

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN MET IN REGULAR SESSION IN THE COMMISSIONERS' ROOM OF THE CRAVEN COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA ON MONDAY, MAY 17, 2004. THE MEETING CONVENED AT 8:30 A.M.

MEMBERS PRESENT:

- Chairman George N. Brown, Jr.
- Vice Chairman Leon C. Staton
- Commissioner Lee Kyle Allen**
- Commissioner Bill Harper
- Commissioner Perry Morris
- Commissioner Johnnie Sampson, Jr.
- Commissioner M. Renée Sisk

** Commissioner Allen arrived at approximately 9:30 due to a traffic accident delay

STAFF PRESENT:

- Harold Blizzard, County Manager
- George B. Sawyer, Assistant County Manager
- Richard F. Hemphill, County Finance Officer
- Ray H. Moser, Human Resources Director
- Gwendolyn M. Bryan, Clerk to the Board
- James R. Sugg, County Attorney

Following an invocation by Commissioner Morris and the Pledge of Allegiance, Commissioner Samspon moved to approve minutes of the May 3, 2004 regular session, seconded by Commissioner Morris and unanimously carried. The Board accepted an amendment to the minutes of April 5, 2004 by motion of Commissioner Sampson, seconded by Commissioner Staton and unanimously carried. The amendment corrects the figure on line 466 of the April 5, 2004 minutes and replaces a figure of \$12,124.00 with the correct figure of \$21,690.00.

CONSENT AGENDA

Budget Amendments

Craven County Finance Officer, Rick Hemphill, submitted the following budget amendments for the Board's approval. Commissioner Sisk moved for their approval, seconded by Commissioner Staton and unanimously carried in a roll call vote, with Commissioner Allen being absent from the vote.

Public Buildings

JOURNAL ENTRY

TRANSFER FROM	AMOUNT	TRANSFER TO	AMOUNT
371-0571-400-97-01 Transfer	\$23,028.00	371-0000-101-00-00 Cash	\$23,028.00
101-0000-101-00-00 Cash	\$23,028.00	101-1201-366-07-00	\$23,028.00

BUDGET AMENDMENT

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
101-1201-366-07-00 Trf from Fd 371	\$23,028.00	101-1201-400-73-02 Other Imp	\$23,028.00

TOTAL	\$23,028.00	TOTAL	\$23,028.00
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Justification: To set up revenue from Reserve Fund to be used for wiring at H.S. Bldg.

Capital Reserve

371-0000-399-00-00	\$23,028.00	371-0571-400-97-01	\$23,028.00
TOTAL	\$23,028.00	TOTAL	\$23,028.00

Justification: To appropriate fund balance in reserve for wiring project at Human Services Bldg.

Health/Lead

101-3133-357-09-00	\$9,467.00	101-3133-420-32-40	\$9,467.00
Service Fees/Lead Service		Supplies/Other Supplies	
TOTAL	\$9,467.00	TOTAL	\$9,467.00

Justification: We have earned more than originally budgeted for this service (second year in use). This money will be used to support Children’s Environmental Health by purchasing educational materials, environmental interventions and other supplies. Please note that Medicaid reimbursements are less than the budget projection.

DSS 7221 Adult Services

101-7221-349-78-00	\$(1,000.00)	101-7221-450-39-18	\$(1,142.00)
Adult Day Care		Adult Day Care	
101-00-399-01-0	\$(142.00)		
Fund Balance			
TOTAL	\$(1,142.00)	TOTAL	\$(1,142.00)

Justification: Allocation reduced by the State. Funds are 87.5% fed and state and 12.5% County match.

Convention Center

101-8201-357-75-00	\$29,000.00	101-8201-430-98-16	\$55,000.00
Space Rental		County Reserve	
101-8201-357-79-0	\$5,000.00		
Audio/Visual Equip			
101-8201-357-74-0	\$12,000.00		
Coffee/In House Ctr			
101-8201-357-78-0	\$2,000.00		
Serv Charg In House Catering			
101-8201-357-70-0	\$7,000.00		
Catering Comm			
TOTAL	\$55,000.00	TOTAL	\$55,000.00

Justification: Increased revenue and expenditures for FY-2004.

Jail

101-0000-399-01-00	\$140,000.00	101-2008-410-32-08	\$140,000.00
Fund Balance		Medical	
TOTAL	\$140,000.00	TOTAL	\$140,000.00

Justification: Medical Charges for inmates*Tax Releases and Refunds*

Craven County Tax Administrator, Ronnie Antry, submitted the following tax releases and refunds for the Board's approval. Commissioner Sisk moved for their approval, seconded by Commissioner Staton and unanimously carried in a roll call vote, with Commissioner Allen being absent from the vote.

Credits

TAXPAYER NAME	TICKET#	AMOUNT
CONSECO FINANCE SERVICING CORP PROPERTY INCLUDED IN INVENTORY FOR 2004	2003-0010434	\$134.85
COWARD, DEXTER SR DID NOT OWN 1/1/2003	2003-0010982	\$114.52
CRAIG, HAZEL HODGES DID NOT OWN 1/1/2003	2003-0011242	\$66.08
CRAIG, HAZEL HODGES DID NOT OWN 1/1/2003	2002-0011146	\$74.21
CRAIG, HAZEL HODGES DID NOT OWN 1/1/2003	2001-0011058	\$83.32
CRAIG, HAZEL HODGES DID NOT OWN 1/1/2003	2000-0010943	\$78.58
CURTIS, JACK JR & EDNA H DID NOT OWN 1/1/2003	2003-0011759	\$52.09
CURTIS, JACK JR & EDNA H DID NOT OWN 1/1/2002	2002-0011759	\$58.31
CURTIS, JACK JR & EDNA H DID NOT OWN 1/1/2001	2001-0011672	\$65.18
ENC WOODMEN YOUTH CAMP INC UNDER APPEAL TO NC PROPERTY TAX COMMISSION	2003-0091337	\$3,289.02
ENC WOODMEN YOUTH CAMP INC UNDER APPEAL TO NC PROPERTY TAX COMMISSION	2003-0091338	\$213.34
FONVILLE, HANNAH PARCEL DOES NOT EXIST	1994-0014362	\$19.28
FONVILLE, HANNAH PARCEL DOES NOT EXIST	1995-0014639	\$18.39
FONVILLE, HANNAH PARCEL DOES NOT EXIST	1996-0015014	\$17.43
FONVILLE, HANNAH PARCEL DOES NOT EXIST	1997-0015273	\$16.40

GREEN, SARAH COWARD HRS PARCEL DOES NOT EXIST	1994-0017354	\$20.22
GREEN, SARAH COWARD HRS PARCEL DOES NOT EXIST	1995-0017615	\$19.02
GREEN, SARAH COWARD HRS PARCEL DOES NOT EXIST	1996-0018098	\$17.90
GREEN, SARAH COWARD HRS PARCEL DOES NOT EXIST	1997-0018470	\$16.87
GREEN, SARAH COWARD HRS PARCEL DOES NOT EXIST	1998-0018472	\$47.89
HEIGHES, PHILLIP L NOT LOCATED IN CRAVEN CO. 1/1/2002	2002-0023217	\$13.82
HEIGHS, PHILLIP L NOT LOCATED IN CRAVEN CO 1/1/2003	2003-0023371	\$12.87
HOME, EDGAR DOUBLE LISTED ON ACCT #43793	2003-0024638	\$176.23
IPOCK, CYNTHIA NOT IN BUSINESS 1/1/2003	2003-0090523	\$65.34
IPOCK, CYNTHIA NOT IN BUSINESS 1/1/2002	2002-0025460	\$73.41
KEITH, EARL & TAMMY DID NOT OWN 1/1/2003	2003-0028130	\$183.11
LAWLER, DAVID TAGGED VEHICLE	2003-0029951	\$67.75
SPENCER, DONALD WILLIAM DOUBLE LISTED WITH ACCT #40756	2003-0047128	\$57.05
SPENCER, DONALD WILLIAM DOUBLE LISTED WITH ACCT. #40756	2001-0045954	\$70.97
SPENCER, DONALD WILLIAM DOUBLE LISTED WITH ACCT #40756	2002-0046741	\$63.69
SYKES, NANCY HEIRS PARCEL DOES NOT EXIST	1994-0041841	\$24.44
SYKES, NANCY HEIRS PARCEL DOES NOT EXIST	1995-0042071	\$23.33
SYKES, NANCY HEIRS PARCEL DOES NOT EXIST	1996-0043085	\$22.13
SYKES, NANCY HEIRS PARCEL DOES NOT EXIST	1997-0043644	\$20.84

34 – CREDIT MEMO(S) \$5,297.88

They requested that the County write a letter of support for this project, which will involve paving the access from Taberna Way to the Battleground and construction of trails and bridges through the battleground for pedestrian and bicycle use. The City of New Bern is sponsoring the application. Commissioner Sisk moved that the County write a letter to the Historical Society in support of the development of pedestrian and bicycle trails in the New Bern Civil Battleground, seconded by Commissioner Staton and unanimously carried in a roll call vote, with Commissioner Allen being absent from the vote.

PRESENTATION BY COMMUNITY CHILD PROTECTION TEAM

Gretta Hill of the Craven County Department of Social Services, who serves as the Chairman of the Community Child Protection Team, provided the Board its regular update on the issues facing the protection of children in Craven County. She sited the following as areas where there are gaps in service in Craven County:

- foster parents willing to accept teenage children
- minority families available for placement of minority foster children
- services for children and families with developmental disabilities and mental health issues
- adequate placements for children who are hard to place because of behavioral problems
- the need for more therapeutic resources for families without insurance
- abused children who need medical exams
- the lack of court liaison positions for sexual assault issues

The Board accepted the presentation for information.

SHERIFF’S DEPARTMENT REQUEST

Sheriff Monette requested that the Board of Commissioners transfer \$140,000 from Fund Balance to the Inmate Medical line item, stating that \$100,000 of that amount is for the treatment of one inmate. Commissioner Sampson moved to approve the Sheriff’s request for transfer of \$140,000 from Fund Balance, seconded by Commissioner Morris and unanimously carried in a roll call vote, with Commissioner Allen being absent from the vote.

CRAVEN AGING PLANNING BOARD PRESENTATION OF HOME AND COMMUNITY CARE BLOCK GRANT FUNDING FOR FY 2005

Joy Doshier, Chairperson of the Craven Aging Planning Board Budget Committee, presented the committee’s funding recommendations for FY 2005. She stated that increases are expected, and if so, the Craven Aging Planning Board will return to the Board of Commissioners for additional funding recommendations. The funding recommendations are as follows:

Budget Request	Requested			Recommended			
FY 2005	HCCBG	Match	Total	HCCBG	10% match	Grand Total	USDA
Social Services							
Care Management	\$120,099	\$13,344	\$133,443	\$73,228	\$8,136	\$81,364	
	50 clients	1.75 Social Workers					
In Home Level II	\$106,901	\$11,878	\$118,779	\$92,958	\$10,329	\$103,287	
	8533 units	\$13.92 70 clients					

Congregate	\$96,376	\$10,708	\$107,084	\$96,376	\$10,708	\$107,084	\$11,406.87
	19,091 units	@ 5.6091	90 clients				
Home Delvd	\$85,499	\$9,500	\$94,999	\$85,499	\$9,500	\$94,999	\$11,175.04
	18703 units	@5.0793	90 clients				
CARTS							
Transportation	\$61,117	\$6,791	\$67,908	\$61,117	\$6,791	\$67,908	
	Unit cost	\$4.72 units	14,387 for 80 clients				
CC Health Hospice							
In Home Level III	\$29,250	\$3,250	\$32,500	\$24,000	\$2,667	\$26,667	
	2000 Units	@16.25 for	15 clients				
Senior Companion	\$21,594	\$2,399	\$23,993	\$13,000	\$1,444	\$14,444	
	5,760 units	@\$4.165					
TOTAL	\$520,836	\$57,870	\$578,706	\$446,178	\$49,575	\$495,753	
.5975 USDA Per Unit	Units		USDA	Old Rate			
5.6091 Congregate	19,091	Units	\$11,406.87	\$6.0950			
5.0793 Home Delvd	18,703	Units	\$11,175.04	\$5.6210			

She advised the Board that the Senior Companion program requested that the Commissioners provide the 10% match for their funds in the amount of \$1,444. Commissioner Sampson moved to approve the 10% match for Senior Companion programs, seconded by Commissioner Harper and unanimously carried in a roll call vote. Commissioner Morris moved to accept the recommendations, as presented by the Craven Aging Planning Board, seconded by Commissioner Staton and unanimously carried in a roll call vote, with Commissioner Allen being absent from the vote.

APPOINTMENTS

Coastal Resources Commission

The Board received notification of upcoming vacancies on the Coastal Resources Commission and was advised that nominations must be submitted by June 1st. There were no requests for support of nominees from other jurisdictions and the Board voted by motion of Commissioner Staton, seconded by Commissioner Sampson, to support Margaret Griffin of Tyrell County to be reappointed as a local government representative, as opposed to nominating a new appointee. The motion carried unanimously, with Commissioner Allen being absent from the vote.

Upcoming Appointments – June

The Board was advised of upcoming appointments on the Craven Community College Board of Trustees, Tourism Development Authority, Recreation Advisory Committee, Craven County Planning Board, ABC Board, Juvenile Crime Prevention Council and the River Bend Board of Adjustment. Consideration of these appointments was deferred until the Board’s next meeting.

PRESENTATION OF PROPOSED FY 2004-2005 BUDGET

County Manager, Harold Blizzard, presented the recommended budget for FY 2004-2005 along with the following rationale for the budget.

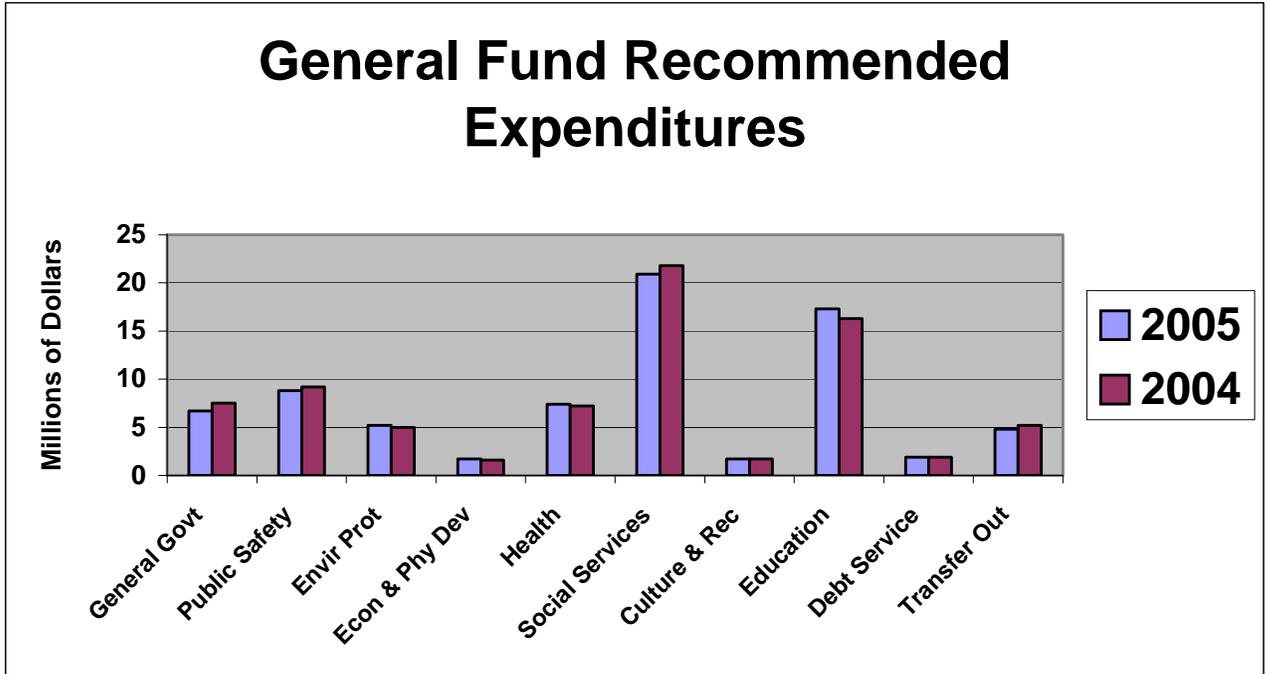
**BUDGET MESSAGE
FISCAL YEAR 2004-2005**

Mr. Chairman and Members of the Board of Commissioners:

I hereby submit for your consideration the recommended budget for Craven County for the fiscal year 2005. The proposed budget is balanced and requires no property tax rate increase. The following summarizes major components of the budget and provides some insight into the development of the budget to this point.

This budget reflects several months of hard work by many people who are committed to providing our citizens with the services to which they are entitled. Many difficult choices have been made in an effort to continue effective services at a reasonable cost to taxpayers. The costs to maintain services continue to climb even without new or expanded services. While we are projecting to have solid growth in the tax base of the County, additional funding for education alone will consume 83% of new property tax revenues generated from this growth.

General fund expenditures are \$78.6 million in the recommended budget, a decrease of approximately \$900,000 from the current budget. This decrease is primarily in the capital outlay line item and is a result of certain non-recurring items in the current budget, such as the purchase of the former Sugg office building and equipment purchased with Homeland Security funds. The following chart shows the breakdown by category of general fund expenditures for the recommended budget compared to the current budget. As in past years, education and social services account for approximately half of the total expenditures of the County's general fund.



This budget reflects a continued effort to provide funds for upcoming capital needs by appropriating an additional \$1.5 million to the existing County’s Capital Reserve Fund. Items to be funded from this reserve include the \$1.9 million commitment to the Community College for the technology building project on the New Bern campus; \$2.0 million for school roofs; \$600,000 for tax department digital ortho-photography; \$200,000 to upgrade voice and data communications wiring of the human services building; \$300,000 for the replacement of carpet in the human services building; and \$1 million to be used to begin the new jail project. During the current year we have appropriated \$933,000 from this reserve for school roof projects. In addition to the capital reserve, there is \$1.1 million in this budget for recurring type of capital needs such as vehicles and technology upgrades.

Expenditures in the Health Department are up approximately \$700,000 from the previous budget, partially due to a new computer system for the medical lab. Increased revenues in the Health Department offset some of the higher expenditures resulting in a net additional County cost of \$385,000 for the Health Department. For the first time in many years, appropriations for Social Services are down from the previous budget. This is primarily due to a lower budget for the County’s share of Medicaid costs and subsidized day care. It appears, at least temporarily, that Medicaid expenses have stabilized. This budget

appropriates \$400,000 less than the current budget for Medicaid. This estimate is based on the actual expenditures incurred to date this year. The amount budgeted is considerably less than the estimate the State provided for Craven County and we will watch this line item closely during the year. Revenues to be received by Department of Social Services are also lower resulting in the net County cost increasing by \$266,000.

Funding for the public library system will increase by 6% in the recommended budget. Most of the increase is for operational costs although \$20,000 is appropriated for paving the parking lot at Cove City and \$15,000 for a renovation study at the Vanceboro branch. Funding for the volunteer rescue squads is up by \$112,000 in the requested budget due to continued higher costs for paid personnel to cover daytime hours as volunteers are no longer able to take time off from work to answer calls.

The largest single increase in the recommended budget is in the area of education. The public school budget is recommended to increase by \$697,000 for current expense and \$50,000 for capital outlay. This brings the total appropriation for public schools current expense to \$13,952,000 and capital outlay to \$700,000 and represents a 5.3% increase over the current year appropriation. The increase is less than the Board of Education requested, but will fund most of the personnel items such as increased supplements, a 3% salary increase for locally paid staff, and the remaining costs for implementing the salary schedule for teacher assistants. It is our expectation that the Board of Education will continue to appropriate fund balance should they determine additional funding is required.

The Craven Community College budget is recommended to increase by \$212,000 to \$2,579,000 for current expense and \$75,000 for capital outlay. This increase is also less than the College requested, but will cover the additional

occupancy costs to operate the Havelock campus for a full year and provide the expected 4% salary increase for locally paid personnel.

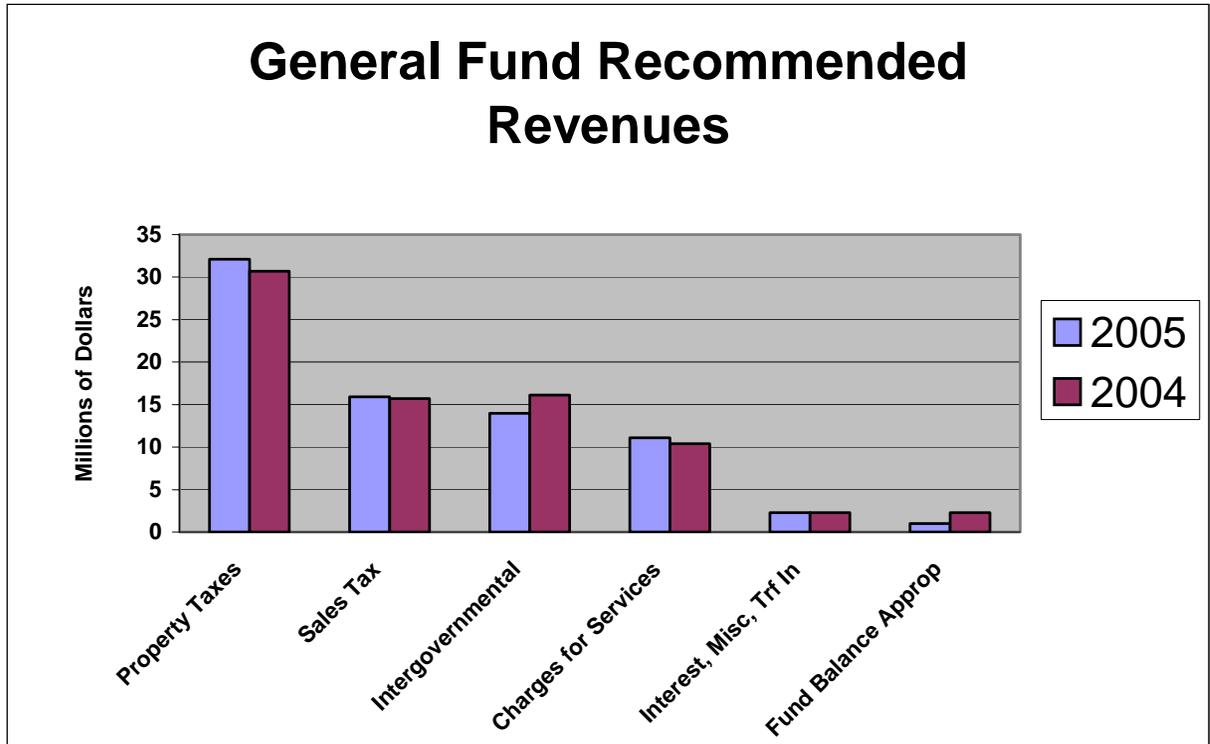
Our employees continue to perform at a high level and to provide excellent service to our citizens. The Commerce Department's latest report on national economic output showed inflation running at an annual rate of 3.2%. Therefore, a 3% salary increase for all eligible county employees is being recommended.

Due to the higher cost of medical care and increased cost of reinsurance premiums, we are recommending a 12% increase in our employee health insurance rate. The employee dental rate is recommended to increase by \$5 per month.

In last year's budget message I cautioned about the State making subtle funding shifts to counties and that costs would be pushed down from State agencies whose budgets have been cut. This has indeed occurred. This budget does not allow for any new shifts of funding from the State to the counties. Projections are for the State to realize a surplus this year, however, during the past year we have continued to experience instances of the State no longer providing the same funding for certain programs it has in the past. There has been conversation about the Governor again seeking to withhold the funds from the Public School Building Capital Fund, or ADM funds. Should this occur for a second time, it would further delay the construction of new school buildings funded by the debt service fund.

The following chart compares the breakdown of the recommended general fund revenues for fiscal 2005 to that of the current budget for fiscal 2004. Fortunately, Craven County's tax base continues to grow. The property valuation for the County is expected to increase by \$181 million or 3.2% from the January 1, 2003 amount, to a total of \$5.75 billion. At the existing tax rate this provides an

additional \$1.2 million of revenue. The tax rate is recommended to remain at 56 cents per hundred dollars of valuation for fiscal 2005.



The County’s sales tax revenue is projected to remain near the same level as the current year. Although sales tax revenues are up in the current year, they have not increased at the projected level of a year ago. As a result of the State changing the sales tax distribution from quarterly to monthly, plus the change made in the month of July to withhold the final two weeks of the month, it has become very difficult to project the sales tax revenue for the upcoming year. We have taken a conservative approach and budgeted only a \$175,000 increase in sales tax revenues. We will continue to monitor this revenue item for any change from the projection.

Intergovernmental revenues provided by the State and Federal governments, are projected to be lower than the current budget by approximately \$2 million. Much of this is in the Department of Social Services and reflects less funding for subsidized day care and reimbursement of administrative costs. Additionally, the current budget includes considerable sums of Homeland Security grants and approximately \$300,000 of reimbursement from FEMA for damages incurred



during Hurricane Isabel, both of which are not included in the recommended budget for fiscal 2005.

The proposed budget for fiscal year 2005 is a plan for spending that I believe will accomplish the goals of the County for the upcoming year in an efficient and effective manner. I wish to commend the department heads and staff for their valuable assistance in this process and I look forward to working with the Board of Commissioners in finalizing a budget for next year that will continue the tradition of good, responsible government. Finally, the recommended budget shall be immediately available for public inspection. I recommend the Board schedule a public hearing at 7:30 p.m. on June 7, 2004 and in the meantime, schedule budget sessions as it deems necessary.

Respectfully submitted,

Harold Blizzard
Craven County Manager

The Board was asked to set a public hearing for 7:30 p.m. on June 7th concerning the proposed budget and to set work sessions prior to the June 7th meeting to review the budget. Commissioner Staton moved to schedule the public hearing, as requested, for June 7th at 7:30 p.m., seconded by Commissioner Sampson and unanimously carried in a roll call vote, with Commissioner Allen present. The Board reached consensus to hold budget work sessions on June 2nd and June 3rd at 11:00 a.m. in the Commissioners' Conference Room.

COUNTY MANAGER'S REPORT

County Manager, Harold Blizzard, presented a request from the City of Havelock that the Craven County Board of Commissioners adopt a resolution in support of MCAS Cherry Point. He reminded the Board that Craven County has adopted three such resolutions in the last two years. Commissioner Allen moved that an additional resolution be drafted and forwarded, seconded by Commissioner Staton and unanimously carried.

SECOND VOTE ON UPDATED FLOOD DAMAGE PREVENTION ORDINANCE

Planning Director, Don Baumgardner, presented the updated Flood Damage Prevention Ordinance on which the Board voted at its May 3rd meeting. At that time there was an amendment and a second vote was necessary due to the absence of one Commissioner on May 3rd. The updated and amended ordinance appear as follows:

FLOOD DAMAGE PREVENTION ORDINANCE

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

ART. 2.
DEFINITIONS.....2
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ART. 3. GENERAL PROVISIONS
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ART. 4. ADMINISTRATION
.....7
ART. 5. PROVISIONS FOR FLOOD HAZARD REDUCTION
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ART. 6. LEGAL STATUS PROVISIONS
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STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

Sec. 7.5-1 STATUTORY AUTHORIZATION.

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 the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

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

Sec. 7.5-2 FINDINGS OF FACT.

The flood prone areas within the jurisdiction of Craven 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.

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 by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

Sec. 7.5-3 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 which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities;*
- (2) *require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;*

control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

control filling, grading, dredging, and all other development which may increase erosion or flood damage; and,

prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

Sec. 7.5-4 OBJECTIVES.

The objectives of this ordinance are:

- (1) *to protect human life and health;*

- (2) *to minimize expenditure of public money for costly flood control projects;*
- (3) *to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- (4) *to minimize prolonged business losses and interruptions;*
- (5) *to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;*

to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,

to insure that potential homebuyers are notified that property is in a Special Flood Hazard Area.

DEFINITIONS.

Sec. 7.5-5 **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 which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

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

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

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

“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 as published in the Flood Insurance Study of the water surface elevations of the base flood.

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

“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” defined as in NCGS 130A-290(a)(6).

“Elevated Building” means a non-basement building which has its reference level 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, permanent 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) is pre-FIRM.

“Existing Manufactured Home Site” means a manufactured home site for which the construction of facilities for servicing the site(s) on which the manufactured home(s) are to be affixed (including, at a minimum, the installation of utilities, the construction of streets (if applicable), and/or either final site grading or the pouring of concrete pads) is completed before July 2, 2004.

“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,
- (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 hazard areas, corresponding water surface elevations (if appropriate), flood insurance risk zones, and other flood data in a community issued by FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

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

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

“Floodplain Regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. 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 risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

“Flood Prone Area” see “Floodplain”

“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.

“Floor” see “Lowest Floor”

“Functionally Dependent Facility” means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as 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 a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste as defined in NCGS Article 9 of Chapter 130A.

“Highest Adjacent Grade (HAG)” means the highest natural elevation of the ground surface, prior to construction, 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 State inventory of historic places;
- (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified
 - (1) by an approved state program as determined by the Secretary of Interior, or
 - (2) directly by the Secretary of Interior in states without approved programs.

“Lowest Adjacent Grade (LAG)” means the elevation of the ground, sidewalk, patio slab, or deck support immediately next to the building after completion of the building. For Zone A and AO, use the natural grade elevation prior to construction.

“Lowest Floor” means the subfloor, top of slab or grade 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”.

“Market Value” means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (Actual Cash Value) or adjusted assessed values.

“Mean Sea Level” means, for purposes of the NFIP, 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 original version of this ordinance and includes any subsequent improvements to such structures.

“Nonconforming Building or Development” means any legally existing building or development which fails to comply with the current provisions of this ordinance.

“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.

“Obstruction” includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

“Post-FIRM” means construction or other development which started on or after January 1, 1975 or on or after the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

“Pre-FIRM” means construction or other development which started before January 1, 1975 or before the effective date of the initial Flood Insurance Rate Map for the area, whichever is later.

“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:

built on a single chassis;
400 square feet or less when measured at the largest horizontal projection;
designed to be self-propelled or permanently towable by a light duty truck; and,
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 portion of a structure or other development that must be compared to the regulatory flood protection elevation to determine regulatory compliance of such building. Within Special Flood Hazard Areas designated as zones A1-A30, AE, A, A99, AO, or AH, the reference level is the top of the lowest floor.

“Regulatory Flood Protection Elevation” means the elevation to which all structures and other development located within the Special Flood Hazard Areas must be elevated. Non-residential structures may be floodproofed in lieu of elevation. Where Base Flood Elevations (BFE) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard except for existing manufactured home sites. For existing manufactured home sites, the regulatory flood protection elevation shall be the BFE plus two (2) feet unless achieving such elevation causes the lowest horizontal structural member of the manufactured home to exceed thirty-six (36) inches ground clearance. In this case, there are two options that would preclude the home from having to meet the freeboard requirement: 1) fill to reduce amount of ground clearance or 2) request exemption of freeboard requirement (exemption will be granted provided that the lowest floor and all mechanical, electrical and ductwork is installed at or above the BFE with the intent to achieve the above referenced freeboard requirement).

“Remedy a Violation” means to bring the structure or other development into compliance with State or 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.

“Retrofitting” means measures, such as floodproofing, elevation, construction of small levees, and other modifications, taken on an existing building or its yard to protect it from flood damage.

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

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

“Special Flood Hazard Area (SFHA)” is the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year as determined in Article 3, Section 7.5-7 of this ordinance.

“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” defined as in NCGS 130A-290(a)(36).

“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 (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, 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, a gas or liquid storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one year period whereby the cost of which 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,

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.

“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.

“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.

GENERAL PROVISIONS.

Sec. 7.5-6 LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Craven County.

Sec. 7.5-7 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified by the Federal Emergency Management Agency (FEMA) or produced under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Hazard Boundary Map (FHBM) or Flood Insurance Study (FIS) and its accompanying flood maps such as the Flood Insurance Rate Map(s) (FIRM) and/or the Flood Boundary Floodway Map(s) (FBFM), for Craven County dated July 2, 2004, which with accompanying supporting data, and any revision thereto, including Letters of Map Amendment or Revision, are adopted by reference and declared to be a part of this ordinance. The Special Flood Hazard Areas also include those defined through standard engineering analysis for private developments or by governmental agencies, but which have not yet been incorporated in the FIRM. This includes, but is not limited to, detailed flood data:

- (1) generated as a requirement of Article 4, Section 7.5-27 (11 & 12) this Ordinance;
- (2) preliminary FIRMs where more stringent than the effective FIRM; or
- (3) post-disaster Flood Recovery Maps.

Sec. 7.5-8 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 as determined in Article 3, Section 7.5-7.

Sec. 7.5-9 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.

Sec. 7.5-10 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 overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 7.5-11 INTERPRETATION.

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

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

Sec. 7.5-12 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 on rare occasions. 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 Craven 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.

Sec. 7.5-13 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 Craven County from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 7.5-14 - Sec. 7.5-24. Reserved.

ADMINISTRATION.

Sec. 7.5-25 DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The Chief Building Codes Inspector, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

Sec. 7.5-26 FLOODPLAIN DEVELOPMENT PERMIT AND CERTIFICATION REQUIREMENTS.

Plans and Application Requirements. Application for a Floodplain Development Permit shall be made to the floodplain administrator on forms furnished by him or her prior to any development activities proposed to be located within flood prone areas. The following items/information shall be presented to the floodplain administrator to apply for a floodplain development permit.

A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

1. the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, the location of utility systems, proposed grading/pavement areas, fill materials, storage areas, drainage facilities, and other proposed development;
2. the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section 7.5-7 or a statement that the entire lot is within the Special Flood Hazard Area;
3. flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section 7.5-7;
4. the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section 7.5-7;
5. the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section 7.5-7; Article 4, Section 7.5-27(11 & 12); or Article 5, Sections 7.5-40, 7.5-41(5) and 7.5-42;
6. the old and new location of any watercourse that will be altered or relocated as a result of proposed development;

Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

7. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
8. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
9. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

If floodproofing, a floodproofing certificate and back-up plans from a registered professional engineer or architect certifying that the non-residential floodproofed development will meet the floodproofing criteria in Article 5, Section 7.5-41(2) and Section 7.5-40(11).

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:

10. Proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/piers);
11. Should solid foundation perimeter walls be used in floodplains, details of sufficient openings to facilitate the unimpeded movements of floodwaters in accordance with Article 5, Section 7.5-41(4);

Usage details of any enclosed space below the regulatory flood protection elevation.

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;

Copy of all other Local, State and Federal permits required prior to floodplain development permit issuance (i.e. Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

If floodplain development permit is issued for placement of Recreational Vehicles and/or Temporary Structures, documentation to ensure Article 5, Section 7.5-41(6 & 7) of this code are met.

If a watercourse is proposed to be altered and/or relocated, a description of the extent of watercourse alteration or relocation; 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.

Floodplain Development Permit Data Requirements. The following information shall be provided at a minimum on the Floodplain Development Permit to ensure compliance with this code.

A description of the development to be permitted under the floodplain development permit issuance.

The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section 7.5-7.

The regulatory flood protection elevation required for the reference level and all attendant utilities.

The regulatory flood protection elevation required for the protection of all public utilities.

All certification submittal requirements with timelines.

State that no fill material shall encroach into the floodway or non-encroachment area of any watercourse, if applicable.

Certification Requirements.

- (a) A preliminary Elevation Certificate shall be submitted to the floodplain administrator prior to the issuance of any building permit.
- (b) A Final As-Built Elevation Certificate (FEMA Form 81-31) or Floodproofing Certificate (FEMA Form 81-65) 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 or floodproofed elevation of the reference level and all attendant utilities. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, said 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 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 said corrections required shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (c) If a manufactured home is placed within an A, AO, AE, or A1-30 zone and the elevation of the chassis is above 36 inches in height, an engineered foundation certification is required per Article 5, Section 7.5-41(3).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; 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 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 A, AO, AE or A1-30 zones, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) above:

12. Recreational Vehicles meeting requirements of Article 5, Section 7.5-41(6)(a);

13. Temporary Structures meeting requirements of Article 5, Section 7.5-41(7); and

14. Accessory Structures less than 150 square feet meeting requirements of Article 5, Section 7.5-41(8).

Sec. 7.5-27 **DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

Duties of the floodplain administrator shall include, but not be limited to:

- (1) *Review all floodplain development applications and issue permits for all proposed development within flood prone areas to assure that the requirements of this ordinance have been satisfied.*
- (2) *Advise permittee that additional Federal or State permits (i.e., Wetlands, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and if specific Federal or State permits are known, require that copies of such permits be provided and maintained on file with the floodplain development permit.*
- (3) *Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.*

Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

Prevent encroachments within floodways and non-encroachment areas.

Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) of all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section 7.5-26(3).

Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures and all utilities have been floodproofed, in accordance with Article 4, Section 7.5-26(3).

Obtain actual elevation (in relation to mean sea level) of all public utilities, in accordance with Article 4, Section 7.5-26(3).

When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section 7.5-26(3) and Article 5, Section 7.5-41(2).

Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard 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.

When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section 7.5-7, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data and/or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Article 5, Section 7.5-42(3), in order to administer the provisions of this ordinance.

When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section 7.5-7, obtain, review, and reasonably utilize any floodway data, and/or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.

When the exact location of boundaries of the Special Flood Hazard Areas conflict with the current, natural topography information at the site, the property owner may apply and be approved for a Letter of Map Amendment (LOMA) by FEMA. A copy of the Letter of Map Amendment issued from FEMA will be maintained by the floodplain administrator in the floodplain development permit file.

Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

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.

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 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.

Revocation of 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, or 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.

Make periodic inspections throughout all 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.

Follow through with corrective procedures of Article 4, Section 7.5-28.

Sec. 7.5-28

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 pertaining to their property.*
- (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*

that the building or property is in violation of the Flood Damage Prevention Ordinance;

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,

that following the hearing, the floodplain administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.

- (3) ***Order to Take Corrective Action:*** *If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) days. Where the floodplain administrator finds that there is imminent danger to life or other property, he 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 from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he shall be guilty of a misdemeanor and shall be punished in the discretion of the court.*

Sec. 7.5-29

VARIANCE PROCEDURES.

- (1) ***The Board of Adjustments as established by Craven 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 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 the variance is the minimum necessary to preserve the historic character and design of the structure.*

(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;

the danger to life and property due to flooding or erosion damage;

the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

the importance of the services provided by the proposed facility to the community;

the necessity to the facility of a waterfront location, where applicable;

the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

the compatibility of the proposed use with existing and anticipated development;

the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

the safety of access to the property in times of flood for ordinary and emergency vehicles;

the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

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 of this ordinance.*

Variances shall not be issued within any designated floodway or non-encroachment area if any increase in flood levels during the base flood discharge would result.

Conditions for Variances:

Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Variances shall only be issued upon:

15. a showing of good and sufficient cause;

16. a determination that failure to grant the variance would result in exceptional hardship; and

17. 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.

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 a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the

reduced reference level elevation. Such notification shall be maintained with a record of all variance actions.

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.

A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met. A Floodplain Development permit may be issued for such development only if a variance is granted.

The use serves a critical need in the community.

No feasible location exists for the use outside the Special Flood Hazard Area.

The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection level.

The use complies with all other applicable federal, state and local laws.

Craven 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) days prior to granting the variance.

Sec. 7.5-30 - Sec. 7.5-39. Reserved.

PROVISIONS FOR FLOOD HAZARD REDUCTION.

Sec. 7.5-40 GENERAL STANDARDS.

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

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages.

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. These include but are not limited to HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric meter panels/boxes, utility/cable boxes, appliances (i.e., washers, dryers, refrigerator, etc.), hot water heaters, electric outlets/switches.

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

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.

Non-conforming structures or other development may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however, 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 that the bulk of the building or structure below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

New solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted in Special Flood Hazard Areas. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Article 4, Section 7.5-26(3) of this code.

(11) *Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*

(12) *Have adequate drainage provided to reduce exposure to flood hazards.*

Sec. 7.5-41

SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section 7.5-7, or Article 4, Section 7.5-27(11 & 12), the following provisions are required:

(1) **Residential Construction.** *New construction or 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.*

(2) **Non-Residential Construction.** *New construction or 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. Structures located in A, AO, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure below the required flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section 7.5-26(3).*

(3) **Manufactured Homes.**

New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation.

Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement in accordance with the State of North Carolina Regulations for Manufactured/Mobile Homes, 1995 Edition, and any revision thereto adopted by the Commissioner of Insurance pursuant to NCGS §143-143.15 or a certified engineered foundation. 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 other foundation elements of at least equivalent strength. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

All foundation enclosures or skirting shall be in accordance with Article 5, Section 7.5-41(4).

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.** *New construction or substantial improvements of elevated buildings that include fully enclosed areas that are below the regulatory flood protection elevation shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises, be constructed entirely of flood resistant materials below the regulatory flood protection level in A, AO, AE, and A1-30 zones and meet the following design criteria:*

- (a) Measures for complying with this requirement shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. To meet this requirement, the foundation must either be certified by a professional engineer or architect or meet the following minimum design criteria:

18. Provide a minimum of two openings on different sides of each enclosed area subject to flooding.

19. The total net area of all openings must be at least one (1) square inch for each square foot of each enclosed area subject to flooding.
20. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter;
21. The bottom of all required openings shall be no higher than one (1) foot above the adjacent grade;
22. Openings may be equipped with screens, louvers, or other opening coverings or devices provided they permit the automatic flow of floodwaters in both directions; and
23. Foundation enclosures:
24. Vinyl or sheet metal skirting is not considered an enclosure for regulatory and flood insurance rating purposes. Therefore such skirting does not require hydrostatic openings as outlined above.
25. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires hydrostatic openings as outlined above to comply with this ordinance.

- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.

(5) **Additions/Improvements.**

- (a) Additions and/or improvements to pre-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - i) are 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) are 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 shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures whereas the addition and/or improvements in combination with any interior modifications to the existing structure:
 - i) are not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

26. are a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

- (d) Where a fire wall or independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.

(6) **Recreational Vehicles.** *Recreation vehicles placed on sites within a Special Flood Hazard Area 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, including anchoring and elevation requirements of Article 4, Section 7.5-26 and Article 5, Sections 7.5-40 and 7.5-41(3).

(7) **Temporary Structures.** *Prior to the issuance of a floodplain development permit for a temporary structure, the following requirements must be met:*

- (a) Applicants must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood warning notification. The plan must include the following information:
- ii) a specified time period for which the temporary use will be permitted;
27. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
28. 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);
29. a copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
30. designation, accompanied by documentation, of a location outside the Special Flood Hazard Area to which the temporary structure will be moved.
- (b) The above information shall be submitted in writing to the floodplain administrator for review and written approval.
- (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 work, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall be designed to have low flood damage potential;
 - (c) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 - (d) Accessory structures shall be firmly anchored in accordance with Article 5, Section 7.5-40(1);

All service facilities such as electrical and heating equipment shall be installed in accordance with Article 5, Section 7.5-40(4);

Openings to relieve hydrostatic pressure during a flood shall be provided below regulatory flood protection elevation in conformance with Article 5 Section 7.5-41(4)(a); and

An accessory structure with a footprint less than 150 square feet 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 7.5-26(3).

Sec. 7.5-42 STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

Within the Special Flood Hazard Areas established in Article 3, Section 7.5-7, where no Base Flood Elevation (BFE) data has been provided, the following provisions shall apply:

- (1) ***No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty 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.***

If development is consistent with the need to minimize flood damage and 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 elevations established in accordance with Article 4, Section 7.5-27(11 & 12). When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source, the reference level, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

Have Base Flood Elevation (BFE) data provided if development is greater than the lesser of five (5) acres or fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Article 3, Section 7.5-7 to be utilized in implementing this code.

Sec. 7.5-43

FLOODWAYS AND NON-ENCROACHMENT AREAS.

Located within the Special Flood Hazard Areas established in Article 3, Section 7.5-7 are areas designated as floodways or non-encroachment areas. 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 shall apply to all development within such areas:

- (2) *No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the floodplain administrator prior to issuance of floodplain development permit.*

If Article 5, Section 7.5-43(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision provided the following provisions are met:

the anchoring and the elevation standards of Article 5, Section 7.5-41(3); and

the no encroachment standards of Article 5, Section 7.5-43(1) are met.

LEGAL STATUS PROVISIONS.

Sec. 7.5-44

DAMAGE

EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD

PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted April 6, 1987, 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 Craven County enacted on April 6, 1987, as amended, which are not reenacted herein are repealed.

Sec. 7.5-45

EFFECT UPON OUTSTANDING BUILDING 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 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 passage of this ordinance or any revision thereto, construction or use shall be in conformity with the provisions of this ordinance.

Sec. 7.5-46

EFFECTIVE DATE.

This ordinance shall become effective on July 2, 2004.

Commissioner Morris moved to adopt the ordinance as it appears above, seconded by Commissioner Sampson and unanimously carried in a second vote. Commissioner Staton emphasized that the Planning Department is expected to notify the residents in the effected areas.

COMMISSIONERS' REPORTS

Commissioner Harper advised the Board that the John Locke Foundation's views on the Global Transpark would be aired on WCTI-TV 12 on May 18th.

Commissioner Sampson commented on the need to work at getting gas prices down.

Commissioner Sisk thanked the staff for their hard work on the budget and extended congratulations on the high school and community college graduates in Craven County.

Commissioner Morris thanked all who were in attendance at the Strawberry Festival in Vanceboro and congratulated the Farm Life Elementary School due to their 92% achievement on state assessment scores.

Commissioner Allen commented on the reasons for his absence on the May 3rd meeting, citing his involvement with the National Association of Local Boards of Health.

Commissioner Brown requested that the Board designate its 2004 voting delegate to the NACo National Conference. It was the consensus of the Board to designate Chairman Brown as the voting delegate, with Commissioner Allen being the alternate. Commissioner Brown also commented that the objection to current gas prices should be directed to the congressional delegation.

At 10:10 a.m. Commissioner Staton moved to adjourn to reconvene on June 2nd at 11:00 a.m. in the Commissioners' Conference Room, seconded by Commissioner Morris and unanimously carried.

Chairman George N. Brown
Craven County Board of Commissioners

Gwendolyn M. Bryan, Clerk to the Board