

**GATES COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING MINUTES
JULY 1, 2009**

The Gates County Board of Commissioners met in Regular Session on Wednesday, July 1, 2009 at 10:00 am. in the Commissioners' Room, 202 Court Street, Gatesville, NC. Commissioners Jordan, Jernigan, Askew, Nickens and Twine were present. Also present was County Manager, Toby Chappell and County Attorney, Pitt Godwin.

Chairman Jordan called the meeting to order. He opened the meeting with a prayer and led the pledge of allegiance.

Approval of Agenda

Chairman Jordan presented additions to the agenda. An audit proposal needs to be added under New Business and the Board needs to enter into Closed Session as allowed by NCGS 143-318.11(6).

Commissioner Nickens made a motion to accept the agenda as presented with additions. Commissioner Jernigan seconded the motion, motion carried without opposition.

Approval of Minutes

Commissioner Twine made a motion to approve the June 1, 2009 Special Meeting Minutes as written. Commissioner Askew seconded the motion, motion carried without opposition.

Commissioner Nickens made a motion to approve the June 3, 2009 Regular Meeting Minutes as written. Commissioner Twine seconded the motion, motion carried without opposition.

Commissioner Twine made a motion to approve the June 4, 2009 Budget Work Session Minutes as written. Commissioner Jernigan seconded the motion, motion carried without opposition.

Commissioner Askew made a motion to approve the June 8, 2009 Budget Work Session Minutes as written. Commissioner Nickens seconded the motion, motion carried without opposition.

Commissioner Nickens made a motion to approve the June 12, 2009 Special Meeting Minutes as written. Commissioner Jernigan seconded the motion, motion carried without opposition.

Commissioner Twine made a motion to approve the June 23, 2009 Special Meeting Minutes as written. Commissioner Askew seconded the motion, motion carried without opposition.

Department Reports

Sandy Pittman, Finance Officer, presented Budget Amendments 1-4.

Commissioner Nickens made a motion to accept Budget Amendments 1-4 as presented. Commissioner Jernigan seconded the motion, motion carried without opposition.

Timmy Hedgepeth, Water Department Supervisor, discussed the results of the Annual Water Quality Report. The County's water tested for natural fluoride at 2.2 mg/l (milligrams per liter). Federal law requires citizens be notified when monitoring indicates the fluoride level exceeds 2.0 mg/l. In order to reduce the fluoride level, water would have to run through a filtration system.

George Walters presented Mr. Hedgepeth with a report. Mr. Hedgepeth asked to review the report and return with his findings.

Wes Haskett, Interim Planning and Zoning Director, presented the Paige Riddick Road Subdivision Final Preliminary Plat Approval.

Commissioner Twine made a motion to approve the Final Preliminary Plat Approval for the Paige Riddick Road Subdivision. Commissioner Nickens seconded the motion, motion carried without opposition.

Mr. Haskett presented the Flood Damage Prevention Ordinance and maps.

Commissioner Twine made a motion to open the Public Hearing for the Flood Damage Prevention Ordinance. Commissioner Nickens seconded the motion, motion carried without opposition.

Mark Stafford, NC Division of Emergency Management, stated the ordinance presents the requirements necessary for the Flood Insurance Program.

Chairman Jordan questioned if there was any way landowners could be notified they were in floodplain areas.

Mr. Stafford replied that would have to be handled at the local level.

Paulette Wester, Eure, stated she lives just outside of the floodplain but purchases flood insurance. She questioned why the insurance rate increased each year.

Mr. Stafford stated the rates are set by FEMA and they are the same nationwide.

Rebecca Williams questioned if the flood area mass increased or decreased in Gates County.

Mr. Stafford responded it stayed about same.

Commissioner Twine made a motion to close the Public Hearing on the Flood Damage Prevention Ordinance. Commissioner Askew seconded the motion, motion carried without opposition.

Commissioner Nickens made a motion to adopt the Flood Damage Prevention Ordinance. Commissioner Jernigan seconded the motion, motion carried without opposition.

The Flood Damage Prevention Ordinance reads as follows:

FLOOD DAMAGE PREVENTION ORDINANCE

Non-Coastal Regular Phase

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

SECTION A. STATUTORY AUTHORIZATION.

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

County: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

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

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction Gates County are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

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

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

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

ARTICLE 2. DEFINITIONS.

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

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on

farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

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

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

“Area of Shallow Flooding” means a designated Zone AO 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)”.

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

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

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

“Building” see “Structure”.

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

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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

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

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

“Existing Manufactured Home Park or Manufactured Home Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

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

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

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

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

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

“Flood Prone Area” see “Floodplain”

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

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

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

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

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

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

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

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

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

“Historic Structure” means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”.

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

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

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

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

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

“Market Value” means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established

by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

“Mean Sea Level” means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

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

“Non-Encroachment Area” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

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

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

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

“Public Safety” and/or “Nuisance” means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle (RV)” means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Reference Level” is the bottom of the lowest horizontal structural member of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1-A30, AE, A, A99 or AO.

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

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

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

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

“Solid Waste Disposal Facility” means 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 it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

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

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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

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

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of 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, including Extra-Territorial Jurisdictions (ETJs) if applicable, of Gates County and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

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

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Gates County dated July 20, 2009 including revisions to:

- (a) FIRM panels 3720690600, 3720690800, 3720690900, 3720692400, 3720692600, 3720693600, 3720694400, 3720696200, 3720696400, 3720696500, 3720697400, 3721600000 and 3721600200 all of which are dated August 3, 2009.

These materials are adopted by reference and declared to be a part of this ordinance. The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date: Gates County Unincorporated Area, dated February 1, 1976.

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 Gates County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Gates 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 County Planner, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

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

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

elevated or floodproofed;

- (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale,, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - (ii) Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
 - (e) Usage details of any enclosed areas below the lowest floor.
 - (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 - (g) Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.
 - (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of Article 5, Section B, subsections (6) and (7) of this ordinance are met.
 - (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.
- (2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:
- (a) A description of the development to be permitted under the floodplain development permit.
 - (b) The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Article 3, Section B.
 - (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
 - (d) The regulatory flood protection elevation required for the protection of all public utilities.
 - (e) All certification submittal requirements with timelines.
 - (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
 - (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
 - (h) Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).
- (3) **Certification Requirements.**
- (a) Elevation Certificates
 - (i) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the elevation of the reference level, in relation to mean sea level. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

- (ii) An Elevation Certificate (FEMA Form 81-31) 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 mean sea level. 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 as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (b) Floodproofing Certificate
- If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Article 5, Section B(3)(b).
 - (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
 - (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - (i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - (ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - (iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Review all proposed development within Special Flood Hazard Areas to assure that all necessary Local, State and Federal permits have been received.

- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section F are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section D(2)(b), in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being 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, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

- (1) **Violations to be Corrected:** When the Floodplain Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) **Actions in Event of Failure to Take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the floodplain management regulations;
 - (b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - (c) that following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- (3) **Order to Take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than one-hundred-twenty (120) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
- (4) **Appeal:** Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) **Failure to Comply with Order:** If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by Gates County, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

- (3) Variances may be issued for:
- (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally dependent facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
 - (c) any other type of development, provided it meets the requirements of this Section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

- (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) Gates County has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

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

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the Regulatory Flood Protection Elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with

the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified in accordance with the provisions of Article 4, Section B(3).
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (15) When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
- (16) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

SECTION B. SPECIFIC STANDARDS.

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

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE, AO, and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. For AO Zones, the floodproofing elevation shall be in accordance with Article 5, Section G(2). A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans..
- (3) Manufactured Homes.
 - (a) New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
 - (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to

resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4).
- (d) An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management coordinator.
- (4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:
- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
- (i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
- (ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
- (iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
- (iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
- (v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.
- (5) Additions/Improvements.
- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
- (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
- (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
- (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (b) meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:
- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;
 - (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (e) Accessory structures shall be firmly anchored in accordance with the provisions of Article 5, Section A(1);
 - (f) All service facilities such as electrical shall be installed in accordance with the provisions of Article 5, Section A(4); and
 - (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with the provisions of Article 5, Section B(4)(c).

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

SECTION C. RESERVED.**SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.**

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

- (1) No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - (a) When Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Article 5, Sections A and B.
 - (b) When floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway areas shall also comply with the requirements of Article 5, Sections B and F.
 - (c) All subdivision, manufactured home park and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference in accordance with Article 3, Section B and utilized in implementing this ordinance.
 - (d) When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in Article 2. All other applicable provisions of Article 5, Section B shall also apply.

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

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

- (1) Standards of Article 5, Sections A and B; and
- (2) Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

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

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

SECTION G. 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 two (2) 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 G(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.

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 February 1, 1976 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 Gates County enacted on February 1, 1976, as amended, which are not reenacted herein are repealed.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. EFFECTIVE DATE.

This ordinance shall become effective July 20, 2009.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of Gates County, North Carolina, on the 20th day of July, 2009.

WITNESS my hand and the official seal of _____, this the _____ day of _____, 200__.

Henry L. Jordan, Chairman
Gates County Board of Commissioners

Attest:

Diane R. Hendrix, Clerk

Mr. Haskett discussed the Board of Adjustments members with terms expiring. The Board of Adjustments consists of five (5) members and two (2) alternates.

Commissioner Jernigan nominated Paulette Wester and Sylvia Boone, current alternate members, to serve on the Board of Adjustments.

Chairman Jordan nominated Robert Williams to serve on the Board of Adjustments.

Commissioner Nickens nominated T. C. Vaughan to serve on the Board of Adjustments.

The Commissioners' vote for the nominees stands as follows: Robert Williams – 2 votes, Commissioners Twine and Jordan; T. C. Vaughan – 4 votes, Commissioners Jernigan, Askew, Nickens and Twine; Paulette Wester – Unanimous vote by the Commissioners; Sylvia Boone – 3 votes, Commissioners Jernigan, Askew and Nickens. By majority vote, T. C. Vaughan, Paulette Wester and Sylvia Boone are appointed for a three-year term each on the Board of Adjustments.

Commissioner Nickens nominated Robert Williams to serve as an alternate on the Board of Adjustments.

Commissioners Nickens made a motion the nominations be closed. Commissioner Askew seconded the motion, motion carried without opposition.

The Commissioners voted unanimously for Robert Williams to serve a three-year term as an alternate on the Board of Adjustments.

Mr. Chappell presented a request for the GITS program. Rehoboth Education Services, Ahoskie, would like to purchase, by private sale, a surplus vehicle from GITS.

Commissioner Twine made a motion to have Mr. Chappell write a public notice to proceed with the private sale. Commissioner Nickens seconded the motion. Commissioners Jordan, Askew, Nickens and Twine voted for the motion. Commissioner Jernigan voted against the motion. Motion carried by majority vote.

Timmy Hedgepeth would like to have the discussion regarding the report from Mr. Walters tabled until he can do further research.

The meeting continued after a brief recess.

Old Business

Mr. Chappell presented a Resolution Opposing the Need for Local Plumbers to be Certified in Lead Abatement.

Commissioner Twine made a motion to adopt the Resolution Opposing the Need for Local Plumbers to be Certified in Lead Abatement. Commissioner Nickens seconded the motion, motion carried without opposition.

The Resolution reads as follows:

**RESOLUTION
OPPOSING THE NEED FOR LOCAL PLUMBERS TO BE
CERTIFIED IN LEAD ABATEMENT**

Whereas, it is proposed a plumber will need to be certified in lead abatement before they can drill or cut during remodeling of any structure built before 1978; and

Whereas, with the current economic pressure added to the aging of current plumbing contractors, pressure from unnecessary regulations must be considered with reason and common sense; and

Whereas, the added expense of license fees and equipment cost to plumbing contractors will greatly affect the availability of citizens to hire a plumber at a reasonable cost.

Now Therefore Be It Resolved, the Gates County Board of Commissioners does not support the need for individual plumbers to be certified in lead abatement.

Adopted this the _____ day of _____, 2009

Henry L. Jordan, Chairman
Gates County Board of Commissioners

Diane R. Hendrix, Clerk

Curtis Chamblee, Eure, requested to appear before the Board again regarding his property taxes. He feels he was not at fault and should not have to pay \$1,600 in penalties and interest.

Chairman Jordan stated the Board was allowed to provide relief if a clerical error was made. The Chairman feels it is not the Boards authority to over-ride a decision made by the School of Government.

Renee McGinnis, Tax Assessor, stated payments received in the Tax Office were credited to the parcel pin number provided. In the process of foreclosure the mortgage company corrected the pin number.

Commissioner Twine stated the Board consulted professionals to make their decision. Mr. Chamblee needs to seek advice from a professional also.

Pitt Godwin, Attorney, stated the Board needed to rely on information received at this point.

Mr. Chamblee stated his wife's state taxes had been applied to the interest, he thought it should have been applied as consecutive payments.

Chairman Jordan stated the Tax Collector has been issued a command to collect taxes. The collection process is hers to implement.

Mrs. McGinnis provided a copy of the payment agreement signed by Mr. Chamblee on 03-04-09 for paying \$50 per month. A payment was received from the state due to debt set off on 03-06-09 and no direct payments from Mr. Chamblee have been received. There is no designation on the agreement stating funds will be applied exclusively to the principle.

Commissioner Nickens asked Mr. Chamblee if he could correspond with Mr. McLaughlin at the NC School of Government, a professor of local government tax and revenue.

Pitt Godwin, Attorney, responded to correspondence received regarding the request of Smith-Buckland, Inc. for designation as special class of historical properties for taxation purposes by passage of county ordinance. Only after passage of NCGS 168.405, 168.406 and 168.407 can the Board go forth. He does not feel the Board has the authority to go forth at this point.

Roger Van Smith, Director of Smith-Buckland, Inc., requested the Board to reserve any action at this time until he has had time to research the information provided by Mr. Godwin. He asked for a 30-day reservation.

Commissioner Nickens made a motion to table the Smith-Buckland, Inc. concern for 30 days to give Mr. Smith the opportunity to review the information. Commissioner Jernigan seconded the motion, motion carried without opposition.

New Business

Commissioner Nickens presented the Hauler License Ordinance and Franchise Agreement for licensing solid waste collectors.

Commissioner Twine made a motion to accept the Hauler License Ordinance and Franchise Agreement. Commissioner Jernigan seconded the motion, motion carried without opposition. Commissioner Nickens will present the Ordinance again at the July 20, 2009 meeting for a second reading.

Mr. Chappell presented an Agreement to join the NC Counties Liability and Joint Risk Management Agency d/b/a NCACC Liability and Property Pool and Workers' Compensation Pool. This is a renewal with NCACC.

Commissioner Jernigan made a motion to accept the NCACC blanket liability. Commissioner Nickens seconded the motion, motion carried without opposition.

Mr. Chappell presented the Records Retention and Disposition Schedule issued by the NC Dept. of Cultural Resources, Division of Historical Resources, Archives and Records Section, Government Records Branch.

Commissioner Jernigan made a motion to adopt the Records Retention and Disposition Schedule. Commissioner Twine seconded the motion, motion carried without opposition.

Mr. Chappell stated requests for proposals have been sent out for a new audit firm to audit the county's financial records. Two responses have been received, Winston, Williams, Creech, Evans & Co., LLP, and Martin Starnes & Associates, CPAs, PA. Mr. Chappell recommended Martin Starnes & Associates. They currently perform services for 27 of the 100 counties in North Carolina.

Commissioner Nickens made a motion to secure the services of Martin Starnes & Associates, CPAs, PA, to audit the county's financial records. The contract will be for a period of three (3) years. Commissioner Twine seconded the motion, motion carried without opposition.

Renee McGinnis, Tax Assessor, stated the County has a tax collection rate of 91.34%.

Chairman Jordan presented Budget Amendment 5.

Commissioner Jernigan made a motion to accept Budget Amendment 5 as presented. Commissioner Askew seconded the motion, motion carried without opposition.

Citizen Comments

Thomas Langston, questioned if there were any funds received from the salvage of the old air conditioning unit.

Chairman Jordan stated the cost for fluid removal, unit removal and disposal would have exceeded the salvage value. The total contract price included removal of the equipment.

Mr. Langston questioned if the County supported local businesses when new vehicles were purchased.

Mrs. Pittman responded the County purchases off of state contract and the sheriff purchases used vehicles locally.

Mr. Langston then presented a written statement regarding the minutes of the May 18 Commissioners' Meeting.

Chairman Jordan stated minutes are to be a general account of what transpired according to NCGS 143-318.10(e). The Board has already approved the May 18, 2009 minutes.

Anne Askew stated the newly forming Chamber of Commerce has held an organizational meeting; at the next meeting on July 16 an executive board will be elected.

Chairman Jordan stated letters have been written to our Congressmen, Senators and Representative thanking them for their support against OLF.

Commissioner Jernigan made a motion to sign the letters to our Congressmen, Senators and Representative. Commissioner Askew seconded the motion, motion carried without opposition.

Commissioner Nickens made a motion for a brief recess. Commissioner Twine seconded the motion, motion carried without opposition.

Chairman Jordan called the meeting back to order.

Commissioner Jernigan made a motion to declare a 2003 Ford, E350 van as surplus equipment from the GITS Department. Commissioner Nickens seconded the motion, motion carried without opposition.

Commissioner Twine made a motion to enter into Closed Session as authorized by NCGS 143-318.11(6). Commissioner Nickens seconded the motion, motion carried without opposition.

Commissioner Jernigan made a motion to exit the Closed Session and enter into Regular Session. Commissioner Askew seconded the motion, motion carried without opposition.

There being no further business Commissioner Twine made a motion to recess the meeting until 7:00 p.m. on July 20, 2009.

The following bills were ordered paid:

7402	A R CHESSON CONSTRUCTION CO., INC	06/02/2009	369296.53
7403	CLAM DIGGER INN	06/02/2009	167.62
7404	NC CHILD SUPPORT	06/02/2009	350.00
7405	NC DEPARTMENT OF REVENUE	06/02/2009	9430.00
7406	NCACC GROUP BENEFITS POOL	06/02/2009	45289.05
7407	SUPERIOR VISION	06/02/2009	219.06

7408	NCACC GROUP BENEFITS POOL	06/02/2009	45311.51
7409	ALBEMARLE TERMITE & PEST CONTROL	06/05/2009	375.00
7410	BOONE PATRICIA	06/05/2009	31.90
7411	BOONE SHERRY	06/05/2009	17.60
7412	BRAME SPECIALTY CO.	06/05/2009	545.58
7413	BRODY SCHOOL OF MEDICINE	06/05/2009	1000.00
7414	CAROLINA COMPUTER	06/05/2009	426.00
7415	CASTELOW WENDY	06/05/2009	634.00
7416	CHOWAN COUNTY	06/05/2009	28817.75
7417	CINTAS CORP #391	06/05/2009	214.64
7418	COLONY TIRE CORPORATION	06/05/2009	400.62
7419	EMBARQ	06/05/2009	2160.88
7420	GATES CO WATER DEPT.	06/05/2009	56.00
7421	GENNARELLI CONCRETE	06/05/2009	16250.00
7422	HD SUPPLY WATERWORKS LTD	06/05/2009	1547.48
7423	INTERNATIONAL CITY/COUNTY MGMT ASSOCIATION	06/05/2009	394.65
7424	KELLOGG-MORGAN AGENCY INC	06/05/2009	1300.00
7425	LASER QUEST	06/05/2009	200.00
7426	LOWE'S COMPANIES INC	06/05/2009	27.68
7427	MIDWAY CHEVROLET INC	06/05/2009	138.51
7428	NC DEPT OF ADMINISTRATIO	06/05/2009	200.00
7429	NC DEPT OF PUBLIC INSTRUC	06/05/2009	50.00
7430	NC DEPT OF REVENUE	06/05/2009	1497.00
7431	NC DEPT. OF CULTURAL RESOURCES	06/05/2009	20.00
7432	OFFICE EQUIPMENT FINANCE SERVICES	06/05/2009	145.84
7433	QUILL CORP.	06/05/2009	470.87
7434	RAYBU RN MARJORIE	06/05/2009	75.00
7435	REG OF DEEDS SUPP PENSION	06/05/2009	84.87
7436	RIDDICK WILLIAM G.	06/05/2009	35.23
7437	ROANOKE ELEC MEMBERSHIP C	06/05/2009	538.21
7438	ROSCOE LOVIE	06/05/2009	202.73
7439	SOUTHERN BANK & TRUST CO	06/05/2009	95109.91
7440	STATE INFORMATION PROC SE	06/05/2009	1196.31
7441	SZYMANSKI STEVE	06/05/2009	1223.80
7442	TELECOMMUNICATIONS INC	06/05/2009	298.00
7443	TOTAL BILLINGS INC	06/05/2009	638.53
7444	VERIZON WIRELESS	06/05/2009	51.49
7445	WARD & SON, INC	06/05/2009	974.46
7446	WOLFREY CONNIE	06/05/2009	79.20
7447	ROANOKE ELEC MEMBERSHIP C	06/11/2009	177.00
7448	QUILL CORP.	06/11/2009	1093.72
7449	GATESVILLE POSTMASTER	06/11/2009	156.00
7450	TOM PERRY INC	06/11/2009	59.90
7451	CHOWAN COUNTY	06/11/2009	11880.00
7452	BRINKLEY HARDWARE	06/11/2009	129.66
7453	GATES CO WATER DEPT.	06/11/2009	24.00
7454	NC DEPART OF TRANSPORTATI	06/11/2009	65.47
7455	ROANOKE CHOWAN COMM COLLE	06/11/2009	5183.27
7456	REG OF DEEDS SUPP PENSION	06/11/2009	74.30
7457	HOLLEY REBA G.	06/11/2009	102.30
7458	NCACDSS	06/11/2009	271.95
7459	LASSITER'S DAY CARE INC	06/11/2009	10901.70
7460	DIXIE AUTO PARTS	06/11/2009	544.88
7461	FIRST CITIZENS BANK	06/11/2009	24.00
7462	GATES CO BOARD OF EDUCATI	06/11/2009	1732.75
7463	GATES CO BOARD OF EDUCATI	06/11/2009	1392.00
7464	DING DONG SCHOOL	06/11/2009	772.00
7465	CAROLINA COMPUTER	06/11/2009	195.00
7466	TANYA'S LOVING WITH LEARN	06/11/2009	712.00
7467	E/Z PAGE	06/11/2009	26.95
7468	LASSITER PATRICE T.	06/11/2009	196.35
7469	BANK OF AMERICA	06/11/2009	8.00
7470	NC STATE BUREAU OF INVEST	06/11/2009	135.00
7471	WYNN VALERIE H.	06/11/2009	1268.40
7472	ROANOKE-CHOWAN PUBLISHING	06/11/2009	149.18
7473	NCACBSS	06/11/2009	250.00
7474	JOYCE A RIDDICK	06/11/2009	860.10

7475	WEBB EDWARD E.	06/11/2009	122.13
7476	HERTFORD CO DETENTION CEN	06/11/2009	65.00
7477	JOHNSON CHILD CARE HOME	06/11/2009	1936.90
7478	RANDALL HATHAWAY	06/11/2009	27.61
7479	DEPARTMENT OF CORRECTIONS	06/11/2009	2466.62
7480	IKON OFFICE SOLUTIONS	06/11/2009	421.06
7481	PURCHASE POWER	06/11/2009	805.50
7482	DIVISION OF VITAL RECORDS	06/11/2009	12.00
7483	UNIVAR USA INC	06/11/2009	969.47
7484	SOUTHERN BANK & TRUST	06/11/2009	120.00
7485	C&N BASIC LEARNING	06/11/2009	267.00
7486	PARKER PHYLLIS A.	06/11/2009	8.80
7487	SYKES CORINE R.	06/11/2009	1352.75
7488	DOMINION NC POWER	06/11/2009	900.00
7489	MARY'S LITTLE LAMBS	06/11/2009	7800.05
7490	THE CHILDREN'S CENTER	06/11/2009	227.00
7491	BB&T	06/11/2009	20.00
7492	SMITHSON CONNIE	06/11/2009	58.85
7493	NC 4-H DEVELOPMENT FUND	06/11/2009	30000.00
7494	APPLE TREE LEARNING CENTER	06/11/2009	827.00
7495	GATLING DORIS	06/11/2009	242.00
7496	DIANE BROTHERS	06/11/2009	2097.00
7497	IKON FINANCIAL SERVICES	06/11/2009	296.84
7498	KIDS RETREAT DAYCARE-PRESCHOOL	06/11/2009	343.00
7499	BROWN DAROYLL	06/11/2009	40.42
7500	AAA MOBILE CAR WASH	06/11/2009	240.00
7501	A R CHESSON CONSTRUCTION CO., INC	06/11/2009	135101.40
7502	A R CHESSON CONSTRUCTION CO., INC	06/11/2009	400857.30
7503	HENDRIX DIANE R.	06/11/2009	187.00
7504	SAFE-T-WORK, INC	06/11/2009	161.25
7505	MOMMA THERESA'S FCCH	06/11/2009	708.00
7506	TINKER BELL DAY CARE CENTER LTD	06/11/2009	544.00
7507	GOD'S LITTLE CHILDREN	06/11/2009	368.00
7508	CLINICAL SOLUTIONS	06/11/2009	67.26
7509	NORTH CAROLINA WESLEYAN COLLEGE	06/11/2009	5727.73
7510	N C SERETARY OF STATE	06/11/2009	50.00
7511	BALLARD DOROTHY G.	06/11/2009	95.55
7512	CAVANAUGH & ASSOCIATES, P.A.	06/11/2009	23625.00
7513	COX CARL	06/11/2009	65.35
7514	NC DEPT OF REVENUE	06/11/2009	132.81
7515	IMAGINATION STATION SCIENCE MUSEUM	06/11/2009	445.00
7516	NC DEPARTMENT OF REVENUE	06/16/2009	9625.00
7517	DAUGHTRY CAROLYN	06/18/2009	93.00
7518	A R STONE HEATING & COOLING	06/18/2009	107.00
7519	ALBEMARLE DISTRICT JAIL	06/18/2009	1240.00
7520	ALBEMARLE REGIONAL HEALTH	06/18/2009	86167.71
7521	ALL AMERICAN PUBLISHING	06/18/2009	100.00
7522	BETA SYSTEMS OF VIRGINIA	06/18/2009	145.04
7523	BOONE SHERRY	06/18/2009	27.50
7524	BOONE SYLVIA	06/18/2009	50.00
7525	BRAME SPECIALTY CO.	06/18/2009	24.76
7526	BRINKLEY HARDWARE	06/18/2009	726.38
7527	BRODY SCHOOL OF MEDICINE	06/18/2009	100.00
7528	CDW GOVERNMENT INC	06/18/2009	2295.29
7529	CINTAS CORP #391	06/18/2009	255.02
7530	COUNTY MARKET	06/18/2009	69.00
7531	COX CARL	06/18/2009	55.98
7532	CROSSROADS FUEL	06/18/2009	1981.24
7533	DIXIE AUTO PARTS	06/18/2009	942.52
7534	DOMINION NC POWER	06/18/2009	10224.48
7535	ELIZABETH CITY TROPHY AWARDS, INC.	06/18/2009	30.90
7536	FAMILY FOODS OF GATES	06/18/2009	5.11
7537	FOOD LION	06/18/2009	132.66
7538	FORBES HOMES	06/18/2009	25.00
7539	GATES CO BD OF EDUC/CAP O	06/18/2009	5000.00
7540	GATES CO BOARD OF EDUCATI	06/18/2009	204883.75
7541	GATESVILLE POSTMASTER	06/18/2009	600.00

7542	GODWIN LAW FIRM	06/18/2009	337.50
7543	GREAT AMERICA LEASING CORP	06/18/2009	411.68
7544	HARRELL WILLIAM H.	06/18/2009	50.00
7545	HD SUPPLY WATERWORKS LTD	06/18/2009	2042.45
7546	HOAGLAND KENNETH W.	06/18/2009	70.98
7547	IMAGING SPECIALTIES USA INC	06/18/2009	327.20
7548	IZON MYRTLE A.	06/18/2009	29.67
7549	LE BLEU BOTTLED WATER	06/18/2009	15.95
7550	MCGINNIS RENEE' H.	06/18/2009	46.96
7551	MEEHAN PATRICK A.	06/18/2009	17.65
7552	MICRO-COMM INC	06/18/2009	3850.00
7553	MORPHOTRAK	06/18/2009	2915.44
7554	MORRIS JOHN L.	06/18/2009	72.26
7555	NC CODE OFFI. QUALIFICATI	06/18/2009	80.00
7556	NC DEPT OF LABOR	06/18/2009	45.00
7557	NC STATE TREASURER	06/18/2009	615.31
7558	OFFICE OF VITAL STATISTICS	06/18/2009	5.00
7559	PETTY CASH	06/18/2009	135.99
7560	PIEDMONT NATURAL GAS	06/18/2009	96.03
7561	PURCHASE POWER	06/18/2009	299.24
7562	QUILL CORP.	06/18/2009	3359.00
7563	ROANOKE ELEC MEMBERSHIP C	06/18/2009	887.13
7564	SAUNDERS ABROM H.	06/18/2009	50.00
7565	SOUTHEASTERN CABLE PRODUC	06/18/2009	75.00
7566	TERMINIX	06/18/2009	135.00
7567	THE DAILY ADVANCE	06/18/2009	380.40
7568	TOM PERRY INC	06/18/2009	13.60
7569	TOWN OF GATESVILLE WATER	06/18/2009	158.00
7570	UNC SCHOOL OF GOVERNMENT	06/18/2009	37.36
7571	UNIFIRST CORP	06/18/2009	353.15
7572	UNIVAR USA INC	06/18/2009	969.47
7573	US CELLULAR	06/18/2009	2037.33
7574	VAUGHAN, JR T C.	06/18/2009	50.00
7575	WASTE INDUSTRIES INC	06/18/2009	270.09
7576	WESTER PAULETTE	06/18/2009	50.00
7577	WHITE & WOODLEY MECH CONT	06/18/2009	147.50
7578	WHOLESALE CASH & CARRY IN	06/18/2009	109.31
7579	WILLIAMS DOMINIQUE	06/18/2009	60.50
7580	WILLIAMS, SR ROBERT E.	06/18/2009	50.00
7581	XPEDX	06/18/2009	487.95
7583	ROANOKE ELEC MEMBERSHIP C	06/26/2009	349.48
7584	NC DEPT OF ADMIN - COURIE	06/26/2009	9.29
7585	ALBEMARLE REGIONAL HEALTH	06/26/2009	8774.80
7586	EURE HENRY C.	06/26/2009	600.00
7587	BRINKLEY HARDWARE	06/26/2009	81.26
7588	GATES CO MEDICAL CENTER	06/26/2009	4553.91
7589	GODWIN LAW FIRM	06/26/2009	126.84
7590	NC CODE OFFI. QUALIFICATI	06/26/2009	10.00
7591	DIXIE AUTO PARTS	06/26/2009	695.65
7592	COLONY TIRE CORPORATION	06/26/2009	54.29
7593	GATES CO BOARD OF EDUCATI	06/26/2009	3228.00
7594	LOWE'S COMPANIES INC	06/26/2009	518.74
7595	CAROLINA COMPUTER	06/26/2009	1445.46
7596	HARRELL WILLIAM H.	06/26/2009	87.93
7597	RIDDICK WILLIAM G.	06/26/2009	19.29
7598	BOYCE DAN	06/26/2009	50.00
7599	ROANOKE-CHOWAN PUBLISHING	06/26/2009	734.40
7600	WEBB EDWARD E.	06/26/2009	300.00
7601	GRIMES SHIRLEY	06/26/2009	20.00
7602	DEPARTMENT OF CORRECTIONS	06/26/2009	1692.22
7603	CENTRAL FORD INC	06/26/2009	611.33
7604	DELL MARKETING LP	06/26/2009	3535.14
7605	RIDDICK LEE	06/26/2009	50.00
7606	NATIONAL BUS SALES & LSG	06/26/2009	55985.00
7607	UNIFORM PLUS INC	06/26/2009	64.03
7608	DOMINION NC POWER	06/26/2009	97.93
7609	DOMINION NC POWER	06/26/2009	119.24

7610	SAUNDERS SR BENJAMIN C.	06/26/2009	87.29
7611	TOSHIBA BUSINESS SOLUTION	06/26/2009	224.23
7612	EMBARQ	06/26/2009	22.52
7613	PRESLEY REV BILLY	06/26/2009	83.78
7614	LANGSTON THOMAS	06/26/2009	50.00
7615	LANE RITA	06/26/2009	50.00
7616	HOFLER LINDA	06/26/2009	50.00
7617	N E DISTRICT 4-H COUNCIL	06/26/2009	650.00
7618	MITCHELL EDGAR L.	06/26/2009	18.21
7619	OFFICE EQUIPMENT FINANCE SERVICES	06/26/2009	145.84
7620	IMAGING SPECIALTIES USA INC	06/26/2009	1593.34
7621	EAST CAROLINA BEHAVIORAL HEALTH	06/26/2009	1654.82
7622	HENDRIX DIANE R.	06/26/2009	40.24
7623	GREENE, JR JOSEPH H.	06/26/2009	50.00
7624	LOWE MATTHEW	06/26/2009	27.23
7625	INTERNATIONAL CODE COUNCIL, INC	06/26/2009	692.64
7626	N C A & T STATE UNIVERSITY	06/26/2009	5461.69
7627	HARRELL ROBERT L.	06/26/2009	76.62
7628	CARTWRIGHT JAMES E.	06/26/2009	19.01
7629	GILMORE ALFORNIA S.	06/26/2009	4.85
7630	AMERICAN RAMP COMPANY	06/26/2009	33738.22
7631	ROUNTREE EVELYN	06/26/2009	485.00
7632	RIDDICK CLARA	06/26/2009	8.56
7633	BROWN WENDY M.	06/26/2009	7.16
7634	HAGUE NANCY L.	06/26/2009	8.98
7635	SKEENS RAY E.	06/26/2009	7.30
7636	SMITH CHANCE A.	06/26/2009	6.01
7637	ACCURINT	06/30/2009	160.00
7638	BROWN WILLIE	06/30/2009	119.01
7639	CROSSROADS FUEL	06/30/2009	583.22
7640	GATES CO BOARD OF EDUCATI	06/30/2009	380.00
7641	HALL'S GAS SERVICE	06/30/2009	351.30
7642	NC DEPARTMENT OF REVENUE	06/30/2009	9317.00
7643	NC STATE TREASURER	06/30/2009	499.87
7644	SPRUILL ANN C.	06/30/2009	94.25
7645	US CELLULAR	06/30/2009	195.24
7646	4IMPRINT	06/30/2009	1510.50
7647	AAA MOBILE CAR WASH	06/30/2009	240.00
7648	AFLAC	06/30/2009	2358.29
7649	BALLARD PATTIE	06/30/2009	553.24
7650	BRINKLEY HARDWARE	06/30/2009	37.75
7651	BROTHERS CHARLES H.	06/30/2009	50.00
7652	BROWN WILLIE	06/30/2009	274.59
7653	BRYAN D JOHNSON	06/30/2009	36.32
7654	BYRUM BETTY	06/30/2009	465.51
7655	CAROLINA COMPUTER	06/30/2009	262.50
7656	CENTRAL FORD INC	06/30/2009	339.45
7657	CINTAS CORP #391	06/30/2009	55.40
7658	COX CARL	06/30/2009	167.50
7659	DIVISION OF VITAL RECORDS	06/30/2009	12.00
7660	DOMINION NC POWER	06/30/2009	177.89
7661	EMBARQ	06/30/2009	467.87
7662	EMBARQ	06/30/2009	101.72
7663	FLOWERS PRINTING	06/30/2009	211.37
7664	GATES CO ANIMAL CLINIC	06/30/2009	111.70
7665	GATES CO BOARD OF EDUCATI	06/30/2009	373.75
7666	GODWIN LAW FIRM	06/30/2009	412.65
7667	HOFLER TRACTOR & IMPLEMEN	06/30/2009	21.57
7668	HTM CONCEPTS INC	06/30/2009	453.79
7669	IKON FINANCIAL SERVICES	06/30/2009	421.06
7670	JENKINS CRYSTAL	06/30/2009	219.14
7671	KANAWHA INSURANCE	06/30/2009	1488.19
7672	KEYSTONE INFORMATION SER	06/30/2009	4714.00
7673	LANG DANIEL W.	06/30/2009	50.00
7674	LANGSTON TAMEKIA L.	06/30/2009	21.17
7675	LILLEY INTERNATIONAL INC	06/30/2009	4274.39
7676	MCGINNIS RENEE' H.	06/30/2009	46.96

7677	NC CHILD SUPPORT	06/30/2009	350.00
7678	NC DEPT OF REVENUE	06/30/2009	205.93
7679	NC PROJECT LIFESAVER SPECIALIZED TEAM	06/30/2009	2712.00
7680	NC STATE TREASURER	06/30/2009	453.25
7681	NCACC	06/30/2009	20.00
7682	NCACC GROUP BENEFITS POOL	06/30/2009	42265.00
7683	PETTY CASH	06/30/2009	26.66
7684	QUILL CORP.	06/30/2009	168.65
7685	ROANOKE-CHOWAN PUBLISHING	06/30/2009	321.30
7686	ROSE FRANKLIN J.	06/30/2009	32.02
7687	SAM'S CLUB	06/30/2009	35.00
7688	SOUTHEASTERN CABLE PRODUC	06/30/2009	171.95
7689	SPIVEY DOUGLAS R.	06/30/2009	28.98
7690	SPRUILL'S UNDERGROUND	06/30/2009	860.00
7691	STATE HEALTH DEPARTMENT	06/30/2009	12.00
7692	STATE INFORMATION PROC SE	06/30/2009	1307.23
7693	STEVENSON SAND INC	06/30/2009	5000.00
7694	SUPERIOR VISION	06/30/2009	312.66
7695	TERMINIX	06/30/2009	245.00
7696	UNIFIRST CORP	06/30/2009	216.17
7697	UNIVAR USA INC	06/30/2009	968.03
7698	US CELLULAR	06/30/2009	1176.39
7699	VERIZON WIRELESS	06/30/2009	51.49
7700	WEBB EDWARD E.	06/30/2009	213.72
100451	JERNIGAN, KENNETH	06/30/2009	266.43
100452	MORRIS, BETTY	06/30/2009	1406.30
100453	HARRELL, SHARON	06/30/2009	2647.18
100454	HORTON, MARY	06/30/2009	1203.10
100455	HAYER, CHARLETTE	06/30/2009	545.68
100456	MEADS, CURTIS	06/30/2009	1224.47
100457	JOHNSON, BRYAN	06/30/2009	1777.02
100458	MIZE, DERRICK	06/30/2009	1204.90
100459	PARKER II, GEORGE	06/30/2009	1707.42
100460	WILKINS, LACEY	06/30/2009	1833.77
100461	WINN, WILLIAM	06/30/2009	2802.30
100462	EDWARDS, ASHLEY	06/30/2009	262.42
100463	EURE, SHERRI	06/30/2009	127.44
100464	RIDDICK, WILLIAM	06/30/2009	2234.72
100465	TRIPP, VALERIE	06/30/2009	1566.55
100466	NORMAN, HAYWOOD	06/30/2009	543.45
100467	REID, LINDA	06/30/2009	573.23
100468	RIDDICK, ESTHER	06/30/2009	604.49
100469	SPIVEY, JOHN	06/30/2009	765.09
100470	SWINTON, LORENZO	06/30/2009	449.77
100471	CUMMINGS, TIARA	06/30/2009	374.55
100472	HALL, CHIRLE'	06/30/2009	333.31
100473	HOLLEY, JAMEL	06/30/2009	390.56
100474	JOHNSON, KIMBERLY	06/30/2009	30.25
100475	JONES, QUIANA	06/30/2009	30.25
100476	LASSITER, AKEEM	06/30/2009	704.58
100477	MANLEY, SHAWN	06/30/2009	339.12
100478	RIDDICK, LASHAYNA	06/30/2009	30.25
100479	WILLIAMS, JAYQUAN	06/30/2009	236.52
100480	WILSON, PRISCILLA	06/30/2009	347.63
100481	WORTHINGTON, TYRIKA	06/30/2009	495.87
100482	LOWE, MATTHEW	06/30/2009	1702.98
100483	BOONE-HALL, CHERLY	06/30/2009	1536.25
100484	METZ, KIMBERLY	06/30/2009	937.70
100485	OWENS, DIANNE	06/30/2009	1442.08
100486	CROSS JR., EDWARD	06/30/2009	1750.94
100487	PARKER, BRIAN	06/30/2009	1644.38
100488	POWELL, DANIEL	06/30/2009	1605.64
100489	STALLS, CHARLIE	06/30/2009	1997.27
100490	HOUSE, ISAAC	06/30/2009	331.80
100491	JORDAN, MICHAEL	06/30/2009	837.17
ACH	BAKER, SANDY W	06/30/2009	1798.93
ACH	WILSON, PATSY M.	06/30/2009	1423.75

ACH	MCGINNIS, RENEE' H.	06/30/2009	3083.24
ACH	ROUNTREE, SANDRA W	06/30/2009	2013.93
ACH	WESTER, PAMELA A	06/30/2009	1681.75
ACH	BAUM, MARY K	06/30/2009	1740.73
ACH	WILLIAMS, ANN T	06/30/2009	1676.71
ACH	HOLLEY, ANTIONETTE P	06/30/2009	2821.50
ACH	PIERCE, GRACIE P	06/30/2009	1583.17
ACH	POWELL, RHONDA B	06/30/2009	1576.28
ACH	EURE, EVANGELINE	06/30/2009	1668.73
ACH	WEBB, EDWARD E	06/30/2009	3049.31
ACH	SPRUILL JR., WILLIAM E	06/30/2009	2118.17
ACH	MELTON, RANDELL DELORES	06/30/2009	1605.48
ACH	PARKER, GLYNDA S	06/30/2009	1917.60
ACH	HATHAWAY, RANDALL A	06/30/2009	2135.07
ACH	MOORE, VIRGINIA C	06/30/2009	1891.79
ACH	CLARK, ANDREA	06/30/2009	1780.46
ACH	TURNER, COLLEEN K	06/30/2009	3701.65
ACH	HARRELL, P ELIZABETH	06/30/2009	1484.31
ACH	PARKER, PHYLLIS A	06/30/2009	2152.23
ACH	BROWN, DAROYLL C	06/30/2009	1891.46
ACH	FREEMAN, SHELIA	06/30/2009	1664.95
ACH	LASSITER, PATRICE T	06/30/2009	2398.62
ACH	CROSS, LULA M	06/30/2009	983.91
ACH	HOLLEY, DANIT L	06/30/2009	1332.48
ACH	JORDAN, TIMOTHY A	06/30/2009	1395.64
ACH	BOONE, SHERRY F	06/30/2009	2278.74
ACH	SMITHSON, CONNIE C	06/30/2009	2615.64
ACH	ROUNTREE, MARIE D	06/30/2009	1680.95
ACH	RIDDICK, CLARA P	06/30/2009	1680.74
ACH	OWENS, GLADYS S	06/30/2009	1464.41
ACH	BOONE, CRYSTAL R	06/30/2009	1574.58
ACH	KNIGHT, TAMEKA E	06/30/2009	951.12
ACH	EARLEY, DEBRA	06/30/2009	131.21
ACH	HAWKS, BRANDON S	06/30/2009	1912.36
ACH	CHAPPELL, TRACIE L	06/30/2009	1635.04
ACH	BRODIE, GEORGE	06/30/2009	424.45
ACH	STONE, SHELLEY A	06/30/2009	1583.29
ACH	WALKER, DAPHNE B	06/30/2009	1228.78
ACH	JORDAN, ROBERT E	06/30/2009	1484.60
ACH	MITCHELL, EDGAR LEE	06/30/2009	2496.48
ACH	REYNOLDS, ROBERT M	06/30/2009	1846.66
ACH	CUTLER, MARY B	06/30/2009	1354.80
ACH	PITTMAN, SANDRA L	06/30/2009	2820.71
ACH	HEDGEPEETH, TIMOTHY M	06/30/2009	2947.43
ACH	SAUNDERS, LAKISHA	06/30/2009	1485.50
ACH	ASKEW, WADE H.	06/30/2009	371.00
ACH	HENDRIX, DIANE R.	06/30/2009	1425.91
ACH	DREWYOR, CHRISTINA M.	06/30/2009	1259.23
ACH	TWINE, GRAHAM	06/30/2009	356.98
ACH	CHAPPELL, TOBY L	06/30/2009	4572.55
ACH	JORDAN, HENRY L.	06/30/2009	622.83
ACH	WILLIAMS, DOMINIQUE D.	06/30/2009	1905.84
ACH	LASSITER, DAVID	06/30/2009	2085.72