

**REGULAR SESSION MINUTES OF THE  
PAMLICO COUNTY BOARD OF COMMISSIONERS  
MONDAY, MAY 04, 2020**

The Pamlico County Board of Commissioners met in regular session via Zoom on Monday, May 04, 2020 at 7:00 pm in the Patsy H. Sadler room of the Pamlico County Courthouse. All Commissioners were physically present with the exception of Commissioner Carl Ollison who attended via zoom. Also present were County Attorney Dave Baxter, County Manager Tim Buck, Finance Officer Bill Fentress, and Clerk to the Board Courtney L. Norfleet.

Chairman Pat Prescott called the meeting to order.

Chairman Pat Prescott led the assemblage in prayer. Chairman Pat Prescott led the assemblage in the Pledge of Allegiance.

Chairman Pat Prescott asked if there were any corrections, additions, and/or deletions to the Monday, April 20, 2020 regular session minutes. There being none, on a motion made by Commissioner Candy Bohmert and seconded by Commissioner Paul Delamar, the following resolution was unanimously approved.

**BE IT RESOLVED, the regular session minutes of the Monday, April 20, 2020 meeting are hereby approved and the Chairman's signature is authorized thereon.**

Chairman Pat Prescott asked if there were any additions and/or deletions. There were three (3). On a motion made by Commissioner Paul Delamar and seconded by Commissioner Candy Bohmert, the following additions were approved.

- Letter dated May 04, 2020 to Governor Roy Cooper **Item #10**
- Budget Amendment **Item #1a**
- Request for closed session – Attorney-Client Privilege **Item #12**

Chairman Pat Prescott asked if there were any members of the Public that submitted public comments for Public Comment Period. There were two (#2) submitted by email.

1. Stewart King – Mr. Brantley's letter

I wish to know from Atty/Commissioner Delamar what "LAW" is not being respected.

I do not believe that nay law is to be broken, as I believe that what is to be discussed is the current "GUIDELINES" that are in place, which in general came from the President, and then modified to fit a governor's perception of his/her state's situation.

Thank you for your time and consideration

Stewart King  
287 Meekins Road,  
Mesic  
NC

2. Grace Evans – proposed corvid proclamation  
To: Pamlico County Commissioners:

I have not read the proposed Corvid proclamation except for its title on the agenda but I think that a blanket opening of the County would be premature.

It was nice to see Oriental over this past beautiful weekend look almost normal. However, social distancing and masks were not as noticeable as earlier in the week and past month.

Rather than opening the County to more opportunities to let our guard down right now, I suggest we take the opportunities to thank and help meet the needs of our essential workers – our first responders, our workers at Grantsbrook, the health department and Hope Clinic, Fishes and Loaves, and our local workers who travel to staff the hospital and others.

They are all absolutely essential in good times and bad to our being able to live safely and protected in this beautiful County and their safety needs should be predominant and are not covered in the monies and support offered by the Federal and State agencies to businesses and individuals at this time.

Thank you for your consideration.                      Grace B. Evans, Oriental, 28571

249-1748

Chairman Pat Prescott declared the Public Hearing for the Proposed Flood Damage Prevention Ordinance open. There were no members of the public to speak. Chairman Pat Prescott declared the Public Hearing closed.

The Board then turned their attention to the Consent Agenda.

On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Missy Baskervill, the following resolutions were unanimously approved.

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

*Department:* **Water Department**

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 2019-2020**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
307140-555000	Capital Outlays		\$ 30,000.00
307140-519900	Contracted Services	\$ 30,000.00	

*Reason for Budget Revision:* To move funds to cover scheduled work and supplies.

*Department:* **DSS**

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 2019-2020**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
105800-548703	Transportation DSS	\$ 2,297.00	
105800-548706	Transportation PCC	\$ 4,214.00	
100212-435800	Elderly & Disabled Transportation	\$ 6511.00	

*Reason for Budget Revision:* To revise accounts to FY2020 ROAP Grant received and to reflect expense and revenue accounts.

*Department:* **Water Department**

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 2019-2020**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
300600-400000	Miscellaneous Revenue	\$ 6,691.00	
307140-519900	Contracted Services	\$ 6,691.00	

*Reason for Budget Revision:* To recognize revenue received from Olympia VFD for reimbursement for water project.

*Department: Water Department*

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 2019-2020**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
307140-529001 KER	Departmental Supplies & Chemicals		\$ 5,000.00
307140-529001 MIL	Departmental Supplies & Chemicals	\$ 5,000.00	
307140-537000	Advertising		\$ 800.00
307140-532000	Telephone	\$ 800.00	
307140-533000 KER	Electrical		\$ 7,000.00
307140-549800	Annual Monitoring Fee	\$ 7,000.00	

*Reason for Budget Revision:* To move funds to cover scheduled work and supplies.

*Department: Water Department*

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 2019-2020**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
300600-400000	Miscellaneous Revenue	\$ 34,925.00	
307140-519900	Contracted Services	\$ 34,925.00	

*Reason for Budget Revision:* To recognize revenue from Waterline Extension Agreement.

**BE IT RESOLVED, the following JCPC Budget Amendment is hereby approved.**

*Department: Stillwaters*

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 2019-2020**

<b>ACCOUNT NUMBER</b>	<b>ACCOUNT DESCRIPTION</b>	<b>AMOUNT (+) INCREASED</b>	<b>AMOUNT(-) DECREASED</b>
105835-500000	Stillwater Expenditure	\$ 3,475.00	
100213-435832	DJJP Intervention-Delinquency	\$ 3,475.00	

*Reason for Budget Revision:* To recognize additional revenue received.

**BE IT RESOLVED, the following Interlocal Agreement for Building Inspections Services is hereby approved.**

NORTH CAROLINA

INTERLOCAL AGREEMENT - BUILDING INSPECTIONS

PAMLICO COUNTY

THIS INTERLOCAL AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2020 by and between PAMLICO COUNTY, a body politic and corporate of the State of North Carolina and the TOWN OF \_\_\_\_\_, a municipal corporation of the State of North Carolina.

WITNESSETH:

**ARTICLE I**  
**Definitions**

1.1 “Agreement” – means and refers to this Interlocal Agreement, and any amendments hereto.

1.2 “County” – means and refers to Pamlico County, a body politic and corporate of the State of North Carolina.

1.3 “Ordinance(s)” – means and refers to the Town’s minimum housing ordinance, nuisance abatement ordinance, zoning ordinance, and any other ordinance containing building standards for residential and/or commercial structures, as applicable. This term does not mean and refer to the Town’s flood damage prevention ordinance.

1.4 “Town” – means and refers to the Town of \_\_\_\_\_, a municipal corporation existing by virtue of the laws of the State of North Carolina.

**ARTICLE 2**  
**Recitals**

2.1 Town does not currently operate a building inspections department, but does enforce and administer regulations governing building standards and land use within its municipal limits.

2.2 County has established a building inspections department, and provides these services to local municipalities upon request.

2.3 The parties therefore enter into this Agreement to allow the County’s Inspections Department to inspect structures in the Town for compliance with the Ordinances and the County’s building code.

2.4 This Agreement supersedes and replaces any previous Agreements between the County and the Town with regards to the provision of building inspection services by the County to the Town.

ARTICLE 3  
**Purpose of Agreement**

The purpose of this Agreement is to set forth the mutual responsibilities and duties of the parties as to building inspections to be performed by the Pamlico County Building Inspections Department within the Town.

ARTICLE 4  
**Authority**

This Agreement is executed pursuant to the authority granted by:

4.1 Chapter 160A, Article 20 “Interlocal Cooperation”, Part 1 “Joint Exercise of Powers” of the North Carolina General Statutes;

4.2 Chapter 160A, Article 19 “Planning and Regulation of Development,” Part 1 “General Provisions,” and Part 5 “Building Inspection” of the North Carolina General Statutes; and

4.3 N.C. Gen. Stat. §§ 160D-202, -1102 (Effective January 1, 2021)

ARTICLE 5  
**Responsibilities of County**

County agrees as follows:

5.1 County shall direct its building inspectors to exercise their powers within the Town’s jurisdiction, which jurisdiction includes both the municipal boundaries of the Town and the Town’s area of extraterritorial jurisdiction.

5.2 County’s building inspectors are hereby empowered to exercise their powers as requested, and will enforce the County’s building inspection code, and assist in the enforcement of the Town’s Ordinance(s), as such may be amended from time to time. Provided, however, the County’s assistance in the enforcement of the Ordinance shall be limited to only those sections that pertain to a building inspector’s duties, obligations and authorities thereunder, and only upon specific request.

5.3 Notwithstanding anything to the contrary contained herein:

- A. County shall not issue a building inspections permit until it has received in writing from the Town confirmation that all the Town's rules, regulations, ordinances and requirements that are not the duty of the County to inspect pursuant to this Agreement have been met, and that any applicable permits have been issued.
- B. County shall not issue a temporary certificate of occupancy, nor a certificate of occupancy, until it has received in writing from the Town confirmation that all required permits are still in full force and effect, and if applicable, that a certificate of zoning compliance has been issued.
- C. County and its building inspectors shall not be required to perform any other service for Town other than building inspection, and assistance in enforcement of the Town's Ordinance(s), unless otherwise agreed to and accepted by the County. Such additional services that must be accepted by the County include but are not limited to zoning, subdivision regulations, and any other land use regulations.

5.4 For services provided by the County to the Town hereunder, the County shall be reimbursed as follows:

- A. Building Inspector Services under N.C. Gen. Stat. Ch. 153A, Art. 18, Part 4 and/or N.C. Gen. Stat. Ch. 160A, Art, 19, Part 5
- B. Building Inspector Services under N.C. Gen. Stat. Ch. 160D, Art. 11 (Effective January 1, 2021) .
- C. Designee Services under Town's Flood Damage Prevention Ordinance or any other floodplain regulation.

County shall keep in force a schedule of fees for building inspection services, and is solely entitled to retain said fees. County's schedule of fees for building inspection services provided hereunder shall not exceed the County's schedule of fees for such services provided by it outside of any incorporated municipality. Other than said fees, Town shall not be required to compensate or otherwise reimburse the County for the such services.

- D. Building Inspector Services Under the Ordinance(s).

County shall invoice Town for the hours and mileage that the building inspector incurs in fulfilling the terms of this Agreement related to the enforcement and administration of the Ordinance(s). County shall invoice Town monthly, which shall be due within 15 days of the same, for all building inspector fees on an hourly basis. The current fees for the building inspector are \$30.00 per hour, plus the federal reimbursement rate for mileage as promulgated by the Internal Revenue Service at the time the service is rendered, subject to any changes in the future, which change may be made unilaterally

by the County. Any change in the hourly fee and/or current mileage reimbursement shall be communicated to the Town by the County at least 30 days prior to the effective date of the change.

Further, County shall invoice the Town, as set out immediately above, for all other costs and expenses related to the enforcement of the Ordinance(s), including but not limited to administrative costs, filing fees, publication costs, copies, postage, costs for service of process, expenses paid to third parties, and legal fees.

5.5 The Town shall have the right to refuse building inspection services should the hourly fee and/or mileage reimbursement exceed an amount that the Town cannot fiscally manage.

5.6 County shall take all steps and actions necessary to achieve the purposes of this Agreement.

## ARTICLE 6 **Responsibilities of Town**

Town agrees as follows:

6.1 Town hereby authorizes and empowers County and its building inspectors to enforce County's then-current building code within the municipal limits of the Town, as well as within the area of extraterritorial jurisdiction of the Town.

6.2 Town shall promptly respond to any and all requests of County regarding verification of compliance by an applicant of all of the Town's rules, regulations, ordinances and permits.

6.3 Town shall assist County and its building inspectors in the identification of structures and enforcement of the Town's flood damage prevention ordinance and all other Ordinance(s).

6.4 In the enforcement of the Ordinance(s) by the County, Town shall be responsible for the following:

A. All administrative assistance related to County's obligations hereunder. Such administrative assistance includes but is not limited to identifying properties for investigation and enforcement, scheduling hearings, providing notice to interested parties, legal publications, title searches as may be necessary, and the provision of office space to conduct hearings;

B. Any abatement or other improvements or physical alterations to any property covered by the services provided hereunder, and shall be solely responsible for the costs related to the same;

C. Filing any claims of lien, and collection and/or enforcement of the same; and,

D. Prosecuting or defending any appeal filed by an aggrieved party.



E. Maintaining all files, records, proceedings and other documentation.

6.5 Town shall take all steps and actions necessary to achieve the purposes of this Agreement.

## ARTICLE 7 **Term and Termination**

7.1 This Agreement is perpetual and may be terminated by either party for cause on sixty (60) days' advance written notice.

7.2 Unless otherwise agreed to by the parties, and except as otherwise stated herein, this Agreement may be terminated only in accordance with the procedures set forth in N.C. Gen. Stat. § 160A-360(g) (Effective until December 31, 2020) and in N.C. Gen. Stat. § 160D-202(i) (Effective January 1, 2021).

## ARTICLE 8 **Miscellaneous**

8.1 **Entire Agreement Modification:** This Agreement supersedes all prior agreements and constitutes the entire agreement between the parties hereto with regard to the subject matter hereof. It may not be amended or modified except by an instrument executed by all parties.

8.2 **Severability:** If any of the provisions of this Agreement shall be held by a court of competent jurisdiction to be unconstitutional or unenforceable, the decision of such court shall not affect or impair any of the remaining provisions of this Agreement, and the parties shall, to the extent they deem to be appropriate, take such actions as are necessary to correct any such unconstitutional or unenforceable provision. It is hereby declared to be the intent of the parties to this Agreement that this Agreement would have been approved and executed had such an unconstitutional or unenforceable provision been excluded therefrom.

8.3 **Binding Effect:** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives, successors, and assigns.

8.4 **Assignment:** Except as may otherwise be expressly provided herein, no party may assign any right, obligation, or liability arising hereunder without the other party's prior written consent. Any such assignment or attempted assignment shall be null and void.

8.5 Covenant of Further Assurances: The Parties agree that from and after the date of execution of this Agreement, each upon the request of the other, take such actions as may be reasonably required to carry out the purpose and intent of this Agreement.

8.6 Headings: Headings in this Agreement are for convenience and reference only and shall not be used to interpret or construe its provisions.

8.7 Multiple Originals: This Agreement may be executed in duplicate multiple originals, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

8.8 Governing Law: This Agreement shall be construed in accordance with and governed by the laws of the State of North Carolina.

8.9 Consideration: The consideration for the execution of this Agreement is the agreement among the parties affixing their signatures hereto to agree to the matters and things set forth herein.

**IN TESTIMONY WHEREOF, PAMLICO COUNTY** has caused this instrument to be executed in its name by the Chairman of its Board of Commissioners, attested by the Clerk to said Board, and its seal to be hereunto affixed all by order of said Board of Commissioners duly given; and,

**IN TESTIMONY WHEREOF, TOWN OF \_\_\_\_\_** has caused this instrument to be executed in its name by its Mayor, attested by the Town Clerk, and its seal to be hereunto affixed all by order of its Town Council duly given, all as of the day and year first above written.

**BE IT RESOLVED, the following Craven-Pamlico Regional Library Interlocal Agreement is hereby approved.**

**THE GREAT STATE OF  
NORTH CAROLINA**

**Counties of Craven and**

**Pamlico**

**Interlocal Agreement**

**for the**

**Craven-Pamlico Regional  
Library**

**WHEREAS**, Craven County, Pamlico County, and Carteret County are currently members of the Craven-Pamlico-Carteret Regional Library, and Carteret County has given notice of its intent to withdraw from same, effective June 30, 2020;

**WHEREAS**, after June 30, 2020, Craven County and Pamlico County intend to continue the existing regional library system as the Craven-Pamlico Regional Library (hereinafter referred to as “CP Regional Library” or “Regional Library System”); effective July 1, 2020, pursuant to the terms of this Interlocal Agreement for the Craven-Pamlico Regional Library (hereinafter referred to as “Agreement”);

**WHEREAS**, the mission of the Craven-Pamlico Regional Library is to be an integral part of the lives of the people in the counties by providing them with excellent educational, recreational, informational and cultural services and;

**WHEREAS**, recognizing the diverse communities served and the specific individual needs of their residents, two governments and their libraries collaboratively are committed to the education, economic development and quality-of-life contributions that libraries uniquely are able to provide and;

**WHEREAS**, this collaboration provides for the most effective and efficient use of local resources for the benefit of their residents and;

**WHEREAS**, this collaboration provides opportunities for service and resource allocations otherwise beyond the financial and service capacities of the individual governments and libraries.

**NOW, THEREFORE**, pursuant to resolutions duly adopted by their governing boards, the parties hereto memorialize their commitment for the continuation of the Regional Library as the Craven-Pamlico Regional Library upon the terms set forth below therein for a term extending from July 1, 2020 through June 30, 2030.

**I. Governments Involved**

- A. Craven County
- B. Pamlico County

**II. Purpose Statement**

This Agreement is to perpetuate excellent library and information services to the residents of the areas included within the jurisdiction of the aforementioned governing bodies through their collaborative and collective efforts under the legal authority of N.C.G.S. §153A-270 and

**III. Board of Trustees**

A. The Board of Trustees shall be the governing body of the CP Regional Library.

B. Membership.

1. There shall be 7 members of the Board of Trustees providing equitable representation of each participating governmental unit as follows:

a) Craven County: 4 members appointed by the Craven County Board of Commissioners to include at least one county commissioner.

b) Pamlico County: 3 members appointed by the Pamlico County Board of Commissioners to include at least one county commissioner.

2. Members, with the exception of the county commissioner appointed to serve from each county, shall be appointed by the appropriate governing body after consideration of relevant factors, including nominations from the membership of the local library boards according to bylaws and policies approved by each governing body for that library.

3. Members shall be appointed in staggered terms to promote consistency as well as to accommodate change. Regional bylaws shall clearly define the term limits and how staggered terms shall be accomplished among the counties. Members shall serve no more than two consecutive terms with no single term longer than four (4) years.

4. Vacancies on the Board of Trustees shall be filled with appointments by the appropriate governing body for the length of the term of the member creating the vacancy.

5. Effective July 1, 2020, members of the former CPC Regional Library Board of Trustees from the Counties of Craven and Pamlico may continue to serve as Trustees for the CP Regional Library under the following guidelines: members who were serving an initial full four (4) year term for the CPC Regional Library on June 30, 2020, shall be

eligible for reappointment to a second term of four (4) years at the expiration of the initial term. Members serving a second term for the CPC Regional Library on June 30, 2020, will be eligible to serve the remainder of that term on the Board of Trustees for the CP Regional Library, but will not be eligible for reappointment at the completion of that term. Others appointed to fill vacant seats shall be appointed for four (4) year terms as set forth in Section III(B)(3) herein.

C. Powers and Duties delegated to the CP Regional Library Board of Trustees by the Counties of Craven and Pamlico.

1. The Board of Trustees shall be delegated the power to adopt bylaws and rules for its own governance.
2. The Board of Trustees shall be designated the power to adopt policies for the Regional Library System's administration and operation.
3. The Board of Trustees shall be delegated the power to select, appoint, remove, determine salary and other terms of employment of a Regional Library Director.
  - a) These actions shall require a majority vote of the Board at which a quorum is present.
  - b) The CP Regional Library Director shall:
    - i. Have a valid North Carolina Public Librarian Certificate issued by the North Carolina Public Librarian Certification Commission;
    - ii. Be the chief executive and administrative officer of the CP Regional Library.
  - c) Office space for the regional administration shall be provided within one of the libraries existing within the CP Regional Library System.
4. The Board of Trustees shall develop and approve an annual budget which shall:
  - a) Be administered under the same provisions as

units of local government (N.C.G.S. Chapter 159), with all state funds administered by the CP Regional Library and expended throughout the region as described in 07 NCAC 021.0202.

b) Be a composite of the separate budgets of each county library, as recommended by the local library board of trustees, with an agreed upon amount paid by each county for the materials, salaries and operating expenses of each library within that county, and sent to the Finance Officer in monthly or quarterly payments as negotiated by the Finance Officer and the local county.

c) Include a specified amount of funding for each library's operating costs with gifts, special memorials, endowment and trust income and appropriations for capital outlay earmarked for the designated purpose and library.

d) Be approved by the governing board of the county for each library situated within that county.

e) Any additional funds not used during a budget year will become part of the operating balance of the CP Regional Library, and shall not be returned to the respective contributing county unless and until a dissolution of the CP Regional Library occurs.

5. The Board of Trustees shall be delegated the power to appoint a Regional Finance Officer or firm who shall:

a) Ensure expenditure of funds consistent with the budget adopted by the Board;

b) Report directly to the CP Regional Library Director and be in attendance at all meetings of the Board of Trustees.

6. The Board of Trustees shall be delegated the power to assure compliance with all applicable State and Federal laws and eligibility for the receipt of State and Federal funds.

7. The Board of Trustees shall be delegated the power to make recommendations to the governing units concerning

the construction and improvement of the physical facilities of the libraries within the region: however, construction and facility maintenance shall be a responsibility of the local governing unit unless the Regional Board negotiates and approves a collaborative effort.

8. The Board of Trustees shall make regular reports related to services and operations to each governing body, and in no event less than annually, as conveyed by approved reports of the Regional Library Director.

9. The Board of Trustees shall obtain an annual independent audit of Regional Library accounts consistent with generally accepted accounting principles, and submit a copy of this audit to the State Library of North Carolina as well as to both county finance offices.

#### **IV. Terms of Property Ownership**

A. A major benefit of regional cooperation is that scarce resources may be shared among the various county residents without wasteful duplication; however, certain ownership restrictions shall apply.

1. All buildings, grounds, and other facilities of each local library shall remain the property of the respective county in which it sits.

2. All books, technology, or other resources paid for with local funds shall remain the property of the respective county which supplied the funds.

3. All books, technology, or other resources paid for with Regional or State funds shall remain the property of the CP Regional Library System.

#### **V. Insurance Coverage and Indemnification**

A. Insurance Coverage

1. The local government units shall maintain insurance coverage, including general liability insurance, for the building and grounds and other facilities for each of their individual local libraries.

2. The Regional Library shall maintain insurance

coverage for worker's compensation and for the vehicles used to provide service to the CP Regional Library.

**B. Indemnification**

The CP Regional Library shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer, director, board member, or employee against all expenses and liabilities, including, without limitation, counsel fees, judgments, fines, excise taxes, penalties and settlement payments, reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been finally adjudicated in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the CP Regional Library; and further provided that any compromise or settlement payment shall be approved by a majority vote of a quorum of Trustees who are not at that time parties to the proceeding.

**VI. Provisions for Amendment**

A. This Agreement can be amended providing that both counties accept those amendments in a regular meeting of governing boards of those counties.

B. Recommendations for amendments shall be forwarded to each of the county governments in writing with a thirty-day period for consideration given. At the next regular meeting of the county boards of commissioners after this thirty-day period, the amendments shall be voted on by those bodies.

C. Disagreements related to this Agreement shall be resolved first by a committee of representatives from each governmental unit and then by their legal counsel, if necessary.

**VII. Provisions for Withdrawal**

A. A member proposing to withdraw from the CP Regional Library System shall give written notice on or before July 1 to the CP Regional Library Board of Trustees, the other participating governmental unit and the State Library of North Carolina. The



withdrawal shall be effective June 30 of the following year. Any such withdrawal will result in a dissolution of the CP Regional Library.

B. Should that member decide within this time period to rescind the proposal, that member shall remain a part of the CP Regional Library under the same conditions and requirements as the agreement under which they became a member and no dissolution shall occur.

C. Should that member fully withdraw, resulting in the dissolution of the CP Regional Library, the Terms of Property Ownership as stated in section IV shall apply.

D. In accordance with N.C.G.S. §160A, Article 20, Part 1, Joint Exercise of Power, all real property purchased by the region is owned jointly as tenants in common by the participating counties; therefore, if the CP Regional Library System is dissolved, the Counties of Craven and Pamlico *shall* divide the joint assets as follows: on a pro rata basis to be based on their respective proportionate contributions during the preceding five (5) years, to be determined by an audit performed by a Certified Public Accountant, based on information provided by each county's Finance Officer. After all outstanding debts are resolved, any remaining State or Federal funds previously distributed to the Regional Library shall be returned to the State Library and remaining funds from local governmental units shall be returned to them based on their respective, proportionate contributions during the preceding five (5) years, to be determined by an audit performed by a Certified Public Accountant, based on information provided by each county's Finance Officer. Other personal property such as the courier van, computers and other technology, books, and any other assets shall be sold at auction and the proceeds distributed in accordance with this Section or in some other equitable manner as agreed upon by the committee of representatives.

E. The distribution of properties and resources jointly owned shall be accomplished by a committee composed of representatives from each governmental unit, the current CP Regional Library Director, and a representative from the State Library of North Carolina.

## **VIII. Review and Termination**

A. This Agreement shall continue to be in effect for ten years from the dated signatures on the contract unless either Pamlico or Craven County gives notice of an intent to withdraw, in accordance

with Section VII herein, or reasonable cause for amendment to the Agreement is presented in writing to each of the local governmental units and the State Library of North Carolina.

B. The Agreement may be reviewed at any time by any local governmental body or the CP Regional Library Board of Trustees and, if modifications are deemed reasonable and necessary, amendments may be made according to the procedures stated above.

C. At the end of the ten-year agreement period, the CP Regional Library Board shall review the Agreement, recommend any modifications, and submit it for review and renewal to each of the local governmental units which shall review, suggest modifications, and vote to extend or decline to renew the Agreement.

D. The Agreement may be terminated if reasonable cause is presented in writing by a local governmental unit to the other member of the CP Regional Library, the CP Regional Library Board of Trustees, and the State Library of North Carolina. The effective date of termination will be memorialized by a joint written rescission of the Agreement to be executed by both Craven County and Pamlico County. In the event the counties cannot reach a mutual decision to terminate, both counties retain the right to withdraw pursuant to the terms of Section VII herein.

E. If the agreement terminates, and no successor agreement is to be executed, the CP Regional Library System shall be dissolved, and joint assets distributed as described in Section VII herein.

This **AGREEMENT** shall be effective upon acceptance by all parties.

**IN WITNESS WHEREOF**, this Agreement has been executed by the principal official of the governing board of each party hereto, pursuant to authority of each respective board of commissioners.

**BE IT RESOLVED, the request for approval to declare surplus real estate and authorize sale of the following parcels is hereby approved.**

H041-151  
H041-152  
J032-9  
K031-48  
M031-88

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Missy Baskervill, the following resolution was unanimously approved.

**BE IT RESOLVED, the request for approval of proposed Flood Damage Prevention Ordinance is hereby approved.**

**PAMLICO COUNTY**  
**FLOOD DAMAGE PREVENTION ORDINANCE**

**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.

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

**SECTION B. FINDINGS OF FACT.**

- (1) The flood prone areas within the jurisdiction of Pamlico 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) Minimize damage to private and public property due to flooding;
- (7) Make flood insurance available to the community through the National Flood Insurance Program;
- (8) Maintain the natural and beneficial functions of floodplains;
- (9) Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (10) 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.

“Alteration of a watercourse” means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

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

“Area of Shallow Flooding” means a designated Zone AO or AH on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and

indeterminate, and where velocity flow may be evident.

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

“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”.

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

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

“Building” see “Structure”.

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

“Coastal Area Management Act (CAMA)” means North Carolina’s Coastal Area Management Act, this act, along with the Dredge and Fill Law and the Federal Coastal Zone Management Act, is managed through North Carolina Department of Environmental Quality (NCDEQ) Division of Coastal Management (DCM).

“Coastal A Zone (CAZ)” means an area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped V zones. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches, or tsunamis, not riverine flooding. During the base flood conditions, the potential for wave heights shall be greater than or equal to 1.5 feet. Coastal A Zones are not normally designated on FIRMs. (see Limit of Moderate Wave Action (LimWA))

“Coastal Barrier Resources System (CBRS)” consists of undeveloped portions of coastal and adjoining areas established by the Coastal Barrier Resources Act (CoBRA) of 1982, the Coastal Barrier Improvement Act (CBIA) of 1990, and subsequent revisions, and includes areas owned by Federal or State governments or private conservation organizations identified as Otherwise Protected Areas (OPA).

“Coastal High Hazard Area” means a Special Flood Hazard Area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM, or other adopted flood map as determined in Article 3, Section B of this ordinance, as Zone VE.

“Design Flood” See “Regulatory Flood Protection Elevation.”

“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.

“Development Activity” means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

“Digital Flood Insurance Rate Map (DFIRM)” means the digital official map of a community, issued by the

Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

“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 special flood hazard area, which may impede or alter the flow capacity of a floodplain.

“Existing building and existing structure” means any building and/or structure for which the “start of construction” commenced before September 4, 1985, the effective date of the initial FIRM.

“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 August 5, 1985, the effective date of the initial floodplain management regulations adopted by the community.

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

- (a) The overflow of inland or tidal waters; and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Boundary and Floodway Map (FBFM)” means an official map of a community, issued by the FEMA, 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 Hazard Boundary Map (FHBM)” means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

“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 FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

“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 FEMA. 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”

“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.

“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.

“Flood-resistant material” means any building product [material, component or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water-soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood-resistant. Please refer to Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.

“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and hydraulic models meeting the minimum requirement of the National Flood Insurance Program.

“Freeboard” means the height added to the 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 or culvert openings, storm surge or precipitation exceeding the base flood, and the hydrological effect of urbanization of the watershed. The BFE 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.

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

- (a) Letter of Map Amendment (LOMA): An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain, but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (b) Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (c) Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (d) Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

- (a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle,  
or
- (b) Designed primarily for transportation of persons and has a capacity of more than 12 persons;  
or
- (c) Available with special features enabling off-street or off-highway operation and use.

"Limit of Moderate Wave Action (LiMWA)" means the boundary line given by FEMA on coastal map studies



marking the extents of Coastal A Zones (CAZ).

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

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

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

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

“Map Repository” means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data, the NC FRIS website (<http://FRIS.NC.GOV/FRIS>) is the map repository, and for historical flood hazard data the FloodNC website (<http://FLOODNC.GOV/NCFLOOD>) is the map repository.

“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.

“New Construction” means structures for which the “start of construction” commenced on or after August 5, 1985, the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

“Non-Encroachment Area (NEA)” means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, 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.

“Otherwise Protected Area (OPA)” see “Coastal Barrier Resources System (CBRS)”.

“Post-FIRM” means construction or other development for which the “start of construction” occurred on or after September 4, 1985, 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 September 4, 1985, the effective date of the initial Flood Insurance Rate Map.

“Primary Frontal Dune (PFD)” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

“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;
- (d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
- (e) Is fully licensed and ready for highway use.

For the purpose of this ordinance, “Tiny Homes/Houses” and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

“Reference Level” means the bottom of the lowest horizontal structural member of the lowest floor for structures within all Special Flood Hazard Areas.

“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 four (4) feet freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least four (4) feet above the highest adjacent grade.

“Remedy a Violation” means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

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

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

“Sand Dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Shear Wall” means walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

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

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to Article 4 Section E of this ordinance.

“Technical Bulletin and Technical Fact Sheet” means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations.

“Temperature Controlled” means having the temperature regulated by a heating and/or cooling system, built-in or appliance.

“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 NAVD 1988, 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 Pamlico County, including Extra-Territorial Jurisdictions (ETJs) as allowed by law.

**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 June 19, 2020 for Pamlico 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 after January 1, 2021. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of Pamlico County are also adopted by reference and declared a part of this ordinance. Subsequent Letter of Map Revisions (LOMRs) and/or Physical Map Revisions (PMRs) shall be adopted within 3 months.

**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 Pamlico 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 Class 1 misdemeanor pursuant to N.C.G.S. § 143-215.58. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 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 Pamlico 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 Pamlico County Emergency Planner, hereinafter referred to as the "Floodplain Administrator", or their designee, is hereby appointed to administer and implement the provisions of this ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and 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; and
  - (vii) The boundary and designation date of the Coastal Barrier Resource System (CBRS) area or Otherwise Protected Areas (OPA), if applicable.
- (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 NAVD 1988 of the proposed reference level (including basement) of all structures;
  - (ii) Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A, AE, AH, AO, A99 will be floodproofed; and
  - (iii) Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.
- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are 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); and
  - (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, AE, AH, AO, A99.
  - (iii) The following, in Coastal High Hazard Areas, in accordance with the provisions of Article 5, Section B(4)(d) and Article 5, Section G and (Article 5, Section H if applicable):
    - (1) V-Zone Certification with accompanying plans and specifications verifying the engineered structure and any breakaway wall designs; In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.
    - (2) Plans for open wood latticework or insect screening, if applicable; and
    - (3) Plans for non-structural fill, if applicable. If non-structural fill is proposed, it must be demonstrated through coastal engineering analysis that the proposed fill would not result in any increase in the BFE or otherwise cause adverse impacts by wave ramping and deflection on to the subject structure or adjacent properties.

- (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 complete description of all the development to be permitted under the floodplain development permit (e.g. house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).
  - (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 unless the requirements of Article 5, Section F have been met.
  - (g) The flood openings requirements, if in Zones A, AE, AH, AO, A99.
  - (h) Limitations of below BFE enclosure uses . (i.e., parking, building access and limited storage only).
  - (i) A statement, if in Zone VE, that there shall be no alteration of sand dunes which would increase potential flood damage.
  - (j) A statement, if in Zone VE, that there shall be no fill used for structural support.
  - (k) A statement, that all materials below BFE/RFPE must be flood resistant materials.
- (3) **Certification Requirements.**
- (a) Elevation Certificates

- (i) An Elevation Certificate (FEMA Form 086-0-33) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.
  - (ii) An Elevation Certificate (FEMA Form 086-0-33) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to NAVD 1988. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. 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 further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop-work order for the project.
  - (iii) A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) 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. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" x 3". Digital photographs are acceptable.
- (b) Floodproofing Certificate
- (i) If non-residential floodproofing is used to meet the Regulatory Flood Protection Elevation requirements, a Floodproofing Certificate (FEMA Form 086-0-34), 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 NAVD 1988. 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.

- (ii) A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. 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 NAVD 1988. Floodproofing certificate 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 Certificate of Occupancy. 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 deny a Certificate of Compliance/Occupancy.
- (c) If a manufactured home is placed within Zones A, AE, AH, AO, A99 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 Zones A, AE, AH, AO, A99, 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 that are 150 square feet or less or \$5,000 or less and meeting requirements of Article 5, Section B (8).
- (f) A V-Zone Certification with accompanying design plans and specifications is required prior to issuance of a Floodplain Development permit within coastal high hazard areas. It shall be the duty of the permit applicant to submit to the Floodplain Administrator said certification to ensure the design standards of this ordinance are met. A registered professional engineer or architect shall develop or review the structural design, plans, and specifications for construction and certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this ordinance. This certification is not a substitute for an Elevation Certificate. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.

(4) **Determinations for existing buildings and structures.**

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

- (a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this ordinance is required.

#### **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, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (3) Notify adjacent communities and the North Carolina Department of 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 NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to NAVD 1988) 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 NAVD 1988) 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 BFE data has not been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any 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)(c), in order to administer the provisions of this ordinance.
- (12) When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. However, if the property is to be removed from the V Zone it must not be located seaward of the landward toe of the primary frontal dune. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being 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.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the

community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

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

#### **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, he or she 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 least 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she 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 Class 1 misdemeanor pursuant to

N.C.G.S. § 143-215.58 and shall be punished at the discretion of the court.

**SECTION E. VARIANCE PROCEDURES.**

- (1) The Planning Board as established by Pamlico County Board of Commissioners, hereinafter referred to as the “appeal board”, shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
  - (a) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;
  - (b) Functionally 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; or
  - (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 BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE may 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 FEMA 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) Pamlico County has notified the Secretary of the North Carolina Department of 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 in accordance with the FEMA Technical Bulletin 2, *Flood Damage-Resistant Materials Requirements*.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, water heaters, and electric outlets/switches.
  - (a) Replacements part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.
  - (b) Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.
- (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) 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.
- (9) 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).

- (10) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (11) 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.
- (12) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (13) 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.
- (14) 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.
- (15) 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 BFE shall apply.

#### **SECTION B. SPECIFIC STANDARDS.**

In all Special Flood Hazard Areas where 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 Zones A, AE, AH, AO, A99 may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section I (2). A registered professional engineer or architect shall certify that the floodproofing 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 plan and the inspection and maintenance plan.
- (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 or below the lowest horizontal structural member in VE zones:
- (a) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
  - (b) Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and
  - (c) Shall include, in Zones A, AE, AH, AO, A99 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 higher of the interior or exterior 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.

- (d) Shall, in Coastal High Hazard Areas (Zone VE), meet the requirements of Article 5, Section G.

(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, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.
- (b) Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements 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 consistent with the code and requirements for the original structure.
  - (ii) A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (d) Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:
  - (i) Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.
  - (ii) Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

(6) Recreational Vehicles. Recreational vehicles shall either:

- (a) Temporary Placement

- (i) Be on site for fewer than 180 consecutive days; or
  - (ii) 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.)
- (b) Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall 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) Accessory structures, regardless of the size or cost, shall not be placed below elevated buildings in V and VE Zones;
  - (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 or that is a minimal investment of \$5,000 or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of Article 5, Section B (2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B (3).

- (9) Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;
  - (b) Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;
  - (c) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 5, Section B (2) of this ordinance shall not be permitted in V or VE Zones. Tanks may be permitted in other flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.
  - (d) Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:
    - (i) At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
    - (ii) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.
- (10) Other Development.
- (a) Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Article 5, Section F of this ordinance.
  - (b) Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.
  - (c) Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach

into regulated floodways shall meet the limitations of Article 5, Section F of this ordinance.

- (d) Commercial storage facilities are not considered “limited storage” as noted in this ordinance, and shall be protected to the Regulatory Flood Protection Elevation as required for commercial structures.

**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 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 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 or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment 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 BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
  - (d) When 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 BASE FLOOD ELEVATIONS 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.

**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 discharge, 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 within six months of 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) Manufactured homes may be permitted provided the following provisions are met:
  - (a) The anchoring and the elevation standards of Article 5, Section B (3); and
  - (b) The encroachment standards of Article 5, Section F (1).

**SECTION G. COASTAL HIGH HAZARD AREA (ZONE VE).**

Coastal High Hazard Areas are Special Flood Hazard Areas established in Article 3, Section B, and designated as Zones VE. These areas have special flood hazards associated with high velocity waters from storm surges or seismic activity and, therefore, all new construction and substantial improvements shall meet the following provisions in addition to the provisions of Article 5, Sections A and B:

- (1) All new construction and substantial improvements shall:
  - (a) Be located landward of the reach of mean high tide;
  - (b) Comply with all applicable CAMA setback requirements.
- (2) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal

High Hazard Areas to satisfy the regulatory flood protection elevation requirements.

- (3) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
  - (a) Material shall consist of open wood or plastic lattice having at least 40 percent of its area open, or
  - (b) Insect screening; or
  - (c) Breakaway walls shall meet the following design specifications:
    - (1) Breakaway walls shall have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads, per Article 5, Section B(4)(c)(i-vi); and
    - (2) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
    - (3) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.
- (4) All new construction and substantial improvements shall be securely anchored to pile or column foundations. All pilings and columns and the structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
  - (a) Water loading values used shall be those associated with the base flood.
  - (b) Wind loading values used shall be those required by the current edition of the North Carolina State Building Code.
- (5) For concrete pads, including patios, decks, parking pads, walkways, driveways, pool decks, etc. the following is required:
  - (a) Shall be structurally independent of the primary structural foundation system of the structure and shall not adversely affect structures through redirection of floodwaters or debris; and
  - (b) Shall be constructed to breakaway cleanly during design flood conditions, shall be frangible, and shall not produce debris capable of causing damage to any structure. (The installation of concrete in small segments (approximately 4 feet x 4 feet) that will easily break up during the base flood event, or score concrete in 4 feet x

4 feet maximum segments is acceptable to meet this standard); and

- (c) Reinforcing, including welded wire fabric, shall not be used in order to minimize the potential for concreted pads being a source of debris; and
  - (d) Pad thickness shall not exceed 4 inches; or
  - (e) Provide a Design Professional's certification stating the design and method of construction to be used meet the applicable criteria of this section.
- (6) For swimming pools and spas, the following is required:
- (a) Be designed to withstand all flood-related loads and load combinations.
  - (b) Be elevated so that the lowest horizontal structural member is elevated above the RFPE; or
  - (c) Be designed and constructed to break away during design flood conditions without producing debris capable of causing damage to any structure; or
  - (d) Be sited to remain in the ground during design flood conditions without obstructing flow that results in damage to any structure.
  - (e) Registered design professionals must certify to local officials that a pool or spa beneath or near a VE Zone building will not be subject to flotation or displacement that will damage building foundations or elevated portions of the building or any nearby buildings during a coastal flood.
  - (f) Pool equipment shall be located above the RFPE whenever practicable. Pool equipment shall not be located beneath an elevated structure.
- (7) All elevators, vertical platform lifts, chair lifts, etc., the following is required:
- (a) Elevator enclosures must be designed to resist hydrodynamic and hydrostatic forces as well as erosion, scour, and waves.
  - (b) Utility equipment in Coastal High Hazard Areas (VE Zones) must not be mounted on, pass through, or be located along breakaway walls.
  - (c) The cab, machine/equipment room, hydraulic pump, hydraulic reservoir, counter weight and roller guides, hoist cable, limit switches, electric hoist motor, electrical junction box, circuit panel, and electrical control panel are all required to be above RFPE. When this equipment cannot be located above the RFPE, it must be constructed using flood damage-resistant components.
  - (d) Elevator shafts/enclosures that extend below the RFPE shall be constructed of reinforced masonry block or reinforced concrete walls and located on the landward side of the building to provide increased protection from flood damage. Drainage must be provided for the elevator pit.
  - (e) Flood damage-resistant materials can also be used inside and outside the elevator cab to reduce flood damage. Use only stainless steel doors and door frames below the BFE. Grouting in of door frames and sills is recommended.
  - (f) If an elevator is designed to provide access to areas below the BFE, it shall be equipped with a float switch system that will activate during a flood and send the elevator cab to a floor above the RFPE.



- (8) Accessory structures, regardless of size or cost, shall not be permitted below elevated structures.
- (9) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Article 4, Section B and Article 5, Section G (3) and (4), on the current version of the North Carolina V-Zone Certification form or equivalent local version. In addition, prior to the Certificate of Compliance/Occupancy issuance, a registered professional engineer or architect shall certify the finished construction is compliant with the design, specifications and plans for VE Zone construction.
- (10) Fill/Grading
  - (a) Minor grading and the placement of minor quantities of nonstructural fill may be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
  - (b) The fill material must be similar and consistent with the natural soils in the area.
  - (c) The placement of site-compatible, non-structural fill under or around an elevated building is limited to two (2) feet. Fill greater than two (2) feet must include an analysis prepared by a qualified registered design professional demonstrating no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.
  - (d) Nonstructural fill with finished slopes that are steeper than five (5) units horizontal to one (1) unit vertical shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent elevated buildings and structures.
- (11) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
- (12) No manufactured homes shall be permitted except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and elevation standards of this Section have been satisfied.
- (13) Recreational vehicles may be permitted in Coastal High Hazard Areas provided that they meet the Recreational Vehicle criteria of Article 5, Section B(6)(a).
- (14) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the Regulatory Flood Protection Elevation and any supporting members that extend below the Regulatory Flood Protection Elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck. The increased loads must be considered in the design of the primary structure and included in the V-Zone Certification required under Article 4, Section B, (3)(f).
- (15) A deck or patio that is located below the Regulatory Flood Protection Elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
- (16) In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the

footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

- (a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
  - (b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters.
  - (c) Docks, piers, and similar structures.
- (17) No more than four (4) electrical outlets and no more than four (4) electrical switches may be permitted below RFPE unless required by building code.

#### **SECTION H. STANDARDS FOR COASTAL A ZONES (ZONE CAZ) LIMWA**

Structures in CAZs shall be designed and constructed to meet V Zone requirements, including requirements for breakaway walls. However, the NFIP regulations also require flood openings in walls surrounding enclosures below elevated buildings in CAZs (see Technical Bulletin 1, *Openings in Foundation Walls and Walls of Enclosures*). Breakaway walls used in CAZs must have flood openings that allow for the automatic entry and exit of floodwaters to minimize damage caused by hydrostatic loads. Openings also function during smaller storms or if anticipated wave loading does not occur with the base flood.

- (1) All new construction and substantial improvements shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) is no lower than the regulatory flood protection elevation. Floodproofing shall not be utilized on any structures in Coastal A Zones to satisfy the regulatory flood protection elevation requirements.
- (2) All new construction and substantial improvements shall have the space below the bottom of the lowest horizontal structural member of the lowest floor either be free of obstruction or constructed with breakaway walls, open wood latticework or insect screening, provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action without causing damage to the elevated portion of the building or supporting foundation system or otherwise jeopardizing the structural integrity of the building. The following design specifications shall be met:
  - (a) Material shall consist of open wood or plastic lattice having at least 40 percent of its area open, or
  - (b) Insect screening; or
  - (c) Breakaway walls shall meet the following design specifications:
    - (1) Breakaway walls shall have 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 design criteria in Article 5, Section B(4)(c); and
    - (2) Design safe loading resistance shall be not less than 10 nor more than 20 pounds per square foot; or
    - (3) Breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State or local codes) shall be certified by a registered professional engineer or architect that the breakaway wall will collapse from a

water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). The water loading values used shall be those associated with the base flood. The wind loading values used shall be those required by the North Carolina State Building Code.

- (3) Concrete pads, including patios, decks, parking pads, walkways, driveways, etc. must meet the provisions of Article 5, Section G (5).
- (4) All new construction and substantial improvements shall meet the provisions of Article 5, Section G (3).
- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions of Article 4, Section B and Article 5, Section G (3) and (4), on the current version of the North Carolina V-Zone Certification form or a locally developed V-Zone Certification form.
- (6) Recreational vehicles may be permitted in Coastal A Zones provided that they meet the Recreational Vehicle criteria of Article 5, Section B(6)(a).
- (7) Fill/Grading must meet the provisions of Article 5, Section G (10)
- (8) Decks and patios must meet the provisions of Article 5 Section G (14) and (15).
- (9) In coastal high hazard areas, development activities other than buildings and structures must meet the provisions of Article 5, Section G (16)

#### **SECTION I. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AO).**

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of four (4) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- (2) Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article 5, Section I (1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B (3) and Article 5, Section B (2).
- (3) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **SECTION J. STANDARDS FOR AREAS OF SHALLOW FLOODING (ZONE AH).**

Located within the Special Flood Hazard Areas established in Article 3, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to Article 5, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- (1) Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**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 August 5, 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 Pamlico County enacted on August 5, 1985, as amended, which are not reenacted herein are repealed.

The date of the initial Flood Damage Prevention Ordinance for Pamlico County is August 5, 1985.

**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. SEVERABILITY.**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**SECTION D. EFFECTIVE DATE.**

This ordinance shall become effective May 4<sup>th</sup>, 2020.

**SECTION E. 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 Pamlico County, North Carolina, on the 4<sup>th</sup> day May, 2020.

WITNESS my hand and the official seal of Pat Prescott, Chairman of the Pamlico County Board of Commissioners, this the 19<sup>th</sup> day of June, 2020.

On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Paul Delamar, the following resolution was unanimously approved.

**BE IT RESOLVED, the request for approval of Payment Plans for Delinquent Payments Resulting from Executive Order 124 is hereby approved.**



**Department of Water Services**

**Field Operations Manager  
Jeffery Sanders**

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**Utilities Office Supervisor  
Loretta O'Neal**

Account # \_\_\_\_\_

Phone # \_\_\_\_\_

Governor Cooper's Executive Order 124 (EO 124) requires providers of residential water and sewer to suspend disconnections of residential service for nonpayment through June 1, 2020, and suspend assessment of all penalties for late payments of monthly service charges incurred from March 31, 2020 through June 1, 2020.

EO 124 is currently effective until June 1, 2020. Unless the EO is extended by the Governor, we will resume our normal disconnection and late fee policies after that date. You will, however, have until December 1, 2020, to pay any delinquencies that you incur from March 31, 2020 through June 1, 2020.

Recognizing the financial hardship many of you now face, and in compliance with EO 124, we are offering the following payment plan to our customers who are unable to pay their current account balance in full and/or who will be unable to pay their account balances between now and June 1, 2020. To the extent you are able, we encourage you to continue to pay the full amount owed on your account to avoid accumulating large account balances.

To participate in the payment plan, the undersigned agrees to pay a minimum of [\_\_\_\_\_] per month toward your residential water and sewer account balance.

Payments may be made by calling 877-369-0028, pay online at [www.pamlicocounty.org](http://www.pamlicocounty.org), bank draft, mail payment to P.O. Box 158, Bayboro, NC 28515 or by drop box located at 102 N. Fourth St. Bayboro, NC 28515.

The undersigned acknowledges that the payment plan does not extinguish or waive the account balance. The undersigned remains legally responsible to pay the account balance in full. Upon termination of EO 124 or June 1, 2020, whichever occurs later, Pamlico County Water Department will resume its normal practices of applying disconnection charges and late penalties to any new charges not paid on time on or after that date. It will also resume its normal policies of disconnecting services if charges incurred after June 1, 2020 are not paid on time or if the minimum payment plan amounts under the terms of this agreement are not paid on time.

I hereby acknowledge and agree to the terms of this payment plan.

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Account Holder's Signature \_\_\_\_\_ Date \_\_\_\_\_

On a motion made by Commissioner Ed Riggs and seconded by Commissioner Candy Bohmert, the following resolution was unanimously approved.

**BE IT RESOLVED, the request for approval to authorize staff to solicit an engineering Request for Qualifications to perform engineering services related to Grantsboro and Kershaw Water Treatment Plant Improvements.**

**BE IT FURTHER RESOLVED, the request to approve the following resolution authorizing Pamlico County to apply to the State Revolving Loan Fund to fund the project is hereby approved.**

**RESOLUTION BY GOVERNING BODY OF APPLICANT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water system improvements, and

WHEREAS, Pamlico County has need for and intends to construct a drinking water treatment system improvements project described as installation and modification of water treatment processes to improve water quality in the distribution system, and

WHEREAS, Pamlico County intends to request a state loan and/or grant assistance for the project,

**NOW THEREFORE BE IT RESOLVED, BY THE (GOVERNING BODY) OF THE (UNIT OF GOVERNMENT):**

That Pamlico County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide

adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Pamlico County to make scheduled repayment of the loan, to withhold from the Pamlico County any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Tim Buck, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this day May 4<sup>th</sup>, 2020 at Pamlico County, North Carolina.

Chairman Pat Prescott recognized Commissioner Paul Delamar to introduce the next item.

On a motion made by Commissioner Doug Brinson and seconded by Commissioner Paul Delamar, the following resolution was approved by majority vote with Commissioner Carl Ollison casting a dissenting vote.

**BE IT RESOLVED, the Proclamation Requesting to Allow Businesses to Reopen is hereby approved.**

PROCLAMATION REQUESTING GOVERNOR ROY COOPER  
TO ALLOW BUSINESSES TO REOPEN IN PAMLICO COUNTY

WHEREAS, Pamlico County, like many rural counties in North Carolina, has a low number of laboratory-confirmed COVID-19 cases and has not experienced the same effect from the pandemic that has transpired in the State's urban counties; and

WHEREAS, we will stay focused and vigilant to work with our local and state health officials to monitor COVID-19, to adhere to restrictions and guidelines and to adjust to impacts from COVID-19 as needed, as COVID-19 numbers may or may not increase; and

WHEREAS, the current stay at home order and closure of businesses through May 8 and quite possibly beyond, will create a significant hardship on Pamlico County residents; and

WHEREAS, as a rural county, we depend heavily on our small businesses because they make up a significant portion of our business community; and

WHEREAS, if the current business closure order continues, Pamlico County's economic situation will continue to decline; and

WHEREAS, closed businesses and unemployed residents will take longer to economically recover based on the length of the stay at home order; and

WHEREAS, due to our rural population of approximately 13,000 citizens, it is achievable for our residents to practice social distancing to prevent further community transmission more so than urban counties; and

WHEREAS, our citizens have listened and responded by practicing these protective measures and following the Governor's Executive Orders, as well as NC DHHS and CDC guidelines.

NOW, THEREFORE, BE IT RESOLVED that the Pamlico County Board of Commissioners requests that Governor Roy Cooper allow Pamlico County and other rural counties in the state to reopen businesses in a safe and responsible manner, taking into account social distancing and mass gathering restrictions, exercise of proper hygiene, increased COVID-19 testing capability, and extensive contact tracing measures to prevent the continued spread of COVID-19.

Adopted this the 4<sup>th</sup> day of May 2020 by the Pamlico County Board of Commissioners

On a motion made by Commissioner Candy Bohmert and seconded by Commissioner Missy Baskervill, the following resolution was approved by majority vote with Commissioner Carl Ollison casting a dissenting vote.

**BE IT RESOLVED, the following regional letter to Governor Roy Cooper is hereby approved.**





May 6, 2020

The Honorable Roy Cooper  
North Carolina Office of the Governor  
20301 Mail Service Center  
Raleigh, NC 27699-0301

Dear Governor Cooper,

This letter serves to represent the desire of a group of Counties in Central Eastern North Carolina to reopen our local County economies to avoid any further damaging effects caused by Executive Orders 121, 135 and 138. We appreciate your leadership thus far related to the COVID-19 pandemic. Many of the decisions you have made, saved lives and helped flatten the curve in North Carolina. Like you, we have had to make difficult decisions that have been challenging and have changed the lives drastically for many of our citizens. These orders have placed an extreme economic hardship on our local County economies. We no longer can sit idle as these orders cause vast economic despair and irreparable harm to our small businesses and citizens. As a region we ask that you authorize local control of decision making in regards to a phased reopening approach to local County governments. We know this is the best methodology to ensure that local data, metrics and expertise are used in local decision making. We request that you repeal Executive Order 135, better known as the “Stay at Home Order” and the subsequent phased reopening approach and allow local County Governments to individually determine the process and timing of any needed local restrictions.

Eastern North Carolina has faced significant challenges over the last four years as a result of devastating hurricanes that have caused personal property loss and strain on our local economies. Hurricanes Matthew, Florence and Dorian changed fundamentally how our local economies function. Each of our counties has seen small businesses fail, citizens lose their jobs and families struggle to make ends meet. We continue to work in partnership with the State of North Carolina to rebuild our communities after these disasters. To this day each of our counties is still challenged with finding normalcy in our local economies and the massive task of achieving long term recovery. We have worked collaboratively with the State of North Carolina, in a manner where local government input and citizen input was valued and helped develop the direction for which

we create a recovery plan. County governments have always been a partner in these discussions and served as the front line for local recovery initiatives. We are asking that the State of North Carolina and County governments follow that very same process as we begin the reopening of local County economies. County Governments have worked in unison with the State of North Carolina just like in times of natural disaster to help flatten the curve and slow the spread of COVID-19. Counties have served on the front line, as our public health departments take on the responsibility of testing, contact tracing and caring for the sick during this pandemic. Our local data collection and ability to interpret such is the key to understanding the timing of when our local economies can begin to reopen in a safe manner. We all recognize that certain restrictions must remain in place to ensure that our local counties remain focused on slowing the transmission of COVID-19, we however feel those restriction decisions should be made at the local county level. Local County Governments would continue to seek consultation with our local hospitals, local health authorities and state health experts to make educated decisions in regards to reopening. As local elected leaders we take these decisions seriously and would use all the tools and information available to protect our citizens and vulnerable populations and at the same time restore the economic health of our Counties.

We come with one voice, to defend our local businesses, industries and the overall economic well-being of our citizens. Our goal is simply to request local authority of decision making and avoid being grouped in a broad based, statewide decision making model. Our rural geography and low population density should not be lumped together with much larger urban counties that face very different challenges. We all agree that the most recent data clearly reflects that the curve in Central Eastern North Carolina has flattened and that our timing for reopening should be much sooner than other parts of North Carolina. Our region of North Carolina is unique and our Counties very diverse, but we all agree that the challenges facing the Triangle, Triad, or Charlotte regions of North Carolina are greatly different than that of Central Eastern North Carolina. By allowing for local authority, you are allowing parts of North Carolina to move forward towards regaining losses in our economies and not hindering our long term recovery efforts not only from COVID-19 but the devastating hurricanes which have affected our region.

We want Eastern North Carolina to prosper again and to do so we need your help. By empowering county governments with decision making authority to make determinations locally to reopen our economies we can bring some normalcy back to our citizens. Additionally we request that you communicate with the local County leaders in our region to further address our concerns.



Jerry Evans  
Chairman, Beaufort County Board of Commissioners



Bill Smith  
Chairman, Carteret County Board of Commissioners



Thomas Mark  
Chairman, Craven County Board of Commissioners



Frank Emory  
Chairman, Jones County Board of Commissioners



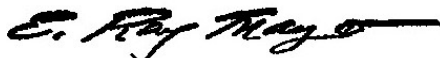
Linda Rouse Sutton  
Chairman, Lenoir County Board of Commissioners



Jack Bright  
Chairman, Onslow County Board of Commissioners



Pat Prescott  
Chairman, Pamlico County Board of Commissioners



Ray Mayo  
Chairman, Wayne County Board of Commissioners

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Ed Riggs, the following resolution was unanimously approved.

**BE IT RESOLVED, the request to reappoint Mr. Robert Sadler to the ABC Board is hereby approved.**

On a motion made by Commissioner Paul Delamar and seconded by Commissioner Missy Baskervill, the Board met in closed session pursuant to NCGS §143.318-11(a)(3) Attorney-Client Privilege to discuss *Port Vandemere v. Pamlico County*.

On a motion made by Commissioner Doug Brinson and seconded by Commissioner Paul Delamar, the Board went back into open session.

There being no further business, on a motion made by Commissioner Paul Delamar and seconded by Commissioner Candy Bohmert, the Board adjourned until Monday, May 18, 2020 at 7:00 pm.

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Chairman

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Clerk to the Board