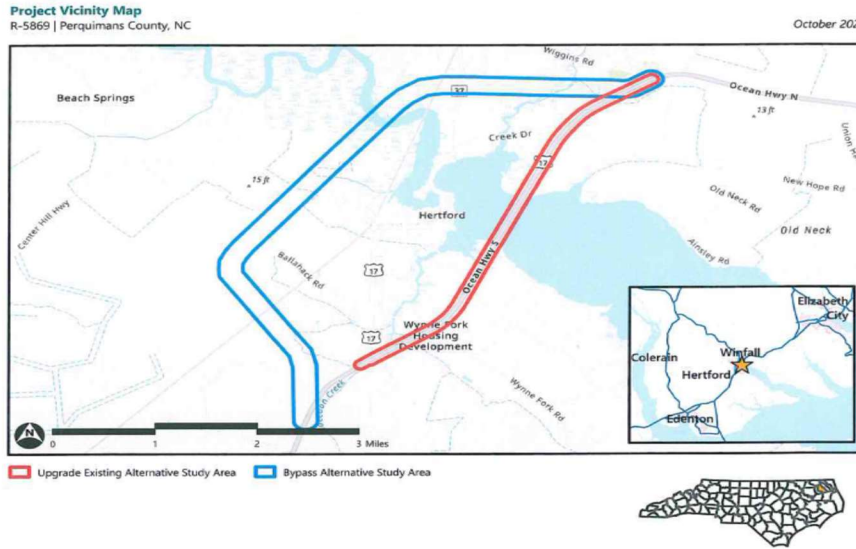


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Map: NCSG, M&M, USGS, ARMA, State of North Carolina DOT, Esri, Thomson, Garmin, Safeplanet, GeoTechnologies, Inc., HERE/MAGS, USGS, EPA, APT, USDA, USFWS

Wedn _____ N. Paul Gregory, Jr. _____ County Manager
County official designated to answer questions about this policy.

- Commissioner Hillier wants to know if this was preplanning for I-87. Mr. Heath said that it was.
- Commissioner Corprew wants to know if this will be a restricted bypass or a true bypass this time. Mr. Heath feels that it would be a true bypass.
- Commissioner Woodard is concerned about going through the intermediate school property.
- County Manager Heath is concerned that it will minimize access to the Marine Park & Commerce Center.
- They were also concerned that it would affect the NCDOT Shop too.

It was the consensus of the Board to include these items in Mr. Heath's report to NCDOT and to contact the Town of Hertford and Town of Winfall for their concerns too.

PUBLIC COMMENTS

There were no public comment made.

ADJOURNMENT

Chairman Nelson asked if there were any further comments or business to discuss. Jonathan Nixon, Emergency Services Director, wanted to let the Board know that they have gone out for bids for the 911 Expansion Project. The bids are due back by October 31, 2024. A copy of their bid package was included in their Agenda Packet under "For Information Only". This is just in case someone came and asked the Board about it. There being no further comments or business to discuss, the Regular Meeting was adjourned around 7:35 p.m. on motion made by Timothy J. Corprew, seconded by James W. Ward and unanimously approved by the Board.

Wallace E. Nelson, Chairman

Clerk to the Board

WORK SESSION
October 28, 2024
7:00 p.m.

The Perquimans County Board of Commissioners met in a Work Session on Monday, October 28, 2024, at 7:00 p.m. in the in the Meeting Room of the Perquimans County Library located at 514 S. Church Street, Hertford, NC 27944. Due to schedule conflicts, the Regular Work Session was held on October 28, 2024 instead of October 21, 2024.

- MEMBERS PRESENT:** Wallace E. Nelson, Chairman Charles Woodard, Vice Chairman
 Timothy J. Corprew Joseph W. Hoffler
 T. Kyle Jones
- MEMBERS ABSENT:** James W. Ward
- OTHERS PRESENT:** Frank Heath, County Manager Mary P. Hunnicutt, Clerk to the Board

Chairman Nelson called the meeting to order. Commissioner Jones gave the invocation and Chairman Nelson led the Pledge of Allegiance. Chairman Nelson welcomed everyone to the meeting. The following items were discussed during the Work Session.

AGENDA

Chairman Nelson stated that a copy of the Agenda was at their seats and asked if there were any additions or corrections to the Agenda. County Manager Heath added item II.E – Hiring Process for Assistant County Manager. There being no further additions or corrections, Mr. Nelson asked for a motion to approve the Agenda as presented. Timothy J. Corprew made a motion to approve the Agenda as presented with the addition. The motion was seconded by Joseph W. Hoffler, and unanimously approved by the Board.

ANGELA JORDAN, SOCIAL SERVICES DIRECTOR

Angela Jordan, Social Services Director, presented the following letter requesting two additional social worker positions in order to satisfy state recommended staffing levels and caseloads:



PERQUIMANS COUNTY
DEPARTMENT OF SOCIAL SERVICES
P.O. BOX 107
Hertford, North Carolina 27944
Phone 252-426-7373 - Fax 252-426-1240

SOCIAL SERVICES BOARD
Teresa Blanchard, Chair
Charles Woodard
Thelma Finch-Copeland
James Ward
Fondella Leigh

DIRECTOR
Angela S. Jordan



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Angela S. Jordan

BUDGET AMENDMENT REQUEST

October 28, 2024

Good Evening,

As you may recall, during the 2024 – 2025 Perquimans County Department of Social Services' budget presentation on May 2, 2024, I requested one additional staff member, a Social Worker (SW) III, Foster Care/Child Protective Services (CPS) position, however, the request was denied. I also requested a reclassification of the Social Worker II position that had been approved in the fiscal year 2022-2023, that request was approved. Thus far this fiscal year, I have had one Social Worker resign, an Adult Protective Services (APS) Worker, SW III. The Social Worker who held the SW II position applied for the vacant APS, SW III position and was promoted, leaving the SW II position vacant. On August 19, 2024, I submitted the reclassification request to OSHR. That request was approved on September 26, 2024.

On Thursday, September 12, 2024, I was notified by OSHR that the reclassification of the SW II position to a SW III would require me to commit that position to a dedicated service. In an attempt to provide assistance to Candice, the only Permanency Planning/Foster Care worker, who is drowning, I dedicated that position primarily to Adoptions and Licensing instead of to CPS In-Home Services and Intake. My hope had been that I would still be able to utilize that position as the "help" position for all the same programs as when it was a SW II position, however, that is no longer a possibility.

On Tuesday September 17th, our two RCWSs (Regional Child Welfare Specialists) for Permanency Planning and Safety visited our agency for the monthly consultation. They informed us that based on Candice's caseload size, we are out of compliance with the NCAC (North Carolina Administrative Code) Minimum Standards. They stated there is no way Candice, can effectively and efficiently complete all the duties that are required for the position, nor can she

be providing quality visits with our foster children with her caseload being so high. They further informed us that we are out of compliance as well with our Supervisor to Staff ratio. They stated that we need another Social Worker to assist Candice with the caseload of, at that time 18, as well as another Supervisor because of the number of Social Workers we have currently. After leaving, they sent the NCAC Minimum Standards which I have included. I have highlighted the areas that pertain to us, which show that "Agencies providing family foster care services may combine the duties of the Social Worker or Case Manager and Licensing Worker and serve no more than ten children and ten foster families." To date, we have 19 foster children, four foster families that she supervises, three other foster families that she serves, and four kinship families that she has to serve. It also shows that "There shall be one additional Supervisor for every one to five Social Workers or Case Managers." We currently have six Social Workers, therefore, even without the addition of a new SW position, we are still mandated to have another Supervisor. While I have found a solution to one issue, it has created another. We are now without a position to assist with the CPS and the APS positions.

I again come to you, this time with the request that you approve two new positions, one being a Social Worker III and the other a Social Work Supervisor (SWS) III. These level positions will support the growing trends of our entire Social Work Program and the approval of both will ensure that we are meeting NCAC Minimum Standards as well. I understand that there may be some concern that our caseloads may lower, however, that is not likely to be the case and there will be no shortage of work for any of the Social Workers or Supervisors. In August 2023, the foster care caseload was at 15 and the guardianship caseload was at 13. A little over one year later, both caseloads have grown with the foster care caseload rising to as high as 20 to currently 19, and the guardianship caseload rising from 13 to currently 20, with one pending. There have been no significant declines in either.

The new Social Worker III position will be utilized primarily as the CPS In-Home Services and Intake worker. The position will also be utilized as the "help" position, backing up CPS Investigations, Childcare, as well as providing some assistance with Adult Protective Services and Permanency Planning. The Social Work Supervisor III position will provide the current

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SWS with assistance by allowing the supervisory duties to be split. The new SWS III would supervise three of the seven Social Workers, leaving the current SWS position responsible for the supervision of four Social Workers. It will also share On Call supervision with the current SWS. The addition of these two positions will ensure we are meeting NCAC Minimum Standards for supervision of foster care and Staff. This will also reduce the likelihood of SW burnout, while reducing error rates caused by rushing which could cause missed key information and lead to county paybacks.

The salaries for the requested positions may not even require a budget amendment. As of September 27, 2024, 23.28% of the budgeted salary has been spent. If this continues, at the end of this fiscal year, 93.12% will have been spent, and a surplus of approximately \$100,974.05 will remain, and with lapsed salaries from vacant positions, there should be adequate funds to cover the two positions in the current budgeted salary for the agency. However, the following calculations are based on approval and the two workers starting in December, with seven months remaining in this fiscal year. The regular base salary for a SWS III, Grade 73, Step 1 would be \$56,459.00, however for seven months, the base salary would be \$32,934.00, adding retirement at \$2,701.04, FICA at \$2,723.98, and insurance, \$5,117.49, the total would be \$43,476.51. The regular base salary for the SW III, Grade 69, Step 1 would be \$47,344.00, however for the remaining seven months, the base salary would be \$27,617.00, adding retirement at \$2,199.00, FICA at \$2,112.70, and insurance \$5,117.49, that total would be \$37,046.19. The two positions for the remainder of the fiscal year total an approximate amount of \$80,522.70. The reimbursement for each of these positions varies dependent upon the services provided daily by the Social Worker and the Supervisor position will be cost allocated across the entire agency. The reimbursement rates for the Social Worker are 50-75%, with a few being 80-100% Federal, Capped Funds. I have included the Funding Reimbursement sheet as well.

I implore you to approve this budget amendment request, allowing the agency to meet the guidelines of the NCAC Minimum Standards, as well as the ability to provide the best services possible to our children, adults, and families.

Thank you for your time and for allowing me to advocate for compliance for my staff.

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SECTION .0500 - MINIMUM LICENSING STANDARDS

10A NCAC 70G .0501 PERSONNEL

- (a) The executive director shall manage and administer the agency in accordance with licensing requirements and policies of the governing body. The executive director shall meet the requirements of a Social Services Program Administrator I as defined by the North Carolina Office of State Human Resources. A copy of these requirements can be found at the following web site: (<http://www.oshr.nc.gov/state-employee-resources/classifications/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information can be obtained by calling Higher Education Publications, Inc. or at: <http://www.hepinc.com>.
- (b) The Social Work Supervisor or Case Manager Supervisor shall supervise, evaluate, and monitor the work and progress of the Social Worker or Case Management staff. The Social Work Supervisor or Case Manager Supervisor shall meet the requirements of a Social Work Supervisor II as defined by the North Carolina Office of State Human Resources. A copy of these requirements can be found at (<http://www.oshr.nc.gov/state-employee-resources/classification/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information can be obtained by calling Higher Education Publications, Inc. or at: <http://www.hepinc.com>. Social Work Supervisors or Case Management Supervisors shall receive 24 hours of continuing education annually.
- (c) The Social Worker or Case Manager shall provide intake services and casework or group work services for children and their families, conduct home-finding and assessment studies related to foster parents and planning, and coordinate the services and resources affecting foster children and their families. The Social Worker or Case Manager shall meet the requirements of a Social Worker II as defined by the North Carolina Office of State Human Resources. A copy of these requirements can be found at the following web site: (<http://www.oshr.nc.gov/state-employee-resources/classification/job-classification>). The college or university degree shall be from a college or university listed at the time of the degree in the Higher Education Directory. This information can be obtained through Higher Education Publications, Inc. at: <http://www.hepinc.com>. Social Workers or Case Managers shall receive 24 hours of continuing education annually.
- (d) Social Workers or Case Managers serving children in family foster homes shall serve no more than 15 children. Social Workers or Case Managers serving children in therapeutic foster homes shall serve no more than 12 children. Social Workers or Case Managers providing foster home licensing services (in this Rule, "licensing workers") shall serve no more than 32 foster families. Agencies providing family foster care services may combine the duties of the social worker or case manager and licensing worker and serve no more than ten children and ten foster families. Agencies providing therapeutic foster care services may combine the duties of the social worker or case manager and licensing worker and serve no more than eight children and eight foster families.
- (e) Supervision of social workers or case managers shall be assigned as follows:

Supervisors Required	Social Workers or Case Managers
0	0-4 (executive director serves as social work or case manager supervisor)
1	5
2	6-11
3	12-17
There shall be one additional supervisor for every one to five additional social workers or case managers.	

- (f) The agency shall ensure that the Social Work Supervisors or Case Management Supervisors and Social Workers or Case Managers receive training in the areas of child development, permanency planning methodology, family systems and relationships, child sexual abuse, trauma-informed care, and the reasonable and prudent parent standard.

History Note: Authority G.S. 131D-10.2A; 131D-10.5; 143B-153; Eff. October 1, 2008; Amended Eff. August 1, 2017; June 1, 2010;

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FUNDING FOR ADMINISTRATIVE REIMBURSEMENT

PROGRAM	CODE	% PARTICIPATION			CAP OR UNCAP	
		FEDERAL	STATE	COUNTY	FEDERAL	STATE
SSBG	X	75%	0	25%	C	
SSBG TANF TRANSFER	V	75%	0	25%	C	
STATE IN-HOME	I,B,C	87.50%	0	12.50%	C	
PERM PLANNING	P	75%	0	25%	C	
IV-E ADMINISTRATION (FC)	Z	50%	0	50%	U	
IV-E CPS (215Z)	Z	50%	50%	0%	U	C
TANF CHILD WELFARE	R	100%	0	0	C	
MOE CASE MGMT + ELIG + SERVICES	9	0	0	100%		
CHILD DAY CARE	L	72.76%	27.23%	0	C	C
MEDICAID ADMIN. CLAIMING	MAC	50%	0%	50%	U	
LINKS	K	80%	20%	0	C	
STATE APS	J	75%	0	25%		C
TANF CPS FC ADOPTION	0	100%	0	0	C	
SMART START	4	0	100%	0		C
CPS STATE	CPS	0	100%	0		C
CWS IN HOME EXP	IHE	0	100%	0		C
CPS EXPANSION	23	0	100%	0		C
ST CPS CASE LOAD REDUCTION	CRF	0	100%	0		C
ADULT HOME SPECIALIST	O	50%	25%	25%	U	C
FAMILY REUNIFICATION	24	100%	0	0	C	

After presenting her request, Ms. Jordan asked if the Board had any questions. County Manager Heath asked Ms. Jordan for a copy of the letter/e-mail from the Regional Child Welfare Specialists (RCWS). She said that she would provide him a copy which Mr. Heath will forward to the Commissioners prior to the November meeting. After some discussion, Chairman Nelson asked how the Board wanted them to proceed. It was the consensus of the Board to add an item under New Business at their November 4, 2024 meeting to consider Ms. Jordan's request to add two additional social worker positions in order to satisfy state recommended staffing levels and caseloads.

PERQUIMANS MARINE INDUSTRIAL PARK LEASE GUIDELINES

Chairman Nelson recognized County Manager Heath who presented the following Perquimans Marine Industrial Park Lease Guidelines:

EXHIBIT B

**Perquimans Marine Industrial Park
Lease Guidelines**

SCOPE

The Perquimans Marine Industrial Park has established these Lease Guidelines to secure the economic viability of the Perquimans Marine Industrial Park and to assure that the Park enhances the environment for the benefit of the tenants and the local geographical area. In keeping with this principle, the land-use within the Park must be consistent with the overall concepts and developmental goal set forth for the Park by Perquimans County.

GENERAL CONCEPTS

The Perquimans Marine Industrial Park is to be an efficient commercial and industrial marine center with modern facilities to serve marine-related businesses such as boatbuilding, marinas, and related enterprises. The Park may contain commercial facilities to support all activities in the Park, the labor force, and the vessels that operate therefrom. It is intended that revenues derived from site leases be sufficient to defray the normal operation and maintenance costs of the Park.

SPECIFIC COMMERCIAL ACTIVITIES

The types of activities to be contained in the Park are, but not limited to:

- | | |
|-------------------------------|----------------------------|
| Freezer and cold storage | Vessel haul out and repair |
| Ice manufacturing | Machine shop service |
| Vessel refueling | Marine hardware sales |
| Refrigeration sales & service | Fishing gear sales |
| Park related warehousing | Marine vessel chandler |
| Electronic sales & service | Packaging materials sales |
| Welding service | Restaurant |
| Boat repair & maintenance | General boat building |
| Diesel sales and service | |

While the primary purpose of these activities is to support the Park, it is not intended that any tenant be limited in its conduct of business to the confines of the Park and the vessels that operate therefrom.

OPERATION AND ADMINISTRATION

The overall daily operation of the Park is administered by Perquimans County. Perquimans County will attempt to ensure that each tenant is free from unreasonable interference from other tenants or persons, and that each tenant does not unreasonably interfere with other tenants or persons.

ENVIRONMENTAL RULE/REGULATION COMPLIANCE

Tenants shall be required to comply with all environmental rules, regulations, and laws of Perquimans County, the State of North Carolina, and the United States. The Tenant shall be responsible for any actions or inaction resulting in non-compliance by the Tenant, their Agents, or business patron's activities. Penalties, fines, and remedial costs shall be the responsibility of the Tenants, unless liability is elsewhere assigned herein. In the event that such non-compliance was the result of actions or inaction by an agent or business patron of the Tenant, the Tenant shall bear responsibility and subsequent liability for any and all remedial costs and associated repairs. This section shall remain in effect after termination of the lease and until a site investigation by a certified consultant reveals no contamination or damage, or in the event of remedial activity by the Tenant,

until all of the appropriate aforementioned regulatory authorities state that no further remedial action is necessary.

SITE PLAN APPROVAL

Perquimans County will review all proposed improvements planned by tenants of the Park. All proposed improvements must be approved by Perquimans County before they may be submitted to other permitting agencies for their review, approval, and permitting. Perquimans County's review will concern itself with the following items:

- Proposed site plan
- Proposed structures
- Proposed entrance location from public way and wharfage
- Proposed structure location and relation to lease lines
- Proposed yards and parking layout
- Refuse, waste and fire hazards
- Proposed landscaping
- Proposed signage
- Proposed exterior lighting and signage plan

Perquimans County will review the plans for the construction and renovation projects using the following criteria:

- Conformity to the concept plan for the Marine Industrial Park
- Highest and best use of the leased property
- Architectural and structural compatibility of the proposed structure with the objectives of the Marine Industrial Park

In general, Perquimans County will not approve the construction of buildings which require minimal investments, are temporary in nature, or which do not meet the architectural standards of the Marine Industrial Park. The existence of a particular type of building somewhere in the Marine Industrial Park shall not be an unconditional justification for the construction of a similar building elsewhere since building and economic conditions vary significantly throughout the Park.

PERMITS AND LICENSES

All new structures and the renovations of existing structures must conform to the applicable county and state building codes. Additionally, the use of each site is subject to applicable environmental protection regulations, whether they are Federal, State or local. Each tenant is responsible for securing the necessary permits to build, construct, or improve on the leased site. Each tenant must secure whatever licenses are necessary for the conduct of business on or from the site.

For purposes of permitting and licensing, each commercially leased site in the Park is subject to the codes and ordinances of Perquimans County.

ENTRANCE LOCATIONS

The location of entrances to proposed developments from both streets and from the water shall be a major concern to Perquimans County in reviewing site plans for the Marine Industrial Park. In reviewing site plans concerning entrance locations from public street and wharfages, the following criteria will be used:

- Vehicular access to a site must be positioned so as not to interfere with the normal traffic patterns on the street or adjacent sites

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- Sufficient area must be provided for safe maneuvering of both trucks and automobiles into and through the site.

STRUCTURE LOCATION

In general, all buildings which are proposed to be built on a leased property must have a minimum 30 foot setback from the street or road right-of-way, and a minimum 15 foot setback from other property lines. All buildings and their foundations proposed to be built adjacent to the basin must have a minimum setback from the bulkhead (land side of the basin) of 25 feet. All setbacks shall be measured horizontally from the point of the structure nearest the property line to the property line under consideration. Proposed development which calls for new construction within the established setback areas must receive specific written variance Perquimans County.

PARKING

Adequate off street parking must be provided for all vehicles that will use the property following the completion of the site improvements.

LANDSCAPING

All unstabilized soil on the site, including that exposed during construction, shall be stabilized with vegetative cover to prevent erosion by wind or surface water. Each tenant shall landscape the leased site in a manner, which lends uniformity to the Park and conforms to the site plan as approved by Perquimans County. All landscaping materials shall be suitable to the local climate and shall be maintained in a neat and well-groomed manner. Wind deposited trash, leaves, etc. shall be raked, and planting materials requiring periodic pruning shall be pruned in a workman like manner. All weeds shall be removed periodically and all landscape areas shall be kept clean.

WATER SUPPLY AND SEWAGE DISPOSAL

Each tenant shall make provisions for connection to the water system, the sanitary sewage system, and where applicable, the process sewage system, within the Park. Arrangements for connection to these systems shall be made with the Town of Hertford and Perquimans.

STORM SEWERS

Temporary grading during construction and final grading at the completion of construction on a site shall be such that surface waters will drain away from the waterfront or marsh areas. Water run-off directly into the basin or marsh areas surrounding the Park shall be minimized.

REFUSE, WASTE AND FIRE HAZARDS

Tenants shall be required to conform to all requirements of Perquimans County ordinances and other Federal and State regulations pertaining to fire and safety hazards and the collections and removal of refuse and waste. Tenants shall be required to remove any waste or refuse which is hazardous to personal health or safety or is visually unattractive and can be seen from the public roadway.

FREE-STANDING SIGNS

All signs and outdoor advertising structures shall be erected, altered and maintained in accordance with the following provisions:

- All signs and outdoor advertising structures shall be constructed and designed according to generally accepted engineering practices, to withstand wind pressures and load distribution as specified in Section 1205 of the North Carolina State Building Code.
- Signs may be lighted, but electrical wiring and connections must be in conformance with the North Carolina Electric Code, and all lighted signs must be oriented or shielded so that light and glare reflects away from roadways and adjacent property and does not constitute a hazard to navigation.
- One (1) free standing sign per lot may be located temporary or permanently on the ground but shall not exceed thirty-two (32) square feet in area and shall not exceed six (6) feet in height above road grade.
- No part of a sign may be within five (5) feet of a property line or twenty-five (25) feet from the land side of the basin.

Mr. Heath explained that the only change from the copy that was distributed in August, 2024 was projecting light downward. He asked the Board to continue to review the document and advise him of any changes that they would like to make. The plan is to hold a Public Hearing at the December Meeting. It was the consensus of the Board to proceed with the document adding the requested change of projecting light downward and holding a Public Hearing at their December meeting.

ANIMAL CONTROL ORDINANCE AMENDMENT

Chairman Nelson recognized County Manager Heath who presented the following Amendment to Ordinance No. 63:

AMENDMENTS TO ORDINANCE NO. 63:

PERQUIMANS COUNTY ANIMAL CONTROL ORDINANCE

AMENDMENT NO. 1, DATED AUGUST 19, 2024

The following text added to the Perquimans County Animal Control Ordinance (Ordinance No. 63) was approved by the Perquimans County Board of Commissioners at their Regular Meeting on _____ as recorded in their Minute Book No. 15, page _____.

SECTION TWO
HUMANE TREATMENT OF ANIMALS

2.00 Exemption. The provisions of this section shall not apply to dogs used for lawful hunting purposes.

2.01 Definitions. For purposes of this section, the words and phrases below shall have the following meanings:
Animal: Includes dogs, cats or other domesticated animals.

Outside Enclosure: A structure with a solid roof, under permanent shade, used to house an animal and protect it from the weather. If the structure is located within a confined space such as a kennel or fence, the structure must not take up more than 25% of the confined area.

2.02 Responsibilities of Owners.

A. Owners of dogs kept outside shall provide an outside enclosure that ensures humane and sanitary shelter from heat, cold, rain, wind and snow and shall provide food and water adequate to keep the dog in good health and comfort.

B. Animals shall not be kept on any lot unless the owner or keeper of the animal occupies the property where the animal is kept.

C. Pursuant to N.C.G.S. 14-361.1, no person shall willfully and without justifiable excuse abandon or cause to be abandoned any animal and such statute is incorporated herein.

2.03 Cruelty to Animals. Pursuant to N.C.G.S. 14-360, no person shall intentionally overdrive, overload, wound, injure, torment, kill or necessary sustenance any animal and such statute is incorporated herein.

2.04 Violations. Any violations of this section shall be considered a Class III Violation as outlined in Section One and shall be levied accordingly. Violations shall subject the violator to all other remedies provided by law, including a County ticketing system with fines up to \$50 per violation, successively increasing by double with each ticket.

Upon motion of _____ and second of _____ all of the aforesaid amendment to Ordinance No. 63 was adopted unanimously by the Perquimans County Board of Commissioners at its Regular Meeting on the 6th day of August, 2018 to be effective immediately and as recorded in their Minute Book No. 15, page _____.

Chairman
Board of Commissioners

Wallace E. Nelson,
Perquimans County

ATTEST:

SEAL

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

A committee consisting of Commissioners Corprew & Jones, Sheriff White, County Manager Heath, and the Animal Control staff drew up this amendment to Ordinance No. 63. Mr. Heath asked the Board to continue to review the document and advise him of any changes that they would like to make. Commissioner Jones expressed some concerns about an upcoming legislation that may cause some problems with accessing the violations of County Ordinances so he asked if they could hold the Public Hearing at the January meeting instead of the December Meeting. After some discussion, it was the consensus of the Board to proceed with the Public Hearing in December with the understanding that, if we have not clarified these concerns, they would continue the Public Hearing in January, 2025.

SOLID WASTE ORDINANCE AMENDMENT

Chairman Nelson recognized County Manager Heath who presented the following Amendment to Ordinance No. 50:

DRAFT AMENDMENT TO PERQUIMANS COUNTY SOLID WASTE ORDINANCE No. 50

SECTION X. ABATEMENT OF SOLID WASTE AND PUBLIC HEALTH NUISANCES

The purpose for this section is to promote the public safety, health, and welfare of the citizens of Perquimans County through regulation of public health nuisances in the county.

A) By the authority of the provisions of N.C. Gen. Stat. §§ 130A-309.61, 153A-121, 153A-123, and 153A-140 of the North Carolina General Statutes, the storage, accumulation or presence of solid waste on public or private property in the area of jurisdiction of this Ordinance which is:

1. A breeding ground or harbor for mosquitoes or other insects, snakes, rats, or other pests; or
2. A point of collection for pools or ponds of water; or
3. A point of concentration of gasoline, oil, or other flammable, toxic or explosive materials; or
4. A cause of offensive odors or health risks to others including but not limited to unburied domestic animals and stagnant water, or filthy privies and stables; or
5. So located that there is a danger of falling, sliding or turning over; or
6. A source of danger for children through entrapment in areas of confinement that cannot be opened from the inside or from exposed surfaces or metal, glass, or other rigid materials, or any uncovered well, open pit, unsecured vehicle, appliance, or building

hereby proclaimed and declared to be unlawful and a public nuisance. Such public nuisance shall be subject to abatement as provided in this Ordinance, pursuant to N.C. Gen. Stat. § 153A-140 of the North Carolina General Statutes, which allows a county "to remove, abate, or remedy everything that is dangerous or prejudicial to the public health and safety."

Bona fide farms are exempt from regulation through this section.

B) Upon reasonable cause to believe that a public nuisance as defined above exists, the Board or its designee, and upon not less than ten (10) days' written notice to the occupant and owner of the property on which the alleged nuisance is located, shall make a determination of whether or not such nuisance does, in fact, exist. If the Board or its Designee makes a determination that a public nuisance exists, he shall enter and serve upon the owner and occupant an order to remove, abate or remedy the nuisance within a reasonable period of time, but not more than ninety (90) days.

Such order may be appealed by the owner or occupant to the County Manager as provided below:

1. Appeal. Any person who receives a notice of violation, or order to remove, abate, or remedy a nuisance may, within ten business days of the day the notice was received, submit a written appeal to the County Manager. The appeal notice shall specifically

state the reasons for the appeal with a copy of the notice of violation attached thereto. The owner may either rely on written materials or appear before the County Manager for a hearing at which he shall be heard in person or by counsel and may present arguments and evidence pertaining to the matter. The only issues for appeal are: (1) whether the person is the actual owner of the real property, or (2) whether the action or condition that serves as the basis of the notice is dangerous or prejudicial to public health or safety. The fact that the owner did not bring the nuisance to the property or does not have a possessory interest in the condition creating the nuisance is not a defense.

The County Manager shall within ten days of the date of the hearing or the date of the written appeal if a hearing is not requested, issue an order either canceling the notice or directing the owner to remove, abate, or remedy the identified nuisance.

Accrual and imposition of the civil penalties shall be stayed pending the appeal. However, there will be no stay for equitable remedies available to the County. If the decision of the Board's designee is affirmed, accrual and imposition shall resume. Any appeal not filed within ten (10) business days of the day notice was received shall be considered not timely.

2. The County Manager may consider hardship as basis for extending the period for compliance up to six (6) months. In no case shall the County Manager indefinitely excuse compliance. An extension may be granted upon the appellant meeting two (2) of the four (4) following criteria:

- a. appellant is at least sixty-five (65) years of age;
- b. health problems documented by appellant's medical record which substantially affect the appellant's ability to comply with the ordinance;
- c. severe weather that prevents appellant from complying within the original time frame;
- d. taxable income below fifty percent (50%) of the County's current median income, as determined by the US Department of Housing and Urban Development, documented by appellant's latest tax return.

3. Appeals of County Manager Actions. Every decision of the County Manager shall be subject to review at the instance of any aggrieved party in the Superior Court by proceedings in the nature of a petition for writ of certiorari. Such proceedings in the Superior Court shall be initiated within thirty (30) days of the date the decision is approved. Appeals not filed within this thirty (30) day period are not timely. The Superior Court is authorized to stay enforcement of this ordinance as it relates to the matter from which such appeal was taken during the pendency of an appeal from the

decision of the Board of Commissioners upon a hearing and the posting of a bond sufficient to the Court which will adequately protect the interests of the County.

C) Upon failure of the owner or occupant of the property, or of the person responsible for placing such solid waste on the property to remove, abate or remedy the nuisance within the period the officer has allowed, pursuant to N.C. General Statute 153A-140 the Board or its Designee shall remove, abate or remedy the nuisance as provided in the order and charge the cost thereof to the owner and occupant. Perquimans County may exercise the right to hire a third party to remove solid waste from the offending property and bill the offender for the cost, plus reasonable administrative fees. See Section 116 Right of Entry for Junk Car Ordinance (Ord. No 53):

For the purpose of enforcing the provisions of this article, the Perquimans County enforcement officer or his designee(s) may at all times during regular business hours, Saturdays, and legal holidays excepted, enter upon any premises within the county's jurisdiction, other than within any building actually occupied for a residence, for the purpose of determining whether or not the provisions of this article are being violated or for the purpose of determining whether or not any notice by the county requiring the abatement of the nuisance has been complied with."

If such expense is not paid by the owner or occupant within ten (10) business days, it shall be a lien upon the land or on premises where the nuisance arose and shall be collected as unpaid taxes.

Mr. Heath asked the Board to continue to review the document and advise him of any changes that they would like to make. After some discussion, it was the consensus of the Board to proceed with the Public Hearing in December.

HIRING PROCESS FOR ASSISTANT COUNTY MANAGER

Chairman Nelson recognized County Manager Heath who explained that this process was developed with the assistance of Denise Stinagle, NCACC Outreach Associate. The process will be as follows:

1. Advertise for the Assistant County Manager position. We will prepare an Assistant to County Manager job description using our current job description from Human Resources and a copy of a job description provided by Denise Stinagle. They will begin working on potential interview questions which will include the Board's input.
2. Mr. Heath distributed a questionnaire that he would like the Board to complete and return to him by Monday, November 4, 2024, at the Regular Meeting.
3. The job opening will be advertised locally, through NC Association of County Commissioners (NCACC), NC League of Municipalities (NCLM), Virginian Pilot, and GovJobs.com.
4. Mr. Heath asked if the Board was okay to allow Chairman Nelson, Vice Chair Woodard, and County Manager Heath to meet to narrow down the applicants to four (4) to five (5) applications. It was the consensus of the Board to follow this concept.
5. We will advertise in November and take applications through the end of December.
6. Interviews will be held in January.
7. Start date will be February 1, 2025.

This timeline is about a month behind what we had aimed for but it will still allow the new employee to handle a budget process for FY 2025-2026.

LOCATION OF THE NOVEMBER, 2024 MEETING

County Manager Heath informed that Board that, due to the preparation of the Election on November 5, 2024, Board of Elections will be setting up the voting equipment that Monday night. Mr. Heath has already arranged with Michele Lawrence, Librarian, to move the meeting to the open area of the Library.

ADJOURNMENT

Chairman Nelson asked if there were any further comments or business to discuss. There being none, the Work Session was adjourned at 7:50 p.m. on motion made by Charles Woodard, seconded by Timothy J. Corprew and unanimously approved by the Board.

Wallace E. Nelson, Chairman

Clerk to the Board
