July 1, 2019 continued

3525

Section 234. Insurance Requirements. Franchisee shall have at all times in force and effect insurance coverage which shall provide and include: appropriate statutory worker's compensation, three million dollars (\$3,000,000.00) of combined single limit motor vehicle insurance coverage, three million dollars (\$3,000,000.00) of combined single limit general liability coverage and three million dollars (\$3,000,000.00) combined single limited of professional liability coverage. Franchisee shall annually provide the County with a copy of the insurer's Certificate of Insurance for the above listed coverages.

Section 25. NCOEMS will be the enforcing agency as it relates to North Carolina General Statutes, North Carolina Administrative Code and the North Carolina College of Emergency Physicians requirements for EMS providers. The County will be the enforcing agency as it relates to the franchisee's compliance with the franchise or this ordinance.

Section 26. Scope of Franchisee Coverage Area. Unless otherwise limited in the franchise, the franchisee shall be permitted to cover the entire County. However, the County in its sole discretion has the statutory power to limit the hours and days the franchisee may operate and the areas of the County which may be served by the franchisee.

Section 27. Controlling Law and Venue. The terms of the franchise and this ordinance shall be construed under the law of the State of North Carolina. The venue of any legal dispute arising out of the terms of the franchise or this ordinance shall be in the court of appropriate jurisdiction in Perquimans County.

Section 28. Term of Franchise. The term of any franchise granted hereunder shall be valid for a term of one (1) year from the date of issuance of the franchise provided that the franchisee is in compliance with the terms of this ordinance. In addition, the County and the franchisee each reserve their right to terminate the franchise upon sixty (60) days prior notice to the other party as set forth in Section 16 herein.

Section 29. Reservation of Rights. The County in its sole discretion reserves the right to amend or modify this ordinance. In the event the County exercises its discretion to amend or modify this ordinance, any amendments or modifications which are made to this ordinance shall not apply to any then existing franchises and shall only apply to applications for a franchise which are submitted after the date of such amendments and modifications. Provided however, as to any then existing franchises, those amendments or modifications so made shall apply to any renewal term of an existing franchise. The County also reserves the right to open or close acceptance of applications and to limit the number of franchises granted based on the needs of the County.

Section 30. In addition to any rights of punishment given to the County in this ordinance or the North Carolina General Statutes, a violation of any provision of this Chapter shall be a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500), or imprisonment for not more than thirty (30) days, or both. Each day's violation of this article is a separate offense.

WITNESS my hand and the official seal of Perquimans County, this the 1st day of July, 2019.

ATTEST:

Wallace E. Nelson, Chairman Perquimans County Board of Commissioners

Mary P. Hunnicutt, Clerk to the Board Perquimans County Board of Commissioners

EXHIBIT B

PERQUIMANS COUNTY ORDINANCE REGULATING AMBULANCE SERVICE AND THE GRANTING **OF AMBULANCE SERVICE FRANCHISES ORDINANCE NO. 100**

2019-2020 FEE STRUCTURE

Application Review Fee (Section 6)

\$5,000

\$100 per occurrence

Paramedic Intercept Fee (Section 10a)

Annual Ongoing Franchise Fee

Annual Renewal Fee

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WORK SESSION July 15, 2019

7:00 p.m.

The Perquimans County Board of Commissioners met in a Work Session on Monday, July 15, 2019, at 7:00 p.m. in the Commissioners Room located on the first floor of the Perquimans County Courthouse Annex. MEMBERS PRESENT: Wallace E. Nelson, Chairman

Kyle Jones

Charles Woodard

Joseph W. Hoffler Alan Lennon

Perquimans County Operations

10% of Gross Revenues derived from the Franchisee's

\$2.500

MEMBERS ABSENT: OTHERS PRESENT: Fondella A. Leigh, Vice Chair Frank Heath, County Manager

Mary Hunnicutt, Clerk to the Board

Chairman Nelson called the meeting to order. Commissioner Lennon gave the invocation and the Chairman led the Pledge of Allegiance. Chairman Nelson explained that Commissioners Leigh and Woodard were out of town.

INTRODUCTION OF PERQUIMANS YOUTH DELEGATE

Chairman Nelson recognized Meredith Wood, Extension Agent - 4-H Youth Development, who introduced Clayton White, the 4-H youth that will be attending the 4-H Citizenship Event as the Perquimans Youth delegate at the upcoming Commissioner's NCACC Conference in August. Mr. White gave a synopsis of his achievements and thanked the Board for the opportunity to serve as their delegate. After he made a few comments, Chairman Nelson explained that several of the Commissioners would be at the Conference and that they may see him there.

LOTTERY FUNDS DISCUSSION

Chairman Nelson recognized Tanya Turner, Perquimans County Superintendent, who read the following statement:



Good evening Mr. Nelson, Mr. Heath and Board Members! Thank you for giving us the opportunity to come speak to you during your work session.

The purpose of us being here is to explain the reason why we will be requesting \$146,029 of the lottery monies. This request will be to pay for the concession stand and bathroom building at the athletic complex.

Shortly after I came on board as superintendent on May 1st, meetings were held to update me on the athletic complex building project. During the meetings with Mr. Bunch, Mrs. York, and Mr. Davison, the financial balance of the building project, what had been paid for, and what still needed to be funded were reviewed.

Mrs. York confirmed at those meetings that the funds needed for project completion were available.

On June 18th, I requested a print out of all outstanding purchase orders involving capital outlay projects and the athletic complex. The purpose of this request was to confirm that we were in good financial standing for project completion.

After the report was ran, a meeting was held and the report showed that the budget had been overspent.

The capital outlay allotment received from the commissioners was spent during the school year on the capital projects that were presented in our budget. The finance officer combined capital outlay and the lottery money that was provided for the athletic complex when they should have been accounted for separately.

At the end of the school year, funding that was provided for capital outlay had been spent on those projects. Because the funds were comingled, more money was spent on the athletic complex than what was provided through the county for that purpose.

We're not here to make excuses or to pass blame but to be transparent about the mistake that occurred. We have a new finance officer that begins tomorrow and he has been informed. He also comes to us with 10 years of experience as a chief finance officer of a neighboring school district. Under his leadership a gym complex has been built and a new school is currently being built. We will be working with him to develop processes and procedures to ensure this won't happen again in the future.

Are there any questions?

After completing her comments, she introduced James Bunch, Assistant School Superintendent, and James Davison, Maintenance Supervisor. She said that she brought these individuals with her tonight to be able to answer any questions because they had been part of this project from the beginning and were more familiar with the project. Chairman Nelson opened the meeting for discussion. The following questions were asked:

- <u>Commissioner Jones</u>: Mr. Jones asked Ms. Turner what their Fund Balance was. Ms. Turner said that it was a little over \$200,000. Mr. Heath wanted to verify whether it was the General Fund or Capital Fund. Mr. Bunch said that it was the General Fund Balance.
- Chairman Nelson: Mr. Nelson asked what their total budget was for FY 2019-20. He wanted to determine what percentage the Fund Balance was of the total budget. Mr. Bunch said that it was around \$21,000,000. Ms. Turner said that it was lower than the 8%. Mr. Heath said that the 8% does not necessary apply to the school system.
- Chairman Nelson: Mr. Nelson asked if they had looked at any capital requests that they made this year to see if they could postpone those expenses. Ms. Turner said that they met and reviewed their requests but they did not see any fluff that the school system could postpone any of their capital requests for FY 2019-20.
- County Manager Heath: Mr. Heath asked if the Board could receive a copy of what she read tonight and a copy of a breakdown of how the lottery money was spent. Ms. Turner said that she would be happy to provide that to him. He would forward it to the Commissioners.
- Commissioner Lennon: Mr. Lennon asked if the new Finance Officer had been asked to prepare a plan of action to improve their process. Ms. Turner said that the new Finance Officer's name is Rube Blanchard and presented more information on his qualifications.
- Tanva Turner: Ms. Turner said that the lack of experience of the previous Finance Officer was the reason that this problem occurred. The former Finance Officer explained that to the Board of Education stating that she did not have a good understanding of how the lottery money worked.

- Commissioner Jones: Mr. Jones understands that this situation does not reflect on Ms. Turner. Part of his issue is the word "overspent". His said that this is the second time that the School Board has come to the Board of Commissioners requesting funds in fifteen months. Last time it was for \$56,000 for a broken down HVAC system. The next item was for \$125,000 for lights for the Athletic Complex. In his opinion, he feels that there are some serious priority issues here. Mr. Jones asked would it hurt to leave the Complex as is and wait till they get the money.
- James Davison: Mr. Davison responded to Mr. Jones' questions. He said that it would not hurt anything but there is an expectation among some individuals in the community that the Complex would be utilized next school year starting in early September. There is still a lot of work to be done at the Complex.
- > <u>Tanya Turner</u>: Ms. Turner said that, if they get the lottery funding as requested, they should be able to use the facility for their first game in September but it will not be a completed facility. They would not have the field house, the ticket booth, and some beautification items completed, but it would be ready to play football.
- Commissioner Jones: Mr. Jones asked if they had asked Dr. Nixon for any funds. James Bunch said that they have not asked him for any funds from June 2nd through the end of May. Most of Mr. Bunch and Dr. Nixon's discussions were about where we are with the Complex and where we are heading and what the priorities are.
- County Manager Heath: Mr. Heath stated that they had \$197,000 in lottery funds currently. You are asking for \$146,000. Do you have a plan to ask for any additional funding in the future For future years, will they be spending more funds from the lottery account? Mr. Bunch said yes they would but there needs to be some serious discussion on where they are going to. They have gone through four superintendents and three finance officers. He has seen more than five models and phase and design were different. They had to adapt and utilize the funds that were available. He encouraged the Board to go look at the current structure. There are no extras just what they needed to pay football. Mr. Heath said that, as far as future years, what the plan is for the future. Their first priority was the football field. Phase 2 may be soccer field and track. They need to come up with a sustainable plan that is supported by the Commissioners and includes funding at a reasonable rate so we can move forward with this venture. Mr. Heath explained to Mr. Bunch that he was asking these questions because the current debt service for the school puts a great deal of pressure on the County's budget. Lottery funds are permissible to be used to help with debt service payments. That is what is on the mind of the Board of Commissioners.
- <u>Commissioner Lennon</u>: Mr. Lennon stated that he feels that the new finance officer will be good for handling future funding for the complex. Since Mr. Blanchard has had a great deal of experience on major projects, he feels that the School Board and Staff need to rely on him and his experience. Ms. Turner agreed and feels that they are blessed to have him come on board to work with them.
- Chairman Nelson: Mr. Nelson asked if it was their plan to move forward. They need to get a handle on what else needs to be done. Ms. Turner said that Mr. Davison said that they need to complete the sidewalk to the concession stand and restrooms to be ADA compliant. They also need to cover the overspent items and this one last project with the sidewalk. Chairman Nelson asked if they completed these two items, would they be able to play football in the fall. Mr. Davison said that they would.
- County Manager Heath: Mr. Heath asked about parking availability. Mr. Davison said that it was permitted by the Town of Hertford to allow parking at the high school so they would have to cross the street. He further stated that the current completed parking lot would be for handicap parking and bus parking.
- <u>Commissioner Jones</u>: Mr. Jones stated that, in spite of his previous comments, he has more faith in Tanya Turner than he had in Matthew Cheeseman.
- Commissioner Lennon: Mr. Lennon agreed with Mr. Jones and feels that they need to move forward and make better decisions.

Chairman Nelson asked if there were any further comments or questions. Their being none, he thanked Ms. Turner, Mr. Bunch, and Mr. Davison for coming to the Work Session to explain the situation. They thanked to Board for allowing them to come.

ECONOMIC DEVELOPMENT CONSULTANT CONTRACT

Chairman Nelson explained that this item was removed from the July 1st Consent Agenda to tonight's Agenda so that the Board could discuss this contract. Commissioner Lennon did not understand the contract because it did not look like an official contract as we have done in the past. It looked like just a letter. Mr. Heath explained that this letter was all that the County received from Dave Goss, Economic Development Consultant. The Board budgeted this amount for FY 2019-20 before Mr. Goss provided Mr. Heath with this letter. Mr. Goss has mentioned that he was beginning to cut back in his work. Mr. Heath stated that, if the Board wishes, they could prepare a more formalized contract for Mr. Goss. After discussing that State Budget and the future of the marine industrial park, County Manager Heath and Chairman Nelson will be talking to the Department of Commerce to find out options that they need to be looking into. Mr. Heath feels that we need at least a part-time Economic Developer. Chairman Nelson asked if there were any other comments regarding any of the items discussed tonight. The following individuals made comments:

- Commissioner Hoffler: Mr. Hoffler wanted to know if they needed to take action tonight. Mr. Nelson explained that they could not take action tonight. That would occur in the August meeting.
- > <u>Tracy Mathews</u>: Ms. Mathews made comments on how this could happen.
- Commissioner Jones: He feels that, if we continue to give them the funds that they ask for it, they will continue to ask for additional funding.
- County Manager Heath: Mr. Heath feels that, should they get this money, they need to bank some of it for future maintenance issues.

<u>ADJOURNMENT</u>

There being no further comments or business to discuss, the Work Session was adjourned at 7:55 p.m.

Wallace E. Nelson, Chairman

Clerk to the Board