date of appointment.

The planning board shall keep a written public record of attendance, resolutions, findings, and recommendations.

Section 4 General Powers and Duties

The Planning Board shall act in an advisory capacity to the Board of Commissioners and shall:

- a. Acquire and maintain basic land use, population, housing, economic, transportation, and other related data and information to allow an analysis and understanding of the county's development conditions and trends;
- b. Prepare and keep current a land use plan which is intended to govern the development of the county;
- c. Establish goals, objectives, and policies for guiding development of the area;
- d. Recommend and maintain adopted regulatory ordinances determined necessary to implement the comprehensive plan;
- e. Determine whether proposed developments conform to adopted plans, policies, and ordinances;
- f. Inform and advise the general public and the Board of Commissioners regarding these matters; and
- g. Cooperate with other jurisdictions' planning boards and commissions to ensure coordination of planning activities.

Additionally, the Planning Board shall perform any other related duties which may be lawfully assigned or requested.

Section 5 Basic Studies

As background for any plans and ordinances it may prepare, the Planning Board may gather maps and aerial photographs of manmade and natural features of the area. It may also collect statistics on past trends and present conditions with respect to population, property values, the economy, land use, and other information important in determining the amount, direction, and kind of development to be expected.

In addition, the Planning Board may make, cause to be made, or obtain special studies on the location, condition, and adequacy of specific facilities, which may include studies of housing; commercial and industrial facilities; parks, playgrounds, and recreational facilities; public and private utilities; infrastructure; and traffic, transportation, and parking facilities.

All county officials shall, upon request, furnish to the Planning Board such available records or information as it may require in its work.

Section 6 Land Use Plan

The land use plan, with accompanying maps, policies, charts, and descriptive matter, shall be prepared to show the Planning Board's recommendations for the orderly development of the county. It shall include, among other things, the most desirable pattern of land use within the area, including areas for residential uses, recreation, educational, farming and forestry, commercial uses, manufacturing and industrial uses, open spaces, and mixed uses; the general location, character, and extent of streets, bridges, boulevards, parkways, playgrounds, squares, parks, airports, and other public ways, grounds and open spaces; the general location and extent of public utilities and infrastructure, whether publicly or privately owned or operated, for water, sanitation, transportation, communication, power and other purposes; and the

removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the foregoing ways, buildings, grounds, open spaces, property, utilities, or terminals.

The plan shall be made with the general purpose of guiding and recommending coordinated, feasible, adjusted, and harmonious development of the county which will, in accordance with present and future needs, best promote health, safety, and the general welfare, as well as efficiency and economy in the process of development. It shall promote safety from hazards, fire and other dangers; promote adequate light and air; promote the healthful and convenient distribution of population; promote good civic design; ensure wise and efficient expenditure of public funds; and provide adequate public utilities, services, infrastructure, and other public requirements.

The Planning Board may conduct public meetings and hearings as required to gather information necessary for the drafting, adoption, interpretation, and enforcement of the land use plan.

Section 7 Zoning & Subdivision Ordinance

The Planning Board may suggest, review, and recommend amendments to the Zoning and Subdivision Ordinance and submit to the Board of Commissioners its written recommendations regarding any revisions of the Zoning & Subdivision Ordinance.

All decisions made by the Planning board regarding rezonings are advisory in nature. These include recommendations on ordinance changes, including text and map changes. When considering zoning changes the Planning board makes a recommendation to the Board of Commissioners for a final decision.

The Planning Board shall review and approve, conditionally approve, or disapprove, major preliminary subdivision plats and any other plats as requested by the Subdivision Administrator, County Manager or Board of Commissioners in accordance with the adopted subdivision ordinance. The Planning Board is also responsible for granting or disapproving variances to the subdivision ordinance.

Section 8 Effective Date

This ordinance shall take effect and shall be in force on and after May 19, 2008 and January 1, 2021, as amended.

This the ~~21st day of April 2008~~ 2nd day of November, 2020.

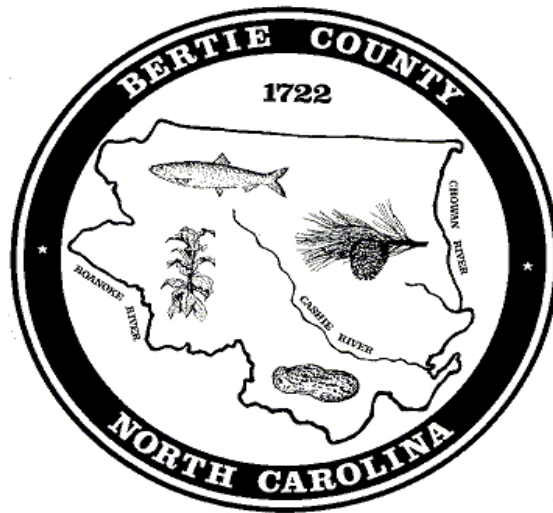
ATTEST:

Chairman,
Bertie County Board of Commissioners

Clerk to the Board of Commissioners

BERTIE COUNTY

NORTH CAROLINA



DEVELOPMENT AGREEMENT ORDINANCE

Effective June 24, 2008
Amended January 1, 2021

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(This may be updated when final is approved)

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ARTICLE 1: PURPOSE & AUTHORITY

Section 1.1 Authority & Title

Pursuant to the authority conferred by North Carolina General Statutes ~~(N.C.G.S.)_153A-349.3160D~~, Article 10, the Board of Commissioners of the Bertie County hereby ordains and enacts this ordinance, to be known as the Development Agreement Ordinance. Nothing in this Ordinance shall obligate the County to enter into development agreements, and such agreements shall be entered into only at the request of the developer.

Section 1.2 Purpose

The purpose of this Ordinance is to establish standards and procedures for entering into Development Agreements for ~~long-term, large-scale~~ developments with the following statements of intent:

1. ~~Large-scale development~~Development projects often occur in multiple phases ~~extending over a period of several~~ years, requiring a long-term commitment of both public and private resources.
2. Such ~~large-scale~~ developments often create ~~potential~~ community impacts and ~~potential~~ opportunities that are difficult ~~or impossible~~ to accommodate within traditional zoning processes.
3. Because of their scale and duration, such ~~large-scale~~ projects often require careful ~~integration between~~coordination of public capital facilities planning, financing, and construction schedules and ~~the~~ phasing of the private development.
4. ~~Because of their scale and duration, such~~Such ~~large-scale~~ projects involve substantial commitments of private capital ~~by private developers~~, which ~~private~~ developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
5. ~~Because of their size and duration, such~~Such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.
6. To better structure and manage development approvals for such ~~large-scale~~ developments and ensure their proper integration into local capital facilities programs, local governments need ~~the flexibility in negotiating to negotiate~~ such developments.
7. ~~In negotiating for such developments, the intent of the County is to remain consistent with the adopted plans, policies, and goals of the County as they relate to land use and capital improvements~~

ARTICLE 2: DEFINITIONS

Section 2.1 General Provisions

Except as otherwise provided herein, all words shall have the customary dictionary meaning.

- The following shall also apply:
- The present tense includes the future tense.

- The singular number includes the plural and the plural includes the singular.
- The masculine gender includes the feminine and neuter genders.
- The word “lot” includes “plot” or “parcel”.
- The word “building” includes “structure”.
- The words “shall” and “will” are always mandatory.
- The word “used” or “occupied” as applied to any land or building shall include the words “intended, arranged, or designed to be used or occupied”.

Section 2.2 Specific Definitions

Definitions are in accordance with N.C.G.S. 160D, Article 1. When used in this Ordinance, the following words and phrases shall have the meaning given in this section:

County

The County of Bertie, North Carolina.

Comprehensive plan

The comprehensive plan, land use plan, small area plans, neighborhood plans, transportation plan, capital improvement plan, ~~official map~~, and any other plans regarding land use and development that have been officially adopted by the ~~County~~ governing board.

Board of Commissioners

Board of Commissioners of Bertie County, North Carolina.

Developer

A person, including a governmental agency or redevelopment authority, who ~~intends to~~ undertakes any development and who ~~has a legal or equitable interest in~~ is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Development

The planning for or carrying out of a building activity, the making of a material change in the use or appearance of any structure or property, or the dividing of land into two or more parcels. ~~“Development”, as designated in a law or development permit, includes the planning for and all other activity customarily associated with it unless otherwise specified.~~ When appropriate to the context, “development” refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or ~~activity~~ activities, is not development. Reference to particular operations is not intended to limit the generality of this term.

Development Approval

An administrative or quasi-judicial approval made pursuant to N.C.G.S Chapter 160D that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The

term also includes all other regulatory approvals required by regulations adopted pursuant to the N.C.G.S. Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

Development Regulation

A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to N.C.G.S Chapter 160D, or a local act or charter that regulated land use or development.

Development permit

~~A building permit, zoning permit, subdivision approval, conditional use permit, variance, or any other official action of local government having the effect of permitting the development of property.~~

Governing body

Board of Commissioners of Bertie County, North Carolina.

Land development regulations

~~Ordinances and regulations enacted by the County or its authorized agencies and departments for the regulation of any aspect of development including zoning, subdivision, or any other land development ordinances.~~

Laws

~~All ordinances, resolutions, regulations, comprehensive plans, land development regulations, policies, and rules adopted by a local government affecting the development of property, and include laws governing permitted uses of the property, density, design, and improvements.~~

Local government

~~Any county or municipality that exercises regulatory authority over and grants development permits for land development or which provides public facilities.~~

Local planning board

~~The Bertie County Planning Board established pursuant to N.C.G.S. 153A-321.~~

Person

~~An individual, corporation, business, or land trust, estate, trust, partnership, association, two or more persons having joint common interest, State agency, or any legal entity.~~

Property

~~All real property subject to land use regulation by a local government and includes any improvements or structures customarily regarded as a part of real property.~~

Public facilities

Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

ARTICLE 3: JURISDICTION & APPLICABILITY

Section 3.1 Jurisdiction

Bertie County may consider requests to participate in development agreements for any development within the land use jurisdiction of the County or adjoining jurisdictions in which the development impacts the communities or natural resources of the County.

Section 3.2 Applicability

For consideration of the County to participate in development agreements, the following criteria shall be met.

A. Scale of Development

The property in question must contain 25 acres or more of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes, FEMA designated floodplain, and other portions of the property that may be precluded from the property at the time of application).

B. Duration of Development

The development shall demonstrate phasing and participation in the proposed agreement shall not exceed twenty (20) years.

C. Social and Capital Value of Development

The estimated appraised value of the development (including all real property) at build out shall equal or exceed \$20,000,000.00 or will demonstrate that the proposed development will significantly enhance opportunities for very-low income or special populations, protect natural resources, or preserve critical watersheds within the County.

D. Impact on Capital Improvements

The development shall demonstrate the impact on existing and future public facilities.

ARTICLE 4: DEVELOPMENT AGREEMENT REQUIREMENTS

Section 4.1 General Provisions

Bertie County may enter into a development agreement with a developer, subject to the requirements of this Article and the procedures set forth in Article 5. In entering into such an agreement, the County may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify

which local government is responsible for the overall administration of the development agreement.

Section 4.2 Minimum Requirements

A development agreement shall at a minimum include all of the following:

1. A ~~legal~~ description of the property subject to the agreement and the names of its legal and equitable property owners
2. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
3. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
4. A description of public facilities that will ~~service~~ serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the local government shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).
5. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions ~~to protect~~ agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.
- ~~6. A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.~~
- ~~7.6.~~ A description, where appropriate, of any conditions, terms, restrictions, or other requirements ~~determined to be necessary by the local government for the~~ protection of public health, safety, or welfare, ~~of its citizens.~~
- ~~8.7.~~ A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
- ~~9.8.~~ An indemnification and “hold harmless” clause whereby the developer/property owner holds the County and its agents harmless from liability for damages, injury or death, which may arise from the direct or indirect operations of the owner, developers, contractors and subcontractors, which related to the project.

Section 4.3 Development Schedule Required

A development agreement may provide that the entire development or any phase of it be commenced or completed within a specified period of time.

The development agreement must provide a development schedule, including commencement dates and interim completion dates at no greater than five (5) year intervals; provided, however, the failure to meet a commencement or completion date shall not, in and of itself, constitute a

material breach of the development agreement but must be judged based upon the totality of the circumstances.

The developer may request a modification in the dates as set forth in the agreement.

Section 4.4 Other Requirements

~~In the event that the development agreement provides that the County shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).~~

~~The development agreement may include other defined performance standards to be met by the developer.~~

~~The development agreement may contain other matters not inconsistent with law.~~

ARTICLE 5: DEVELOPMENT AGREEMENT PROCEDURES

Section 5.1 Approval Process

Please see the following chart and steps for the Development Agreement approval process:

Step 1. Pre-application meeting

The applicant shall participate in a pre-application meeting in order to identify areas of concern for the County and the applicant. It is the responsibility of the County Manager to coordinate this meeting. The pre-application meeting shall occur prior to filing an application for a development agreement. The following departments or agencies shall be represented at this meeting:

- County Manager
- Planning
- Economic Development
- Water Department
- Engineering
- Sheriff
- Emergency Management
- Parks & Recreation
- Any other department and or agency that provides infrastructure or regulates development of property.

Additionally, the County shall notify the school system of the proposed development agreement and invite it to participate.

Step 2. Applicant files completed application and fee

- A. The Board of Commissioners may adopt in its Schedule of Fees an application fee sufficient to cover the costs of the legal review, public hearing, and advertisements for the Development Agreement.
- B. An application form for Development Agreements shall be available at the Planning Department.
- C. A completed Development Agreement application shall include the following:
 - a. A survey and legal description of the property and the tax parcel number of the property;
 - b. A signed affidavit by the property owner of record or other person having proprietary interest in the property authorizing the Development Agreement application;
 - c. A written description of the proposed development and statement of objectives and reasons for the request;
 - d. A copy of the proposed preliminary subdivision plan, site plan, phasing plan, or conceptual plan;
 - e. An application for rezoning (if applicable);
 - f. A draft development agreement that meets the requirements of Article 4.
 - g. Any other information required to provide a complete understanding of the proposed Development Agreement.
- D. The application information required in (C) above shall include 10 hard copies and a digital version in an acceptable word processing format and PDF format.

Step 3. Staff Review

County staff shall review the application and may reject it if it is incomplete or inaccurate. The applicant may modify or amend the application in accordance with the rejection without paying an additional filing fee.

Step 4. County and Developer Negotiations

County staff will negotiate with the developer on the details of the proposed development agreement.

Step 5. Notice of Public Hearing

Notification for the public hearing shall follow the procedure set forth in N.C.G.S. [153A-323160D-10-5](#) for ordinance adoption or amendment.

The notice of public hearing must specify the following:

- Location of the property subject to the development agreement;
- Development uses proposed on the property; and
- A place where a copy of the proposed development agreement can be obtained.

Step 6. Board of Commissioners Public Hearing

Before entering into a development agreement, the County shall conduct a public hearing on the proposed agreement.

A simple majority vote of the Board of Commissioners shall be required for approval.

No member of the Board of Commissioners may vote on a development agreement if it is reasonably likely that the agreement or development would have a direct, substantial, and readily identifiable financial impact on the member that is distinct from any financial impact on general citizens of the County.

Step 7. ~~County files Development Agreement with Register of Deeds~~Recordation

~~Within 14 days after entering into a development agreement, the County~~The developer shall record the agreement with the Bertie County Register of Deeds within 14 days after Bertie County and the developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded.

The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

Section 5.2 ~~Periodic Review~~Breach & Cure

During any period of time in which a development permit is active, the County shall review the development ~~at least once every 12 months~~ for compliance with the agreement. The County shall notify the developer in writing of its findings if, in the discretion of the County Manager, or designee, a breach of the agreement has occurred. The developer must be required to demonstrate good faith compliance with the terms of the development agreement.

If the County finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the County shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.

If the developer fails to cure the material breach within the time given, then the local government unilaterally may terminate or modify the development agreement. The notice of termination or modification may be appealed to the Bertie County Planning Board in the manner provided by N.C.G.S. 153A-349.8(c) within 30 days of such notice. The Bertie County Planning Board is hereby designated to have the duties to rule on said appeal pursuant to N.C.G.S. ~~153A-345~~160D-4-5. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director, County Manager, or designee certifies to the Bertie County Planning Board, after notice of appeal has been filed, that the situation would cause imminent peril, to life or property.

Section 5.3 Amendments to Agreement and Jurisdiction

~~A-Subject to the provisions of N.C.G.S 160D-10.6(e), a development agreement may be amended or canceled-terminated only~~ by mutual consent of the parties ~~to the agreement or by their successors in interest.~~ Except as otherwise provided, any development agreement entered into by the County or other local government jurisdiction before the effective date of a change of jurisdiction shall be valid for the duration of the agreement, or eight (8) years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction.

The County may modify or suspend the provisions of the development agreement if the County determines that the failure to do so would place the residents of the territory subject to the development agreement, or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.

ARTICLE 6: LEGAL PROVISIONS

Section 6.1 Repeal of Conflicting Ordinances

All ordinances or parts of the Code of Bertie County conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6.2 Severability

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

~~**Section 6.3 Relationship of Agreement to other Regulations**~~

~~This Ordinance does not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans or other provisions of law.~~

~~A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the County's planning, zoning, or subdivision regulations.~~

~~Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.~~

~~Except for grounds specified in N.C.G.S. 153A, Article 18, Part 3A the County may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.~~

~~In the event that state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the local government may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement, by ordinance after notice and a hearing.~~

~~This Ordinance does not abrogate any rights preserved by statute, or that may vest pursuant to common law or otherwise in the absence of a development agreement.~~

Section 6.3 Approval of Debt

In the event that any of the obligations of the County in the development agreement constitute debt, the County shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the County, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the County Attorney, Finance Director, and County Manager.

Section 6.4 Inclusion in Ordinances

It is the intention of the Board of Commissioners entered as hereby ordained, that the provisions of this Ordinance shall be adopted by reference into the Code of Ordinances, Zoning Ordinance, and Subdivision Ordinance of Bertie County with the following statement:

“The County may enter into development agreements as set forth in the Bertie County Development Agreement Ordinance and N.C.G.S. ~~153A-349.3~~160D, Article 10.”

Section 6.5 Effective Date

The provisions of this Ordinance shall become effective immediately upon adoption in accordance with the laws of the State of North Carolina.

This ordinance shall take effect and shall be in force on and after June 24, 2008, and as amended January 1, 2021. Duly adopted by the Board of Commissioners of the County of Bertie, North Carolina, this the ~~24th~~2nd day of ~~June 2008~~November, 2020.

ATTEST:

Chairman, Bertie County Board of Commissioners

Clerk to the Board of Commissioners

ARTICLE I INTRODUCTORY PROVISIONS

Section 101 Title

This ordinance shall be known and may be cited as the *Subdivision Ordinance for Bertie County, North Carolina*, and may be referred to as the *County Subdivision Ordinance*.

Section 102 Authority & Purpose

This ordinance is adopted pursuant to the authority set forth in Chapter ~~153A-330~~160D-8-4 of the General Statutes of North Carolina, as amended and supplemented. The purpose and intent of this ordinance is to provide for the orderly growth and development of the county; for the coordination of transportation networks and utilities within proposed subdivisions with existing or planned streets and highways and with other public facilities; ~~for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights of way or easements for street and utility purposes including the dedication of rights of way pursuant to G.S. 136-66.10 or G.S. 136-66.11~~; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions that substantially promote public health, safety, and the general welfare.

Section 103 Jurisdiction

Upon adoption, this ordinance shall govern each and every subdivision of land within Bertie County as provided in N.C.G.S. ~~153A-330~~160D-8-1, except those lands lying within the legal subdivision jurisdiction of any municipality, unless such municipality, shall, by resolution, formally request the county to administer this ordinance within its municipal jurisdiction.

Section 104 Prerequisite to Plat Recordation

After the effective date of this ordinance, each individual subdivision plat of land within the County's jurisdiction shall receive approval by the Bertie County Planning Board and/or by the Bertie County Subdivision Administrator, whichever is applicable according to this ordinance.

Section 105 Compliance with Other Official County Plans

Proposed subdivisions must comply in all respects with the rules and regulations of the Bertie County Water District(s) and with all other officially adopted plans in effect in the area to be subdivided.

ARTICLE II LEGAL PROVISIONS

Section 201 Duty of Subdivider or Authorized Agent

A plat must be prepared, approved, and recorded whenever the subdivision of land takes place, as defined in this ordinance. The owner of land shown on a subdivision plat submitted for recording, or an authorized agent, shall sign a statement on the plat stating whether any land shown thereon is within the subdivision regulation jurisdiction of Bertie County.

Section 202 Duty of Register of Deeds & Clerk of Court

The Register of Deeds shall not file or record a plat, plan, map of a subdivision of land within the jurisdiction of Bertie County that has not been approved in writing in accordance with this ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat, plan, map if the recording would be in conflict with this ordinance.

Section 203 Duty of Review Officer

The Review Officer, pursuant to G.S. 47-30.2, shall not certify ~~a plat of~~ a subdivision plat of land located within the territorial jurisdiction of Bertie County that has not been approved in accordance with these provisions.

Section 204 Effect of Plat Approval on Dedications

Pursuant to N.C.G.S. ~~153A-333~~ 160D-8-6, the approval of a plat does not constitute or effect the acceptance by the County or the public of the dedication of any street or other ground, public utility line, infrastructure, or other public facility shown on the plat and shall not be construed to do so. If a public dedication of any street or other ground, public utility line, infrastructure, or other public facility is required, the subdivider must include a statement identifying the party/entity legally responsible for maintaining the required streets, grounds, infrastructure, utilities or facilities.

Section 205 Penalties for Violation

After the effective date of this ordinance, any person who, being the owner or agent of the owner of any land located within the jurisdiction of this ordinance, thereafter subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved in writing under the terms and conditions of this ordinance and recorded in the Office of the Bertie County Register of Deeds, shall be guilty of a Class One (1) Misdemeanor.

The description, by metes and bounds, in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The county, through its attorney or other official designated by the Bertie County Board of

Commissioners, may enjoin illegal subdivision, transfer or sale of land by commencing an action for injunction. Further, violators of this ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. 153A-123 and G.S. 14-4, as amended and supplemented.

Building permits required pursuant to G.S. ~~153A-357~~160D-11-8 may be denied for lots that have been illegally subdivided. In addition to other remedies, Bertie County may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act or conduct.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

- a. Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
- b. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.
- c. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
- d. Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds.

Section 205.1 Penalty

The violation of any provision of this ordinance shall subject the offender to a civil penalty in the amount of \$100 per day to be recovered by Bertie County. Violators shall be issued a written citation, which must be paid within ten (10) days of being served personally or otherwise.

Section 205.2 Continuing Violations

Each day's continuing violation of this ordinance shall be considered a separate and distinct offence and penalized as such.

Section 205.3 Court Action

Notwithstanding the subsection of this section above, this ordinance may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

Section 205.4 Other Remedies

Nothing in this section shall be construed to limit the use of remedies available to the county. The county may seek to enforce this ordinance by using any one, all or a combination of remedies.

Section 206 **Severability**

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 207 **Variances**

The Planning Board may authorize a variance from these regulations when, in its considered and informed opinion, undue hardship may result from strict compliance. In granting any variance, the Planning Board shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon the contiguous properties, surrounding area, and traffic conditions in the vicinity. No variance shall be granted unless the Planning Board finds the following criteria:

- a. That there are special physical circumstances or topographical conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner(s);
- c. That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance;

- d. That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated; and
- e. The need for the variance is not the result of a self-created hardship.

Requests for variances shall be submitted in writing to the Planning Director for inclusion on the agenda for the next regular Planning Board meeting. Requests shall be submitted a minimum of seven (7) business days prior to the regular Planning Board meeting.

Appeal to the Planning Board's ruling on a variance shall be to the Bertie County Board of Commissioners. Request for appeal shall be filed within ten (10) days from the date of the Planning Board's ruling. The Board of Commissioners will hear the case to determine if the Planning Board:

- 1. Exceeded its authority or jurisdiction;
- 2. Acted erroneously;
- 3. Failed to use proper procedure
- 4. Acted arbitrarily or capriciously; or
- 5. Failed to act as required by law or rule.

Appeal to the Board of Commissioners' ruling shall be to a court of competent jurisdiction.

Section 208 Amendments

The County Board of Commissioners may from time-to-time amend the provisions of this ordinance. Amendments will be reviewed and recommended by the Planning Board to the Board of Commissioners for adoption in accordance with G.S. [153A-323](#)[160D-6-1](#).

Section 209 Abrogation

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any legally existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously legally adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

Section 210 Re-enactment & Repeal of Existing Ordinances

This ordinance in part carries forward by re-enactment some of the provisions of the Bertie County Subdivision Ordinance adopted on July 11, 2005, effective September 1, 2005, and it is not the intention to repeal but rather re-enact and continue to enforce such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced. All provisions of the Subdivision Ordinance, which are not re-enacted herein, are hereby repealed. All suits at law or in equity and/or all prosecutions, resulting from the violation of any subdivision ordinance heretofore in effect, which are now pending in any of the courts of the State of North Carolina or of the United States, shall be prosecuted to their finality the same as if this ordinance has not been adopted; and any and all violations of the existing ordinance, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and

nothing in this ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending and/or which may heretofore have been instituted or prosecuted.

Section 211 Administrator

The Bertie County Planning Director and/or his/her designee is hereby appointed to serve as Subdivision Administrator.

Section 212 Minimum Standards

Wherever the provisions of any other law, ordinance or regulation impose higher standards than are required by the provisions of this ordinance, the provisions of such law, ordinance or regulation shall govern.

Section 213 Word Interpretation

For the purposes of this Ordinance, certain words shall be interpreted as follows:

- a. The word “may” is permissive.
- b. The words “shall” and “will” are mandatory.
- c. The present tense includes the future tense and the future tense includes the present tense.
- d. The singular includes the plural and plural includes the singular.

**ARTICLE III
INCLUSIONS AND EXCEPTIONS**

Section 301 Definition of a Subdivision

All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all divisions of land involving the dedication of a new street or a change in existing streets; however, that the following shall not be included within this definition and is not subject to the regulations enacted pursuant to North Carolina G.S. 153A-335160D-8-2:

- a. The combination or re-combination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations. The survey shall contain a statement that lots are a combination or recombination.
- b. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
- c. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- d. The division of a tract in single ownership, the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved, and if resultant lots are equal to or exceed the standards of the County as shown by its subdivision regulations.
- ~~d.e.~~ The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.
- e.f. The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees) for as long as the use is appropriate under local ordinances. For the purposes of this subdivision, the term "immediate family" includes only direct lineal descendants (children & grandchildren) and direct lineal ascendants (parents and grandparents). Divisions of land in this category must have access to an established public or private right-of-way or an easement for ingress and egress. (SL 2007-87, See Appendix A)

Bertie County further allows the following exemptions from the Subdivision Ordinance:

- ~~1. The division of property belonging to the heirs of a single individual when such property is divided only for the settlement of the estate and not for sale as building sites. The plat must include a note stating that it is a division to settle the estate.~~
- ~~2.1.~~ Home sites existing prior to the date of this ordinance may be exempt from the subdivision review process if they meet any relocated property lines meet the setback requirement, and if minimum access requirements of this and any other applicable ordinance are met; if the location(s) of any septic system and drain lines are ~~shown on the plat and~~ proven to be located entirely within proposed lot lines; and there is

proven to be adequate space for the septic repair area located entirely within proposed lot lines.

~~3.2.~~ Divisions of lots or parcels labeled *bona-fide agricultural* as defined in G.S.106-581.1 (*See Appendix B*) or as *non-buildable* although building permits shall not be issued for properties bearing these titles unless such parcels are resubmitted for subdivision approval, approved and recorded as a legal subdivision.

~~4.3.~~ Divisions of property by the exercise of eminent domain

~~5.4.~~ Court-ordered surveys.

~~6.5.~~ Cemeteries.

The burden shall be on any conveyor of land to provide proof as to why their conveyance does not constitute a subdivision. This proof must be presented, in writing, to the designated Subdivision Administrator. If found to qualify for an exemption from this ordinance, the Subdivision Administrator shall note so on the plat.

Section 302 Expedited Review

The County may require only a plat for recordation for the division of a tract of land in single ownership if all of the following criteria are met [N.C.G.S. 160D-8-2(c)]:

1. The tract or parcel to be divided is not exempted under Section 301 of this Ordinance.
2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
3. The entire area of the tract to be divided is greater than five (5) acres.
4. After division, no more than three (3) lots result from the division.
5. After division, all resultant lots comply with all of the following:
 - a. Any lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the application zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.

ARTICLE IV
(Reserved for Future Use)

**ARTICLE V
PROCEDURES FOR SUBMISSION, REVIEW AND APPROVAL OF
SUBDIVISION PLANS**

Section 501 Sketch Plan

A sketch plan of a proposed subdivision may be submitted by the owner/subdivider for discussion and conceptual approval/disapproval by the Subdivision Administrator. Bertie County encourages all subdividers to take advantage of this service. The Subdivision Administrator will review the sketch plan for general compliance with the requirements of this ordinance and any other applicable ordinances.

The sketch plan shall be drawn to a convenient, readable scale. A scale of 100 feet = 1 inch is optional, but encouraged. It must include a general description of the proposed subdivision as well as the following items as may be applicable:

- a. The total acreage of the proposed subdivision;
- b. The tentative street, block, and lot arrangement, with proposed street widths;
- c. The name, address, and telephone number of both the owner and the subdivider;
- d. The proposed lot sizes and number of lots;
- e. The existing and proposed uses of the land within the subdivision and adjoining it;
- f. Zoning classification of the tract and adjoining properties, where applicable; and
- g. Sketch vicinity map.

Section 502 Minor Subdivision Submission and Review Process

Section 502.1 Purpose

The minor subdivision review procedure facilitates the division of parcels of land that will have little impact on Bertie County's overall subdivisions of land.

Section 502.2 Definition

A minor subdivision shall be defined as a subdivision that conforms to the following conditions:

- a. Involves no more than five (5) lots per parent parcel (expressed or planned), fronting on an existing dedicated, accepted, and improved paved street; or
- b. Not involving any new street either on periphery of property or for perspective interior access; and
- c. Not requiring extension of public water or sewer; and
- d. Does not create any new or residential parcels that do not conform to the requirements of the Bertie County Subdivision Ordinance and/or Zoning Ordinance, where applicable; and

- e. Does not constitute an enlargement or extension of a previously approved minor subdivision above five (5) lots maximum. The sixth lot (expressed or planned) constitutes a major subdivision.

Section 502.3 Plat Review

The subdivider shall submit to the Subdivision Administrator seven (7) copies of the proposed final plat, and a completed application, accompanied by appropriate fees. One copy of the final plat shall be drawn on reproducible film.

Section 502.4 Content of Plat

The plat shall be prepared by a North Carolina Professional Registered Land Surveyor. It shall be drawn to the scale of one inch to one hundred feet (1"=100'). Sheet sizes shall be eighteen inches by twenty-four inches (18" x 24"), and in accordance with the standards and practices of the Bertie County Register of Deeds Office. The plat shall contain the following information:

1. Non-duplicative subdivision name, boundaries, north point, legend, date, revision date, and purpose if applicable, scale, title block, and certifications;
2. The name(s), address(es) of the land owner(s), subdivider, mortgagee, North Carolina Professional Registered Land Surveyor, as well as the telephone numbers of any other professionals engaged in the design of the subdivision;
3. Tax parcel identification number;
4. Any existing structures contained thereon;
5. Floodplain statement including references and flood boundary delineation, if any;
6. Sketch vicinity map showing the location of the subdivision in relation surrounding area;
7. The total acreage of the proposed subdivision and layout of lot arrangement, including block/lot lines, block/lot dimensions, and block/lot numbers;
8. Plans for proposed easements for right-of-ways, sanitary sewers, storm sewers, water distribution lines, street lighting, telephone, electric service, illustrating connections to existing systems, or plans for individual water supply systems and/or sewer disposal systems, showing line size, and location of fire hydrants and manholes;
9. Wooded areas and/or farm lands proximate to the proposed subdivision;
10. Plat shall be accompanied by a copy of any proposed deed restrictions or restrictive covenants, if any (Note: Bertie County will not enforce any private deed restrictions or covenants);
11. Certificate of Ownership and Dedication
12. Certificate of Approval for Recording
13. Certificate of Review Officer
14. Certificate of Accuracy

Section 502.5 Review Process

The final plat shall be reviewed by the Subdivision Administrator and/or other members of the county staff for plat compliance with this ordinance, with other applicable state statutes, and county ordinances. The County Manager, at the request of the Subdivision Administrator, or on his/her own initiative may retain appropriate professionals to check the final plat for technical compliance with appropriate statutes, regulations, or ordinances, charging the cost to the subdivider.

The Subdivision Administrator shall check the plat for compliance with the Bertie County Subdivision Ordinance, and distribute prints of the proposed subdivision to any governmental agency or agencies having a specific interest in the subdivision for their comments or recommendations, including where applicable but not limited to the Bertie County Environmental Health Department, North Carolina Department of Transportation, the Land Resources Division of the North Carolina Department of Environment and Natural Resources, the Division of Coastal Management District Planner, the USDA Natural Resources Conversation Service, and Bertie County Schools.

The Subdivision Administrator shall approve or disapprove the final plat within thirty (30) days of receipt of the plat.

If the Subdivision Administrator disapproves the final plat, he/she shall state in writing his/her reasons for such action, specifying the provisions of this ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider by certified mail with return receipt within seven (7) days of disapproval; and one (1) copy shall be retained by the Subdivision Administrator. Appeal of the Subdivision Administrator's ruling shall be by petition to the Planning Board to be heard at their regularly scheduled meeting; Appeal to the Planning Board decision shall be by petition to the Board of County Commissioners and then to a court of competent jurisdiction. Written notice of appeals must be petitioned with the Board within thirty (30) days of receipt of disapproval notice.

The original tracing and one (1) paper print of the final plat shall be returned to the subdivider. One (1) paper print shall be retained in the Planning Department file.

If the final plat is approved, the subdivider shall file the approved final plat with the Bertie County Register of Deeds for recording within thirty (30) days from the date of approval; otherwise, such approval shall be null and void.

The approval of a final plat shall not be deemed to constitute or affect the acceptance by Bertie County of any dedication shown on the plat. However, the Board of Commissioners, by resolution, may accept any dedication made to the public of lands or facilities for parks or other public purposes, when the lands or facilities are located within its subdivision regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision regulations jurisdiction shall not place on Bertie County any duty to open, operate, repair or maintain any land or facility.

Section 503 Major Subdivision Submittal & Approval Process

Section 503.1 Purpose

The major subdivision review process provides for a more thorough analysis of the proposed subdivision. The process is lengthier and more involved due to the likely impact of a larger subdivision on the county, its surroundings, resources, utilities, infrastructure, service requirements, environment, and roads, which must be carefully reviewed. The review process allows for the determination and prevention of any adverse affects and assures quality development.

Section 503.2 Definition

Major subdivisions shall include any subdivision other than that, which meets the definition of minor subdivision.

Section 503.3 Submission Requirements for Planning Board

The subdivider shall submit fifteen (15) copies of the preliminary plat, eighteen by twenty-four inches (18" x 24") in size, and any supplementary material to the Subdivision Administrator a minimum of twenty (20) business days prior to the regularly scheduled Planning Board meeting at which said plat is to be considered. The subdivider shall also include with the submittal one (1) reduced copy of the plat of eleven by seventeen inches (11" x 17") in size. Upon submission of the preliminary plat, the subdivider shall pay a processing fee to Bertie County in accordance with the approved subdivision fee schedule adopted by the Bertie County Board of Commissioners.

Section 503.4 Content of Plat

The plat shall depict or contain the following information:

1. Non-duplicative subdivision name, the boundaries, north point, legend, date, revision date, and purpose if applicable, scale, title block, and appropriate certifications;
2. The name(s), address(es) of the land owner(s), subdivider, mortgagee, North Carolina Professional Registered Land Surveyor, as well as the telephone numbers of any other professionals engaged in the design of the subdivision;
3. Tax parcel identification number;
4. The existing and proposed uses of the land within the subdivision, and adjoining it, along with any structures contained thereon;
5. Floodplain statement, the location of the base flood elevation, and flood boundary, if any;
6. The location of existing and platted property lines, streets, buildings, water courses, railroads, transmission lines, sewers, bridges, culverts, storm drains, water mains,

- and any public utility easements, both on the land subdivided and on the land immediately adjoining.
7. The boundary lines of the tract to be subdivided drawn accurately with all bearings and distances shown.
 8. Existing structures and wooded areas and/or farmland areas, marshes, and any peculiar, natural conditions affecting the site and/or proximate to proposed subdivision.
 9. Name(s) and address(es) of adjoining property owners and subdivisions.
 10. Existing and proposed lines of streets, lots, easements, reservations, dedications, and public or common areas within the subdivision, and sufficient information to determine the location, direction, and length of every street, cul-de-sac, lot line, easement, reservation, dedication, and boundary line, and to establish those lines on the ground.
 11. The total acreage of the proposed subdivision and layout of lot arrangement, including lot and block lines, lot dimensions, and block and lot numbers;
 12. Proposed streets, existing and platted streets on adjoining properties, and in the proposed subdivision, designated either public or private, indicating right-of-way and/or easement depths, pavement widths, and centerline curve or corner radius data, including site distances, and typical street cross sections.
 13. Plans for proposed utility easements, including sanitary sewers, storm sewers, water distribution lines, street lighting, telephone electric service, illustrating connections to existing systems, or plans for individual water supply systems and/or sewer disposal systems, showing line size accompanied by preliminary approval from Bertie County Environmental Health Department, and location of fire hydrants and manholes.
 14. Other proposed rights-of-way or easements, location, width, or purpose.
 15. Proposed minimum building setback lines.
 16. Contours with vertical intervals of two feet (2') or less shall be shown when any improvements (i.e. streets, utility lines) are proposed.
 17. Proposed location and size of parks, school sites, or other public open spaces, if any.
 18. Sketch vicinity map showing relationship between subdivision and surrounding area.

Section 503.5 Review by Interested Agencies

The Subdivision Administrator shall check the plat for compliance with county ordinances and distribute prints of the proposed subdivision to any governmental agency or agencies having a specific interest in the subdivision for their comments or recommendations, including where applicable but not limited to the Bertie County Environmental Health Department, North Carolina Department of Transportation, the Land Resources Division of the North Carolina Department of Environment and Natural Resources, the Division of Coastal Management District Planner, the USDA Natural Resources Conversation Service, Bertie County Schools, County Engineer, and any other appropriate agencies or county staff,. The Subdivision Administrator shall consolidate such recommendations and present them, together with his/her own, to the Planning Board.

Section 503.6 Planning Board Review

The Planning Board shall review the preliminary plat and shall approve, conditionally approve, or disapprove with reasons.

- a. **Approval** - If the Planning Board approves the preliminary plat, such approval shall be noted on three (3) copies of the plat, one (1) copy to be returned to the subdivider and two (2) copies to be kept in the permanent records of Bertie County Planning Department.
- b. **Conditional Approval** - If the Planning Board conditionally approves the preliminary, it shall retain two (2) copies of the originally submitted preliminary plat and shall return one (1) copy to the subdivider with its written conditions for approval. The subdivider shall make the changes needed to bring the plat into compliance on the final plat. The Subdivision Administrator will review the final plat in accordance with this ordinance, ensuring conditions for preliminary plat approval have been met.

Disapproval - If the preliminary plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the subdivider has not complied. One (1) copy of such reasons and one (1) copy of the plat shall be retained in the permanent records of the Planning Department. One (1) copy of the reasons and one (1) copy of the plat shall be returned to the subdivider. Written notice of appeals must be petitioned with the Board within thirty (30) days of receipt of disapproval notice.

A subdivision plat resubmitted after being disapproved by the Planning Board shall be treated as a new submittal and begins the preliminary plat approval process again, including payment of fees.

Section 504 Final Plat

Section 504.1 Submission Required Within Twelve (12) Months

Within twelve (12) months of approval of the preliminary plat, the subdivider or his/her agent shall submit to the Subdivision Administrator six (6) copies and one (1) Mylar. An extension of time for submission of the final plat may be requested, *in writing*, from the Planning Board and *authorized in writing* by the Planning Board. If a final plat is not submitted or extension of time allowed within twelve (12) months of approval of the preliminary plat, the preliminary plat shall become null and void.

Section 504.2 Content of Plat

The final plat shall be prepared and sealed by either a North Carolina Registered Surveyor or Engineer. The final plat shall be drawn at a scale of one (1) inch to one hundred (100) feet or larger, on sheets eighteen inches by twenty-four inches (18" x 24"), and shall conform to the preliminary plat as it was approved. One (1) copy of the final

plat shall be an original drawn in ink on film suitable for reproduction (Mylar). The final plat shall depict and contain the following information:

1. The exact boundary lines for the tract to be subdivided fully dimensioned by length and bearings, and the location of intersecting boundary lines of adjoining lands, with adjacent subdivisions identified by official names and recording data.
2. The accurate locations and descriptions of all monuments, markers, and control points.
3. Sufficient engineering data to determine readily and reproduce on the ground every straight or curved boundary line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles and tangent distances for the center line of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be measured to the nearest one-hundredth (1/100) of a foot and all angles to the nearest thirty (30) seconds.
4. The location, with a metes and bounds description, of all rights-of-way, reservations, easements, and areas to be dedicated to public use with the purpose of each stated.
5. The accurate location, purpose, and dimensions of areas to be used for purposes other than residential and public.
6. Right-of-way lines, widths, pavement widths, and names of all streets and location and widths of all adjacent streets and easements.
7. The name of the subdivision, the names and addresses of the owner/subdivider and North Carolina Registered Surveyor or Engineer and any other professional engaged in the plan design.
8. The date of the survey and plat preparation, a north arrow indicating whether true north or magnetic, graphic scale, legend, title block, revision dates, if any, and purpose.
9. Tax parcel identification number.
10. The deed restrictions, if any, proposed for the subdivision must accompany the final plat. (Note: Bertie County will not enforce private deed restrictions or covenants)
11. Street maintenance disclosure statement, if applicable, shall be signed on original plat.
12. Vicinity map showing the location of the subdivision in relation to the surrounding area.
13. Minimum building setback lines.
14. Proposed location and size of parks, school sites, or other open public spaces, if any.
15. Floodplain statement, base flood elevation, and flood boundary, if any.

16. Certificate of Ownership and Dedication.
17. Certificate of Approval for Recording.
18. Certificate of Review Officer.
19. Certificate of Accuracy.
20. Certificate of Public Street Design Approval, if applicable.
21. Street Maintenance Disclosure Statement, if applicable.

No final plat shall be approved until the subdivider has installed in the area represented on the final plat all improvements required by this ordinance, including but not limited to, the plans for utility layout, sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems or plans for individual water supply systems and/or sewerage disposal systems. Plans must show line sizes, the location of fire hydrants, blowoffs, manholes, pumps, forcemains, and gate valves, or shall have guaranteed their installation as required by this ordinance.

Section 504.3 Final Plat Approval Before Installation of Improvements.

In lieu of prior completion of the improvements, Bertie County may, for the purpose of approving a final plat, accept a guarantee from the developer that improvements shown on the preliminary plat will be completed at the expense of the developer. The guarantee provided by the developer to Bertie County will be one of the following:

- a. a surety bond made by a surety company licensed to do business in North Carolina;
- b. a certified check drawn in favor of Bertie County;
- c. cash deposited with Bertie County; or
- d. an irrevocable letter of credit.

Such guarantees shall equal one hundred twenty-five percent (125%) of the cost of improvements as determined by a North Carolina Registered Professional Engineer and verified by the County Engineer. Guarantees shall run for Eighteen (18) Months. As twenty-five (25%), fifty (50%), seventy-five (75%) and one hundred (100%) percent of the project is completed, a corresponding percentage of the guarantee may be released.

Section 504.4 Guarantee Against Defects

In addition, the County shall require a bond guaranteeing utility taps, curbs, gutters, sidewalks, drainage facilities, electric, water and sewer lines, infrastructure, and other improvements against defects for one year. This bond shall be in an amount determined by the County Engineer and shall be made by a surety company authorized to do business in North Carolina.

Section 504.5 Approval of Final Plat

If the final plat is in compliance with this ordinance, the Subdivision Administrator shall approve the final plat. Such approval shall be indicated on the original plat by the signed

Certificate of Approval for Recording. If any substantial changes from the approved preliminary plat are shown on the final plat, the changes must be approved by the Planning Board prior to final plat approval.

Section 504.6 Disapproval of Plat

If the Subdivision Administrator disapproves the final plat, he/she shall state in writing his/her reasons for such action, specifying the provisions of this ordinance with which the plat does not comply. One copy of this statement shall be transmitted to the subdivider by certified mail with return receipt within seven (7) days of disapproval; and one (1) copy shall be retained by the Subdivision Administrator. Appeal of the Subdivision Administrator's ruling shall be by petition to the Planning Board to be heard at their regularly scheduled meeting; Appeal to the Planning Board decision shall be by petition to the Board of County Commissioners and then to a court of competent jurisdiction. Written notice of appeals must be petitioned with the Board within thirty (30) days of receipt of disapproval notice.

Section 504.7 Final Plat Recordation

The subdivider shall file the approved final plat with the Bertie County Register of Deeds within thirty (30) days of approval; otherwise, such approval shall be null and void.

ARTICLE VI
DESIGN AND CONSTRUCTION STANDARDS

Section 601 General

Each proposed subdivision shall contain the improvements specified in this article and state statutes, to the extent required. They shall be installed in accordance with the requirement of this ordinance and as stated in the sentence immediately next preceding, and paid for by the subdivider, unless other means of financing is specifically stated in this ordinance or the regulations set forth previously in this paragraph. Land shall be dedicated and reserved in each subdivision as may be required by Bertie County, and at no cost to the county. Each subdivision shall adhere to the design standards established by the Bertie County, as enunciated in this ordinance and applicable ordinances of the Bertie County.

The subdivider shall observe all design standards for land subdivision as herein provided. These standards shall be considered minimum standards and shall be varied from or waived, in writing, only as provided herein.

Land that the county finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features that will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless and until adequate methods are formulated by the developer and approved by the Coastal Resources Commission, if applicable, Planning Board; and Board of Commissioners, upon written recommendation of the County Engineer, to solve the problems created by the unsuitable conditions. Such land shall be set aside for uses as shall not involve any danger to public health, safety, and welfare.

Section 602 Design Guides

Section 602.1 Minimum Lot Size

All lots created after the date of adoption of this ordinance shall conform to a minimum lot size as set forth herein and required in other applicable Bertie County ordinances, as amended and supplemented.

Section 602.2 Mitigation

Design and construction shall reduce, to the extent reasonably possible, the following:

- a. volume of cut and fill;
- b. area over which existing vegetation will be disturbed; especially on land adjoining a wetland, river, pond, or stream, or overlying easily eroded soils;
- c. number of mature trees or percentage of tree cover removed;
- d. extent of waterways altered or relocated;
- e. number of driveways exiting onto existing streets;

- f. alteration of groundwater or surface water elevations or chemical constituents;
- g. disturbance of important wildlife habitats, outstanding botanical features, and scenic or historic envisions; and
- h. soil loss or instability during and after construction (as per N.C.G.S. 113A-50).

Section 602.3 Enhancement

Design and construction shall increase, to the extent reasonably possible, the following:

- a. vehicular use of collector streets to avoid traffic on streets providing house frontage; driveways on corner lots should be accessed by internal street;
- b. visual prominence of natural features of the landscape; and
- c. legal and physical protection of views from public streets.

Section 602.4 Access Adequacy

Every lot shall have access that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

Section 602.5 Easements

Easements shall be provided as follows:

- a. **Utility Easements** - Easements, in writing and recordable form, with metes and bounds descriptions, for underground utilities shall be provided, where necessary, adjacent to street right-of-ways and shall be at least ten feet (10') wide for water, sanitary sewer and electric lines, and as required by the companies involved for other utilities. Easements shall be provided where necessary along lot lines. The subdivider shall provide the required easements at no cost to the county.
- b. **Drainage Easements** - Where a subdivision is traversed by a watercourse, drainage way, channel, swale, stream, or contains a water storage area or facility, there shall be provided, at no cost to the county, a written storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of said feature, and to provide for the possibility of flooding, protection of banks on adjacent properties, future maintenance and/or construction, and other necessary purposes. The width of said easement and/or right-of-way will be determined by the county in so far as sufficiency for its/their intended purposes. To the extent practicable, easements shall be "along lot lines."
- c. **Access, Maintenance** - The county, in the interest of its public health, safety, and welfare may as a condition of approving a subdivision, require an access and maintenance easement on and over the property. The obtaining of these easements, as may be required, shall be at no cost to Bertie County.
- d. **Easements, Appurtenances/Utility Boxes and/or Related Structures** - Where utility boxes or easement appurtenances and/or related structures are deemed necessary, it shall not be located directly in front of the dwelling, and shall be

screened by plantings, blocking their view from both dwelling and street. Said planting and/or screening is the obligation of the developer and/or purchaser of the property, and shall be installed prior to the Certificate of Occupancy being issued.

All easements as depicted on a preliminary and/or final plat shall be so delineated on the preliminary and/or final plat as to the type of easement and shall contain a metes and bounds description.

Section 603 Streets

All streets shown on the final plat shall be designated as public or private and designed in accordance with N.C.G.S. 136-102.6, as amended and supplemented.

Section 603.1 Design and Layout

The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical and soil conditions, to public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

Section 603.2 Street Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than 60 degrees. Centerline offsets for intersecting streets shall not be less than 150 feet.

Minimum sight triangle for stop condition when connecting new local residential roads or residential collector roads to existing state maintained roads is 70 feet along the existing road right of way and 10 feet along the new road right of way.

New streets shall be laid out in such a way that their use by through traffic will be discouraged. Streets shall be designed or walkways dedicated to assure convenient access to parks, playgrounds, schools, or other places of public assembly.

Section 603.3 Cul-de-sacs

Permanent dead-end streets shall not exceed one thousand five hundred (1,500) feet in length. Measurement shall be from the point where the centerline of the dead end street intersects with the center of a through street to the center of the turn-around of the cul-de-sac. Where one cul-de-sac intersects with another cul-de-sac, the end of each cul-de-sac shall be no more than five hundred (500) feet from a through street, measured as stated above. The distance from the edge of the pavement on the vehicular turn-around to the right-of-way line shall not be less than the distance from the edge of the pavement to the right-of-way line on the street approaching the turn-around.

Section 603.4 Driveways

Driveways to individual lots shall be provided and installed by the developer/subdivider prior to final plat approval and shall be developed according to the NCDOT's "Policy on Street and Driveway Access on North Carolina Highways" as amended and supplemented.

Section 603.5 Street Names and House Numbers

Street names shall be assigned by the developer subject to the approval of Bertie County as to names and numbers. Proposed streets that are in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within Bertie County's planning jurisdiction, regardless of the use of different suffixes. Building numbers shall be assigned by the county.

Section 603.6 Street Name Signs

The subdivider shall be required to provide and erect, at no cost to the county, street name signs to Bertie County and NCDOT (public streets) standards at all intersections within the subdivision. Street name signs shall be installed prior to final plat approval.

Section 603.7 Sidewalks

The developer may choose to install sidewalks on one or both sides of the street in areas likely to be subject to heavy pedestrian traffic, including but not limited to schools, public buildings, medical facilities, houses of worship, and shopping areas. Such sidewalks shall be constructed to the minimum standards of NCDOT.

Section 603.8 Drainage Requirements

Streets may be constructed with six foot shoulder and drainage swales or with curb and gutter. All new streets shall be installed according to the drainage requirements of NCDOT.

Section 603.9 Private Streets

Private streets shall be designated on preliminary and final plats and shall meet the *Minimum Construction Standards for Subdivision Roads* by North Carolina Department of Transportation as to drainage, base and surface course, and paving. Private streets shall be approved by the County Engineer and Planning Board.

Each deed conveying a lot within a subdivision served by a private road shall state that the road serving said lot is private in nature, and is not constructed to all of the current minimum standards of NCDOT for admission to the state highway system, thus is not eligible for state maintenance. It shall contain the name, address, and telephone number of the party or parties responsible for maintenance and shall further state that Bertie County accepts no liability to

provide any maintenance or improvement assistance whatsoever for said road. In addition the subdivision plat, as a condition precedent to being recorded, shall contain a signed Private (Street/Road) Disclosure Statement, signed by the developer which shall set forth the limitations herein.

All private streets shall have a property owner’s association and maintenance agreement attached to deeds of lots that depend on the private road for access. The document should declare each individual lot owner’s financial responsibility and how the road is to be maintained.

Section 603.10 Construction

The construction of all streets within the jurisdiction of this ordinance shall be in accordance with the accepted policies of NCDOT. The standards contained in the most recent edition of NCDOT's *Minimum Construction Standards for Subdivision Roads* shall apply for any items not included in this ordinance, or where stricter than this ordinance.

Section 603.11 Clearing and Grubbing

Clearing and grubbing shall be performed to remove stumps, brush, roots, and like material from the area of the traveled way, shoulder, sidewalks, and utility trenches. Existing vegetation shall be protected whenever possible.

Section 603.12 Right-of-way and Pavement Widths

All streets shall have a minimum right-of-way and pavement width as shown in the following table:

Street Type	Right of Way		Pavement	
	Shoulder Section	Curb & Gutter	Shoulder Section	Curb & Gutter
Private	45'	40'	18'	26' G-G*
Public	50'	50'	20'	34' G-G*
Cul-de-sac Radius	50'	45'	35'	37' – G*
Cul-de-sac Diameter	100'	90'	70'	74' – G*

*G-G refers to face to face of standard curb and gutter section, bottom of the “V” to the bottom of the “V” for the valley types section.

Section 604 Lots

Each lot shall have direct access to a public or private street. Private easements for providing ingress and egress to subdivided lots are not acceptable.

Except as otherwise allowed, each lot shall meet the minimum area and lot width requirements outlined in the following table. Notwithstanding these standards, the subdivider shall provide

sufficient area on each lot to ensure that all other requirements of this article or other applicable development regulations can be met. Lot width shall be measured at the building setback line.

Lot width for lots on the bulb of a cul-de-sac may be reduced to forty (40) feet, as measured along the right-of-way.

	IMPROVEMENTS	AREA (Square Feet)	LOT WIDTH (feet)
1.	Public water and sewer	10,000	80
2.	Public water and sewer; corner lot	12,500	80
3.	Public water; soil classified suitable for septic tanks	20,000	100
4.	Public water; soil classified provisionally suitable for septic tanks due to drainage	25,000	125
5.	Public water; soil classified provisionally suitable for septic tanks due to characteristics other than drainage	35,000	140
6.	Private well; soil suitable for septic tanks	25,000	125
7.	Private well; soil provisionally suitable for septic tanks	35,000	140

Section 604.1 Flag Lots

Flag lots may be allowed in cases where it is not feasible to install a street. The number of flag lots in a subdivision shall not exceed five percent (5%) of the total number of lots.

Flag lots shall connect to an approved public or private right-of-way and provide sufficient width at the right-of-way line so that driveways can be at least ten feet (10') from any lot boundary line, but in no case be less than thirty feet (30') in width.

The minimum lot area required shall be computed, excluding area provided for access (flag pole or panhandle).

Section 604.2 Lot Size Reduction

Where the minimum lot size required above is twenty thousand (20,000) square feet or twenty-five thousand (25,000) square feet because of a provisionally suitable classification as to drainage or soil type, a reduction in lot size may be allowed, provided that the

subdivider submits sufficient information, in writing, to demonstrate that the reduction in appropriate. In no case, however, shall the lot size be reduced by more than fifteen percent (15%) of the minimum area required. The subdivider shall show, that:

- a. Adequate area is provided for a septic tank and sewage disposal system and one hundred percent (100%) repair area in compliance with regulations and requirements of Bertie County Environmental Health Department;
- b. Adequate area is available for easements for all surface drainage, subsurface drainage, and utilities; and
- c. All setback requirements can be met.

In order to qualify for such a lot size reduction, a construction plan shall be submitted. The construction plan shall identify each lot for which a reduction is requested. The plan shall be drawn at an appropriate scale to clearly show such features as the building envelope, limits of cleared area, number of bedrooms for each proposed structure, required sewage disposal system layout and repair area, surface and subsurface drainage, and all easements and setbacks.

Section 604.3 Setbacks

The following minimum setbacks, measured from the identified line (property line or minimum building line), shall apply to all structures:

Street right-of-way line; external road or highway	75 feet
Street right-of-way; internal subdivision street	30 feet
Other lot boundary lines	20 feet

Section 605 Storm Water Management & Soil Erosion Sedimentation Control

Stormwater permits will be required by the Department of Environment and Natural Resources (DENR), Division of Water Quality (DWQ) when:

- a. A major CAMA permit is required or has been issued; and/or
- b. One or more acres of land disturbing activity occurs and an erosion and sediment control plan is required.

Building permits shall not be issued for any subdivision that requires a major CAMA permit until a stormwater permit has been issued by DWQ.

Section 606 Floodplain Areas

The Planning Board may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the subdivision of any portion of the property that lies within the floodplain or any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the Planning Board.

Any subdivision submittal that has any portion located within the floodplain shall delineate the flood boundary and provide a statement of the flood zone, base flood elevation, if established, and note references used in the determination.

Section 607 Proper Drainage

All developments shall provide a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if :

- a. The retention results from a technique, practice or device deliberately installed as part of an approved Sedimentation or Storm Water Control Plan; or
- b. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

The Planning board may require drainage easements where needed. Septic systems and repair areas shall not be located within drainage easements.

Section 608 Utilities

Section 608.1 Water Supply

All new subdivisions shall connect to the Bertie County Public Water System if any perimeter property line is within a reasonable distance of an existing water line, as determined by Bertie County. The cost of connection shall be in accordance with Bertie County ordinances as amended and supplemented.

Section 608.1.1 Private Supply Standards

Where individual lots will be served by private wells, this situation will be duly noted on the preliminary and final plat. Wells must be located at least 100 feet from any ground absorption system.

Section 608.1.2 Design and Construction

Water mains shall be designed and installed in accordance to Bertie County specifications.

Before installation, a complete set of construction plans and specifications for the proposed system, prepared by a registered professional engineer, shall be submitted for approval by the Bertie County Water Department and County Engineer. A copy shall be submitted to the North Carolina Division of Health Services.

Water supply systems shall be approved by the Bertie County Water Department and County Engineer as to location and size of mains.

Water mains shall not be less than 6 inches in diameter, except that smaller mains may be used on permanent dead-end streets upon approval of the Bertie County Water Department and County Engineer.

The county may require installation of oversize mains when it is in the interest of future development. The county may pay for the portion of the improvement which exceeds the standards of this ordinance.

Section 608.2 Sewage Disposal

All lots shall be approved for septic tank usage in accordance with Bertie County Environmental Health Department prior to final plat approval.

Where a private package treatment system is proposed, the preliminary plat shall be accompanied by a written report under seal from a licensed North Carolina Soil Scientist, supporting the utilization of the proposed system at the subject location. A land application system, rather than surface water discharging system, is required when a private package system is proposed.

Section 608.3. Other Utilities

Section 608.3.1 Wiring

Underground wiring for electric, telephone, and cable TV is required.

Section 608.3.2 Street Lighting

All public streets, sidewalks, and other community areas or facilities in subdivisions created after the effective date of this ordinance shall be sufficiently illuminated, as determined by Bertie County, to ensure the security and the safety of persons using such streets, sidewalks, and other common areas or facilities. To the extent that fulfillment of this requirement would normally require street lights installed along public streets, this requirement shall be applicable to all subdivisions located within the jurisdiction of the county. The quantity, design, and location of all lighting shall be approved by the county. The lighting called for in this section, to the extent required, shall be at no cost to the county.

Section 609 Clean-up

Upon completion of the work, the subdivider shall remove from the street and adjoining property all temporary structures, debris, tree stumps, loose rocks, and surplus materials which may have accumulated during the prosecution of the work, leaving the subdivision in a neat and orderly condition.

**ARTICLE VII
CLUSTER AND PLANNED UNIT DEVELOPMENTS**

Section 701 Cluster and Planned Unit Development

The standards and requirements of this ordinance may be modified by the Planning Board in the case of a plan and program for a cluster, or planned unit development, which in the judgment of the Planning Board, provides adequate public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and also provide such covenants, or other legal instruments, as will assure conformity to and achievement of the development plan. The maximum allowable density shall meet the requirements in Section 702. These developments are herein referred to as PUDs.

It is the objective of this Article to encourage cluster and PUD proposals that exhibit such special qualities or concepts that they may deviate from standard ordinance requirements. These regulations are established in order that each cluster and PUD proposal will be evaluated on its own merits. It is recognized that some proposals or concepts will be more successful than others and the approval of a specific proposal would be acceptable in other circumstances. It is also recognized that only through ingenuity, imagination, and high quality design can residential or commercial developments be produced which are in keeping with the intent of this Article but which are not constrained by the strict application of conventional use and dimensional requirements of the Subdivision Ordinance.

Clusters and PUDs will be permitted only when a community or public sanitary disposal is provided and must meet all requirements of this Ordinance, as well as all other applicable ordinances, unless expressly exempted.

Section 702 Density Requirements

The minimum parcel size for a cluster and PUD is ten (10) acres.

The normal lot size, setbacks and frontage requirements are hereby waived for lots or building sites within the cluster or PUD, provided that the spirit and intent of this Article are complied with in the total development plan, as determined by the Planning Board.

The intent of this section is to authorize the developer to decrease lot sizes and leave land as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size of lots required by Article VI of this Ordinance. The maximum density allowed is 4.35 dwelling units per acre. The area remaining from the reduced lot size shall be utilized for common open space.

In any development, no more than a maximum of sixteen (16) dwelling units or 42 bedrooms, sleeping no more than two persons each, shall be located on any individual acre of land.

Section 702.1 Multi-family and Single-family Attached dwellings

The maximum project area covered by multi-family and single-family attached dwellings shall not exceed thirty percent (30%) of the total project area, less wetlands. All multifamily structures must have access to a paved street.

Section 703 Parking Space Requirements

Each detached single family dwelling shall have a minimum of two (2) 10' x 18' paved off-street parking spaces.

Multi-family and Single-family attached structures shall have paved off-street parking using the following formula:

- a. 1.5 spaces for each 1-bedroom unit
- b. 2.5 spaces for each 2-bedroom unit
- c. 3 spaces for each 3-bedroom unit
- d. 1.5 spaces for each additional bedroom above three

Parking space for commercial/office shall consist of one off-street parking space for each 200 square feet of gross floor area. Loading and unloading space for commercial/office uses shall consist of one space at least 300 square feet in size for each 5000 square feet of gross floor area.

Section 704 Height

The maximum height for all structures in a cluster and PUD shall be fifty-five feet (55'), measured from original grade to the ridge line.

Section 705 Setbacks

The setbacks required by the normal standards of the Subdivision Ordinance are reduced for structures within cluster and PUDs to ten feet (10') from property lines. Exceptions may be made for structures that are designed as traditional town development.

For cluster and PUDs where property being subdivided abuts public trust or estuarine waters, a minimum setback of seventy-five feet (75') setback is required, measured from the normal high water line; However, only a minimum setback of thirty feet (30') will be required from man-made bodies of water, such as harbors, canals or turn basins.

Section 706 Open Spaces and Common Areas

The amount of common open space that must be set aside shall be determined by:

- A. Subtracting from the standard square footage requirement set forth in Article VI of this Ordinance, the amount of square footage of each lot that is smaller than the standard; and
- B. Adding together the results obtained for each lot.

Fifty percent (50%) of open space must be designed for passive or active recreation, including, but not limited to walking, jogging, hiking, bicycling and other uses which involves general pedestrian access. The remainder of the open space may include areas providing visual relief, but not offering general pedestrian access such as natural areas. Recreational uses such as swimming pools, tennis courts, useable ponds and manmade lakes may also be used. Retaining ponds may be used to meet no more than ten percent (10%) of the required open space.

Wetlands shall not be used to meet any portion of the open space requirements.

Section 707 Greenways, Trails and Bicycle Paths

Greenways, trails or bicycle paths shall be included throughout all cluster and PUDs and shall not be less than six feet (6') wide. Trail systems should be designed to connect the residential area to the commercial component and to trails in existing and future adjacent developments. Clusters and PUDs with multiple parcels shall be connected by a trail system.

Section 708 Roads

Roads shall be constructed in accordance with the policies of the North Carolina Department of Transportation and shall reduce stormwater to the fullest extent possible.

Section 709 Sidewalks

Sidewalks shall be concrete and must be not less than four feet (4') wide with a minimum of a five-foot (5') wide grass strip between the sidewalk and curb. Sidewalks are required on only one (1) side of the street. The design of all sidewalks shall be in accordance with the most current accepted policies of the North Carolina Department of Transportation.

Maintenance of sidewalks will be the responsibility of the homeowners' association or comparable individual, or group that has responsibility for other common areas. Maintenance of sidewalks shall be addressed in the organizational papers and by-laws.

Section 710 Street Trees

Street trees are required to be planted between the sidewalk and curb. One tree, minimum two (2) inches in caliper, shall be planted for every fifty (50) feet of frontage along each road. The design of all planting strips and street trees shall be in accordance with the most current accepted policies or the North Carolina Department of Transportation.

Installation and construction of such features is the responsibility of the developer. Maintenance of such right of way features will be the responsibility of the home owners' association or comparable individual, or group that has responsibility for other common areas. Maintenance of such right of way features shall be addressed in the organizational papers and by-laws.

Section 711 Water Access

For clusters and PUDs where property being developed abuts public trust or estuarine waters, adequate areas suitable for access to those waters by the general public are required as follows: Ten percent (10%) of the development's waterfront, up to a maximum of 100 lineal waterfront feet. Features such as bath houses, walkways and garbage receptacles are suggested. Areas used for water access may be counted as part of the open space requirements. A minimum of ten (10) parking spaces is required at each access site. All accesses and any accessory structures must comply with all current CAMA rules.

Section 712 Buffering

Buffers are required to protect any subdivision comprised of residential use from commercial, industrial, office, or institutional use, which does not have a buffer. A buffer is also required around the perimeter of each cluster and PUD. The principal use of the buffer is to provide spatial and visual separation between these uses. In addition, the buffer will provide absorption and/or deflection of excessive noise. This regulation benefits both the developer and the adjoining property owners by insuring solid separation, and protects the value of all properties involved.

Section 712.1 Specifications

Buffers shall be in the form of natural plantings or open space. Where existing natural screening will be used, the Subdivision Administrator shall determine whether the existing planting meets the requirements of this section. In incidents where buffers are found not to meet the requirements of this section, additional plantings shall be required by the Subdivision Administrator. The area of the buffer shall be in addition to the lot area required by this Ordinance. The buffer shall become part of the lot on which it is located, or in the case of commonly-owned property, shall be deeded to the Homeowner's Association.

- a. Natural Plantings - Where natural plantings are used, a buffer of at least seventy-five feet (75') in width shall be planted. This buffer shall be free of all encroachments by structures, parking areas, or other impervious surfaces. All natural planting buffers shall be opaque to a height of at least six (6) feet tall at maturity in 2 to 3 years. The minimum amounts and type of buffer materials to be planted per one-hundred (100) feet shall be as follows:
 1. A minimum of four (4) large canopy trees shall be in place, of which two (2) shall be evergreen. The average canopy spread shall be a minimum of twenty (20) feet in width at maturity.
 2. A minimum of three (3) understory trees shall be in place. The average canopy spread shall be a minimum of ten (10) feet in width at maturity.
 3. A minimum of twenty (20) shrubs shall be in place. These shrubs shall all be of evergreen nature, and at maturity be three (3) feet wide and six (6) feet tall.

- b. Open space buffer – Existing natural vegetation may be used as a buffer in its predevelopment condition, subject to Planning Board approval. An area seventy-five feet (75') in width shall be reserved as a buffer.

All buffers shall be opaque to a height of six feet (6'), where there is no visual contact between uses. Also, these buffers shall have enough density to minimize the admittance of light and shall have the ability to reduce noise. The Bertie County Planning Department shall provide to any developer a list of recommended species for the use of natural planting buffers at the request of the developer.

Section 713 Signs

There may be one freestanding sign erected per public road frontage. The sign shall not exceed three feet in height and 25 square feet in sign area.

Section 714 Property Owner's/Homeowner's Association

When cluster and PUDs include residential uses, the developer shall submit a draft of the Articles of Incorporation for the Property Owners' Association, or Homeowners' Association. These Articles shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of commonly owned areas (including common areas, areas for recreation and private streets). The automatic membership rights and assessment obligations of all property owners within the cluster or PUD shall be so covered by covenants running with the land and other contractual provisions as to insure the property maintenance of all commonly owned areas, and shall include provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before granting final plat approval, the Articles of Incorporation shall be approved by the County Attorney.

Section 715 Utilities

Section 715.1 Water Supply

All planned unit developments shall connect to the Bertie County Public Water System. All costs of connection and any expansion, extension, and increased capacity of infrastructure shall be incurred by the developer. Reimbursement of fees will not be made.

Section 715.1.1 Design and Construction

Water mains shall be designed and installed in accordance to Bertie County specifications.

Before installation, a complete set of construction plans and specifications for the proposed system, prepared by a registered professional engineer, shall be submitted for approval by the Bertie County Water Department and County Engineer. A copy shall be submitted to the North Carolina Division of Health Services.

Water supply systems shall be approved by the Bertie County Water Department and County Engineer as to location and size of mains.

Water mains shall not be less than 6 inches in diameter, except that smaller mains may be used on permanent dead-end streets upon approval of the Bertie County Water Department and County Engineer.

The county may require installation of oversize mains when it is in the interest of future development. These costs shall be incurred by the developer.

Section 715.1.2 Private Water Supply Not Allowed

In the interest of the health, safety and general welfare of Bertie County citizens, private community water supply systems, including private wells, will not be allowed for the service of planned unit developments nor individual lots within such developments. Bertie County recognizes that the use of private water systems for large development could pose a risk to other existing private wells in the area.

Section 715.2 Sewage Disposal

The preliminary plat shall be accompanied by a written report under seal from a licensed North Carolina Soil Scientist, supporting the utilization of the proposed sewage system at the subject location. A land application system, rather than surface water discharging system, is required for private package systems.

Section 715.3 Other Utilities

Section 715.3.1 Wiring

Underground wiring for electric, telephone, and cable TV is required.

Section 715.3.2 Street Lighting

All public streets, sidewalks, and other community areas or facilities in developments created after the effective date of this ordinance shall be sufficiently illuminated, as determined by Bertie County, to ensure the security and the safety of persons using such streets, sidewalks, and other common areas or facilities. To the extent that fulfillment of this requirement would normally require street lights installed along public streets, this requirement shall be applicable to all planned unit developments located within the jurisdiction of the county. The quantity, design, and location of all lighting shall be approved by the county. The lighting called for in this section, to the extent required, shall be at no cost to the county.

Section 716 Approval Process

The review and approval process for submittals of clusters and planned unit developments shall include a master plan, preliminary plats, and final plats.

Section 716.1 Master Plans

All applications for approval of a planned unit development shall be accompanied by a master plan which shall include, but not be limited to the following:

1. General layout of the development
2. Total acreage of the development
3. Preservation of significant natural features
4. Land use of adjacent properties
5. Attempts to mitigate potential impacts on adjoining properties
6. Planned parks, playgrounds and open areas to be developed, reserved or dedicated
7. Maximum gross density of the entire group, cluster or PUD
8. Maximum gross and net densities of individual use districts
9. Numbers and types of all units
10. Conceptual delineation of areas to be constructed in phases or sections and sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase or section of construction and the estimated date of completion
11. Conceptual traffic circulation patterns and right of way widths of all streets or alleys
12. Soil maps
13. Statement that waste and wastewater systems, water service and all other local utility requirements will be constructed in accordance with applicable state and local standards
14. Planned means for adequate storm drainage systems to be constructed in accordance with state and local requirements
15. Planned means for adequate SESC measures to be implemented in accordance with state and local requirements
16. Access
17. Parking
18. Lighting
19. Drafts of any covenants which create a homeowners association for the maintenance of all privately owned common areas
20. Planned means for all utilities to be installed underground, except for electric feeder lines approve by the governing board and electric company
21. Planned means for the access of fire fighting and refuse disposal equipment; to include the method of refuse disposal such as compactors, dumpsters, etc.
22. Proposed commercial areas with a schedule indicating the dates construction will begin and be completed within such areas

23. An analysis of anticipated population by age groups and evidence clearly showing the manner in which plans have been made for future schools which may be required

The master plan must be submitted to the Planning Department a minimum of twenty (20) business days prior to a regular meeting of the Planning Board. The Planning Board shall review the master plan and make recommendation for acceptance or denial to the Board of Commissioners. The Board of Commissioners will approve or deny said plan within thirty (30) days of receiving same from the Planning Board.

Upon approval of the master plan, a preliminary plat for the development, either in its entirety or in phase format, must be submitted within the applicable vesting period. Preliminary and final plat submittals must comply with Sections 503 and 504 of this Ordinance. The Subdivision Administrator shall determine whether the submittals comply with Sections 503 and 504. If deemed in compliance, then the Subdivision Administrator shall approve such submittal. If, however, the Subdivision Administrator determines that a submittal conflicts with Sections 503 or 504, or that there are substantial deviations from the approved Master Plan, then the Subdivision Administrator shall forward the submittal to the Planning board for final approval pursuant to Sections 503 and 504.

**ARTICLE VIII
VESTED RIGHTS**

Section 801 Establishment

- a. A “vested right” as defined herein and as defined pursuant to N.C.G.S. §~~153A-344.1~~160D-1-2(33) shall be deemed established with respect to any real property subject to these subdivision regulations of Bertie County upon approval by the appropriate permit-issuing authority of a Site Specific ~~Development-Vesting~~ Plan following notice as provided by N.C.G.S. §~~153A-344.1~~160D-1-8 (d)(3)(d) and public hearing thereon.
- b. The establishment of a vested right shall not preclude the application of ~~additional public health and safety requirements~~overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable types or intensity of uses, or ordinances or regulations that are general in nature and are applicable to all property subject to ~~land use~~development regulation by Bertie County, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new ~~or amended~~ regulations shall become effective with respect to property that is subject to a vested right established under this section ~~Site Specific Development Plan development plan~~ upon the expiration or termination of the vested right in accordance with this ~~chapter~~section.

Section 802 Site Specific ~~Development-Vesting~~ Plan

- a. “Site Specific ~~Development-Vesting~~ Plan” is defined in Article X.
- b. The permit-issuing authority may approve a Site Specific ~~Development-Vesting~~ Plan upon such terms as may be reasonably necessary to protect the public health, safety and welfare.
- c. The specific requirements of other Sections of this Subdivision Ordinance or other applicable Ordinances shall be the presumptive minimum standards which applicants must meet; however, the Board of Commissioners of Bertie County, only, may waive those minimum requirements upon (i) the applicant’s specific written request for a waiver and (ii) the presentation of satisfactory, competent evidence by the applicant justifying said waiver.
- d. The Subdivision Administrator shall determine whether a particular development submittal constitutes a Site Specific ~~Development-Vesting~~ Plan for purposes of this Article VIII.

Section 803 Duration and Termination of Vested Right

- a. A Site Specific ~~Development-Vesting~~ Plan which has been vested as provided for in this Section shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a Site Specific ~~Development-Vesting~~ Plan unless expressly provided by the permit-issuing authority at the time the amendment or modification is approved. Before the expiration of the initial vesting period, an owner of property subject to a Site Specific Development Plan may request an extension of the vesting period for up to three (3) additional years for a total vesting period of five (5) years.

- b. The Board of Commissioners of Bertie County may provide that rights regarding a Site Specific Vesting Plan shall be vested for a period exceed two (2) years, but not exceeding five (5) years, if approve the written request to extend the vesting period for up to three (3) additional years for a total vesting period of five (5) years where warranted by in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These~~This~~ determinations shall be in the ~~sound~~ discretion of the Board of Commissioners of Bertie County and shall be made following the process specified by N.C.G.S 160D-1-8(d)(3)(c).
- c. Following approval or conditional approval of a ~~Site Specific Development Plan~~statutory vested right, ~~nothing in this Article shall exempt such a plan from~~Bertie County may make subsequent reviews and require approvals by Bertie County to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with ~~said the~~ original approval. ~~Nothing in this Section shall prohibit~~ Bertie County ~~from revoking~~may revoke the original approval for failure to comply with applicable terms and conditions of original approval or ~~any applicable~~ Bertie County development regulations. ~~Upon revocation, the vesting of rights provided for under this Article shall be terminated.~~

Section 804 Identification of Document

A document that establishes a vested right pursuant to this Section shall be so identified at the time of its approval by notification thereon as follows: “A vested right pursuant to N.C.G.S. §160D-1-2 (33)~~N.C.G.S. §153A-344-1~~ and Article VIII of the Subdivision Ordinance of Bertie County is established as of the date hereof. ~~Unless terminated at an earlier date, the vested right of the approval shall be valid until (supply date by adding two (2) years from the date of approval for a Site Specific Development Plan).~~”

Section 805 Exceptions

A vested right, once established as provided for in this section, precludes any action by Bertie County ~~which that~~ would change, alter, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved ~~site specific development plan~~vested right, except:

- a. With written consent of the affect landowner;
- b. Upon findings, ~~by ordinance~~ after notice and ~~a publican evidentiary~~ hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the ~~site specific development plan~~approved vested right;
- c. ~~upon finding, by ordinance after notice and public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by Bertie County of the Site~~

Specific Development Plan; or To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal and other consultant's fees incurred after approval by Bertie County, together with interest as is provided in N.C.G.S. 160D-1-6. Compensation shall not include any diminution in the value of the property that is caused by such action;

d. Upon finding, after notice and an evidentiary hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by Bertie County of the vested right; or

de. Upon enactment or promulgation of a State or federal law or regulation ~~which that precluded~~ precludes development as contemplated in the ~~Site Specific Development Plan~~ approved vested right, in which case Bertie County may modify the affected provisions, upon finding that the change in the State or federal law has a fundamental effect on the plan, ~~by ordinance~~ after notice and ~~a~~ an evidentiary hearing.

**ARTICLE IX
REQUIRED CERTIFICATES**

Section 901 Certificates to be applied to face of plats

A. Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that I (we) hereby adopt this plan of subdivision with my (our) free consent, and dedicate all streets, alleys, walks, parks and other open spaces to public use unless otherwise noted. Further, I (we) certify that the land as shown hereon is within the subdivision regulations jurisdiction of Bertie County and all dedications are free and clear of any lien, lease, deed of trust or any other encumbrance.

Date

Owner or Authorized Agent

B. Certificate of Accuracy

State of North Carolina, Bertie County, I _____ certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey by me) (an actual survey made under my supervision) (deed description recorded in Book ____, Page ____), (other); that the ratio of precision as calculated by Latitudes and departures is 1:7,500; that the boundaries not surveyed are shown as broken lines plotted from information found in Book _____, Page _____.

Witness my hand and Seal this ____ day of _____, _____.

Registered Land Surveyor

Registration Number

C. Certificate of District Highway Engineer

I hereby certify that these streets as installed or as designed and guaranteed are in accordance with the minimum design criteria presently required by the North Carolina Department of Transportation, Division of Highways, for the acceptance of subdivision streets on to the state system for maintenance.

Date

District Engineer
N.C. Department of Transportation, Division of Highways

D. Certificate to Subdivision Classification

I, _____, RLS L-_____, certify to one of the following as indicated:

- a. That the survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land;
- b. That the survey is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. That the survey is of an existing parcel or parcels of land;

ARTICLE X DEFINITIONS

Section 1001 General Definition of Terms

For the purpose of this ordinance, certain terms and words used herein shall be used, interpreted and defined as follows:

Alley - A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Authorized Agent - One who is authorized, in writing, to act as representative for, or by the written authority of the subdivider.

Block - A legal piece of land bounded on one or more sides by streets or roads.

Board of Commissioners - The Board of Commissioners; County Board of Commissioners; the governing body of Bertie County, North Carolina.

Bona-fide agriculture - (G.S. 106-581.1)The terms "agriculture" and "agricultural", and "farming" shall refer to the all of the following: (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants; (2) the planting and production of trees and timber; (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, deer, elk, and other animals for individual and public use, consumption, and marketing; (4) Aquaculture as defined in G.S. 106-758; (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation; and (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agriculture.

Buffer Strip - An area of land that shall not be developed, required to separate land uses deemed incompatible front yard setbacks and side yards are examples of buffers. In some cases, additional screening, landscaped or otherwise may be required.

Building Setback Line - A line parallel to the front property line which establishes the minimum allowable distance between nearest portions of any buildings, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicularly thereto.

CAMA - The Coastal Area Management Act of 1974, as amended and supplemented.

Cluster Development – The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and

multi-family developments. For the purpose of this Ordinance, planned unit developments and mixed use developments are considered as cluster developments.

Corner Lot - A legal lot, which occupies the interior angle at the intersection of two (2) street lines. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal; in which case, the owner shall be required to specify which is the front when requesting a building permit.

Cul-de-sac - These are very short roads, open at one end only, with a special provision for turning around. They have a “bulb” end design with a specific turning radii and a limited number of lots.

Dedication - A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance. All dedications must be recorded in the Register of Deeds Office at the expense of the owner/developer.

Disclosure Statement - A statement prepared and signed by the owner/subdivider and the buyer of the subject real estate, fully and completely disclosing the status (whether public or private) of the street upon which the lot fronts. The statement shall also include an explanation of the consequences and responsibility as to maintenance and construction of proposed roadways.

Double Frontage Lot - A continuous (through) legal lot which is accessible from both streets upon which it fronts.

Dwelling, Multi-family - a building containing more than one dwelling unit

Dwelling, Single-family - a site-built structure containing one dwelling unit only

Dwelling, Single-family Attached - same as multi-family

Dwelling Unit - consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathroom(s) and complete kitchen facilities, permanently installed, shall always be included for each “dwelling unit”

Easement - A written grant by the property owner, in recordable form, for use by the public or others of a strip of land for specified purposes.

Height, Building - The vertical distance from the average sidewalk grade or street grade or finished grade at the building line, whichever is the highest, to the highest point of the building.

Interior Lot - A legal lot other than a corner lot with only one frontage on a street.

Lot - A legally created portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development, or both. The word “lot” includes the word “parcel” or “plot”.

Lot of Record - A legal lot which is a part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Bertie County prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Official Maps or Plan - (Land Development Plan or Comprehensive Plan) – Any maps or plans officially adopted by the County Board of Commissioners as a guide for the development of the county.

Open Space - Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Parent Parcel - Parcel of land as it existed on record in the Office of the Register of Deeds on or before September 1, 2205 before any divisions of land meeting the definition of a subdivision have taken place.

Planned Unit Development - A land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of building types and land uses, recreational areas and useable open spaces and the preservation of significant natural features. Included within this definition shall be planned unit residential developments and planned unit non-residential developments or combination thereof.

Planning Board - The Planning Board of Bertie County.

Plat - A map or plan delineating the boundaries of a tract or parcel of land to be subdivided, land to be dedicated for public use, or right-of-way for street or utility purposes. The word plat shall include the terms “map”, “plot”, and “plan”.

Plat, Final - A map of all or a portion of a land subdivision prepared in a form suitable for filing of record with required affidavits, dedications, signatures, seals, acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, infrastructures, public areas, and other dimensions of land, as prescribed by this ordinance.

Plat, Preliminary - A map of proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land, as prescribed by this ordinance.

Plat, Sketch - A concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.

Private Driveway - A roadway serving a single building site not intended for public use.

Recreation Area or Park - An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various man-made features that accommodate such activities.

Reservation - A reservation of land not involving the transfer of property rights. It simply constitutes a written obligation to keep property free from development for a stated period of time.

Reversed Frontage Lot - A lot on which the frontage is at right angles or approximately right angles [interior angles less than one hundred thirty-five (135) degrees] to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot or a through lot.

Shoulder - The graded part of the right-of-way that lies between the edge of the main pavement, concrete, cement (main traveled way) and the curb line.

Single-Tier Lot - A lot which backs upon a limited access highway, a railroad, a physical barrier, or another type of land use and to which access from the rear is usually prohibited.

Site Specific ~~Development-Vesting~~ Plan – **[G.S. 160D-1-8 (d.)(3.)(c.)]** A plan of land development which has been submitted to Bertie County by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

A variance shall not constitute a Site Specific Development Plan, and approval of a Site Specific ~~Development-Vesting~~ Plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.

Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a Site Specific Development Plan.

Approval of a major subdivision, pursuant to Section 503 of Article V above, or approval of a cluster or planned unit development, pursuant to Section 716 of Article VII above shall constitute approval of a Site Specific ~~Development-Vesting~~ Plan.

The Subdivision Administrator shall determine whether a particular development submittal constitutes a Site Specific ~~Development-Vesting~~ Plan for purposes of Article VIII.

Street, Private - A street that has not been accepted nor planned for acceptance by North Carolina Department of Transportation or other governmental entity.

Street, Public - A right-of-way dedicated and accepted by North Carolina Department of Transportation or other governmental agency for public vehicular traffic.

Collector Road - A road, which serves as the connecting street between local residential roads and the thoroughfare system.

Freeway, Expressway, or Parkway - Divided multi-lane roadway designed to connect widely separated areas to carry large volumes of traffic at relatively high speeds. A freeway providing for continuous flow of vehicles with no direct access to abutting property or streets and with access to selected crossroads provided via connecting ramps. An expressway is a divided highway with full or partial control of access and generally with grade separations at major intersections. A parkway is a highway for non-commercial traffic, with full or partial control of access, and usually located within a park or a ribbon of park-like development.

Frontage Road - A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.

Half Street - A street whose center line coincides with a subdivision plat boundary, with one-half (½) the street right-of-way width being contained within the subdivision plat. Also, any existing street to which the parcel of land to be subdivided abuts on only one side.

Local Residential Street - Cul-de-sacs, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic from more than 100 dwelling units.

Local Street - A local street is any link not part of a higher-order system, which serves primarily to provide direct access to abutting land and access to higher systems.

Major Collector - A road which serves major intra-county travel corridors and traffic generators and provides access to the arterial system.

Minor Arterial - A rural link in a network joining cities and larger Towns and providing intrastate and intercounty at relatively high overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

Minor Collector - A road which provides service to small local communities and links locally important traffic generators with their rural hinterland.

Minor Street - A street whose primary function is to provide access to abutting properties and is designed to discourage use by through traffic. Minor streets may also be referred to as “neighborhood” streets.

Principal Arterial - A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial

statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designed as principal arterials.

Thoroughfare - A street connecting widely separated areas and designed to carry a large volume of traffic which may be fast, heavy or both. Arterial streets are sometimes referred to as “thoroughfares”, “freeways”, etc. and are usually numbered State or Federal Highways.

Structure - Anything constructed or erected, the use of which requires more or less permanent location on the ground of which is attached to something having more or less permanent location on the ground.

Subdivider/Developer - Any person, firm, entity, partnership, or corporation who subdivides or develops any land deemed to be a subdivision as defined in this ordinance.

Subdivision, Major - Any subdivision of land of six (6) lots or more; any division of land that includes a change in existing street(s)/right(s) of way or proposes any new street(s)/right(s) of way; any division of land that proposes or requires the extension of public utilities. The sixth (6th) lot divided from the parent parcel constitutes a major subdivision.

Subdivision, Minor - Divisions of land that involve no change in existing street(s)/right(s) of way ,no extension of public utilities and consist of five (5) lots or less per parent parcel.

Subdivision Administrator - That person designated to administer the provisions of this ordinance; the Planning Director or the County Manager and/or his/her designee.

Through Lot or a “Double Frontage Lot” - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lot.

Vested Right – The right to undertake and complete the development and use of property under the terms and conditions of an ~~approved Site Specific Development Plan.~~ approval secured as specified in G.S. 160D-1-8 or under common law.

**ARTICLE XI
EFFECTIVE DATE**

Section 1101 Effective Date

This ordinance shall take effect and shall be in force on and after September 1, 2005, amended February 6, 2006, March 19, 2007, September 17, 2007, ~~and~~ May 19, 2008, ~~and~~ Xxxxxx 00, 2020. Duly adopted by the Board of Commissioners of the County of Bertie, North Carolina, this the 21st-00 day of April-XXXX 200820.

ATTEST:

Chairman, of the Board of Commissioners

Clerk to the Board of Commissioners

APPENDIX A

GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

SESSION LAW 2007-87
HOUSE BILL 836

AN ACT RELATING TO THE DEFINITION OF SUBDIVISIONS IN BERTIE COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-335 reads as rewritten:

"§ 153A-335. "Subdivision" defined.

(a) For purposes of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions are created for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street or a change in existing streets; however, the following is not included within this definition and is not subject to any regulations enacted pursuant to this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as shown in its subdivision regulations.
- (2) The division of land into parcels greater than 10 acres if no street right-of-way dedication is involved.
- (3) The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors.
- (4) The division of a tract in single ownership the entire area of which is no greater than two acres into not more than three lots, if no street right-of-way dedication is involved and if the resultant lots are equal to or exceed the standards of the county as shown by its subdivision regulations.
- (5) The division of land by any method of transfer from a grantor to a grantee (or grantees) who is a member of the grantor's immediate family, solely for the residential use of the grantee (or grantees) for as long as the use is appropriate under local ordinances. For the purposes of this subdivision, the term "immediate family" includes only direct lineal descendants (children and grandchildren) and direct lineal ascendants (parents and grandparents). Divisions of land in this category must have access to an established public or private right-of-way or an easement for ingress and egress.

(b) A county may provide for expedited review of specified classes of subdivisions."

SECTION 2. This act applies to Bertie County only.

SECTION 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 18th day of June, 2007.

s/ Beverly E. Perdue
President of the
Senate

s/ Joe Hackney
Speaker of the House of Representatives

APPENDIX B

§ 106-581.1. Agriculture defined.

For purposes of this Article, the terms "agriculture", "agricultural", and "farming" refer to all of the following:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on a farm, and similar activities incident to the operation of a farm.
- (7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain. (1991, c. 81, s. 1; 2005-390, s. 18; 2006-255, s. 6; 2013-347, s. 2; 2017-108, s. 8.1.)



A-3

CONSTRUCTION OBSERVATION & MONTHLY MEETING OCTOBER 21, 2020 REPORT NO. 061

Project:	Bertie County Library & Coop. Ext.	MHA #:	17154
NTP Date:	August 5 th , 2019	No. of Days:	466 (PER CO 002)
End Date:	November 13 th , 2020 (PER CO 002)	Liq. Damages:	\$500.00

Distribution List By MHAworks (All Attendees VIA Phone Marked with X):

	Scott Sauer, Bertie County	X	Will Gautier, A. R. Chesson
	Scott Pearce, Bertie County	X	Katherine Roberson, A. R. Chesson
	Anthony Rascoe, Bertie County	X	Steve Richards, A. R. Chesson
X	Juan Vaughan, Bertie County		Wilson Pou, Engineering Source
	Allen Castelloe, Town of Windsor	X	Alex Casey, Engineering Source
X	William Roberson, Bertie County	X	Scott Anderson, ARK Consulting
	Billy Barrow, Cooperative Extension		Adam Tysinger, ARK Consulting
	Hugh Davis, Albemarle Regional Library		Mark Roy, RPA Engineering
X	Nancy Hughes, Bertie County Library	X	Dani Hoff, MHAworks
X	Lee Bryant, Albemarle Regional Library	X	Matt Johnson, MHAworks
	Carl Bonner, Terracon	X	Amber Idol, MHAworks
	Luke Fenton, Terracon		

Progress of Work:	X	Behind (MHAworks is reviewing the recovery schedule submitted on 10/21. COVID delays have been submitted for review and are proposed to be included in upcoming CO. Until days are requested and approved or official changes orders are processed, the project completion date is November 13, 2020.)
		On Schedule
		Ahead

Attachments:	1	200520 AR Chesson Meeting Handout
	2	200520 AR Chesson Schedule

INFORMATION TRANSMISSION STATUS:

Note: All changes in contract scope require written sign-off by the architect and Owner prior to commencing any associated work.

Line #	Initiated By Owner/GC/ Designer	Date Initiated	Item Description	Action By Owner/GC / Designer	Date Due
1	D	4/3/20	Confirmation from County Building Inspector about roof installation. Email needed.	GC/O	5/4
2	GC	6/17/20	GC to formalize delays due to Covid-19 labor and material shortages into a change request for review by designer and owner. 10/7/2020 - COVID delay request related to light gauge metal trusses received and under review by design team. Design Team and Owner have reviewed and propose to include within upcoming change order. GC's responsibility to submit any additional days.		CLOSED
3	D	6/17/20	MHAworks has requested that AR Chesson set up a meeting with the roof manufacturer inspector to review installation together on site. 9/9/2020 - There are roof leaks noted within the roof area of concern. Manufacturer review with architect is required as soon as possible. 9/16 – Roof repairs are complete. See notes within this report. Meeting still required.	GC	8/17
4	D	5/20/20	GC Shall submit all remaining submittals.	GC	6/20

BERTIE COUNTY LIBRARY & COOPERATIVE EXTENSION –
10/21/2020 MONTHLY MEETING MINUTES:

- **Review of pending business from last monthly meeting minutes. Review any corrections:**
 - Last month's work in place was noted as 78% however the payment application noted 65.27%. This month's update will be noted below.

- **Updates from the entire team on COVID-19 (Novel Coronavirus):**
 - Design Team:
 - **(No changes noted since last month)** MHAworks employees have been working back in the office with meetings still being held virtually. Wearing a mask is required. No change from last month.
 - Last month's updates below – **(No changes noted since last month):**
 - a. Engineering Source – All employees back in the office.
 - b. ARK Consultants – Employees back in the office. Entry into office by appointment only.
 - c. RPA – Two employees in high-risk category are still working from home but everyone else is back in the office. Wearing a mask is required.
 - Bertie County:
 - Last month's updates below – **(No changes noted since last month):**
 - a. Offices closed with mostly everyone back in the office but some still teleworking.
 - b. Library – Had reopened with limited numbers. Less patrons, masks required.
 - c. Cooperative extension – Same as county.
 - AR Chesson:
 - Last month's updates below – **(No changes noted since last month):**
 - a. The Office is closed to the public but everyone back working in the office. No changes on site and social distancing being observed.

- **Work Performed in the Last 30 days and projections of work for the next 30 days:**
 - See attachment from AR Chesson.

- **Schedule** – Project expediter distributes updated schedule & discuss project schedule updates:
 - A recovery schedule was requested to be submitted for the last monthly meeting as well as our bi-weekly meeting with Bertie County on 9/30. Based on the schedule from 9/30, activities were still tracking behind.
 - See updated schedule provided by AR Chesson for today's meeting.
 - Discuss availability for next bi-weekly meeting with the County. MHAworks will send out a calendar invite for 11/04 at 10AM.

- AR Chesson has confirmed that the requested 7 days for the light gauge metal trusses concludes the COVID-19 related delays at this time. Any other delays shall be submitted to MHAworks for review.
- AR Chesson shall request any weather days for months not yet requested through September as soon as possible.

- Contractors discussion of scheduling opportunities and delays –
 - Storefront delays discussed last month. Frames are mostly installed.
 - Site work not noted as COVID delay.
 - Frames and windows were delayed. Additional material delays possible.

- Discussion of milestone dates including material/equipment delivery –
 - Transformer installation is complete. Power coming soon. AR Chesson has a meeting scheduled for 10/22 with building inspector.
 - Curb and gutter installation as well as fine grading and paving. All questions other than control joints have been answered at this time and PCO's are being evaluated.
 - Moving air is upcoming within the next 2 weeks and is contingent on power.

- Discussion of sensitive activities requiring shutdowns, special user accommodations, and Owner furnished equipment –
 - County Fiber Update –
 - The County reviewed fiber work in place during the bi-weekly meeting. Work is ongoing but most of the cabling has now been pulled.
 - MHAworks will assist in coordination of WAP's as needed.
 - The County confirmed they will be installed cameras after the project is complete.
 - Currently the fiber from the A/V room is ran above ceiling and over to the Data rack in the Library. Two (1") conduits were requested above ceiling over to the data rack but the GC has recommended a 3" conduit to adjoin the one stubbed up in the A/V room to run just above ceiling. This would prevent tampering in the A/V room. The fiber cabling would then be exposed above ceiling over to the data rack. – The County was fine to move forward with the 3" conduit in lieu of the conduits above ceiling. AR Chesson shall request sub to include this in their price.

 - Furniture & Equipment Updates –
 - MHAworks met with Bryan this week to finalize the end cap discussion. Samples should be here within the week. Once we have those, we will reach out about scheduling a final meeting

with the Library to review the entire package and finalize the end caps. We are hoping to schedule this meeting for next week.

- The County, the Library, MHAworks, and Bryan with Carolina Furnishings & Design met to finalize the Library’s furniture package. MHAworks will send out their final proposal this week.
 - The Community Room furniture was also discussed during that meeting and the mid-range furniture package will be finalized for a funding review by the Library.
 - Discuss scheduling a meeting with the Cooperative Extension to finalize their package. MHAworks will send out a calendar invite for 11/04 at 9AM.
 - Projector screens were discussed while on site today and notes are included within field observation section below.

- Percentage complete of work in place vs. contract duration reported by the Contractor – 71 % WORK IN PLACE VS **95%** OF CONTRACT DURATION. This is based on the end date of 11/13/2020 from Change Order #2. Payment Application #13 and Change Order #4 were delivered to the County on 10/05. Payment Application #14 is under review.

- The next monthly meeting will be held on **Wednesday, November 18th, 2020 at 2:00 PM.**

- **Review of shop drawing logs by engineer and architect since last report and outstanding items. Discuss any potential delays:**
 - **006r3 – Casework & Countertop Shops & Product Data – Received 8/26. Returned RR on 9/7.**
 - **047r1 – Snow Guards – Received 03/25. Returned MCN on 04/03. Sample received but color chips still required to match roof color.**
 - **054 – Resilient Base & Accessories – Transition strip submitted under separate cover. Designer assumes that GC/Sub confirms comments noted on submittal.**
 - **059 – Thermal Insulation – Resubmittal Required.**
 - **064r1 – Painting – Received 04/29. Returned MCN on 05/03. MHAworks turned over paint plan on 8/14. Ductwork paint color submitted within RFI 105. Concrete sealant information?**
 - **066r3 – Glazing & Joint Sealants – Received 8/26. Returned MCN on 9/7.**
 - **066r4 – Glazing & Joint Sealants – Received 10/2. Returned MCN on 10/7 with confirmation from the sub on 10/7.**
 - **069 – Access Panels – Received 10/12. Returned NET on 10/13.**
 - **070 – Fire Rated Shops – Received 10/7. Returned MCN on 10/13.**

- **List of Remaining Specification Sections for Submittal:**
 - **10-23-00 – Equipment Screens**
 - **10-26-00 – Wall & Door Protection**

- **32-90-00 – Planting**
- **32-92-20 – Fertilizing, Seeding, and Mulch**

- **Review of outstanding change orders: (Discuss with Bertie County following meeting)**
 - PCO 011 – Revision to air permeable air barrier product – Being revised by GC.
 - **PCO 020 – Mezzanine Stair Option #2 – Approved within CO #004**
 - PCO 021 – Bookcase under the Stairs –**The GC shall provide the critical date that the County will need to decide by before the price of the work is increased due to sub mobilization. They shall also provide the cost for after that critical date.**
 - PCO 022 – Additional Cabinet in Kitchen – **Approved within CO #004**
 - **PCO 024 – Circuitry/Receptacles in Kitchen – Under Review.**
 - **PCO 025 – Light Gauge Metal Truss COVID Delay / 7 Day add – Under Review.**
 - **PCO 026 – Revised Curb & Sidewalk Grades – Under review**
 - **PCO 027 – Regrading – Under Review.**
 - **PCO 028 – Revised Curb Grades & Parking Lot Slopes – Under Review**

- **Review of outstanding requests for information items:**
 - **RFI 098 – Receptacle Configuration – Received 9/25. Discussed with the County and they provided information on requirements. The GC and Sub are working together and will provide product data/photos of proposed receptacle for confirmation by Owner prior to final response to RFI.**
 - **RFI 099 – Access Panels – Received 09/25. Responded on 10/5.**
 - **RFI 100 – Kitchen Hood – Received 09/30. Responded on 10/05.**
 - **RFI 101 – Seat Wall Detail – Received 10/06. Responded on 10/09.**
 - **RFI 102 – Sidewalk & Curb Details – Received 10/09. Responded on 10/09.**
 - **RFI 103 – Civil Plan Items – Received 10/13. Responded on 10/14.**
 - **RFI 104 – Exterior Concrete Control – Received 10/15. Under Review.**
 - **RFI 105 – Paint/Exposed Ductwork – Received 10/15. Responded 10/20.**
 - **RFI 106 – Transaction Window – Received 10/14. Under Review.**

- **Identification of coordination opportunities. Establish meeting if necessary:**
 - Consultant Items:
 - ARK:
 - Has been on site to review work in place and ongoing site work. Provided report and drone footage last week.
 - Basin crack has been repaired.
 - Assisting with questions about grading.
 - ASI 001 revised the trees on site based on discussions with the Owner. GC to confirm trees have been removed per plan.
 - RPA:
 - Made a site visit with no issues noted. A field report was issued as well as a final approved special inspections report. Scope is now complete.

- Engineering Source:
 - Has been assisting with RFI's since our last meeting.
 - Was on site and provided feedback for hood fire suppression system.
- Pre-installation meeting scheduling:
 - The following approximate dates have been submitted by AR Chesson for these meetings. MHAworks will coordinate with AR Chesson to attempt to schedule them before or after the monthly meeting in the month provided below:
 - **Metal Soffit Panels – Pre-installation meeting held on 9/30.**
 - **Aluminum Storefront – Pre-installation meeting held on 9/30.**
 - **Casework – Within next couple of weeks.**
 - **Doors – Within next couple of weeks.**
 - **Finishes (Paint, Carpet, etc.) – Within next couple of weeks.**
- The county stated that Golden Leaf grant funding ends in June so an extension will need to be requested. MHAworks can assist with any documentation required by the County needed for that extension.
 - We will leave this item on our agenda until further notice. Keep us updated on anything you need assistance with for an extension.
 - The county did reach out about their upcoming request for an extension. Let us know if you need anything else.
- The County is reviewing confirming the building address.
- The County also mentioned the storage shed still needs to be removed from the site.
- Existing roadway conditions.
 - MHAworks has been recording roadway conditions weekly. The Town and County are working together along with AR Chesson and their sub to get this work completed while the parking lot is being paved.
 - No complaints from the County.
- Site conditions/update from AR Chesson. –
 - No incidents noted.
 - Roadway has been cleaned since last visit.
- **Review architect/engineer inspection reports and quality in the project noting any non-conforming work:**
 - AR Chesson to schedule meeting with roofing manufacturer with MHAworks. Issues noted in previous reports shall be discussed while on site. MHAworks noted in our last CA report that there were multiple rook leaks while we were on site

9/9. The installer was on site to determine and correct leaks. The meeting with the manufacturer needs to happen before the next monthly meeting.

- AR Chesson noted that they would reach out to schedule this.

- **Review condition of erosion/sedimentation measures.**
 - See erosion control items noted within the field observations section. Also, see ARK's field report from last week.

- **Review condition of tree protection:** Any issues will be included in field observations section.

- **Review exterior and interior site cleanness:** Any issues will be included in field observations section.

- **Job Safety:**
 - All visitors to check in with AR Chesson Superintendent prior to walking site.
 - Report any safety instances and/or concerns to AR Chesson and to MHAworks to document as well.
 - AR Chesson has extra PPE in their job site trailer.

- **Special Inspections (as applicable) – Deficiency Notice:**
 - RPA's final inspection report included within last week's CA Report.

Wednesday, September 21st, 2020

MHA Observers:	Dani	Date:	10/21/2020
Bertie Site Observers:	Billy Barrow	Time:	1:30 PM – 4:00 PM
Weather:	Fair	Meeting Duration:	1 Hour Site Visit / 1.5 Hour Monthly Meeting
Humidity:	61%	Temperature:	81 Degrees

Trades on Site:	Company Name (Quantity)		
General:	A. R. Chesson (2)	Electrical:	Taylor Electric Co. (-)
ACT & Grid:	Southeastern Interiors (-)	Doors & Hardware:	East Coast Access (-)
Signage:	AOA Signs (-)	Flooring:	Full Service Flooring (-)
Tile:	J. Morgan Design (-)	Plumbing:	J.R. Plumbing Inc. (-)
Paint/Drywall:	Villeda's Drywall (4)	Cabinets/Counters:	Swain Builders (-)
Landscaping:	Peaden & Son (-)	Soil Poisoning:	Arrow Exterminators (-)
HVAC:	Performance HVAC (2)	Site Work:	Boyd Copeland Contract. (1)
Structural Steel:	Struct. Steel of Car. (-)	Wood Decking:	Timber Systems (-)
Joint Sealant:	ABG Caulking & WTPF. (-)	Insulation:	Brabble Insulation (-)
Insulation:	Tailored Foam (-)	Roofing:	Bardi Davis (4)
Glazing:	MSJ Glass & Glazing (4)	Signs:	AOA Signs (-)
Toilet Partitions:	Partition Plus (-)	Canopy:	Resolute Fabricators (-)
Doors & Other:	Construction Specialties (-)	Blinds:	Commonwealth B & S (-)
Concrete:	Gennarelli Concrete (-)	Masonry:	Jack Harris Masonry (-)

FIELD OBSERVATIONS (QUALITY OF WORK IN PROGRESS):

1. Site was mostly dry and in good condition. Photos A - D.
2. Masonry mostly complete. Minor fixes mentioned in previous reports still needed before 100% complete.
3. Storefront installation continues slowly.
 - a. Glass on site and installation in installed frames underway. Photos E – L, T, U, W, X, AL, AM, AG.
 - b. Locations where it is known the glass will be late, GC has installed temporary plywood to secure building. Photos U, X, AL.

- c. Sill pans with end dams observed while on site.
 - d. Break metal trim installation concurrent with storefront installation. Photos H – L.
 - e. Goal for critical path is to get sign-off from building inspector to turn power on in the building. Building inspector is requiring the building to be more secure than tarps and plastic prior to sign-off.
4. Additional framing for recessed light under overhang at front entry underway. Power for recessed fixture roughed in. Photos M – N.
 5. Continuous linear light in corridor in place. Photos Q – R, AA.
 6. PVC trim at curved bulkhead in place for cove for LED strip light in place. Photos R, AJ.
 7. Hoods passed inspection by AHJ. Photo Y.
 8. Spiral duct on site. Ends to be covered and protected from duct at all times. Photos S and AK.
 9. Bulkheads over kitchen casework in place.
 10. No additional work completed on tile work. Photos AD – AE.
 11. No additional work completed on metal roofing.
12. Items discussed while on-site:
- a. Electrician asked question about light over conference room table. Light is 12' long. Should it be centered in ceiling or centered over table? Designer indicated to keep light centered within ceiling due to the width of the room and bulkheads constraining how much is available on either side. Light to be mounted at 7' -6" above finish floor to the bottom of the light fixture. Photo AH.
 - b. Designer to track down status of the shed at rear of property to determined and to be demolished at start of project.
 - c. Wall covering for reading circle discussed with GC. Submittal has not been received by designer for review. Designer gave designer sample to GC for reference. Designer is still expecting submittal of wall covering for review and final approval. Photos AB – AC.

PROJECT PHOTOGRAPHS:









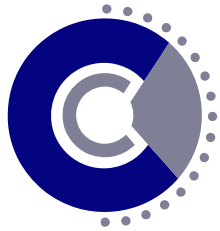






Please report any discrepancies to this office within (7) days of receipt otherwise it shall become a matter of record. If no discrepancies are reported, please distribute this document to all appropriate parties.

- END OF REPORT -



A.R. CHESSON CONSTRUCTION CO., INC.

www.archesson.com
Toll Free: 800-849-4486

Williamston Office:
PO Box 1147
315 W. Main St.
Williamston, NC 27892
252-792-4486 Fax 252-792-9090

BERTIE COUNTY LIBRARY PROGRESS MEETING October 21, 2020

Past 30 days

- Started back on site work
- Electrical transformer and power is to the building
- Finished brick work
- Started installing store front and glass
- Sheetrock work and priming is 95% complete
- All PM&E overhead completed in Corp. Extension area

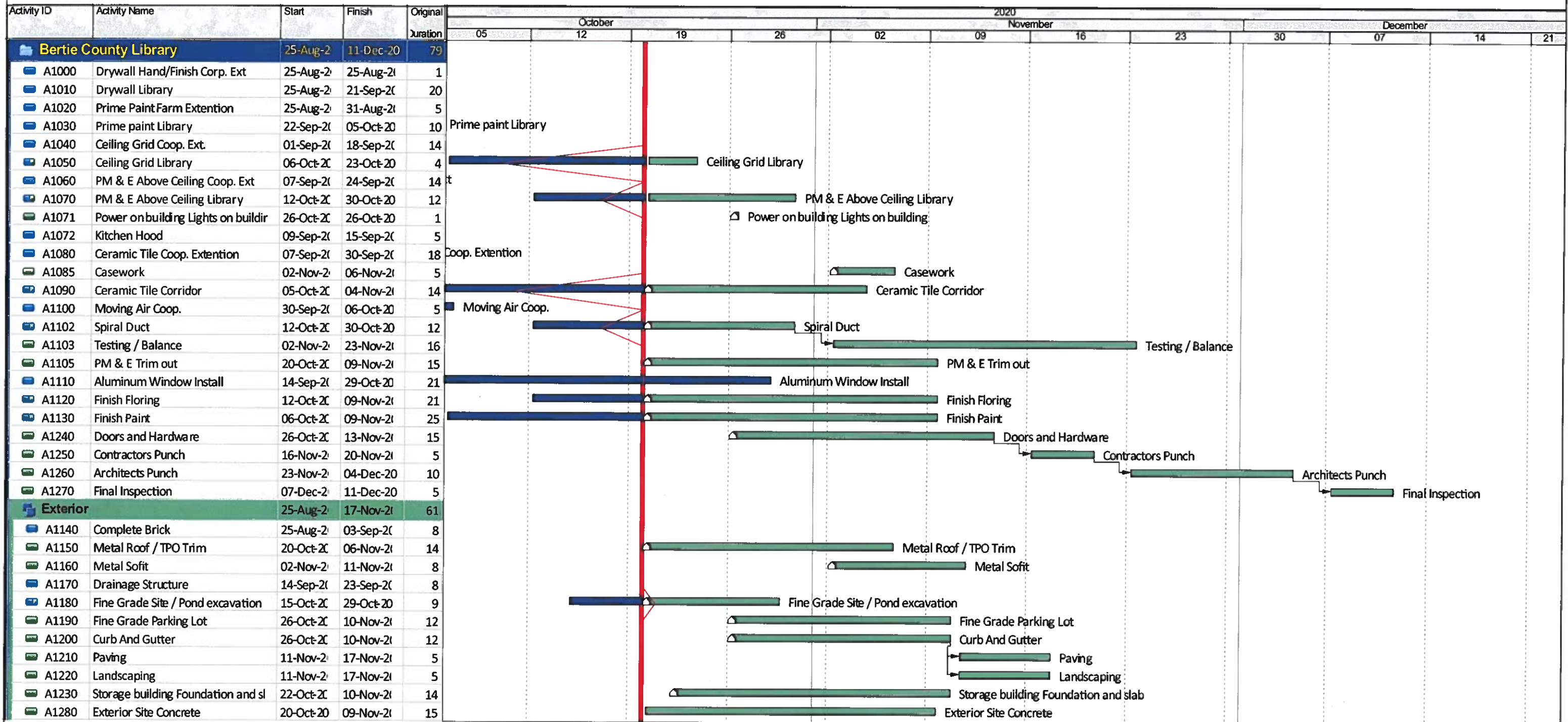
Next 30 Days

- Get power turned on the building
- Get moving air in building
- Install casework
- Finish ceiling grid library area and corridor
- Start ceiling tile in cooperative extension area
- Start final painting and cooperate of extension area
- Start Electrical and mechanical trim out

Comments

A.R. Chesson Construction Co., Inc.

Date: 20-Oct-20



█ Actual Work █ Remaining Work █ Critical Remaining Work
△ Start Constraint △ Finish Constraint ◆ Milestone

Bertie County Library



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: November 2, 2020

SECTION: Consent (C-1 to C-8)

DEPARTMENT: Governing Body

TOPICS:

1. Approve Minutes for Regular Meeting 9-8-20
2. Approve Minutes for Closed Session 9-8-20
3. Approve Minutes for Joint Meeting 9-29-20
4. Approve Minutes for Regular Meeting 10-6-20
5. Budget Amendments
6. Register of Deeds Report – September 2020
7. Approve and authorize the sale by public auction of additional personal property for online auction scheduled for November 14, 2020
8. North Carolina Community College System College Budget for FY 2020-21 for Roanoke-Chowan Community College

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Recommend approval.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): Recommend approval.

ATTACHMENTS: Yes, see each particular agenda item.

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



C-1

Windsor, North Carolina
September 8, 2020
REGULAR MEETING

The Bertie County Board of Commissioners met for a regularly scheduled meeting today inside the Commissioners Room, 106 Dundee Street, Windsor, NC.

Because of the COVID-19 pandemic, this meeting was hosted partially in person, and partially via Zoom (conference call). The following members were present or absent:

Present: Ronald “Ron” Wesson, District I
 Greg Atkins, District II
 Tammy A. Lee, District III
 John Trent, District IV
 Ernestine (Byrd) Bazemore, District V (**Zoom**)

Absent: None

Staff Present: County Manager Juan Vaughan, II.
 County Attorney Lloyd Smith
 Finance Director William Roberson
 Economic Development Director Steve Biggs

Staff Present (Zoom): Clerk to the Board Sarah Tinkham
 Council on Aging Director Venita Thompson

Cal Bryant of the Roanoke-Chowan News Herald was present from the media via Zoom.

CALL TO ORDER

Chair Wesson called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

Commissioner Bazemore gave the Invocation and led the Pledge of Allegiance.

PUBLIC COMMENTS

Chair Wesson asked the Clerk if any public comments had been received for tonight's meeting, as well as to announce the methods the Board is currently using to receive public comments because of COVID-19.

The Clerk to the Board, Sarah Tinkham, summarized a public comment received by Leann Lowers who is currently residing on Thompson Street in Windsor. Her concern pertained to a hurricane buyout program.

After a brief discussion, the Clerk was instructed to forward the comment to the Town of Windsor as the property in question is included Windsor's ETJ.

Chair Wesson also noted that an additional public comments session would be held at the end of tonight's meeting.

REPORTS AND APPOINTMENTS

Introduction: Caroline Stephenson of Cultivator Bookmobile – children's book initiative, and recent Bertie event

Caroline Stephenson of the Cultivator Bookmobile presented via Zoom where she introduced the Board to her non-profit. The Bookmobile provides free access to children's books to those in Bertie, Northampton, and Hertford County. Periodically, Ms. Stephenson's organization hosts community events including a recent absentee ballot and CENSUS response event in Roxobel.

The Board thanked Ms. Stephenson for her report.

**Tropical Storm Isaias/Morning Road Tornado Recovery Updates by Emergency Services
Director, Mitch Cooper**

Mr. Cooper reported that 41 families are still currently displaced due to Hurricane Isaias and the Morning Road tornado.

Seven (7) additional campers are being set up this week, and state assistance has been secured to help with those expenses.

Nineteen families were not eligible for a camper, and are seeking other arrangements for long term housing.

The County has sent a declaration request to FEMA for emergency response and clean up in the amount of \$161,000.

It was noted that the task of case management must be passed off to the Department of Social Services, or another specialized entity. Over the last month, Bertie County Emergency Services has been not only responding to normal emergency calls, but to needs of storm victims.

There was also a brief discussion about the available mental health resources for these displaced families. Mr. Cooper reported that counseling services are strongly needed, and that some of the most seriously affected need both in person and phone counseling options.

The County is also seeking home rehabilitation options, and The Samaritan's Purse has committed to housing rehabilitation options in Bertie County.

Vice Chair Lee noted that all of the faith-based organizations working to respond to the aftermath of the storm are in "desperate need of volunteers."

Economic Development Director, Steve Biggs, came forward to provide a brief update about Southern Disaster Recovery's efforts to remove construction and demolition debris. This type of debris service was completed earlier today.

Also, the NCDOT is expected to begin vegetative debris clean up tomorrow, Wednesday, September 9, 2020. Citizens are encouraged to move all vegetative debris to the state's right of way for the best results.

There was a brief discussion about other debris removal concerns.

Mr. Biggs urged all citizens traveling through the area to please reduce their speed while workers are in the area completing cleanup efforts.

Chair Wesson also took this opportunity to discuss an update about the Bertie County Morning Road Tornado Relief Fund. As of this afternoon, the fund contains \$95,000.

There was a discussion about how the remainder of the funds should be used after the first two (2) distributions of funding had been completed in the last couple of weeks.

Currently, \$12,000 is being set aside for the lot rental fees per camper. Chair Wesson solicited other suggestions from the Board for best use of these donations as they are received by the County.

Chair Wesson reiterated that this fund was designed to assist those most affected by this disaster for food, temporary housing, and personal assistance needs.

Fire Study Review, Envirosafe

Gregory Grayson of NC Fire Chief Consulting discussed the recent fire study completed for Bertie County and all of its municipal fire departments.

He presented various strategies and suggestions on how to strengthen the fire system, as well as ensure its longevity.

After an extensive review, the Board commended the County's fire departments for their participation, as well Mr. Grayson for his commitment to this project.

The Board agreed that more time to review and process was needed before any further action could be taken.

BOARD APPOINTMENTS

CPTA Board

Commissioner Trent made a **MOTION** to reappoint Lewis C. Hoggard, III to the CPTA Board. Commissioner Atkins **SECONDED** the motion. The **MOTION PASSED** unanimously.

VCOM Board

Commissioner Trent made a **MOTION** to appoint Jon Powell to the Vidant Bertie/Chowan Director's Council. Vice Chair Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Rivers East WDB

Commissioner Trent made a **MOTION** to reappoint Ronald Roberson to the Rivers East Workforce Development Board. Vice Chair Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Chair Wesson encouraged all citizens to consider each of the available Board vacancies as all are welcome to apply for appointment to any of the Boards.

CONSENT AGENDA

Approve Minutes for Regular Meeting 7-13-20

Approve Minutes for Closed Session 7-13-20

Approve Minutes for Emergency Meeting 7-23-20

Approve Minutes for Work Session 8-10-20

Approve Minutes for Closed Session 8-10-20

Commissioner Trent made a **MOTION** to approve Consent Items #1-5. Vice Chair Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

Register of Deeds Fees Report – July and August 2020

Vice Chair Lee made a **MOTION** to approve both the July and August 2020 Register of Deeds report. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

Budget Amendments

Vice Chair Lee made a **MOTION** to approve the Budget Amendment presented in tonight's agenda packet. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

BUDGET AMENDMENT

# 20-12			
INCREASE		INCREASE	
10-0050-4852-13	\$ 3,875	10-6360-5399-00	\$ 3,875
FEMA REIMBURSEMENT FOR CORONAVIRUS RESPONSE			
APPROVED ___ / ___ /2020			



STATE OF NORTH CAROLINA
 DEPARTMENT OF PUBLIC SAFETY
 F.I.N. NO. 0712287
 4220 MSC
 RALEIGH, NORTH CAROLINA 27699-4220

88-1059
 531 NO 883716
 Payable at Par Through Federal Reserve System
 State Treasurer, Raleigh, NC
 Void After One Year

PAY ENTITY
 19PR

Date
 08/20/20

AMOUNT
 \$ 3,875.00

PAY Three thousand eight hundred and seventy five and 00/100 dollars
 TO THE ORDER OF

COUNTY OF BERTIE
 P O BOX 530
 WINDSOR NC 27983

Ma Williams-Fraun

AUTHORIZED SIGNATURE

⑈000883716⑈ ⑆053110594⑆ ⑆0000073⑈

19PR

STATE OF NORTH CAROLINA
 DEPARTMENT OF PUBLIC SAFETY
 4220 MSC RALEIGH, NORTH CAROLINA 27699-4220

NO. 883716

DATE	INVOICE/CREDIT MEMO	TYPE	DESCRIPTION	INVOICE AMOUNT	DEDUCTIONS OR DISCOUNT	NET AMOUNT
08/06/20	10148		082020-0489	\$3,875.00		\$3,875.00
B1106	COVID-19 --- PW: 39					
			TOTALS	\$3,875.00	\$0.00	\$3,875.00

William Roberson

From: emgrants.nc.gov <no-reply@emgrants.com>
Sent: Friday, July 24, 2020 8:56 AM
To: William Roberson
Cc: Mitch Cooper; Victoria Hoggard
Subject: [External] Project Version Applicant Notification

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to emgrants@nc.gov

Dear William Roberson,

Project #39 – 0 for 4487 COVID-19 has recently been awarded to Bertie, County Of by FEMA.

Please review the obligation details below:

Applicant Name: Bertie, County Of
Applicant FIPS: 015-99015-00
Project Number: #39
Project Title: Cleaning of EMS Building after Employee showed
Project Category: B - Emergency Protective Measures
Total Eligible Amount: \$3,875.00

Attached to the Version is a copy of your supplemental project application package that has been approved by the Federal Emergency Management Agency / Department of Homeland Security under Catalogue of Federal Domestic Assistance (CFDA) number 97.036 for 'Disaster Grants – Public Assistance (Presidentially Declared Disasters)'. Please note the Project Version Summary lists the approved amount for the Project and any administrative or management costs. To view this information, login to emgrants.nc.gov and navigate to the Project Version by clicking on this link: <http://emgrants.nc.gov/app/#51177>

- Please provide information concerning insurance settlements as soon as possible when applicable to any of your PW's so that we may expedite funding. Only uninsured losses for eligible work may receive funding.
- It is required by FEMA that you avoid any duplication of benefits for all project work that has been, or will be, completed. Please track funding you receive – insurance, other grants, loans or gifts – that appear to co-mingle with the funding you have or will receive from FEMA for this project and communicate those updates to your NCEM PA Grants Manager.
- Projects – both large and small – may be reviewed by FEMA for Special Considerations. This includes insurance (NFIP requirements and actual or anticipated insurance funds), Environmental and Historic Preservation (EHP) and Hazard Mitigation funding for Public Assistance projects (406 Mitigation).

Small projects are paid on estimate after FEMA has obligated the funding. Large projects will be reimbursed on actual documented expenditures. Prior to completion of any large project, the payments will be reimbursed to you up to 75% of the obligated Project Cost*. The final 25% of the total obligated project cost will be paid following a final inspection when the project is complete. You must request a final inspection from NCEM PA. (*Under certain circumstances where costs to the state and local entities exceed a certain threshold, FEMA will pay higher than the standard 75% portion that is typical. This is rare.)

Reimbursement requests (RFRs) are required for all large projects in order for payments to be authorized and submitted to the state's fiscal team. Clear and concise backup documentation that justify all costs must accompany these requests. Reimbursement Requests can be submitted via emgrants.nc.gov by clicking on the "Submit

Reimbursement Request" button located on the profile screen for Bertie, County Of. For certain disasters, both direct and indirect administrative costs can be reimbursed based on supporting documentation provided by Bertie, County Of.

For certain disasters, both direct and indirect administrative costs can be reimbursed based on supporting documentation provided by Craven County BOE. Pursuant to Title 44 of the Code of Federal Regulations (CFR), Section 13.40, the North Carolina Division of Emergency Management (NCEM) is required to submit progress reports to the Federal Emergency Management Agency for every disaster assistance grant. Accordingly, each disaster assistance applicant (subrecipient) must submit monthly progress reports for all open large project grants to NCEM's Public Assistance staff. The first Progress Report for all large project grants will be due on the 10th day of the month following the date of FEMA obligation, and subsequent Progress Reports will be due on the 10th day of each month thereafter until project completion. Please refer to the FEMA Public Assistance Guide.

As the applicant, you have the right to appeal through the Recipient which is the N.C. Emergency Management Public Assistance program within 60 days from the receipt of a notice of an action or decision. Information on appeals is referenced in the FEMA Public Assistance Program and Policy Guide and in 2 CFR §206.606. Appeals must be submitted to NCEM's Public Assistance team using emgrants.nc.gov.

You are required to complete work within each project as defined in FEMA's approved scope of work as noted in your records for the disaster or within FEMA Grants Portal for all disasters that occurred starting in September 2018. Please comply with all necessary project management procedures to ensure that funds are expended in an appropriate manner. Time extension requests for eligible projects may be requested and submitted to NCEM's Public Assistance team using emgrants.nc.gov.

You are able to track the progress of your time extension requests, appeal or arbitration requests, scope of work changes and payment statuses using EMGrants (link for access below). If you have an agreed upon a fixed-cost offer for your project from FEMA, scope of work and cost changes are not allowed.

All accounting records should be maintained for three (3) years following closeout of your disaster file. In addition, all projects are subject to audit by the FEMA Office of Inspector General or by state auditors.

For additional Public Assistance Resources and Policy Guides, please [click here](#).

If you have any questions, please contact the North Carolina Division of Emergency Management, Public Assistance office at (919) 825-2331.

Sincerely,

Dorothy Henderson-Bell
Public Assistance Manager

Note: If you do not yet have access to emgrants.nc.gov please proceed to submit an Access Request by clicking on this link: <https://emgrants.nc.gov/site/register.cfm>



P 1
glacting

08/24/2020 10:27
1043wroberso

HERNIE COUNTY
G/L ACCOUNT DETAIL

Org: 106360 Object: 539900
CONTRACTED SERVICES

10 -6360-539900

YEAR PER JOURNAL EFF DATE	SRC T PO/REF2	REFERENCE	AMOUNT	P CHECK NO	WARRANT	VDR NAME/ITEM DESC	COMMENTS
2020 12 660	06/30/2020 API 1 6540	W 063020C	3,875.00	Y	194224063020C	CAREMASTER	EMS BUILD
2020 12 393	06/22/2020 APM 1 6006	CORRECTION	1,225.52	Y	19353805220	CAREMASTER	DISINFECT

Total Amount: 5,100.52

** END OF REPORT - Generated by William Roberson **

Approve 2021 Commissioners meeting schedule + 2021 local/state holiday schedule as previously discussed on August 10th and July 13th

Vice Chair Lee inquired about the lack of community locations on the 2021 Commissioners meeting schedule. Per a brief discussion, community meeting locations could be determined at a later date depending on the COVID-19 pandemic.

There was consensus for the County to move forward with advertising the Commissioners meeting schedule, as well as the 2021 local/state holiday schedule provided in tonight's agenda packet.

The schedules are below:

2020 MEETING SCHEDULE - BERTIE COUNTY BOARD OF COMMISSIONERS			
Meeting Date	Time	Meeting Area	Meeting Location
1/4/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
*Wed., 1/20/2021	10:00 AM	Work Session TBD	Work Session TBD
2/1/2021	6:00 PM	Community TBD	Community TBD
*Tues., 2/17/2021	10:00 AM	Work Session TBD	Work Session TBD
3/15/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
4/26/2021	6:00 PM	Community TBD	Community TBD
5/3/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
*Tues., 6/1/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
6/14/2021	6:00 PM	Commissioners Room	BUDGET PUBLIC HEARING - 106 Dundee Street, Windsor, NC
7/12/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
8/2/2021	10:00 AM	Spivey Meeting Room	Roanoke Cashie River Center, 112 W. Water Street, Windsor, NC
8/16/2021	6:00 PM	Community TBD	Community TBD
*Tues., 9/7/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
10/4/2021	10:00 AM	Work Session TBD	Work Session TBD
10/18/2021	6:00 PM	Community TBD	Community TBD
11/1/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
12/6/2021	6:00 PM	Commissioners Room	106 Dundee Street, Windsor, NC
*** If there are any questions regarding this calendar, please call the Clerk to the Board at (252)794-6110.***			
This schedule is subject to change. Please visit the County website (www.co.bertie.nc.us) to receive information about cancellations or meeting location changes.			
All meetings are scheduled on Monday unless denoted with an asterick(*) .			



Bertie County

Board of Commissioners

2021 Holiday Schedule		
Holiday	Observance	Day of Week
New Year's Day	January 1, 2021	Friday
Martin Luther King, Jr.'s Birthday	January 18, 2021	Monday
Good Friday	April 2, 2021	Friday
Memorial Day	May 31, 2021	Monday
Freedom Day (Juneteenth)	June 18, 2021	Friday
Independence Day	July 5, 2021	Monday
Labor Day	September 6, 2021	Monday
Veterans Day	November 11, 2021	Thursday
Thanksgiving	November 25 & 26, 2021	Thursday & Friday
Christmas	December 23-24 & 27, 2021	Thursday, Friday & Monday

2019-2020 settlement statements, and the 2020-2021 Charge of the Tax Levy

After a brief discussion, Commissioner Trent made a **MOTION** to approve the 2019-2020 settlement statements, and charge the Tax Assessor to levy the 2020-2021 tax rate. Commissioner Atkins **SECONDED** the motion. The **MOTION PASSED** unanimously.

Tax Release Journal

Vice Chair Lee made a **MOTION** to approve the Tax Release Journal included in tonight's agenda packet. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

DISCUSSION AGENDA

Invoice for Disaster Recovery Coordinator, Mid-East Commission

Chair Wesson expressed his thoughts about this invoice which included a strong recommendation to the Board to settle this matter by providing payment for this outstanding invoice.

He noted that to his knowledge, the other counties that participated in this program received presentation from Mid-East about the initiative. Each respective county has also paid their balance for these services.

Chair Wesson briefly summarized the timeline of events including conversations that were conducted with the previous County Manager, Scott Sauer. Chair Wesson noted that correspondence has been received from the Mid-East Commission about services rendered, and that the County has also discussed their concerns with the initial agreement to the project.

Emergency Services Director, Mitch Cooper, noted that he did not receive the amount of attention to his Emergency Operations Plan that he anticipated.

He was grateful for the partnership with the university, but he would prefer the university actually complete an update to the plan, and post it online on behalf of the County. This would only be applicable, however, if they were qualified to do this. This was his original expectation.

Finance Officer, William Roberson, inquired why the Mid-East Commission did not come forward to present this initiative at a Board meeting. As an alternative suggestion, he noted the Board could always contact the Mid-East Commissioner, and express our needs on again. If they are able to meet those needs, and present us with an update Emergency Operations Plan, the Board at that time could further consider paying the \$10,000 service fee.

Commissioner Lee noted her concern with the lack of presentation and follow up by the Mid-East Commission.

Chair Wesson replied that the former County Manager would have received follow up, and reportedly no reply was received.

Mr. Cooper noted that he had met with the instructor, and was not made aware of any charge for her services. That the services were being covered by a grant.

Commissioner Lee made a **MOTION** that the County decline paying the \$10,000 invoice submitted by the Mid-East Commission. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** 3-2, with Commissioners Wesson and Bazemore giving the dissenting votes.

Chair Wesson emphasized that if any resiliency funding was received from the grant, Bertie County would not be apart of that disbursement.

2020 Fall/Winter Surplus Property Auction – overall logistics, Legal support, and resolutions for real and personal property

Commissioner Trent made a **MOTION** for the Board to declare the following items of real and personal property as surplus to be sold at public auction on Saturday, November 14, 2020 by electronic means per the recommendation of the County Manager. Commissioner Atkins **SECONDED** the motion. The **MOTION PASSED** unanimously.

Commissioner Trent made a **MOTION** that the Board allow the County Attorney and County Administration to move forward with the completion of the two (2) needed resolutions, as well as the required advertising to remain in compliance with NC General Statutes. Vice Chair Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.

The real and personal property declared surplus are as follows:

EMERGENCY MANAGEMENT		
Ambulance	Vin#	Notes
2002 F-450	1FDXF46F72EA28900	Main belt broken on motor, electrical and structural issues in the medical box / 7.3
2006 E-350	1FDS534P86DA32476	EGR COOLER CRACKED, TOP END WORK NEEDED FOR THE MOTOR / 6.0
2005 E-350	1FDWE35P34HA84093	EGR COOLER CRACKED, TOP END WORK NEEDED FOR THE MOTOR / 6.0
1999 F-450	1FDXF46F3XED09017	Electrical and structural issues in the medical box / 7.3
2006 E-350	1FDS534P15HA06812	EGR COOLER CRACKED, TOP END WORK NEEDED FOR THE MOTOR / 6.0
2002 F-450	1FDXF46F42EA28899	Electrical and structural issues in the medical box / 7.3

SHERIFFS' OFFICE		
Vehicle	Vin/Serial#	Notes
1995 Ford	1FMDU34X3SUB50478	No key.
<i>Per Detective Pittman, 2-2.5 months is needed to petition the court for the following vehicles to be sold at auction.</i>		
<i>Date of auction must be scheduled before the court can be petitioned.</i>		
Renegade 50 Black Scooter	1H1THBBN00B004309	No key.
2000 Yamaha YZFR1 Motorcycle	NCMS72397	No key.
1995 Pontiac Trans Sport	1GMDU06L4ST203249	No key.
1999 GMC TK	1GKEK13R4XR905061	No key.
1995 Lincoln Town Car	1LNL82W6SY690161	No key.
1994 Ford Thunderbird	1FALP6248RH110388	No key.
1995 Ford Escort	1FASP11J8SW384942	No key.
1987 Dodge TK	1B7FD04T0HS471116	No key. Recovered from river - scrap only.
2018 Jeep 4 Door	1C4HJXDGXJW121908	Burned - scrap only.
Unidentified Vehicle	TBD by NCDMV	Burned - scrap only.

WATER DEPARTMENT

Equipment	Model #	Notes
Generator	100-0-DGDBL-U/5079A S#G870910777	100 Kilowatt Onan with Cummins Engine - 292 hours, fully enclosed.
Generator	3116 S#25G00851	100 Kilowatt Caterpillar - 1462 hours, fully enclosed.

MAINTENANCE DEPARTMENT

TBD Pending Submission by Maintenance Superintendent, Anthony Rascoe

Sheet 1 - Page 2 of 2. See Sheet 2 for Tax Department foreclosures.

TAX OFFICE - PREVIOUSLY FORECLOSED PROPERTIES

	Parcel	Address	Value in 2019	Value in 2020	Year in FC	
1	5846-18-7777	3012 Governors Rd	\$18,665.00	\$16,054.00		\$2,020.00
2	6910-16-3024	107 Garrett St	\$4,702.00	\$6,328.00		\$2,019.00
3	5883-56-2279	849D Governors Rd	\$5,081.00	\$7,406.00		\$2,019.00
4	6810-23-4624	532 Woodard Rd	\$64,757.00	\$14,404.00		\$2,019.00
5	6930-37-8341	411 Quebec Rd	\$1,283.00	\$1,584.00		\$2,019.00
6	6930-37-4221	403 Quebec	\$1,634.00	\$2,240.00		\$2,019.00
7	6802-42-7948	202 H Bond St	\$8,906.00	\$5,966.00		\$2,019.00
8	6859-87-1576	2533 NC 45N	\$12,562.00	\$11,194.00		\$2,019.00
9	5836-88-5393	106 Hoggard St	\$1,106.00	\$679.00		\$2,018.00
10	6719-07-9171	315B Cedar Landing Rd	\$571.00	\$7,881.00		\$2,018.00
11	5883-95-0688	723 Governors Rd	\$1,600.00	\$1,959.00		\$2,018.00
12	5883-95-0751	725 Governors Rd	\$1,600.00	\$1,959.00		\$2,018.00
13	6809-06-9555	150 Helena Rd	\$7,140.00	\$7,427.00		\$2,018.00
14	6800-57-5311	104 N Clay St	\$382.00	\$1,501.00		\$2,018.00
15	6828-09-0637	810 Meadow Rd	\$11,018.00	\$10,747.00		\$2,018.00
16	6801-38-7512	120 New Hope Rd	\$2,760.00	\$2,870.00		\$2,017.00
17	5829-50-5296	413B Front St	\$2,103.00	\$3,159.00		\$2,017.00
18	6810-23-8257	542 Woodard Rd	\$7,174.00	\$9,473.00		\$2,011.00

Alternative suggestions for the 2020 Employee Appreciation Luncheon, yearly Service Awards

The Board came to a consensus that the traditional luncheon was not a possibility, so alternative suggestions were needed.

County Manager Vaughan gave the floor to the Clerk to the Board, Sarah Tinkham. She discussed some alternative suggestions for an employee appreciation event that would meet COVID-19 standards. These options included a food truck meal in conjunction with the afternoon off for staff.

Facebook spotlights on employees and video presentations were also suggested to honor Service Year milestones.

Commissioner Lee suggested that the Board host staff at their December meeting to recognize them for their achievements as well.

Census update by County CENSUS Liaison, Traci White, Planning & Inspections Director

Planning & Inspections Director, Traci White, was unable to attend tonight's presentation, but she would submit a written report to the Board tomorrow via email.

Commissioners' Reports (E)

Commissioner Trent

Commissioner Trent spoke about COVID-19 cases at Bertie Correctional, as well as Bertie-Martin Regional Jail.

Commissioner Bazemore

Commissioner Bazemore asked if additional audio apparatus could be used during meetings so that the Board comes through loud and clear over Zoom. She also suggested the County place an ad in the newspaper thanking all of those who have donated to the Bertie County Morning Road Tornado Relief Fund.

Vice Chair Lee

Vice Chair Lee noted that construction on the new Tri-County Airport Terminal is about four (4) weeks behind. All furniture and pricing have been completed, and she noted that sponsorships for this initiative are available.

Commissioner Atkins

Commissioner Atkins gave no remarks at this time.

Chair Wesson

Chair Wesson took this opportunity to thank County staff, and all involved in storm recovery efforts. He also noted that new legislation had been enacted for public schools in six (6) counties, including Bertie, that can assist with delivering meals to students throughout the County. He also noted that the SECU teacher housing initiative is gaining speed again with help from Bertie's state representatives. Lastly, he discussed forthcoming donations from large employers in the area for the Relief Fund.

County Manager's Reports (F)

County Manager Vaughan noted that the joint Cooperative Extension and Library facility opening has been delayed due to COVID-19.

He noted that Robin Payne, TGOW Project Consultant, was searching for new grants for the TGOW project.

He also noted that he attended a virtual meeting with the Mid-East Commission where the former Bertie County NC Works Center was mentioned. He noted he would follow up about an alternative location to open the Center once again. Chair Wesson noted that the Bertie-MCC Campus has offered to possibly house the Center on part time basis.

Early voting begins October 15th and end October 31st.

A joint meeting will be held with Martin and Chowan County on September 29th at 7:00 PM at the Cashie Convention Center.

He also thanked the Board for allowing offices to close early on Friday so staff could have extra time off over the holiday weekend.

County Attorney's Reports (G)

County Attorney Smith had no remarks at this time.

Public Comments Continued

were

No additional public comments received, so this public comment section was closed.

CLOSED SESSION

Vice Chair Lee made a **MOTION** to go into Closed Session pursuant to **N.C.G.S. § 143-318.11(a)(6)** to consider the qualifications, competence, performance, character, fitness, conditions of employment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously after the roll call vote.

Vice Chair Lee made a **MOTION** to return to Open Session. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

OPEN SESSION

Chair Wesson noted to the public that no action was needed, and that a motion was being accepted to adjourn.

ADJOURN

Vice Chair Lee made a **MOTION** to **ADJOURN** the meeting at approximately 9:00 PM. Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.



C-3

**Windsor, North Carolina
September 29, 2020
JOINT MEETING**

The Bertie County Board of Commissioners met in a Special Called Meeting with the Martin County Board of Commissioners, Chowan County Board of Commissioners and the Bertie-Martin Regional Jail Commission on Tuesday, September 29, 2020 at 7:00 PM at the Cashie Convention Center, 118 County Farm Road, Windsor, NC.

ATTENDENCE
Bertie County

Present: Ronald "Ron" Wesson, District I
Tammy A. Lee, District III
John Trent, District IV

Absent: Greg Atkins, District II
Ernestine (Byrd) Bazemore, District V

Staff Present: County Manager Juan Vaughan, II.
Clerk to the Board Sarah Tinkham
Assistant County Attorney Jonathan Huddleston
Finance Director William Roberson
IT Systems Administrator Scott Pearce

Martin County

Present: Chairman Tommy Bowen
Vice Chairman Dempsey Bond, Jr.
Commissioner Elmo "Butch" Lilley
Commissioner Ronnie Smith

Absent: Joe R. Ayers

Staff Present: County Manager David Bone
Clerk to the Board Jessica Godard
Finance Officer Cindy Ange
Sheriff Tim Manning

Chowan County

Present: Chair Patti Kersey
Commissioner Ron Cummings
Commissioner Bob Kirby
Commissioner Larry McLaughlin
Commissioner Don Faircloth
Commissioner Greg Bonner

Absent: Commissioner Ellis Lawrence
County Manager Kevin Howard

Staff Present: Clerk to the Board Susanne Stallings
Sheriff Edward Basnight

BMRJ Board

Present: Chair/Martin County Commissioner Dempsey Bond, Jr.
Vice Chair/Bertie County Commissioner John Trent
Martin County/Director John MacDonald

Absent: Bertie County/Director Dianne Bazemore
Martin County/Director William Stalls

Staff Present: BMR Jail Administrator Terrence Whitehurst
BMR Jail Deputy Administrator/Secretary Lydra Freeman.

No members of the media were present.

CALL TO ORDER/STATEMENT OF PURPOSE

Bertie County Chair Wesson, Martin County Chair Bowen, Chowan County Chair Kersey, and BMR Jail Chair Trent called the meeting to order at 7:00 p.m.

Martin County Manager Bone stated this meeting was a culmination of two years of discussion and efforts. County Manager Bone recalled in October of 2018, Chowan County Manager Kevin Howard sent a letter asking Bertie and Martin Counties if the counties were willing to consider the feasibility of Chowan County joining the Bertie-Martin Regional Jail. The managers of the three counties met several days later to discuss the matter. Additionally, the Bertie-Martin Regional Jail (BMRJ) Board met several weeks later and expressed a desire to consider the expansion of BMRJ to include Chowan County.

County Manager Bone further stated an Inter-Local Agreement was drafted to document the desire of the Boards of Commissioners of the three counties to proceed with a study to evaluate this matter. Additionally, a Request for Qualifications (RFQ) document was drafted and distributed concerning a study of this matter.

The Boards of Commissioners of Martin, Bertie and Chowan Counties held a joint meeting about this matter on March 28, 2019. All three counties agreed to move forward a feasibility study. Interviews for the Bertie-Martin Regional Jail Feasibility Study Consultants were held on June 12, 2019. The BMRJ Board met on June 13, 2019 and agreed to move forward with negotiations with Moseley Architects. Moseley drafted a scope of services, and the proposal was approved by each county's Board of Commissioners.

Moseley Architects and their partners in the financial analysis, Davenport Consultants, were present at tonight's meeting to present the findings of the study. With Moseley Architects was Todd Davis and Dan Mace. Ms. Kim Hamby of the Timmons Group (the civil engineering firm that conducted the site review) was also present. Finally, with Davenport Consultants was Mr. Ted Cole.

Martin County Manager David Bone stated no decision was expected at this meeting. Each Board was to receive the presentation and have discussions and ask any questions afterward.

PRESENTATION OF JAIL STUDY REPORT

Mr. Dan Mace with Moseley Architects reviewed a general agenda for the presentation. The agenda included team introductions, needs assessment and bed projections, development options (one with Chowan County and one without), Davenport financial report, and time for questions. Mr. Mace stated the information represented a lot of time and effort as staff looked at the current facility. The projections were based on five years of data, and he stated the projections did not reflect 2020, due to the year not being over and the effects of COVID-19 on the jail populations.

Mr. Todd Davis with Moseley Architects provided information about bed projections to try and identify growth needs for the jail, to determine how to move forward. Figures discussed included the inmate average daily population at BMRJ and historical admissions to BMRJ. Other figures discussed included BMRJ average length of stay and projected admissions.

Mr. Davis stated information had been provided from the jail from the previous five years in order to conduct this study. BMR Jail was rated for 90 beds. Charts showed that BMRJ had exceeded its rated capacity (what the state rates the jail facility at when it is built) and its operational capacity (classify and separate offenders by law) consistently over the past 5 years.

Mr. Davis reviewed historical admissions to BMRJ and the projected admissions through 2045. Based on current jail data and the county population census, the number of admissions shown followed similar growth as general county population growth. Mr. Davis further explained determining the average length of stay (ALOS) was critical to bed-space projections. He said the longer the ALOS, the greater the need for bed-space. Mr. Davis reported the ALOS of BMRJ was much lower than many other counties, but staff was encouraged to stay on top of that to keep that number as low as possible.

Next, Mr. Davis explained the BMRJ calculation of peaking ratio, which helps determine when additional space may be needed. The next category discussed was classified (ADP increased by 20%) and peaked projection, which predicted the BMRJ forecasted population using the highest admission rate. These figures indicated the BMRJ facility needed to be expanded to approximately 140-142 beds to accommodate 2045 needs going forward.

Next, Mr. Davis discussed the inmate bed projections for Chowan County jail only, stating the information was very similar to the BMRJ information. The numbers almost matched Bertie and Martin populations, just on a smaller scale. Mr. Davis said Chowan County's population was also decreasing, but not as rapidly as Bertie or Martin counties. Mr. Davis discussed inmate average daily population, historical admissions, projected admissions, average length of stay, peaking ratio, and forecasted population using the highest admission rate. The information discussed indicated the Chowan County bed needs reflected a design need of approximately 42 beds to address the 2045 projections going forward.

Mr. Davis then discussed the BMRJ plus Chowan County combined forecasted population using the highest admission rate. Based on those projections, a total of 191 beds would be recommended to meet the classification and peaking requirements through the year 2045.

Mr. Mace said the existing facility was reviewed and they made recommendations for improvement on the aging facility. As population increased over time, the current facility had some things that were lacking. There was a need for multiple types of housing to separate different classes of inmates. It was not recommended to build a single housing unit, but instead several smaller units were recommended.

Ms. Kim Hamby of the Timmons Group discussed two charts showing separate options for expansion of the BMR Jail facility. Because of the location of the jail and the condition of the surrounding land, expansion would have to go forward, instead of off the sides of the current structure. Space for parking was considered and discussed, as well.

Mr. Mace stated the core spaces of the current jail were inadequate to accommodate a proposed expansion. Those inadequate core spaces discussed were intake/booking, property storage, kitchen area, medical area, lobby, visitation space, etc. It was recommended those things be considered as adding on these spaces later would be very difficult. Option 1 showed new core spaces that were suggested with the expansion. Option 1 showed an addition of 101 new beds (32,000 square feet), on top of the current 90. Mr. Mace explained the new proposed housing units were very staff efficient. There was a proposed single story 8-bed restrictive housing unit for inmates that had to be separated from the general population.

Option 2 addressed the BMR Jail needs, with room for an additional expansion at a later date, if Chowan decided to join at a later date. There was one less housing unit, and a 16-bed restrictive housing unit. Option 2 included the addition of 47 new beds (24,000 square feet). The estimated cost of option 1 with the addition of Chowan County was \$17,844,966.56. The estimated cost of option 2 expansion without Chowan County was \$14,043,284.06.

Mr. Ted Cole with Davenport Consultants was present to discuss the financial elements of the potential project(s). The goals and objectives were to:

- Review and summarize historical financial performance of the Commission, including revenues, expenses, debt service, capital investment, and reserve balances in order to develop a baseline financial forecast for existing revenues and expenses.
- Develop a forward looking pro forma financial model to analyze the projected performance of BMRJ under the current operating profile and alternative scenarios (e.g. renovations, an expanded facility, operational benefits/costs of expansion, and adding Chowan County as an additional member).
- Calculate the impact of member counties of different renovations and expansion scenarios both with and without the addition of Chowan County to the Commission.
- Utilizing the pro forma financial model and other historical data, develop a series of “buy in cost” methodologies and analyses, which will provide a range of the potential “buy in” costs for Chowan County.

Mr. Cole highlighted the historical financial performance of the BMR Jail Commission since 2015, discussing various line items (revenues, expenditures, new revenue available for debt service, capital outlay, surplus, ending funding balance). Overall, the information showed that the BMR Jail Commission maintained percentage of fund balance over 30% in 2018 and 2019. The minimum acceptable amount of percentage of fund balance should be at least 20% of the operating budget in reserves.

Davenport staff was using the 2021 budget as the basis of projections. Projections would be effective for FY 2022 and beyond. The fund balance should remain at 20%. The county pro rata contributions based on 2019 populations were:

Without Chowan County:
Bertie County – 45.89%
Martin County – 54.11%

With Chowan County:
Bertie County – 34.51%
Martin County – 40.69%
Chowan County – 24.80%

Three scenarios would be discussed: 1) do nothing, 2) smaller expansion with just Bertie and Martin Counties, and 3) larger expansion with the addition of Chowan County.

In order to account for potential increase in facility size and projected growth in the average daily population (ADP) of inmates, the following two expense forecasting methodologies had been established:

- Expenses per bed: these expenses are assumed to grow in line with the bed capacity in the jail in any given fiscal year.
- Expenses per inmate: these expenses are assumed to grow in line with the projected ADP in any given fiscal year.

Expenses per bed and per inmate estimates were calculated based on FY 2021 budgeted expenses and assumed to grow at an inflation rate of 3%. The 2021 budget was discussed, and the per bed and per inmate costs were about the same (approximately \$31,000) in the 2021 budget.

Capital Funding Assumption – for purposes of this analysis, three scenarios were analyzed based on Moseley’s two expansion options. In all scenarios, construction/design was assumed to begin in FY 2022, and construction was anticipated to be completed at the start of FY 2024.

Scenario A – no expansion, no project.

Scenario B – Small expansion with BMRJ only without Chowan County. The total construction cost is projected to be \$14,054,834.

Scenario C – Large expansion with the addition of Chowan County. The total construction cost is projected to be \$17,856,517. In scenario C, it was assumed Chowan County would begin contributing once operations of the expanded facility began in FY 2024. Negotiations could take place to have Chowan County start paying on that debt service right away, as opposed to waiting until FY 2024.

Under Scenario C, the existing members may consider buy-in compensation from Chowan County for joining the BMRJ Commission. Based on fixed assets on BMRJ books, fixed assets of existing facility, and cash balances, the Chowan buy-in amount was estimated to be \$551,441. Other things to be considered were the insured value/replacement value of the existing facility, any “good will” or value of the existing Authority structure being established, and any incremental cost of expansion.

The timing of a buy-in payment, if any, needed to be established. There were several alternatives, including a single upfront payment, direct annual payments to the existing members over a period of time, or annual reductions in existing member contributions over a fixed period of time.

Mr. Cole stated there were more in-depth scenarios available in the handouts, and staff would be available to answer any questions afterwards, if needed.

Chowan Commissioner Kirby asked Mr. Cole to review the information regarding the per bed/per inmate amount on page 6 of the presentation. He asked if the \$30 per day amount was typical. Mr. Davis with Moseley Architects stated that number was actually low, reporting the state of North Carolina had a per diem rate of \$40 per day plus revenue.

Martin County Commissioner Smith stated the average cost allocation per inmate was \$111(+) daily. He reported the jail cost allocation for personnel costs was 64%, operating costs was 21%, and facility/indirect fees was 15%. Commissioner Smith stated in 2019 in North Carolina, there were approximately 1.9 million charges. 1.6 million of those charges were misdemeanors, and only 343,000 felonies. He stated 85% of people in North Carolina jails were facing \$2,500 or less in bonds. He stated there was a lawsuit in Alamance County, NC by the ACLU that may affect the entire state related to bonds. Commissioner Smith reported on studies that center around bond reform and expressed the need for bond reform in North Carolina. He stated there were many people in jails that suffer with mental illness, as well. Further, Commissioner Smith stated he was in favor of regionalization and collaborations, and he said there might be available money in the future to help with that type of operation.

Bertie Commissioner Lee echoed Commissioner Smith’s comments, stating there was lots that could be done to keep the jail population down across the state of North Carolina. She spoke of the importance of review of inmate sentences and bonds in order to keep the population down.

Bertie Chair Wesson stated he supported the bond reform that Commissioner Smith spoke about. He stated he had spoken with Representative Ed Goodwin prior to the meeting, and he was told the state of North Carolina was considering special funds for this type of project (regionalization).

Commissioner Smith reiterated inmate reviews were crucial (who is in jail, why are they in jail, etc.). Commissioner Smith spoke about the racial disparities among inmates. The responsibility falls back on the County to take care of the people in their jails. Commissioner Smith stated there were other jails that had active programs to help reduce the inmate population, especially for unnecessary incarcerations.

Chowan County Commissioner Bonner asked if the number of proposed beds in the presentation would be necessary and if the boards need to wait on committing to the expansion. Commissioner Smith stated he felt the three counties should collaborate, no matter how many beds were proposed. Bertie Chair Wesson stated there was a large problem with inmates with mental illness, stating outpatient mental health services were less than optimal. Many inmates were in jail solely because of their need for mental health services. Commissioner Trent stated that needed to be taken into consideration before making a final decision before spending a large amount of money on this project.

Bertie County Commissioner Lee stated she was opposed with the proposed amount of money to be spent on new “core areas”, and she stated a different design for just housing made better sense. The new dormitory was built in 1996 and the original part of the jail was built in 1982. Commissioner Trent stated several years ago, around \$400,000 was spent on upgrades and renovations. He stated things like that needed to be thought about too, as the cost may be increased from the presented projections.

Bertie County Chair Wesson stated the Boards should advocate for the right kinds of changes, stating there are people who need to be in jail, but some do not. Commissioner Smith stated statistics showed that if someone is in jail for an extended time, they are likely to lose employment, etc. Once that person is out of jail, they were more likely to go out and commit another crime to “catch up”. He voiced his concerns that pre-trial time periods were too slow, affecting the jails as well. Commissioner Smith again stated a collaboration between the three counties would be better financially, and he stated timing was key.

Bertie County Chair Wesson asked Chowan County staff what the urgency was for their facility and what their concerns were. Chowan County Sheriff stated the jail was approximately 40 years old and was not in great shape. Their capacity was 23, but their population was typically above that (28 on the day of the meeting). There were cells that had to be shut down, due to broken windows and other situations. He stated the bond reform had been being discussed for years but had not happened yet.

Commissioner Trent stated Chowan County had an offer from Albemarle Jail for a \$500,000 buy-in years ago and asked why that did not happen at the time. Chair Kersey stated that was before her time, and she did not have the information or a reason why that project did not proceed.

Chowan County Chair Kersey asked what the next steps after tonight would be going forward. Bertie County Chair Wesson stated no decision was needed tonight, but each Board should take the information back to decide soon. Since the facility would not be available for use by Chowan County until 2024, the Chowan County Sheriff stated the jail would have to operate as it is, until

the new facility was operational. Chowan County had to spread inmates around to other counties to keep their jail population down.

BMR Jail Board Member MacDonald stated, "We need to be proactive, not reactive". He stated there would always be people in jails, no matter what changes were made regarding bond reform and charges. Even though this project would cost money, it may open doors for more funding in the future.

Mr. Mace thanked the Boards for their time. He stated staff would be available for any further questions. He said that many jails evaluated by their staff have many of the same issues that BMR Jail was facing. He stated whether an expansion was done or not, there are still needs that should be addressed in the current facility.

Bertie County Chair Wesson asked if Martin and Chowan Counties were a part of the opioid litigation. Martin County Commissioner Smith stated it did not matter, because all counties would receive funds, even if they did not participate in the lawsuit. He stated counties would be able to control part of their funding themselves, without restrictions.

The consensus was to have each Board review the information presented, pass their decision along to the County Managers and have a decision about how to proceed by the end of October 2020. Discussions were had about possibly waiting until new Board Members were brought on board after the elections in November 2020, but the consensus was to go ahead and decide now with current Board Members.

ADJOURN

With no further business to discuss, Bertie County Chairman Ron Wesson adjourned the meeting at 8:42 p.m. with no objections.



C-4

**Windsor, North Carolina
October 5, 2020
REGULAR MEETING**

The Bertie County Board of Commissioners met for a regularly scheduled, remote meeting today via Zoom.

The following members were present or absent:

Present: Ronald “Ron” Wesson, District I (**Zoom**)
Greg Atkins, District II (**Zoom**)
Tammy A. Lee, District III (**Zoom**)
John Trent, District IV (**Zoom**)
Ernestine (Byrd) Bazemore, District V (**Zoom**)

Absent: None

Staff Present: County Manager Juan Vaughan, II. (**Zoom**)
HR & Risk Management Director Cortney Ward (**Zoom**)

Staff Present (Zoom): Clerk to the Board Sarah Tinkham

No media members were present.

CALL TO ORDER

Chair Wesson called the meeting to order.

MODIFICATION OF MEETING SCHEDULE

Chair Wesson proposed that the Board now meet for a regular meeting/work session on Monday, October 19th at 10:00 AM inside the Council on Aging Gymnasium.

Public comments would be accepted and two (2) agenda items were already slated to be discussed including an update from Colleton Software on EMS billing. Robin Payne, TGOW Project Consultant, would also be present to provide an update.

Chair Wesson encouraged all Board members to submit their suggestions for other agenda items if need be.

Chair Wesson made a **MOTION** to adopt this newly modified meeting schedule based on the items discussed above. Vice Chair Lee and Commissioner Trent **SECONDED** the motion. The **MOTION PASSED** unanimously.

The meeting will be open to the public and public comments are welcome.

UPDATES FROM COUNTY MANAGER, JUAN VAUGHAN, II

Mr. Vaughan recognized outgoing Clerk to the Board and Executive Assistant to the County Manager, Sarah Tinkham, and thanked her for her service over the years.

Chair Wesson and Vice Chair Lee also shared their thanks for her service, and wished her well on her new endeavor at the Town of Nashville.

Ms. Tinkham also provided brief marks thanking the Commissioners for the opportunity to serve and for the educational opportunities afforded to her over the years.

Mr. Vaughan also took this time to provide a brief update to the Board about the search for an Assistant County Manager, as well as Ms. Tinkham's successor.

He noted that several applications had been received for both positions, and he inquired how the Board would like to proceed in hiring a Clerk/Executive Assistant specifically.

Both Chair Wesson and Vice Chair Lee stated that they would like the opportunity to be apart of the hiring process as the Clerk would act as a representative of the Board.

ADJOURN

Commissioner Trent made a **MOTION** to **ADJOURN** the meeting at approximately 10:15 AM. Commissioner Lee **SECONDED** the motion. The **MOTION PASSED** unanimously.



C-5

BUDGET AMENDMENT

# 20-14				
	INCREASE			INCREASE
10-0050-4852-13	\$ 48,996	Overtime	10-6360-5126-02	\$ 48,914
		Dept Supplies	10-6360-5290-02	\$ 82
FEMA REIMBURSEMENT FOR CORONAVIRUS RESPONSE				
	INCREASE			INCREASE
10-0050-4852-13	\$ 20,065	Overtime	10-6360-5126-02	\$ 20,065
FEMA REIMBURSEMENT FOR CORONAVIRUS RESPONSE				
APPROVED ___ / ___ /2020				

**Department of Homeland Security
Federal Emergency Management Agency**

General Info

Project #	148712	Project Type	Work Completed / Fully Documented
Project Category	B - Emergency Protective Measures	Applicant	Bertie County (015-99015-00)
Project Title	Covid-19 Expenses for County 5-31 to 7-4	Event	4487DR-NC (4487DR)

Damage Description and Dimensions

The Disaster # 4487DR, which occurred between *01/20/2020* and , caused:

Damage #398699; Damage for Project [148712] Covid-19 Expenses for County 5-31 to 7-4

This DDD is unfinished

Final Scope

398699 **Damage for Project [148712] Covid-19 Expenses for County 5-31 to 7-4**

Dashboard

My Organization ▼

Bertie County (015-99015-00)

Project

OPTIONS ▼

REPORTS ▼

Organization Profile

Organization Personnel

Applicant Event Profiles

Exploratory Calls

Recovery Scoping

Meetings

Projects

Damages

Work Order Requests

Work Orders

My Tasks ▼

Calendar

Utilities ▼

Intelligence ▼

«

Stats / Summary ▼

Project Brief Description

This is for overtime work for Bertie County EMS system has accrued due to Covid-19 . Having additional man power and having staff out for exposer has increased the amount of overtime the system has had to use. Also this medical supplies and PPE have increased greatly to help fight Covid-19. Providers are having to wear additional PPE for safety and the amount of medical supplies has gone up due to calls for Covid. Materials used for cleaning and disinfection of county buildings and employee use.

Project Summary

Cost Summary

Process Summary

# DAMAGES	APPROX. COST	SENT TO APPL. DATE
1	\$51,898.57	--
# RFIS	CRC GROSS COST	APPL. SIGNED DATE
0	--	--

Budget Estimate

Over time - 48913.78 (JUNE)

Supplies for Cleaning and medical -2984.79

$$FY 20 - 8197 + OT = 48,995.75$$

$$FY 21 - 2,902.82 = 2,902.82$$

$$51,898.57$$

Department of Homeland Security Federal Emergency Management Agency

General Info

Project #	155117	Project Type	Work Completed / Fully Documented
Project Category	B - Emergency Protective Measures	Applicant	Bertie County (015-99015-00)
Project Title	Covid-19 Expenses for County 3-8 to 3-21	Event	4487DR-NC (4487DR)

Damage Description and Dimensions

The Disaster # 4487DR, which occurred between *01/20/2020* and , caused:

Damage # 407135; Emergency Protective Measures (Damage for Project [155117] Covid-19 Expenses for County 3-8 to 3-21)

During the incident period of 1/20/2020 through [End Date], COVID-19 created an immediate threat to the health and safety of the general public requiring emergency response and protective measures.

- Provided management, control, and reduction of immediate threats to public health and safety for Emergency Medical Services Truck Units disinfection for employees and community, during the COVID-19 pandemic response at 106 Dundee St Windor, North Carolina 27983 (35.997102, -76.946437) from 3/8/2020 to 3/21/2020.

Final Scope

407135 Damage for Project [155117] Covid-19 Expenses for County 3-8 to 3-21

Work Completed

In response to the COVID-19 Public Health Emergency, the applicant utilized force account labor in taking the Emergency Protective Measures of Bertie County.

The cost share of this version is 75%. All works and costs in the project fall between 3/08/2020 and 3/21/2020.

Bertie County:

- A. Provided management, control, and reduction of immediate threats to public health and safety for sanitizing of Emergency Medical Service Truck units.

Work Completed Totals

1. Force Account Labor: \$20,064.76

Work Completed Total: \$20,064.76

Project Notes:

From: Victoria Hoggard
Sent: Friday, October 23, 2020 10:14 AM
To: William Roberson
Subject: Covid money

We are going to get back another \$20,064.70 for over time for ems for 3/8/20 to 3/21/20. I know you are trying to wrap up last year and this 20k will help some more.

Victoria Hoggard
Bertie County Emergency Services
Administrative Assistant
252-794-5302
Victoria.Hoggard@bertie.nc.gov



C-6



Bertie County Register of Deeds

Annie F. Wilson
Register of Deeds

P.O. Box 340
Windsor, NC 27983
252-794-5309
www.bertie-live.inttek.net

NORTH CAROLINA
BERTIE COUNTY

TO: THE BOARD OF COUNTY COMMISSIONERS:

Agreeable to and in compliance with Chapter 590 of the Public Local Laws of North Carolina, Sessions 1913, I beg leave to submit the following statement of all fees, commissions, etc. of any kind collected by me as Register of Deeds for the month of SEPTEMBER 2020 and for an itemized statement thereof, I respectfully refer you to the following books in my office.

AMOUNT SUBJECT TO GS 161-50.2

10-0030-4344-01	REAL ESTATE REGISTRATION-----	\$4,404.20
10-0030-4344-03	VITAL STATISTICS-----	\$1,091.00
10-0050-4839-02	MISCELLANEOUS(NOTARY OATHS/PHOTO COPIES, ETC)-----	\$86.35
10-0030-4344-04	NO. MARRIAGE LICENSE----- <u>7 @60.00</u>	\$420.00
		<u>\$6,001.55</u>
10-0018-4240-01	N. C. STATE EXCISE STAMP TAX-----	\$12,605.00
10-0030-4344-10	STATE TREASURER FEE----- <u>134 @\$6.20</u>	\$830.80
	STATE VITAL RECORDS----- <u>5 @14.00</u>	\$70.00
		<u>\$19,507.35</u>
10-0000-1251-00	A/R IN/OUT(REFUND)-----	
		<u>\$19,507.35</u>

Annie F. Wilson

REGISTER OF DEEDS - BERTIE COUNTY

By: *Shamedia R. Williams, Asst.*

FOR INFORMATIONAL PURPOSES

D/T /MORTGAGES-----	<u>28 @\$6.20=</u>	<u>\$173.60</u>
ADDITIONAL PAGES-----	<u>@\$0.40=</u>	
DEEDS & OTHER INSTRUMENTS-----	<u>125 @\$1.94=</u>	<u>\$242.50</u>



C-7

EMERGENCY MANAGEMENT

Ambulance	Vin#	Notes
2002 F-450	1FDXF46F72EA28900	Main belt broken on motor, electrical and structural issues in the medical box / 7.3
2006 E-350	1FDSS34P86DA32476	EGR COOLER CRACKED, TOP END WORK NEEDED FOR THE MOTOR / 6.0
2005 E-350	1FDWE35P34HA84093	EGR COOLER CRACKED, TOP END WORK NEEDED FOR THE MOTOR / 6.0
1999 F-450	1FDXF46F3XED09017	Electrical and structural issues in the medical box / 7.3
2006 E-350	1FDSS34P15HA06812	EGR COOLER CRACKED, TOP END WORK NEEDED FOR THE MOTOR / 6.0
2002 F-450	1FDXF46F42EA28899	Electrical and structural issues in the medical box / 7.3

SHERIFFS' OFFICE

Vehicle	Vin/Serial#	Notes
1995 Ford	1FMDU34X3SUB50478	No key.
<i>Per Detective Pittman, 2-2.5 months is needed to petition the court for the following vehicles to be sold at auction. Date of auction must be scheduled before the court can be petitioned.</i>		
Renegade 50 Black Scooter	1H1THBBN00B004309	No key.
2000 Yamaha YZFR1 Motorcycle	NCMS72397	No key.
1995 Pontiac Trans Sport	1GMDU06L4ST203249	No key.
1999 GMC TK	1GKEK13R4XR905061	No key.
1995 Lincoln Town Car	1LNLM82W6SY690161	No key.
1994 Ford Thunderbird	1FALP6248RH110388	No key.
1995 Ford Escort	1FASP11J8SW384942	No key.
1987 Dodge TK	1B7FD04T0HS471116	No key. Recovered from river - scrap only.
2018 Jeep 4 Door	1C4HJXDGXJW121908	Burned - scrap only.
Unidentified Vehicle	TBD by NCDMV	Burned - scrap only.

WATER DEPARTMENT

Equipment	Model #	Notes
Generator	100-0-DGDBL-U/5079A S#G870910777	100 Kilowatt Onan with Cummins Engine - 292 hours, fully enclosed.
Generator	3116 S#2SG00851	100 Kilowatt Caterpillar - 1462 hours, fully enclosed.
Vehicle	Vin/Serial#	Notes
2001 Dodge Van 3500	2B5WB35Z21K525843	
2002 Chevrolet Blazer	IGNDT13W92K203742	

PARKS & RECREATION

Vehicle	Vin/Serial#	Notes
2001 Dodge Van 3500	2B5WB35Z21K525843	15-passenger, Tag#73753-T. 80,596 miles

RESOLUTION AUTHORIZING PUBLIC AUCTION OF PERSONAL PROPERTY

Whereas, Bertie County has certain surplus personal property that is no longer being used by the County, which personal property consists of vehicles, office furniture and equipment;

Whereas the County desires to sell this surplus personal property through public auction pursuant to N.C.G.S. §153A-176 and 160A-270(b);

NOW THEREFORE, the Board of Commissioners of Bertie County hereby resolves as follows:

1. The County Commissioners authorize the sale by public auction of the personal property described on Exhibit A attached.
2. The sale shall take place on the ____th day of _____, 2020, at [insert location as either online or in person address, website address, etc.].
3. Notice of this sale shall be published at least once and not less than 10 days before the sale in the Bertie Ledger Advance. Said notice shall specify the terms of sale, the time, date and place of sale, and shall contain a description of the property to be sold.
4. Following publication of the notice of sale, a licensed auctioneer and real estate broker Richard Vaughan of Rich & Rich Auctioneers, LLC, or his designee shall conduct the sale at the designated time and place. The high bidder shall pay the purchase price of the property on the date of sale by [insert payment method based on in person or online sale -- cash, or by certified or cashier's check, PayPal, etc.] and the property purchased shall be removed by the high bidder within seven days of the date of the sale. Any property not so removed by the successful bidder shall be considered forfeited and the County may dispose of said property at its discretion and may retain the purchase price paid by the successful bidder as liquidated damages. After the conclusion of the sale, the results shall be reported to the Commissioners at their next regularly scheduled meeting.

5. The County Manager is authorized to discard any personal property that is remaining after the auction sale that he determines has no value, pursuant to 160A-266. If the County Manager feels that any such remaining personal property has enough value to warrant further attempts at sale, he may attempt to sell such personal property by whatever means he deems necessary and pursuant to N.C.G.S. 160A-266 shall keep a record of all property sold, which record shall generally describe the personal property sold, to whom it was sold, and the sale price. If the County Manager is unsuccessful in attempting to sell such personal property, he may discard such property as originally authorized above.

Adopted this the 8th day of September, 2020, by unanimous vote of the Bertie County Board of Commissioners at its regular meeting.

ATTEST:

BERTIE COUNTY

Sarah Tinkham,
Clerk to the Board
Bertie County Board of Commissioners
(SEAL)

Ronald Wesson
Chairman
Bertie County Board of Commissioners



C-8

College	CURRENT OPERATING									PLANT FUND			CURRENT & CAPITAL TOTAL
	1XX Institutional Support	2XX Curriculum Instruction	3XX Continuing Education	4XX Academic Support	5XX Student Support	6XX Plant Op & Maint.	7XX Proprietary/Oth er	8XX Student Aid	Subtotal	9XX Capital CI)	(ex. CI Projects		
Roanoke-Chowan CC													
State	\$ 2,036,550	\$ 2,139,977	\$ 872,337	\$ 582,340	\$ 449,084	\$ -	\$ -	\$ -	6,080,288	\$ 300,044	\$ 1,500,000	\$	7,880,332
County	\$ 255,009	\$ -	\$ -	\$ -	\$ -	\$ 779,738	\$ -	\$ -	1,034,747	\$ -	\$ 125,000	\$	1,159,747
Institutional	\$ -	\$ 456,053	\$ 885,784	\$ 10,000	\$ 470,703	\$ -	\$ 38,600	\$ 1,183,109	3,044,249	\$ -	\$ -	\$ -	3,044,249
Total	\$ 2,291,559	\$ 2,596,030	\$ 1,758,121	\$ 592,340	\$ 919,787	\$ 779,738	\$ 38,600	\$ 1,183,109	10,159,284	\$ 300,044	\$ 1,625,000	\$	12,084,328

NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
COLLEGE FY 2020-21 BUDGET
(EXCLUDING CAPITAL IMPROVEMENT PROJECTS)

College Name: Roanoke-Chowan CC
 Institution Number: 868

	1		2		3		4
	State Budget		County Budget		Institutional Budget		Total Budget
Summary of Revenues (excluding capital improvement projects)							
State*	\$ 6,380,332						\$ 6,380,332
County Funds		\$ 1,034,747					\$ 1,034,747
Institutional Funds				\$ 3,046,649			\$ 3,046,649
Operating Revenue Subtotal	\$ 6,380,332	\$ 1,034,747	\$ 3,046,649		\$ 10,461,728		
Fund Balance Appropriated		\$ -		\$ -		\$ -	
Total Funds Available	\$ 6,380,332	\$ 1,034,747	\$ 3,046,649		\$ 10,461,728		
Summary of Expenditures (excluding capital improvement projects)							
1XX Institutional Support	\$ 2,036,550	\$ 255,009		\$ -		\$ 2,291,559	
2XX Curriculum Instruction	\$ 2,139,977			\$ 456,053		\$ 2,596,030	
3XX Continuing Education	\$ 872,337			\$ 885,784		\$ 1,758,121	
4XX Academic Support	\$ 582,340			\$ 10,000		\$ 592,340	
5XX Student Support	\$ 449,084			\$ 470,703		\$ 919,787	
6XX Plant Operations & Maint.	\$ -	\$ 779,738		\$ -		\$ 779,738	
7XX Proprietary/Other	\$ -			\$ 38,600		\$ 38,600	
8XX Student Aid	\$ -			\$ 1,183,109		\$ 1,183,109	
9XX Capital Outlay (excluding capital improvements)	\$ 300,044			\$ -		\$ 300,044	
Total Budgeted Expenditures	\$ 6,380,332	\$ 1,034,747		\$ 3,044,249		\$ 10,459,328	
Net (Est. Revenues - Expenditures)	\$ -	\$ -		\$ 2,400		\$ 2,400	

*Includes Federal funds that are allocated to colleges by the State Board and are processed through the 112.

**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
COLLEGE FY 2020-21 BUDGET
(EXCLUDING CAPITAL IMPROVEMENT PROJECTS)**

College Name: **Roanoke-Chowan CC**
Institution _____
Number: 868

	1 State Budget	2 County Budget	3 Institutional Budget	4 Total Budget
Revenue Detail (excluding capital improvement projects)				
State	\$ 6,380,332			\$ 6,380,332
*Includes Federal funds that are allocated to colleges by the State Board and are processed through the 112.				
County Funds				
County Appropriations (list each county separately below):				
Bertie County		\$ 55,000		\$ 55,000
Northhampton County		\$ 30,000		\$ 30,000
Hertford County		\$ 949,747		\$ 949,747
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
		\$ -		\$ -
(If necessary, add lines above for add'l counties)				
Misc. County Revenue				\$ -
Total County Funds		\$ 1,034,747		\$ 1,034,747

Institutional Funds

Federal Sources:

Federal Pell and other Federal student aid grants			\$ 1,086,800	\$ 1,086,800
Federal Direct Loans				\$ -
Federal Work-Study Program			\$ 96,309	\$ 96,309
Other Federal Grants (list):			\$ -	\$ -
TRIO Grant -Student Support Services			\$ 355,036	\$ 355,036
Overhead Receipts			\$ 8,000	\$ 8,000
				\$ -
				\$ -
				\$ -
				\$ -

NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
 COLLEGE FY 2020-21 BUDGET
 (EXCLUDING CAPITAL IMPROVEMENT PROJECTS)

College Name: **Roanoke-Chowan CC**
 Institution _____
 Number: 868

	1	2	3	4
	State Budget	County Budget	Institutional Budget	Total Budget
Revenue Detail (excluding capital improvement projects)				
				\$ -
				\$ -
				\$ -
<i>(If necessary, add lines above)</i>				
Total Revenues From Federal	\$ -	\$ -	\$ 1,546,145	\$ 1,546,145
Fees:				
College Access, Parking and Security (CAPS) Fees			\$ 12,000	\$ 12,000
Student Activity Fees			\$ 23,000	\$ 23,000
Course Specific Fees			\$ 16,500	\$ 16,500
Instructional Technology Fees			\$ 10,000	\$ 10,000
Self-Supporting Course Fees			\$ 16,384	\$ 16,384
Other Fees (list, if applicable):				\$ -
				\$ -
Transcripts			\$ 4,000	\$ 4,000
Graduation			\$ 4,000	\$ 4,000
Student Insurance			\$ 3,600	\$ 3,600
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
<i>(If necessary, add lines above)</i>				
Total Revenues from Fees	\$ -	\$ -	\$ 89,484	\$ 89,484

**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
COLLEGE FY 2020-21 BUDGET
(EXCLUDING CAPITAL IMPROVEMENT PROJECTS)**

College Name: **Roanoke-Chowan CC**
 Institution _____
 Number: 868

	1 State Budget	2 County Budget	3 Institutional Budget	4 Total Budget
Revenue Detail (excluding capital improvement projects)				
<i>Proprietary/Other Revenues:</i>				
Bookstore Receipts			\$ 11,000	\$ 11,000
Vending/Food Service Receipts			\$ 6,000	\$ 6,000
Live Projects/Patron Fees			\$ 2,000	\$ 2,000
Internal Service Funds				\$ -
Interest Income				\$ -
NC Community College Grant Funds			\$ 1,200	\$ 1,200
Education Lottery Scholarship Funds			\$ 1,200	\$ 1,200
Gifts and Donations				\$ -
Private (non-Federal) Grants				\$ -
Endowment Income				\$ -
Other Miscellaneous Sources (list, if applicable):				\$ -
First in the World Grant			\$ 80,667	\$ 80,667
NC DOT Trades Academy			\$ 88,000	\$ 88,000
Golden Leaf - Southern Northampton Advancement Project			\$ 410,000	\$ 410,000
USDA - Distance Learning and Telemedicine			\$ 442,753	\$ 442,753
Golden Leaf - Universal Training Center			\$ 368,200	\$ 368,200
				\$ -
				\$ -
				\$ -
<i>(If necessary, add lines above)</i>				
Total Revenues from Proprietary/Other Sources:	\$ -	\$ -	\$ 1,411,020	\$ 1,411,020
Total Institutional Sources			\$ 3,046,649	\$ 3,046,649
Total Estimated Revenues	\$ 6,380,332	\$ 1,034,747	\$ 3,046,649	\$ 10,461,728

Fund Balance Appropriated

183

\$ -

**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
COLLEGE FY 2020-21 BUDGET
(EXCLUDING CAPITAL IMPROVEMENT PROJECTS)**

College Name: Roanoke-Chowan CC

Institution Number: 868

	1	2	3	4
	State Budget	County Budget	Institutional Budget	Total Budget
Expenditure Detail (excluding capital improvement projects)				
100 INSTITUTIONAL SUPPORT				
110 Executive Management	\$ 558,365	\$ 101,531		\$ 659,896
120 Financial Services	\$ 487,787			\$ 487,787
130 General Administration	\$ 404,530	\$ 153,478		\$ 558,008
140 Information Systems - Admin.	\$ 585,868			\$ 585,868
TOTAL INSTITUTIONAL SUPPORT	\$ 2,036,550	\$ 255,009	\$ -	\$ 2,291,559
200 INSTRUCTIONAL - CURRICULUM				
220 Associate Degree	\$ 2,139,977			\$ 2,139,977
TOTAL INSTRUCTIONAL - CURRICULUM	\$ 2,139,977	\$ -	\$ 456,053	\$ 2,596,030
300 CONTINUING EDUCATION				
310 Occupational Education	\$ 413,632			\$ 413,632
311 Occupational Support	\$ 155,919			\$ 155,919
320 Basic Skills Plus				\$ -
321 Adult Basic Education/ESL	\$ 149,603			\$ 149,603
322 Adult High School & GED				\$ -
323 Compensatory Education				\$ -
363 Small Business Center	\$ 105,683			\$ 105,683
364 Customized Trng - Bus & Ind Support (Admin.)	\$ 40,000			\$ 40,000
365 Customized Trng - Bus & Ind Support (Instruct.)	\$ 7,500			\$ 7,500
370 NC Military Business Center (FTCC)				\$ -
371 NC Research Campus - Kannapolis (RCCC)				\$ -
TOTAL CONTINUING EDUCATION	\$ 872,337	\$ -	\$ 885,784	\$ 1,758,121

**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
COLLEGE FY 2020-21 BUDGET
(EXCLUDING CAPITAL IMPROVEMENT PROJECTS)**

College Name: Roanoke-Chowan CC

Institution Number: 868

	1	2	3	4
	State Budget	County Budget	Institutional Budget	Total Budget
Expenditure Detail (excluding capital improvement projects)				
400 ACADEMIC SUPPORT				
410 Library/Learning Center	\$ 161,840			\$ 161,840
421 Curriculum - Admin.	\$ 84,924			\$ 84,924
422 Continuing Education - Admin.	\$ 335,576			\$ 335,576
430 Information Systems - Academic				\$ -
TOTAL ACADEMIC SUPPORT	\$ 582,340	\$ -	\$ 10,000	\$ 592,340
500 STUDENT SUPPORT				
510 Student Services	\$ 427,266			\$ 427,266
530 Child Care	\$ 21,818			\$ 21,818
TOTAL STUDENT SUPPORT	\$ 449,084	\$ -	\$ 470,703	\$ 919,787
600 OPERATION & MAINTENANCE OF PLANT				
610 Plant Operation		\$ 674,047		\$ 674,047
620 Plant Maintenance		\$ 105,691		\$ 105,691
680 Innovation Quarters (Forsyth Tech CC)		\$ -		\$ -
TOTAL OPERATION & MAINTENANCE OF PLANT	\$ -	\$ 779,738	\$ -	\$ 779,738
700 PROPRIETARY/OTHER			\$ 38,600	\$ 38,600
800 STUDENT AID			\$ 1,183,109	\$ 1,183,109
900 CAPITAL OUTLAY (excluding capital improvement projects)				
920 Equipment	\$ 221,542			\$ 221,542
923 Basic Skills/Literacy Equipment				\$ -
930 Instructional Resources (Books)	\$ 25,000			\$ 25,000
940 Equipment - State CATEGORICAL Funds	\$ 53,502			\$ 53,502
TOTAL CAPITAL OUTLAY	\$ 300,044	\$ -	\$ -	\$ 300,044
TOTAL EXPENDITURES	\$ 6,380,332	\$ 1,034,747	\$ 3,044,249	\$ 10,459,328

NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
COLLEGE FY 2020-21 CAPITAL IMPROVEMENTS BUDGET

College Name: Roanoke-Chowan CC

Institution Number: 868

	1 State	2 County	3 Institutional	4 Total
Capital Improvement Revenues				
State Funds (funds reimbursed by System Office)*	\$ 1,500,000			\$ 1,500,000
County Funds				
County Appropriation for CI Projects		\$ 125,000		\$ 125,000
County GO Bond Funds				\$ -
Other County Revenue/Financing				\$ -
Fund Balance for CI Projects				\$ -
County Subtotal		\$ 125,000		\$ 125,000
Institutional Funds				
Federal Grant				\$ -
Private Gift/Donation				\$ -
Private Grant(s) and Other Sources (list below):				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
(If necessary, add lines above)				\$ -
Institutional Subtotal			\$ -	\$ -
Total Capital Improvement Project Revenues	\$ 1,500,000	\$ 125,000	\$ -	\$ 1,625,000
Capital Improvement Expenditures				
910 Buildings and Grounds		\$ 125,000		\$ 125,000
Repairs and Renovations/New Construction	\$ 1,500,000			\$ 1,500,000
Total Expenditures	\$ 1,500,000	\$ 125,000	\$ -	\$ 1,625,000
NET (Est. Revenues - Expenditures)	\$ -	\$ -	\$ -	\$ -

NORTH CAROLINA COMMUNITY COLLEGE SYSTEM
COLLEGE BUDGET: FY 2020-21

REQUIRED BUDGET REQUEST SIGN-OFF

The attached College Budget has been reviewed and approved on

September 22, 2020 by the Board of Trustees of

Roanoke Chowan Community College

_____.

Jeri Pierce, Chairman.

The attached College Budget has been reviewed and approved in

the amount of \$ _____ on _____, 20 _____

by the County Commissioners of _____ County.

_____, Chairman.



Bertie County

Board of Commissioners

ITEM ABSTRACT

MEETING DATE: November 2, 2020

SECTION: Discussion (D-1 to D-4)

DEPARTMENT: Governing Body

TOPIC(S):

1. Update on Water Customer Outreach regarding disconnections resuming November 2020 by Water Superintendent Ricky Spivey
2. Maintenance Updates & Animal Shelter Upgrade Plans – Maintenance Director Anthony Rascoe
3. Early Voting & Absentee Ballot Update for General Election 2020 by Board of Elections Director Sheila Holloman
4. Confirmation of Plans for Employee Appreciation 2020

COUNTY MANAGER RECOMMENDATION OR COMMENTS: Discussion requested.

SUMMARY OF AGENDA ITEM AND/OR NEEDED ACTION(S): --

ATTACHMENTS: Yes

LEGAL REVIEW PENDING: N/A

ITEM HISTORY: ---



D-1



ATTENTION BERTIE COUNTY WATER CUSTOMERS

The Governor's Executive Order that prohibited utility shutoffs due to COVID-19 ended on July 29, 2020. Please call the Bertie County Water Department at (252)794-5350 to arrange a payment plan for past due water bills. Water disconnections will resume during the month of November. Please call us right away so that we can assist you. Thank you for allowing us to serve you!

FACEBOOK & WEBSITE POST

Hello!

This is a message for all Bertie County Water Customers.

The Governor's Executive Order that prohibited utility shutoffs due to COVID-19 ended on July 29, 2020.

Please call the Bertie County Water Department at (252) 794-5350 to arrange a payment plan for past due water bills. Water disconnections WILL resume during the month of November.

Please call us if you have any questions. Again, Bertie County Water Department can be reached at (252) 794-5350.

Thank you!

ROBOCALL

ATTENTION BERTIE COUNTY WATER CUSTOMERS

The Governor's Executive Order that prohibited utility shutoffs due to COVID-19 ended on July 29, 2020. Please call the Bertie County Water Department at (252)794-5350 to arrange a payment plan for past due water bills. Water disconnections will resume during the month of November. Please call us right away so that we can assist you.

NEWSPAPER AD

October 14, 2020

Dear Water Customer:

The Bertie County Water Department is contacting you to let you know you have a past due water bill. It is very important for you to contact our office as soon as possible to discuss setting up a payment plan to get this matter resolved.

According to Governor Cooper's Executive Orders 124 and 142, if a customer has an account balance from March 31, 2020 through July 29, 2020, he/she can be set up on a six-month payment plan. If a customer misses a payment on the payment plan, water services can be disconnected. Please remember, you will also have to pay your regular bill each month. **If you have not paid your past due balance and have not called to arrange a payment plan by November 15, 2020, your water will be disconnected.**

We appreciate you being one of our customers and we're willing to help as much as we can. If we can assist you with a payment plan, please let us know. If you have any questions, you can reach us at 794-5350.

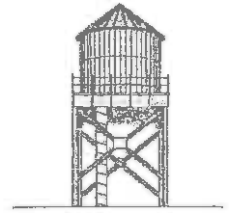
Thank you,

Bertie County Water Department

Ricky H. Spivey, Jr.
Water System Superintendent

BERTIE COUNTY
WATER DEPARTMENT

POST OFFICE BOX 487
WINDSOR, NORTH CAROLINA 27983
(252) 794-5350
Fax: (252) 794-5327



August 13, 2020

To Whom It May Concern:

We are contacting you to inform you of your past due bill. We would like for you to call our office to talk to with us about resolving this matter. We appreciate you being one of our customers and if we can assist you with a payment plan let us know. If there are any questions please call our office at 252-794-5350.

Thank You,

Bertie County Water Dept.