

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.

Benjamin C. Hobbs, Chairman

Clerk to the Board

REGULAR MEETING
June 4, 2012
6:25 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, May 7, 2012, at 6:25 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

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|-------------------------|------------------------------------|----------------------------------|
| MEMBERS PRESENT: | Benjamin Hobbs, Chairman | Janice McKenzie Cole, Vice Chair |
| | Tammy Miller-White | Sue Weimar |
| | Edward R. Muzzulin | Mack E. Nixon |
| MEMBERS ABSENT: | None | |
| OTHERS PRESENT: | Frank Heath, County Manager | Hackney High, County Attorney |
| | Mary Hunnicutt, Clerk to the Board | |

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

PUBLIC HEARINGS

Ten-Year Solid Waste Management Plan

Chairman Hobbs opened the first Public Hearing stating that the purpose of the public hearing was to discuss the Perquimans County Solid Waste Management Plan for the period of July 1, 2012 – June 30, 2022. The plan is prepared in accordance with N.C. General Statute 130A-309.09A(b) for the purpose of meeting local solid waste needs and protecting the public health and the environment. There were seventeen (17) people present. The Chairman recognized Brad Gardner, PCG Landfill Manager, to give an overview of the 61-page document. County Manager Heath stated that he had several typographical changes to discuss with him before it is signed. The Chairman asked if there were any questions from the Board or from the Public. The following questions/comments were made:

- **Commissioner Weimar:** Ms. Weimar asked if there were any education programs about recycling in the school system. Mr. Gardner said that they are working with Cooperative Extension in providing education program for recycling in the schools.
- **County Manager Heath:** Mr. Heath asked Mr. Gardner if the school system was recycling. Mr. Gardner said that Jonathan Nixon is doing a great job with recycling within the school system.
- **Commissioner Weimar:** Ms. Weimar asked about the parking lot at the South 17 Convenience Site having a lot of glass in it. Mr. Gardner said that they were using recycled glass mixed with crush & run to fill in potholes. He explained the process and that the recycled glass does not cost any money.
- **Ron Davenport, Holiday Island:** Mr. Davenport asked how are they supposed to dispose of old tires. Mr. Gardner said that they are to take them to the transfer station in Belvidere. He further stated that the State is cracking down on this requiring additional information about who is disposing of the tires.

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.

Conditional Use Permit No. CUP-12-02, by Doris Dowridge, AAS.

Chairman Hobbs opened the second Public Hearing stating that the purpose of the public hearing was to allow citizens to make comments on the consideration of consideration of proposed **Conditional Use Permit No. CUP-12-02**, by Doris Dowridge, AAS, to operate "Anna's House of Learning," a Child Daycare (Home Occupation), at 787 Ocean Highway South (US Hwy 17), about one mile south of Edenton Road Street (SR 1125). Subject property zoned CH, Highway Commercial District and known as Tax Parcel No. 2-0060-0026. There were twenty-seven (27) people present. The Chairman recognized Donna Godfrey, Planner, who gave further background information on Ms. Dowridge's request. Ms. Godfrey reported that the Conditional Use Permit No. CUP-12-02 was approved by the Planning Board at their meeting on May 8th. Ms. Godfrey reminded the Board that this was a quasi judicial procedure and all individuals speaking will need to be sworn in. Ms. Dowridge is present if the Board had

any questions. The Chairman asked if there were any questions from the Board or from the Public. The following questions/comments were made:

- **Commissioner Miller-White:** Ms. Miller-White asked how many children that Ms. Dowridge plans on having. Ms. Godfrey said that it will be a maximum of five. If she has anymore, Ms. Dowridge will have to receive additional certifications.
- **Commissioner Cole:** Ms. Cole asked about the parking. Ms. Dowridge presented a demonstration of how the parking would work.

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

Application No. REZ-12-01, by Charles Newsome

Chairman Hobbs opened the third Public Hearing stating that the purpose of the public hearing was to receive public comments on the consideration of **Application No. REZ-12-01**, by Charles Newsome, to extend the existing CH Zone to include other portions of the property known as Tax Parcel No. 2-0068-0003, located at the southeast corner of Ocean Highway South (US Hwy. 17) and NC Hwy. 37, together with Tax Parcel No. 2-0068-0004 and the 196.98-foot segment of Mill Drive that divides the two Tax Parcels. Subject properties collectively contain about 6.56 acres and are currently zoned CH or RA-25 or RA. There were twenty-seven (27) people present. Donna Godfrey, Planner, presented some background information on this request and explained that the Planning Board approved their request at their May 8th meeting. Ms. Godfrey said that Charles Newsome was present if the Board had any questions. Ms. Godfrey asked that, since there has been some changes in the laws recently, the Board will need to make the motions as demonstrated in her Staff Report. In this case, there will need to be two motions. County Attorney High asked Ms. Godfrey to explain why this was required and Ms. Godfrey did so. The Chairman asked if there were any comments or questions from the Board or the Public. The following comments/questions were made:

- **Commissioner Miller-White:** Ms. Miller-White asked if they would need to make two motions. Ms. Godfrey said yes.
- **Chairman Hobbs:** Mr. Hobbs asked what the zonings were for this parcel. Ms. Godfrey said it was CH (Highway Commercial Districts), RA25 (Residential and Agricultural Districts), and RA, (Rural Agriculture Districts). Mr. Newsome wants to make it all CH (Highway Commercial Districts).
- **Garland Jennings:** Mr. Jennings lives on Levi Creecy Road and was concerned about Mr. Newsome's plans for developing the property. He is concerned that there will be road access on Levi Creecy Road which is already a well-travelled road. Chairman Hobbs and Commissioner Nixon said that this was a NCDOT question. Ms. Godfrey asked if Mr. Newsome could give Mr. Jennings some answers to his question. Mr. Newsome said that they have no fixed plans for development. They are preparing the property to be sold. He could not speak for future owners but the current owner has no problem with having no road access to Levi Creecy Road.

The Chairman asked if there were any further comments or questions. There being none, the Chairman closed the third Public Hearing and opened the fourth Public Hearing.

Holiday Island Shooting & Firearms Ordinance

Chairman Hobbs opened the fourth Public Hearing stating that the purpose of the public hearing was to receive public comments on the proposed Holiday Island Shooting & Firearms Ordinance. There were thirty-three (33) people present. County Manager Heath presented the following Ordinance for consideration:

ORDINANCE NO. 83

HOLIDAY ISLAND SHOOTING AND FIREARMS ORDINANCE

PROJECTILES

No person shall shoot or project any stone, rock, shot, or other hard substance beyond the limits of his own property by means of sling shot, bean shooter, air rifle, pop gun, bow or other similar contrivance within the subdivision of Perquimans County known as Holiday Island as set out on the maps of said subdivision recorded in the office of the Register of Deeds of Perquimans County now or hereafter.

SHOOTING FIREARMS

No person shall fire or shoot any gun, pistol, or other firearm within the subdivision of Perquimans County known as Holiday Island as set out on the maps of said subdivision which are now or hereafter recorded in the office of the Register of Deeds of Perquimans County: provided, that this ordinance shall not be construed to prevent the lawful destruction of animals by means of firearms by the Animal Control Officer or by authorized Holiday Island employees or by county or state officials exercising due diligence in protecting the residents, their property and/or the property of Holiday Island. Nor shall this ordinance be construed to prevent the defense of one's own person, family or property as permitted by law.

PENALTY: Any person violating either of these ordinances shall be guilty of a misdemeanor and shall be fined not more than \$50.00 or imprisoned not more than thirty days as provided in N.C.G.S. 14-4.

Adopted this _____ day of _____, 2012.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

The Chairman asked if there were any comments or questions from the Board or the Public. The following comments/questions were made:

- **Norman Morris:** Mr. Morris expressed his opposition to the current wording of the proposed Ordinance.
- **Ron Davenport:** Mr. Davenport said that he was not sure what the Ordinance was and said that his wife, Brenda, could speak for him too.
- **Brenda Davenport:** Ms. Davenport spoke on behalf of herself and her husband, Ron, expressing concern about shooting water moccasins and other snakes coming out of the creek. Her neighbors are in favor of them killing these snakes. Would this stop them from killing these snakes. County Manager Heath said that he feels that the way the Ordinance reads it would not prevent her from continue to kill these snakes.
- **Jerry Rafal, President of Holiday Island Property Owner's Association:** Mr. Rafal presented a *revision* adding the following wording to shooting firearms: "protecting the residents, *or by a property owner upon his own premises to protect* their property and/or the property of Holiday Island".
- **JoAnn Hanson:** Ms. Hanson again expressed why she began this request and the danger that has occurred several times in Holiday Island with people shooting firearms. She supports the Ordinance.
- **Ken Ries:** He supports the Ordinance as revised due to the houses being so close together.

The Chairman asked if there were any further comments or questions. There being none, the Chairman closed the Public Hearings at 7:10 p.m. and proceeded with the Regular Meeting.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Mack E. Nixon, seconded by Tammy Miller-White.

CONSENT AGENDA

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

1. **Approval of Minutes:** May 7, 2012 Regular Meeting
2. **Approval of Tax Refunds:**

PERQUIMANS COUNTY DMV RELEASES:

- **Sageser, Jonathan W.**.....\$139.55
Military Exemption. Account Number: 8083671.
- **Copeland, Anne Byrum**\$101.11
Vehicle situs in Gates. Account Number: 8084338.

3. **Budget Amendments:**

**BUDGET AMENDMENT NO. 27
WATER / WATER PLANT UPGRADE FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
35-397-000	Transfer from Winfall Project	72,283.99	
35-399-000	Fund Balance		72,283.99
62-399-000	Fund Balance	72,283.99	
62-500-920	Transfer to Water Fund	72,283.99	
EXPLANATION: To transfer sales tax refunds from Winfall Water Plant Upgrade to Water Fund (Project in Fund 62 complete).			

**BUDGET AMENDMENT NO. 28
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-690-965	Perquimans County Fireworks	1,500	
10-345-008	Medicaid Hold Harmless	1,500	
EXPLANATION: To budget \$1,500 for July 4th Firework Display for 2012 as approved by Board on 5/17/2012.			

4. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
Mary Toth	Social Work Supervisor	Resignation			6/15/12

5. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Hollowell, Brenda	Local Library Board (<i>not eligible to be reappointed</i>)	Reappointment	4 yrs.	7/1/2012
Ross, William A.	Local Library Board	Reappointment	4 yrs.	7/1/2012
Bray, Zach	Northeast Workforce Development Board (Consortium App't.)	Reappointment	2 yrs.	7/1/201
White, Kent	Recreation Advisory Committee – At Large	Reappointment	3 yrs.	7/1/2012
White, Pete	Recreation Advisory Committee – At Large	Reappointment	3 yrs.	7/1/2012
Nixon, Chad	Recreation Advisory Committee – New Hope Rep.	Reappointment	3 yrs.	7/1/2012
Griffin, James	Senior Tarheel Regional Advisory Board – Delegate App't.	Reappointment	1 yr.	7/1/2012

6. **ECBH Quarterly Fiscal Monitoring Reports:** The State requires that the Quarterly Fiscal Monitoring Report be presented to the Board for review. The report for period ending on March 31, 2012 was presented.

JOHN WILBURN, BELVIDERE RESIDENT

Mr. Wilburn had written a letter asking Board support for installing a guard rail at their residents on Belvidere Road. He further reported that there had been at least two or three accidents where the vehicles have hit his house. Mr. Wilburn presented copies of petitions for supporting the installation of a guard rail and pictures of the damages that his house had sustained. Chairman Hobbs stated that this was a NCDOT question and Commissioner Nixon concurred. Mr. Wilburn said that he had contacted NCDOT but due to budget restraints, they could not do this at this time. They said that they would do some improvements like painting new lines, putting up reflectors, and adding more signs to warn them. He asked if the Board could write a letter of recommendation or something. County Manager Heath said that he had already forwarded Mr. Wilburn's request to Gretchen Byrum of NCDOT and will follow up with her as to the status of his request. Commissioner Cole suggested a speed reduction in that area. Mr. Wilburn said that it is already in place.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her monthly report.

BILL JENNINGS, TAX ADMINISTRATOR

Chairman Hobbs introduced Mr. Jennings to the public as the County's new Tax Administrator. Then, Mr. Jennings presented his monthly report. He also reported that, from the sale of the Rose property, the County was unable to collect the Land Transfer Tax due to the current bankruptcy status but that they were able to collect the back taxes.

PRESENTATION OF FY 2012-2013 BUDGET MESSAGE

County Manager Heath presented the following FY 2012-2013 Budget Message to the Board.

June 4, 2012

To: The Honorable Chairman, Board of Commissioners, and taxpayers of Perquimans County

I respectfully submit the proposed budget for Perquimans County for the Fiscal Year 2012-2013 (FY 2013). The budget has been prepared in accordance with the North Carolina Local Government Budget and Fiscal Control Act. The budget identifies the estimated revenues and expenditures for the FY 2013 for Perquimans County.

Fiscal Year 2012 was a challenging budget year for Perquimans County and FY 2013 promises more of the same. Perquimans' economic growth, like many Counties in our region, is still in a weakened state. Although we have seen some improvement in sales tax revenues, ad valorem property tax growth remains at below 1 percent.

Despite the continued stagnation of economic conditions that leads to little revenue growth, the FY 2013 budget proposes no tax increase, keeping the ad-valorem property tax rate at \$0.44/\$100 value. As compared below, Perquimans County has a very favorable tax rate compared to other Northeast North Carolina counties:

<u>County</u>	<u>FY 2012 Tax Rate (per \$100 value)</u>
Camden County	\$0.59
Chowan County	\$0.685
Gates County	\$0.64
Pasquotank County	\$0.62

(Source: North Carolina Association of County Commissioners website- Tax Survey FY 2011-2012)

General Fund Budget Summary

The General Fund budget is \$12,662,109 for 2013, which is \$107,688 (or 0.86%) more than the current year’s amended budget (minus fund balance appropriations), but still comparable to the FY 2010 budget of \$12.6 million. General Fund requests from all sources totaled \$13,472,152, which is approximately \$810,000 more in expenses than expected revenues. To fully fund all budget requests would require a five cent tax increase.

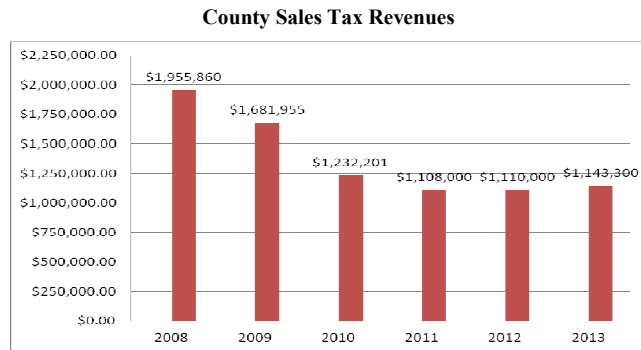
General Fund Revenues

Property taxes account for the vast majority of general fund revenues. Before 2009, Perquimans County’s property tax base experienced substantial annual growth mainly due to housing construction and land development for subdivisions, and therefore the County could count on several hundred thousand dollars of additional ad-valorem property taxes each year to fund annual increases for departmental and agency needs. The chart below depicts annual tax base growth for the past several years. FY 2008 has been omitted from the chart since that was a revaluation year.



As you can see, the increase in estimated property tax base growth is 0.97% for next fiscal year, which is the second year in a row of less than 1% growth. The total real property tax base for FY 2013 is \$1,624,807,013.

Sales tax revenues are the second largest source of County general fund revenues. Sales tax revenues are projected to grow by 3% over the expected current year revenues. FY 2013 revenues are over 40% less than FY 2008’s revenues. The following chart indicates how revenues have trended downward over the past several years.



In addition to the sales tax revenues, there are three other important sources of revenues that provide insight to the strength of the local county economy. They are Building Inspection Fees, Register of Deed Fees, and Land Transfer Tax Revenues. While sales taxes reflect retail sales, these other revenues are construction and real estate based. Expected Land Transfer Tax revenues in FY 2013 are \$300,000, which is \$42,160 more than last year, but well below the FY 2006 total of \$1,188,541. Building Inspection Fees and Register of Deed Fees revenues remain at among the lowest levels in over a decade, projected at \$220,000 combined. This represents a total of only \$1,000 in increased revenue from these two fees for FY 2013.

An additional revenue for this budget year will be a projected \$500,000 Medicaid hold-harmless allocation from the State (approximately \$120,000 more than last year). This money, budgeted at \$382,272 last year, is an amount established during the sales tax swap of several years ago. We are receiving approximately \$530,000 in the current fiscal year.

General Fund Expenses

Departmental operating budgets remain essentially unchanged from the current budget year, with five departments actually decreasing their total budget. Some capital purchases have been delayed in order to help balance the budget, such as replacement of Animal Control and Building Inspections vehicles. By way of comparison, the five largest General Fund expenses by department or agency are as follows:

<u>Department/Agency</u>	<u>Proposed FY 12 Funding</u>	<u>% of Total GF Budget</u>
Perquimans County Schools	\$3,102,190	24.5%
Social Services	\$2,334,162	18.4%
Sheriff Department	\$1,033,304	8.2%
Emergency Medical Services	\$853,930	6.7%
Albemarle District Jail	\$853,677	6.7%

School Funding

As presented by the Board of Education and school staff earlier this spring, the Perquimans County School System faces reductions in State and Federal funding for next fiscal year, depending on the final State budget.

The Perquimans County School System has requested increases of \$488,554 from the County in Local Current Expense and \$49,250 in Capital Outlay for next fiscal year. Compared to what the County funded for Fiscal Year 2012, this is a 22.86% increase in Local Current Expense and a 24.6% increase in Capital Outlay. Most of the requested increase in Local Current Expense is associated with funding school staff salaries, fuel, and utilities.

As a note of comparison to how well Perquimans currently funds its schools through local current expense monies, we are 90th in population but 60th in local current expense allocation per pupil. The result of this funding over the years is that after the School has received and blended all of its State, Federal, and County money, through time it has accumulated a fund balance of around \$1,000,000 in local current expense monies. This budget relies on the usage of some of this money to fund a portion of teacher salaries and extended school day programs. The proposed FY 2013 County budget increases to \$2,150,000 for Local Current Expense (0.6% increase) and increases to \$209,250 for Capital Outlay (a 4.6% increase).

Building and Facility Initiatives

With the completion of the renovations and occupancy of the new Emergency Services Building, Perquimans County will engage in and complete several new building renovation projects in FY 2013.

The proposed budget for next year allocates approximately \$153,000 for the Phase 1 renovations to the Perquimans 20/20 building for a new Senior Citizens facility. This funding should allow for the Seniors Citizens department to complete a majority of the interior renovations and occupy that building in the next budget year, but additional future funding will be needed to completely renovate the exterior space and add the necessary amenities for the Senior Center. The existing facility has served the County well, but we’ve simply out-grown that space.

Other projects to be funded through the Court Facilities Fund include the re-roofing of the Courthouse Annex, and repairs to the existing HVAC system at the Courthouse.

Capital Outlay

Outside of the normal replacement of electronic items such as computers and copy machines, the major capital items included in the FY 2013 budget are the replacement of two Sheriff Department vehicles, a refurbished ambulance for EMS, and improvements to our Communications equipment for the federally mandated narrow banding conversion.

Personnel

The proposed FY 2013 budget contains a 2% cost of living adjustment for County employees. The budget proposes to continue to fully cover the cost of employee health insurance. The health insurance costs are increasing by approximately 9.5% to the County for employees' premiums, or \$624 annually per employee. This totals a \$61,000 increase to the County's General Fund. The North Carolina Local Government Employees Retirement System has decreased the employers' contribution from 6.99% to 6.74% for the employee, which is a total cost savings of approximately \$7,500 to the County.

This budget includes the addition of a Food and Nutrition Services supervisor for the Department of Social Services. It also includes the conversion of an existing Tele-communicator position to a lead position in order to give the Director more flexibility with scheduling.

Other Noteworthy Items

- Increase of \$75,000 for narrow banding conversion to aid VHF frequency communications for our Volunteer Fire Departments
- Increases in employee benefits of approximately \$125,000, including health insurance and cost of living adjustment
- Increase of \$19,040 in the Board of Elections budget to pay for the maintenance of voting equipment. The State previously paid for these maintenance fees.
- Increase of \$7,000 in Legal fees to increase the hourly rate for the County attorney from \$110 per hour to \$125 per hour.
- Increase of \$100,500 for refurbished ambulance.
- This year's budget includes the first full year of loan repayment for the Emergency Services Building; \$120,576.
- Funding for the County Fire Departments remains at \$55,000 each
- Funding for the Perquimans County Library increases to \$155,000
- \$64,715 will be used from fund balance to allow for the 2% cost of living adjustment

Water Fund

The water fees, including connection charges and consumption charges, are proposed to remain unchanged for FY 2013. The County's anticipated first loan repayment of \$75,000 for the Winfall Water Plant improvements actually equaled \$69,881. This was an American Recovery and Reinvestment Act funded project that was half grant and half 0% loan. There was a net decrease in debt service payments this year since the County had fully paid the loan for the Bethel Water Plant expansion and renovations. With the decrease in total debt service payments, the County will transfer the savings to a reserve line in the water fund, which can be used to offset future project costs. One such future project is the Pasquotank County Reverse Osmosis water connection, serving the Winfall plant, which is scheduled to take place during fiscal year 2013-2014.

Solid Waste Fund

The solid waste fees of \$120 per year are proposed to remain unchanged in the coming budget year. This fee covers the cost of operating the 5 Convenience Site locations, the County's portion of the Perquimans-Chowan-Gates Transfer Station operating cost, and the tipping fee for the County's solid waste at the private landfill in Bertie County.

Conclusion

The lagging economy, and in particular the real estate market, continues to take its toll on the County budget. In consideration of this fact, an effort was made to cut expenditures from at least some of the line items in every County department. These cuts, along with marginal improvement in sales tax projections, limited growth in real property tax base, and additional Medicaid hold-harmless money have allowed Perquimans County to hold the tax rate at 44 cents per hundred dollars of value. No increase in taxes, solid waste fees, or water rates aids our citizens to weather the financial storms of a poor economy for another year. Despite the negative indicators, we have been able to designate money to improve the services we provide to our Senior Citizens by renovating a new, larger facility. We have allowed for monies to aid communications for our Fire Departments. We have provided for increased health care costs and a cost of living adjustment for our County employees through this budget.

I'd like to thank the Department Heads for their stewardship in this budget process and their consideration of the marginal increase in County revenues. I would also like to thank the Board of Commissioners for your involvement in the budget process and for making difficult, but important decisions on behalf of the citizens of Perquimans County. Finally, I'd like to thank County staff: Sharon Ward, Tracy Mathews, and Mary Hunnicutt for their assistance and guidance in this process.

I thank each of you for your consideration of this proposal and welcome any changes the Board deems appropriate.

At the request of the Chairman and Board of Commissioners, a public hearing has been scheduled for Monday, June 25, 2012, at 7:00 p.m. in the Commissioners' Room of the Courthouse Annex for public comment and to consider adoption of the budget.

Submitted by:

W. Frank Heath, III
County Manager/Budget Officer

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Commissioner Miller-White: Ms. Miller-White shared information about summer lunch programs for 18 & younger children.

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: Commissioner Muzzulin highlighted several items from his report: (1) The Federal inmate count for May was 49 compared to 63 in April; (2) An inventory system was requested for all the capital items that have been purchased for the ADJ. All items above \$300 in value will be included. The Board will investigate this system; and (3) They are still reviewing the pros and cons to the Internet Video Visitation System.

Sewer District: County Manager Heath reported that NCDENR had approved holding the public hearing in the Commissioners' Room instead of on-site. No date has been set yet but we hope to have it in July. We have to advertise at least twice during the 30 days prior to the hearing.

WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

County Manager Heath said that they are waiting to obtain bids on the installation of the waterline from the RO Plant to Perquimans County before signing the agreement. They will also have to receive Local Government Commission (LGC) approval for a loan to cover the costs. The loan will be in the amount of \$1.8 million and will be financed for over a 15-year period. On motion made by Janice McKenzie Cole, seconded by Tammy Miller-White, the Board unanimously approved to table this matter until after we receive the bids for the installation of the waterline.

PLANNING BOARD ITEMS

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

Conditional Use Permit No. CUP-12-02 – Doris Dowridge: A Public Hearing was held earlier in the meeting to consider a request on the proposed Conditional Use Permit No. CUP-12-02, by Doris Dowridge, AAS, to operate "Anna's House of Learning," a Child Daycare (Home Occupation), at 787 Ocean Highway South (US Hwy 17), about one mile south of Edenton Road Street (SR 1125). Subject property zoned CH, Highway Commercial District, and known as Tax Parcel No. 2-0060-0026. Tammy Miller-White made a motion to approve the following Application No. CUP-12-02, by Doris Dowridge, to operate "Anna's House of Learning," a Child Day Care Facility at 787 Ocean Highway South (known as Tax Parcel No. 2-

0060-0026), subject to the conditions listed in the Conditional Use Permit (CUP) document and Conceptual Site Plan, adopting Section 903 Findings to support the motion:

1. That the use will not materially endanger the public health or safety, if located according to the plan submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Perquimans County Land Use Plan.

The motion was seconded by Sue Weimar and the following Conditional Use Permit No. CUP-12-01 was unanimously approved by the Board.

CONDITIONAL USE PERMIT No. CUP-12-01

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On the date(s) listed below, the Board of Commissioners for Perquimans County met and held a public hearing to consider the following application:

Owner/Applicant: **Doris S. Dowridge**
787 Ocean Highway South
Hertford, NC 27944

Property Location/Address: **Same as above**

Tax Parcel No.: **2-0060-0026**

Zoning District: **CH, Highway Commercial**

Proposed Use of Property: The mission of Anna's House of Learning is to provide childcare, early education and dependent care solutions. We offer a program for preschoolers three (3) and four (4) years of age. We provide before-and after-school care, back up for school holidays and school closing.

The nature of the purpose will be to provide a safe environment in the facility and outside the facility from 6:30 am to 12 midnight. Nutritional meals will be prepared on location (breakfast, lunch, dinner and snacks). The children will receive computer educational training preparing the children for pre-K. There will also be backyard activities appropriate for recess/recreation. Appropriate matting is available for naps. Parking is available.

According to Social Services, there is a great need for adequate childcare services. Currently there are 150 children on a waiting list for these services in Perquimans County. This Use Permit will allow me to help resolve a small portion of this problem.

Meeting & Hearing Dates: Planning Board on **May 8, 2012**; and
Board of Commissioners on **June 4, 2012**.

Having heard all the evidence and argument presented at the hearing(s), the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Perquimans County Zoning Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance pertaining to "Day Care Facilities (for children or adults)" and subject to the following conditions:

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- (1) Applicant shall conduct operations strictly in accordance with the plans and application materials submitted to and approved by the Board of Commissioners (BCC), a copy of which is contained in the County Planning Office and filed with Register of Deeds office. Any major modification proposed to the approved plans shall require reapplication and approval by the Board of County Commissioners. "Major modification" is defined as "Any significant change in land use, and change in the project boundary and/or any change that results in an increase in the density or intensity of the project, as shown and described in the approved Conditional Use Permit and Site Plans." However, it is understood that the Conceptual Site Plan (Attachment D-1) will require adjustments to show parking spaces; within the property boundaries (see Conditions 3, 4 and 5).
- (2) Pursuant to Applicant's Statement of the nature of the proposed use, the Child Daycare will serve a maximum of five (5) children.
- (3) The Applicant's Conceptual Site Plan ("Attachment D-1") shows existing conditions to include Front Yard, House, Deck, Fenced Area, Back Yard, Car Port and Cement Slab. It is understood that the minimum design standards of the Zoning Ordinance for parking spaces and driveways do not necessarily need to be met, and the Applicant has added information to the Conceptual Site Plan to retain enough space for two (2) vehicles for the Applicant's family residing in the home plus ample space for temporary parking of five (5) vehicles as may be needed to accommodate the drop-off and pick-up of all five (5) children at any one time in an orderly manner and which shows the flow of vehicles entering and exiting the site.
- (4) County Planning staff shall confirm compliance with the specific criteria stated at Section 907 and 907.17, Day Care Facilities (for children or adults), and additional site considerations contained herein, as follows:
 - (a) Outdoor activity or play areas and indoor activity area;
 - (b) The Screening and fencing of play space and landscaping as required to blend into the neighborhood and screen functional aspects from the street and neighboring area and absorb and/or deflect excessive noise is hereby waived based on the limited home occupation-level daycare facilities and the characteristics of the subject property and neighboring tracts;
 - (c) General ability of the site to park two (2) permanent vehicles "around-the-clock" for the occupants of the home, plus temporarily park five (5) vehicles for drop-off and pick-up of all five (5) children at any one time in an orderly manner, with ample space for ingress and egress to provide entry to and exit from the property without backing onto the right-of-way of Ocean Highway South (US Highway 17 South). Furthermore, uninterrupted access into the site must not be blocked or hindered by vehicles or other objects located on the site whether parked, stationary or in motion.
 - (d) All vehicles are to exit the subject property onto Ocean Highway South by forward motion only. The Applicant shall ensure that all occupants and parents and other visitors to the site are aware of this requirement. The Applicant shall work with County Planning staff to determine the appropriate locations for the five (5) temporary parking spaces on the subject property and additional site improvements may be necessary to demarcate the temporary parking spaces with wheel stops, landscape timbers, railroad ties and/or other markings and/or signage.

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- (5) There shall be no structures, fences or other improvements within thirty (30) feet of the rear property line so as to provide a buffer between the actively used portion of the lot and the major irrigation ditch located in the back of the property.
- (6) The intensity of the use shall not be detrimental to adjacent properties due to traffic, parking, noise, refuse, or other factors.
- (7) The Applicant shall obtain all required permits from the County and other governmental agencies (local, state, and federal) prior to commencing construction or as otherwise required by the applicable laws and regulations, including but not limited to the following:
 - (a) Building permits shall be obtained from Perquimans County for any component of the project which may be required by the North Carolina Building Code;
 - (b) Although the subject property currently includes improved driveway access, a Driveway Permit may be required by the North Carolina Department of Transportation prior to commencing additional work, if any, within the right-of-way of Ocean Highway South;
 - (c) Any impervious surfaces newly installed in conjunction with the approved Daycare business may require the Applicant to provide the County with proper permitting to ensure that storm water does not cause problems on the site or on adjacent properties. The Applicant shall coordinate with and obtain approval from Perquimans County Soil & Water Conservation District on any new drainage improvements;
 - (d) Applicant must obtain necessary permits or approvals from the Albemarle Regional Health Services (ARHS) as to adequacy of the on-site septic tank system, food preparation area, etc. Applicant shall be responsible for making any needed improvements or upgrades to the facilities and to maintain the facilities to the satisfaction of the ARHS; and
 - (e) Notwithstanding Section 907.17E (3), State licenses and permits required to operate a child care center are not available to individuals prior to approval by the County. Therefore, these items must be obtained by the Applicant and submitted to the Planning & Zoning Office as soon as possible thereafter and prior to the Issuance of a Certificate of Zoning Compliance and use of the residence as a Home Occupation Day Care building. Applicant has submitted her application to the State's consultant for daycare facilities in the Albemarle Area who will assess her home after the BCC approves the request and issues the Conditional Use Permit.
 - (f) Applicant must obtain a separate Sign Permit from the Planning & Zoning Office and the Building Inspections Department for any proposed sign not exempted by the Perquimans County Zoning Ordinance (currently Article XX).
 - (g) Directional signage and/or painted arrows for traffic flow shall be installed by the Applicant in compliance with the County's Sign regulations and the State Fire Code.

- (8) Conditional Use Permit is approved by the Board of County Commissioners and recorded with the Conceptual Site Plan by the Applicant, in the Register of Deeds Office, in accordance with this Conditional Use Permit and the Perquimans County Zoning Ordinance.
- (9) In the event the daycare operation is delayed beyond June 3, 2013, the Applicant shall formally request an extension be granted by the Board of County Commissioners; otherwise the BCC may revoke the Conditional Use Permit. If the Conditional Use Permit is not recorded in the Register of Deeds Office by the Applicant within 12 months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.

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If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the authorized applicants, agents, representatives, or property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding on them and their successors in interest.

Attest:

Perquimans County (Seal)
By _____

I, _____, authorized Applicant, of the above identified property, does hereby acknowledge receipt of this Conditional Use Permit. The undersigned does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

Property Owner

The State of North Carolina
Perquimans County

I, _____, a Notary Public in and for the said State and County, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the forgoing instrument.

WITNESS my hand and notarial seal, this the _____ day of _____, 2012.

My Commission expires: _____

(Not valid until fully executed and recorded)

Part One - Application No. REZ-12-01 – Charles Newsome: A Public Hearing was held earlier in the meeting to consider Application No. REZ-12-01, by Charles Newsome, to extend the existing CH Zone to include other portions of the property known as Tax Parcel No. 2-0068-0003, located at the southeast corner of Ocean Highway South (US Hwy. 17) and NC Hwy. 37, together with Tax Parcel No. 2-0068-0004 and the 196.98-foot segment of Mill Drive that divides the two Tax Parcels. Subject properties collectively contain about 6.56 acres and are currently zoned CH or RA-25 or RA. Janice McKenzie Cole made a motion to find Application No. REZ-12-01 consistent with the existing zoning pattern for the rest of Ocean Highway (US Hwy. 17) and other Planning & Zoning Policies, including the Zoning Ordinance, Section 604M, for intent of the CH, Highway Commercial Zoning District, and Sections 1302A (1) through (5), Policy Guidelines for Zoning Map Amendment, and the CAMA Land Use Plan Update, as follows:

- (1) The proposal will place all property similarly situated in the same category, or in appropriate complementary categories.
- (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements and not merely uses which applicants state that they intend to make the property involved).
- (4) There is convincing demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted in the proposed change.
- (5) The proposed change is in accord with the Land Use Plan and sound planning principles.

The motion was seconded by Tammy Miller-White and unanimously approved by the Board.

Part Two - Application No. REZ-12-01 – Charles Newsome: Janice McKenzie Cole made a motion to approve Application No. REZ-12-01, by Charles Newsome, to extend the existing CH Zone to include other portions of the property known as Tax Parcel No. 2-0068-0003, located at the southeast corner of Ocean Highway South (US Hwy. 17) and NC Hwy. 37, together with Tax Parcel No. 2-0068-0004 and the 196.98-foot segment of Mill Drive that divides the two Tax Parcels, due to its consistency with the County’s Planning & Zoning Policies and Guidelines and that the request is reasonable and in the public interest and promotes orderly growth and development. The motion was seconded by Tammy Miller-White and unanimously approved by the Board.

Status Report – Conditional Use Permit No. CUP-11-01 – Desert Wind Energy Project: Ms. Godfrey presented Craig Poff’s Annual Report from Iberdrola Renewables, LLC regarding the Desert Wind Energy Project. This is for information only. No action was required by the Board.

HOLIDAY ISLAND SHOOTING & FIREARM ORDINANCE

County Manager Heath said that a public hearing was held earlier in the meeting. On motion made by Janice McKenzie Cole, seconded by Sue Weimar, the Board unanimously approved the following Ordinance No. 83 – Holiday Island Shooting & Firearm Ordinance, as amended:

ORDINANCE NO. 83
HOLIDAY ISLAND
SHOOTING AND FIREARMS ORDINANCE
PROJECTILES

No person shall shoot or project any stone, rock, shot, or other hard substance beyond the limits of his own property by means of sling shot, bean shooter, air rifle, pop gun, bow or other similar contrivance within the subdivision of Perquimans County known as Holiday Island as set out on the maps of said subdivision recorded in the office of the Register of Deeds of Perquimans County now or hereafter.

SHOOTING FIREARMS

No person shall fire or shoot any gun, pistol, or other firearm within the subdivision of Perquimans County known as Holiday Island as set out on the maps of said subdivision which are now or hereafter recorded in the office of the Register of Deeds of Perquimans County: provided, that this ordinance shall not be construed to prevent the lawful destruction of animals by means of firearms by the Animal Control Officer or by authorized Holiday Island employees or by county or state officials exercising due diligence in protecting the residents, or by a property owner upon his own premises to protect their property and/or the property of Holiday Island. Nor shall this ordinance be construed to prevent the defense of one’s own person, family or property as permitted by law.

PENALTY: Any person violating either of these ordinances shall be guilty of a misdemeanor and shall be fined not more than \$50.00 or imprisoned not more than thirty days as provided in N.C.G.S. 14-4.

Adopted this 4th day of June, 2012.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

RESOLUTION: TEN-YEAR SOLID WASTE MANAGEMENT PLAN

On motion made by Edward R. Muzzulin, seconded by Sue Weimar, the Board unanimously approved the following Resolution approving the Ten-Year Solid Waste Management Plan for 2012 – 2022 with County Manager Heath’s changes:

**RESOLUTION TO APPROVE
PERQUIMANS COUNTY’S
SOLID WASTE MANAGEMENT PLAN UPDATE
FOR 2012 - 2022**

WHEREAS, better planning for solid waste management will help protect health and the environment, provide for an improved solid waste management system, better use of our natural resources, control the cost of solid waste management; and

WHEREAS, North Carolina General Statute 130A-309.09A(b) requires each unit of local government, either individually or in cooperation with other units of local government, to develop a 10-year comprehensive solid waste management plan; and

WHEREAS, Perquimans County is actively involved in the planning process;

NOW THEREFORE BE IT RESOLVED that the Perquimans County Board of Commissioners approves the comprehensive solid waste management plan.

ADOPTED, this the 4th day of June, 2012.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

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

AMENDING SECONDARY ROAD IMPROVEMENT PROGRAM FOR FY 2012-2013

Last month, NCDOT presented their proposed FY 2012-2013 Secondary Road Improvement Plan. During the meeting, a question was asked about Sassafras Street (SR 1468) in Snug Harbor. NCDOT has notified the County that we will need to amend the FY 2012-2013 Secondary Road Improvement Plan to move funds from the Contingency Funds to grade, drain, base, and pave Sassafras Street (SR 1468). Board will need to authorize County Manager Heath to proceed with scheduling a Public Hearing in July, 2012 to amend the FY 2012-2013 Secondary Road Improvement Plan. On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board unanimously authorized County Manager Heath to proceed with holding a Public Hearing in July to amend the FY 2012-2013 Secondary Road Improvement Program.

EMERGENCY SERVICES BUILDING CHANGE ORDER

County Manager Heath reported that all the departments have moved into the new Emergency Services Building and the construction work has been completed. ColVot Construction Company is requesting Change Order No. 1 in the amount of \$25,922.94. Mr. Heath further reported that he has reviewed the Change Order and feels that it is legitimate and is well within our Budget. On motion made by Janice McKenzie Cole, seconded by Tammy Miller-White, the Board unanimously approved the Change Order in the amount of \$25,922.94. Commissioner Nixon asked that Mr. Heath request that ColVot Construction Company present their Change Orders on a monthly basis in the future.

HCCBG GRANT DOCUMENTATION

County Manager Heath reported that the proposed County funding for the Home & Community Care Block Grant for Older Adults (HCCBG) is \$162,717. The HCCBG County Services Summary and Agreement was presented for Board review and action. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved the documentation.

EMERGENCY MANAGEMENT CONTRACTS

County Manager Heath explained that the contracts for the Debris and Monitoring have been received and reviewed by County Attorney High who made some changes. Before the Board actually votes on these contracts, Mr. Heath feels that we will need to incorporate those recommendations. Therefore, he asked the Board to table this item until the June 25th Special Called Meeting. The Board concurred.

PUBLIC COMMENTS

Emerson Cullins: Mr. Cullins thanked Commissioner Weimar and the Board for getting Sassafras Road added back onto the NCDOT State Road Maintenance System. He also said that there were three pot holes in the driveway at the South 17 Convenience Site. Brad Gardner will check on this and get it fixed.

Jerry Butler: Mr. Butler voiced his concerns over the Holiday Island Shooting & Firearm Ordinance. Commissioner Nixon asked Mr. Butler why he did not speak during the public hearing. Mr. Butler said that he was late getting to the meeting and had not signed up to speak.

Bob Bastek: Mr. Bastek asked if the 2% cost-of-living raise affected the Commissioner’s Pay. The Commissioners said that it did not. Mr. Bastek said that it should have.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:10 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board
