

**BUDGET AMENDMENT NO. 21
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
* 10-348-044	State - Hurricane Funds	6,000	
10-348-012	State Grants - Emergency Management	20,000	
10-530-041	Professional - Emergency Management		250
10-530-121	Printing - Emergency Management		250
10-530-171	Maintenance & Repair - Vehicle		2,500
10-530-333	Performance - Emergency Management		4,000
10-530-741	Capital Outlay - Emergency Management	33,000	
EXPLANATION: To purchase/outfit new vehicle for Emergency Management Department. <i>*(funds for Reverse 911 System contract & use during Hurricane Irene.)</i>			

PUBLIC COMMENTS

Frank Heath, Interim County Manager, asked Chief Building Inspector, Virgil Parrish, to update the Board of junked vehicles/solid waste in Snug Harbor. He said that the letters will go out this week. County Attorney High said that they are trying to follow the procedure to make sure nothing hinders their case if and when they go to court.

There being no further business to discuss, Chairman Hobbs said that they Board needed to go into Closed Session to discuss a personnel matter and to approve the Closed Session Minutes.

CLOSED SESSION: PERSONNEL MATTER & CLOSED SESSION MINUTES

On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the motion to go into closed session to discuss a personnel matter and to approve the Closed Session Minutes.

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

COUNTY MANAGER APPOINTMENT

On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the appointment of Frank Heath as County Manager effective March 1, 2011 at Grade 83/Step 9 with a salary of \$77,776 plus \$250 per month for car allowance.

INTERIM TAX ADMINISTRATOR APPOINTMENT

On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously approved the appointment of Debbie Stallings as Interim Tax Administrator effective March 1, 2011 at Grade 72/Step 6 with a salary of \$44,556.

ADVERTISE FOR TAX ADMINISTRATOR

On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously authorized County Manager Heath to advertise for a Tax Administrator at Grade 72.

SURVEY OF COUNTY PERSONNEL

Commissioner Cole recommended that Mr. Heath take a survey of County personnel on their job satisfaction.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:45 p.m.

Benjamin C. Hobbs, Chairman

Clerk to the Board

REGULAR MEETING
April 2, 2012
6:40 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, April 2, 2012, 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: Frank Heath, County Manager Hackney High, County Attorney
Mary Hunnicutt, Clerk to the Board

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

PUBLIC HEARINGS

Inter-County VFD's Request

Chairman Hobbs opened the first Public Hearing stating that the purpose of the public hearing was to receive public comments on the changes requested to FY 2011-2012 Secondary Roads Improvement Program. It is their wish to use approximately \$20,000 from the Secondary Road Improvement Program to asphalt Inter-County VFD's apron outside of their bay doors. There were sixteen (16) people present. Frank Heath, County Manager, presented further information on this request. Commissioner Nixon stated that Inter-County VFD serves 75% of Pasquotank County residents and 25% Perquimans County residents. He feels that we need to contact Sterling Baker or John Jennings from NCDOT to see if Pasquotank County could share some of this cost. The Chairman asked if there were any comments or questions from the Board or the Public. There being none, the Chairman closed the first Public Hearing and opened the second Public Hearing.

Conditional Use Permit No. CUP-12-01 – Norman Warden, Jr., Albemarle Gospel Music Association, Inc.

Chairman Hobbs opened the second Public Hearing stating that the purpose of the public hearing was to receive public comments on Conditional Use Permit No. CUP-12-01, requested by Norman Warden, Jr., Albemarle Gospel Music Association, Inc., to construct an Assembly Hall Building located at 1656 Ocean Highway North (US Hwy. 17), across from NCDOT's Weight Station, about 500 feet south of Old US 17 Road (SR 1367). Property known as Tax Parcel No. 4-0036-0156F. There were eighteen (18) people present. Donna Godfrey, Planner, explained that this was a quasi-judicial proceeding and that the Planning Board approved his application at their March 13th meeting. Commissioner Weimar asked Ms. Godfrey to explain about the outdoor lighting when they discuss it during the meeting. Ms. Godfrey said that the applicant, Norman Warden, Jr., was present if the Board had any questions. The Chairman asked if there were any comments or questions from the Board or the Public. There being none, the Chairman closed the second Public Hearing and opened the third Public Hearing.

Preliminary Plat No. MAJ-12-01 requested by Edward J. & Louise Sanderlin

Chairman Hobbs opened the third Public Hearing stating that the purpose of the public hearing was to receive public comments on Preliminary Plat No. MAJ-12-01 requested by Edward J. & Louise Sanderlin, to subdivide the northern half of Tax Parcel 4-D064-7802-CP into two (2) lots for sale and/or building purposes, subject to variance from Section 305.4 of the Subdivision Regulations. Occupied residence on southern half of property known as 128 East Camp Perry Road. There were twenty-two (22) people present. Donna Godfrey, Planner, presented some background information on this subdivision and explained that the Planning Board approved their request at their March 13th meeting. Ms. Godfrey said that the one of the applicants, Louise Sanderlin, was present if the Board had any questions. The Chairman asked if there were any comments or questions from the Board or the Public. There being none, the Chairman closed the third Public Hearing and opened the fourth Public Hearing.

Recombination Application No. NZV-12-01 requested by Teresa S. Welcher

Chairman Hobbs opened the fourth Public Hearing stating that the purpose of the public hearing was to receive public comments on Recombination Application No. NZV-12-01 requested by Teresa S. Welcher to combine Tax Parcels 4-D075-G0009-LB and 4-D075-G010-LB into one lot which will not meet minimum requirements of subdivision regulations (subject properties zoned RA-25, Residential & Agricultural District, located at 114 Durant Drive). There were twenty-nine (29) people present. Donna Godfrey, Planner, presented some background information on this recombination and explained that the Planning Board approved her request at their March 13th meeting. The Chairman asked if there were any comments or questions from the Board or the Public. There being none, the Chairman closed the fourth Public Hearing at 7:00 p.m. and proceeded with the Regular Meeting.

AGENDA

The Agenda, as amended, was unanimously approved on motion made by Janice McKenzie Cole, seconded by Edward R. Muzzulin.

CONSENT AGENDA

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

2. **Approval of Tax Releases/Refunds:**

PERQUIMANS COUNTY TAX RELEASES:

- **Smith, Thomas Lee** (year 2011) \$184.67
Vehicle located in Gates County. Account Number: 8083941.

PERQUIMANS COUNTY TAX REFUNDS:

- **Galas, Robert & Joan** (years 1009 – 2011) \$825.50
House was listed with 4,029 heated sq. ft. but should have been 3,223 – difference in value \$65,000. Account Number 42939.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Beverly Pulley	IMC I	Appointment	61/1	\$24,295	4/1/2012

MARCH MINUTES

Commissioner Nixon requested the following change for the March Minutes:

CAMP CALE RETREAT & CONFERENCE CENTER, CONDITIONAL USE PERMIT NO. CUP-08-06, REVISED SITE PLAN

*Due to an emergency, Donna Godfrey, County Planner, was unable to attend the meeting. Mr. Heath explained that her staff report was included in the items distributed at their seats tonight. Mr. Heath explained that in 2008 the Board granted Conditional Use Permit No. 08-06 to Camp Cale Retreat for a meeting center and an eighteen room lodge. Part of that permit approval was that some waterline infrastructure improvements and sprinkler system to accommodate that facility. Since that time, Camp Cale has revised their plans and actually reduced the project scope basically eliminating the eighteen room lodge and reduced the size of their meeting facility. During the last Technical Review Committee (TRC), the Committee had some concerns because the reduced meeting center did not include the sprinkler improvements and waterline improvements that were originally agreed upon. The Planning Board has agreed to let the Planning staff handle this administratively. The County staff does not have any objections to Camp Cale's plan but felt that it was wise to bring this before the Board for their consideration since the project has changed and the waterline improvements have changed. Chief Building Inspector, Virgil Parrish, was present if the Board had any questions. Commissioner Nixon asked Mr. Parrish if he had any concerns. Mr. Parrish said that the only concern he had was that there was no sprinkler system and no extra water. He further stated that the new building had firewalls between the three sections. Commissioner Muzzulin asked if there were any fire hydrants on site. Mr. Parrish did not know but Commissioner Nixon said that there was a hydrant on **Yeates Lane that they could pull water from**. Chairman Hobbs asked if it would be practical for them to install a dry hydrant. Mr. Parrish said that he thought so but the developer looked into installing a dry hydrant but the cost was too high. Mr. Parrish further stated that everything was within building codes. Commissioner Muzzulin asked if there was a kitchen in this new section. Mr. Parrish said that the kitchen was in the older part. Mack E. Nixon made a motion to approve Chowan Baptist Association's request to work with County staff to make revisions to their Site Plan (as approved under Conditional Use Permit No. CUP-08-06) in accordance with minimum design standards of the County and other regulatory standards. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.*

On motion made by Tammy Miller-White, seconded by Janice McKenzie Cole, the Board unanimously approved the March Minutes as **corrected**.

CLAYTON GRIFFIN

Clayton Griffin presented his Program Agreement for the Community-Based Youth Gang Violence Prevention Grant he received in the amount of \$32,400. This will allow him to reimburse the County \$12,500 for funds used this year. The following questions were received from the Board:

Commissioner Miller-White: Ms. Miller-White asked about the funding period of September 16, 2009 – September 30, 2010 as to whether or not it was correct. Mr. Griffin said that it was correct because it was the Gang Grant from FY 2009-2010.

Mr. Griffin: Mr. Griffin said that, after the County is reimbursed the \$12,500, the remaining funds were used for educational programs for the youth.

Commissioner Miller-White: Ms. Miller-White stated that the CPR Training that was provided to the youth is being used by a young lady at their church nursery. Mr. Griffin also said that they provided a Certified Babysitter's Class on March 21st.

Chairman Hobbs: Mr. Hobbs asked Mr. Griffin how the funding looked for next fiscal year. Mr. Griffin said that it looks very dim for next year.

LLOYD SMITH, MINZIE'S CREEK SEWER DISTRICT

Clif Smith was unable to attend so Mr. Lloyd Smith presented the Minzies Creek Village proposed sanitary district petition to the Board of Commissioners. The following questions/comments were made from the Board:

Chairman Hobbs: Chairman Hobbs explained to the Board that this is only the first step and that there are many more hurdles to overcome like financial issues. This is going to be a very expensive proposition. Mr. Smith said that they are going to be using grant writers to assist with writing grants for this project. There are funds available. All they need to do is have someone assist with the application process.

Commissioner Nixon: Mr. Nixon said that, at their March meeting, he requested that County Attorney High provide the Board with engineer estimated operational costs, capital improvement costs, and costs per customer being served by this district. As yet, the Board has not received those figures. Mr. Smith said that he cannot provide these figures until the petition is forwarded to Raleigh and we move onto the next step. Mr. Nixon does not want this process to get too far down the road and give people false hopes until we have a cost figure to determine that it is feasible for these individuals. Mr. Smith said that no engineer will talk to him seriously until he gets this petition to Raleigh to move forward with the project. Mr. Nixon asked Mr. Smith if they had any money to hire an engineer to provide this information. Mr. Smith said that they have the money but they do not want to spend the money until they know that the Board is willing to move forward with sending this petition to Raleigh.

County Attorney High: Mr. High said that he thinks what Commissioner Nixon is trying to say is that, as the Statute and process reads, a public hearing will be scheduled at our Regular Meeting on May 7th and at that Public Hearing the Board will want to hear certain things before they make a decision to proceed with the sanitary district. Mr. Smith said that he understands but if the petition is not going through to Raleigh there is no need to spend that money to get this information. Mr. Nixon understood but feels that the Board needs that information to make a final decision.

County Manager Heath: Mr. Heath said that, if they vote to move forward with sending the petition to Raleigh tonight, the Board would like to see these figures several weeks in advance of the Public Hearing so that they can review them before the hearing. Mr. Heath asked if Mr. High has prepared the Affidavit that he is supposed to sign to certify that 51% of the freeholders had signed the petition and that they all had met the requirements. He further stated, for the Board's benefit, that he looked at each petition, matched the names/signatures with the lot number, and determined if they met the requirements. He found 183 out of 210 met the requirements. Mr. High will be preparing an Affidavit for Mr. Heath to sign to certify his findings.

Lloyd Smith: Mr. Smith asked Mr. Nixon what the figures he was looking for were again. Mr. High said that he had that information and would confirm it with Mr. Nixon and let Mr. Smith know.

County Manager Heath said that we would need to advertise the Public Hearing for four (4) weeks prior to the meeting date. We will need to contact N.C. Department of Environment & Natural Resources (NCDENR) to make sure that they would be available to attend. Mr. Smith also said that the Statute states that the meeting should be held at the sanitary district but they are willing to waive that requirement and hold the meeting in the Commissioners' Room. Clerk to the Board, Mary Hunnicutt, explained that in order to get the ad in for four (4) weeks prior to the meeting, the ad will need to be sent to The Perquimans Weekly by Thursday, since the County has a holiday on Friday. County Attorney High will meet with County Manager Heath to prepare the wording of the ad so that we can get it in next week's paper. They will also contact NCDENR to notify them of the public hearing to see if they can attend it on May 7th. Mr. Smith thanked the Board for their time and asked if there were any other comments or questions. There being none, the Chairman called on Leo Higgins to address the Board.

LEO HIGGINS, JCPC BUDGET

Mr. Higgins explained that this is a confirmation of the following budget that they have had approved all year for the JCPC Programs. All he is asking the Board to do tonight is to confirm that we want the rest of the money in this budget.

FY 2011-2012 Juvenile Crime Prevention Budget Amendment			
Program Provider	DJJDP Funding	Local In-Kind	Total
Restitution	\$23,708	\$2,400	\$26,108
RHEMA Educational Services	20,708	3,200	23,908
Social Thinking Option	16,821	3,000	19,821
JCPC Certification	2,923	0	2,923
TOTALS	\$64,160	\$8,600	\$72,760

On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the JCPC Budget as presented by Mr. Higgins. Mr. Higgins said that there is a bus that they have been trying to get to the County that is ½ jail and ½ classroom. The bus will be in Perquimans County on April 23rd and 24th if any of the Board members would be interested in looking at it. The purpose of this bus is to encourage the children to stay out of the back of the bus (jail portion). If interested, let Leo Higgins know so that they can schedule you a time that is convenient for you.

JO ANN HANSON, HOLIDAY ISLAND

Ms. Hanson appeared before the Board to ask about adopting a Shooting & Firearms Ordinance for Holiday Island like they have done for Albemarle Plantation and Snug Harbor. She explained to the Board about an incident that happened recently in Holiday Island with adult males shooting firearms throughout Holiday Island for 45 minutes. They called 911 office and they were told that the deputies had been sent. The dispatcher said that their phones had been tied up for about 30 minutes with calls about the incident. When the deputy arrived, she was told that they could not do anything because there was no Shooting & Firearms Ordinance for Holiday Island. Several of the Commissioners explained and verified with County Attorney High that, if these individuals were shooting firearms on a State Road, it was against the law. After some discussion, the Board explained to Ms. Hanson that the Albemarle Plantation & Snug Harbor Property Owners Associations brought the request before the Board prior to holding public hearings for the adoption of this type of Ordinance. Several board members of the Holiday Island Property Owners Association were present and stated that they would bring this before their full Board and send their recommendation to the Commissioners for their May meeting. Ms. Hanson said that she is afraid that someone is going to get hurt. County Manager Heath did tell the Board that he received on letter in opposition of this Ordinance which was included in their packet at their seats tonight. No action was taken at this time.

WAYNE HOWELL, ALBEMARLE RC&D

Mr. Howell thanked the Board for allowing him to make this PowerPoint presentation on projects that Albemarle RC&C have assisted with in Perquimans County. After his presentation, he informed the Board of actions their Council has taken to overcome the Federal budget cuts for Albemarle RC&C.

Their Council wanted to be sure to do whatever they could to be able to serve these ten northeast North Carolina Counties. Each of these ten counties will be presented the same program that he has presented tonight. They decided that, in addition to the regular annual dues contribution, Albemarle RC&C will be charging \$50 per hour for their assistance which is project specific. He said that normally the grant writing process could be completed within 40 hours. For each project, the Board of Commissioners will need to check a block on the application that they are aware of this request and understands the costs involved. Albemarle RC&C will continue to operate because of the big Wind Turbine Grant which is due to expire March 2013. He asked if there were any questions or comments. There being none, the Chairman asked Ms. Chaney to come make her report.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her monthly report. She also reported that they have started their foster care parenting classes and currently have a husband and wife that are taking the classes. With regard to Child Care, there were Statewide reversions of money and they had to give up \$42,000 but they have been working down their waiting list to 26 whereas there were 89 last year. She feels that with the unemployment rate like it is the people do not need child care since they do not have jobs themselves. Commissioner Miller-White asked about the Statewide reversions Ms. Chaney mentioned and is this a new phenomena or is this something new. Ms. Chaney said that is a normal procedure. Ms. Miller-White asked if this would present a problem before June 30th. Ms. Chaney said that it probably would not since we only have a couple of months left. Commissioner Weimar asked Ms. Chaney to explain a little about the consolidation of Social Services, Health Department, and Mental Health Programs. Ms. Chaney said that this is SB 433. There are two different models: (1) combining Social Services, Health Department, and Mental Health if you have a single entity for all three departments; and (2) a regional consolidation in which we will take several counties and group them together in one Social Service located in one of these counties (very similar to Regional Landfill for Perquimans, Gates, & Chowan). The Director's Association is saying that they do not want this to happen because they do not want to lose their DSS Board and the Office of State Personnel requirements. The other thing that they are looking at is that each individual Department of Social Services knows their County better than any other surrounding office. If they do this consolidation, they are asking that they leave it up to the individual counties to decide whether or not they would consolidate or not. Commissioner Miller-White asked if it would truly be a cost saving to the County. Ms. Chaney said that they did the consolidation in Wake County and it did not save money. She further feels that it would be a very difficult budget to use. Ms. Weimar said that they are looking at allowing the Counties to opt out of the consolidation.

DEBBIE STALLINGS, INTERIM TAX ADMINISTRATOR

Ms. Stallings presented her monthly report. Mr. Heath explained that there were fourteen (14) properties presented for sale on March 22nd and all but one sold. That property will eventually be sold on GovDeals. Most of the bids were for the amount of taxes owed. Ms. Stallings also informed the Board that the Board of Equalization & Review will have their opening meeting on May 7th prior to the Commissioners' meeting. Mr. Heath reported to the Board that they closing date for Tax Administrator applications was March 28th. We received fifteen (15) applications. He is going to review them and select about five (5) to seven (7) applicants and set up interviews with the Commissioners. Mr. Heath will be contacting the Board about the interviews.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Commissioner Cole: Ms. Cole thanked Frank Heath for the article that was in The Perquimans Weekly about recycling and purchasing items within the County.

UPDATES

County Manager Heath updated the Board on the following projects:

Water System Projects: County Manager Heath said that Sue Weimar, Bill Diehl, Richard Copeland and himself traveled to Washington, NC to meet with the Division of Water Quality (DWQ). The purpose of the meeting was to try to discuss the proposed membrane softening project regarding our discharge location. Under the old discharge permit, the location is required to be moved down the road costing an additional \$3 million. The good news is that they were able to receive a new three-year permit that removed the requirement of moving the discharge location. If they were not going to remove that requirement, the cost of the membrane softening project would not be feasible. They also asked DWQ if we did the membrane softening project would they consider not requiring us to move the discharge location. They did not receive a concrete answer because it boils down to toxicity testing. DWQ did give them ideas on testing methods and on things that would improve our chances of passing the toxicity tests. Commissioner Weimar said that DWQ had a difficult time reading the data that we received from the membrane softening testing. Mr. Heath explained that this is strictly for improving drinking water and that we want to avoid problems with THM's. The problems with THM's on the Winfall side will be improved with the joining of Pasquotank RO Plant if we ever get the agreement signed and the THM problem should get better with the membrane softening project on the Bethel side. Commissioner Miller-White asked if we do not have to move the discharge location, the cost would be \$2 million but if we have to move the discharge location it would be a \$5 million project. Mr. Heath said that was correct.

Jail Project: Commissioner Muzzulin highlighted several items from his report: (1) The Federal inmate count for March was 78 compared to 62 in February; and (2) they had heard that Chowan County was interested in joining with Albemarle District Jail but nothing official yet.

Sewer District: Commissioner Miller-White made a motion to move forward by presenting their petition for a sanitary district to Raleigh and that the information requested by Commissioner Nixon be provided to the Board several weeks in advance of the Public Hearing which is tentatively scheduled prior to the May 7th Commissioners' meeting. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

WATER PURCHASE CONTRACT – PASQUOTANK COUNTY

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

FIREWORKS CONTRIBUTION

The Chamber of Commerce was contacted again but there is no new information about the fireworks in July. Fred Yates is trying to work on it but nothing official has been done. No action was taken at this time.

APPOINTMENT: TOURISM DEVELOPMENT BOARD

On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously appointed Jackie Hobbs to the Tourism Development Authority for a two-year term effective April 1, 2012.

PLANNING BOARD ITEMS

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

Conditional Use Permit No. CUP-12-01 – Norman Warden, Jr., Albemarle Gospel Music Association, Inc.: A Public Hearing was held earlier in the meeting to consider a request from Norman Warden, Jr., Albemarle Gospel Music Association, Inc., to construct an Assembly Hall Building located at 1656 Ocean Highway North (US Hwy. 17), across from NCDOT's Weight Station, about 500 feet south of Old US 17 Road (SR 1367). Property known as Tax Parcel No. 4-0036-0156F. Donna Godfrey, Planner, explained that the Planning Board approved his application at their March 13th meeting. Commissioner Cole asked if we charge a fee for the reinspections every 12 months. Ms. Godfrey said that we do not at this time. County Manager Heath said that we could look into that during the budget process. Commissioner Weimar asked Ms. Godfrey about the outdoor lighting. Tammy Miller-White made a motion to approve Albemarle Gospel Music Association's proposed Conditional Use Permit No. CUP-12-01 to construct an Assembly hall Building at 1656 Ocean Highway North (US Hwy. 17), known as Tax Parcel No. 4-0036-0156F, subject to the conditions listed in the CUP document, Statement, Letter and Site Plan and with the consideration of approval of the Applicant's request to be conceptual or conditional, subject to compliance with immediate and/or future provision of outdoor lighting and certain parking lot and landscaping requirements and the resurfacing and demarcation of parking spaced with wheel stops, 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 Mack E. Nixon and the following Conditional Use Permit No. CUP-12-01 was unanimously approved by the Board:

CONDITIONAL USE PERMIT No. CUP-12-01**Page 1 of 4**

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

Owner/Authorized Applicant: Albemarle Gospel Music Association, Inc.
Norman Warden, Jr.
714 Chapanoke Road
Hertford NC 27944

Property Location/Address: Portion of 12.18-acre parcel located at 1656 Ocean Highway North, Hertford, NC, 27944, between Old US 17 Road (SR 1367) and Weight Station Road (SR 1224).

Tax Parcel No.: 4-0036-0156F (portion of)

Zoning District: CH, Highway Commercial

Proposed Use of Property: The continuing promotion of Gospel Music as per proposed use of existing property. The subject property has served for the past twenty-eight years as a locus in quo for the promotion of Gospel Music Singing and Singing Groups, Revivals by local churches, and other inspirational/ religious community benefitting purposes.

The "*continuing unchanged use*" of the property seeks only to provide a sheltered space within which to continue all of the above activities. The new building will enhance all of the existing uses which have historically taken place in an outdoor arena venue. (This) venue with its inherent lighting and acoustic dynamics could then be relocated to the indoor space providing greater control of both lighting and acoustics. The proposed building will be in greater harmony with the adjoining properties and substantially improve the public safety by reducing the risks present in outdoor, on the lawn, activities.

The new building, to be called "The Tabernacle," will be a multi-purpose 12,000 SqFt. Pre-engineered metal building with outside dimensions of one-hundred-fifty (150) feet by eighty (80) feet and have an eave height of twelve (12) feet. For additional details, see attached "Statement of the nature of the proposed use of property" and "Letter addressed to the Perquimans County Board of Commissioners."

Meeting & Hearing Dates: Planning Board on **March 13, 2012;** and
Board of Commissioners on **April 2, 2012.**

CONDITIONAL USE PERMIT No. CUP-12-01**Page 2 of 4**

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 "*Arenas, Assembly, Exhibition Hall, and Conference Center*" 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 Parking Lots and Landscaping as shown on the Site Plans may require adjustments in the exact location of the parking spaces, driveways, trees and plant materials within the property boundaries. Minimum parking, screening, fencing, lighting, and operational considerations must comply with Section 907.5 of the Perquimans County Zoning Ordinance pertaining to Arenas, Assembly, Exhibition Hall, and Conference Center.
- (2) The intensity of the use shall not be detrimental to adjacent properties due to traffic, parking, noise, refuse, or other factors.
- (3) The hours of operation shall be limited to daylight hours until such time as outdoor lighting is provided pursuant to Condition No. 7 herein.
- (4) All buildings, including accessory garages or storage buildings shall be set back from all property lines and street rights-of-way double (2 times) the minimum required for principal buildings in the applicable district.
- (5) Additional setbacks and buffering may be required by the Planning Board in the case of facilities for outdoor functions, such as outdoor arenas, in order to protect adjacent properties from noise, light, and glare.
- (6) Parking, loading, and outdoor activities, such as outdoor exhibition areas, picnic areas, amphitheaters, and outdoor stages and seating areas, must be screened from view from adjacent properties. These buffers must meet the Buffers and Screening requirements (currently Article XVIII) of the County's Zoning Ordinance.
- (7) Outdoor lighting shall be shielded so as to prevent light from directly hitting adjacent property or any public right-of-way. The four (4) existing flood lights used in conjunction with the existing Outdoor Arena shall be phased out at the Applicant's convenience along with relocation of the Outdoor Arena into the proposed Assembly Hall Building.
- (8) New outdoor lighting shall be required prior to the use of the facilities between sundown and sunrise and in accordance with County, State and Federal regulation. Until then, the hours of operation shall be limited to daylight hours pursuant to Condition Nos. 1 and 3. A new site plan shall indicate the style and location of all outdoor lighting.

CONDITIONAL USE PERMIT No. CUP-12-01**Page 3 of 4**

- (9) There shall be no outdoor loudspeakers or public address system other than in an outdoor arena.
- (10) Any impervious surfaces installed in conjunction with or after construction of the approved Assembly Hall Building 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. Albemarle Gospel Music Association shall coordinate with and obtain approval from Perquimans County Soil & Water Conservation District on all drainage improvements.

- 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.

Section 701(a) Definition

- A) The combination or re-combination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown by the regulations prescribed by this ordinance.

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

RESOLUTION: INTER-COUNTY VFD

The Board tabled the matter until after County Manager Heath talks with Sterling Baker or Jerry Jennings of NCDOT to see if Pasquotank County could share in this expense since Inter-County VFD also serves part of Pasquotank County.

BOARD APPOINTMENT: NORTHEAST WORKFORCE DEVELOPMENT BOARD

On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously accepted Jo Anne Jones' resignation effective February 15, 2012 from the Northeast Workforce Development Board and to clarify the process of an appointment to replace her on the Board.

DJJDPS GRANT

Clayton Griffin presented the grant information earlier in the meeting. On motion made by Tammy Miller-White, seconded by Mack E. Nixon, the Board unanimously approved to receive these grant funds and the following Budget Amendment No. 22:

**BUDGET AMENDMENT NO. 22
GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-001	State Grants - OJJ	30,000	
10-672-042	County Reimbursement	12,500	
10-672-110	Telephone	250	
10-672-140	Travel	600	
10-672-141	Travel Services	5,150	
10-672-143	Educational	3,500	
10-672-260	Advertising	3,500	
10-672-330	Supplies	500	
10-672-470	Food & Provisions	3,500	
10-672-540	Insurance	500	
EXPLANATION: To budget \$30,000 into Mentoring Focus Program funded through NC Dept. of Juvenile Justice. (County to be reimbursed for \$12,500 for professional services paid from July - November, 2011.)			

RESCINDING ORDINANCE NO. 32 – SEWER ORDINANCE

Frank Heath, County Manager, explained that in July, 2001, the Board adopted the following Ordinance No. 32 when the County was considering taking over the Albemarle Plantation Sewer System and extending the lines through Holiday Island and Snug Harbor:

ORDINANCE NO. 32

PERQUIMANS COUNTY SEWER USE ORDINANCE

An Ordinance to regulate and control the construction, installation, extension, service connection, and operation of public sewer mains and public sewer service within Perquimans County, to prescribe procedures for securing such public sewer service and the rates and charges for the same and to provide penalties for the violation of such Ordinance regulations.

Perquimans County, North Carolina ordains:

Section 1: Title & Definitions

- A. This Ordinance shall be known and hereafter cited as the Perquimans County Sewer Use Ordinance.
- B. **County/County Board** – All references herein to County shall mean Perquimans County and all references to County Board shall mean the Perquimans County Board of Commissioners.

Section 2: Procedure

- A. **Service Area** – The County Board will establish boundaries for an initial sewer service area within the County's overall boundary. The County Board may extend said service area, or establish new service areas within the County's boundary, at any time using its sole discretion as to the cost-effectiveness of such service area extension. The initial service area shall be known as the **Minzie's Creek Service Area**, which will be designated by map boundaries.
- B. **Connection Required** – At such time as a public sewer becomes available to a property within the County, a direct connection shall be made to the sewer in compliance with this Ordinance, and any septic system drainfield or other unnecessary privately-owned wastewater facility shall be properly abandoned in accordance with North Carolina law and regulations.
- C. **Application For Service Outside Existing Service Area** – Any person, firm or corporation desiring public sewer service shall file an application therefor with the County, containing the name and address of the applicant; a description of the land or premises to be serviced; the nature of the use anticipated and the nature and/or type of waste to be discharged; the distance, if known, that the property is located from any existing public sewer main, the anticipated number of connections from the property contemplated in the foreseeable future; and whether the applicant wishes to pay cash for the necessary sewer main extension or wishes to be assessed for the payment of such cost over a limited period of years, together with interest and administrative costs. The County will consider said application and make a determination as to whether service will be extended, and if so, at what cost.
- D. **Connection charge** – The term "connection charge" as used in this Ordinance pertains to a charge for the privilege of connecting to a sewer main and does not pertain to the construction cost of such connection. No service connection or main extension shall be allowed until the full charge has been paid to the County in such an amount as is determined by the County Board and the plumbing to be connected has been fully inspected and approved by the County as in compliance with the plumbing codes of the State of North Carolina and Perquimans County. Such charges may be changed from time to time by the County Board to reflect changes in costs.

Section 3: Regulations

- A. **Sewer rates** – No free sewer service shall be allowed and all those properties connected to a public sewer system shall be subject to the payment of such sewer rates and charges as shall be determined by the County Board.
- B. **Termination of service** – The County shall have the right to terminate any water or sewer service to any premises within the County when any delinquency exists with respect to any sewer payments due under this Ordinance or otherwise, or where any premises does not comply with all the plumbing codes of the State of North Carolina and with any and all restrictions and limitations on the use of the particular sewer service imposed by the County Board.
- C. **Service deposit** – The County or its authorized agent shall have the right to require any initial deposit from any owner or tenant who applies for sewer service, as security for the payment of the rates and charges for such service, and to apply the same against such rates and charges if and when it deems it advisable. Such deposit or portion thereof not applied as aforesaid shall be refunded to the depositor upon the voluntary termination of service by the depositor and his subsequent applicant for such refund, provided no delinquency then exists.

- D. **Lien rights** – All delinquent rates and charges for sewer service shall constitute a lien upon the premises served which shall be subject to foreclosure in the same manner as mechanics’ liens for non-payment, or, may be turned over to the County Tax Department for collection in the same manner as the collection of taxes.
- E. **Connection** – No person other than an authorized employee of the County shall connect any sewer service to any public or private premises.
- F. **Capital Reserve Fund** – The County hereby establishes a capital reserve fund for the deposit of all surplus funds collected from sewer service or from capital improvements or extensions thereto. Funds so deposited shall be used by the County in further extending, improving, repairing, relocating and/or upgrading the sewer system of the County.
- G. **Unreasonable burden of wastewater** – In the event any sewage discharged into the system imposes an unreasonable or additional burden upon the sewer system or the wastewater treatment plant treating such wastewater above that imposed by normal domestic sewage entering such treatment plant, the County shall have the option to impose an additional charge for such treatment against such customer to defray the additional cost of such treatment and any damage caused thereby, to require the customer to pretreat such sewage in such manner as the County may order before the same enters the public system; and to terminate sewer service to any premises which fails to comply with the foregoing.
- H. **Plans and permits** – No sewer main construction shall be commenced until all plans and specifications therefor have been submitted to and approved by the County and all required state, county and local permits have been obtained.
- I. **Printed regulations** – The County Board shall adopt and prepare for distribution to interested parties, separate rules and regulations governing the details of application, service connections, extensions, financing of improvements, and rates and charges for sewer service and shall have the authority to modify, enlarge, and amend the same from time to time to meet changing conditions and circumstances and to promote the health, safety, and general welfare of the County.

Section 4: Severability

If any section, paragraph, clause or provision of this Ordinance shall be held invalid for any reason, the same shall not affect the validity of any of the other provisions of this Ordinance, which shall remain in full force and effect.

Section 5: Effective Date

This Ordinance shall take effect upon its adoption. All Ordinances or parts of Ordinances in conflict are hereby repealed.

Adopted this 2nd day of July, 2001 by the Perquimans County Board of Commissioners.

SEAL

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

Charles H. Ward, Chairman
Perquimans County Board of Commissioners

Since the Board did not move forward with this project, the Board will need to rescind this Ordinance because we do not need to have two Sewer System Ordinances. County Manager Heath explained that, in order to rescind an Ordinance, the Board will need to hold a public hearing. Tonight, we are just asking the Board to vote to proceed with scheduling the Public Hearing. On motion made by Mack E. Nixon, seconded by Edward R. Muzzulin, the Board unanimously agreed to move forward to hold a Public Hearing to rescind Ordinance No. 32. Commissioner Miller-White asked if it would be confusing to do this at this time with the current discussion of the Minzie Creek Sewer District. Mr. Heath did not feel that it would be confusing.

PERQUIMANS COUNTY INDUSTRIAL FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

County Manager Heath explained that the original intent of the Industrial Facilities & Pollution Control Financing Authority was to aid in financing pollution control facilities for industries located in Perquimans County. The Board that governed the Authority has not been active for many years; in fact many members are deceased. It came to our attention when Mr. R.S. Chappell, Jr. received a bank statement from RBC Bank showing a balance of \$464.68. Commissioner Cole asked if Mr. Chappell had been receiving statements before. Mr. Heath said that he had. Commissioner Nixon said that this came out of the old Committee of 100 years ago. Mack E. Nixon made a motion to authorize Sharon Ward to sign a signature card, close the account, and move the funds into the County’s Central Account. The motion was seconded by Edward R. Muzzulin and unanimously approved by the Board.

PETITION: WOODVILLE VILLAGE

On motion made by Tammy Miller-White, seconded by Sue Weimar, the Board unanimously authorized to forward the petition to add the roads in Woodville Village Subdivision to the NCDOT State Maintenance System.

RESOLUTION: SEA LEVEL RISE LEGISLATION

Frank Heath, County Manager, reported that we received this Resolution from Carteret County who asked the NC-20 Coastal Counties to adopt it and forward it to their legislative delegation. Mr. Heath explained further what the Resolution was addressing. Commissioner Miller-White referenced recital: “BE IT FURTHER RESOLVED, that these protocols must be developed and approved with the strong aid of local governments and other stakeholders.” She asked if this would cost the county more money. Mr. Nixon said that the County is already doing this through the NC-20 Coastal Community Counties. Mr. Heath said that they have experts to present less stringent requirements. On motion made by Mack E. Nixon seconded by Edward R. Muzzulin, the Board unanimously adopted the following Resolution and requested that it be forwarded to the property authorities:

RESOLUTION CONCERNING NORTH CAROLINA’S SEA-LEVEL RISE REPORTS, POLICIES, AND MONITORING EFFORTS

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a "Literature Search" issued in 2010 by the State Science Panel on Coastal Hazards entitled, “North Carolina Sea-Level Rise Assessment Report”; and

WHEREAS, the N.C. Division of Coastal Management, under the auspices of the N.C. Department of Environment & Natural Resources is developing a sea-level rise policy predicated by a report issued in 2010 by the State Science Panel on Coastal Hazards entitled, “North Carolina Sea-Level Rise Assessment Report”; and

WHEREAS, also the N.C. Division of Emergency Management, under the auspices of the N.C. Department of Crime Control & Public Safety, is preparing a separate study report entitled, “North Carolina Sea Level Rise Impact Study” under the directives of the federal 2009 Department of Homeland Security Appropriations Bill that furnished \$5 million for the study report; and

WHEREAS, the N.C. Division of Emergency Management is utilizing the Science Panel’s 2010 *North Carolina Sea-Level Rise Assessment Report* as a basis for their study report; and

WHEREAS, there has been considerable controversy and widespread disagreement regarding the sea-level rise projections provided in the Science Panel’s 2010 Report and the embellishment of sea-level rise data provided in the historical record; and

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

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

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

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

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

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

ADOPTED, this 2nd day of April, 2012.

Benjamin C. Hobbs, Chairman
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

PUBLIC COMMENTS

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

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

ADJOURNMENT

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

Benjamin C. Hobbs, Chairman

Clerk to the Board

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

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

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|-------------------------|-------------------------------------|-----------------------------|
| MEMBERS PRESENT: | Benjamin Hobbs, Chairman | Sue Weimar |
| | Tammy Miller-White | Mack E. Nixon |
| | Edward R. Muzzulin | |
| MEMBERS ABSENT: | Janice McKenzie Cole, Vice Chair | |
| OTHERS PRESENT: | Frank Heath, Interim County Manager | Will Crowe, County Attorney |
| | Mary Hunnicutt, Clerk to the Board | |

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

NCDOT Secondary Road Meeting

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

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

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