# **ADJOURNMENT**

There being no further comments or business to discuss, the Regular Meeting was adjourned at 9:06 p.m. on motion made by Charles Woodard, seconded by Joseph W. Hoffler.

Clerk to the Board

SPECIAL CALLED MEETING March 21, 2022 7:00 p.m.

The Perquimans County Board of Commissioners met in a SPECIAL CALLED MEETING on Monday, March 21, 2022, at 7:00 p.m. in the Perquimans County Library located at 514 S. Church Street, Hertford, NC 27944.

MEMBERS PRESENT: Wallace E. Nelson, Chairman Fondella A. Leigh, Vice Chair

Joseph W. Hoffler Kyle Jones

Charles Woodard

MEMBERS ABSENT: None

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

Chairman Nelson called the meeting to order. Commissioner Hoffler gave the invocation and the Chairman led the Pledge of Allegiance. Chairman Nelson explained that the purpose of this Special Called Meeting was to find a replacement for Commissioner Alan Lennon who resigned on February 21, 2022 due to his relocation out of state.

### **AGENDA**

Chairman Nelson stated that a copy of the Agenda was at their seats tonight. Fondella A. Leigh made a motion to approve the Agenda. The motion was seconded by Charles Woodard and unanimously approved by the Board.

# ALAN LENNON'S REPLACEMENT ON BOARD OF COMMISSIONERS

Chairman Nelson explained that Mr. Lennon resigned from the Board of Commissioners due to his relocation out of state. Mr. Nelson gave a brief description of what transpired since his resignation and asked County Manager Heath to explain the process that we have done to locate a replacement for Mr. Lennon. Mr. Heath stated that, per NC General Statutes, we have 60 days to replace Mr. Lennon and the individual that replaces him would need to be from the Libertarian Party since that was what Mr. Lennon ran under at the last election. Since there were no formal Libertarian Party Committee, the County needed to advertise for interested Libertarians to forward their letters of intent. We advertised in The Perquimans Weekly, the County Website, and on the County Facebook page. We received two letters of intent. One from Thelma Finch-Copeland and one from Christopher Richardson. Chairman Nelson opened the meeting for discussion on how they wanted to proceed with the appointment. All the Commissioners wanted to take action on the appointment tonight and have the individual sworn in at our April 4, 2022 meeting. The following comments were made:

- <u>Commissioner Leigh</u>: Ms. Leigh commended both of these individuals for their interest in serving. She then made a motion to appoint Thelma Finch-Copeland as the replacement for Alan Lennon. Commissioner Jones seconded her motion.
- **Commissioner Jones**: Mr. Jones commended Mr. Richardson for his interest in serving as a Commissioner and he had a great resume. He further stated that he has personally known Ms. Finch and knows that she demonstrates integrity in anything that she does.
- **Commissioner Hoffler**: Mr. Hoffler agreed with Ms. Leigh and Mr. Jones
- > Chairman Nelson: Mr. Nelson said that he knew her through the School Board and has no problem with her appointment. He further stated that Mr. Richardson's resume was very good.

There being no further comments, the Board unanimously approved the appointment of Thelma Finch-Copeland to complete Commissioner Lennon's term which expires on December 1, 2022.

# <u>PARTNERSHIP AGREEMENT WITH ATLANTIC TELEPHONE MEMBERSHIP CORPORATION</u>

Chairman Nelson asked County Manager Heath to present this to the Board. Mr. Heath explained that this was the third and possible last agreement we will have to be able to get broadband services through Perquimans County as was explained to the Board at previous meetings. We have already signed an agreement with CenturyLink and with Inteliport. He recommends approval. T. Kyle Jones made a motion to approve the Memorandum of Agreement with Atlantic Telephone Membership Corporation. The motion was seconded by Charles Woodard. Chairman Nelson asked if there were any questions or discussion on the motion. Commissioner Woodard asked if we needed to endorse all three. Mr. Heath stated that we would. He further stated that the State of North Carolina will decide on the grantee for the GREAT Grant. Chairman Nelson asked when awarded, would there be another document that would list their process and procedures. Mr. Heath said that there would not be any other documentation. There being no further questions or discussion, the Board unanimously approved the following Partnership Agreement:

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)	PARTNERSHIP AGREEMENT
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THIS AGREEMENT, entered into this the \_\_\_\_ day of \_\_\_\_\_, 2022, among Atlantic Telephone Membership Corporation (dba. FOCUS Broadband), a nonprofit entity, located at 640 Whiteville Road, Shallotte, North Carolina 28459 and Perquimans County, a political subdivision of North Carolina, whose principal address is located at 128 N. Church Street, Hertford, NC 27944; with each of the parties acting by and through its authorized representatives and in accordance therewith, the parties acknowledge, recite, and agree as follows:

\_(SEAL)

#### RECITALS:

- 1. The purpose and spirit of this Agreement is to facilitate the engineering, construction, and installation of high-speed broadband facilities and opportunities within Perquimans County. It is the intent and purpose of entering into this Agreement to provide, promote, construct, engineer, and operate high speed broadband services within Perquimans County through the collaborative efforts, initiatives, and undertaking of each of the above-named entities.
- 2. It is understood and agreed that FOCUS Broadband shall design, engineer, construct and enter into the appropriate steps, initiatives, and applications with the appropriate state and federal regulatory agencies and facilitating partners including, but not limited to NC Great Grant for the service territories within Perquimans County North Carolina, and in accordance with the plans and purposes of FOCUS Broadband and Perquimans County Government, which shall be developed in a collaborative and cooperative manner.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, and purposes as above set forth, the parties hereto agree and acknowledge the following:

- 1. FOCUS Broadband will design and apply for a NC Great Grant for service territories within Perquimans County, North Carolina that are unserved. (An unserved area is defined as "being where inhabitants or businesses do not have access to high-speed broadband services.")
- 2. It is the objective, mission, and intent of this Agreement that FOCUS Broadband will endeavor to maximize the number of unserved addresses to be included in the grant application.
- 3. FOCUS Broadband shall cover all costs associated with the submission of the grant applications and will cover any additional costs beyond the grant application as may be necessary to provide services and fulfill the grant obligations.
- 4. As part of the Partnership Agreement, in the event a NC GREAT Grant is awarded to FOCUS Broadband through the NC GREAT Grant program, Perquimans County agrees to provide a project match up to \$250,000 in matching funding contributions with 100% of those funds coming from funds designated for broadband expansion and received by county through the American Rescue Plan Act (ARPA). For clarity, these funds are only obligated should FOCUS Broadband receive an award through the NC GREAT Grant program in the first round of the NC GREAT Grant program for 2022.
- 5. Perquimans County shall provide FOCUS Broadband with a Deed of Easement on county-owned land property at the water tower located at 2396 New Hope Road for the express purposes of constructing and maintain a fiber optic switching office, otherwise known as an OLT (Optical Line Termination site to be used to facilitate the expansion of broadband internet services in Perquimans County the purposes of meeting the intent and mission of this Agreement.
- 6. It is further agreed that the intent and purpose of this Agreement is for the sole purpose of enabling broadband access in unserved and underserved areas wherein inhabitants or businesses do not have access to high-speed broadband services as of the date of this Agreement. It is acknowledged and agreed that upon the energizing and ability to deploy and maintain high speed broadband services, that FOCUS Broadband shall assume and remain the sole operating business entity of the high-speed broadband services within the above-identified parcel identified in Item 5, and nothing in this Agreement shall constitute a joint operating agreement in terms of costs or revenue sharing upon completion of this project.
- FOCUS Broadband shall comply with all safety and federal, state, and local construction requirements applicable to the installation, deployment, and rendition of high-speed broadband services.
- 8. Each party will hold the other harmless from any and all claims, including costs, expenses, and damages which may occur as a result of any action, activity, negligence, and/or conduct committed by its employees arising from any third party out of the rendition of high-speed broadband services.
- 9. This Agreement shall be construed in accordance with the laws of the State of North Carolina and shall be binding upon the parties

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals, the say and year first written above.

\_(SEAL)

Michael K. Holden CEO/General Manager Atlantic Telephone Membership Corp. 640 Whiteville Road Shallotte, North Carolina 28459 Wallace Nelson Chairman Perquimans County Commissioners 128 N. Church Street Hertford, NC 27944

# **COUNTY MANAGER UPDATE**

County Manager Heath explained that he had forwarded a copy of a proposed Budget Meeting Schedule to the Commissioners and asked the Board to review. Thus far, there was only one change and that was to change the May 12<sup>th</sup> meeting to May 11<sup>th</sup> since Chairman Nelson could not attend. It was the consensus of the Board to approve the list as presented. The final list will be e-mailed to the Commissioners.

## **ADJOURNMENT**

There being no further comments or business to discuss, the Special Called Meeting was adjourned at 7:20 p.m. on motion made by Joseph W. Hoffler, seconded by Charles Woodard.

	Wallace E. Nelson, Chairman
Clerk to the Board	
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	WORK SESSION
	March 21, 2022
	7:00 p.m.

The Perquimans County Board of Commissioners Work Session on March 21, 2022 was cancelled.

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