

WHEREAS, Perquimans County is concerned about how exaggerated sea-level rise projections and resulting policy/rules can cause irreparable economic harm to the coastal plain of North Carolina by adversely changing land/property values, uses, insurances, and construction/maintenance costs of both private and public infrastructure; and

WHEREAS, the current draft of the N.C. Division of Coastal Management sea-level rise policy and draft materials for the N.C. Division of Emergency Management's study report both include directives calling for additional sea-level monitoring and the re-visitation/re-establishment of sea-level rise rates at periodic intervals, and

WHEREAS, considering the impacts to human health and economies in the region that are associated with understanding and reporting sea level, and the fact there continues to be a great deal of uncertainty regarding future sea-level rates.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners that Perquimans County requests the development of protocols articulating the precise methodology to how sea level is to be measured, recorded, interpreted, and reported.

BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.

BE IT FURTHER RESOLVED, that the aforesaid State Agencies discontinue promotion, education, and implementation of any Sea-Level Rise policies, until there is verifiable scientific proof of the current rate of sea-level rise and an acceleration of this rate is observed by the methods agreed upon as stated immediately above, and are found to be hazardous to future uses of coastal property in North Carolina.

ADOPTED, this 2<sup>nd</sup> day of April, 2012.

Benjamin C. Hobbs, Chairman  
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

**PUBLIC COMMENTS**

**Commissioner Cole:** Ms. Cole asked about changes in the formulas that could affect us financially. She asked if there could be a discussion about these formulas. This might be beneficial to those candidates that are running for office this fall. These could be things that our local leaders are concerned about and could share our concerns with these candidates.

**Norman Warden:** Mr. Warden discussed a problem that he had with the running of his waterline off US 17 when he first began developing his Gospel Park and when Inter-County Water turned their Water System to Perquimans County. He asked surrounding property owners if they wanted to financially assist with moving the water line across the road and hook onto the line. After Perquimans County took over Inter-County, the County allowed others to hook up to his waterline at no cost. He feels that it was not fair to him. He only installed a 2" line and right now there is no problem. On the other hand, if other people hook up on this 2" line there may be some problems with water pressure. He thanked the Board for allowing him to speak.

**ADJOURNMENT**

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:40 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

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**REGULAR MEETING**  
May 7, 2012  
6:30 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, May 7, 2012, at 6:30 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Benjamin Hobbs, Chairman Sue Weimar  
Tammy Miller-White Mack E. Nixon  
Edward R. Muzzulin

MEMBERS ABSENT: Janice McKenzie Cole, Vice Chair

OTHERS PRESENT: Frank Heath, County Manager Will Crowe, County Attorney  
Mary Hunnicutt, Clerk to the Board

After the Chairman called the meeting to order, Commissioner Weimar gave the invocation and the Chairman led the Pledge of Allegiance.

**NCDOT Secondary Road Meeting**

Chairman Hobbs opened the first Public Hearing stating that the purpose of the public hearing was to receive public comments on the proposed County's 2012-2013 Secondary Road Improvement Program. There were seventeen (17) people present. The Chairman recognized Jerry Jennings, District Engineer, who introduced his staff as follows: Ronnie Sawyer, County Maintenance Engineer and Kenny White, Maintenance Supervisor in Perquimans County. Mr. Jennings proceeded to explain that he was presenting the FY 2012-2013 Secondary Road Improvement Program. The actual allocation for FY 2012-2013 is \$427,988.81 which may vary depending on what the General Assembly does. He reviewed the status of previously funded projects. The following questions were asked from the Board and public:

- **County Manager Heath:** Mr. Heath asked Mr. Jennings if the \$12,000 for the Inter-County VFD's request to asphalt their apron outside of their bay doors is half of the costs. Mr. Jennings said that he thought it was a portion of the costs. Mr. Jennings would have to check on this.
- **Commissioner Nixon:** Mr. Nixon asked if the completion of a portion of New Hope Road would be in June/July, 2012. Mr. Jennings said that it was proposed to be completed by then.
- **Commissioner Weimar:** Ms. Weimar stated that the Board and NCDOT discussed widening New Hope Road and Snug Harbor Road because they both are heavily travelled. What is the process and when will Snug Harbor Road be widened? Mr. Jennings said that they would make a note of this request.
- **Commissioner Miller-White:** Ms. Miller-White asked about Chapanoke Road and the problems that were brought to the Board attention regarding large trucks and school busses having problems passing. She thought it was down by the Parkers section of the road. Mr. Jennings said that he would check on it.
- **Commissioner Weimar:** Ms. Weimar asked about Sassafras Road in Snug Harbor. It was on the list, and then taken off, was to be added again, and it is not on this year's allocation. This was mentioned to him prior to the meeting tonight. Mr. Jennings will check on this too.
- **Arnold Winslow:** Mr. Winslow asked about Churches Lane. He asked if Churches Lane is on the list to be paved. Mr. Jennings said that according to their schedule, they still do not have all the right-of-ways. Mr. Jennings asked Mr. Winslow to give him his phone number and he would have their right-of-way department contact him to let him know which part of the road did not have the right-of-way. Mr. Winslow was under the impression that they got the last of the right-of-ways last year when Mr. William Bundy signed his right-of-way. Mr. Winslow also asked if they could pave the portion that they do have right-of-ways for. Mr. Jennings said he would have someone contact Mr. Winslow.

There being no further questions or comments from the Board and/or public, the Chairman closed the first Public Hearing and opened the second Public Hearing.

**Rescission of Ordinance No. 32**

Chairman Hobbs opened the second Public Hearing stating that the purpose of the public hearing was to receive citizen's comments concerning the rescission of Ordinance No. 32 - Sewer Use Ordinance. There were twenty-five (25) people present. County Manager Heath explained that the Board adopted Ordinance No. 32 in 2001 referring to a grant that the County had received to establish the sewer district for Albemarle Plantation and Holiday Island. The County decided not to proceed with this project. Therefore, this Ordinance is no longer necessary. The Chairman asked if there were any comments or questions from the Board or the Public. There being none, the Chairman closed the second Public Hearing and opened the third Public Hearing.

**Preliminary Plat No. MAJ-12-02 requested by James Luther & Jo Ann Overton**

Chairman Hobbs opened the third Public Hearing stating that the purpose of the public hearing was to receive public comments on the consideration of Preliminary Plat No. MAJ-12-02, requested by James Luther & Jo Ann Overton, to subdivide the northern half of Tax Parcel 4-D064-7801-CP into two (2) lots for sale and/or building purposes, subject to variance from Section 305.4 of the Subdivision Regulations. Occupied residence on southern half of property known as 120 East Camp Perry Road. There were twenty-two (22) people present. Donna Godfrey, Planner, presented some background information on this subdivision and explained that the Planning Board approved their request at their April 10<sup>th</sup> meeting. Ms. Godfrey said that James Luther & Jo Ann Overton were present if the Board had any questions. The Chairman asked if there were any comments or questions from the Board or the Public. Commissioner Muzzulin asked about the impact on the water system. Ms. Godfrey said that a copy of County Water Engineer Diehl's letter from March 2008 was included in the Agenda Packets and in that letter Mr. Diehl did not foresee any cause for low pressure during the normal domestic consumption. Commissioner Nixon asked why aren't these considered minor subdivisions with a \$500 water facility fee. Ms. Godfrey explained that it is already considered a major subdivision because the subdivision of the property had already taken place. It was a subdivision of 20 lots. Because of this situation, Mr. Nixon feels that these situations should be considered minor subdivisions with \$500 water facility fee and not major subdivisions with \$2,500 water facility fee. The \$2,500 water facility fee was established for subdivisions that would impact our County's Water System. Our Engineer has said that this subdivision would not impact the County's Water System. Why not let them be classed as minor subdivisions. Commissioner Weimar stated that there are 21 lots in this subdivision which constitutes a major subdivision. Mr. Nixon said that these lots are not all owned by the same person. He feels that we are punishing them in this situation. The \$2,500 is a little steep. Ms. Godfrey said that she would like to sit down and discuss this with Mr. Nixon. This debate will continue at a later date. The Chairman asked if there were any further comments or questions. There being none, the Chairman closed the third Public Hearing and waited until 7:00 p.m. to begin the regular meeting.

**AGENDA**

The Agenda, as amended, was unanimously approved on motion made by Sue Weimar, seconded by Edward R. Muzzulin.

**CONSENT AGENDA**

The following items were considered to be routine and were unanimously approved on motion made by Sue Weimar, seconded by Edward R. Muzzulin.

- 1. **Approval of Minutes:** April 2, 2012 Regular Meeting
- 2. **Approval of Tax Refunds:**

**PERQUIMANS COUNTY TAX RELEASES:**

- **Kinsaella, Michael**..... \$325.62  
Boat assessed at 65,000. Moved out of County in 2010. Account Number: 0255818.

- 3. **Budget Amendments:**

**BUDGET AMENDMENT NO. 23  
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-345-008	Medicaid Hold Harmless	20,000	
10-510-310	Sheriff - Auto Supplies	20,000	
<b>EXPLANATION:</b> To budget for additional gasoline in Sheriff Department for FY 2011-12.			

**BUDGET AMENDMENT NO. 24  
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-345-008	Medicaid Hold Harmless	12,272	
10-690-925	Jail Debt Service	12,272	
<b>EXPLANATION:</b> USDA 10% Reserve Account was not included in FY 2011-12 Jail Debt Service. This is Perquimans County's 21%.			

**BUDGET AMENDMENT NO. 25  
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-610-740	DSS - Capital Outlay		6,000
10-610-040	Professional Services	6,000	
<b>EXPLANATION:</b> To budget additional fees in professional services due to increasing attorney fees in areas of child welfare & adult services.			

**BUDGET AMENDMENT NO. 26  
ECONOMIC DEVELOPMENT FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
40-335-000	Miscellaneous	7,500	
40-660-710	Capital Outlay - Improvements	7,500	
<b>EXPLANATION:</b> To fund completion of temporary ditching in Commerce Centre Phase III. This revenue was from timber contract.			

**4. Personnel Matters**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
William Jennings, Jr.	Tax Administrator	Appointment	72/4	\$42,434	5/21/2012*
Joshua Turpin	EMT-I	Certification	66/1	\$14.56/hour	5/1/2012
Debbie Stallings	Assistant Tax Administrator	Reinstated	66/9	\$36,801	6/1/12**
* Since new employee is under our same Health Insurance Program from his previous employer, County Manager Heath recommends that we make his insurance coverage effective June 1, 2012 instead of July 1, 2012 so that he would not lose coverage during the transition.					
** With the appointment of the new Tax Administrator, the Board will need to reinstate Debbie Stallings to her previous position & salary.					

**LEO HIGGINS, JCPC FY 2012-2013 BUDGET**

The Chairman recognized Leo Higgins who presented the Juvenile Crime Prevention FY 2012-2013 Budget and the Juvenile Crime Prevention Council Members for Board consideration:

<b>FY 2012-2013 Juvenile Crime Prevention Budget</b>			
<b>Program Provider</b>	<b>DJJDP Funding</b>	<b>Local In-Kind</b>	<b>Total</b>
Restitution	\$24,788	\$3,000	\$27,788
RHEMA Educational Services	21,051	3,200	24,251
Social Thinking Option	16,821	3,000	19,821
JCPC Certification	1,500	0.00	1,500
<b>TOTALS</b>	<b>\$64,160</b>	<b>\$9,200</b>	<b>\$73,360</b>

<b>Juvenile Crime Prevention Council Members</b>		
Dr. Dwayne Stallings, Superintendent	Sheri Ellington, Chief Court Counselor	Eric Tilley, Sheriff
Susan Chaney, Social Services	Fondella Leigh, Director, Juvenile Services Detention	Frank Heath, County Manager
Ann Vaughn, Minister	Honorable Robert Trivette, District Judge	Janice Cole, Commissioner
Patrick Martin, Under Age 18 Rep	Latonia Johnson, School Social Worker	Howard Williams, Recreation Director
'Jha Elliott, Under Age 18 Rep	Clayton Griffin, Director Restitution & Mentor Services	Leo Higgins, Non-Profit
Jessica Wilson, Child Services	Tracey Webster, Director, AMH/DD/SA, or designee	Hattie Sharpe, Business Community
Janet Stone-Nielsen, Hope Line	Rebecca Martin, Alternate Education Counselor	Eva Anderson, Court Counselor
Peter LeRoy, 20/20 Chairman	Gail White, Hertford Housing Authority	Clarence Barnes, Court Counselor

The Chairman asked if there were any questions from the Board. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the FY 2012-2013 JCPC Budget and the Juvenile Crime Prevention Council Members.

**DOROTHY HODGES, ALBEMARLE PLANTATION**

Ms. Hodges explained that Albemarle Plantation is planning a June 30<sup>th</sup> fireworks show at the Plantation. Per their requirements, they are required to come before the Board of Commissioners to request permission. Ms. Hodges said that the Plantation is willing to pay all bills related to the fireworks show. She presented the contracts and billing information. The Chairman asked if there were any questions. Ms. Hodges said that since they are having the show on June 30<sup>th</sup> they are hoping that the Hertford VFD would assist them with the show. There being no further questions or discussions, Sue Weimar made a motion to approve their request. The motion was seconded by Tammy Miller-White and unanimously approved by the Board. Commissioner Miller-White asked if all the contracts were the same and if they are covering all the costs. Ms. Hodges said that the only difference from last year was the Certificate of Insurance and that they do plan on paying all the costs.

**HOMERIA JENNETTE, TELECOMMUNICATIONS**

Ms. Jennette presented her monthly report. She also informed the Board that they have moved into their new facilities on Creek Drive.

**SUSAN CHANEY, SOCIAL SERVICES DIRECTOR**

Ms. Chaney presented her monthly report.

**DEBBIE STALLINGS, INTERIM TAX ADMINISTRATOR**

Ms. Stallings presented her monthly report. Mr. Heath explained that this would be Ms. Stallings last report. The new Tax Administrator, William Jennings, will be here next month. The Board thanked her for serving in this capacity.

**COMMISSIONER'S CONCERNS/COMMITTEE REPORTS**

**Commissioner Weimar:** Ms. Weimar asked the Board to please read the recent release that she had placed at their seats tonight regarding Albemarle Hospital Board and the Counties to jointly explore the potential opportunities for Albemarle Hospital to affiliate, partner, or otherwise associate with a larger health system. The Board will be presenting their request to the Pasquotank County Board of Commissioners tonight. This does not mean that they are selling Albemarle Hospital. She just wanted the Board to be aware of what was going on in case they are questioned.

**UPDATES**

County Manager Heath updated the Board on the following projects:

**Water System Projects:** County Manager Heath had no updates on the Water System Projects.

**Jail Project:** Chairman Hobbs said that we needed to change this from Jail Project to Jail Report since the Jail Project is completed. Ms. Hunnicutt will make that change. Commissioner Muzzulin highlighted several items from his report: (1) The Federal inmate count for April was 63 compared to 78 in March; (2) the NC State Jail Inspection was conducted and only one recommendation was given – dryer lint inspection log was requested; and (3) the Internet Video Visitation System. Commissioner Weimar asked why they were looking into this. Mr. Muzzulin said that this is a way that the inmate's family and friends can visit them from outside the jail. Currently, they use a similar system for inmates to visit family/friends within the facility. These systems would be compatible and the family/friends would pay to use this service. They discussed Chowan joining the Albemarle District Jail and possibly using Chowan Jail to house the women prisoners to free up one of the wings of the new jail. Commissioners Nixon said that we need to walk slowly with this because there is a large enough expense running one jail. This would mean that we would be running two jails. We need to weigh the costs. The Board concurred.

**Sewer District:** County Manager Heath said that we had originally scheduled to have a public hearing this month but when he contact N.C. Department of Environment & Natural Resources (DENR) they told him that they wanted to get in contact with Minzie's Creek Attorney, Clifton Smith of Pritchett & Burch. Mr. Smith has filed an Affidavit with the Attorney General's Office requesting that they waive the requirement to hold the public hearing on the premises and move it to the Commissioners' Room. They are also working with Terry Bailey with Division of Water Quality in Washington, NC. Unfortunately, we are in a holding pattern waiting for a response from Attorney General's Office and DENR. Mr. Heath suggested that the June Agenda looks pretty full to try to schedule it in July.

**RESCINDING ORDINANCE NO. 32 – SEWER ORDINANCE**

Frank Heath, County Manager, explained that in July, 2001, the Board adopted the following Ordinance No. 32 when the County was considering taking over the Albemarle Plantation Sewer System and extending the lines through Holiday Island and Snug Harbor. A Public Hearing was held earlier in the meeting. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously adopted the following Ordinance No. 82 which rescinds Ordinance No. 32 – Sewer Ordinance:

**ORDINANCE NO. 82**

**RESCINDING ORDINANCE NO. 32**

The Perquimans County Board of Commissioners do ordain:

1. On July 2, 2001, the Perquimans County Board of Commissioners adopted Ordinance No. 32 – Sewer Use Ordinance.
2. Since the Board voted not to establish the sewer service in Perquimans County, the Board will need to rescind this Ordinance and remove it from our records.

3. Therefore, the Perquimans County Board of Commissioners do hereby rescind Ordinance No. 32 effective immediately.  
This Ordinance adopted this 7<sup>th</sup> day of May, 2012.

Benjamin C. Hobbs, Chairman  
Perquimans County Board of Commissioners

ATTEST:

Mary P. Humnicutt, Clerk to the Board

### WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

County Manager Heath presented a draft copy of the Water Purchase Contract with Pasquotank County. The Pasquotank County Board of Commissioners are considering the contract at their meeting tonight. Mr. Heath feels that all the concerns that the Perquimans County Board of Commissioners had were addressed. Bill Diehl, County Engineer, estimates the costs to be \$1.8 million. They are in the process of requesting bids. Mr. Heath said that he would feel more comfortable if they had the bids in hand. Commissioner Miller-White was concerned about the part that says Perquimans County had one year from the date of execution of the agreement to start purchasing the 150,000 gallons of potable water per day. She is concerned that we will not get the line installed and update to the Winfall Plant before we have to start purchasing the water. Is this enough time? Mr. Heath explained that they originally had that we were to start purchasing the water one year from the time the RO Plant started producing potable water. The plant is already producing water so he felt that it should have been change to what it reads now. Commissioner Muzzulin asked about liquidated damages if we do not get the project completed in time. Mr. Heath said that clause would be included in the contract with the contractor who is doing our work. Mr. Muzzulin also asked about figures being included in Exhibit A where they determined the bulk water rate – he feels that they should be listed individually. Mr. Heath said that they have that information and that the rate is \$5.34 per 1,000 gallons. Mr. Muzzulin feels that we need to have this information so that we know where we began and how the rate would change each year. Mr. Nixon said that when you are buying bulk rate water, you pay whatever they set no matter what. Mr. Heath said that it is the same rate the Elizabeth City pays. Mr. Heath said that he would let the Board know what Pasquotank County Board decides.

### FIREWORKS CONTRIBUTION

County Manager Heath reported that the only update we had is an e-mail from the Chamber of Commerce stating that Fred Yates and a committee have proceeded to arrange fireworks to be held at Missing Mill Park on July 3<sup>rd</sup>. Tammy Miller-White made a motion to approve a contribution of \$1,500 for this year's fireworks show and \$1,500 for next year's show made payable to the Committee in charge for that year in addition to the TDA contribution. Sue Weimar seconded the motion for discussion purposes. Ms. Weimar said that she feels that, if the funds are not used for the fireworks show, it should revert back to the County. Ms. Weimar said that she is for this because it is a benefit to all the Perquimans County residents. Ms. Miller-White wanted to do next year because this will leave them with seed money for next year's show. Ms. Miller-White reported that it costs about \$8,000 per year and they have already signed a two-year contract for this year and next year. Commissioner Weimar asked the Clerk to read the motion. Ms. Miller-White said that she would take out where it was payable and add that it is not reoccurring. Commissioner Nixon said "point of order" in that he does not feel that you can put conditions on next year's budget because it is another budget year. Chairman Hobbs stated that the whole point of asking the County for money was because there was an emergency for this year's show. There is plenty of time for the committee to raise funds for next year. County Manager Heath said that a Budget Amendment will need to be approved. Ms. Miller-White said that, because the matter had been brought up before, they can take action on this appropriation at tonight's meeting. Chairman Hobbs asked how much the Committee had raised toward the costs of the fireworks show. Ms. Miller-White said that she did not have that figure. Commissioner Nixon said that the County is financing 38% of this expense. Ms. Weimar and Ms. Miller-White argued that TDA funds were not tax dollars. Mr. Hobbs & Mr. Nixon said that the Occupancy Tax was a tax that was levied by the Board of Commissioners and collected by the County so that makes it tax dollars. Mr. Nixon feels that when the County begins to pay for it, the people will not support it financially – other groups will stop donating. Mr. Nixon feels that it is a worthy cause but feels that \$1,500 is sufficient. Ms. Miller-White said that she is willing to amend her motion to remove the request to donate \$1,500 for next year's budget. Chairman Hobbs stated that he hates to see us start something that they will expect us to continue to do. Ms. Miller-White amended her motion to contribute \$1,500 to the fireworks display this year. Ms. Weimar seconded the amended motion. Commissioner Muzzulin said that he will support this donation this year but feels that the Chamber and Historic Hertford, Inc. should step up to the plate next year and work on funding for the fireworks. Mr. Heath said that, if approved, he will present a Budget Amendment next month. Chairman Hobbs called for a vote on the motion. Commissioner said that they needed to vote on the amendment first. The motion to amend the motion passed with a vote of five (5) to one (1) with Commissioner Nixon voting against the motion. The amended motion was approved with a vote of five (5) to one (1) with Commissioner Nixon voting against the motion.

### RESOLUTION: INTER-COUNTY VFD

The Public Hearing was held last month and we have received an e-mail stating that Pasquotank County would be willing to share the costs. County Manager Heath explained that the NCDOT Secondary Road Improvement Program indicates that the costs will be \$12,000 not \$10,000. We will need to correct the amount on the Resolution included in your packets. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the following Resolution, with that change:

**AMENDED RESOLUTION**  
**2011-2012 Secondary Roads Improvement Programs**  
**PERQUIMANS COUNTY**

Upon motion made by Tammy Miller-White, seconded by Edward R. Muzzulin and unanimously passed, the Board of Commissioners of Perquimans County adopted the following resolution at their Regular Meeting held on April 2, 2012 at 7:00 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

**WHEREAS**, the North Carolina Department of Transportation presented the actual FY 2011-2012 Secondary Roads Improvement Programs for Perquimans County totaling \$427,988.81 at a Public Hearing held on July 25, 2011; and

**WHEREAS**, Inter-County Volunteer Fire Department (VFD) has added onto their fire station and needs to asphalt their apron outside of their bay doors; and

**WHEREAS**, Inter-County Volunteer Fire Department (VFD) has estimated that the cost to asphalt their apron outside of their bay doors would be approximately \$24,000; and

**WHEREAS**, the Perquimans County Board of Commissioners provided proper advertisement and held another public hearing on a proposal to use approximately \$24,000 from the Secondary Road Improvement Program to asphalt Inter-County VFD's apron outside of their bay doors at the Commissioner meeting on April 2, 2012; and

**WHEREAS**, NCDOT has now agreed to divide the amount between Pasquotank County and Perquimans County; and

**WHEREAS**, the Perquimans County Board of Commissioners desires to revise the 2011-2012 Secondary Road Improvement Program to use approximately \$12,000 from the Secondary Road Improvement Program to asphalt Inter-County VFD's apron outside of their bay doors.

**NOW THEREFORE BE IT RESOLVED** this the 7<sup>th</sup> day of May, 2012, that the Perquimans County Board of Commissioners hereby approves the Secondary Road Improvement Program for Perquimans County for fiscal year 2011-2012 as amended to asphalt Inter-County VFD's apron outside of their bay doors.

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**NORTH CAROLINA  
PERQUIMANS COUNTY**

I, Mary P. Hunnicutt, Clerk to the Board of Commissioners of the aforesaid State and County, hereby certify that the foregoing is a true and correct copy of the **RESOLUTION** adopted by the Board of Commissioners of Perquimans County at a Regular Meeting held on May 7, 2012 as the same appears on record in the Board Minute Book of the said Commission and filed in the Perquimans County Registry.

Witness my hand and official seal this 7<sup>th</sup> day of May, 2012.

Mary P. Hunnicutt, Clerk to the Board

**APPOINTMENT: NORTHEAST WORKFORCE DEVELOPMENT BOARD**

County Manager Heath stated that we had received a recommendation from Chamber of Commerce and Northeast Workforce Development Board (NWDB) to appoint either Pam Parker or Steven Magaro to the Northeast Workforce Development Board. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously appointed Steven Magaro to NWDB to complete Dorothy Hodges' term which expires on June 30, 2012 and continued for another two-year term ending June 30, 2014. Mr. Magaro was present in the meeting and thanked the Board for their vote of confidence.

**HOLIDAY ISLAND PROPERTY OWNERS ASSOCIATION REQUEST**

County Manager Heath reported that, last month, JoAnn Hanson appeared before the Board to ask about adopting a Shooting & Firearms Ordinance for Holiday Island like they have done for Albemarle Plantation and Snug Harbor. The Board explained that the request really needed an official request from the Holiday Island Property Owners Association (HIPOA). In the Board's Agenda Packet, a letter from Jerry B. Rafal, President of HIPOA Board of Governors, requesting that the Board proceed with establishing a Shooting & Firearms Ordinance for Holiday Island as they did for Snug Harbor and Albemarle Plantation. Because we did not receive the letter until April 27, 2012, we were unable to schedule the public hearing for this month. Commissioner Miller-White asked how this is enforced. The Board said that the Sheriff's Department will enforce it. County Attorney Crowe gave a short explanation of how this is enforced. Mr. Cullins from Snug Harbor said that an individual usually contacts the Sheriff's Department that there is illegal firearms activities in the area and a deputy will come down and investigate it. On motion made by Edward R. Muzzulin, seconded by Sue Weimar, the Board unanimously voted to proceed to set the Public Hearing for next month's meeting.

**PLANNING BOARD ITEMS**

Donna Godfrey, County Planner, presented the following items for Board action:

**Preliminary Plat No. MAJ-12-02 – James Luther & Jo Ann Overton:** A Public Hearing was held earlier in the meeting to consider a request Preliminary Plat No. MAJ-12-02, requested by James Luther & Jo Ann Overton, to subdivide the northern half of Tax Parcel 4-D064-7801-CP into two (2) lots for sale and/or building purposes, subject to variance from Section 305.4 of the Subdivision Regulations. Occupied residence on southern half of property known as 120 East Camp Perry Road. Donna Godfrey, Planner, explained that the Planning Board approved their application at their April 10<sup>th</sup> meeting. Considering Section 206(a) through (d) Findings, a motion is hereby made by Mack E. Nixon to approve Preliminary Plat No. MAJ-12-02 requested by James & Jo Ann Overton, to subdivide the northern Half of Tax parcel 4-D064-7801-CP into two (2) lots for sale and/or building purposes based in part on approval of variance from Section 305.4 of the subdivision Regulations and consistency with the following said findings of Section 206(a) through (d):

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land.
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this ordinance, and
- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to other property in the territory in which said property is situated.

The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

**EMERGENCY MANAGEMENT CONTRACTS**

**Debris Contract:** Jarvis Winslow, Emergency Management Coordinator, advertised for bids for the clean-up, demolition, removal, reduction and disposal of debris as directed by the County and Towns in order to provide natural or manmade disaster recovery. Mr. Winslow received debris proposals from Phillips & Jordan, AshBritt, Unified, Crowder Gulf, and Byrd Brothers. After the Committee, consisting of County Manager Heath, Brad Gardner, Brandon Shoaf, and Jarvis Winslow, reviewed the proposals, they are recommending that the contract be awarded to Unified. On motion made by Tammy Miller-White, seconded by Mack E. Nixon, the Board unanimously approved the award of the Debris Contract to Unified. Commissioner Nixon asked if any surrounding counties had used Unified. Mr. Heath said that Craven, Lenoir, and Pitt were about the closest Counties that used them. Ms. Miller-White asked if County Manager & Attorney have reviewed contract. Mr. Heath said yes.

**Monitoring Contract:** Mr. Winslow advertised for bids for disaster management, recovery, and consulting services to monitor and support the oversight and management of debris contractors as directed by the County and Towns in order to provide natural or manmade disaster recovery services. This is for FEMA purposes. Without this in place, the County will not be eligible to receive reimbursement funds. Mr. Winslow received monitoring proposals from True North and SAIC. After the Committee, consisting of County Manager Heath, Brad Gardner, Brandon Shoaf, and Jarvis Winslow, reviewed the proposals, they are recommending that the contract be awarded to True North. On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved the award of the Monitoring Contract to True North. Commissioner Miller-White asked if Hackney High had reviewed the Contract. Mr. Heath apologized because he realized that we were just awarding these contracts tonight and that the contract will be brought back later after County Attorney has reviewed it.

**BOARD OF ELECTIONS**

**Hardware & Software Maintenance Contract:** County Manager Heath explained that this is a contract with Election Systems & Software, LLC ("ES&S") for a period of five years to cover the maintenance of the voting hardware and software. Ms. Miller-White was

concerned about the storage requirements. Mr. Heath reported that we have not had problems in the past and that there may be better storage available now. He also said that he would talk to Eula Mae Forbes, Elections Supervisor, about it too. Commissioner Miller-White had some other concerns about the contract and was wondering if it had to be approved tonight. After Mr. Heath explained that County Attorney High had reviewed the contract and had a few concerns which ES&S corrected/adjusted. Ms. Miller-White was then okay to move forward with taking action on the contract. On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved this five-year contract with Election Systems & Software, LLC. Commissioner Miller-White asked County Manager Heath if he could provide her with a copy of Mr. High's concerns.

**Resolution: HAVA Funds:** County Manager Heath explained that the Elections Board Association of North Carolina are asking that all the members of the Elections Board Association of North Carolina adopt a resolution supporting maintenance of effort requirement for the release of the HAVA (Help America Vote Act) Funds. On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board unanimously approved the following Resolution:

**RESOLUTION  
ELECTIONS BOARDS ASSOCIATION OF NORTH CAROLINA  
MAINTENANCE OF EFFORT REQUIREMENT  
FOR THE RELEASE OF HELP AMERICA VOTE ACT (HAVA) FUNDS**

**WHEREAS**, the members of the Election Boards Association of North Carolina met on April 4, 2012, and request that an appropriation be included in the Governor's budget and in the General Assembly's budget to meet the "maintenance of effort" requirements for the release of HAVA funds; and

**WHEREAS**, the HAVA funds are vital to county budgets to administer elections; and,

**WHEREAS**, the HAVA funds are needed to maintain voting equipment; and,

**WHEREAS**, the HAVA funds are needed to be used as operational funds to operate absentee voting; and,

**NOW, THEREFORE BE IT RESOLVED**, that the Perquimans County Board of Commissioners request that the HAVA funds be included in this year's budgets and that said funds be provided to the State Board of Elections for the counties to improve the elections process.

Adopted this the 7<sup>th</sup> day of May, 2012, in Perquimans County, North Carolina.

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Benjamin C. Hobbs, Chairman  
Perquimans County Board of Commissioners

**ATTEST:**

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Mary P. Hunnicutt, Clerk to the Board

**DSS CONTRACT WITH MAXIMUS**

County Manager Heath presented the renewal contract for DSS Cost Report with Maximus for a three-year term. The fee will remain at \$2,900 per year. Susan Chaney, Social Services Director, has reviewed the contract and is aware that it is being brought before the Board for consideration. On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board unanimously approved the three-year contract with Maximum to prepare the DSS Cost Report.

**ALBEMARLE COMMISSION BUILDING MAINTENANCE CONTRACT**

County Manager Heath explained that, when the new Emergency Services Building is opened, the housekeeper from Albemarle Commission will be moved to the new building and the cleaning services will be contracted out for the cleaning of Albemarle Commission. County Manager Heath is recommending that the Board award the contract to FK & Associates, LLC in the amount of \$850.00 per month for five days per week service to clean the Albemarle Commission Building which is half the current costs. Commissioner Nixon asked if there was anyone from our Maintenance Staff that is scheduled to retire in the near future. Mr. Heath said that he did not think so. Mr. Heath also stated that the individual that will be cleaning the building is a Perquimans County resident. On motion made by Sue Weimar, seconded by Edward R. Muzzulin, the Board unanimously approved the year contract with FK & Associate, LLC to clean the Albemarle Commission Building. Commissioner Miller-White asked what was the process to terminate the contract if we are not pleased with their work. Mr. Heath said that the contract can be terminated by either party by giving a 30-day written notice to the other party.

**RESOLUTION: SECONDARY ROAD IMPROVEMENT FY 2012-2013**

The Public Hearing was held earlier in the meeting. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved the following Resolution:

**RESOLUTION  
2012-2013 Secondary Roads Improvement Programs  
PERQUIMANS COUNTY**

Upon motion made by Mack E. Nixon, seconded by Edward R. Muzzulin and unanimously passed, the Board of Commissioners of Perquimans County adopted the following resolution at their Regular Meeting held on May 7, 2012 at 7:00 p.m. in the Commissioners' Room of the Perquimans County Courthouse Annex. The Public Hearing was held on May 7, 2012 at 6:30 p.m.

**WHEREAS**, the North Carolina Department of Transportation presented the actual FY 2012-2013 Secondary Roads Improvement Program for Perquimans County totaling \$427,988.81.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Perquimans County hereby adopted the Secondary Roads Improvement Programs for Perquimans County as presented by the North Carolina Department of Transportation.

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**NORTH CAROLINA  
PERQUIMANS COUNTY**

I, Mary P. Hunnicutt, Clerk to the Board of Commissioners of the aforesaid State and County, hereby certify that the foregoing is a true and correct copy of the **RESOLUTION** adopted by the Board of Commissioners of Perquimans County at a Regular Meeting held on May 7, 2012 as the same appears on record in the Board Minute Book of the said Commission and filed in the Perquimans County Registry.

Witness my hand and official seal this 7<sup>th</sup> day of May, 2012.

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Mary P. Hunnicutt  
Clerk to the Board

Commissioner Nixon asked that Mr. Heath follow up and make sure that Mr. Arnold Winslow gets a response from NCDOT. Also, Commissioner Miller-White forgot to ask NCDOT about a follow up on Hog Neck Road being completed – stripping, etc.

**PUBLIC COMMENTS**

**Elaine Mazur:** Ms. Mazur, member of the Board of Governors of the Holiday Island Property Owners Association, who was in attendance with a majority of their Board, expressed her concerns that Minzie Creek Village Sanitary District was not informed that the Sewer Project was not going to be placed on tonight's agenda. She said that their attorney was not even aware that it was not on the Agenda for tonight's meeting. She wanted to know what the holdup was. Mr. Heath explained that DENR had to determine the location of the joint public hearing and DENR wanted to talk with the Minzie Creek attorney and residents to make sure that they have followed all the process. The County had not heard anything from anyone until Mr. Heath received an e-mail from Minzie's Creek attorney today. Right now, it looks like will not be heard until July meeting.

**Frank Tyner:** Mr. Tyner, member of the Board of Governors of Holiday Island Property Owners Association, ask that, at last month's meeting, Commissioner Nixon asked for some study figures which were to be provided about two weeks before the public hearing. Mr. Tyner asked if the County has received them. Mr. Heath said that, as of today, we have not received this information. The State has set a timeline of when all this was supposed to happen. It has not happened according to the timeline. It was Mr. Tyner understands that, if the process did not happen within that timeline, all bets were off. Is that not true? Mr. Heath said that was a suggested timeline within the record of the Utilities Commission. He thought that it was to be accomplished by early June. Has there been any request to extend that timeline? Mr. Heath said that, as of this date, we have not heard of any request for an extension with the Utilities Commission. Mr. Heath said that this was a suggested timeline and how the Utilities Commission chooses to proceed against Minzie's Creek is up to them. With regard to the Board of Commissioner, Minzie's Creek made a request to the Board and the Board received it and approved to move forward with holding a public hearing. That is where we stand at the moment. The County is waiting to hear from DENR to proceed with setting up the public hearing.

**Annette Parker:** Ms. Parker asked who would be allowed to speak at the Public Hearing. The Chairman said that it was a Public Hearing and all persons would have the opportunity to speak.

**Mr. Shaddeau:** Mr. Shaddeau asked who gave the Board of Commissioners the authority to override their Restrictive Covenants. It was his understanding that Holiday Island has established the Camping Area for strictly camping purposes and not for residential purposes. A decision from a Court case tried in Perquimans County Courthouse ruled that this area was for camping and camping only. The HIPOA has no responsibility whatsoever furnishing water and sewer to the camping section. This was in the judge's decision from this court case. The County is overriding their Restrictive Covenants. There is nothing supposed to be built upon these lots. The treatment system is not for Holiday Island and it never was. It was for Camp Holiday and the people that built there have built illegally. The septic system was put in for Camp Holiday as a pumping station for Camp Holiday. The people who built there have hooked up to the system illegally and have overridden the system. Commissioner Nixon said that the County did not override their Restrictive Covenants. HIPOA was supposed to enforce their Covenants. Mr. Nixon further stated that Subdivisions are to enforce their own Restrictive Covenants so, if there is a violation, it is up to HIPOA to enforce it. Mr. Shaddeau asked if the County had considered that the wastewater runoff from the system is about 200 feet from the Sound. Mr. Nixon and Chairman Hobbs said that it would be discussed during the Public Hearing after all the engineering studies have been received. Mr. Nixon further stated that they should not assume that the Perquimans County Board of Commissioners is in favor or in opposition of the sewer district. All the County is doing now is to set up the public hearing so that the public has the opportunity to voice their concerns. Mr. Shaddeau said that the County is costing them a lot of money – just say no and they can shut it down

**Donna Godfrey:** Ms. Godfrey said that she would like to meet with the Board during one of the Work Sessions after the Budget is approved to talk about the motions to approve and deny items pertaining to zoning and planning. There have been some changes in the case law that will affect motions that the Board will be making in the future.

**ADJOURNMENT**

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:30 p.m.

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Benjamin C. Hobbs, Chairman

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Clerk to the Board

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