

_____(Seal)
Notary Public
My Commission Expires:

ALBEMARLE PLANTATION PROPERTY OWNERS ASSOCIATION, INC.

By: _____, President

Print Name: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

Subscribed, sworn to and acknowledged before me by _____, President of Albemarle Plantation Property Owners Association ____ day of _____, 2013.

_____(Seal)
Notary Public
My Commission Expires:

NCACC REQUEST FOR COUNTY FEDERAL ISSUES

Chair Cole stated that NCACC is requesting the Board to identify those federal issues of statewide importance to all counties to be presented to N.C. Congressional delegation during the NACO's Legislative Conference in March in Washington, D.C. Commissioner Miller-White stated that the two priorities from December 2012 list, Partnership for Medicaid and the Farm Bill, would be the two that would most affect our county and hopes that they will be addressed properly. No action is required at this time.

PUBLIC COMMENTS

Donna Godfrey: Ms. Godfrey brought to the Board's attention the flyer that she provided them about the Albemarle Regional Bicycle Plan.

Charles Tripp, NCEM Area Coordinator: Mr. Tripp wanted to take a moment to thank Mr. Jarvis Winslow for his diligent work that he does for the County's Emergency Management Program.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:20 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Clerk to the Board

REGULAR MEETING
March 4, 2013
6:55 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Monday, March 4, 2013, at 6:55 p.m. in the Commissioners' Room located on the first floor of the Perquimans County Courthouse Annex.

MEMBERS PRESENT: Janice McKenzie Cole, Chair Edward R. Muzzulin, Vice Chair
Benjamin Hobbs Kyle Jones
Matthew Peeler Tammy Miller-White

MEMBERS ABSENT: None

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

After the Chair called the meeting to order, Commissioner Muzzulin gave the invocation and the Chair led the Pledge of Allegiance. The Chairman said that the first item of business was to hold a Public Hearing.

PUBLIC HEARING

Closing of Fosters Lane

Chair Cole opened the Public Hearing stating that the purpose of the public hearing was to receive public comments on the consideration of closing a portion of Fosters Lane. The portion that is being considered for closure is as follows: 175.90' from the end of Fosters Lane (SR 1318). There were fourteen (14) people present. The Chair stated that the County had adopted a Resolution at their February meeting to proceed with holding the Public Hearing in March. She asked if there were any comments from the public and the Board. There being none, The Chair closed the meeting at 7:00 p.m. and proceeded with the regular meeting.

AGENDA

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

CONSENT AGENDA

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

1. **Approval of Minutes:** February 4, 2013 Regular Meeting
2. **Approval of Tax Release:**
PERQUIMANS COUNTY TAX RELEASES:
 - **Arnseson, Andrew David**..... \$128.79
Active duty military. Account Number: 8086842.**TOWN OF HERTFORD TAX RELEASES:**
 - **Ward, Charles Henry** \$118.82
Vehicle located outside city limits. Account Number: 8087116.

3. Budget Amendments:

**BUDGET AMENDMENT NO. 10
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-430-334	Elections - Coding Grant	4,916	
10-348-042	HAVA - Coding	4,916	
EXPLANATION: To accept General Election & 2nd Primary Election - Coding Grant from State.			

**BUDGET AMENDMENT NO. 11
GENERAL FUNDS**

CODE NUMBER	DESCRIPTION OF CODE	AMOUNT	
		INCREASE	DECREASE
10-335-000	Miscellaneous Revenue	15,995	
10-500-730	Capital Outlay - Other	15,995	
EXPLANATION: To budget insurance funds received to purchase new phone system for Courthouse and Courthouse Annex due to 12-20-12 storm which caused water to get into the telephone room located in Annex.			

4. Board Appointments: The following Board appointment was approved:

NAME	BOARD	ACTION	TERM	EFFECTIVE DATE
Ward, Charles	College of the Albemarle Board of Trustees	Reappointment	4 yrs.	7/1/2013

HOMERIA JENNETTE, TELECOMMUNICATIONS

Ms. Jennette presented her monthly report.

SUSAN CHANEY, SOCIAL SERVICES DIRECTOR

Ms. Chaney presented her monthly report and updated the Board on upcoming changes in her department.

BILL JENNINGS, TAX ADMINISTRATOR

Bill Jennings was unable to attend the meeting due to attending classes at the UNC School of Government but his monthly report was included in their Agenda Packets.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

Commissioner Edward R. Muzzulin requested that the Board begin to look at the Minimum Standards for Rental Property again.

UPDATES

County Manager Heath updated the Board on the following projects:

Water System Projects: County Manager Heath stated that the work is still progressing well. The completion date will need to be by the end of August, 2013 since the County will need to start accepting water from the Pasquotank RO Plant in September.

Jail Project: Commissioner Muzzulin highlighted the following items on his Albemarle District Jail (ADJ) Report: (1) Federal inmate count for February was 43 (there were 37 in January); (2) They still have no information from Chowan County with regard to joining with ADJ; (3) The School for Detention Officers is ongoing. They have seven in the school, 4 are current ADJ employees and they still have eight openings; (4) they have several repairs to the facility – kitchen ceiling, fire sprinklers, corridor floor finish, and rear sliding gate. All these repairs will be included in the 2013/2014 Budget; and (5) the video phone system and maintenance in Sheriff's Office agreement and costs was discussed.

Senior Center Update: County Manager Heath explained that they did a walk-thru on Friday. They are looking at opening the center sometime in April. Mr. Heath thanked Mr. Emmert for his assistance with this project.

LEASE AGREEMENT: ALBEMARLE COMMISSION

Last month, County Manager Heath explained that Bert Banks, Executive Director of Albemarle Commission, asked if they could possibly lease a couple of offices at the 104 Dobbs Street Building. Mr. Heath and Mr. Banks met and have agreed to lease these offices. The lease is for two 10 x 10 offices for a term of April 4, 2013 through June 30, 2013 at \$10.50 per year. This will go through the end of this fiscal year. If they wish to continue beyond then, the contract allows them to continue the lease. Benjamin C. Hobbs made a motion to approve the lease with Albemarle Commission. Matthew Peeler seconded the motion. Chair Cole asked if there was any discussion. Commissioner Miller-White asked about item #3: *The Lessor shall provide and pay for utilities and janitorial services in regard to the above-described property during the term of this lease.* She wanted to know if the County would be paying their utilities. County Manager Heath said that the County would be paying their utilities. Commissioner Peeler asked if there was a methodology to raise the rent. County Attorney High stated that he had looked into that and feels that, even though it was not specifically addressed, but after the first term there is a unilateral right for either party to terminate the lease. He felt that, with inflation and other things, we felt that we could just notify them that the lease was terminated. There was no specific escalation clause in there but our protection would be to get out of the lease with very short notice. Commissioner Muzzulin asked if this lease was consistent with the other leases in the building. County Manager Heath said that there were no other offices being leased in that building and that this lease is based off of the previous lease that they held previously with the Nutrition Center. There being no further discussion, the Board voted unanimously to approve the following Lease Agreement with Albemarle Commission:

NORTH CAROLINA
PERQUIMANS COUNTY

LEASE AGREEMENT

THIS AGREEMENT, made this the 1st day of April, 2013 by and between PERQUIMANS COUNTY, a body politic and corporate of the State of North Carolina, Lessor, and the ALBEMARLE COMMISSION, Lessee;

WITNESSETH:

That subject to the terms hereinafter set forth, the Lessor does hereby let and lease unto the Lessee that portion of the County Office Building at 104 Dobbs Street in Hertford, North Carolina, which portion is known as two 10x10 offices located in the front left portion of the middle section of the Dobbs Street building, along with common space for bathrooms and storage, totaling 250 square feet.

The terms of this lease agreement are as follows:

1. The Lessee shall pay to the Lessor as rent for said property for the remainder of the fiscal year (April 1, 2013 through June 30, 2013) the sum of \$218.75 per month, with the first monthly payment being due on April 1st, and the final payment being on June 1st, 2013. If the property is rented for successive fiscal years, the annual total of \$2,625.00 is to be paid in four (4) equal quarterly

- payments of \$656.25 each. Payment will be due and payable on the 15th day of the first month in each of the four quarters (July 15th, October 15th, January 15th, and April 15th).
- 2. The term of the lease granted herein shall begin on April 1, 2013 and shall continue through June 30, 2013 and shall then continue each fiscal year thereafter until changed by written Agreement between the Lessor and the Lessee or until terminated. Quarterly payment dates will remain the same each year.
- 3. The Lessor shall provide and pay for utilities and janitorial services in regard to the above-described property during the term of this lease.
- 4. The Lessee shall neither assign this lease nor sublet the leased property or any part of the leased property without written consent of the Lessor.
- 5. The Lessee shall adhere to and enforce all County Policies pertaining to County Owned Buildings.
- 6. The Lessee shall during the term of this lease maintain the above-described premises in as good order and condition as when the Lessee took possession, reasonable wear and tear excepted, and at the expiration thereof deliver up the above-described premises in as good order and condition as when the Lessee took possession, reasonable wear and tear excepted.
- 7. The Lessee shall not alter the leased premises without the prior written permission of the Lessor. Any alterations or improvements to the premises are and shall remain the financial responsibility of the Lessee.
- 8. The Lessor shall have the right to terminate the lease herein granted if the Lessee defaults as to any of the terms of this agreement and if written notice is given to the Lessee of the Lessee's default. After the initial lease term set out above, the Lessor shall have the right to terminate the lease without cause at any time upon 90 days written notice to the Lessee. The Lessee shall be required to vacate the property within 90 days of the date of the written notice. The Lessee shall have the right to terminate this lease upon a 90 day written notice to the Lessor and upon such termination rent will be refunded for those months outstanding in the lease once all furnishings, papers, supplies and other materials owned by the Lessee have been removed from the premises.
- 9. The Lessor shall have the right to inspect the above referenced premises at any time during the regular work day, Monday through Friday, 8:00 a.m. – 5:00 p.m.
- 10. Notices: All notices under this lease agreement shall be sent as follows: To the County at Perquimans County, P.O. Box 45, Hertford, North Carolina 27944; to Albemarle Commission at Albemarle Commission, P.O. Box 646, Hertford, North Carolina 27944.

ATTEST:

PERQUIMANS COUNTY, LESSOR

Clerk to the Board of Commissioners of
Perquimans County

By: _____
Chairman, Board of Commissioners of
Perquimans County

ATTEST:

ALBEMARLE COMMISSION, LESSEE

Clerk to the Albemarle Commission Board

By: _____
Executive Director, Albemarle Commission Board

ORDER: CLOSING A PORTION OF FOSTERS LANE

A Public Hearing was held earlier in the meeting to close approximately 175.90' from end of Fosters Lane (SR 1318) off New Hope Road. Edward R. Muzzulin made a motion to approve the following Order to close a portion of Fosters Lane. The motion was seconded by Benjamin C. Hobbs. There being no further comments or questions, the following Order was unanimously approved by the Board and will be recorded in the Register of Deeds' Office:

ORDER

WHEREAS, the Perquimans County Board of Commissioners received a request to permanently close the following section of Fosters Lane:

Approximately 175.90' from end of Fosters Lane (SR 1318)

WHEREAS, on February 4, 2013, the Perquimans County Board of Commissioners adopted a resolution declaring its intent to close said street or easement and set a public hearing on the issue for March 4, 2013, all in accordance with North Carolina General Statute §153A-241; and

WHEREAS, notice of the proposed closing and public hearing were prominently posted in two places along said road; and

WHEREAS, a copy of the resolution was sent by registered or certified mail to each owner as shown on the county tax records of property adjoining said road or easement; and

WHEREAS, notice of the public hearing set by the Perquimans County Board of Commissioners on February 4, 2013 was published once a week for three successive weeks before the hearing; and

WHEREAS, the Perquimans County Board of Commissioners has determined through the public hearing that the closing of the aforesaid street is not contrary to the public interest and that no individual owning property in the vicinity of said street would be deprived of reasonable means of ingress and egress to his property;

NOW THEREFORE, BE IT ORDERED by the Perquimans County Board of Commissioners the above-referenced portion of Fosters Lane be permanently closed and that all right, title, and interest in its respective rights-of-way is vested in those persons owning lots or parcels of land adjacent to the street or easement.

BE IT FURTHER ORDERED that an original of this Order shall be recorded in the Register of Deeds Office of Perquimans County, North Carolina.

This the 4th day of March, 2013.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

**NORTH CAROLINA
PERQUIMANS COUNTY**

I, _____, a Notary Public of the County and State aforesaid, certify that Mary P. Hunnicutt, personally came before me this day and acknowledged that she is Clerk to the Board of the Commissioners of Perquimans County, and that by authority duly given and as the act of said Board, the foregoing instrument was signed in its name by its Chairman, sealed with its corporate seal and attested by her as its Clerk.

Witness my hand and official stamp or seal, this _____ day of March, 2013.

Notary Public

My commission expires: _____

RESOLUTION SUPPORTING REQUEST TO EXEMPT CERTAIN RECORDS OF THE SHERIFF OFFICE FROM PUBLIC RECORDS OFFICE

County Manager Heath explained that a copy of a resolution from Gaston County had been distributed to the Board. He further explained that these records could be used for negative purposes. Commissioner Muzzulin had asked that the Board adopt a similar resolution which would exempt

handgun purchase permits and concealed carry permits from the records of Sheriffs Offices that are accessible by the public at large. On motion made by Edward R. Muzzulin, seconded by Benjamin C. Hobbs, the following Resolution was unanimously adopted by the Board:

**RESOLUTION TO REQUEST LEGISLATION TO EXEMPT CERTAIN
RECORDS OF THE SHERIFF'S OFFICE FROM THE PUBLIC
RECORDS ACT**

WHEREAS, the Sheriff's Office in each county in the State of North Carolina is required to maintain records of the handgun purchase permits issued by the Sheriff's Office pursuant to N.C.Gen.Stat.§14-405 and concealed carry permits issued pursuant to N.C.Gen.Stat.§14-415.17; and,

WHEREAS, these records include information such as name, address, age and other information as may be requested by the Sheriff's Office; and,

WHEREAS, the Perquimans County Board of Commissioners finds and declares that it is in the best interests of the citizens of the County and the State of North Carolina to prevent public access to this information; and,

WHEREAS, the Perquimans County Board of Commissioners recommends and supports legislation which exempts handgun purchase permits and concealed carry permits from the list of records of Sheriffs Offices which are accessible by the public at large.

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners hereby requests that the Perquimans County delegation to the North Carolina General Assembly introduce and support legislation to exempt handgun purchase permits and concealed carry permits from the records of Sheriffs Offices that are accessible by the public at large.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Honorable Pat McCrory, NC Governor, the Perquimans County Legislative Delegation to the NC General Assembly, the North Carolina Association of County Commissioners, and to the other 99 NC counties.

Adopted this the 4th day of March, 2013, in Perquimans County, North Carolina.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

RESOLUTION SUPPORTING CONTINUED FUNDING FOR MUSEUM OF THE ALBEMARLE

County Manager Heath reported that he had received a telephone call from Charlotte Underwood, Board Member of the Friends of the Museum of the Albemarle, requesting that Perquimans County adopt a resolution supporting the continued funding for Museum of the Albemarle. Edward R. Muzzulin made a motion to approve the Resolution as presented. Matthew Peeler seconded the motion. Chair Cole asked for any comments or questions. Commissioner Peeler asked if they have provided how much funding this is. Mr. Heath said that he had not received that amount. There being no further discussion, the following Resolution was unanimously approved by the Board:

**RESOLUTION SUPPORTING CONTINUED FUNDING
FOR MUSEUM OF THE ALBEMARLE**

WHEREAS, Museum of the Albemarle serves a 13 county area that spans Northeastern North Carolina and is one of six divisional museums of the North Carolina Museum of History; and

WHEREAS, Museum of the Albemarle opened its first museum on May 29, 1967 in the old Highway Patrol building south of Elizabeth City; and

WHEREAS, by 1987 the museum's collection was overflowing and there was a critical need for a larger facility that would allow for the proper housing and display of the region's precious collections and a decision was made to seek a larger facility; and

WHEREAS, property was donated for a site and following a fundraising campaign and delays due to state budget shortfalls, a new 50,000 square foot museum was constructed using local and state resources; and

WHEREAS, the new Museum of the Albemarle opened on April 8, 2006 and is a wonderful facility that includes large public gathering areas, meeting and conference rooms, a 200 seat auditorium, 11,000 square feet of lobby and galleries, and 3,500 square feet of collection storage; and

WHEREAS, the museum is a regional resource center that houses historically significant regional artifacts and state-of-the-art displays that provide rare opportunities for inquiry and learning; and

WHEREAS, some of the current exhibits which are quite significant for our area include "Our Story: Life in the Albemarle", "Out of the Blue: Coast Guard Aviation", "Under Both Flags: Civil War in the Albemarle"; and

WHEREAS, over the past 45 years, Museum of the Albemarle has shown hundreds of exhibits, collected, displayed and cared for thousands of regional artifacts, conducted hundreds of educational programs, given general tours to thousands of regional school children, and educated, entertained and showed off the amazing history of the Albemarle Area; and

WHEREAS, Museum of the Albemarle has become a vital resource for our area;

NOW, THEREFORE, BE IT RESOLVED that the Perquimans County Board of Commissioners supports funding for continued operation of Museum of the Albemarle and requests the Governor and General Assembly to include full funding in the state's 2013-14 budget for Museum of the Albemarle.

Adopted this the 4th day of March, 2013, in Perquimans County, North Carolina.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

PETITION: SHADY LANE

On motion made by Benjamin C. Hobbs, seconded by Edward R. Muzzulin, the Board unanimously authorized to forward the petition to add Shady Lane to the NCDOT State Maintenance System.

PROPOSED AMENDMENT TO PERSONNEL POLICY: SHARED LEAVE

County Manager Heath explained that several employees have asked about a Shared Leave Policy in the past and former County Manager Darden had looked into the policy but could not find one that did not put leave in a pool for employees to draw from. At the February jail meeting, it was asked what counties had a shared leave policy. Mr. Heath realized that most of the entities had a Shared Leave Policy in place. Therefore, he began thinking about times when employees have a major medical

event that would cause them to be out for an extended amount of time but the employee had exhausted all their leave time. This would allow other employees to donate a portion of their annual leave to this individual. Mr. Heath had pulled together a couple of policies from different entities and prepared the following proposed amendment to the Personnel Policy – Shared Leave – for Board review and action:

PROPOSED AMENDMENT NO. 8

Addition to the following

Article VI. Holidays and Leave

SECTION 13. VOLUNTARY SHARED LEAVE PROGRAM

Purpose

There are occurrences brought about by serious and prolonged medical conditions which cause employees to exhaust all available paid leave and to be placed on leave without pay. It is recognized that the fact that such employees are forced to go on leave without pay could create a hardship at a most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their vacation leave so as to provide assistance of such Perquimans County employees. This policy provides an opportunity for employees to assist one another under circumstances where an employee or a member of his or her family is affected by a medical condition which requires absence from duty for a period of time resulting in possible loss of income due to lack of accumulated paid leave.

This policy and program will provide the opportunity for one employee to help another on a one-to-one personal basis. It does not permit “banking” of leave. It is intended that any leave transferred pursuant to this policy will be immediately utilized, rather than accumulated, by the recipient in keeping with this policy.

Policy

In cases of a prolonged medical condition, an employee may apply to the County Manager to become a recipient of leave transferred from the annual vacation leave account of another employee. For purposes of this policy, a prolonged medical condition means a medical condition of any employee or immediate family member, including spouse, parents, children, brother, sister, grandparents and grandchildren, as well as step, half, and in-law relationships or other dependents living in the employee’s household, which is likely to require an employee’s absence from duty for a prolonged period, generally considered to be at least 20 consecutive workdays. If an employee has had previous random absences for the same condition that has caused excessive absences, or if the employee has had a previous, but different, prolonged medical condition within the last 12 months, an exception to the 20 day period may be made. The intent of this policy is to allow one employee to assist another in case of a crisis involving a serious or prolonged medical condition of the employee or a member of the employee’s family under circumstances where an employee is required to exhaust earned leave and family and medical leave to which he or she is entitled. This policy is not intended to apply to short-term or sporadic medical conditions or illnesses that are common, expected, or anticipated. Examples of short term or sporadic medical condition would include, but are not limited to, such things as sporadic, short-term recurrences of chronic allergies; short-term absences due to contagious diseases; or short-term, recurring medical or therapeutic treatments.

The use of annual vacation leave on a shared basis for any purpose other than specified by this policy is prohibited. Only accrued paid leave in the form of annual vacation leave may be used to participate in the program.

Participation in this program is limited to 1,040 hours for a full time employee, and prorated for a part-time employee, either continuously or, if for the same condition, on a recurring basis.

In order to qualify, the employee must be in regular or trainee appointment status. Probationary employees do not qualify. All donated leave will be credited to the recipient’s sick leave account.

Administration

A letter of application for transfer of accrued vacation benefits must be made by the recipient along with a letter of approval by the donor(s). A letter of application must include name, department, description of medical condition, and estimated length of time needed to participate in the program.

A prospective recipient must make application for voluntary shared leave at such time as medical evidence is available to support the need for leave beyond the employee’s available accumulated leave.

The County Manager will send a letter of approval or disapproval to the requesting employee, respective Department Head, Finance Officer, Clerk to the Board, and a copy to the donor(s). An employee may not file a grievance nor may an employee appeal if his/her request to receive or donate leave is denied.

Transfer of Annual Vacation Leave

The minimum amount of annual vacation leave to be donated is four hours.

At the time of the request, applicant must have exhausted all sick, annual, and compensatory leave; all leave balances must be zero.

The maximum amount of leave allowed to be donated by one individual is to be no more than the amount of the individual’s annual accrual rate. However, that amount donated is not to reduce the donor’s annual vacation leave balance below one-half of the annual vacation leave accrual rate.

Example 1 - Employee with 5 but less than 10 years of service earns 120 hours annually. Employee may contribute 4 or more hours up to 120 hours, but may not reduce vacation leave balance below 60 hours.

Example 2 - Employee with 10 to 15 years of service earns 144 hours annually. Employee may contribute 4 or more hours up to 144 hours, but may not reduce vacation leave balance below 77 hours.

Leave donated to a recipient’s leave account who is on extended leave or who has an illness on a recurring basis is exempt from the maximum accumulation carry over restrictions at calendar year end.

Participation Requirements

A donor may donate only annual vacation leave to another employee.

An employee may not directly or indirectly intimidate, threaten, coerce, or attempt to intimidate, threaten, coerce any other employee for the purpose of interfering with any right which such employee may have with respect to donating, receiving, or using annual leave under this program. Such action by an employee shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave. The employee donating leave cannot be compensated or receive reimbursement for the leave donated.

In case of the death of the employee who is the recipient, unused donated annual vacation leave and sick leave will be returned to the donor(s) on a pro-rata basis. Such accounts shall provide a clear and accurate record for financial and management audit purposes.

The Personnel Policy was amended with the above change at a Regular Meeting of the Board of Commissioners on March 4, 2013 for an effective date of _____.

Mr. Heath further stated that there was no urgency to adopting this amendment but wanted the Board to have an opportunity to look into this matter. He also explained that he had provided a copy of the proposed amendment to County Attorney High to review. He may have some comments about the amendment. The following items were discussed:

Commissioner Miller-White: Ms. Miller-White asked about medical evidence requirement. Mr. Heath said that it would be a letter from the doctor. Ms. Miller-White said that she feels that it might need to be a little clearer. She also asked about the process if the request was denied. She wanted to know if this was standard procedure and why would it be denied. Mr. Heath said that the denial would be based on the medical evidence. This is considered more to be a courtesy policy. Chair Cole asked if this would be considered only after all their leave and FMLA has been exhausted. Mr. Heath said that was true. County Attorney High said that since this was a courtesy policy the County does not want to get bogged down with a lot of grievance and appeal filings. He further feels that the decision would be made because the medical situation would be self evident in the doctor’s letter.

Chair Cole: Ms. Cole asked that, under Policy, it states living in the employee’s household. She wanted to know if this was just referring to step, half, and in-law relationships or other dependents. Does this mean that the spouse, parents, children, brother, sister, grandparents and grandchildren do not have to live within the household. Mr. High said that it was a good question and it would probably depend on what our intent was and to make sure that our intent is clearly stated.

Chair Cole: Ms. Cole asked how this lines up with Family Medical Leave Act (FMLA). Mr. High was not prepared to answer that and will require some more research and clarification.

Commissioner Peeler: Mr. Peeler said that this Shared Leave Policy conflicts with the current Personnel Policy. That was the issue that he had with this and does not feel that he is ready to vote on this policy.

Edward R. Muzzulin made a motion to table this matter until further discussion. The motion was seconded by Matthew Peeler. Mr. Heath asked if there were any further concerns that the Board had so that he could research them and have an answer for them.

Commissioner Peeler: He does not have a problem with paying an employee who is sick under this policy but he is concerned about paying for even a child or spouse. To him, if we could pay someone who is out for about one-half a year then we need to check to see if we really need the position in the first place. Chair Cole asked Mr. Peeler that, if an employee's spouse or child gets cancer, is he suggesting that we fire the employee? Mr. Peeler said he was not suggesting that we fire them but he was suggesting that we should not pay them in any fashion but we could put them on what we did before – such as, Leave Without Pay. Chair Cole said that this would be contrary to the FMLA Act. County Manager Heath and County Attorney High said that this would be something that we would have to look at.

Sharon Ward, Finance Officer: Ms. Ward reminded the Board that when an employee transfers annual leave it is a liability on the books already. In other words, it would benefit the County by reducing their annual leave. Commissioner Peeler asked would it be the employee that was sick or the employee giving the leave. It would be the employee that was giving the leave.

Commissioner Peeler: With regard to the cost issue, Mr. Peeler asked that, if an individual at Grade 53/Step 1 donates annual leave to an individual at Grade 73/Step 1, the County will be paying out at a higher rate. This would be an additional liability. If, on the other hand, an individual at Grade 73/Step 1 gives to an individual at Grade 53/Step 1, the County would benefit because it would be paid at a lower rate. On the same token, when junior employees give leave time to senior employees, he has a problem with the possibility of retaliation. That is a major concern for him. Commissioner Miller-White said that there is some language in the policy that addresses that. Chair Cole said that it could possibly be a cause for favoritism. He also feels that this would put additional pressure on the supervisors. He would strongly ask that supervisors not be allowed to participate in this for this reason.

Commissioner Hobbs: He said that he feels that County Manager Heath and County Attorney High could work out the situation with the differences in pay grades. He feels that this is an opportunity for fellow employees to help each other.

Commissioner Peeler: Mr. Peeler asked how the other employees are going to be notified that a need is present. Currently, there is nothing in the Administrative part of this policy to address this. Will it be by word of mouth or bulletin board or something like that. With us being a professional organization, we should have a professional way of notifying employees of this need. Chair Cole said that County Manager Heath could make it known at their Department Head meetings. Mr. Heath said that once this policy is adopted, a copy would be distributed to each employee to make them aware of this benefit. He further stated that this could be handled within the individual departments.

Sharon Ward, Finance Officer: Ms. Ward said that it would be helpful to find out from other surrounding counties how often this policy is used.

There being no further discussion, Chair Cole called for a vote. The motion was unanimously approved to table the matter. Commissioner Muzzulin said that he wanted to make sure that this was brought back before the Board next month.

RESOLUTION: REVISE REQUIREMENT IN S-191 CONCERNING THE APPOINTMENT OF BOARD MEMBERS TO LME BOARDS

Chair Cole explained that she had mentioned this before about the new requirement for board appointments to the mental health boards. It has to do with the number of positions on the LME Board. The law proposes that, effective October 1, 2013, not all participating counties will be able to have representation on the LME Board because of the limitations that this bill imposes. Therefore, East Carolina Behavioral Health (ECBH) is asking all their participating counties to adopt this Resolution opposing SB-191. On motion made by Edward R. Muzzulin, seconded by Tammy Miller-White, the Board unanimously adopted the following Resolution:

A RESOLUTION URGING MEMBERS OF THE NORTH CAROLINA GENERAL ASSEMBLY AND GOVERNOR MC CRORY TO REVISE THE REQUIREMENTS IN S-191 CONCERNING THE APPOINTMENT OF BOARD MEMBERS TO THE LME BOARD

WHEREAS, Senate Bill 191 was approved and passed into law in the 2012 Session of the General Assembly; and

WHEREAS, the new membership rules for the Boards of Local Management Entities (LMEs) limit the required designation to only one county commissioner from the nineteen (19) participating counties comprising the EAST CAROLINA BEHAVIORAL HEALTH LME, and limits the total membership to twenty-one members with most of the members having to be representative of a specific occupation or group; and

WHEREAS, these new requirements have to be implemented by October 1, 2013; and

WHEREAS, the General Assembly has the authority to review and modify these requirements in the current Session, understanding that counties and the State have a vested interest and obligation to provide adequate mental health services and oversight to our citizens in a responsible and realistic way;

NOW, THEREFORE, BE IT RESOLVED that Perquimans County, a county in the EAST CAROLINA BEHAVIORAL HEALTH LME, request that any LME which represents ten (10) counties or more be given the option of increasing their Governing Board to a maximum of thirty (30) voting members. This would ensure that each county has the ability to appoint a Commissioner or their designee to the LME Board. The increased size would also permit the appointment of individuals with the additional background and expertise required in SB 191.

BE IT FURTHER RESOLVED that copies of this resolution be sent to the Governor, the Secretary of the NC Department of Health and Human Services, the leadership of the NC General Assembly, our State Senator and House Representative, to the North Carolina Association of County Commissioners, and to each County Commission that is a part of the East Carolina Behavioral Health LME.

Adopted this the 4th day of March, 2013, in Perquimans County, North Carolina.

Janice McKenzie Cole, Chair
Perquimans County Board of Commissioners

ATTEST:

Mary P. Hunnicutt, Clerk to the Board

Commissioner Hobbs asked if the other Counties and ECHB Board will be asked to approve this Resolution. Chair Cole said that they have or are planning on adopting this same Resolution.

REVISED HCCBG GRANT CONTRACTS

Chair Cole explained that Laura Alvarico, Director of Area Agency on Aging, has forwarded a revised contract for the Home & Community Care Block Grant (HCCBG) funds. There was an increase of \$450 to the Home Delivered Meals Program. These funds were received from the Division of Aging & Adult Services. On motion made by Benjamin C. Hobbs, seconded by Tammy Miller-White, the Board unanimously authorized the Chair and County staff to sign the revised HCCBG Grant Contracts.

PUBLIC COMMENTS

Clay Helm: Mr. Helm provided an update on the Minzie Creek Sewer District. They have been holding monthly meetings and everything seems to be proceeding well. They are meeting all financial requirements and are in the process of hiring an engineer to design the system. They have negotiated with Holiday Island Property

Owners Association regarding the former system assets. They are moving ahead and have applied for several grants and have received good indications that they will be approved and these funds will go toward covering the engineering costs. They have negotiated with the County on the Water Contract. Commissioner Hobbs asked when the sewer system was going to be installed. Mr. Helm said that they have to get their final design, submit it to DENR, who will approve it and negotiate a timetable with DENR which they do not have that yet. Commissioner Peeler asked what type of system they were looking at. Mr. Helm said that it would be a modified system on the order of a step system.

ADJOURNMENT

There being no further business to discuss, the Regular Meeting was adjourned by the Chairman at 8:00 p.m. on motion made by Edward R. Muzzulin, seconded by Matthew Peeler.

Janice McKenzie Cole, Chair

Clerk to the Board
