
REGULAR MEETING
 October 3, 2011
 6:40 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, October 3, 2011, at 6:40 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Bobby C. Darden, County Manager Will Crowe, County Attorney
 Mary Hunnicutt, Clerk to the Board

After the Chairman called the meeting to order, Commissioner Muzzulin gave the invocation and the Chairman led the Pledge of Allegiance. Chairman Hobbs proceeded with the Public Hearings.

PUBLIC HEARINGS

Text Amendment No. TXT-11-07 – Articles VII, XI, & XXIV of Zoning Ordinance

Chairman Hobbs opened the first Public Hearing stating that the purpose of the public hearing was to receive comments on the consideration of Administrative Text Amendment No. TXT-11-07 to establish standards, conditions, procedures and definitions for Solar Energy Facilities as limited Accessory Use to Principal Residential Use with changes to Articles VII, XI and XXIV of the Zoning Ordinance. There were ten (10) people present. The Chairman recognized Donna Godfrey, County Planner, who presented the following Text Amendment for public comment:

-Beginning of Ordinance document to be recorded-
 Administrative Text Amendment No. TXT-11-07
 Perquimans County Zoning Ordinance, Articles VIII, XI & XXIV
 Establish Solar Energy Facilities
 (as ~~limited~~ Accessory Use to Principal Residential Use)

Notes:

- (1) Proposed Text Amendments for Planning Board's review on 9-20-11 are shown in ~~single strikethrough~~ and underline and highlighted in yellow
- (2) Changes made as a result of Planning Board review are shown in ~~double strikethrough~~ and underline and highlighted in aqua
- (3) Correction made on 10-3-11 by Planning Staff to Section 1107B during the BCC's discussion of Agenda Item IX.B.1 shown in ~~double strikethrough~~ and highlighted in pink.

ORDINANCE NO. _____

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY ZONING ORDINANCE AS ADOPTED BY ORDINANCE NO. 35, AS PREVIOUSLY AMENDED; THIS ORDINANCE AMENDS ARTICLE VIII, TABLE OF USES, ~~AND~~ ARTICLE XI, SECTION 1107, ~~AND ARTICLE XXIV~~, TO ESTABLISH STANDARDS, CONDITIONS, PROCEDURES AND DEFINITIONS (~~FOR SMALL SCALE~~ SOLAR ENERGY FACILITIES AS LIMITED ACCESSORY USE TO PRINCIPAL RESIDENTIAL USE); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

Section 1. Perquimans County Ordinance No. 35 (Zoning Ordinance), as previously amended, is hereby amended by revising ~~Article VIII, Table of Uses, and Article XI, Section 1107, and Article XXIV~~, to establish standards, conditions, procedures and definitions (~~for Small Scale~~ Solar Energy Facilities as Limited Accessory Use to Principal Residential Use) thereof and by adding and substitution the following excerpts of ~~Articles VIII and XI~~ attached hereto as Exhibits ~~A, B and C~~ and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this _____ day of _____, 2011.

**BOARD OF COUNTY COMMISSIONERS OF
 PERQUIMANS COUNTY, NORTH CAROLINA**

By: _____
 Benjamin C. Hobbs, Chairman

ATTEST:

 Mary P. Hunnicutt, Clerk to the Board

Effective Date: _____

Exhibit "A"
Article VIII. Table of Uses (page 5 of 6)

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Printing, Publishing, and Binding Establishments									P	P
Produce Stands	P					P	P	P	P	P
Produce Stands for sale of produce grown on premises only		P	P	P	P					
Public Facilities and Buildings, including outdoor storage, repair yards, or garages	C					C		P	P	P
Public Building, not including outdoor storage, repair yards, or garages			P			P	P	P		
Public Utility Substations. Transformer Stations and other Facilities	C	C	C	C	C	C	C	C	C	C
Radio and Television Studios								P	P	P
Recreation, Indoor (including, but not limited to bowling alleys and skating rinks)						P	P	P		

USES	RA	HA	RA-43	RA-25	RA-15	CR	CN	CH	IL	IH
Recreation, Outdoor (including, but not limited to, ball fields, swimming pools, horseback riding trails, saddle clubs, and community rodeos)	C					P	C	C		
Restaurants, without drive-thru	C	C				P	P	P	P	P
Restaurants, with drive-thru, and fast food						C	C	C		
Retail Sales and other Establishments not otherwise listed						P		P		
Schools, academic	C		C	C	C			C		
Schools, business or trade	C		C	C	C			C		
Sculpting, with outside storage						P				
Sculpting, without outside storage						P	C			
Secondary Temporary Dwelling (for hardship circumstances, usually family)	C		C	C	C					
Services (not elsewhere listed)								P		
Shooting Range, Indoor								C		
Solar Energy System, Accessory to Residential Use	P	P	P	P	P					
Solar Energy System, Large	C								P	P
Subdivisions, Major			P	P	P	P	P	P	P	P
Subdivisions, Minor	P	P	P	P	P	P	P	P	P	P

P=Permitted Use (subject to review by Zoning Administrator/TRC for compliance with minimum design standards).
 C=Conditional Use (subject to issuance of Conditional Use Permit by BCC following Planning Board’s recommendation).

Exhibit “B”

ARTICLE XI. EXCEPTIONS AND MODIFICATIONS

The dimensional requirements of this Ordinance shall be adhered to in all respects except that under the specified conditions as outlined in this Ordinance the requirements may be waived or modified as stated; and in addition, the dimensional requirements may be changed or modified by the Board of Adjustment as provided for in Article XVI “Appeals and Variances.”

Section 1101. Front Yard Modifications in Residential Districts

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots which have been developed with buildings whose front yards are less than the minimum required front yard as specified in the Dimensional Requirements, the required front yard shall be the average depth of front yards of the developed lots, or the minimum front yard as specified in Article VII “Dimensional Requirements,” whichever is less. Provided further that, if any lot lies between two buildings which are less than one hundred (100) feet apart, the required front yard for such lot shall be no greater than the average front yard of the two adjoining lots or twenty-five (25) feet, whichever is more.

Where fifty percent (50%) or more of the lots in any block or within six hundred (600) feet on both sides of the proposed structure, whichever is less, is composed of lots with buildings whose front yards are greater than the minimum required front yard shall be the average depth of front yards of the developed lots. Provided further, that if any lot lies between two (2) buildings that are less than one hundred (100) feet apart, the required front yard for such lot shall be no less than the average front yard of the two (2) adjoining lots.

Section 1102. Other Yard Modifications

Where through lots occur, the required front yard shall be provided on both streets. Architectural features such as open or enclosed fire escapes, steps, outside stairways, balconies, and similar features, and uncovered porches may not project more than four (4) feet into any required yard. Sills, cornices, eaves, gutters, buttresses, ornamental features, and similar items may not project into any required yard more than thirty (30) inches.

Section 1103. Height Limit Exceptions

Church steeples, chimneys, belfries, water tanks or towers, fire towers, flag poles, spires, wireless and broadcasting towers, monuments, cupolas, domes, antennas (except satellite dish antennas), and similar structure and necessary mechanical appurtenances may be erected to any height, unless otherwise regulated. (see also Section 703)

In all areas within one thousand feet of any aircraft landing field, a structure exceeding thirty-five (35) feet in height shall be permitted only upon a finding by the Board of Adjustment after a public hearing that it does not constitute a menace to safety.

Section 1104. Retaining Walls

The setback and yard requirements of this Ordinance shall not apply to a retaining wall not more than three (3) feet high, measured from the lowest ground elevation to the top of the wall. The Board of Adjustment may permit a retaining wall greater than three (3) feet in height where it finds that, due to the topography of the lot, such a wall is necessary.

Section 1105. Zero Lot Lines

Any planned unit development in any district may make use of the zero lot concept, that is, no minimum lot size or yard requirements, provided that the total area of the planned unit development meets the minimum lot size in its district, that the planned unit development remains under single control through a property owner’s association or similar means, and that minimum yards and buffers as required in its district are preserved around the entire perimeter of the planned unit development. Such a planned unit development is a subdivision and must be approved as such through the requirements of the Subdivision Regulations, as well as meeting the requirements of the Zoning Ordinance.

Section 1106. Wind Energy Facilities

Additional yard setbacks and other design standards shall apply to Wind Energy Facilities as provided in Article IX, Conditional Uses. For Small Scale Facilities permitted in the Rural Agriculture Zone, Section 907 standards shall be depicted on the Site Plan prepared in accordance with Section 509 requirements and submitted with the Zoning Permit Application for review by the Planning & Zoning Administrator.

Section 1107. Solar Energy Facilities

- A. Additional yard setbacks and other design standards shall apply to Solar Farms, or Large Scale Solar Energy Facilities, as provided at Article IX, Conditional Uses for application in the RA (Rural Agriculture), IL (Light Industrial) and IH (Heavy Industrial) Zoning Districts. ~~Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements.~~
- B. Small Scale Solar Energy Facilities shall be permitted as a limited accessory use to principal residential uses in the ~~RU~~ RA, Rural Agriculture, HA, Historic Agricultural, and RA-15, RA-25 and RA-43 (Residential Agricultural) Districts, provided they comply with minimum design standards outlined below and in Section 907. Compliance with applicable standards shall be documented and shown on the Site Plan and submitted with the Zoning Permit Application for review and approval by the Planning & Zoning Administrator.
 - (1) Solar Collector: An application for a proposed Small Scale Solar Collector/Energy System located at a residence must meet the following standards as a limited an accessory use:
 - (2) All solar energy collectors, whether ground mounted or mounted on an existing structure, shall be limited to producing electricity strictly for on-site consumption and shall meet the minimum accessory structure zoning setbacks for the zoning districts in which located.
 - (3) The height of the structure shall not be taller than the maximum height of a structure in the zoning district in which located.
 - (4) A ground-mounted solar collector shall meet the following location standards:
 - (a) Freestanding solar collectors (structures) shall be located to the side or rear of the principal structure, or in the side or rear yards of all lots, except that, for corner lots, accessory structures shall only be permitted in the rear yard of corner lots. On parcels containing ten or more acres, the accessory solar structure may be placed in the front yard provided that it is located a minimum of 100 feet from any street right-off-way and minimum of 25 feet from any side property line. Accessory structures on property that borders Little River, Perquimans River, Yeopim River, Yeopim Creek and their tributaries, a natural or manmade body of water shall be allowed in the front, side or rear yard;

- (b) No solar collector (accessory structure or recreational structure) may extend within ten feet of a lot line, nor within 20 feet of a street right-of-way line;
- (c) No solar collector (accessory building or structure) shall exceed 35 feet in height, nor shall any solar collector (accessory building) exceed the height of the principal structure;
- (d) A solar collector (accessory building) shall only be allowed on a lot upon which no primary dwelling exists in the RU, Rural and HA, Historic Agricultural districts. No electricity supplied by a utility company may be attached to the building nor available on the lot itself until a primary dwelling is established. In addition, all future solar collectors and other buildings and utilities shall be required to meet all county ordinances and regulations.

For review only:

- 1) This language ended up in the current Zoning Ordinance during the review and approval of the final draft for Large Scale Solar Facilities, possibly as an oversight since Small Scale Solar Facilities were postponed for separate review at this time: *"Notwithstanding Section 1103, a Small Scale Solar Energy Facility which is mounted on the roof of a residence or occupied structure may exceed the maximum height requirements."*
- 2) This language was postponed during review of large scale systems: *"A Small Scale Facility which is installed on the ground within the Residential Agricultural, Historic Agriculture and Rural Agriculture Zoning Districts will be subject to the minimum building setbacks applicable to an Accessory structure, provided said facility produces electricity strictly for on-site use."*

ARTICLE XXIV. DEFINITIONS AND WORD INTERPRETATIONS

In the construction of this Ordinance, the word interpretations and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage should apply:

- (i) Words used in the present tense shall include the future; and words used in singular number shall include the plural number, and the plural the singular.
- (ii) The word "shall" is mandatory and not discretionary.
- (iii) The word "may" is permissive.
- (iv) The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- (v) The word "lot" shall include the words "piece," "parcel," "tract," and "plot."
- (vi) The word "building" includes all structure of every kind, except fences and walls, regardless of similarity to buildings.
- (vii) The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

Abutting: Having a property or district lines in common, i.e., two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, or stream.

Accessory Building or Use: A building or use, not including signs, which is:

- (i) Conducted or located on the same zoning lot as the principal building or use, except as may be specifically provided elsewhere in the Ordinance;
- (ii) Clearly incidental to, subordinate in area and purpose to, and serves the principal use; and,
- (iii) Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

Airfield, Small Private: The use of a field or grassed runway, on a noncommercial basis for privately owned airplanes when the owner of at least one (1) of the resident planes lives on the premises. This small private airfield is not regulated by this Ordinance.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single family home or a commercial building.

Applicant: The property owner(s) or authorized agent submitting a petition or application pursuant to procedures covered by this Zoning Ordinance.

Buildable Area (Building Envelope): The space remaining on a zoning lot after the minimum open-space requirements (yards, setbacks) have been met.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailers, manufactured homes, and attached or unattached carports consisting of roof and supporting members, and similar structures whether stationary or movable.

Building, Accessory: See Accessory Building or Use.

Building Footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor.

Building Height: The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the building. Spires, cupolas, chimneys, antennae attached to a building, and/or projections from buildings, radios, TV communications, telecommunication, and water towers are not to be included in the calculations of building height.

Building Lot Coverage: The amount of net lot area or land surface area, expressed in terms of a percentage that is covered by all principal buildings.

Building, Principal (Main): A building in which is conducted the principal use of the plot on which it is situated.

Building Setbacks: The minimum distance from the property line to closest projection of the exterior face of buildings, walls, or other form of construction (i.e. decks, landings, terraces, porches, and patios on grade).

Building Setback Line (Front Yard Setback): A line measured parallel to the front property line (street right-of-way) in front of which is no structure, including uncovered porches, steps, eaves, and gutters, shall be erected. On a flag lot the "building setback line" runs parallel to the street and is measured from the point in the main portion of the lot (i.e. the "flag" part of the lot, not the "pole" part) which is closest to the street. (The minimum lot width must be met in this area, as well. Therefore, if the point closest to the street is a corner rather than a line, the setback will have to extend as far as necessary to meet the required minimum lot width).

Built-Upon Area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious surfaces, including buildings, pavement, gravel roads, recreation facilities, (e.g. tennis courts), etc. (Note: Wooded slatted decks, golf courses, and the water area are not considered built-upon area).

Density: The average number of families, persons, housing units, or buildings per unit of land.

Dwelling: A building or portion thereof designed, arranged, or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, motel, hotel, tourist home, or other structures designed for transient residence.

Dwelling, Attached: A dwelling that is joined to another dwelling at one or more sides by a party wall or other walls.

Dwelling, Detached: A dwelling that is entirely surrounded by open space on the same lot.

Dwelling, Duplex: A building containing two (2) dwelling units, other than where a second dwelling unit is permitted as an accessory use.

Dwelling, Multifamily: A building containing three (3) or more dwelling units, except where permitted as an accessory use.

Dwelling, Resumed Single Family: A building

Dwelling, Single Family: A building containing one dwelling unit only, but may include one (1) separate unit as an accessory use to be occupied only by employees or relatives of the household.

Dwelling, Townhouse: A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. (Review note: Sec. 508)

Dwelling Unit: One or more rooms that are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit."

Energy Generating Facility: A facility that uses a variety of sources and/or products for the production of power for sale as a primary use. Types of energy facilities may include, but are not limited to: petroleum; ethanol; thermal; wind; solar; hydro-electric; and other energy generation facilities.

Grid-Tied Solar System: A photovoltaic solar system that is connected to an electric circuit by an electric utility company.

Off-Grid Solar System: A photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Premises: A single piece of property as conveyed in deed, or a lot or a number of adjacent lots on which is situated a land use, a building, or group of buildings designed as a unit or on which a building or a group of buildings are to be constructed.

Residence. Defined for permit applications submitted for Wind Energy Facilities and shall include any permanent habitable dwelling.

Residential District of Land Zoned Residential: Indicates any District in which residential uses are permitted. Residential uses include manufactured homes.

Setback: The required minimum distance between every structure and the lot lines of the lot on which it is located.

Small Scale Solar Collector/Energy System: A Solar Energy Panel or similar facility installed as an accessory use to a principal residence or in a zoning district which permits residential use of the property, with conditions and limitations as described elsewhere in this ordinance (see especially Article XI).

Solar Collector (accessory): Any solar device that absorbs and accumulates solar radiation for use as a source of energy. The device may be roof-mounted or ground-mounted as an accessory use.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy System: A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage and distribution of solar energy for space heating or cooling, electricity generating, or water heating. Solar Energy Systems may include, but not be limited to, solar farms and any of the devices that absorb and collect solar radiation for use as a source of energy as an accessory use.

Solar Farm: A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power for an area greater than the principal use on the site. Also referred to as Solar Power Plant; Solar Photovoltaic Farm; Large-Scale, Ground-Mounted Power Energy System.

Use: Any continuing or repetitive occupation or activity taking place upon a parcel of land or within a building including, but not limited to: residential, manufacturing, retailing, offices, public services, recreational, and educational.

*-End of Ordinance document to be recorded-
Administrative Text Amendment No. TXT-11-07
Perquimans County Zoning Ordinance, Articles VIII, XI & XXIV
Establish Solar Energy Facilities
(as ~~limited~~ Accessory Use to Principal Residential Use)*

Notes:

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Ms. Godfrey said that David Johnson, who assisted her with the Amendment, was present and would be glad to answer any questions. The Chairman opened the meeting for public comments. The following comments/questions were made:

➤ **Commissioner Muzzulin:** Mr. Muzzulin asked about the definition of Small Scale Solar Collector/Energy System. Mr. Muzzulin asked if there could be some clarification as to how many panels this would consist of. Mr. Johnson explained the number of panels is determined by the amount of wattage. The wind turbines were 20 kilowatts to be the small scale. Ms. Godfrey said that she did not think that they needed to tweak it because a second panel will constitute a medium facility which would require a Conditional Use Permit. So anything more than one panel would not be a Small Scale Solar System. Mr. Johnson said that one panel will only produce 60 watts which will only run one light bulb. Mr. Hobbs said that he felt like it needed to state wattage or kilowatts.

➤ **Chairman Hobbs:** Mr. Hobbs asked where on Snug Harbor Road Mr. Johnson was putting up his solar panels. Mr. Johnson said that he wanted to put it up on a pole but he could not do it because it would be in front of his house. According to the proposed Amendment, he can only place it on his roof top. He cannot do this because he has a trailer. He is thinking about building a shelter and placing it on that roof. It also states that you need to place it where you can get the most use out of it. That would mean that you should not place it in the shade.

➤ **Commissioner Nixon:** Mr. Nixon asked what Pasquotank County uses for this. Ms. Godfrey said that she was not sure if they have anything. She further stated that she had received several e-mails from them asking what we were looking at because they were checking into it too.

➤ **Commissioner Cole:** Ms. Cole asked what determines the wattage. Mr. Johnson responded by saying that certain panels produce certain amounts of wattage. For instance, a 4 x 8 panel would probably put out about 100 watts. The size of the panels would establish the wattage.

➤ **Chairman Hobbs:** Mr. Hobbs said that the limit of wattage should be big enough to do some good.

➤ **Commissioner Weimar:** Ms. Weimar asked if Ms. Godfrey had visited the property. Ms. Godfrey said that she had visited it and had taken pictures. It does not show the solar panels but it does show his wind turbine.

➤ **Commissioner Cole:** Ms. Cole asked that part of the feasibility of what they would consider small, medium, or large would be directly related to the number of pounds it would be. Ms. Godfrey said that was true. Chairman Hobbs said that he felt that the Planning Board would need to come back to the Board with some better definitions before we take action on this Amendment. Ms. Godfrey said that the Planning Board did add some language on placing solar panels on homes in subdivisions with regard to setting a cap. She feels that they will have a cap requirement and if they go over the cap there would be excess electricity that they cannot receive in their homes. She said that if the Board is looking into having a cap that was not something that the Planning Board looked into.

➤ **Bob Bastek:** Mr. Bastek recently visited his son-in-law in Hawaii who had solar system on his roof and he sells back his excess electricity. He further stated that he did not even notice the system until it was brought to his attention. He said that he feels that limiting them to what is needed in their house is not a good move. Mr. Johnson said that he believes that you can sell back the electricity in North Carolina but that takes a lot of panels.

➤ **Commissioner Muzzulin** stated that he did not understand why it cannot be on the roof on front of the house. Mr. Johnson said that there is a rule that you cannot see the solar system from the street. Ms. Godfrey said that it had to do with the aesthetics of the home.

➤ **Commissioner Weimar:** Ms. Weimar asked if the aesthetic part would be regulating homemade solar panels. Mr. Nixon said that some of the older models are more of an issue than the newer models. He further stated that, if it is out in the country, why shouldn't he be able to put them where he wanted to. Ms. Godfrey pointed out the Permitted Use Table which states that in certain zoning districts they are not permitted. The Board could further discuss this when they take up the Amendment during the business section of the Agenda. Ms. Weimar asked for clarification with regard to it being a small, medium, or large scale solar system.

The Chairman stated that, due to the time, further discussion will be made later in the meeting and proceeded with the second Public Hearing.

CDBG Funds – Albemarle Commission

Chairman Hobbs opened the second Public Hearing stating that the purpose of the public hearing was to receive public input regarding submittal of a Grant Application to the NC Department of Commerce. There were fourteen (14) people present. The Chairman recognized Bert Banks, Executive Director of Albemarle Commission, who explained that the Albemarle Commission was applying for a CDBG Grant for housing rehabilitation, infrastructure, economic development, small business and entrepreneurship, capacity building and catalyst programs. The purpose of this hearing is to receive comments from the public on the needs of low and moderate income residents and neighborhoods within Perquimans County. The Chairman asked if there were any public comments:

➤ **Commissioner Muzzulin:** Mr. Muzzulin asked how we are going to get the information out to the public about these funds and programs. Mr. Banks said that the ad for tonight's Public Hearing was run in the paper. After this public hearing where the public gives them input as to how these funds could be used, another public hearing will be held to determine how the funds are actually going to be spent. Mr. Banks said that they are looking at a specific program but they have to receive input from the residents before they can proceed with spending the funds. Commissioner Miller-White asked if he could share what project they were looking to use the funds for. He explained that they are looking into using the funds for N.C. Tomorrow. The funds will pass through Perquimans County and Albemarle Commission will administer the funds. The N.C. Tomorrow Program will conduct a comprehensive economic development strategy for the ten-county region that Albemarle Commission represents. It will be in a consistent format that the entire state will be using to have one comprehensive plan for the state. At this point, it will go through Division of Community Assistance (DCA) and to SAS Institute where they will be developing software to generate the information to support their economic development strategy. This information will be held and economic developers from the state, local, county, and municipal economic developers can obtain it to prepare their plan.

➤ **Commissioners Nixon & Miller-White:** Commissioners Nixon and Miller-White asked if this study will be a duplication of information that is already being provided by other organizations like the Northeast Partnership. Mr. Banks did not think that it would be duplication because they will be obtaining the information from various entities to develop it for use. He feels that it will be more comprehensive than what the Partnership has available and it will also be available to them also. Mr. Nixon feels that we spend so much time and money on studying things but nothing is ever implemented.

➤ **Commissioner Weimar:** Ms. Weimar asked what standardizing of information meant. Mr. Banks said that there are 16 councils of government and they are all unique. We are ten counties with the largest land mass but the smallest population. We are totally different from the council of government in Wake County, Winston-Salem, and in the mountains. We have developed our economic strategy based on what we see from here. Everybody will be asking the same questions so they will be gathering consistent data on six specific categories. Each council of government will be gathering the same information for their region which will have different answers. Ms. Weimar further asked how is it equitable all around because we are so different. Mr. Banks explained that this does not have to do with the equality of receiving funds but in obtaining information to be used in making a decision.

➤ **David Johnson:** Mr. Johnson asked how many jobs will be created as a result of this grant. Mr. Banks did not believe that there would be any specific jobs but it would help businesses obtain information about the counties to determine if they would want to move their business into the county.

➤ **Commissioner Cole:** Ms. Cole asked that, according to the notice in the paper, the Public Hearing was being held to receive comments from the public on the specific needs for the CDBG funds. She further stated that someone has already decided to use these funds for the NC Tomorrow Program. Mr. Banks asked Ms. Cole if she felt that this was a useless exercise. He further stated that this is a requirement to hold a Public Hearing to get the public input. Since Albemarle Commission identified and Division of Community Assistance panel has agreed to use this money for this purpose does not exclude us from the requirements to apply for these funds. If we hear of other concerns tonight, we could use those comments in future endeavors like the Scattered Site Funds, etc. Ms. Cole asked about what entrepreneur endeavors would be produced from this grant and study by Albemarle Commission. Ms. Cole asked if these funds were taking away from our CDBG funds. County Manager Darden said that he had talked with Carolyn Morris, our CDBG Administrator, and she said that this would not keep us from getting fund under our CDBG Scattered Site Funds.

➤ **Commissioner Muzzulin:** Mr. Muzzulin asked if any of these funds could be used for the STEP program. Mr. Banks did not know but he would check into it.

➤ **Jerry Butler:** Mr. Butler asked that could the public provide potential needs at the next Public Hearing. Mr. Banks said that this public hearing is for that information. The next public hearing which has not been scheduled yet will be deciding how to spend the funds. If they have any questions or comments, they can contact the Albemarle Commission.

➤ **Rick MacConnell:** Mr. MacConnell asked where they can get more information on N.C. Tomorrow. Mr. Banks said that they could Google N.C. Tomorrow. County Manager Darden said that it was a program under the N.C. Department of Commerce.

The Chairman asked if there were further questions from the Board and public. Commissioner Cole thanked Mr. Banks for following up on the Meals on Wheels Program. There being no further comments/questions, the Chairman closed the Public Hearings at 7:20 p.m.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Edward R. Muzzulin, seconded by Mack E. Nixon.

CONSENT AGENDA

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

- 1. **Approval of Minutes:** September 6, 2011 Regular Meeting & September 19, 2011 Special Called Meeting
- 2. **Approval of Tax Releases:**

PERQUIMANS COUNTY TAX RELEASES:

- **Poole Grove Baptist Church.....\$186.12**
This property should have been exempt. Account Number: 0415060.
- **DirecTv\$207.34**
Per information from the Dept. of Revenue, we revised the schedule we used on their set-top box converters. Account Number: 0356523.

TOWN OF HERTORD RELEASES:

- **DirecTv\$164.93**
Per information from the Dept. of Revenue, we revised the schedule we used on their set-top box converters. Account Number: 0356523.

3. **Board Appointments:**

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Winslow, Wade	Board Trustees for Belvidere/Chappell Hill Fire Dept.	Appointment	1 yr.	10/01/2011
Baker, Julian	Board Trustees for Belvidere/Chappell Hill Fire Dept.	Appointment	1 yr.	10/01/2011
Hobbs, Benjamin	Board Trustees for Bethel Fire Dept.	Reappointment	1 yr.	10/01/2011
Muzzulin, Edward	Board Trustees for Bethel Fire Dept.	Reappointment	1 yr.	10/01/2011
Chappell, William Wray	Board Trustees for Durant's Neck	Reappointment	1 yr.	10/01/2011
Nixon, Mack E.	Board Trustees for Durant's Neck	Reappointment	1 yr.	10/01/2011
Midgett, Dwayne	Board Trustees for Inter-County Fire Dept.	Reappointment	1 yr.	10/01/2011
Swayne, Robert	Board Trustees for Inter-County Fire Dept.	Reappointment	1 yr.	10/01/2011

4. **Budget Amendments:**

**BUDGET AMENDMENT NO. 3
COUNTY CONSTRUCTION FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
50-397-002	Transfer From E-911		145,074
50-000-741	Capital - Building Acquisition		145,074
EXPLANATION: Remaining amount of 50% Public Safety 911 Funds have to be expended within 911 Fund. It cannot be transferred to other funds.			

HERB MULLEN, ROAP FUNDS

Mr. Mullen, Inter-County Transit Authority, reported to the Board that it was time to transfer unused funds from Perquimans County to Pasquotank County. He presented the following transfers:

Transferred From	Transferred To	Amount Transferred
Perquimans County RGP Funds	Pasquotank County RGP Funds	\$ 6,071.76
Perquimans County Supp RGP Funds	Pasquotank County Supp RGP Funds	27,434.00
Perquimans County Supp EMP Funds	Pasquotank County Supp EMP Funds	4,847.00
Perquimans County Supp EDTAP	Pasquotank County Supp EDTAP	3,910.49
TOTAL FUNDS TRANSFERRED		\$42,263.25

In addition, they transferred \$3,864 from Perquimans EMPL to Perquimans EDTAP. Next year, Mr. Mullen explained that next the program will be cut \$27,000 which is about 21%. Because we are doing the regional program next year where Mr. Mullen is pulling all the funds together, we were able to apply for a grant called Federal EDTAP and Federal JARC. By doing this, we were able to get more money for the region. Commissioner Nixon asked if the reduction of the \$27,000 was because of our

history in not using the money. Mr. Mullen said that it was a Statewide reduction. Everyone was cut the same. On motion made by Mack E. Nixon, seconded by Sue Weimar, the Board unanimously approved the above transfers of ROAP Funds.

JONATHAN NIXON, BOARD OF EDUCATION

Mr. Nixon presented a Perquimans County Schools Utility Update as of October 3, 2011 to the Board for information.

HOMERIA JENNETTE, TELECOMMUNICATIONS

Ms. Jennette presented her monthly and quarterly reports.

SUSAN CHANEY, SOCIAL SERVICES DEPARTMENT

Ms. Chaney presented her monthly report along with a report from YoungWilliams on the Child Support Services. In addition, she presented a report on their services rendered during Hurricane Irene.

FRANK HEATH, TAX ADMINISTRATOR

Mr. Heath presented his monthly report and presented the following bids on the three properties the County sold on GovDeals:

PROPERTY	BID AMOUNT
Lot 73, Section P, Holiday Island	\$3,050.00
Lot 57, Section G, Snug Harbor	\$4,680.00
320 Dobbs Street, Hertford	\$2,100.00

On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the above bids and authorized Mr. Heath to proceed with the sale of these properties.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Commissioner Miller-White announced that there were job opportunities through the Workforce Development Program. There were two jobs available: Training & Employment Specialist and NWDB Youth Services Program Coordinator. She asked that people get the word out on these jobs. Also, they are hiring Hurricane Irene Clean Up Crews to assist with debris clean up. They are to contact Albemarle Commission at (252) 426-5753, Extension 261.

Chairman Hobbs asked the Commissioners if they would be interested in getting laptops/tablets to receive the Agendas instead of having the Agendas mailed out. It was the consensus of the Board to have County Manager Darden check into this and let the Board know.

UPDATES

County Manager Darden updated the Board on the following projects:

Water System Projects:

➤ **Bethel Water Treatment Plant:** County Manager Darden reported that the Pilot Project ended today and they have received about a 70% recovery which is about normal. The official lab results are still pending. Once we get the statistical report from the consultant, Bill Diehl will prepare a report for the Board.

Jail Project: Commissioner Muzzulin reported that there are 58 Federal prisoners and six ADJ employees who completed the Basic School Certification at COA. Commissioner Miller-White asked if they are planning on doing an exit interview with Captain Owens who is retiring to see if he has any concerns or recommendations to improve ADJ. Mr. Muzzulin said that he did not know but would check on it for her.

WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

County Manager Darden said that there was no new information on the Water Purchase Contract with Pasquotank County. No action taken.

CDBG FUND – ALBEMARLE COMMISSION

The Public Hearing was held earlier in the meeting. A motion was made by Edward R. Muzzulin to proceed with the application. County Manager Darden explained that all CDBG Funds go through NC Department of Commerce for housing, economic development, water/sewer lines, etc. NC Tomorrow will compete with these funds but would not jeopardize our current CDBG Scattered Site Funds. Commissioner Miller-White asked how much money they were applying for. Chairman Hobbs said that Albemarle Commission is the fiscal agent for ten counties and that is what they are applying for not just Perquimans County. Ms. Miller-White said that she would second the motion only to open it for discussion. The following questions were asked:

➤ **Commissioner Cole:** Are we voting to approve to apply for the CDBG funds for the N.C. Tomorrow Project? According to the Public Hearing notice, it was being held to obtain information from the public on the needs in the region before deciding how the funds would be spent even though they have already decided that it was going to be used for N.C. Tomorrow Project. She doesn't understand why we are voting since no needs assessment has been done.

➤ **Commissioner Miller-White:** Ms. Miller-White asked what the positive side of this is for Perquimans County. She understands that the basic reason for choosing Perquimans County as the fiscal agent was because of the location but what other benefits will we receive. Mr. Darden said that all the counties will be receiving the same information and services. We will not receive any additional service just because we are acting as their fiscal agent.

➤ **Commissioner Nixon:** Mr. Nixon said that he has a wealth of information that he has received on economic development issues. He further stated that he hates to see money being spent on something that is never used.

➤ **Commissioner Weimar:** Ms. Weimar asked what is the benefit of SAS. Mr. Nixon said that this is a company that computerizes this information for use by all the counties.

➤ **Commissioner Miller-White:** Ms. Miller-White said that she does not mind moving forward if we mention that there were some concerns that the funds could be used in other areas because this was the purpose of the public hearing.

On motion made by Janice McKenzie Cole, seconded by Sue Weimar, the Board unanimously approved to table the matter until we receive further information.

PLANNING BOARD ITEMS

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

Text Amendment – Articles VII, XI, & XXIV of Zoning Ordinance: A Public Hearing was held earlier in the meeting to consider Administrative Text Amendment No. TXT-11-07 to establish standards, conditions, procedures and definitions for Solar Energy Facilities as limited Accessory Use to Principal Residential Use with changes to Articles VII, XI and XXIV of the Zoning Ordinance. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously approved to send this back to a subcommittee on the Planning Board to study and add some parameters to the size of the solar panels.

Recombination Subdivision Request – Grady Lawrence: Donna Godfrey explained that this is a request by Grady Lawrence for a "Recombination Subdivision," where the resultant number of lots is not increased by do not meet minimum requirements of the County's zoning or subdivision regulations [subject property zoned RA, Rural Agriculture District, known as Tax Parcel No. 2-0061-0021 and portion of 2-0061-0020 and located next to 2-0061-0022 (184 Lawrence Lane)]. At their

September 20th meeting, the Planning Board recommended approval of Mr. Lawrence’s request to recombine an existing parcel with a portion of another parcel located near 184 Lawrence Lane. Mack E. Nixon made a motion to approve Grady & Betty Lawrence’s request to recombine Tax Parcel No. 2-0061-0021 with a portion of Tax Parcel No. 2-0061-0020, where the resultant number of lots is not increased but do not meet the minimum requirements of the County’s subdivision regulations and based upon exempted Abbreviated Subdivision procedures, with no review or water facility fees, conditioned upon each lot containing no less than 43,000 square feet in area and to waive the fees and adopting the following Section 206 Findings to support the motion (subject property zoned RA, Rural Agriculture District and located next to 184 Lawrence Lane, Tax Map No. 2-0061-0022):

- 1) 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.
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- 3) 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
- 4) 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.

LOTTERY FUNDS FOR HIGH SCHOOL DEBT SERVICE PAYMENT

At their September 26, 2011 meeting, the Board of Education approved this request. On motion made by Tammy Miller-White, seconded by Sue Weimar, the Board unanimously approved the following Application for Public School Capital Building Fund for the North Carolina Education Lottery Fund to be used for the High School Debt Service Payment:

APPLICATION	Approved: _____
PUBLIC SCHOOL BUILDING CAPITAL FUND	Date: _____
NORTH CAROLINA EDUCATION LOTTERY	
County: <u>PERQUIMANS</u>	Contact Person: <u>Sharon S. Ward</u>
LEA: <u>720 Perquimans County</u>	Title: <u>Finance Officer</u>
Address: <u>P.O. Box 45 Hertford, NC 27944</u>	Phone: <u>(252) 426-8484</u>
Project Title: <u>Debt Payment - Perquimans County High School</u>	
Location: <u>305 S. Edenton Road St. Hertford, NC 27944</u>	
Type of Facility: <u>high school</u>	

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-564.2 Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds. . .
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, “Public School Buildings” shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short Description of Construction Project: _____
 Lottery Funds will be used for FY 2011-12 Debt Service Payment on Perquimans High School

Estimated Costs:

Purchase of Land _____	\$ _____
Planning and Design Services _____	_____
New Construction _____	_____
Additions / Renovations _____	_____
Repair _____	_____
Debt Service / Bond Payment _____	675,400.00
TOTAL _____	\$ 675,400.00

Estimated Project Beginning Date: 12/04/06 Est. Project Completion Date: 12/18/11

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project. The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 400,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115-C-546.

<u>Arlene Yates</u>	<u>9/26/2011</u>
(Signature – Chair, County Commissioners)	(Date)
_____	_____
(Signature – Chair, Board of Education)	(Date)

MEMORANDUM OF AGREEMENT: COUNTY OF MARTIN – PLANNING & EXERCISE GRANT FUNDS

County Manager Darden explained that the Emergency Managers in the area where they can get together and talk about funding and they can actually do regional draw on State grants and decide how to use the funds. Jarvis Winslow, Emergency Management Coordinator, requested funding for a 17.5 KW Generator to power the EMS Building. They need a County to run the funds through and Martin County has agreed to do this. We have had this equipment for a while now. This Agreement basically says that we will accept this equipment and maintain it. Commissioner Muzzulin asked what will happen when EMS moves to the Albemarle Electric Building. Mr. Darden said that they will move it to another location like a distribution center. On motion made by Sue Weimar, seconded by Edward R. Muzzulin, the Board unanimously approved the following Memorandum of Agreement:

**MEMORANDUM OF AGREEMENT
 Between the
 COUNTY OF MARTIN, NORTH CAROLINA
 AND
 COUNTY OF PERQUIMANS, NORTH CAROLINA**

This Memorandum of Agreement is made this 16th day of June, 2011, by Martin County, North Carolina, and Perquimans County, North Carolina.

WITNESSETH:

WHEREAS, Martin County is the controlling agency for the Planning and Exercise Grant Funds; and

WHEREAS, pursuant to N.C.G.S. §160A-2274, Martin County desires to donate to Perquimans County certain equipment, design3ed more fully in Exhibit A attached hereto and incorporated herein by reference, purchased with funds from Martin Counties FY 2007 Planning and Equipment funds; and

WHEREAS, Perquimans County agrees to accept the equipment purchased with Planning and Equipment funds in accordance with the terms indicated below.

NOW, THEREFORE, pursuant to N.C.G.S. §160A-274, the parties hereto do mutually agree as follows:

1. Martin County received a grant for Planning and Equipment from the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management for the implementation of the State of North Carolina's goals and strategies of the State Homeland Security Strategy 2007-2009. Funds from this Planning and Equipment grant were used to purchase the equipment designated more fully in the document attached hereto and incorporated by reference as Exhibit A. The aforesaid Memorandum of Agreement between the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management and Martin County is attached hereto and incorporated by reference as Exhibit B.
2. Martin County is donating the equipment in Exhibit A to Perquimans County for its use in implementing the State of North Carolina's goals and strategies of the State Homeland Security Strategy.
3. Perquimans County is bound by the terms and conditions of the aforesaid attached Memorandum of Agreement between the North Carolina Department of Crime Control and Public Safety, Division of Emergency management and Martin County in the use of the equipment described in Exhibit A.
4. Perquimans County shall hold the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management and Martin County harmless against all claims regardless of nature arising out of Perquimans Counties use of the equipment donated under this Memorandum of Agreement.
5. This Memorandum of Agreement must be forwarded to the Division f Emergency Management and approval granted prior to its execution by Martin County and Perquimans County.
6. Perquimans County agrees to maintain a complete and accurate inventory of the equipment and associated supplies and to maintain a documented list of location(s) of the equipment that can be produced upon request by an internal or external agency of the purpose of inspection, inventory, financial, or fiscal audits. Perquimans County further warrants that said equipment will be used for the purposes authorized under the Department of Homeland Security grant.
7. It is understood that Perquimans County will retain custody of the property listed in Exhibit A and will assume complete responsibility for the equipment including security, maintenance (preventative or otherwise) insurance, and any associated expenses for supplies (disposable or reusable), not already included the original purchase, and Perquimans County agrees to maintain the listed property in proper working condition per manufacture recommendations and requirements.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Agreement in triplicate originals, the day and year indicated above.

North Carolina Department of Crime Control and Public Safety
Reviewed and Approved

Cassandra G. White
Cassandra White, General Counsel
North Carolina Department of Crime Control and Public Safety

Recommended by:

Mike Stalls
Martin County Emergency Manager

COUNTY OF MARTIN

W. Russell Overman
County Manager

Attest:

Marion B. Thompson
County Clerk

This instrument has been pre-audited
In the manner required by the Local
Government Budget and Fiscal Control
Act.

Cindy Ange
Martin County Finance Director

Approved as to Form:

J. Melvin Bowen
Martin County Attorney

Recommended by:

Perquimans County Emergency Manager

COUNTY OF PERTUIMANS

County Manager

Attest:

County Clerk

This instrument has been pre-audited
in the manner required by the Local
Government Budget and Fiscal Control
Act.

Sharon S. Ward
Perquimans County Finance Director

Approved as to Form:

William Crowe
Perquimans County Attorney

Exhibit A

Quantity	Item	Vendor
1	Generac 17.5 KW Generator	Womble Generator Service, Inc.

REQUEST FOR CLEARING AND SNAGGING FUNDING

County Manager Darden explained that Scott Alons, Perquimans County Soil & Water Conservation, has been trying to get some funding for the clearing and snagging for our rivers and streams but has been unsuccessful. Chowan County has agreed to send a letter and he is asking if the Board would consider sending a copy of this letter to our State representatives:

Re: Stream Restoration after Hurricane Irene

Dear Representative/Senator _____:

Perquimans County Commissioners respectfully request your support for obtaining funds to clear trees that fell during Hurricane Irene from streams, creeks and drainage canals in Perquimans County. The trees and woody debris deposited in waterways and drainage systems by the storm negatively impact water management, navigation, public access, stormwater movement and water quality. These negative impacts, including flooding, will be magnified by the next storm event.

We request \$ _____ to clear trees from _____ feet of waterways and drainage canals in Perquimans County. We suggest that the funding be provided through NC Division of Water Resources as they provided timely funds for stream restoration after Hurricane Irene.

We thank you for your support of this request.

Sincerely,

On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board unanimously authorized County Manager Darden to send a letter requesting assistance from our General Assembly Representatives/Senators for the clearing and snagging of our waterways. Donna Godfrey reported that there was standing water Friday night at three locations along New Hope Road that had never had been flooded before. Commissioner Nixon said the NCDOT needs to check on the culverts and open the ones that are full of debris.

RESOLUTION: DESIGNATION OF APPLICANT'S AGENT

County Manager Darden explained that the County is working with FEMA to be reimbursed for expenses incurred during Hurricane Irene. One of their requirements is to adopt a Resolution designating the County's Primary and Secondary Agents. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the following Resolution and authorized County staff to sign other documentation for this funding:

RESOLUTION DESIGNATION OF APPLICANT'S AGENT North Carolina Division of Emergency Management	
Organization Name (hereafter named Organization) Perquimans County	Disaster Number: 4019
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):	
Applicant's Fiscal Year (FY) Start Month: 07 Day: 01	
Applicant's Federal Employer's Identification Number 56 - 6000330	
Applicant's Federal Information Processing Standards (FIPS) Number - -	
PRIMARY AGENT	SECONDARY AGENT
Agent's Name Sharon S. Ward	Agent's Name Bobby C. Darden
Organization Perquimans County	Organization Perquimans County
Official Position Finance Officer	Official Position County Manager
Mailing Address P.O. Box 45	Mailing Address P.O. Box 45
City, State, Zip Hertford, NC 27944	City, State, Zip Hertford, NC 27944
Daytime Telephone (252) 426-8484	Daytime Telephone (252) 426-8484
Facsimile Number (252) 426-4034	Facsimile Number (252) 426-4034
Pager or Cellular Number none	Pager or Cellular Number (252) 312-7701
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are herby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof . BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this <u>3rd</u> day of <u>October</u> , 2011.	
GOVERNING BODY	CERTIFYING OFFICIAL
Name and Title Benjamin C. Hobbs, Chairman Perquimans County Board of Commissioners	Name Mary P. Hunnicutt
Name and Title	Official Position Clerk to the Board
Name and Title	Daytime Telephone (252) 426-8484
CERTIFICATION	
I, <u>Mary P. Hunnicutt</u> , (Name) duly appointed and <u>Clerk to the Board</u> (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of <u>Perquimans County</u> (Organization) on the <u>3rd</u> day of <u>October</u> , 2011.	
Date: <u>October 3, 2011</u>	Signature: _____

NO WAKE ZONE

County Manager Darden presented a request from the Town of Hertford to the County to support the enlargement of the no-wake zone located in the narrows of the Perquimans River in the Town of Hertford. Mr. Darden said that there is a process that they need to follow. The next step is to hold a public hearing to receive public comments on their request. On motion made by Sue Weimar, seconded by Edward R. Muzzulin, the Board voted to proceed with scheduling the public hearing by a vote of five (5) to one (1) with Commissioner Nixon voting against the motion. Mr. Darden will try to schedule the public hearing for the November meeting.

GENERATOR FOR BETHEL WATER PLANT

At their September Work Session, the Board discussed purchasing a generator for the Bethel Water Treatment Plant. On motion made by Mack E. Nixon, seconded by Sue Weimar, the Board unanimously authorized County Manager Darden to proceed with the purchase of a generator for the Bethel Water Treatment Plant.

SOLID WASTE CONVENIENCE CENTER SITE LEASES

The leases for three (3) of our Solid Waste Convenience Center Sites expired on September 30th. Mr. Darden has talked with two of the three owners regarding the change in the rate to \$1,250 per year for a 10-year lease effective October 1, 2011 with a 10-year renewal rate of \$1,562.50 per year. The two owners he has discussed this with asked Mr. Darden to give them some time to discuss it and get back with him. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved to change the rate to \$1,250 per year for a 10-year lease effective October 1, 2011 with a 10-year renewal rate of \$1,562.50 per year and to authorize the Chairman and County Staff to sign the leases as they are prepared.

E-VERIFYING MEMORANDUM OF UNDERSTANDING

Effective October 1, 2011, the County is required to E-Verify any new employees. To do so, the County needs to register with the E-Verifying System and approve the attached Memorandum of Understanding authorizing the County Manager and Clerk to access the E-Verifying system. On motion

made by Tammy Miller-White, seconded by Sue Weimar, the Board unanimously approved the E-Verifying Memorandum of Understanding as presented by County Manager Darden.

PERSONNEL MATTERS

The following personnel matters were received after the Agendas were mailed out and could not be added to the Consent Agenda:

- **Appointment – Part-Time Telecommunicator:** On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board unanimously appointed Sharon Gordon as a Part-Time Telecommunicator at Grade 60/Step 1 at \$11.18 per hour effective October 10, 2011.
- **Appointment – EMT Rescue EMT's (3):** On motion made by Mack E. Nixon, seconded by Sue Weimar, the Board unanimously appointed Jessica Lynne Arthur, Angela Faye Turpin, and Kerry Dawn Lahr as EMT's for the Rescue Squad at Grade 63/Step 1 at \$12.75 per hour effective September 1, 2011.
- **Dismissal – Deputy Sheriff:** On motion made by Mack E. Nixon, seconded by Sue Weimar, the Board unanimously approved the dismissal of Eddie Gilbert, Deputy Sheriff, effective October 2, 2011.

RESOLUTION: DOMESTIC VIOLENCE MONTH

On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board adopted the following Resolution proclaiming October as Domestic Violence Month and October 1, 2011 as Day of Unity in Perquimans County:

**RESOLUTION
DOMESTIC VIOLENCE AWARENESS MONTH &
DAY OF UNITY
2011**

WHEREAS, domestic violence is a pattern of control in an intimate relationship where one person uses coercion and violence to gain power and control over their partner; and

WHEREAS, domestic violence includes not only physical abuse, but also mental abuse, emotional abuse, financial abuse, isolation, and sexual violence; and

WHEREAS, women of all races and socioeconomic backgrounds are vulnerable to violence by an intimate partner; and

WHEREAS, annually, approximately 1.3 million women and 835,000 men are physically assaulted by an intimate partner in the United States, according to the U.S. Department of Justice; and

WHEREAS, local domestic violence programs in North Carolina responded to 120,666 crisis line calls and served 66,320 victims in FY 2010, according to the Council for Women/Domestic Violence Commission; and

WHEREAS, 107 women, men, and children were murdered in 2009 in domestic violence-related homicides, according to the North Carolina Department of Justice; and

WHEREAS, North Carolina ranked 4th in the nation for the number of per capita homicides committed by men against women in 2007, according to the Violence Policy Center; and

WHEREAS, it is estimated that anywhere between 3.3 million and 10 million children witness domestic violence annually; and

WHEREAS, approximately one in five female high school students reports being physically and/or sexually abused by a dating partner; and

WHEREAS, physical abuse during childhood increases the risk more than two-fold of future victimization among women and the risk of future perpetration of abuse by men; and

WHEREAS, 40 percent of girls ages 14 to 17 report knowing someone their age who has been hit or beaten by a boyfriend; and

WHEREAS, by working together we can break the cycle of violence and build communities that are safe for everyone; and

NOW, THEREFORE, the Perquimans County Board of Commissioners do hereby proclaim October 2011 as ***"DOMESTIC VIOLENCE AWARENESS MONTH"*** and October 1, 2011, as ***"DAY OF UNITY"*** in Perquimans County. They further urge our citizens to increase their awareness and education of this destructive force which deeply affects a large number of families in our County each year and to become part of the efforts to stop violence in families.

ADOPTED this 3rd day of October, 2011.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

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

BOARD APPOINTMENTS

The following Board appointments were received after the Agendas were mailed out and could not be added to the Consent Agenda:

- **Nursing Home Committee:** On motion made by Edward R. Muzzulin, seconded by Janice McKenzie Cole, the Board unanimously reappointed Elaine Phyllis Hester to the Nursing Home Committee for a term of 3 years.
- **Board of Adjustments:** On motion made by Janice McKenzie Cole, seconded by Mack E. Nixon, the Board unanimously reappointed Johnny Corprew as an Alternate on the Board of Adjustment for a term of 3 years effective November 1, 2011 with an adjustment to the expiration date from October 31 to September 30, 2014.

PUBLIC COMMENTS

Commissioner Weimar reported that there are several potholes at the Highway 17 South Convenience Site. Also, Ms. Godfrey said that she had provided the Board with a copy of the Agenda for their Joint Work Session on October 11th.

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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SPECIAL CALLED MEETING

October 19, 2011

5:00 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting on Wednesday, October 19, 2011 at 5:00 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex. The purpose of the meeting was to handle a personnel matter.

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

MEMBERS ABSENT: Janice McKenzie Cole, Vice-Chair

OTHERS PRESENT: Bobby C. Darden, County Manager Mary P. Hunnicutt, Clerk to the Board

Chairman Hobbs called the meeting to order and asked Commissioner Nixon to give the invocation. The Chairman then led the Pledge of Allegiance. Chairman Hobbs explained that the purpose of the meeting was to handle a personnel matter.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Mack E. Nixon, seconded by Sue Weimar.

RESIGNATION: COUNTY MANAGER

On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board, with reluctance, unanimously accepted the resignation of County Manager Bobby C. Darden effective November 11, 2011.

ADVERTISE FOR COUNTY MANAGER/APPOINTMENT OF INTERIM COUNTY MANAGER

The Board has discussed the possible appointment of Frank Heath as Interim County Manager so they did not think that we should advertise for a replacement at this time. The Board could appoint an Interim County Manager and evaluate the performance at a later date to decide whether or not we need to advertise for a County Manager. Tammy Miller-White asked about Mr. Heath's qualifications and requested that they be given a copy of his updated resume. They asked the Clerk, Mary Hunnicutt, to provide the Board with a copy of Mr. Heath's resume. Chairman Hobbs said that, for the time being, Mr. Heath said that he would be willing to continue to handle the Tax Administrator position also. Then, if Mr. Heath is appointed the County Manager after the four (4) months, the Board will need to replace him as Tax Administrator. On motion made by Mack E. Nixon, seconded by Sue Weimar, the Board unanimously appointed Frank Heath as Interim County Manager effective when County Manager Darden leaves on November 11, 2011 for a term of 120 days. Tammy Miller-White asked about the evaluation process during this 120 day period. Commissioner Nixon said that it would have to be a short-term evaluation similar to the one we did for County Manager Darden and sit down with Mr. Heath during one of their Work Sessions to discuss the situation. Commissioner Miller-White also requested that an exit interview be done with Bobby Darden so that the Board and Mr. Heath will be updated on all the outstanding projects. Commissioner Weimar asked who will be assisting Mr. Heath with the operation of the Tax Department during this time. The Board said that they would need to appoint an Interim Tax Administrator. They further mentioned that Debbie Stallings had served in that position prior to Mr. Heath's appointment. The Board said that they will hold a Special Called Meeting on Monday, October 24, 2011, at 7:00 p.m. to discuss salary when all the Board is present.

MISCELLANEOUS BUSINESS

- The Board thanked Mr. Darden for his service to the Board and the County residents. Mr. Darden also thanked the Board for their working relationship.
- Commissioner Miller-White presented a packet of information from the Northeast Workforce Development Board to be distributed to the Board at the Work Session.
- Chairman Hobbs and County Manager Darden reported that there has been no movement on the wind turbine project.

ADJOURNMENT

There being no further business to discuss, the Special Called Meeting was adjourned by the Chairman at 5:17 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

SPECIAL CALLED MEETING

October 24, 2011

7:00 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting on Monday, October 24, 2011 at 7:00 p.m. in the Meeting Room located in the Perquimans 20/20 Building located at 1072 Harvey Point Road, Hertford, North Carolina. The purpose of the meeting was to handle a personnel matter.

MEMBERS PRESENT: Benjamin Hobbs, Chairman Janice McKenzie Cole, Vice-Chair
Edward R. Muzzulin Tammy Miller-White
Sue Weimar Mack Nixon

MEMBERS ABSENT: None

OTHERS PRESENT: Bobby C. Darden, County Manager Mary P. Hunnicutt, Clerk to the Board
Frank Heath, Tax Administrator/Interim County Manager

Chairman Hobbs called the meeting to order and asked Commissioner Weimar to give the invocation. The Chairman then led the Pledge of Allegiance. Chairman Hobbs explained that the purpose of the meeting was to handle a personnel matter.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Tammy Miller-White, seconded by Edward R. Muzzulin.

DSS FOSTER CHILD REPORT

The Chairman decided to handle these items prior to holding the Closed Session. Mr. Hobbs asked Susan Chaney, Social Services Director, to update the Board on the current DSS Foster Children. Ms. Chaney reported the following:

- Currently, the County has three foster children that have been placed with an adult sister. Their ages are 13, 14, and 16. Due to some problems, they have had to place the children in the Baptist Children's Home in Ahsokie.
- The cost for all three children is \$9,032 per month (we are paying for two and getting one free). The County is reimbursed \$6,416.18 (maximization through 4-E) and \$1,047.88, totaling \$7,464.06 per month but these funds are deposited into the General Fund and not in this line item.
- She currently has sufficient funds to cover their care for October, November, and part of December.
- They have found a family that is willing to become their foster parents but they are not licensed foster care parents nor are they family. They will have to go back to the courts to appoint them as foster parents after they are licensed.
- She is requesting that the Board approved \$30,000 to help make it to the end of the year.

The following questions were asked from the Board:

- Commissioner Cole: Can she wait until December to have the Budget Amendment done? Ms. Chaney said that she could.
- Commissioner Cole: How long is the licensing process? Ms. Chaney said that the MAPP (Model Approach to Partnership in Parenting) classes are a 30 hour class typically completed in 10 weeks but that she is willing to work with these potential foster parents on a one-on-one basis. The agency will do everything to complete the process quickly.
- Commissioner Miller-White: How do we recruit foster families? Ms. Chaney said that they hold a Foster Parent Licensing Forum every year. Ms. Miller-White further asked how many foster parents are in Perquimans County. Ms. Chaney said that we currently have one foster home in the county.
- Commissioner Muzzulin: Do these Foster Families get paid for this service and, if so, how much? Ms. Chaney said that the rates are as follows: ages 0-5 \$475.00; ages 6-12 \$ 581.00; ages 13 & up \$ 634.00.

The Board thanked Ms. Chaney for the heads up on this situation and said that they would handle it in December.

EMERGENCY SERVICES BUILDING RENOVATIONS

County Manager Darden explained that the contractor's agreement has not been signed yet because they are still looking for the performance bond. The Board has requested a 100% performance bond but the contractor is unable to receive the 100% until they complete some of their current projects. Commissioner Nixon asked Mr. Darden if the contractor could obtain the 100% performance bond in two weeks. Mr. Darden said that he thought he could. The Board was in agreement with the two weeks but indicated that they could not wait any additional time. Commissioner Miller-White asked what the standard procedure was if the contractor cannot obtain the 100% performance bond. Commissioner Nixon said that we would have to work with a 75% performance bond. Then, once their project was completed, we could request the increase to 100%. No Board action is necessary at this time. Commissioner Miller-White asked who is acting as the Project Manager. Mr. Darden said that Frank Heath was. She further asked if the Inspections Office could assist him if he needed it. Mr. Darden said that they could. Commissioner Nixon asked Mr. Heath to make sure that the contractor provides him with a schedule of values before the contractor proceeds with the project. He said that this would dictate to us how he will be paid. Mr. Heath said that they have already provided that schedule.

WORKFORCE DEVELOPMENT REPORT

Commissioner Miller-White asked that County Manager Darden to place this report on the Work Session Agenda. This is for information only. No action is required. Ms. Miller-White said that this report was pretty sad for this region and it did not show a big success rate. The numbers for Perquimans County is not great. Commissioner Cole recommends that someone from the Workforce Development Board meet with the Commissioners to prepare a more clear report. There were a number of errors on this report. Ms. Miller-White said that the Consortium meets quarterly and the Workforce Development Board meets monthly. Commissioner Weimar wants to know how this works in other areas of the state. Ms. Miller-White will request a copy of the State Audit Report where they evaluate the Workforce Development Program. Chairman Hobbs will contact the Workforce Development Board Chairman to request that someone come meet with the Board to give a report.

ADMINISTRATIVE OFFICE LOCATION

County Manager Darden explained that, with several buildings having space becoming available, he feels that the Board should look into moving the County Manager's office. He further stated that he has looked at two locations: upstairs in Annex Building and the Dobbs Street Building. The Board felt that the Dobbs Street Building would be the best location. It was the consensus of the Board to proceed with looking into this move.

CONVENIENCE CENTER SITE LEASES

County Manager Darden had talked with all the owners of the three convenience sites that we lease the property. Two have agreed to the leasing rate of \$1,250 per year for a 10-year lease effective October 1, 2011 with a 10-year renewal rate of \$1,562.50 per year. The third site, North 17 Site, is owned by Mr. John Bray. He is requesting \$1,500 per year for a five (5) year lease with and year to year lease renewal after that. Action will be taken at the November 7th meeting. The Board was agreeable with his request but the Board said that we probably need to start looking into a new site. Mr. Darden will talk with Mr. Bray.

CLOSED SESSION: PERSONNEL MATTER

The Chairman explained that the Board needed to go into Closed Session to discuss a personnel matter.

On motion made by Mack E. Nixon, seconded by Sue Weimar, the Board approved the motion to go into closed session to discuss a personnel matter.

The Closed Session was adjourned and the Special Called Meeting reconvened on motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, and unanimously passed. The following action was taken after the Closed Session.

INTERIM COUNTY MANAGER APPOINTMENT & SALARY

On motion made by Janice McKenzie Cole, seconded by Sue Weimar, the Board unanimously appointed Frank Heath as Interim County Manager at a salary of Grade 83/Step 3 at \$67,186 for 120 days. After the 120 days, the Board will reevaluate the salary and make a recommendation regarding his appointment as County Manager. During these 120 days, Mr. Heath has agreed to handle the Tax Administrator's position.

ADJOURNMENT

There being no further business to discuss, the Special Called Meeting was adjourned by the Chairman at 7:55 p.m. and the Board took a tour of the Perquimans 20/20 Building with the Senior Advisory Board to review their proposals for the new Senior Center.

Benjamin C. Hobbs, Chairman

Clerk to the Board

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