

Mr. Darden explained that Mr. Creedle was present and reported that he was trying to look at the approved debris sites but he was confused as to which lot it was at the Commerce Centre. The Board discussed the fact that, with the predicted rainfall, the current site may require a lot of work to prepare it to be used for the drop off site. Mr. Creedle said that he had talked with Tildon Whitehurst of Whitehurst Sand and he had an approved site across from his business on a 65-acre lot. The County may not need all that property but could possibly discuss a lease with him for the amount of time that the County would need it for debris removal. Jarvis Winslow will need to talk with N.C. Department of Environment & Natural Resources to get approval. Mr. Creedle is going to talk with FEMA to see what the reimbursement rate is for leasing property. Then we will decide on whether or not to proceed with discussions with Mr. Whitehurst on leasing the property for debris removal. Commissioner Muzzulin asked Mr. Darden about Exhibit A that was mentioned in the above document under 1.C. Mr. Darden said that this was just listing roads. On motion made by Edward R. Muzzulin, seconded by Mack E. Nixon, the Board unanimously approved the Memorandum of Agreement with NCDOT pending Mr. Darden's checking with Gretchen Byrum, NCDOT, about the Exhibit A and the written notice from NCDOT before we can proceed to pick up debris.

ADJOURNMENT

The Emergency Called Meeting was adjourned by the Chairman at 1:25 p.m. so that the Clerk could send the Memorandum of Agreement with NCDOT to Ms. Byrum by 1:30 p.m. The Board continued to receive an update from Jarvis Winslow on Hurricane Irene.

Benjamin C. Hobbs, Chairman

Clerk to the Board

REGULAR MEETING
September 6, 2011
6:45 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Tuesday, September 6, 2011, at 6:45 p.m. in the Commissioners' Room located in the Perquimans County Courthouse Annex.

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|------------------|------------------------------------|-------------------------------|
| 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 | Hackney High, County Attorney |
| | Mary Hunnicutt, Clerk to the Board | |

After the Chairman called the meeting to order, Mr. Hobbs gave the invocation and then led the Pledge of Allegiance. Chairman Hobbs proceeded with the Public Hearing.

PUBLIC HEARING

Conditional Use Permit – Shelley D. Layden

Chairman Hobbs opened the Public Hearing stating that the purpose of the public hearing was to receive comments concerning request from Shelley D. Layden for a Conditional Use Permit to locate a Solar Energy System (Ground-Mounted, Large Scale) on the northwest side of Ocean Highway South (US Highway 17) between Long Lane and 105 Davis Lane, across from Hopewell Road (SR 1343). Subject property zoned RA, Rural Agricultural District (known as a portion of Tax Parcel Nos. 3-0068-00020G). There were five (5) people present. The Chairman recognized Donna Godfrey, County Planner, who explained the Conditional Use Permit to the Board. Ms. Godfrey explained that Ms. Layden had made several adjustments to her plans as a result of the Technical Review Committee comments and concerns. Ms. Godfrey referenced the plats that she had placed on the wall. One of the major concerns was the width of the access road and the difference in the size referenced on the plats and in the Conditional Use Permit application. Ms. Layden was at the meeting and tried to further clarify this difference. The following comments/questions were made by the Board:

- **Commissioner Weimar:** Ms. Weimar asked about the fire coverage? The Technical Review Committee (TRC) recommended that there be sufficient space available for the emergency equipment to go to the property.
- **Shelley Layden:** Ms. Layden stated that they are looking at two difference types of roads. Davis Lane at Cross County Homes will be 24' whereas the inner roads will be 16'.
- **Praether Cooper:** Mr. Cooper, partner with Ms. Layden, explained that the road will be a 16' road with 4' shoulders making a total of 24'.
- **Shelley Layden:** Ms. Layden said that Davis Lane will always be 24'.

The Chairman asked if there were further questions from the Board and if there were any comments/questions from the public. There being none, the Chairman closed the Public Hearing at 7:20 p.m.

AGENDA

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

CONSENT AGENDA

Commissioner Cole asked that the Minutes be removed for discussion. On motion made by Edward R. Muzzulin, seconded Tammy Miller-White, the Board unanimously approved the Consent Agenda, less the Minutes listed:

2. **Approval of Tax Releases:**

PERQUIMANS COUNTY TAX RELEASES:

- **Madre, Gene**..... **\$169.40**
Sold double wide to Douglas Chappell in July, 2010. Double wide is now taxed on account number 428165. Account Number: 0224240.
- **Novak, Kimberly Marcin**..... **\$133.81**
Active duty military. Account Number: 8081670.
- **Five C's, Inc.**..... **\$661.76**
Double-wide is double-listed; also listed on parcel #4-D036-012-OA.

PERQUIMANS COUNTY TAX REFUNDS:

- **Five C's, Inc.**..... \$631.37 (2009) \$631.68 (2010)
 Double-wide is double-listed; also listed on parcel #4-D036-012-OA. Account Number: 355942.

3. Personnel Matters

Employee Name	Employee Job Title	Action Required	Grade/Step	New Salary	Effective Date
James Grosjean	Part-time EMT-I – Rescue	Certification	66/1	\$14.56/hr.	8/1/11
Zachery Crowe	Part-time EMT – Rescue	Appointment	63/1	\$12.75/hr.	8/1/11
Jesse Dunlap	Part-time EMT – Rescue	Appointment	63/1	\$12.75/hr.	8/1/11
Lauren Williams	Part-time EMT – Rescue	Appointment	63/1	\$12.75/hr.	8/1/11

4. Board Appointments:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Penfound, Imogene *	Adult Care Home Advisory Committee	Resignation		10/1/2011
Sharpe, Hattie	Adult Care Home Advisory Committee	Reappointment	3 yrs.	10/1/2011
Boyce, H. Gene	Nursing Home Advisory Committee	Reappointment	3 yrs.	10/1/2011
Davenport, Mettha	Nursing Home Advisory Committee	Reappointment	3 yrs.	10/1/2011
Gesler, Al	Board of Adjustments	Reappointment	3 yrs.	10/1/2011
Knight, Marshall	Board of Adjustments	Reappointment	3 yrs.	10/1/2011
Lassiter, Brenda	Planning Board	Reappointment	3 yrs.	10/1/2011
Eure, Sadie	Jury Commission - County Appointee	Reappointment	2 yrs.	10/1/2011

* Ms. Penfound resigned and Ms. Sheard said that she had enough on that Committee that she did not need to appoint anyone to replace her at this time.

5. Resolutions: The following Resolutions were presented for approval:

**RESOLUTION
LITTER SWEEP FALL 2011
IN PERQUIMANS COUNTY**

WHEREAS, the North Carolina Department of Transportation organizes an annual fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the fall 2011 LITTER SWEEP roadside cleanup will take place September 17 through October 1, 2011, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during LITTER SWEEP and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the fall 2011 LITTER SWEEP will celebrate the 23rd anniversary of the North Carolina Adopt-A-Highway program and its 5,815 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners do hereby proclaim September 17 through October 1, 2011, as **“FALL LITTER SWEEP”** time in Perquimans County and encourage its citizens to take an active role in making our community cleaner.

ADOPTED the 6th day of September, 2011.

(SEAL)

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTESTED:

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

PROCLAMATION

Whereas, the County of Perquimans and its residents remember those whose lives were cut short by senseless acts of terrorism in New York, Washington D.C. and Pennsylvania, on September 11, 2001; and

Whereas, we are forever grateful to the rescue, law enforcement, military and emergency personnel who selflessly risked their lives in response to the attacks to reach those in need, and those who endured the physical and emotional strain of the recovery operation; and

Whereas, on the tenth anniversary of that tragic day, we pause to remember the horrific events of September 11, 2001, by paying tribute to the innocent victims and expressing gratitude to those who courageously responded in its aftermath; and

Whereas, our nation’s first responders are the local firefighters, paramedics, Law Enforcement officers and search and rescue workers, who are the first ones into an emergency and the last ones out; and

Whereas, these brave men and women work under the most extreme conditions to protect our communities and risk their own lives to save others, and

Whereas, ten years after that infamous day, our appreciation for first responders in Perquimans County and throughout the nation, has only deepened as we realize how fortunate we are to have these genuine heroes walking in our midst; and

Whereas, for the physically and emotionally demanding jobs they tirelessly perform each day so that we can continue to live our lives, first responders are deserving of our unending gratitude and profound respect; **Now, Therefore,**

BE IT PROCLAIMED by the County Commissioners of Perquimans County:

That the Perquimans County Commissioners recognizes the service and sacrifice of our emergency services personnel and proclaims the day of September 11, 2011, as a day to “Honor Our Heroes”

Adopted this 6th day of September, 2011.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

Attested by:

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

AUGUST MINUTES

Chairman Hobbs and Commissioners Cole made the following changes to the August Minutes:

- **Commissioner Cole** made the following correction on Page 2522 which are indicated in **red** on the August 1, 2011 Minutes. *The Chairman polled the Commissioners asking if they had any objections to filing the Amicus Brief. Commissioner Cole said that she was taking no position. There being no other comments from the Board, the Chairman asked for a motion.*
- **Chairman Hobbs** added the following paragraph Page 2493 of August 1, 2011 Minutes: *On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the proposed copier lease agreement making sure that all security information is removed prior to the machine being returned.*

On motion made by Mack E. Nixon, seconded by Janice McKenzie Cole, the Board unanimously approved the August Minutes as **corrected**.

BERT BANKS, ALBEMARLE COMMISSION

Mr. Banks Howard presented the 2009-2010 Annual Report of Albemarle Commission. Commissioner Cole asked that, since we have lost two routes of the Meals-On-Wheels program, is there any efforts being made to get them back. Mr. Banks said that he would check into it and let her know.

FRANK HEATH, TAX ADMINISTRATOR

Mr. Heath presented his monthly report and informed the Board that the tax bills have been mailed. Commissioner Miller-White asked if Mr. Heath would elaborate on active duty exemption. Mr. Heath said that, if an individual presents proof that he/she is on full-time active military duty, they will receive this exemption. Chairman Hobbs asked about demand letters being sent to all the individuals on his Foreclosure List. Mr. Heath said that these letters are sent to the taxpayer via certified mail/return receipt requested stating that if arrangements are not made to clear up this tax debt, foreclosure proceedings will be filed on the property. If the taxpayer does not respond and the green card is not signed and returned, then he would have to file ads in the local newspaper, file judgments, and proceed with foreclosure. Mr. Heath explained that the bid process for the following three parcels will begin on Friday with GovDeals: Lot 73, Section P of Holiday Island; Lot 57, Section G of Snug Harbor; and 320 Dobbs Street, Hertford, NC.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Chairman Hobbs thanked Jarvis Winslow, Emergency Management Coordinator, and staff involved in preparing for Hurricane Irene. He did an outstanding job. He further thanked County Manager Darden for his diligence during this emergency situation. Commissioner Miller-White said that the County needed to work on the agreement with the hospitals to assist with individuals who have medical special needs. Mr. Darden said that we learned a lot during this emergency and Mr. Winslow is already working on some of these matters. Commissioner Weimar & Muzzulin said that we need to use social networking to get the word out to the residents that may have left the area.

Commissioner Muzzulin reminded the Board and public that the Indian Summer Festival will be held this weekend. Also, he has received information on the following programs that the County really needs to get the word out to the residents: Economic Improvement Council's Free Winterization of Homes (registration September 9th) and Single Family Rehab Program. Mr. Darden will check into this.

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 was extended but that they have lost time during the hurricane. They are running it on two different wells.

Jail Project: Commissioner Muzzulin reported that we will be receiving a refund of \$14,636.36 due to Pasquotank County underpaying. During Hurricane Irene, there was minimum damage to the jail. Commissioner Weimar asked if any prisoners were transferred out during the storm. Mr. Muzzulin said that he did not know of any.

Hurricane Irene: County Manager Darden updated the Board on the following items:

- Perquimans County has been added to the Federal Disaster Recovery Group
- FEMA will be visiting the residents/businesses reporting damages (about 80 people)
- FEMA phone number & Website address is on the County's website
- Currently, the estimated damages is \$108,000
- With regard to County damages, FEMA would cover our deductibles and hopefully replacing the trail that was washed out
- Because we are included in the Federal Disaster Recovery Group, debris removal will be allowed but Mr. Darden did not think that we would have to use it since a good number of the residents have taken their debris to the convenience sites.
- Emergency Food Stamps – we have not received official word that we are participating but it will be a five-day program.
- There were 65 people in the County's Shelter located at the Perquimans County Middle School.
- The Reverse 911 System worked well. We just need to get the word out to register your cell phone if you do not have a land line at home.

WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

County Attorney High reported that Pasquotank County Attorney, Mike Cox, had not looked further into the Commissioners' comments and concerns. They are meeting tomorrow and he hopes that they will look at them then.

BOARD APPOINTMENT: RECREATION ADVISORY BOARD

On the recommendation of Howard Williams, Recreation Director, Tammy Miller-White made a motion to appoint Rodney Lassiter of Belvidere to replace Ricky Stallings of Belvidere on the Recreation Advisory Board for a three-year term effective July 1, 2011. The motion was seconded by Mack E. Nixon and unanimously approved by the Board.

PLANNING BOARD ITEMS

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

Conditional Use Permit – Shelley D. Layden for Solar Energy System: A Public Hearing was held earlier in the meeting to consider a request from Shelley D. Layden for a Conditional Use Permit to locate a Solar Energy System (Ground-Mounted, Large Scale) on the northwest side of Ocean Highway South (US Highway 17) between Long Lane and 105 Davis Lane, across from Hopewell Road (SR 1343). Subject property zoned RA, Rural Agricultural District (known as a portion of Tax Parcel Nos. 3-0068-00020G). The Planning Board approved CUP-11-02 at their meeting on August 9, 2011. Sue Weimar made a motion to approve Shelley Layden's proposed Conditional Use Permit No. CUP-11-02 to locate a Solar Energy System (Ground-mounted, Large Scale), on the northwest side of Ocean Highway South (US Highway 17) between Long Lane and 105 Davis Lane, across from Hopewell Road (SR 1343) and known as a portion of Tax Parcel Nos. 3-0068-00020-G, subject to the conditions listed in said Conditional Use Permit, Project Narrative and Conceptual Site Plan and with the revision of

Conditions 6 and 13 to add “with 4 feet shoulders on each side” after 16 feet, adopting the following Section 903 Findings to support the motion:

- 1) That the CUP 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 Tammy Miller-White and the following Conditional Use Permit No. CUP-1102 was unanimously approved by the Board:

CONDITIONAL USE PERMIT No. CUP-11-02

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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:

Authorized Applicant: Shelley D. Layden, Solar Green Development, LLC
105 Davis Lane
Edenton, NC 27932

Property Location/Address: 113.82 Acre Tract located on northwest side of Ocean Highway South (US Highway 17) between Long Lane and 105 Davis Lane, across from Hopewell Road (SR 1343).

Tax Parcel No: 3-0068-00020G

Zoning District: RA, Rural Agriculture

Proposed Use of Property: To construct and operate a Large Scale Solar Power Generating Facility on property located in Perquimans County, as described herein and depicted on the attached Site Plans. The purpose of the facility will be to generate power which will be sold directly to the Power Company servicing the facility. The large scale photovoltaic (PV) Farm will consist of Multiple Installation. Total power production capacity of the facility is estimated to be 20 MW’s upon final completion. Each Phase will be constructed outside of the 500’ Highway Corridor Setback. All components and equipment will be within the parameters of the enclosure surrounding the facility. There will be utility easements (for underground or overhead transmission lines and related equipment) and an access road leading from Ocean Highway South (Highway 17) and across that portion of the subject property zoned CH, Highway Commercial District to that portion of the property zoned RA, Rural Agriculture District, as noted on the Site Plan (final interconnections and locations to be determined upon final permitting). The property will be buffered with at least a 7’ Block masonry wall or security fence plus screening, continuously around the parameter of the property, as defined in Zoning Ordinance. The mounting structures will not exceed the maximum height of 15’ as outlined in Zoning Ordinance. The property will have security cameras and lighting throughout the property; metal gates will be used for entrances into the Solar Farm locations and will be kept locked and secured at all times when authorized personnel are not occupying the property. The entrance to the Solar Farm will be off of Highway 17 at Davis Lane through the Highway Commercial Zone beside Cross Country Homes and along the path continuing through the farm path extending to property at Solar Farm location. This entrance off of US Highway 17 meets all egress requirements for NCDOT. Facility will meet all setbacks and buffers in the Ordinance for the Large Scale Solar Farm and will meet all Local, State and Environmental requirements.

Meeting & Hearing Dates: Planning Board on August 9, 2011 and Board of Commissioners on September 6, 2011.

CONDITIONAL USE PERMIT No. CUP-11-02

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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 “Solar Farm (Large scale, ground-mounted Solar Power Energy System)” and subject to the following conditions:

- (1) The Applicant shall conduct operations 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 & Zoning Office and recorded with the 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 layout of the Solar Farm as shown on the Site Plans will require adjustments in the exact location of the panels within that portion of the subject property zoned RA, Rural Agricultural District, pending the outcome of final survey, wetlands delineation, storm water permits and Army Corp of Engineers requirements. Minimum setbacks and buffering must comply with Section 907.28 of the Perquimans County Zoning Ordinance. In addition, adjustments may be needed in the final locations of access roads and transmission lines within the overall subject property.
- (2) The approved Site Plan includes 20 MW’s of Solar Panels throughout that portion of the subject property zoned RA, Rural Agriculture. Pursuant to Conditional Use Permit Screening requirements and the Applicant’s Proposed Use of Property, the facility will generate power which will be sold directly to the Power Company servicing the facility. The Solar Farm will consist of multiple installations. Total power production estimated to be 20 MW’s upon completion. Each phase will be outside of the 500’ Highway Corridor setback and meet all required buffering and setbacks along property lines. The buffering will consist of a 7’ Block masonry wall or security fence plus screening and will be continuous around the parameter of the property. Mounting structures and solar panels will not exceed the maximum height of 15’. The property will have security, lighting and security cameras throughout the facility. Metal gates will be used for entrances into the Solar Farm locations and will be kept locked and secured at all times when authorized personnel are not occupying the property. Facility will meet all Local, State and Environmental requirements.
- (3) The Applicant must obtain necessary permits or approvals from the Albemarle Regional Health Services (ARHS) for the sewage disposal system that will serve the O & M (Operations and Maintenance) Building. Applicant shall be responsible for making any needed improvements or upgrades to this system and to maintain the system to the satisfaction of the ARHS.
- (4) Within 12 months of completion of construction, the Applicant shall provide certified “as built” drawings to the County showing the locations of the solar panel farm location, roads, transmission lines, equipment, components, and all related improvements.

CONDITIONAL USE PERMIT No. CUP-11-02

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- (5) For a period of up to 12 months after the Applicant submits the certified “as built” drawings, County staff may confirm compliance with the specific specifications determined to be within compliance according to Section 907.28 (B;1-8) of the Perquimans County Zoning Ordinance.
- (6) The main entrance and exit of the facility will be directly off of Ocean Highway South (Highway 17) via private road, Davis Lane. The access roads within the facility area will be a minimum width of 16 feet with 4-foot shoulders on both sides. The roads must be maintained to allow access for emergency management vehicles.
- (7) Any impervious surfaces 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.
- (8) With no exception, all Solar Panels and related equipment must comply with the minimum setbacks required by Section 907.28 of the Perquimans County Zoning Ordinance.
- (9) Conditional Use Permit is approved and recorded with the conceptual Site Plans, in accordance with this Conditional Use Permit and the Perquimans County Zoning Ordinance.
- (10) Collector substations, interconnecting switching stations, transmission voltage step-up stations and any other substations located within the project area shall be secured with fencing at least 7 feet in height.
- (11) Prior to issuance of a Zoning Permit, Section 907.28 of the Zoning Ordinance requires more detailed Site Plans to address Site Considerations (including height, setback, lighting and screening); and Operational Considerations (to include security measures).
- (12) Application Requirements: The Applicant’s approved Site Plans are conceptual and minor adjustments may be made pending permits and approvals by other entities. Prior to commencing construction, prepare and submit Site Plans which demonstrate compliance with

minimum design standards of the County, State and other agencies as applicable, including but not limited to Site Considerations, Operation Considerations and Application Requirements.

- (13) The access road will be constructed of gravel and/or grass to a minimum width of 16 feet with 4-foot shoulders on both sides. The roads must be maintained by the Applicant to allow access for emergency vehicles.
- (14) The Applicant shall obtain all required permits from other governmental agencies (local, state, and federal) prior to commencing construction or as otherwise required by the applicable laws and regulations. Building permits shall be obtained from Perquimans County for all components of the project which are required by the North Carolina Building Code.
- (15) Prior to construction of any building, the Applicant must provide a detailed Site Plan of the Maintenance Building and access road leading to it, pursuant to Section 509 of the Perquimans County Zoning Ordinance. Where applicable the Applicant must comply with Article XIX Parking and Loading of the Perquimans County Zoning Ordinance and handicapped parking spaces shall be marked in accordance with State law.
- (16) A separate Sign Permit must be obtained from the Planning & Zoning Office and the Building Inspections Department for any sign not exempted by the Perquimans County Zoning Ordinance, Article XX.

CONDITIONAL USE PERMIT No. CUP-11-02
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- (17) During construction of the project, the Applicant shall provide the County with annual reports outlining progress to date along with circumstances that may result in delays. If the Conditional Use Permit is not recorded within 12 months from the date of BCC approval, the BCC may revoke the Conditional Use Permit.
- (18) Cultural Resources: The Applicant shall submit a copy of any inventory, study, plan, etc., required or prepared by State or Federal regulations or agencies which documents historical or archaeological resources found within the project boundaries.

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.

By _____
Bobby C. Darden, County Manager Date
Perquimans County

Attest:

(Seal)

I, _____, authorized Applicant, of the above identified property, do/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.

Authorized Applicant

The State of _____
_____ 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 _____, 20____.

Notary Public

My Commission expires:

(Not valid until fully executed and recorded)

Sheldon & Melissa Stokely Request: Donna Godfrey explained that Sheldon & Melissa Stokely are requesting to subdivide their 2.76-acre parcel located at the base of Ainsley Road. They want to permit the platting of two (2) 100-foot wide lots which, under ordinary circumstances, would not meet the minimum requirements of the zoning and subdivision regulations. However, the newly adopted Flag Lot regulations will allow the platting of the two proposed lots as a permitted exception to standard lot requirements under the Abbreviated Subdivision process for which the parcel is eligible based upon its creation date prior to October 2, 1978. In turn, the hypothetical use of this step could serve as the basis for a Recombination Subdivision. At their meeting on August 9th, the Planning Board discussed the situation as a potential Subdivision Variance and with no object from the Planning staff, took action at that time to consider section 206 Findings and unanimously recommended approval of the two lots as proposed by Mr. & Mrs. Stokely. Following the Planning Board meeting, the Planning staff recognized that the potential use of the Flag Lot and Recombination Subdivision regulations may be a preferred procedure since it would eliminate the subsequent need for a Zoning Ordinance-based Variance, which would require consideration by the Board of Adjustment. Planning staff is of the opinion that the Planning Board would support this "Flag Lot - Recombination Subdivision approach" based upon their strong support of the situation in general. The Board is requested to permit the Applicants to "skip over" the Flag Lot step and permit the land owners to process the Recombination Subdivision as an Abbreviated Subdivision Plat, together with the associated Review Fee of \$50 and Water Facility Fee of \$500. Commissioner Nixon asked if the Planning Board was knowledgeable of the Flag Lot process. Ms. Godfrey said that she felt that they were. Commissioner Miller-White asked Ms. Godfrey if these three items of concern were addressed in the proposed motion: (1) 100-foot wide lots; (2) lots being less than one-acre; and (3) language of Recombination Subdivision regulations included. Ms. Godfrey said that they were. Tammy Miller-White made a motion to approve Sheldon & Melissa Stokely's request to subdivide their 2.76-acre parcel located at 105 Ainsley Road into two (2) 100-foot wide lots, pursuant to their conceptual "rough sketch" and based upon Abbreviated Subdivision procedures and hypothetical compliance with Flag Lot regulations in conjunction with Recombination Subdivision regulations, conditioned upon each lot containing no less than 43,000 square feet in area and NCDOT's acceptance of platted and dedicated right-of-way as currently used by school buses and other vehicles, and adopting the following Section 206 Findings to support the motion:

- 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 Mack E. Nixon and unanimously approved by the Board.

INCREASE IN SHERIFF'S OFFICE SERVICE FEES

Effective August 1, 2011, the in-state service fees were increased from \$15 to \$30. Sheriff Tilley is requesting that the out-of-state service fees be increased from \$50 to \$100. On motion made by

Tammy Miller-White, seconded by Janice McKenzie Cole, the Board unanimously approved the increase of out-of-state service fees to \$100.

SINGLE-FAMILY REHABILITATION PROGRAM DOCUMENTS

County Manager Darden explained that the County has received notification that they were awarded the NC Single Family Rehabilitation (SFR) Grant. The following documentation will need Board action in order for the County to receive the funding:

Agreement with The Wooten Company: The first document is the Agreement with The Wooten Company to administer the SFR Grant Program. The cost would be \$9,760 per house and we received funding for three (3) houses making a total of \$29,280. There is a provision that, should the County receive additional funding for another house, the cost would increase an additional \$9,760 per house. Frank Heath explained that Brandon Nolan of The Wooten Company has already contacted the Tax Department to request homes that might qualify for this program. Mr. Heath has provided him with several potential homes. There being no further comments, Edward R. Muzzulin made a motion, which was seconded by Tammy Miller-White, to approve the Agreement for Professional Services with L.E. Wooten & Company d/b/a The Wooten Company as presented by County Manager Darden.

Assistance Policy: On motion made by Sue Weimar, seconded by Tammy Miller-White, the Board unanimously approved the following Assistance Policy:

**Perquimans County Assistance Policy
For the 2011 Cycle of the
Single-Family Rehabilitation Program**

What is the Single-Family Rehabilitation Program?

Perquimans County has been granted Membership by the North Carolina Housing Finance Agency (“NCHFA”) under the 2011 cycle of the Single-Family Rehabilitation Program (“SFR11”). This program provides Members with funds via a “loan pool” to assist with the rehabilitation of moderately deteriorated homes that are owned and occupied by lower-income households.

As an SFR11 Member, Perquimans County has been allocated an initial set-aside of \$160,000 which it plans to apply toward the rehabilitation of about three (3) houses within Perquimans County. After the demonstrated successful use of the initial set-aside, the County may access additional funds, depending on availability, on a unit-by-unit basis from the SFR11 loan pool.

This Assistance Policy describes who is eligible for assistance under the SFR11 program, how applications for assistance will be rated and ranked, what the terms of assistance are, and how the rehabilitation process will be managed. Perquimans County has designed the SFR11 project to be fair, open and consistent with its approved application for funding and with the NCHFA SFR11 Program Guidelines.

The funds provided by NCHFA come from the US Department of Housing and Urban Development’s (HUD) Federal HOME Investment Partnerships Program. The form of assistance for construction-related costs (hard costs) will be provided as no interest, no payment loans which are forgiven at the rate of \$3,000 per year. Non-construction-related costs (soft costs) will be provided in the form of a grant.

Who is Eligible to Apply?

There are three major requirements to be eligible for SFR11 assistance:

- 1) The housing unit to be rehabilitated with SFR funds must be located in Perquimans County, and must be owner-occupied. The household occupying the unit must have an elderly or disabled (see definitions below for elderly, disabled) fulltime household member;
- 2) The gross annual household income must not exceed 80% of the statewide median income (see income limit table on the following page) and;
- 3) The cost of rehabilitation including all mandatory, energy-related measures cannot exceed the SFR11 Program Guideline limit of \$45,000. Unfortunately, not all homes can be brought up to the Program required Rehabilitation Standards with the limited funding available. Some otherwise-eligible households may be deemed ineligible for assistance because their homes fail this test.

What Types Of Houses Are Eligible?

Properties are eligible only if they meet all of the following requirements:

- The property must require at least \$5,000 of improvements in order to meet SFR Rehabilitation Standards.
- The property must be free of environmental hazards and other nuisances as defined by all applicable codes or regulations, or any such hazards or nuisances must be corrected as part of the rehabilitation of the unit. Perquimans County’s Rehabilitation Specialist will determine whether there are environmental hazards/nuisances present on the site and if they can be removed through rehabilitation.
- Properties cannot be located in the right-of-way of any impending or planned public improvements. Perquimans County staff will assist in making this determination.
- The property cannot be located on a site that is endangered by mudslides, landslides or other natural or environmental hazards. If needed, the Rehabilitation Specialist will work with the homeowner to make this determination.
- On site stick built and off frame modular units will be eligible for consideration. Manufactured housing is not eligible for assistance.
- The property may be located in the 100 year flood plain if the lowest finished floor level is above the base flood elevation and the structure is in compliance with Perquimans County’s flood plain ordinance. The lowest finished floor level must be verified with an elevation certificate provided by the Homeowner and the property must be covered by flood insurance. All things considered equal, properties located outside the 100-year flood plain will be given priority over properties located in the 100-year flood plain. (*Perquimans County will verify whether the home is in the flood plain.*)
- The property cannot have been repaired or rehabilitated with public funding of \$5,000 or more within the past 10 years without prior written consent of the Agency.

2011 Income Limits for North Carolina

Single-Family Rehabilitation Program (SFR11)

Number in Household	30% of Median*	50% of Median*	80% of Median*
1	11,950	19,950	31,900
2	13,700	22,800	36,500
3	15,400	25,650	41,050
4	17,100	28,500	45,600
5	18,450	30,800	49,250
6	19,850	33,050	52,900
7	21,200	35,350	56,550
8	22,550	37,600	60,200

*2011 HUD median household income for North Carolina is \$57,000 (effective date June 28, 2011)

Source: <http://www.huduser.org/portal/datasets/il.html>

How are applications ranked?

There are many more SFR-eligible households (with eligible houses) than can be assisted with the available funds. Therefore, Perquimans County has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system applicants will receive points for falling into certain categories. Applications will be ranked according to which receive the most points. If there are more eligible applicants with eligible houses than can be treated with existing funding, Perquimans County may be able to treat additional houses with unrestricted pool funds. Pool applicants will come from the original applicant list and be considered according to which received the most points. If alternate pool applicants are not identified on the original applicant list and must be solicited, the solicited, eligible, pool applicants will be selected on a first come first served basis.

Priority Ranking System for Perquimans’ County

2011 Single-Family Rehabilitation Program

Special Needs (for definitions, see below)	Points
Elderly Head of Household (<i>62 or older</i>)	4
Disabled Head of Household	4
Disabled or Elderly Household Member (<i>not Head of Household</i>)	2
Income (See Income Table above)	Points
Less than 30% of County Median Income	2
30% to 50% of County Median Income	3
50% to 80% of County Median Income	4
Housing Condition (as rated by the tax department)	Points
C+ or above	5
D+ or above	3
D	1
D- and below	0

Year Built (as listed by the tax department)	Points
Built after 1977	5
Built in 1970-1977	3
Built before 1970	0

Definitions under SFR11 are:

- *Elderly*: An individual aged 62 or older.
- *Disabled*: A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.
- *Head of Household*: The person or persons who own(s) the house.
- *Household Member*: Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a "household member" (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of household who has resided in the dwelling unit for at least 3 months prior to the submission of the family's application).

Recipients of assistance under the SFR program will be chosen by the above criteria without regard to race, creed, sex, color or national origin.

What Are The Terms of Assistance Under SFR11?

The North Carolina Housing Finance Agency will provide assistance to those households selected for the project with a 0% interest, forgivable loan covering the hard costs associated with the rehabilitation of the home, as long as the owner resides in the home. The term of the loan is dependent upon the loan amount and the number of years it takes to bring the balance of the loan to \$0, when forgiven at \$3,000 per year. For example if the amount of the loan is \$31,452, then the term is 11 years (\$30,000 forgiven over the first 10 years and \$1,452 forgiven at the end of the 11th year).

The form of SFR assistance is a loan for the hard costs and a grant for the soft costs. These will be two separate documents or sets of documents; Promissory Note and Deed of Trust for the loan portion, covering hard costs only and a Grant Agreement for the grant portion, covering the soft costs.

As long as the borrower lives in the home, no payments on the loan will be required. If the recipient prefers, the loan can be paid off at any time, either in installments or as a lump sum payment. Furthermore, under certain circumstances NCHFA may allow assumption or refinancing of the loan. Should an heir inherit the property and choose to live in the house as their permanent residence, they may assume the loan without being income eligible. However, the lien remains on the property. A buyer who may wish to buy the property to live in may assume the loan so long as they can document that they are income-eligible (\leq 80% AMI). Default can occur if the property is sold or transferred to another person and/or if the borrower fails to use the home as a principal residence, without prior written approval of the North Carolina Housing Finance Agency.

What Kinds Of Work Will Be Done?

Each house selected for assistance must be rehabilitated to meet all SFR Rehabilitation Standards. That means every house must, upon completion of the rehabilitation:

- meet the US Department of Housing and Urban Development ("HUD") Section 8 Housing Quality Standards including applicable Lead-Based Paint regulations 24 CFR part 35, and Perquimans County's Minimum Housing Code. (These are so-called "habitability standards" which set minimum standards for decent, safe and sanitary living conditions.)
- meet or exceed NCHFA Energy-Efficiency Standards. (These are standards designed to save energy and save you money on your monthly utility bills. They also result in healthier and more comfortable homes.)
- retain no "imminent threats" to the health and safety of the home's occupants or to the home's "structural integrity". (An example of an imminent threat to occupants as well as to the home's structural integrity is a crawlspace that is too damp. In time the dampness may provide an invitation for the growth of mold and mildew as well as promote damage to the framing from termites and fungi).

These requirements are spelled out in full in the SFR11 Administrator's Manual which you may view on line at www.nchfa.com or may be viewed at reasonable times, upon request, at the Perquimans County Manager's Office, 128 N. Church Street, Hertford, NC.

In addition to the above items that must be done to satisfy NCHFA requirements, the scope of work may also include certain items meant to enhance or protect neighborhood and unit property values and/or home modifications designed to enable frail or disabled household members to function more independently.

It is anticipated that each home rehabilitated with SFR11 funds will, with reasonable maintenance, be capable of lasting another 30 or 40 years.

Of course, contractors performing work funded under SFR11 are responsible for meeting all local requirements for permits and inspections. All work done under the program must be performed to NC State Residential Building Code standards. (This does not mean, however, that the whole house must be brought up to Building Code Standards.)

What About Lead-based Paint?

Until it was discovered to be a health hazard, lead was used for centuries to make house paints. Now we know that lead exposure is a serious problem for everyone and especially small children. Selling lead paint was outlawed in 1978, but many older buildings still contain lead paint and children are still being poisoned.

Under SFR11, a lead hazard evaluation must be performed on every home selected for rehabilitation that was built before 1978. The specific type of evaluation and the appropriate lead hazard reduction work performed will depend on the total amount of Federal funds used to rehabilitate the home, as per 24 CFR part 35. If required, lead-based paint hazard reduction and/or abatement will be performed by contractors who are trained and certified to perform such work.

It may be necessary for the household to relocate during the construction process for protection against lead poisoning. If relocation is required, it shall be the responsibility of the homeowner to pay for the relocation.

Who Will Do The Work On The Homes?

Perquimans County is obligated under SFR11 to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet these requirements, Perquimans County will invite bids only from licensed general contractors who are part of an "approved contractors' registry".

- To be on the registry, contractors must (1) fill out an application form, listing several references and recent jobs completed, and (2) receive the "conditional approval" of Perquimans County. Once a contractor has been conditionally approved and successfully completed one job, his or her status is upgraded to "regular approval", meaning that they will be allowed to bid on a regular rotation as long as they remain in good standing. (Homeowners who know of quality rehabilitation contractors that are not on the approved contractors' registry are welcome to invite them to apply.)
- All approved contractors will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" means the contractor (1) is deemed able to complete the work in a timely fashion and (2) that the bid is within 15% (in either direction) of Perquimans County's cost estimate. All contractors working on pre-1978 units must be Renovate, Repair and Paint Rule (RR&P) Certified Renovators working for Certified Renovation firms.

What Are The Steps In The Process, From Application To Completion?

You now have information about how to apply for the Single-Family Rehabilitation Program and what type of work can be done through the Program. Let's go through the steps for getting the work done:

1. **Completing a pre-application form:** Homeowners who wish to apply for assistance must do so by October 14, 2011. Forms may be obtained from the Perquimans County Manager's Office, 128 North Church Street, Hertford, NC, or by calling (252) 426-8484 or from the Hertford or Winfall Town Halls in Perquimans County. Proof of ownership and income will be required. Those who have applied for housing assistance from Perquimans County in the past will not automatically be reconsidered. A new pre-application must be submitted.
2. **Preliminary inspection:** Perquimans County's Rehabilitation Specialist will visit the homes of eligible households to determine the need and feasibility of the home for rehabilitation.
3. **Screening of applicants:** Applications will be rated and ranked by Perquimans County based on the priority system outlined on page 3 and the feasibility of rehabilitating the house. Households to be offered assistance will be selected by October 30, 2011. Household income will be verified for program purposes only (information will be kept confidential) and ownership of property will be verified by conducting a title search. From this review, the three (3) most qualified applicants will be chosen according to the priority system described above. There will also be a list of two (2) alternates. Perquimans County will then submit to NCHFA a SFR11 Loan Application and Reservation Request form for each potential borrower for approval of SFR funding. Applicants not selected for SFR assistance will be notified in writing.
4. **Written agreement:** A written agreement, the Homeowners Agreement, between the homeowner and Perquimans County will be executed as part of the Loan Application procedure and formally commits funds to a dwelling unit. This agreement will certify that the property is the principal residence of the owner, that the post-rehab value of the property will not exceed 95% of the 203(b) limits established by HUD and define the SFR maximum amount and form of assistance being provided to the homeowner by Perquimans County, the scope of work to be performed, the date of completion and the rehabilitation standards to be met.
5. **Pre-rehab inspection & unit evaluation:** Perquimans County's Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace. The owner should report any known problems such as electrical

short circuits, blinking lights, roof leaks, etc. Each unit will be evaluated for energy-saving opportunities such as air-sealing and duct-sealing as well as for environmental concerns, such as lead based paint hazards.

6. **Work write-up:** The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bids are received from contractors.
7. **Lead Testing:** Perquimans County will arrange for a certified firm to inspect all the pre-1978 constructed homes for potential lead hazards. The owner will receive information covering the results of the tests and any corrective actions that will be needed as part of the rehabilitation.
8. **Bidding:** The work write-up and bid documents will be mailed to all contractors from the Approved Contractors Registry who will be given no less than seven days in which to inspect the property and prepare bid proposals. Each contractor will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted in the County Manager's Office located at the Perquimans County Court House, 128 North Market Street, Hertford, NC at a specified date and time, with all bidders invited to attend.
9. **Contractor selection:** Within 72 hours of the bid opening, after review of bid breakdowns and construction schedules, the winning bidders will be selected. All bidders and the homeowner will be notified of 1) the selection of the winning bid, 2) the amount of the winning bid, 3) the amount of the county's cost estimate, and 4) the specific reasons for the selection, if other than the lowest bidder was selected.
10. **Loan closing and contract execution:** Loan documents will be prepared by NCHFA and executed by the homeowner. By law, homeowners have the right to hire legal representation of their choosing at loan closing. If homeowner does not have "representation" at the closing, the borrower must sign a NCHFA, "Unrepresented Borrower Affidavit". Construction contract documents will be executed by the homeowner and contractor with Perquimans County signing on as an interested third party.
Loan documents will be prepared by NCHFA and will reflect the maximum loan of \$45,000 or actual bid amount plus a 20% contingency, with NCHFA as the lender. Perquimans County will facilitate the loan closing and recordation of documents as applicable, and will forward the loan documents to NCHFA.
11. **Pre-construction conference:** A pre-construction conference will be held at the selected applicant's home. At this time, the homeowner, contractor and program representatives will discuss the details of the work to be done. Starting and ending dates will be finalized, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old cabinets, etc.). Within 24 hours of the pre-construction conference, Perquimans County will issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date.
12. **Construction:** The contractor will be responsible for obtaining a building permit for the project before beginning work. The permit must be posted at the house during the entire period of construction. If applicable, the contractor will obtain a permit for lead hazard related activities. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Local Code Enforcement Officials will inspect the work for compliance with NC State Building Code. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
13. **Change Orders:** All changes to the scope of work must be approved by the owner, the contractor, Perquimans County's Rehabilitation Specialist, and the Perquimans County Program Administrator and reduced in writing as a contract amendment ("change order"). The Agency will draw up an estoppel agreement at the time of closeout of the unit to modify the loan amount when there is a need for a change order involving a change in cost.
14. **Progress payments:** The contractor is entitled to request two partial payments and a final payment. The first partial payment may be requested when the work is 50% complete. The second partial payment may be requested when the work is 85% complete. When a payment is requested, the Rehabilitation Specialist will inspect the work within three days, determine percentage of job completion and calculate a payment based on 90% of the total work completed. Payment will be made within ten business days of the inspection.
15. **Closeout:** When the contractor declares the work complete, program staff will thoroughly inspect work. If deficiencies are observed, the contractor will be required to correct them. When the Rehabilitation Specialist and the Homeowner are satisfied that the contract has been fulfilled, the Homeowner, Project Administrator and Rehabilitation Specialist will sign off on the work. After receipt of the contractor's final invoice, inspections, certificate of completion and lien releases, the final payment will be ordered. All material and workmanship will be guaranteed by the contractor for a period of one-year from the date of completion of the work.
16. **Post-construction conference:** Following construction the contractor and the Rehabilitation Specialist will sit down with the Homeowner one last time. At this conference the contractor will hand over all owner's manuals and warranties on equipment. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for the new equipment and appliances and discuss general maintenance of the home with the Homeowner. The Homeowner will have the opportunity to ask any final questions about the work.
17. **Final Loan Amount Determination:** If, upon completion of all rehabilitation work, the contract price has changed due to the effect of change orders, NCHFA will execute and record the appropriate documents to reflect the resulting increase or decrease in the original loan amount. The loan will remain the property of NCHFA, with original documents remaining there for storage and "servicing".
18. **The warranty period:** It is extremely important that any problems with the work that was performed be reported by the homeowner, to the Rehabilitation Specialist, as soon as possible. All bona fide defects in materials and workmanship reported within one year of completion of construction will be corrected free of charge by the Contractor.

What are the key dates?

If, after reading this document, you feel that you qualify for this program and wish to apply, please keep the following dates in mind:

- Applications available to the public starting September 12, 2011.
- Applications must be turned in at the Perquimans County Manager's Office by 5:00 PM on October 14, 2011.
- Selection of units will be made on November 11, 2011.
- All rehabilitation work must be under contract by December 31, 2013.
- All rehabilitation work must be completed by June 30, 2014.

How do I request an application?

Contact:

Bobby Darden, County Manager
Perquimans County
128 North Church Street
Hertford, NC 27944
Phone: (252) 426-8484

Or: pick up an application at the Perquimans County Court House, County Manager's Office located 128 North Market Street, Hertford, North Carolina.

Is there a procedure for dealing with complaints, disputes and appeals?

Although the application process and rehabilitation guidelines are meant to be as fair as possible, Perquimans County realizes that there is still a chance that some applicants or participants may feel that they are not treated fairly. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

During the application process:

1. If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact the Perquimans County Manager's Office, within five days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing.
2. A written appeal must be made within 10 business days of the initial decision on an application.
3. Perquimans County will respond in writing to any complaints or appeals within 10 business days of receiving written comments.

During the rehabilitation process:

1. If the homeowner feels that construction is not being completed according to the contract, he/she must inform the contractor and the Rehabilitation Specialist.
2. The Rehabilitation Specialist will inspect the work in question. If he finds that the work is not being completed according to the contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to correct the problem.
3. If problems persist, a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the Perquimans County's Manager's Officer.
4. Should the mediation conference fail to resolve the dispute, the County Manager will render a written final decision.
5. If the Rehabilitation Specialist finds that the work is being completed according to contract, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

Final Appeal:

After following the above procedures, any applicant or homeowner who remains dissatisfied with Perquimans County's final decision may appeal to Richard Smith-Overman, NCHFA, PO Box 28066, Raleigh, NC 27611-8066, (919) 877-5628.

Will the personal information provided remain confidential? Yes. All information in applicant files will remain confidential. Access to the information will be provided only to Perquimans County employees who are directly involved in the program, the North Carolina Housing Finance Agency, the US Department of Housing and Urban Development (HUD) and auditors.

What about conflicts of interest? No employee or board member of Perquimans County, or entity contracting with Perquimans County, who exercises any functions or responsibilities with respect to the SFR11 project shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with project funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of Perquimans County employees, or of Perquimans County board members and others

closely identified with, may be approved for rehabilitation assistance only upon public disclosure before the Perquimans County Board of Commissioners and written permission from NCHFA.

What about favoritism? All activities under SFR11, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, creed, sex, color or national origin.

Who can I contact about the SFR11 program? Any questions regarding any part of this application or program should be addressed to:

Bobby Darden, County Manager
 Perquimans County
 128 North Church Street
 P.O. Box 45 Greenville, NC 27834
 Hertford, NC 27944
 Phone: (252) 246-8484

Brendan Nolan, Rehabilitation Specialist
 The Wooten Company
 301 West 14th Street
 Phone: (252) 757-1096

These contacts will do their utmost to answer questions and inquiries in the most efficient and correct manner possible.

This Assistance Policy is adopted this 6th day of September, 2011.

Benjamin C. Hobbs, Chairman
 Perquimans County Board of Commissioners

Attest: Mary P. Hunnicutt, Clerk to the Board

Procurement & Disbursement Policy: On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved the following Procurement & Disbursement Policy:

Perquimans County Single Family Rehabilitation Program (SFR11)

PROCUREMENT POLICY

- To the maximum extent practical, Perquimans County promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency’s Single Family Rehabilitation (SFR11) Program. Bids are invited from Licensed General Contractors who are part of the County’s approved contractor registry. (To be on the registry, a contractor must complete an application, have their recent work inspected, reviewed and approved by the Rehabilitation Specialist and submit proof of insurance at the appropriate levels required by the County.)
- All eligible contractors on the County’s approved contractor registry shall be invited to bid on each job and the lowest responsive and responsible bidder shall be selected for the contract. “Responsive and responsible” means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 15%, in either direction, of the County’s cost estimate, and (c) there is no conflict of interest (real or apparent).
- Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site.
- Bid packages shall consist of an invitation to bid, work write up(s) and bid sheet(s) for each job.
- Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
- Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by all parties to the original contract. The change order must also detail any changes to the original contract price and must be in line-item format.
- No work may begin prior to a contract being awarded and a written notice to proceed provided to the contractor. In addition, a pre-construction conference and “walk thru” shall be held at the work site prior to commencement of repair work.
- Perquimans County reserves the right to reject any or all bids at any time during the procurement process.
- In the event of a true emergency situation, the County reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, faxed bids and the like. Should such methods ever become necessary the transaction will be fully documented.
- All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend.

DISBURSEMENT POLICY

- All repair work must be inspected by (a) the County’s Rehabilitation Specialist, (b) a Code Enforcement Officer (as applicable), and (c) the Homeowner prior to any payments to contractors. If all work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original invoice from the contractor. Contractor should allow 15 business days for processing of the invoice for payment.
- If any of the work is deemed unsatisfactory, it must be corrected prior to authorization of payment. If the contractor fails to correct the work to the satisfaction of the County’s Rehabilitation Specialist, payment may be withheld until such time the work is satisfactory. (Contractors may follow the County’s Single Family Rehabilitation Program Assistance Policy if a dispute occurs; however, contractors shall abide by the final decision as stated in the policy).
- Perquimans County assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory completed work.
- All contractors, sub-contractors and suppliers must sign a lien waiver prior to disbursement of funds.

The Procurement and Disbursement Policy is adopted this the 6th day of _____, 2011.

PERQUIMANS COUNTY:

BY: _____

ATTESTED BY: _____

CONTRACTORS STATEMENT:

I have read and understand the attached Procurement and Disbursement Policy.

BY: _____

COMPANY NAME: _____

WITNESS: _____

Budget Amendment No. 2: On motion made by Tammy Miller-White, seconded by Sue Weimar, the Board unanimously approved the following Budget Amendment No. 2:

**BUDGET AMENDMENT NO. 2
 N.C. HOUSING FINANCE FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
59-500-041	SFR - Administration	14,500	
59-500-341	SFR - Rehabilitation	127,500	
59-500-342	SFR - Program Costs	18,000	
59-348-001	Single Family Rehab	160,000	
EXPLANATION: To budget for the Single Family Rehab Grant.			

SFR Funding Agreement: County Manager Darden explained that we just received this Agreement this afternoon. It is basically the same Agreement that we had last time. On motion made by Tammy Miller-White, seconded by Mack N. Nixon, the Board unanimously approved the SFR Funding Agreement contingent on County Attorney High’s review and approval.

CONSTRUCTION PROPOSALS FOR AEMC BUILDING

County Manager Darden explained that, due to the size of the contract, the Informal Bid process was followed. He received the following four (4) bids for the Emergency Services Building Project:

CONTRACTOR	EXISTING BUILDING RENOVATION	ALTERNATE 1 New 45 x 60 Storage Addition	ALTERNATE 2 Renovate Existing Storage Building
Colvot Construction	\$71,400	\$117,400	\$78,900
JBI General Contractor	\$144,253	\$151,569	\$88,678
AR Chesson Construction	\$173,145	\$219,950	\$179,714
Ed Cabral Construction	\$163,700	\$188,739	\$161,448

Commissioner Nixon gave some information on these contractors. He further recommended that the County require them to be bonded. Mr. Darden said that the estimated time for completion is about 180 days. Commissioner Muzzulin asked what will happen with the current storage building. Mr. Darden said that several departments have equipment that needs to be stored and they were going to fix that storage area for those items. Commissioner Nixon said that, while they are working on the building, they should obtain a price to remove the screws and paint the roof of the old storage building. On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously awarded the contract to Colvot Construction to renovate the AEMC building and to build a new 45 x 60 Storage Addition and to obtain a price to remove screws and paint the roof of the old storage building.

BOARD APPOINTMENT: ANIMAL CONTROL BOARD

Chairman Hobbs explained that his brother, Donald Hobbs, would like to continue on the Board but they had been contacting him via his home phone and not his cell phone. Chairman Hobbs has talked with Eric Tilley, Sheriff, and Bethany Thompson, Board member, and they have agreed to allow Donald Hobbs to continue to serve on this Board. Sue Weimar made a motion to reappoint the following individuals to the Animal Control Board:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Hobbs, Donald	Animal Control Board (at-large Comm. Appt)	Reappointment	2 yrs.	10/1/2011
Thompson, Bethany	Animal Control Board (SPCA Representative)	Reappointment	1 yr.	10/1/2011

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

PUBLIC COMMENTS

Commissioner Weimar said that the Animal Shelter Advisory Board needed to meet as soon as possible to discuss the things that happened during Hurricane Irene. Mr. Darden said that he would try to set something up and notify every one.

CLOSED SESSION

The Chairman explained that the Board needed to go into Closed Session to discuss a personnel matter and consult with the County Attorney.

On motion made by Janice McKenzie Cole, seconded by Edward R. Muzzulin, the Board approved the motion to go into closed session to discuss a personnel matter and consult with County Attorney.

The Closed Session was adjourned and the Regular Called Meeting reconvened on motion made by Mack E. Nixon, seconded by Sue Weimar, and unanimously passed. There was no action taken after the Closed Session.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 9:07 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

SPECIAL CALLED MEETING
 September 19, 2011
 3:30 p.m.

The Perquimans County Board of Commissioners met in a Special Called Meeting on Monday, September 19, 2011 at 3:30 p.m. in the Community Meeting Room located in the W.C. Witherspoon Memorial Library, Elizabeth City, NC. The purpose of the meeting was to have a joint meeting with the Camden County Board of Commissioners and the Pasquotank County Board of Commissioners to discuss the Albemarle District Jail.

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 Hackney High, Jr., County Attorney

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 discuss and take action on the proposed Lease Agreement for the 20/20 Building and the Financing Agreement for the Albemarle Electric Membership Corporation (AEMC) Building.

CLOSED SESSION

The Chairman explained that the Board needed to go into Closed Session to preserve attorney-client privilege.

Commissioner Tammy Miller-White made a motion to enter a closed session to preserve the attorney-client privilege. Commissioner Mack Nixon seconded the motion. All members voted in favor.

Commissioner Edward Muzzulin made a motion to enter into open session. Commissioner Sue Weimar seconded the motion. All members voted in favor.

RESOLUTION: AEMC FINANCING

County Manager Bobby Darden introduced the following resolution for consideration of the Board of Commissioners:

**RESOLUTION
OF
BOARD OF COMMISSIONERS
OF
COUNTY OF PERQUIMANS**

The Board of Commissioners (the "Board") of the County of Perquimans, North Carolina (the "County") met at 3:30 p.m. on September 19, 2011. The following resolution was introduced:

WHEREAS, pursuant to Section 160A-20 of the General Statutes of North Carolina, a local government unit is authorized to finance the purchase of real or personal property by installment contracts that create in the property purchased a security interest to secure payment of the Loan Amount to an entity advancing moneys or supplying financing, and/or to finance the construction or repair of fixtures or improvements on real property by contracts that create in the fixtures or improvements, or in all or some portion of the property on which the fixtures or improvements are located, or in both, a security interest to secure repayment of moneys advanced or make available for such construction or repair; and

WHEREAS, the County has previously decided to purchase the former Albemarle Electric Membership Cooperative, located at 159 Creek Drive, Hertford, North Carolina, and to finance the purchase, renovations, and equipment through a loan from The East Carolina Bank ("the Loan"); and

WHEREAS, the County through its Board of Commissioners on the 22nd day of August, 2011 by motion unanimously adopted by the Board, instructed and authorized the County officials to execute all documents necessary or appropriate to borrow the sum of up to \$1,400,000 from The East Carolina Bank; and

WHEREAS, prior to the adoption of the aforesaid motion, in accordance with Section 160A-20 of the General Statutes of North Carolina, the Perquimans County Board of Commissioners held a public hearing on the 22nd of July, 2011 on the aforesaid Loan and gave notice of the public hearing at least ten (10) days before the date fixed for said hearing in accordance with Section 160A-20(g) of the General Statutes of North Carolina; and

WHEREAS, on or before the 5th day of October, 2011, pursuant to the aforesaid authorization, the Chairman of the Board of Commissioners of Perquimans County executed, and the Clerk to the Board of Commissioners of Perquimans County will execute the Installment Financing Contract (the "Contract") and a Promissory Note (the "Note") and secured by a Deed of Trust (the "Deed of Trust") on the property located at 159 Creek Drive, Hertford, North Carolina (the "Property"); and

WHEREAS, the Board desires to approve all actions which will be taken by County Officials regarding the execution and delivery of the Contract, Note and Deed of Trust and other documents in connection therewith, so that the County could obtain the aforesaid loan of up to \$1,400,000;

NOW, THEREFORE, BE IT RESOLVED by the Perquimans County Board of Commissioners, as follows:

1. That obtaining of the Loan and execution and delivery of the aforesaid Contract, Note and Deed of Trust and other documents referred to herein pursuant to the motion of August 22, 2011 are hereby ratified and approved.
2. well as such variations, omissions and additions as the persons executing such documents may have approved, their execution and delivery thereof constituting conclusive evidence of such approval of such variations, omissions and additions in substantially the forms submitted to this meeting, and the performance by the county of its obligations thereunder, including , without limitation, its representations, warranties and covenants as to matters affecting the tax-exempt status of interest on the Loan, hereby are approved. Without limiting the generality of the foregoing, the County Manager and the County Finance Director hereby are authorized to approve all details of said Loan, including, without limitation, the amount advanced pursuant to the Contract (which did not exceed the maximum of one million four hundred thousand and 00/100 Dollars (\$1,400,000), the amounts and timing of the Installment Payments, the interest rate(s) and the term of the Contract. And the Board does hereby approve the Execution of the Contract, the Note, the Deed of Trust and other documents by the Chairman of said Board which shall conclusively evidence the approval of all such details of the Loan.
3. That the Chairman, the County Manager and the County Finance Director or any of them were authorized and directed, as appropriate, to negotiate, enter into, execute and deliver for and on behalf of the County, and the Clerk to the Board of Commissioners was authorized and directed to attest and acknowledge, as was appropriate, any and all exhibits, addenda, schedules and supplements to the Contract, Note and Deed of Trust and any and all financing statements, certificates, assignments and other documents, instruments or agreements (including appropriate tax certifications and agreements) as were necessary or advisable to carry out the intent of the August 22, 2011 motion and to effect the financing pursuant to the Contract and Deed of Trust, and any other certificate, instrument or document relating to the Contract and the Deed of Trust and the transactions contemplated thereby, including, without limitation, the Note, and to perform any and all acts they deemed necessary or appropriate in order to carry out the intent of the August 22, 2011 motion.
4. That the Note and the Contract executed by County officials in regard to said Loan where qualified tax-exempt obligations for the purpose of Internal Revenue Code Section 265(b)(3). The County did not issue tax-exempt obligations itself or approve the issuance of tax-exempt obligations of its "subordinate" entities (and all entities which issue tax-exempt obligations on behalf of the County and its subordinate entities) which, when aggregated with all other tax-exempt obligations theretofore issued in the year 2011 by the County and such other entities, would have resulted in the County and such other entities having issued a total of more than \$10,000,000 of tax-exempt obligations in the year 2011 (not including private activity bonds other than qualified 501(c)(3) bonds), including the Note and the Contract.
5. That all other actions of County officers and employees in conformity with the purposes and intent of the August 22, 2011 motion and the intent and the purposes of this resolution and in furtherance of the execution and delivery of the instruments described above and the consummation of the transactions contemplated thereby are hereby ratified, approved and confirmed. All other resolutions or parts thereof in conflict herewith, to the extent of such conflict, are hereby repealed.
6. This resolution shall become effective immediately.

I, Bobby C. Darden, Deputy Clerk to the Board of Commissioners of the County of Perquimans, North Carolina, HEREBY DO CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of said Board at a meeting held on September 19, 2011, as relates in any way to the authorization and approval of an installment contract financing, that the public hearing referenced in said resolution was duly called and held, that all required notices of such meeting were given and that references regarding said proceedings are recorded in the minutes of said Board and a full copy of the foregoing resolution is recorded in the resolution book of the Board of Commissioners.

WITNESS my hand and the corporate seal of said County of Perquimans, this 19th day of September, 2011.

Deputy Clerk to the Board of Commissioners

(County Seal)

Commissioner Nixon made a motion to adopt the resolution. Commissioner Weimar seconded the motion. All members voted in favor.

ADJOURNMENT

There being no further business to discuss, the Special Called Meeting was adjourned by the Chairman.

Benjamin C. Hobbs, Chairman

Deputy Clerk to the Board