

**REGULAR SESSION OF THE PAMLICO COUNTY BOARD OF COMMISSIONERS  
MONDAY JANUARY 6, 2014**

The Pamlico County Board of Commissioners met in regular session on Monday January 6, 2014 at 7:00 p.m. in the Patsy H. Sadler Room of the Pamlico County Courthouse. All Commissioners were present. Also present were Attorney Dave Baxter, County Manager Tim Buck and Clerk to the Board Kathy P. Cayton.

Chairman Paul Delamar called the meeting to order.

Commissioner Ann Holton gave the invocation and Chairman Paul Delamar led the assemblage in the Pledge of Allegiance.

Chairman Paul Delamar asked if there were any corrections, additions and/or deletions to the minutes of the December 2, 2013 minutes. There being none, on a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

**BE IT RESOLVED, the minutes of the December 2, 2013 meeting are hereby approved and the Chairman's signature is authorized thereon.**

Chairman Paul Delamar declared the public hearing for the Manufactured Home Park Ordinance open. There were no members of the public to speak. Chairman Paul Delamar declared the public hearing closed.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Jimmy Spain, the following ordinance was unanimously approved.

**PAMLICO COUNTY**

**MANUFACTURED HOME PARK ORDINANCE**

**Article 1**

**Purpose**

The purpose of this Ordinance is to regulate the design, construction and operation of new and expanded Manufactured Home Parks, in order to promote the public health, safety, and general welfare of the inhabitants of Pamlico County.

## **Article 2**

### **Authority**

This Ordinance is adopted pursuant to the authority and provisions granted to it under Chapter 153A of the North Carolina General Statutes.

This Ordinance shall govern every new Manufactured Home Park, or any addition to an existing Manufactured Home Park, lying within the County outside the jurisdiction of any municipality, or within the territorial jurisdiction of any municipality whose governing body agrees by resolution to this Ordinance upon the consent of the County.

## **Article 3**

### **Definitions**

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where consistent with the context. The term "shall" is mandatory and the present includes the future tense.

1. Administrator: The enforcement officer of this Ordinance as designated by the Board of Commissioners.
2. Certificate of Compliance: A certificate issued by the Administrator after the Manufactured Home Park has been completed and developed as required by the standards of this Ordinance. Pamlico County has the authority to inspect the Manufactured Home Park at any time to ensure compliance.
3. Health Department: Pamlico County Health Department.
4. Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the

manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act.

For manufactured homes built before June 15, 1976, "Manufactured Home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured Home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width.

5. Manufactured Home Park: A Manufactured Home Park shall be defined as a Tract of land on which three (3) or more Manufactured Homes are located or on which three (3) or more Manufactured Homes are intended to be placed. For the purposes of this Ordinance, a Manufactured Home used in accordance with the following stated uses shall not be included in computation of the number of Manufactured Homes used to determine whether or not a Tract is classified as a Manufactured Home Park:
  - A. Any Manufactured Home occupied as a residence by the parents of the landowner.
  - B. Any Manufactured Home occupied as a residence by the children of the landowner.
  - C. Any Manufactured Home occupied as a residence by the brother or sister of the landowner.
  - D. Any Manufactured Home occupied as a residence by the grandparents of the landowner.
  - E. Any Manufactured Home occupied as a residence by the grandchildren of the landowner.
  - F. All of the relationships stated above include "step" and "half" relationships.

Any single Tract of land containing more than four (4) Manufactured Homes as described above in subsections A-F of Article 3, Section 5 of this ordinance in any combination shall be considered a Manufactured Home Park.

6. Manufactured Home Space: A plot of ground within a Manufactured Home Park designated for the accommodation of not more than one Manufactured Home.
7. Person: Any individual, partnership, firm, joint-stock company, corporation, limited liability company, association, trust, estate, or other legal entity.
8. Tract: A piece of land whose boundaries have been described or delineated by a legal instrument or map recorded in the office of the Register of Deeds of Pamlico County.
9. Service Building: A building housing facilities such as recreational, maintenance, laundry, and office, necessary to the successful development and management of a Manufactured Home Park.

#### **Article 4**

##### **Procedure for Obtaining Approval of a Manufactured Home Park**

No person shall begin construction on, or operation of, any new or expanded Manufactured Home Park until a plat has been reviewed by the Pamlico County Planning Board, and approved by the Pamlico County Board of Commissioners. No Manufactured Home may be occupied within a Manufactured Home Park until a Certificate of Compliance has been issued. To obtain plat approval, the landowner shall follow these steps:

- A. Pre-submission Meeting. It is required that the landowner or his agent meet with the Administrator of this Ordinance to discuss plans and ideas pertaining to the Manufactured Home Park.
- B. Plat of the Manufactured Home Park.

1. The landowner shall submit nine (9) copies of the plat and any supplementary materials to the Administrator at least thirty (30) days prior to the regularly scheduled Planning Board meeting at which said plat is to be considered.
2. The Administrator shall inspect the site. The landowner or his agent shall be required upon request to accompany the Administrator.
3. The plat shall be checked against the design standards and plat requirements by the Administrator. It shall be the Administrator's responsibility to ensure the following agencies are given the opportunity to review and make recommendations on the plat:

(a) The County Health Department as to the proposed water and sewage systems, insect and rodent control measures, and any other systems or methods related to the jurisdiction of the Health Department. Acknowledgement of the review and any recommendations made by the Health Department as described in this Ordinance shall be obtained in writing from the Health Department by the landowner. If other agencies are providing water or sewer services, their review will be required, as well as a binding commitment in writing from such agency indicating the provision of water and/or sewer services.

(b) Any federal or state agency with jurisdiction over any aspect of the Manufactured Home Park.

(c) Other agencies and officials as the Administrator and Planning Board deems necessary.

C. The Planning Board shall recommend approval, conditional approval, or disapproval of the plat to the Board of Commissioners.

1. If recommended for conditional approval, the conditions and reasons thereof shall be stated; the Planning Board may request that the landowner to submit a revised plat.
2. If the plat is recommended for approval, approval shall be indicated on the appropriate certificate of the plat, and the plat shall be forwarded to the Board of Commissioners for final approval.

D. Approval by Board of Commissioners. The Board of Commissioners shall consider an application and plat at its first regular meeting following the final consideration and recommendation by the Planning Board, or as soon thereafter as it may be reasonably considered. The Board of Commissioners shall approve, conditionally approve, or disapprove the application and plat. Approval or conditional approval (once all conditions have been met) shall authorize the owner to proceed with the construction and/or improvements to the Manufactured Home Park as approved. Failure of the Board of Commissioners to consider the application and plat, or failure to take action on the same, shall not constitute approval.

E. Certificates; Fees. No plat shall be accepted or approved until the certificates required to appear on the plat have been properly filled out and signed, and an inspection fee set by the Board of Commissioners has been paid to Pamlico County.

F. Contents of the Plat: The plat shall be prepared by a registered surveyor and/or engineer and shall be drawn to a scale not less than 200 feet to one inch and shall contain or be accompanied by the following:

1. Title, date, and location of the Manufactured Home Park.
2. Name of the owner and surveyor.
3. Scale with bar graph and north point.
4. Sketch vicinity map showing relationship between the Manufactured Home Park and the surrounding area.
5. Topographical map upon request.
6. Lines of all Manufactured Home Spaces, dimensions, driveways, parking areas, streets, roads, road dimension, and square footage of each Manufactured Home Space.
7. Recreation area and parking area.

8. Location and intensity of area lights and drawing showing typical connections to Manufactured Homes and a statement from the power company serving the area where the Manufactured Home Park is to be located indicating that it will be responsible for design and installation of the electrical system.
9. A statement indicating whether the property on which the Manufactured Home Park is to be located is or is not in a flood zone.
10. If the property is located in a flood zone, base flood elevation.
11. Water supply, sanitary sewerage disposal, and storm drainage systems.
12. Surface water drainage plans.
13. Location of fire hydrants.
14. Certificate of Ownership, Certificate of Planning Board approval unsigned, and Certificate of Board of Commissioners approval, unsigned, and any other certificates required by the administration.

G. Upon completion of the preceding requirements, the landowner may begin construction of the Manufactured Home Park.

H. Any new addition of Manufactured Home Spaces to a Manufactured Home Park shall be submitted as a new plat and meet the procedures and requirements of this Ordinance.

## **Article 5**

### **Certificate of Compliance**

After the construction and development of any new Manufactured Home Park has been completed, the Administrator shall issue a Certificate of Compliance to the landowner, which is authorization for operation of the Manufactured Home Park. The certificate will be issued only after the Administrator is satisfied that the Manufactured Home Park has been completed as approved on the plat and in accordance with any

conditions. At any time after the issuance of the permit, the Administrator shall revoke the Certificate of Compliance if the Manufactured Home Park is operating in violation of the requirements and terms of this Ordinance.

## **Article 6**

### **Variances**

The Pamlico County Board of Commissioners, upon review and recommendation of the Pamlico County Planning Board, may authorize a variance from this Ordinance when, in its opinion, undue hardship may result from strict compliance. In granting any variance, the Board of Commissioners and Planning Board shall make the findings required below, taking into account the nature of the proposed Manufactured Home Park, the existing use of land in the vicinity, the number of persons to reside or work in the proposed Manufactured Home Park, and the probable effect of the proposed Manufactured Home Park upon traffic conditions in the vicinity. No variance shall be granted unless the Pamlico County Board of Commissioners, after review and recommendation by the Pamlico County Planning Board, finds:

(a) That (1) there are special circumstances or conditions affecting said property such that the strict application of the provisions of this regulation would deprive the applicant of reasonable use of his land, or (2) the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and,

(b) That the circumstance giving rise to the need for the variance is peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance; and,

(c) That the granting of the variance will not be detrimental to the purpose of this Ordinance, public health, safety and welfare or injurious to other property in the territory in which said property is situated.

In the event that the Pamlico County Board of Commissioners grants a variance under the provisions of this section, the fact that a variance has been granted shall be noted on the final plat together with the date of approval of the variance by the Pamlico County Board of Commissioners.



## Article 7

### Design Standards for Manufactured Home Parks

#### A. General Provisions:

1. Any land within the jurisdiction of this Ordinance deemed by the Planning Board to be subject to flooding or unsuitable for residential occupancy may be prohibited for residential development, but such land may be set aside for such uses as will not be endangered by periodic or occasional inundation. The planning board in making its determination shall be guided by an analysis of available data on topography, soils, floodplains, drainage, or ground and surface water information. All Manufactured Homes within the flood hazard areas must meet the requirements set forth in the Pamlico County Flood Damage Prevention Ordinance, and any other applicable ordinance.

B. Interior Drives and Walkways: All new Manufactured Home Spaces shall abut upon an interior gravel drive or hard surface of no less than 18 feet in width which shall have unobstructed access to a public street or highway. All interior drives and walkways within the Manufactured Home Park shall be adequately maintained by the owner.

C. Off Drive Parking: Each new Manufactured Home Space shall be provided with at least two (2) parking spaces that are adequately graveled and maintained or hard surfaced.

D. Required Manufactured Home Space Area: In no event shall there be any more than four (4) Manufactured Homes per acre located on the parcel of real property on which the Manufactured Home Park is located or will be located.

E. Yard Requirements: Each new Manufactured Home Space shall be at least fifty (50) feet wide and clearly defined. There shall be at least one eighteen (18) foot wide side yard and a twenty-five (25) foot clearance between Manufactured Homes, including those parked end to end. No Manufactured Home shall be located closer than twenty-five (25) feet to any building or street within the Manufactured Home Park, nor within twenty (20) feet of any exterior street or boundary line of the Manufactured Home Park.

- F. Setback from Waterways: No Manufactured Home Space, Manufactured Home, Service Building, appurtenance, accessory structure or other improvement found in the Manufactured Home Park shall be located less than seventy-five (75) feet from any waterway, tributary, or public trust waters.
- G. Floodways: No Manufactured Home Space, Manufactured Home, Service Building, appurtenance, accessory structure or other improvement found in the Manufactured Home Park shall be placed or constructed in a Regulatory Floodway as defined and designated by the Federal Emergency Management Agency.
- H. Minimum Indoor Plumbing: A Manufactured Home which does not contain a built-in bathroom with water lavatory and shower or tub in working condition shall not be placed in a planned Manufactured Home Park.
- I. Refuse Collection Facilities: Individual, watertight, covered refuse containers with a minimum capacity of fifty (50) gallons shall be provided at each Manufactured Home Space by the landowner. A stand must be provided to keep containers securely and upright.
- J. Drainage: The new Manufactured Home Park shall be located on a well-drained and properly graded site. Necessary site drainage improvements may be required by the County.
- K. Water Supply:
1. Water lines used shall be consistent with the specifications and recommendations of the County water department, but in no circumstance shall the water line specifications be inconsistent with applicable state and federal laws or Pamlico County ordinances and policies regarding the use, installation, repair, or removal of water lines and shall be constructed of material approved by the County Health Department.
  2. Every well or suction line of the water supply system shall be located in such a manner that neither underground nor surface contamination will reach the water supply from any source.
  3. Well casings, pumping machinery or suction pipes shall be enclosed for proper protection and drainage. Such installation shall not be permitted in any room or space above ground which is walled in or otherwise enclosed. Such installation

may be allowed where free drainage by gravity to the surface of the ground is provided.

L. Individual Water-Riser Pipes and Connections:

1. Individual water and riser pipes shall be provided and located within the confined area of the Manufactured Home stand at a point where the connections will approximate a vehicle position.
2. Water riser pipes shall extend at least ten inches above ground elevation and the pipe shall be at least three-quarter inches in diameter. The water outlet shall be capped at all times when a Manufactured Home does not occupy the lot or when the supply is not in use.
3. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions during freezing weather. Surface drainage shall be satisfactorily diverted from the location of the riser pipes. Sewer riser pipes should be at least six (6) inches above ground level.
4. All water and sewer pipes and connections shall meet state plumbing regulations.

M. North Carolina Regulations for Manufactured Homes: Each Manufactured Home shall be anchored to meet the requirements of the North Carolina Regulations for Manufactured Homes. All Manufactured Homes must meet current hurricane standards.

N. North Carolina State Electrical Code: Each new Manufactured Home Park and any additional home sites and any expansion of an existing Manufactured Home Park shall meet the current North Carolina State Electrical Code.

O. Service Administrative and Other Buildings: One site within the Manufactured Home Park may be used as an administrative office. All administrative and Service Buildings housing sanitation and laundry facilities or any such facilities shall comply with all applicable ordinances, codes, and statutes regarding buildings, electrical installations, plumbing, and sanitation systems.

- P. Lighting: All interior drives and walkways within the Manufactured Home Park shall be lighted at night with electrical lamps providing sufficient lighting at street level throughout the Manufactured Home Park to ensure safety.
- Q. Buffer Zones: A buffer strip at least ten (10) feet wide adjacent to each exterior property line shall be densely planted and maintained when bordering a nonresidential use.
- R. Nonresidential Purposes: No part of any Manufactured Home Park may be used for nonresidential purposes that may create any unusual noises, odors, pollution, or other offensive matters that are not associated with residential living.
- S. Site Address: Approved numbers or addresses shall be provided for all new buildings in such a position as to be plainly visible and legible from the street or road fronting the property. All Manufactured Home Parks must adhere to the Pamlico County Road Naming and Addressing Ordinance.
- T. Compliance with State Guidelines for Areas of Environmental Concern: Prior to approval of any Manufactured Home Park/manufactured camp park, the local Manufactured Home regulation enforcement officer and the local AEC Permit Officer shall determine if the site, in whole or in part, is located within or outside any Area of Environmental Concern. This determination shall result from both an onsite investigation and a review of the official overlay map.

If the site is, in whole or in part, within any Area of Environmental Concern, the proposed development will comply with development standards of the State Guidelines for Areas of Environmental Concern prior to the issuance of any development permit; and a certification of compliance to that effect shall be signed by both the AEC Permit Officer and the local enforcement officer.

## **Article 8**

### **Responsibilities of Management and Occupants**

1. The person to whom a permit for a new Manufactured Home Park or an expansion of an existing Manufactured Home Park is issued shall operate the Manufactured Home Park in compliance with this Ordinance and shall provide adequate supervision to maintain the Manufactured Home Park, its facilities and equipment in good repair and in a clean and sanitary manner. Further, such person shall ensure compliance with all federal, state, and local rules and regulations by the occupants of the Manufactured Home Park.

2. The person to whom a permit for a Manufactured Home Park is issued shall be solely responsible for the collection and disposal of solid waste produced by the park and its residents. Collection and disposal of such solid waste shall be in a manner consistent with federal, state, and local laws and policies.
3. The Manufactured Home Park management shall notify all Manufactured Home Park occupants of applicable provisions of this Ordinance and inform them of their responsibilities.
4. The Manufactured Home Park management shall supervise the placement of each Manufactured Home on its stand, ensuring its stability and proper installation of all utility connections.
5. The Manufactured Home Park management shall maintain a complete register containing all information necessary for identifications and location of all Manufactured Home Park occupants. Such register shall be available to any authorized person inspecting the Manufactured Home Park.
6. The Manufactured Home Park management shall notify the health director immediately of any suspected communicable or contagious disease within the Manufactured Home Park.
7. The Manufactured Home Park management shall be responsible for the lawful operation of the Manufactured Home Park.
8. Each Manufactured Home Park occupant shall comply with all applicable requirements of this Ordinance and shall maintain the Manufactured Home lot in a clean and sanitary manner.
9. The Manufactured Home Park occupant shall be responsible for proper placement of the Manufactured Home on its stand and of proper installation and operation of all utility connections in accordance with this Ordinance.

## **Article 9**

### **Administration**

1. Amendments. The provisions of this Ordinance may from time to time be amended, supplemented, changed, modified, or repealed by the county commissioners.

2. Severability. Should any section or provision of this Ordinance be declared by the courts to be invalid for any reason, such declaration shall not affect this Ordinance as a whole, or any part thereof other than the part so declared to be invalid.
3. Conflict. When the requirements of this Ordinance conflicts with the requirements of other lawfully adopted rules, regulations, or ordinance of Pamlico County, the more stringent or higher requirements shall govern.
4. Penalties.

A. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$500.00. If the offender fails to remedy the violation or pay any civil penalty within twenty (20) days after being cited for said violation (or within ten (10) days of the time prescribed by a citation to remedy the violation if it provides for a longer period of time than ten (10) days to remedy such violation), the civil penalty may be recovered in a civil action in the nature of a debt. Civil penalties begin to accrue ten (10) days from the date of the first notice of violation if the violation has not been remedied by the offender by that time (or within the time prescribed by a citation if it provides for a longer period of time than ten (10) days to remedy the violation).

B. This Ordinance may also be enforced by any appropriate equitable action authorized by law, including injunctive relief, whether or not there is an adequate remedy at law.

C. Each day that any violation continues, regardless of the date of notice, shall be considered a separate offense for purposes of the penalties and remedies specified in this section. In such an event, civil penalties begin to accrue from the date of the first notice of violation. For continuing violations, the initial citation and requirement that the civil penalty be paid within the time prescribed therein shall be the only notice required to be given; and shall be deemed to be an on-going citation and notice for continuing violations after the date of the citation.

D. Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

E. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall not constitute a misdemeanor as provided in G.S. 14-4, unless any specific penalty set forth elsewhere provides to the contrary.

F. In addition to the provisions of this Section, any provision of this Ordinance may be enforced by any one or more of the remedies authorized by G.S. 153A-123, excluding misdemeanor charges as provided in G.S. 14-4.

5. Prior Ordinance. The Pamlico County Mobile Home Park Ordinance is hereby superseded by this Ordinance as to all new and expanded Manufactured Home Parks from the effective date of this Ordinance. The Pamlico County Mobile Home Park Ordinance shall continue in effect as to all mobile home parks, as defined therein, existing as of the effective date of this Ordinance.

## **Article 10**

### **Certificates on Final Plat**

All final plats must include the following certificates, and any additional site-specific certificates required by the County, and any certificates required by The North Carolina Board of Examiners for Engineers and Surveyors.

#### 1. Certificate of Ownership

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described here on and that I (we) hereby adopt this plan of the Manufactured Home Park with my (our) free consent. I (we) also certify that the land shown on this plat falls within the Manufactured Home Park jurisdiction of Pamlico County.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

2. Certificate of Approval by the Planning Board

The Pamlico County Planning Board hereby approves the final plat for the \_\_\_\_\_ Manufactured Home Park.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Planning Board

3. Certificate of Approval by the Board of County Commissioners

The Pamlico County Board of Commissioners hereby approves the final plat for the \_\_\_\_\_ Manufactured Home Park.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Board of Commissioners



## **Article 11**

### **Enactment**

The Pamlico County Board of Commissioners hereby adopts this Ordinance effective this 6th day of January, 2014.

Pamlico County

Paul Delamar, Chairman  
Pamlico County Board of Commissioners

Attest:

Kathy Cayton,  
Clerk to Board of Commissioners

Chairman Paul Delamar recognized Mr. Keith Letchworth, Community Resource Database Coordinator who came before the Board on behalf of the East Carolina Behavioral Health (ECBH). Mr. Letchworth presented ECBH's effort to implement NC 2-1-1 in Pamlico County. NC 2-1-1 is a statewide database of community resources that is searchable by county and category of service. ECBH is working with United Way North Carolina to make the Community Services Information line, 2-1-1, available throughout its service area, including Pamlico County in 2014.

Chairman Paul Delamar asked if there were any additions and/or deletions to the agenda. There were two (2) additions. On a motion made by Commissioner Ann Holton and seconded by Commissioner Christine Mele, the following additions were unanimously approved.

- Resolution approving lease purchase of radio equipment.
- Reschedule the January 20<sup>th</sup> meeting to January 21<sup>st</sup> in observance of the Martin Luther King Holiday.

Chairman Paul Delamar asked if there were any speakers to speak during public comment period. There was one citizen.

- Mr. David Cox: Mr. Cox has concerns about the Voter ID requirements for elections that will take effect in 2016. He asked that people go on to the North

Carolina Democratic Party Website and read what ID's will be accepted and which will not.

The Board then turned their attention to the Consent Agenda.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Pat Prescott, the following resolutions were unanimously approved.

**BE IT RESOLVED, the following Budget Amendments are hereby approved.**

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

**FISCAL YEAR 2012-2013**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
307140 519500KER	ENGINEERING	\$145,000.00	
307140 519200KER	PROFESSIONAL SERVICES	\$ 5,000.00	
307140 559910KER	CONTINGENCY	\$ 50,600.00	
307140 555000KER	CAPITAL OUTLAY	\$246,000.00	
307140 535000KER	M & R PLANT- KERSHAW		\$ 3,000.00
307140 533000KER	ELECTRICAL-KERSHAW		\$ 15,000.00
307140 529001KER	CHEMICALS-KERSHAW		\$ 15,000.00
307140 555000	CAPITAL OUTLAY		\$ 40,000.00
307140 555000GRT	CAPITAL OUTLAY-GRANTSBORO		\$150,000.00
320000 101171	WATER- CAPITAL RESERVES		\$223,600.00

Reason for Budget Revision: To move monies to cover the refurbishing of the Kershaw WTP.

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

**FISCAL YEAR 2012-2013**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
105110 535200	M & R- EQUIPMENT	\$50.00	
105110 535100	M & R- GROUNDS		\$50.00

Reason for Budget Revision: To move budget to cover the purchase of a new incubator.

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

**FISCAL YEAR 2012-2013**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	AMOUNT (+) INCREASED	AMOUNT(-) DECREASED
105110 535100	M &R- GROUNDS		\$500.00
105110 535200	M &R- EQUIPMENT		\$500.00
105110 538100	PROGRAMMING	\$1,000.00	

Reason for Budget Revision: To move budget to cover the expense of computer repairs.

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

**FISCAL YEAR 2012-2013**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
104310 529000	DEPARTMENTAL SUPPLIES	\$1,952.22	
104310 531000	TRAVEL	\$ 600.00	
104310 529000MAJ	DEPARTMENTAL SUPPLIES- MAJOR		\$2,552.22

*Reason for Budget Revision:* To move budget to cover expenditures.

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

**FISCAL YEAR 2012-2013**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
104180 549100	DUES & SUBSCRIPTIONS		\$20.00
104180 519900	CONTRACTED SERVICES	\$20.00	

*Reason for Budget Revision:* To move budget for new wide format scanner.

The original budget is being revised with this Budget Revision. A Budget Amendment will revise the total dollar amount, either increase or decrease, of the original Budget Ordinance. A Line Item Transfer will revise the dollar amounts allocated between different programs in a department with more than one budget code or different line items within a single department code but will not increase or decrease the Budget Ordinance.

**FISCAL YEAR 2012-2013**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
100214 435205	SR. CENTER OPERATIONS	\$7,763.00	
100000 439900	FUND BAL. APPROP.	\$2,587.00	
104945 512100	F/T SALARIES	\$4,836.00	
104945 512600	P/T SALARIES	\$5,120.00	
104945 518100	FICA	\$ 627.00	
104945 518101	MEDICARE	\$ 144.00	
104945 518200	RETIREMENT	\$ 242.00	
104945 518600	HEALTH INSURANCE	\$ 1,838.00	
104945 518600	WORK. COMP.	\$ 335.00	
104945 526000	OFFICE SUPPLIES	\$ 500.00	
104945 531000	TRAVEL	\$ 280.00	
104945 529000	DEPT. SUPPLIES		\$ 400.00
104945 535100	M & R- GROUNDS		\$3,172.00

*Reason for Budget Revision:* To budget additional funds awarded to the Senior Center due to a Certification of Excellence award.

**BE IT RESOLVED**, that the quote of \$9,500 for writing specifications, drawing plans, and bidding Phase 1 of the Courthouse repairs is hereby approved. Funds to come from fund balance.

**BE IT RESOLVED**, the audit contract extension beyond November 30, 2013 with a final completion date of January 31, 2014 is hereby approved.

**BE IT RESOLVED**, the change order for electrical repairs for the Brinson Building in the amount of approximately \$500.00 is hereby approved.

**BE IT RESOLVED**, the 2009 CDBG-CR of the following three (3) emergency repair clients is hereby approved and the Chairman and County Manager are authorized to sign documents.

- Carroll Voliva, 538 Jones Road, Vandemere
- Edwin Ireland, 4406 Lowland Road, Lowland
- Nathaniel Finch, 2015 Main Street, Vandemere, NC 28587

**BE IT RESOLVED**, the request to reappoint Commissioner Pat Prescott to the Eastern Carolina Council Board is hereby approved.

**BE IT RESOLVED**, the membership to the Coastal Narcotic Enforcement Team in the amount of \$3,000 a year is hereby approved. Funds to come from fund balance with a \$3,000 increase to the Sheriff's Department contracted services line item.

**BE IT RESOLVED**, the agreement between the Department of Transportation and Pamlico County for the paving of the driveway access to the Goose Creek Island Fire Department is hereby approved.

**BE IT RESOLVED**, the lease purchase agreement for radio equipment with Kansas State Bank of Manhattan and Pamlico County is hereby approved.

**BE IT RESOLVED**, the January 20, 2014 meeting is rescheduled to January 21, 2014 in observance of the Martin Luther King Holiday.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Ann Holton, the following resolution was unanimously approved.

**BE IT RESOLVED**, the request for additional painting to the jail in the amount of \$6,300 is hereby approved.

On a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

**BE IT RESOLVED, the request from Public Services Director Mr. Garry Cooper to hire a temporary staff member for building maintenance is hereby approved. Funds are available in the public buildings salary line item.**

The Board turned its attention to the Correspondence Agenda.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Christine Mele, the following Ordinance was unanimously approved.

## **ORDINANCE**

### **PROVIDING FOR THE ESTABLISHMENT OF THE PAMLICO COUNTY FIRE CHIEFS COMMISSION, THE OFFICE OF PAMLICO COUNTY FIRE MARSHAL AND PROVIDING FOR FINANCIAL ASSISTANCE TO CERTAIN FIRE DEPARTMENTS IN PAMLICO COUNTY.**

#### **ARTICLE I. AUTHORITY AND PURPOSE**

**SECTION I. This Ordinance is adopted pursuant to the authority contained in Article 11 of chapter 153A of the General Statutes of North Carolina.**

**SECTION II. The purposes of this Ordinance are to:**

- A. Establish a Pamlico County Fire Chiefs Commission**
- B. Encourage and financially aid rural volunteer fire departments in Pamlico County in order that they can provide fire protection to public school buildings, county government buildings, and private property in the County.**
- C. Establish an effective firefighting organization to work with and supplement the Office of the Pamlico County Fire Marshal.**
- D. Establish the Office of County Fire Marshal to provide liaison between the volunteer fire departments, county/state governments.**
- E. Aid in the reduction of the cost of fire insurance to the County and its citizens.**
- F. Provide for the prudent expenditure of County funds for fire protection purposes.**
- G. Provide for more adequate and efficient protection of life and property in the rural areas of the County, and to provide a trained body of persons to assist the citizens of the County in case of emergency.**

## **ARTICLE II. THE FIRE CHIEFS COMMISSION**

**SECTION I. There is hereby created the Pamlico County Fire Chiefs Commission, to be composed of members as follows:**

- A. One member of the Board of Commissioners of Pamlico County, to be appointed by said Board as an ex-officio member.**
- B. Nine (9) active volunteer firemen who are members of the firemen's Association. Each Chief & Asst. Chief or designee shall represent their respective department.**
- C. The Fire Marshal of Pamlico County shall serve as an ex-officio member.**
- D. The President of the Pamlico County Fire Association shall be an ex-officio member.**
- E. The members of the Fire Chiefs Commission shall initially be appointed to establish a rotating board. To accomplish this, the Fire Chief, Asst. Chief, or designee from each Fire Dept. will be appointed. Upon the expiration of the initial terms, successor members shall be appointed for three year terms.**
- F. The Chiefs Commission shall elect one of its members as Chairman.**
- G. The County Fire Marshal shall serve as the recorder for the Commission.**
- H. The Fire Marshal's Office will provide clerical assistance to the Commission.**

**SECTION II. Duties and Powers**

- A. The duties and powers of the Fire Chiefs Commission shall be as specified in this Ordinance and the Commission shall be empowered to make rules and regulations necessary to carry out the provisions of this ordinance.**
- B. The Commission shall, from time to time, review the provisions and requirements contained in this Ordinance, and it shall recommend to the Board of County Commissioners, amendments or changes which the Commission may deem advisable.**
- C. The Commission shall receive the annual budget requests from the individual Volunteer Fire Departments and shall make recommendations concerning County subsidies to the County Manager on or before April 30<sup>th</sup> of each year.**

- D. The Fire Chiefs Commission shall inspect each fire department receiving County financial assistance as often as it finds necessary but at least once annually. It shall report to the Board of Commissioners, whether or not each department is meeting minimum standards, as specified herein.**
- E. If the Fire Chiefs Commission finds that a fire department is not meeting the minimum standards specified in this Ordinance, notice of such deficiency shall be given in writing to the chief and at least two members of the department. This notice shall require that the deficiencies be corrected within sixty days. At the end of the sixty day period another inspection shall be made by the Fire Chiefs Commission, and if the deficiencies have not been corrected, the Fire Chiefs Commission shall notify the County Board of Commissioners and the financial assistance shall be suspended until the deficiencies shall be corrected. Upon receipt of notification that a Volunteer Fire Department has failed to meet minimum requirements for maintenance of a 9-S-5 mile response (except where district boundaries prohibit), the County Board of Commissioners shall cause the Fire Insurance Rating Bureau to be notified of the deficiency.**
- F. The Fire Chiefs Commission shall develop plans for adequate cost effective fire protection for Pamlico County and shall make appropriate short and long range recommendations to the County Board of Commissioners. Such plans may include consolidation of existing departments or substations.**
- G. The Fire Chiefs Commission shall review all matters pertaining to the delivery of fire protection and make recommendation thereon to the County Board of Commissioners.**

### **ARTICLE III. FIRE MARSHAL**

**SECTION I. The Office of County Fire Marshal is hereby established. The County Manager may assign the duties of Fire Marshal to an employee of the county having other duties. Any appointment must be approved by the Fire Commission w/in 30 days.**

**SECTION II. The County Fire Marshal shall have the following duties and responsibilities:**

- A. Keep the County Manager and County Board of Commissioners informed of the progress and development of rural fire departments.**
- B. Act as liaison between fire departments in the County, the County Manager and County Board of Commissioners.**

- C. Advise the County Manager and County Board of Commissioners concerning requirements of the Insurance Service Office of North Carolina for establishing fire districts.
- D. Advise fire departments in the County on the availability of Federal Surplus and Excess Property.
- E. Assist in coordinating systems for communicating alarms and calls to all firemen in the County.
- F. Assist with fire scene investigations upon request of the officer in charge of the scene of the fire.
- G. Assist in coordination and development of an Arson Task Force.
- H. Assist with development of a Fire Prevention Program for the County.
- I. Assist VFDs upon request in the improvement of insurance ratings.
- J. Advise and assist VFDs in the procurement of any local, state and federal monies in the ways of grants or loans.
- K. Coordinate (mutual aid) agreements between VFDs and surrounding counties, etc.
- L. Maintain file of all fire incident reports provided by VFDs.

#### **ARTICLE IV. FINANCIAL ASSISTANCE**

**SECTION I.** Pamlico County will make monthly grants of financial assistance to volunteer fire departments in Pamlico County upon their compliance with the minimum requirements hereinafter contained.

**SECTION II.** In order to qualify for financial assistance from Pamlico County, a fire department must:

- A. Be organized as a non-profit corporation under the laws of North Carolina, or
- B. Be wholly owned and operated by a Pamlico County corporation.
- C. Be a wholly volunteer fire department, that is, no member firemen shall receive any pay or other remuneration for services to the fire department as a fire fighter.
- D. Have a minimum of 20 personnel with 18 designated as fire fighters and 2 as traffic personnel or show through documentation that an average of 12 fire fighters have responded to each of the previous 20 structure fires.



**Substation:** If the 20-personnel option (as described above) is used, 8 additional personnel shall be added to the roster for each substation. If the average responding personnel is used by the main station, 4 additional personnel shall be required for each substation.

- E.** Furnish to the County Fire Marshal by February 1<sup>st</sup>, of each year a list of all members as of January 1<sup>st</sup>, of that year. The list shall include name, address, telephone, and social security numbers.
- F.** Furnish each of its members a means of identification, such as a card, a badge, hat or automobile plate. Such identification shall be evidence of bona fide membership in the department.
- G.** Have the following equipment/apparatus:
  - 1.** Pumper (minimum requirements):
    - a.** Pumper shall be certified by Underwriters Laboratories, Inc., or National Bureau of Fire Underwriters.
    - b.** Pumper shall be constructed in accordance with NFPA 1901, Standard for Automotive Fire Apparatus.
    - c.** Pumper shall be equipped with a GVW (gross vehicle weight) plate from the manufacturer attached to the vehicle. The vehicle shall not be loaded beyond the specified limits.
    - d.** Pumper shall be rated at not less than 500 gpm at 150 psi net pump pressure.
    - e.** Pumper shall be equipped with a minimum 500 gallon tank.
    - f.** Pumper shall have a complete and accurate service test performed annually. If the pumper has been purchased within the previous twelve months, the UL certificate will meet this requirement.
    - g.** Two, 150-foot, ½ -inch pre-connected hose lines with fog nozzles attached.
    - h.** One booster reel or three pre-connected hose lines.
    - i.** Two, 10-foot sections suction hose (size necessary to flow the capacity of pumper).
    - j.** Four, OSHA-approved, self-contained breathing apparatus in good working condition.
    - k.** OSHA approved (at time of purchase) protective clothing including helmet, coat, pants, boots and gloves for all fire fighters. Total number of sets of protective clothing can include reflective vests for traffic personnel (see Section 0507, Item #9 of the Rating Plan for Class 9-S Fire Districts of North Carolina for the Protective Clothing Form provision).
    - l.** One 12-foot roof ladder.
    - m.** One 24-foot extension ladder.

- n. One axe.
  - o. One crowbar (Halligan Tool can replace crowbar).
  - p. One pry bar (Halligan Tool can replace pry bar).
  - q. One pike pole.
  - r. Two portable hand lights.
  - s. 100 feet of 1/2" rope.
  - t. Two shovels.
  - u. Two class B-C portable extinguishers.
  - v. One first aid kit.
  - w. One bolt cutter.
2. Tanker (Minimum Requirements):
- a. Tanker shall be equipped with a minimum of 1000 gallons capacity or enough to equal 1500 gallons total for pumper and tanker. Recommended that tanker not exceed 1500 gals.
  - b. Tanker shall be equipped with necessary hose for filling tank and hose for transferring water to the pumper.
  - c. When fully loaded, the tanker shall not exceed the GVW limits as posed on the Gross Vehicle Weight plate located on the vehicle.
  - d. Tanker shall be properly baffled.
- H. Agree to conduct fire drills and to operate its equipment at regular intervals.
  - I. Have adequate fire alarm and/or other communications equipment to ensure response to fire calls.
  - J. Maintain a minimum grade 9-S-5 mile response rating with the North Carolina Fire Insurance Rating Bureau.
  - K. Maintain the liability and workman's compensation insurance on the firemen and equipment as required by law and by the North Carolina Industrial Commission to ensure that the County will be free from any responsibility for damages or claims resulting from the activities of its firemen or from the operation of its equipment. Each department shall also maintain membership in good standing in the North Carolina and Pamlico County Firemen's Associations.
  - L. Carry out an organized training program, which shall be specified by the Fire Commission. The training program shall include the training and qualifying of fire truck drivers. Each department shall participate in a minimum of one drill each month, and fire truck shall be operated at least once each week. Each department shall record a minimum of 36 documented hours of training for each member annually.

- M. Stress safety throughout the department and its activities. Emphasis shall be placed on the safe driving of the firemen's automobiles to the scene of the fire, as well as safe practices while fighting a fire. Only qualified members shall drive a fire truck.**
- N. Keep accurate records of all fire calls in a fire record book. The chief of a fire department shall see that all reports required by the County Fire Marshal, the Insurance Service Office of North Carolina, the Police Information Network (PIN) or other governmental agencies shall be promptly filed. All fire incident reports shall be filled out completely and filed with the Office of the County Fire Marshal in a timely manner.**

**SECTION III. Financial assistance shall be made to fire departments in monthly installments. The county will commit assistance to a department for a one year period, but payments shall be subject to suspension as provided in Article II, Section II, E hereof.**

#### **ARTICLE V. FIRE DISTRICTS**

**SECTION I. It shall be the responsibility of each fire department in Pamlico County to determine, after negotiation with the adjoining fire department, if appropriate, the area of the County within which it will provide fire protection, (fire protection area), and the boundaries of such district shall be clearly shown on a map of the County. A report of such determination shall be made to the Fire Commission which shall make a recommendation in respect thereto to the County Board of Commissioners. No fire department shall solicit funds outside its fire district as so established, except that a department may solicit funds from a non-resident of its district from owners of property located in the district. The County Fire Marshal shall assist in establishing fire district lines if requested to do so by a fire department. The following items elaborate on the Fire Districts described above.**

**A. The senior officer of the fire department within whose district a fire is being fought or a HAZMAT incident has occurred, shall be the final authority at such fire or HAZMAT incident. In the case of a fire or HAZMAT incident outside an organized fire department district, the senior officer of the first department whose equipment arrives at the scene shall be the final**

authority. A senior officer may transfer his authority to another officer better qualified to deal with a given fire or other emergency provided the latter is willing to assume such authority. In such cases, all firemen shall be notified of the transfer of authority.

B. It shall be the responsibility of the officer in charge of fighting a fire, with such assistance as he shall deem necessary, to make a full investigation in order to determine the cause of the fire, if possible. All evidence of arson or other crime shall be reported to appropriate law enforcement officers.

#### **ARTICLE VI. CONFLICTING ORDINANCES, ORDERS, RULES AND REGULATIONS SUSPENDED**

All provisions of existing ordinances which conflict with this Ordinance are hereby repealed. All rules and regulations made and promulgated pursuant to this Ordinance shall supersede all existing rules and regulations inconsistent therewith.

#### **ARTICLE VII. EFFECTIVE DATE**

**This Ordinance shall take effect on the 1<sup>st</sup> day of January 2014.**

On a motion made by Commissioner Christine Mele and seconded Commissioner Paul Delamar, the request to review the Ordinance Regulating Open/illegal Burning and then set a public hearing was **denied** by a 7-0 vote.

County Manager Tim Buck discussed with Board Members problems at the Reelsboro Recycling Site with household trash being dumped at there. This problem is costing the County overtime for employees to remove the trash and the cost of dumping the trash. The prior week they had to use an empty 30 yard box to haul the collected trash to the Transfer Station in Grantsboro.

On a motion made by Commissioner Ann Holton and seconded by Commissioner Pat Prescott, the following resolution was unanimously approved.

**BE IT RESOLVED, that County Manager Tim Buck and Public Services Director Mr. Garry Cooper are directed to use the most cost effective measures to prevent trash dumping at the Reelsboro Recycling Site. There will be funds allocated for signage, lighting and 24 hour cameras and also to notify the Sheriff's Department requesting they patrol that area on a regular basis.**

On a motion made by Commissioner Christine Mele and seconded by Commissioner Kenny Heath, the following resolution was unanimously approved.

**Resolution Requesting Changes to  
Proposed Hunting Regulations for Bear Hunting**

**WHEREAS, the North Carolina Wildlife Resources Commission proposes to modify North Carolina Administrative Code 15A NCAC 10B.0202 to allow bear hunting with dogs in all counties except those specifically exempted; and**

**WHEREAS, the proposed changes to 15A NCAC 10B.0202 do not specifically exempt bear hunting with dogs in Pamlico County; and**

**WHEREAS, Session Law 1983-448 adopted June 6, 1983 prohibits bear hunting with dogs in Pamlico County; and**

**Whereas, the Pamlico County Board of Commissioners believes it is important to recognize local laws and preferences related to hunting, and desires that the proposed changes do not in any way supersede Session Law 1983-448.**

**NOW THEREFORE BE IT RESOLVED, that the Pamlico County Board of Commissioners requests that the Wildlife Resources Commission modify the proposed rule changes to 15A NCAC 10B.0202 (b) (5) to include the phrase “except where prohibited by local act”**

**BE IT FURTHER RESOLVED, that the Pamlico County Commissioners request that the Wildlife Resources Commission modify the proposed rule changes to 15A NCAC 10B.0202 (b) (5) to exempt Pamlico County.**

**Adopted on the 6<sup>th</sup> day of January 2014.**

On a motion made by Commissioner Pat Prescott and seconded by Commissioner Ann Holton, the following resolution was unanimously approved.

**BE IT RESOLVED, the request to appoint Mr. Bill Wheeler to replace Mr. George Brinson on the Pamlico County Library is hereby approved.**

On a motion made by Commissioner Kenny Heath and seconded by Commissioner Ann Holton, the following resolution was unanimously approved.

**BE IT RESOLVED, the request to table the appointment of Mr. Peter Waterson and Mr. Doug Brinson to the Economic Development Advisory Committee is hereby approved.**

There being no further business on a motion made by Commissioner Ann Holton and seconded by Commissioner Kenny Heath, the Board adjourned until Tuesday January 21, 2014 at 7:00 p.m.

---

Chairman

---

Clerk to the Board