

I, Mary P. Hunnicutt, Clerk for the Board of Commissioners of Perquimans County, North Carolina DO HEREBY CERTIFY that the foregoing has been carefully copied from the actual recorded minutes of the governing body of said County of Perquimans at a regular meeting held on August 6, 2012, the record having been made in the minutes of said governing body, and is a true copy of so much of said minutes as relates in any way to the passage of a resolution providing for the authorization of the Installment Financing Contract referred to therein.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of the Commissioners are held on the first Monday of each month at 7:00 p.m., respectively, at 110 North Church Street, Hertford, North Carolina, was on file with me for at least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.12.

\_\_\_\_\_  
 Mary P. Hunnicutt, Clerk  
 Perquimans County Board of Commissioners

**APPOINTMENT: SENIOR TARHEEL REGIONAL ADVISORY BOARD & SENIOR TARHEEL DELEGATE**

This matter was tabled until the September meeting.

**2012-2013 SHIIP GRANT CONTRACT & BUDGET AMENDMENT**

On motion made by Tammy Miller-White, seconded by Edward R. Muzzulin, the Board unanimously approved the 2012-2013 SHIIP Grant Contract and the following Budget Amendment:

**BUDGET AMENDMENT NO. 3  
 GENERAL FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-348-033	State Grants - Senior Medicare	352	
10-615-146	SHIIP (Senior Health Ins. Inf. Program)	352	
<b>EXPLANATION:</b> To budget total amount to receive in SHIIP for FY 2012-13 (\$3,850 + \$352 = \$4,202).			

**APPOINTMENT: EMT FILL-INS (3)**

On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the following appointments:

Employee Name	Action Required	Grade/ Step	New Salary	Effective Date
Matthew Evans	Appointment	63/1	\$13.01/hour	7/1/12
Brett Damron	Appointment	63/1	\$13.01/hour	7/1/12
Cyrelle Armstrong	Appointment	63/1	\$13.01/hour	7/1/12

**PUBLIC COMMENTS**

**Emerson Cullins:** Mr. Cullins asked about pay increases for the recycling center attendants. Chairman Hobbs explained that they worked for Albemarle Regional Health Services and not the County. ARHS has received raises since our employees have.

**ADJOURNMENT**

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:30 p.m.

\_\_\_\_\_  
 Benjamin C. Hobbs, Chairman

Clerk to the Board

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**REGULAR MEETING**  
 September 4, 2012  
 6:45 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Tuesday, September 4, 2012, at 6:45 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

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

MEMBERS ABSENT: Sue Weimar

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

After the Vice Chairman called the meeting to order, she asked Commissioner Nixon to give the invocation and then led the Pledge of Allegiance. The Vice Chairman said that the first item of business was to hold a Public Hearing.

**PUBLIC HEARING**

**Conditional Use Permit – Marta Bundy**

Vice Chairman Cole opened the Public Hearing stating that the purpose of the public hearing was to receive public comments on the consideration of Conditional Use Permit No. CUP-12-03, by Marta Wendy Long Bundy, to allow placement of a doublewide manufactured home at 431 Old Neck Road (SR 1301) about 620 feet west of Matthews Acres Road (SR 1391), and known as Tax Parcel No. 5-0051-0014B. There were nineteen (19) people present. The Vice Chairman recognized Donna Godfrey, County Planner, who gave an overview of the request. The Planning Board, at their August 14<sup>th</sup> meeting, approved the Conditional Use Permit with the addition of the Condition No. 3, as follows: "Placement of a home (and any other accessory structures proposed in the future) to be a minimum of 25 feet from the front property – or farther if feasible – to allow use of the septic tank, drain lines and other existing site improvements. The Chairman arrived at the meeting and asked if there were any questions or comments from the public. Since this is a quasi-judicial proceeding, the Chairman administered the oath to each speaker. The following questions/comments were made:

- **Cathie Brocken:** Ms. Brocken said that she lives at 112 Faith Drive and expressed concerns that her property values would decrease if a double-wide was allowed to be placed on this property. She bought her property with the intention of not

having any trailers around her home. In addition, she is concerned that if they allow one to be placed there more will be added to the area. She did not want to live near a trailer park.

- **Nancy Rascoe:** Ms. Rascoe shared her concerns about the safety of their neighborhood and asked that people be respectful of each other in the neighborhood.
- **Anne Zinni:** Ms. Zinni said that she lives on Faith Drive and is also concerned about her property values decreasing if a double-wide was allowed to be placed on this property. When they bought the property, they understood that there would be no single-wide homes placed on the properties.
- **Richard Bundy:** Mr. Bundy stated that there had been a single-wide home on the property for several years before now. It was removed about six or seven years ago. He said that he was trying to help their children get their first home.
- **Commissioner Nixon:** Mr. Nixon said that this was an issue when the Board set up the Historic Districts during the discussion of the Zoning Ordinance. That is why they agreed to allow double-wide homes as a conditional use in the Historic District.
- **Commissioner Miller-White:** Ms. Miller-White asked if the double-wide was going to be bricked in. Ms. Godfrey said that it was a requirement of the Zoning Ordinance that it must have brick skirting. Mr. Bundy agreed that it would.
- **Commissioner Muzzulin:** Mr. Muzzulin asked that, if the double-wide homes were allowed in the Historic Districts, why did they have to go through the Conditional Use process. Ms. Godfrey said that they were allowed as a conditional use only.
- **Commissioner Cole:** Ms. Code asked if there were other double-wide homes in the area. Ms. Godfrey said that there had been four requests in this district and that all had been granted.
- **Cathie Brocken:** Ms. Brocken stated that she thought that the lots had to be an acre in size and she did not think that this was an acre.
- **Chairman Hobbs & Commissioner Nixon:** Mr. Hobbs & Mr. Nixon said that these lots were platted prior to the adoption of the Subdivision Regulations and were grandfathered in.
- **Commissioner Miller-White:** Ms. Miller-White stated that, in their notes, it stated that the lot was 1.26 acres.

The Chairman asked if there were any further questions or comments. There being none, the Chairman closed the Public Hearing and proceeded with the regular meeting at 7:05 p.m.

**AGENDA**

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

**OATH OF OFFICE – DEPUTY CLERK**

Todd Tilley, Clerk of Court, was present to issue the Oath of Office to Frank Heath who was appointed Deputy Clerk at the August meeting.

**CONSENT AGENDA**

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

1. **Approval of Minutes:** August 6, 2012 Regular Meeting
2. **Approval of Tax Release:**  
PERQUIMANS COUNTY TAX RELEASE:  
 ➤ **Cullipher, Keith** ..... **\$101.20**  
 Mobile home assessed at \$23,000 sold in 2011. Account Number 429072.

3. **Personnel Matters:**

Employee Name	Employee Job Title	Action Required	Grade/ Step	New Salary	Effective Date
Kiera Hinton	Office Assistant III – DSS	Appointment	57/2	\$21,301	8/13/12
Anthony Johnson	Lead-Telecommunicator	Promotion	62/6	\$29,264	9/1/12
Maria Schwartz	EMT-I (Rescue Squad)	Certification	66/1	\$14.85/hour	7/1/12
Shannon Howell	Social Worker IA&T	Appointment	70/1	\$36,827	8/27/12
Lauren Williams	EMT-B (EMS Fill-In)	Appointment	63/1	\$13.01/hour	8/1/12

4. **Board Appointments:** The following Board Appointments were requested:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Thompson, Bethany	Animal Control Board – SPCA Representative	Reappointment	1 yr.	10/1/12

5. **Budget Amendments:**

**BUDGET AMENDMENT NO. 4  
WATER FUND**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
35-660-311	Generator - Fuel	7,500	
35-660-710	Capital Outlay (Land)		7,500

**EXPLANATION:** To budget actual Day Care Funding from State for FY 2012-13.

6. **Resolutions:** The following Resolutions were presented for approval:

**RESOLUTION  
LITTER SWEEP FALL 2012  
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 2012 LITTER SWEEP roadside cleanup will take place September 15 through September 29, 2012, 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 2012 LITTER SWEEP will celebrate the 24<sup>th</sup> anniversary of the North Carolina Adopt-A-Highway program and its 5,000 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 15 through September 29, 2012, as **“FALL LITTER SWEEP”** time in Perquimans County and encourage its citizens to take an active role in making our community cleaner.

**ADOPTED** the 4<sup>th</sup> day of September, 2012.

(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**, Craven County was originally included as a precinct of Bath County and was established in its present form in 1712; and

**WHEREAS**, Craven County will therefore celebrate its 300<sup>th</sup> anniversary in the year 2012; and

**WHEREAS**, Craven County has continued to flourish in commercial dominance, wealth and cultural sophistication. The 20th century brought the military into Craven County, with the establishment of Marine Corps Air Station Cherry Point. In the last few decades of the 20th century, Craven County became a preferred retirement destination for legions representing every region of the country, who find its climate, quality of life, cost of living and amenities to be quite desirable; and

**WHEREAS**, through a wide series of activities and events, Craven County's 300<sup>th</sup> anniversary celebrations will explore their history, recognize the present, and envision their future; and

**WHEREAS**, these events of the 300<sup>th</sup> anniversary will occur throughout the year 2012 but will culminate on September 22, 2012.

**NOW THEREFORE BE IT KNOWN**, that the Perquimans County Board of Commissioners congratulates the Craven County Board of Commissioners for their contributions to their County's state of well-being and the activities associated with the County's 300<sup>th</sup> anniversary.

This the 4<sup>th</sup> day of September, 2012.

(SEAL)

Benjamin C. Hobbs, Chairman  
Perquimans County Board of Commissioners

ATTESTED:

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

**ANNYA SOUCY, RESOURCE DEVELOPMENT COORDINATOR – HUNGER ACTION MONTH**

Ms. Soucy explained that every year, the Food Bank of the Albemarle visits the counties that they serve and request that the Board of Commissioners adopt a Proclamation for Hunger Action Month. She provided a few statistics for the Board of how they have assisted Perquimans County residents this past fiscal year. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously approved the following Proclamation:

**Proclamation for  
HUNGER ACTION MONTH  
"30 Ways in 30 Days"  
September, 2012**

WHEREAS, Feeding America is the nation's leading domestic hunger-relief organization with a mission to feed and advocate for America's hungry through a nationwide network of member food banks; and

WHEREAS, the Food Bank of the Albemarle is a member of Feeding America and fights hunger and poverty in 15 northeast North Carolina counties by partnering with more than 130 local agencies to distribute food to the hungry; and

WHEREAS, both the Food Bank of the Albemarle and Feeding America seek to engage our citizens locally, statewide, and nationally in the fight to end hunger; and

WHEREAS, the number of people in the Albemarle area who need assistance is increasing as reflected in more households in poverty and more individuals being unemployed; and

WHEREAS, the fight against hunger is a fight that concerns each of us; and

WHEREAS, the contribution of our time, talent and treasure moves us ever closer to an answer to issues of hunger and poverty in our communities; and

WHEREAS, the citizens of Perquimans County can visit the Food Bank of the Albemarle's website ([www.afoodbank.org](http://www.afoodbank.org)) for ideas of ways to make a difference for local emergency feeding programs, for the Food Bank, and especially for our hungry and needy during these thirty days of opportunities;

NOW, THEREFORE, BE IT RESOLVED that I, Benjamin C. Hobbs, Chairman of the Board of Commissioners of Perquimans County do hereby proclaim September 2012 as Hunger Action Month in Perquimans County.

Adopted this 4<sup>th</sup> day of September, 2012.

Benjamin C. Hobbs, Chairman  
Perquimans County Board of Commissioners

ATTEST:

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

**NCACC REPRESENTATIVE**

Neil Emory, North Carolina Association of County Commissioners Representative, presented a Certificate of Appreciation to Mack E. Nixon for his 20 years of service as a Commissioner. After the presentation, Commissioner Nixon thanked the Association, the Board, and the residents of Perquimans County for their confidence in him to continue to allow him to serve as a Commissioner. Chairman Hobbs made a few comments and said that the Board would reserve any other comments when Mr. Nixon officially leaves the Board in December.

**HOMERIA JENNETTE, TELECOMMUNICATIONS**

Ms. Jennette is on vacation so her report was not presented.

**SUSAN CHANEY, SOCIAL SERVICES**

Ms. Chaney presented her monthly report.

**BILL JENNINGS, TAX ADMINISTRATOR**

Bill Jennings presented his monthly report. He reported that the tax bills have been mailed out and that he had already been receiving payments. County Manager Heath explained that they are

working on new software for the Finance and Tax Departments. He hopes that this will be ready to be presented to the Board for the next Fiscal Year Budget.

**COMMISSIONER’S CONCERNS/COMMITTEE REPORTS**

**Commissioner Miller-White:** Ms. Miller-White reminded the public to be sure and register their phone numbers with the new Reverse 911 System for emergency notifications. Ms. Hunnicutt said that, even if they registered their phone number before, they need to register it with this new company. County Manager Heath explained that there is a link to the site to register them on the County’s Website at [www.perquimanscountync.gov](http://www.perquimanscountync.gov).

**UPDATES**

County Manager Heath updated the Board on the following projects:

**Water System Projects:** We have closed on the Water Loan with PNC Bank and hope to be starting on the installation of the waterline in the near future if the Water Purchase Contract with Pasquotank County is approved tonight. The railroad crossing has been done. Also, the generator is at the Bethel Water Treatment Plant but they had to order a part in order for it to be hooked up to the Plant. This should be accomplished soon.

**Jail Project:** Commissioner Muzzulin stated that a copy of the Jail Report was placed at their seats tonight. He gave the following highlights: (1) New classes for the Detention Officers started on August 20<sup>th</sup> at College of the Albemarle and that they have thirteen attending which leaves five openings; (2) The meeting with Chowan County today had been postponed to talk about being included in the Albemarle District Jail; (3) Application closing date for the ADJ Administration position closes on September 10<sup>th</sup> and the applications will be discussed at their next meeting on September 17<sup>th</sup>; and (4) The Federal Prisoner count for August was 77 and he presented the daily inmate county for July, 2012.

**Minzie’s Creek Sewer District:** County Manager Heath explained that the Board will need to appoint the first three representatives of the Minzie’s Creek Sewer District Board at their October meeting. The following individuals have been recommended: Clay Helm; Frank Page; and James Finley. Mr. Helm was at the meeting and thanked the Board for their help in getting this district started. Commissioner Miller-White asked if these members could complete the Statement of Interest form that they have others complete to serve on the Board. Ms. Hunnicutt, Clerk to the Board, will mail out the Volunteer Application to these individuals. Mr. Heath said that at the next General Election, these individuals will be placed on the ballot and elected instead of appointed. Commissioner Cole asked if their terms would be scattered or would they be elected at the same time. Mr. Heath said that he thought it would be at the same time. It was asked if a couple of Commissioners could serve on this Board. Mr. Heath said that the members of this Board must live within the Sewer District.

**WATER PURCHASE CONTRACT – PASQUOTANK COUNTY**

County Manager Heath explained that now that we have closed on the Water Loan to install the waterline from Pasquotank County’s RO Plant to Perquimans County waterline, he recommends the approval of the Water Purchase Contract with Pasquotank County. Tammy Miller-White made a motion to approve the Water Purchase Contract with Pasquotank County. Janice McKenzie Cole seconded the motion. Chairman Hobbs asked if there were any questions or comments. Commissioner Muzzulin stated that he did not think that the County needed 150,000 gallons of water. County Manager Heath explained that it is the opinion of our Engineer, Bill Diehl, that this will be the best solution for the long-term and that the County had been having problems with well sites on this side of the river. Commissioner Nixon concurred with Mr. Heath and said that the County would be better off for future years or for future development. The Chairman called for a vote. The Board unanimously approved the following Water Purchase Contract with Pasquotank County:

NORTH CAROLINA

WATER PURCHASE CONTRACT

PASQUOTANK COUNTY

THIS CONTRACT for the sale and purchase of water is entered into as of the 4<sup>th</sup> day of September, 2012, between Pasquotank County (hereinafter referred to as “Pasquotank”), and Perquimans County, (hereinafter referred to as “Perquimans”).

**WITNESSETH:**

THAT WHEREAS, Pasquotank is a body politic organized and existing under the laws of the State of North Carolina; and

WHEREAS, Perquimans is a body politic organized and existing under the laws of the State of North Carolina; and

WHEREAS, Pasquotank has planned and permitted a new Reverse Osmosis Water Production Facility with an ultimate permitted capacity of 5 million gallons per day to be constructed in increments; and

WHEREAS, Pasquotank desires to sell to Perquimans, and Perquimans desires to buy from Pasquotank a supply of potable water from the initial construction as set forth herein; and

WHEREAS, Pasquotank desires to sell Perquimans, and Perquimans desires to buy from Pasquotank an ultimate supply of potable water of 1 million gallons per day, not to exceed 20% of the capacity of the Reverse Osmosis Water Production Facility; and

WHEREAS, pursuant to the provisions of Chapter 160A, Article 20, Part I of the North Carolina General Statutes, the parties now desire to enter into this contract to set forth their agreement concerning the purchase and sale of water and certain other understandings; and

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth, the parties agree, each with the other, as follows:

1. **Purchase of Water.** Pasquotank is in the process of constructing a new Reverse Osmosis Water Production Facility (hereinafter “Facility”) with an initial capacity of 2,000,000 gallons per day and the Perquimans agrees to purchase from Pasquotank an initial capacity of 150,000 gallons of water per day. The 150,000 gallons of potable water per day is to be referred to as the “Perquimans Daily Allotment” (or “daily allotment”) and is subject to the limits described herein. Perquimans shall begin to receive its daily allotment no later than one (1) year after the execution of the agreement.

In the future Perquimans may increase its daily allotment from Pasquotank. Perquimans may acquire up to twenty percent (20%) of the potable water of the then existing capacity of the Facility. It is understood between the parties that approximately twenty five percent (25%) of the facilities water production will be concentrate and will not be potable water. For example, if the capacity of the Facility is 3,000,000 gallons per day Perquimans may request up to 450,000 gallons of potable water per day. Should Perquimans desire to increase its daily allotment it shall notify Pasquotank of the amount requested and Pasquotank shall have one hundred eighty (180) days from the time of the request to supply the additional daily allotment.

2. **Quality and Quantity of Sale.** Pasquotank agrees to furnish Perquimans its daily allotment as provided in section 1 of this agreement at the point of delivery hereinafter specified, during the term of this contract or any renewal or extension thereof, potable treated water meeting applicable purity standards of the Department of Environment and Natural Resources of the State of North Carolina; subject to the quantity limits described herein:

- (a) **Daily Minimums/Maximums.** Perquimans agrees to take not less than 85% of its daily allotment and not more than 115% of its daily allotment per day;
- (b) **Monthly.** Perquimans agrees to take a minimum of 85% of its daily allotment and not to exceed 115% of its daily allotment on a monthly basis.

The parties agree that the maximum pump rate from the clearwell will not exceed 350 gallons per minute.

3. **Points of Delivery and Pressure.** The point of delivery shall be immediately downstream of the “Perquimans County Bulk Meter” at the front (north) property line of the R.O. Plant located on Foreman Bundy Road in Pasquotank County. Perquimans shall install a SCADA remote terminal unit at the R.O. Plant to control the two dedicated high service pumps that will be used to deliver water to Perquimans. These two Perquimans high service pumps and their immediate electrical appurtenances (breakers, starters and disconnects) shall be sized, owned, operated and maintained by Perquimans. The cost for these pumps and their associated piping, wiring, starters, breakers, disconnects, and appurtenances, hereinafter referred to as the Perquimans County Pumping Facilities, shall be paid for by Perquimans. Emergency failures of pressure or supply due to main supply line breaks, power failure, drought, flood, fire and use of water to fight fire, earthquake or other catastrophe shall excuse Pasquotank from this provision for such reasonable period of time as may be necessary to restore service. In the event of an emergency, Act of God or other catastrophe which renders Perquimans unable to receive its daily allotment of water, Perquimans may suspend its daily allotment and shall have no obligation to pay for its daily allotment for a reasonable period of time as may be necessary to restore its ability to receive its daily allotment of water.

4. Water Metering Equipment. Pasquotank shall operate and maintain at its expense, the water metering equipment to be located at the point of delivery. Pasquotank agrees to test and calibrate the water metering equipment at its expense whenever requested by Perquimans but not more frequently than once every twelve (12) months. In addition, Pasquotank may test and calibrate the water metering equipment at its own expense as often as it deems necessary. A water meter registering not more than two percent (2%) above or below the test result shall be deemed to be accurate. The previous readings of any water meter disclosed by test to be inaccurate shall be corrected for the six (6) months previous to such test in accordance with the percentage of inaccuracy found by such tests. If any water meter fails to register for any period, the amount of water furnished during such period shall be deemed to be the amount of water delivered in the corresponding period immediately prior to the failure, unless Pasquotank and Perquimans shall agree upon a different amount. Pasquotank shall read the water metering equipment on the first working day of each month. An appropriate official of Perquimans at all reasonable times shall have access to the water meter for the purpose of verifying its readings.

5. Billing Procedure. Pasquotank agrees to furnish Perquimans not later than the fifth (5<sup>th</sup>) working day of each month an itemized statement of the amount of money due for water furnished Perquimans during the preceding month; Perquimans agrees to pay these charges to Pasquotank, not later than the thirtieth (30<sup>th</sup>) day of the month in which the bill was received. Failure to pay said bill by the thirtieth (30<sup>th</sup>) of each month constitutes a default. In addition and without waiving its right to pursue other legal and equitable claims, Pasquotank shall have the right to suspend service upon Perquimans' failure to pay such charges within the time specified and to continue such suspension until such charges have been paid in full provided such suspension of services will not occur until Pasquotank has given Perquimans a 30 day written notice that water services are to be suspended. Pasquotank agrees not to suspend water service in the event of a good faith billing dispute between the parties.

6. Rates. The rate to be paid by Perquimans for bulk water shall be in accordance with the Bulk Water Rate as adopted annually by the Pasquotank County Board of Commissioners. The factors in determining the Bulk Water Rate shall include, but not be limited, to the factors set out in Exhibit A to this agreement that is attached hereto and incorporated herein by reference. All initial and subsequent participants in the R.O. Project shall pay the same bulk water rate. All factors that are used in determining the bulk water rate shall be directly or indirectly related to the production of R.O. water.

7. Term of Contract. This contract shall be for a period of twenty (20) years.

8. Emergency Services. That Pasquotank and Perquimans shall endeavor to provide such quantities of water each to the other as may be needed in the case of emergency water needs, such as water source contamination, production facility failure, natural disaster, or other catastrophe. The cost of such water shall be the bulk rate amount as provided in paragraph 6. Perquimans agrees to immediately notify Pasquotank in an emergency event.

9. Failure to Deliver. That Pasquotank will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to furnish Perquimans with their daily allocation, except as provided in Section 3 regarding emergency failures and Section 5 regarding payment default. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or the supply of water available to Pasquotank is otherwise diminished over an extended period of time due to reasons beyond control of Pasquotank, the supply of water to Perquimans under this contract shall be reduced or diminished in the same ratio or proportion as the supply to Pasquotank's consumers is reduced or diminished.

10. Responsibility for Water Pressure and Water Beyond Point of Delivery. Pasquotank is only responsible for the quality of the water provided to Perquimans at the point of delivery. Perquimans assumes all responsibility for any damage or injury arising after the water passes the point of delivery and agrees to hold harmless and indemnify Pasquotank for any injury or damages arising from the water beyond the point of delivery. Pasquotank agrees to notify Perquimans within 24 hours, or sooner if possible, of any water quality violations that are known by Pasquotank.

11. Remedies. In the event of a default, a party, may seek any form of declaratory relief, the right to sue for specific performance of the obligation, in a court of competent jurisdiction and may seek both a temporary and permanent mandatory or prohibitory injunction requiring performance or some other action by the other party or a temporary or permanent order restraining the other party. In addition, and as a part of the same proceeding, if prevailing, a party may recover for the actual loss of any net revenues from its water distribution system during the period of default caused by the failure of performance under this agreement. In no event shall any party be entitled to sue for or recover any consequential or punitive damages. Declaratory relief, specific performance, injunctive relief, an action for damages, and/or an action for loss of net revenues, shall be the sole remedies of a party against the other party hereunder.

12. Modification of Contract. The provisions of this contract may be modified or altered by mutual agreement.

13. Regulatory Agencies. This contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in this State and Pasquotank and Perquimans will collaborate in obtaining such permits, certificates, or the like, as may be required to comply therewith.

14. Annual and Special Called Meetings. The parties shall endeavor to meet at least one time prior to March 1<sup>st</sup> of each year for the following purposes: Discussion of Bulk Water Rates, budget updates, discussion of water usage, peak demand, proposed plant expansions and increasing the Perquimans Daily Allotment, proposed regulatory impacts, water quality issues and/or current and proposed project status or other issues which may require coordination between the parties.

Either party may request a special meeting to discuss the above-described matters or any other pertinent matter by notifying the other party by first class mail. The parties shall endeavor to meet within 30 days of a special meeting request.

15. Notices. Any notice required to be given hereunder by Pasquotank to Perquimans shall be made by Pasquotank in writing and mailed by first class mail to Perquimans at the following address:

County Manager  
Perquimans County  
P.O. Box 45  
Hertford, NC 27944

Any notices required to be given hereunder by Perquimans to Pasquotank shall be made by Perquimans in writing and mailed by first class mail to the County Manager, Pasquotank County, at the following address:

County Manager  
Pasquotank County  
P.O. Box 39  
206 E. Main Street  
Elizabeth City, NC 27909

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed in duplicate counterparts, each of which shall constitute an original.

Executed by Pasquotank County, this the 18<sup>th</sup> day of May, 2012.

**PASQUOTANK COUNTY**

By: \_\_\_\_\_  
Lloyd E. Griffin, III, Chairman  
Pasquotank County Board of Commissioners

**ATTEST:**

\_\_\_\_\_  
Karen S. Jennings, Clerk to the Board

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

\_\_\_\_\_  
County Finance Officer

**NORTH CAROLINA  
PASQUOTANK COUNTY**

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that Lloyd E. Griffin, III, who being by me duly sworn, says that he is Chairman of the Board of Commissioners of Pasquotank County, and that Karen S. Jennings is Clerk of said Board, and that the seal affixed to the foregoing and attested instrument is the seal of Pasquotank County, North Carolina, and that said instrument was signed by him as Chairman of the Board of Commissioners of said County and by the Clerk of said Board, who affixed the official seal of Pasquotank County to said instrument; and that the said Lloyd E. Griffin, III, Chairman of the Board of Commissioners, acknowledged said instrument to be the act and deed of Pasquotank County, North Carolina.

WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

My commission Expires: \_\_\_\_\_

Executed by Perquimans County, this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**PERQUIMANS COUNTY**

By: \_\_\_\_\_  
Ben Hobbs, Chairman  
Perquimans County Board of Commissioners

**ATTEST:**

\_\_\_\_\_  
Clerk to the Board

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

\_\_\_\_\_  
County Finance Officer

**NORTH CAROLINA  
PERQUIMANS COUNTY**

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that Ben Hobbs, who being by me duly sworn, says that he is Chairman of the Board of Commissioners of Perquimans County, and that \_\_\_\_\_ is Clerk of said Board, and that the seal affixed to the foregoing and attested instrument is the seal of Pasquotank County, North Carolina, and that said instrument was signed by him as Chairman of the Board of Commissioners of said County and by the Clerk of said Board, who affixed the official seal of Perquimans County to said instrument; and that the said Ben Hobbs, Chairman of the Board of Commissioners, acknowledged said instrument to be the act and deed of Perquimans County, North Carolina.

WITNESS my hand and Notarial Seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public

My commission Expires: \_\_\_\_\_

**EXHIBIT A**

The following factors in determining the bulk water rate shall include, but not be limited, to the following factors: Salary and benefits, chemicals, insurance, maintenance and capital reserve fund, debt, utilities, indirect cost as determined by an outside party and to plan for future growth needs within the county.

**APPOINTMENT: SENIOR TARHEEL REGIONAL ADVISORY BOARD & SENIOR TARHEEL DELEGATE**

As reported last month, James Griffin, the County's Senior Tarheel Delegate and our representative on the Senior Tarheel Regional Advisory Board, passed away in June. Last month, the Board tabled the appointment to this Board until we had a recommendation. Susan Scurria, Director of Area Agency, has notified the County that Lillian Holman has been contacted and is willing to serve in this capacity. On motion made by Mack E. Nixon, seconded by Tammy Miller-White, the Board unanimously appointed Lillian Holman as the Senior Tarheel Delegate for an unlimited term and as a member of the Senior Tarheel Regional Advisory Board for a one-year term.

**PLANNING BOARD ITEMS**

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

**Conditional Use Permit No. CUP-12-03 – Marta Bundy:** A Public Hearing was held earlier in the meeting for the consideration of Conditional Use Permit No. CUP-12-03, by Marta Wendy Long Bundy, to allow placement of a doublewide manufactured home at 431 Old Neck Road (SR 1301) about 620 feet west of Matthews Acres Road (SR 1391), and known as Tax Parcel No. 5-0051-0014B. As Ms. Godfrey explained, there were two parts to the approval of this Conditional Use Permit. Mack E. Nixon made a motion to approve Case No. CUP-12-03, by Marta Wendy Long Bundy, to allow placement of a Doublewide Manufactured Home at 431 Old Neck Road (SR 1301), about 620 feet west of Matthews Acres Road (SR 1391) and known as Tax Parcel No. 5-051-0014-B, subject to the conditions listed in the Conditional Use Permit (CUP) document and Conceptual Site Plan, due to its consistency with the following Section 903 Findings contained in the County's Zoning Ordinance:

- (a) That the CUP will not materially endanger the public health or safety, if located according to the plan submitted and approved;
- (b) That the use meets all required conditions and specifications;
- (c) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (d) 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 Board unanimously approved the following Conditional Use Permit:

**CONDITIONAL USE PERMIT No. CUP-12-03**

**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:

<b>Owner/Applicant:</b>	<b>Wendy Colson Long Bundy</b> <b>789 Chapanoke Road</b> <b>Hertford NC 27944</b>	<b>Timothy L. Long</b> <b>185 Mill Road</b> <b>Hertford NC 27944</b>
<b>Property Location/Address:</b>	<b>431 Old Neck Road, Hertford, NC 27944</b>	
<b>Tax Parcel No.:</b>	<b>5-0051-0014B</b>	
<b>Zoning District:</b>	<b>HA, Historic Agriculture Zone</b>	
<b>Proposed Use of Property:</b>	To place a Doublewide Manufactured Home as the principal use residence on existing home site previously occupied by a Singlewide Manufactured Home.	
<b>Meeting &amp; Hearing Dates:</b>	<b>Planning Board on August 14, 2012; and</b> <b>Board of Commissioners on September 4, 2012.</b>	

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 Doublewide Manufactured Homes and the following conditions:

- (1) The applicant shall conduct operations strictly in accordance with the plans and narrative submitted to and approved by this Board, a copy of which is contained in the County Planning Office and filed with the Register of Deeds office. However, it is understood that the property owner may propose changes to the attached Conceptual Site Plan now or in the future, in coordination with the County Planning Office, to provide for the placement of accessory structures or a complete change in the use of the property pursuant to other land uses which are otherwise permitted outright by the Zoning Ordinance for properties zoned HA, Historic Agriculture District.

**CONDITIONAL USE PERMIT No. CUP-12-03**

**Page 2 of 4**

- (2) 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.
- (3) Placement of home (and any other accessory structures proposed in the future) to be a minimum of 25 feet from the front property line – or farther if feasible – to allow use of the septic tank, drain lines and other existing site improvements.

IN WITNESS WHEREOF, Perquimans County has caused this permit to be issued in its name, and the undersigned, being all the 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 \_\_\_\_\_  
Chairman, Board of County Commissioners

Attest:

\_\_\_\_\_  
(Seal)  
Clerk to the Board of County Commissioners

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

Property Owner  
The State of North Carolina  
Perquimans County

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

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

My Commission expires:

\_\_\_\_\_  
(Not valid until fully executed and recorded)

**CONDITIONAL USE PERMIT No. CUP-12-03**

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

Property Owner  
The State of North Carolina  
Perquimans County

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

WITNESS my hand and notarial seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

My Commission expires:

\_\_\_\_\_  
(Not valid until fully executed and recorded)

Attachment: (1) Conceptual Site Plan for Zoning Permit Application (following recordation of approved Conditional Use Permit).

**CONDITIONAL USE PERMIT No. CUP-12-03**

**Conceptual Site Plan**

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

**Board Appointments – Board of Adjustments & Planning Board:** According to our records, the following board appointments need to be made:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Overman, Pete	Board of Adjustments	Reappointment	3 yrs.	10/1/12
Winslow, Lynwood III	Board of Adjustments	Reappointment	3 yrs.	10/1/12
Kahl, Paul	Planning Board (not eligible)	Appointment	3 yrs.	10/1/12
Nixon, Edward	Planning Board (not eligible)	Appointment	3 yrs.	10/1/12

Donna Godfrey, County Planner, informed the Board that Paul Kahl is still eligible to serve another three-year term and that he has indicated to her that he is willing to continue to serve. She also reported that she had talked with Pete Overman and Lyn Winslow, III who have expressed an interest in serving on the Planning Board and presented her with a "Statement of Interest to Serve" which she has distributed to the Board prior to the meeting. She said that she has tried to get in contact with Ed Nixon to see if he would be interested in serving on the Board of Adjustments but he has not returned her call. Commissioner Nixon said that he had talked with Ed Nixon who expressed a desire to have a farmer fill his position so that farmers would have representation on the Planning Board. Mr. Ed Nixon has talked to several farmers encouraging them to consider serving on the Planning Board. Therefore, Commissioner Nixon said that he would recommend that they table these appointments until after they discuss this at their next Work Session. The Board concurred and tabled the matter until after their Work Session on September 24<sup>th</sup>.

**PUBLIC COMMENTS**

**Richard Bundy:** On behalf of his family, Mr. Bundy thanked the Board for approving his Conditional Use Permit to place the doublewide manufactured home in the Historic Agricultural District.

**ADJOURNMENT**

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 7:40 p.m.

\_\_\_\_\_  
Benjamin C. Hobbs, Chairman

\_\_\_\_\_  
Clerk to the Board

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