

JIMMY HITE, ARCHITECT FOR INTERMEDIATE SCHOOL PROJECT

Chairman Nelson recognized Mr. Hite who presented a PowerPoint presentation demonstrating the layout of the intermediate school in Winfall. After his presentation, County Manager Heath and the Commissioners asked Mr. Hite several questions. After answering their questions, Mr. Hite explained the proposed timeline for the project:

|                              |                 |
|------------------------------|-----------------|
| Request bids for contractor  | August, 2024    |
| Award the bid for contractor | September, 2024 |
| Start of construction        | October, 2024   |
| Finish construction          | March, 2026     |
| Final completion             | May, 2026       |

County Manager Heath explained the financing arrangements that the County will need to proceed with and asked Mr. Hite to provide him with a figure of the balance required for the County to pay after using the grant funds. He further explained that the Local Government Commission likes to have a recent completed audit attached to our application for the loan for the balance needed to complete the project. Our audit is usually completed by December so the County will probably start going out for bids for that loan funding. After his comments, Chairman Nelson asked School Superintendent Dr. Tanya Turner if she would like to say anything. She made a few comments concluding with how great it has been to work with Mr. Hite and thanked him for his service to Perquimans County School System. Mr. Hite thanked Dr. Turner and Mr. Heath for allowing him to work with them and that it has been a pleasure for him too. County Manager Heath agreed with Dr. Turner and thanked Mr. Hite for his service to Perquimans County School System.

PERQUIMANS MARINE INDUSTRIAL PARK LEASE GUIDELINES

Chairman Nelson recognized County Manager Heath who explained that these guidelines were forwarded to the Board several months ago. They have made a few revisions, and he reviewed them with the Board. County Manager Heath asked the Board to review these guidelines and be prepared to discuss with possible action being taken in our October, 2024 meeting.

ANIMAL CONTROL ORDINANCE

County Manager Heath stated that a committee of Commissioners Corprew and Jones, County Manager Heath, Sheriff Shelby White, and Animal Control met to discuss a better definition of the outdoor structure for animals in the County. This will be an add-on to the original ordinance and that no other items will be changed from the original form. Mr. Heath also explained that tethering was not a part of this amendment. Commissioner Corprew made a few comments about why this was discussed. He said that their main purpose was to give the Sheriff's Office and Animal Control tools to be able to provide them with statutory requirements where the officer and give them a ticket, fine them, and possibly remove the animal from the owner. Mr. Heath asked the Board to review the proposed amendment to the Animal Control Ordinance and we will schedule a Public Hearing at the October, 2024 meeting.

SOLID WASTE ORDINANCE

The Code Enforcement Officer and the Building Inspector had mentioned to County Manager Heath and County Attorney High that the County needed make amendments to the Solid Waste Ordinance because they were receiving a lot of citizen complaints where homeowners were leaving trash and junk in their yard. These proposed amendments will allow the Code Enforcement Officer and the Building Inspector to get a handle on this problem. This amendment does not change the original ordinance, but it is an add-on to the current ordinance. Again, Mr. Heath asked the Board to review the proposed Amendment to the Solid Waste Ordinance so that the Board can prepare a final draft for approval at the October 2024 meeting. He asked that, if a Commissioner had any comments to please forward them to them via e-mail. Mr. Heath asked County Attorney High if he had any comments. He made a few comments. Chairman Nelson asked if there were any questions from the Board. Commissioner Corprew asked what the definition was for a bona fide farm. Mr. Heath explained that this is covered under Planning & Zoning requirements. Rhonda Repanshek, County Planner, was asked to obtain a definition and forward it to Mr. Heath who will forward it to the commissioners. A Public Hearing will have to be held prior to approval of this Amendment.

JAMES WARD'S COMMENTS

Commissioner Ward gave an update on the Board on an outstanding accomplishment for the high school Safety Team. At a recent competition in Arkansas, they did not finish first or last but did come in 9<sup>th</sup>. He just wanted to share this will the Board and recognized their accomplishment.

ADJOURNMENT

There being no further comments or business to discuss, the Work Session was adjourned around 7:50 p.m.

Wallace E. Nelson, Chairman

Clerk to the Board

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REGULAR METING

September 3, 2024

7:00 p.m.

The Perquimans County Board of Commissioners met in a regular meeting on Tuesday, September 3, 2024, at 7:00 p.m. in the Meeting Room of the Perquimans County Library located at 514 S. Church Street, Hertford, NC 27944. Prior to this Regular Meeting, the Board of Commissioners reconvened the Board of Adjustment to approve their meeting minutes for their last two meetings where they considered a Zoning Variance ZVA-24-01, requested by John and Regina Moser. The Board of Adjustments unanimously approved the Board of Adjustment Minutes on motion made by Charles

Woodard & seconded by Joseph W. Hoffer. These Minutes appear as **Attachment A** at the end of tonight’s meeting minutes.

- MEMBERS PRESENT:

Wallace E. Nelson, Chairman  
Timothy J. Corprew  
T. Kyle Jones

Charles Woodard, Vice Chairman  
Joseph W. Hoffer  
James W. Ward
- MEMBERS ABSENT:

None
- OTHERS PRESENT:

Hackney High, County Attorney  
Frank Heath, County Manager

Mary P. Hunnicutt, Clerk to the Board

Chairman Nelson called the meeting to order. Commissioner Woodard gave the invocation and Chairman Nelson led the Pledge of Allegiance. Chairman Nelson welcomed everyone to the meeting.

AGENDA

Chairman Nelson stated that a copy of the amended Agenda was at their seats tonight. Mr. Nelson also noted that we needed to add Item IX.E. which is a personnel matter for promotion to Social Worker III. James W. Ward made a motion to approve the amended Agenda as presented. The motion was seconded by Timothy J. Corprew, and unanimously approved by the Board.

CONSENT AGENDA

Chairman Nelson asked if there were any items that the Board wished to remove from the Consent Agenda to discuss. There being none, James W. Ward made a motion to approve the Consent Agenda as presented. The motion was seconded by Charles Woodard and unanimously approved by the Board.

1. **Approval of Minutes:** The Minutes of the August 5, 2024 Regular Meeting and the August 19, 2024 Regular Work Session were approved by the Board.
2. **Tax Refund Approvals:**

Tax Refunds (Perquimans County):

|  |          |
|--|----------|
| Yeates, David Christopher                                | \$163.31 |
| Vehicle sold; 7-month refund. Account No.: 68197068.     |          |
| Gillman, III, Thomas Herman                              | \$186.50 |
| Situs error; not in City limits. Account No.: 79610909.  |          |
| Melton, Kevin Brandon                                    | \$389.48 |
| Situs error; not in City limits. Account No.: 68518320.  |          |
| Melton, Kevin Brandon                                    | \$305.83 |
| Situs error; not in City limits. Account No.: 72950547.  |          |
| Fleming, Ashton Michael                                  | \$116.88 |
| Situs error; not in City limits. Account No.: 79352988.  |          |
| Baurenfeind, Naomi Grace                                 | \$135.97 |
| Situs error; not in City limits. Account No.: 79372029.  |          |
| Mitchell, Tex Allen                                      | \$122.35 |
| Vehicle totaled; 10-month refund. Account No.: 70736742. |          |

3. **Personnel Matters:** The following personnel matters were approved by the Board:

| Employee Name    | Employee Job Title                               | Action Required   | Grade/ Step | New Salary  | Effective Date |
|------------------|--|-------------------|-------------|-------------|----------------|
| Lisa Edwards     | Deputy Director of Elections                     | Appointment       | 58/3        | \$30,633    | 09/01/2024     |
| Katelyn Moody    | Business Personal Property Clerk                 | Appointment       | 61/3        | \$34,955    | 09/01/2024     |
| MacKenzie Rhodes | Part-Time/Fill-In Non-Certified Telecommunicator | Appointment       | 60/1        | \$15.32/hr. | 09/01/2024     |
| Lauren Bamer     | Part-Time/Fill-In Certified Telecommunicator I   | Reclassification  | 64/5        | \$20.14/hr. | 09/01/2024     |
| Belinda Owens    | Social Worker III                                | Resignation       |             |             | 08/08/2024     |
| Tonya Ayers      | Part-Time/Fill-In Paramedic II                   | Resignation       |             |             | 09/01/2024     |
| Lauren Bamer     | Full-Time Certified Telecommunicator I           | Resignation       |             |             | 08/19/2024     |
| Amanda White     | Income Maintenance Caseworker II                 | Resignation       |             |             | 09/01/2024     |
| Stacey Ward      | Business Personal Property Clerk                 | Resignation       |             |             | 08/28/2024     |
| Elena Howard     | Processing Assistant IV                          | Leave Without Pay | 1 day       |             | 08/06/2024     |

4. **Step/Merit Increases:**

| Department Name   | Employee Name    | Classification                     | Grade/ Step | New Salary  | Effective Date |
|-------------------|------------------|------------------------------------|-------------|-------------|----------------|
| Social Services   | Kathleen Conner  | Social Worker III - Adult Services | 69/5        | \$52,196    | 09/01/2024     |
| EMS               | Lindsay Winslow  | Part-Time/Fill-In EMT              | 64/3        | \$19.18/hr. | 09/01/2024     |
| EMS               | Kristen Jennings | Part-Time/Fill-In AEMT             | 66/3        | \$20.94/hr. | 09/01/2024     |
| Inspections       | Erle Solesbee    | Assistant Building Inspector       | 67/10       | \$54,013    | 09/01/2024     |
| Maintenance       | Marvin Hunter    | Part-Time/Fill-In Custodian        | 56/10       | \$16.00/hr. | 09/01/2024     |
| Register of Deeds | Kristen Myers    | Deputy Register of Deeds           | 58/6        | \$32,969    | 09/01/2024     |
| Sheriff's Office  | Daniel Turner    | Certified Deputy                   | 68/8        | \$53,757    | 09/01/2024     |

5. **Budget Amendment Nos. 4 - 6:** The following budget amendments were approved by the Board:

BUDGET AMENDMENT NO. 4

GENERAL FUND

| CODE NUMBER   | DESCRIPTION OF CODE                     | AMOUNT   |          |
|---|---|----------|----------|
|   |   | INCREASE | DECREASE |
| 10-335-000  | Miscellaneous Revenue                   | 4,714    |          |
| 10-480-340  | Register of Deeds – Record Preservation | 4,714    |          |
| EXPLANATION: To amend FY 24-25 budget to include (2) grants received by ROD to be used for Record Preservation (2,000 and 2,714). |   |          |          |

BUDGET AMENDMENT NO. 5

GENERAL FUND

| CODE NUMBER  | DESCRIPTION OF CODE    | AMOUNT   |          |
|--|------------------------|----------|----------|
|  |                        | INCREASE | DECREASE |
| 10-348-014   | Foundation Grant - EMS | 5,750    |          |
| 10-592-742   | Foundation Grant - EMS | 5,750    |          |
| EXPLANATION: To amend FY 24/25 budget to include the Foundation Grant for EMS. |                        |          |          |

BUDGET AMENDMENT NO. 6  
GENERAL FUND

| CODE NUMBER   | DESCRIPTION OF CODE       | AMOUNT   |          |
|---|---------------------------|----------|----------|
|   |                           | INCREASE | DECREASE |
| 10-399-004  | Fund Balance Appropriated | 214,000  |          |
| 10-690-983  | Great Grant Match         | 214,000  |          |
| EXPLANATION: To amend FY 24/25 budget to include the Great Grant local match for the NCDIT Broadband CAB Program. |                           |          |          |

6. **Board Reappointments:** The following board reappointments were approved by the Board:

| Name                  | Board/Committee                            | Action Taken  | Term   | Effective Date |
|-----------------------|--|---------------|--------|----------------|
| Thompson, Bethany     | Animal Control Board (SPCA Representative) | Reappointment | 1 yr.  | 10/01/2024     |
| Skinner, John         | Planning Board (3 <sup>rd</sup> term)      | Reappointment | 3 yrs. | 10/01/2024     |
| Thelma Finch-Copeland | Planning Board (1 <sup>st</sup> full term) | Reappointment | 3 yrs. | 10/01/2024     |

7. **Miscellaneous Documents:** The following new county policies were approved by the Board:

- a. **Amendment – County Personnel Policy:** The following amendment to the County Personnel Policy was approved by the Board:

*Amendment to the Personnel Policy: July 2024*

**Use of County Vehicles or Motorized Equipment**

Employees authorized to operate County vehicles or motorized equipment must use these strictly for County business. County vehicles or motorized equipment must be kept on the County’s grounds or in its facilities when not in use, unless otherwise authorized by a department supervisor. The County may require certain employees to commute to and from work using County vehicles that are covered by certain IRS regulations. Personal use of County-owned vehicles may be allowed after consultation and approval by the Department Head.

Any employee operating or riding in a County vehicle or other motorized equipment must:

- Operate the vehicle or equipment in accordance with the County’s Safety and Health Policy;
- Wear seat belts;
- Refrain from smoking or vaping at all times.

**Driver’s License Requirements and Driving Record**

Employees who operate County vehicles or privately owned vehicles while conducting official County business as part of the essential duties of their position are required to meet the minimum standards set by the County and have possession of an appropriate driver’s license valid in the State of North Carolina, except where preempted by military involvement, and proof of coverage as an insured driver. Any employee whose license is revoked, suspended, expired, or lost, or whose insurance coverage is terminated, must notify his/her department supervisor immediately. The employee will be unable to resume operating a County vehicle or utilize his/her privately owned vehicle for County business until providing proof of a valid driver’s license and insurance coverage to the department supervisor.

Employees or applicants who have been convicted of a DWI or DUI within the last three years will not be authorized to operate a County vehicle. Employees who are not able to perform essential job duties due to the suspension or revocation of their driver’s license, or DWI or DUI conviction, may be reassigned to a non-driving position or dismissed.

- b. **Amendment – Safety & Health Policy:** The amendment to the Safety & Health Policy is being recommended by the Safety Committee. The Board approved the Amendment to the Safety & Health Policy which is on **Attachment B**.
- c. **DOT Substance Abuse Policy for Perquimans County:** The DOT Substance Abuse Policy for Perquimans County was approved by the Board and is on **Attachment C**.

**RECOGNITION OF EMPLOYEES & INTROUCTION OF NEW EMPLOYEES**

- A. **Recognition of Employees’ Years of Service with the County:** Beginning June 1, 2022, the Board will recognize the employees who have been working with the County for 5, 10, 15, 20, etc. years. This month, the Board recognized the following employees:

| Employee Name   | Department        | Employee Job Title                   | No. of Years | Effective Date |
|---|-------------------|--------------------------------------|--------------|----------------|
| Elena Howell  | Social Services   | Processing Assistant IV              | 5 years      | 09/01/2024     |
| Alicia “Kim” White  | Social Services   | IMC III Lead Worker – Adult Medicaid | 5 years      | 09/01/2024     |
| Kristen Myers*  | Register of Deeds | Deputy Register of Deeds             | 5 years      | 09/01/2024     |
| Christopher Murray  | Sheriff’s Office  | Certified Deputy / SRO               | 10 years     | 09/01/2024     |
| Gwen Hudson   | Social Services   | IMS Investigator III                 | 25 years     | 09/01/2024     |
| *Ms. Myers was unable to attend tonight’s meeting, but County Manager Heath will present her with her certificate & gift later. |                   |                                      |              |                |

Each one of the employees thanked the Board and said they would be working for Perquimans County for more years to come. The Board congratulated them and thanked them for their service.

- B. **Introduction of New Employee:** The following new employees were introduced tonight to the Board:

|   |                  |   |            |
|---|------------------|---|------------|
| Frank Heath, County Manager                     | Ronald Stites    | Veterans Services Officer               | 08/01/2024 |
| Jonathan Nixon, Emergency Services Director     | Kaelyn Melton    | Full-Time EMT                           | 08/01/2024 |
| Jonathan Nixon, Emergency Services Director     | Brooke Perry     | Full-Time EMT                           | 08/01/2024 |
| Jonathan Nixon, Emergency Services Director     | Corbin Nixon     | Full-Time EMT                           | 08/01/2024 |
| Jonathan Nixon, Emergency Services Director     | Brayden Clemens  | Full-Time EMT                           | 08/01/2024 |
| LuRee Sawyer, Center for Active Living Director | Erica Cartwright | Data Manager – Center for Active Living | 08/19/2024 |

Mr. Stiles and Ms. Sawyer made comments after their introduction. The Board welcomed them to Perquimans County.

COMMISSIONER'S CONCERNS/COMMITTEE REPORTS

The following commissioner's concerns/committee reports were given:

- **Wallace Nelson:** Mr. Nelson asked the Board to consider approving a resolution requesting the North Carolina Association of County Commissioners to establish a legislative goal to better regulate pharmacy benefit managers and reverse negative impacts to local community pharmacies in North Carolina. He presented an overview of what this meant, and Commissioner Woodard expounded on Mr. Nelson's remarks. Chairman Nelson asked the Board for a motion to approve. Commissioner Hoffler asked for further clarification before he voted. After Mr. Nelson explained it further, Joseph W. Hoffler made a motion to approve the following Resolution as presented. Commissioner Timothy J. Corprew seconded the motion which was unanimously approved.



MARY P. HUNNICUTT  
CLERK TO BOARD  
W. FRANK HEATH, III  
COUNTY MANAGER

PERQUIMANS COUNTY  
BOARD OF COMMISSIONERS

P.O. BOX 45  
HERTFORD, NORTH CAROLINA 27944  
TELEPHONE: 1-252-426-7550

WALLACE E. NELSON  
CHAIRMAN  
CHARLES WOODARD  
VICE CHAIRMAN  
TIMOTHY J. CORPREW  
JOSEPH W. HOFFLER  
T. KYLE JONES  
JAMES W. WARD  
W. HACKNEY HIGH, JR.  
COUNTY ATTORNEY

RESOLUTION  
REQUESTING THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS ESTABLISH A  
LEGISLATIVE GOAL TO BETTER REGULATE PHARMACY BENEFIT MANAGERS AND REVERSE  
NEGATIVE IMPACTS TO LOCAL COMMUNITY PHARMACIES IN NORTH CAROLINA

WHEREAS, local community-based pharmacies in Perquimans County, North Carolina, provide essential healthcare services for our local residents, including access to medications, patient education, and personalized pharmaceutical care; and

WHEREAS, Pharmacy Benefit Managers (PBMs) play a significant role in the administration of prescription drug benefits, impacting the pricing, reimbursement, and availability of medications; and

WHEREAS, current PBM practices have led to financial pressures and operational challenges for local community-based pharmacies, threatening their sustainability and reducing access to critical healthcare services for our residents; and

WHEREAS, these negative impacts include reduced reimbursement rates, delayed payments, and restrictive contract terms that disproportionately affect community-based pharmacies; and

WHEREAS, in North Carolina these negative impacts have in resulted in the loss of local community-based pharmacies; and

WHEREAS, the loss of local community-based pharmacies impact counties in the form of reduced access to pharmaceutical care services for local residents, lost property and sales tax revenues, and lost community employment opportunities; and

WHEREAS, the Perquimans County Board of County Commissioners recognize better regulation of PBMs is essential to ensure fair practices, transparency, and equitable treatment of local community-based pharmacies, thereby safeguarding the health and well-being of Perquimans County residents;

NOW, THEREFORE, BE IT RESOLVED by the Perquimans County Board of County Commissioners that we formally request the North Carolina Association of County Commissioners (NCACC) to adopt a legislative goal calling for the development and implementation of regulations that:

1. **Enhance Transparency:** Require PBMs to disclose pricing, rebate arrangements, and reimbursement practices to ensure fairness and accountability.
2. **Ensure Fair Reimbursement:** Establish standardized and equitable reimbursement rates that allow independent pharmacies to operate sustainably.
3. **Protect Local Community Pharmacies:** Prohibit practices that disproportionately harm local community pharmacies, such as retroactive fees and below-cost reimbursements.
4. **Promote Fair Competition:** Foster a competitive marketplace that supports the viability of independent pharmacies and their crucial role in local healthcare delivery.

BE IT FURTHER RESOLVED that the Perquimans County Board of County Commissioners urges the NCACC to prioritize this legislative goal in their advocacy efforts for the upcoming legislative session.

Adopted this the 3<sup>rd</sup> day of September, 2024.

ATTEST:

Mary P. Hunnicutt, Clerk to Board

SEAL

Wallace E. Nelson, Chairman  
Perquimans County Board of Commissioners

Perquimans County's Vision:

To be a community of opportunity in which to live, learn, work, prosper and play.

- **Charles Woodard:** Mr. Woodard was asked to provide an update on the Perquimans County Museum. Our new curator of the Museum, Sid Eley, provided the following report for August, 2024:

|                                 |   |
|---------------------------------|---|
| <b>Visitors:</b> .....53        | <b>Hours Opened:</b> 64 hours (Wednesday, Thursday, Friday, and Saturday) from 10:00 a.m. to 2:00 p.m.) |
| <b>Sales:</b> .....\$132.00     |   |
| <b>Donations:</b> .....\$220.00 | <b>Staff:</b> Sid Eley & Glen White   |
| <b>Expenses:</b> .....\$17.21   |   |

The Board was pleased to see how much they had done for the first month being open with regular hours. Mr. Heath and Commissioner Corprew said that Mr. Eley was doing a fine job and hopes that the numbers will increase with more advertising and exposure in the community.

UPDATES FROM COUNTY MANAGER

County Manager Heath presented the following updates:

- **First Responders Event:** County Manager Heath reported that Connie Brothers' (who was present tonight) Group and the American Legion will be hosting a First Responders Event on September 11, 2024 at 5:00 P.M. Mr. Heath invited all the commissioners to attend. This will be a time to celebrate and honor our first responders.
- **Indian Summer Festival:** Mr. Heath reminded the Board that the Indian Summer Festival will be held this weekend and encouraged the Board and the public to attend. Friday night, there will be a concert at 6:00 p.m. to 9:30 p.m. Hertford downtown streets will be closed for the concert Friday night and for the Festival on Saturday.
- **NC 911 Board:** Last week, the NC 911 Board approved the County's grant request for a new 911 Center in the amount of over \$4.8 million which will go toward the addition that will be constructed at our current Emergency Services Building. If you look at the front of the building, it will be on the left-hand side. Mr. Heath thanked Jonathan Nixon, Emergency Services Director, Julie Solesbee, Assistant Emergency Services Director, and Tracy Mathews, Finance Officer, for their assistance in completing the complicated and detailed application for this grant.



The project will begin the first part of 2025 and will take two years to complete. This will provide them the space that is needed for the consolidated Perquimans and Gates Counties 911 Center.

BOARD VACANCIES

The following Boards have vacant seats that the Board needs to fill:

1. **Community Advisory Committee:** Mr. Heath reported that there have been no new applications received for this Board. We still need three more members. We will continue to place the ad on the County website.
2. **Senior Tar Heel Legislature Delegate & Alternate:** Mr. Heath reported that, last month, the Board appointed Mr. Thomas St. John as the Perquimans County’s Senior Tarheel Delegate. We still need to appoint an alternate in case he is unable to attend the meeting. We also need to have a member to be appointed to the Senior Tarheel Regional Legislature Advisory Board. Mary Hunnicutt, Clerk to the Board, stated that Mr. St. John may have someone to be the alternate delegate. He will let us know soon. He also said that he wanted to introduce himself to the Board and provide them with an update. Mr. Heath will be in touch with him soon to set up a time. In the meantime, we will continue to advertise these appointments on the County website.
3. **Recreation Advisory Board – New Hope Representative:** Earlier in the meeting, the Board accepted the resignation of Chad Nixon, the New Hope Representative on the Recreation Advisory Committee. Mary Hunnicutt, Clerk to the Board, has reviewed our Volunteer Applications and did not find anyone that requested to serve on the Recreation Advisory Committee that is not already serving on the Committee. The individual will need to be from the New Hope area. Chairman Nelson asked the Board and the public to provide a name for this position. To date, Mary Hunnicutt has not received a completed Statement of Interest to Serve.

PLANNING ITEM: SKETCH & PRELIMINARY PLAT REVIEW OF THE WINDMILL AT COASTAL FARMS

Rhonda Repanshek, Planner, presented the following comments:

**Sketch and Preliminary Plat Review of The Windmill at Coastal Farms**, a proposed 64 lot major subdivision designed to extend from Woodville Road to Magnolia Trail on tax parcel 4-0036-0124F. It is on the west side of Woodville Road in the 200 block.

Review of preliminary plats is an administrative decision, so Board members should approve or deny it based on standards explicitly set forth in the subdivision regulations. In your agenda packet is the Major Subdivision Checklist from Subdivision Regulations section 306.7. I have gone down the list and found everything to be present on the survey. Commissioners should also only approve the plat if they determine that the project will not exceed the County’s ability to provide adequate public facilities, including schools and emergency services.

- Planning Board unanimously recommends approval of the sketch/preliminary plat of The Windmill at Coastal Farms as presented. Now let’s see why.
- 67.95 acres of this property was rezoned in May to allow lots with a minimum size of 32,500 sq feet. 64 residential lots and 3 open space lots are proposed in 3 phases.
- Phase one is 16 lots surrounding an extension of Magnolia Trail and around an existing cul-de-sac
- Graded streets and county waterlines have existed approximately 15 years. One street will be extended to form a continuous loop and another street will be straightened out a bit and have the waterline re-aligned.
- TRC comments:
  - Our water department will need a new hydraulic model from the applicant and pressure tests to make sure the existing 6” water main is adequate. The applicant said the new model will be run along with the Construction Permit Plans. After running a few fire hydrant flows to make sure the county would still have adequate fire protection with the additional lots, the dept. Director’s concerns were about existing water taps needing to be moved. Also, the existing water main on one street will need to be moved and possibly a section added for the new proposed layout, which will require resubmitting documents for Public Water Supply approval. The applicant pointed out this will be in phase 3.
  - The Health Dept was not sure when the letter that was submitted with the application package was actually typed, but evaluations are only good for one year. The Health Dept. has to do individual evaluations per lot, which is good for one year from the date evaluated to obtain a permit. Letters like the one submitted with this application used to be good for 1 to 3 years. The applicant noted that there is also the provision of an Engineered Option on the septic permits that allow for the Health Department to issue a Septic Permit based on either an Engineer or Soil Scientist recommended system.
  - Our Soil and Water Technician recommends swales between lots and said that everything mainly drains to the canal north of the subdivision. He questioned the ditch that runs south to north to the main canal. He was wondering how it will be redirected. He’s also wondering how the swales for the proposed lots adjacent to the main canal will tie in. The applicant said detailed plans will be forthcoming after Preliminary Plat approval.
  - Planning staff comments have been covered by the previous comments plus I noted that the address of the residents at 139 Birchwood Lane may need to change when Birchwood Lane is redirected. Also, our Subdivision Regs require “a copy of deed restrictions or similar covenants” prior to approval of a preliminary plat by the County Commissioners, so the applicant supplied the Cedarwood Village declaration of covenants as an example of similar covenants. They consist of 22 pages, so they’re not in your packet, but they are on my flashdrive if anyone feels the need to look at them. The applicant can explain more about their ideas on the new set-up.
  - For the last set of comments...
  - Neither the Power Company, nor DOT responded to my inquiry, but DOT did provide an email on Feb. 23, 2022, saying no left-turn lane would be required off Body Rd. as was previously required in the 2005 timeframe. And Albemarle Electric has talked to the applicants, so Mr. Mizelle and Mr. Whitehurst can fill you in on what was said regarding power.

After Ms. Repanshek made her comments, the applicant, Patrick Whitehurst, and the architect, Jason Mizelle of Timmons Group, made a few comments and answered several questions from the Board and County Manager Heath. There being no further comments or questions, Chairman Nelson asked for a motion. T. Kyle Jones made a motion to approve the Sketch/Preliminary Plat of The Windmill at Coastal Farms as presented with no further conditions. The motion was seconded by James W. Ward and unanimously approved by the Board.

SALE OF SURPLUS VEHICLES

County Manager Heath reported that the Board adopted a resolution on July 1, 2024, *proclaiming* the following vehicle as surplus equipment and to proceed to sell it on GovDeals. The bid period for the following surplus item with GovDeals closed on September 3, 2024 at 11:00 a.m. On motion made by James W. Ward, seconded by Joseph W. Hoffer, the Board approved the following sale of the surplus vehicle:

| BUYER          | ITEM                                       | DATE SURPLUSED | START BID | SOLD AMOUNT |
|----------------|--|----------------|-----------|-------------|
| Brandon Kinsey | 2014 Dodge Charger, VIN #2C3CDXATSEH348760 | 7/1/2024       | \$500     | \$1,999.12  |

LIBRARY BOARD RESIGNATIONS/APPOINTMENTS (4)

There are two vacancies on the Local Library Board. Michele Lawrence, Perquimans County Librarian, is recommending the acceptance of the two resignations and the appointment of the following individuals to replace Amy Cooper and Rodney Lyons, Jr. On motion made by Charles Woodard, seconded by Joseph W. Hoffer, the Board unanimously accepted the following two resignations and two appointments to the Local Library Board:

| Name                | Board/Committee     | Action Taken | Term   | Effective Date |
|---------------------|---------------------|--------------|--------|----------------|
| Amy Cooper          | Local Library Board | Resignation  |        | 10/01/2024     |
| Rodney Lyons, Jr.   | Local Library Board | Resignation  |        | 10/01/2024     |
| Mary Ann Eichenlaub | Local Library Board | Appointment  | 3 yrs. | 10/01/2024     |
| Gilbert Vaughn      | Local Library Board | Appointment  | 3 yrs. | 10/01/2024     |

PSAP MUTUAL AID AGREEMENT

Chairman Nelson recognized Jonathan Nixon, Emergency Services Director, who present the PSAP Agreement for Board consideration. Mr. Nixon explained that this is an update to the 2020 document which includes the addition of our administrative calls being answered along with our 911 calls, the consolidation to include Perquimans and Gates Counties, and the change for Rutherford which was previously under the sheriff and now a county department. Jonathan has been able to speak with someone from each agency and they are supportive of these changes. This copy will also be sent to them for approval of their respective boards. After his presentation, Chairman Nelson asked for a motion. On motion made by James H. Ward, seconded by Charles Woodard, the Board unanimously approved the following PSAP Mutual Aid Agreement:

STATE OF NORTH CAROLINA  
COUNTY OF PERQUIMANS  
PSAP MUTUAL AID AGREEMENT

1. PURPOSE OF MUTUAL AID AGREEMENT

Perquimans County recognizes there may be times when the Perquimans–Gates Primary Public Safety Answering Point (PSAP), as well as their Backup PSAP, located in Chowan County, becomes incapacitated. The purpose of this document is to establish a temporary, short-term Mutual Aid Agreement whereby, in the event of a Primary and Backup PSAP failure, Perquimans and Gates County's 911 and administrative calls will be transferred to the following county(ies), subject to the terms of this Mutual Aid Agreement:

- 1. Chowan County (see existing Memorandum of Understanding),
- 2. Wilson County,
- 3. Lincoln County,
- 4. Rutherford County.

The preferred methods of communication between Perquimans-Gates 911 Communications and the Assisting PSAP will be:

- 1. Statewide VIPER 800 channel
- 2. Telephone
- 3. DCIN Message.

2. RESPONSIBILITIES OF PERQUIMANS-GATES PSAP

- 2.1 Perquimans County understands that each party's foremost responsibility is to its own citizens.
- 2.2 Perquimans County will be responsible for obtaining radio resources for the duration of the event.
- 2.3 Should the Perquimans-Gates Primary PSAP remain incapacitated for longer than 24 hours, the respective PSAP Managers will discuss compensation for any upstaffing needed to assist with the additional workload.
- 2.4 Perquimans will request any necessary documentation to include recordings from the Assisting PSAP Manager during a Perquimans failure.
- 2.5 Perquimans agrees to give the Assisting PSAP Manager as much advance notice as practicable under the then existing circumstances of its need for 911 Calls to be answered and information relayed.

3. RESPONSIBILITIES OF ASSISTING COUNTY PSAP

- 3.1 The Assisting PSAP agrees to maintain its 911 Center facility operationally functional and up to date as possible.
- 3.2 The Assisting PSAP agrees to capture all telephone traffic associated with Perquimans-Gates during a Perquimans-Gates failure and share any requested recordings as time allows.
- 3.3 The Assisting PSAP agrees to process all Perquimans-Gates telephone calls during a catastrophic failure until which time Perquimans-Gates can resume operations.

All parties also covenant and agree to the following:

- 1. Governing Law. This Agreement shall be governed by and construed in accordance with the internal laws of the State of North Carolina, without reference to any conflict or choice of laws provision which would operate to make the internal laws of any other jurisdiction applicable.
- 2. Modification. This Agreement shall only be modified, amended or supplemented, by a written instrument signed by both parties to this Agreement.
- 3. Term and Termination. This Agreement is in effect perpetually, unless replaced by future edition. Any party may cancel its participation by providing written notice addressed to the respective County Manager and PSAP Manager, delivered by registered or certified mail.

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4. Non-Discrimination. Neither party hereto shall discriminate on the basis of race, religion, creed, color, gender or national origin.
5. Other Agreements.

a) Nothing herein shall prevent either party to this Agreement from entering into other agreements with other counties or local governmental entities in relation to the same subject matter herein.

b) This Agreement is not intended to impact or change the provision of any existing Backup Center plan.

c) This Agreement shall not be construed to impose an unconditional obligation on any party to the Agreement.

d) This Agreement is in effect perpetually, unless replaced by future edition.

e) Each PSAP will be responsible for its own expenses incurred while traveling, and reimbursement of expendable resources may be required.

The County of Perquimans hereby adopts the updated PSAP Mutual Aid Agreement, based on the October 5, 2020 agreement, effective September 3, 2024.

Attest:

\_\_\_\_\_  
Chairperson, Perquimans Board of Commissioners

\_\_\_\_\_  
Clerk to the Board of Commissioners

The County of Wilson hereby adopts the updated PSAP Mutual Aid Agreement as of \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Chairperson, Wilson Board of Commissioners

\_\_\_\_\_  
Clerk to the Board of Commissioners

The County of Lincoln hereby adopts the updated PSAP Mutual Aid Agreement as of \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Chairperson, Lincoln Board of Commissioners

\_\_\_\_\_  
Clerk to the Board of Commissioners

The County of Rutherford hereby adopts the updated PSAP Mutual Aid Agreement as of \_\_\_\_\_.

Attest:

\_\_\_\_\_  
Chairperson, Rutherford Board of Commissioners

\_\_\_\_\_  
Clerk to the Board of Commissioners

PERSONNEL MATTER

County Manager Heath explained that we had this one personnel matter (promotion) that was received after the Agenda Packets were distributed. On motion made by Joseph W. Hoffler, seconded by James W. Ward, the following personnel matter (promotion) was unanimously approved by the Board:

| Employee Name  | Employee Job Title | Action Required | Grade/ Step | New Salary | Effective Date |
|----------------|--------------------|-----------------|-------------|------------|----------------|
| Melissa Harris | Social Worker III  | Promotion       | 69/1        | \$47,334   | 09/03/2024     |

PUBLIC COMMENTS

The following public comment was made:

- **Debbie B. Long:** Ms. Long appeared before the Board to once again ask what was going to happen to the Perquimans Middle School building in Winfall once the Intermediate School was completed. She wanted to know if there was update. County Manager Heath explained that there have been some discussions about the future use of the building but, at this time, there have been no plans for the building. The only thing that the County knows at this time is that the County will take over the property once the Internediate School is completed.

ADJOURNMENT

There being no further comments or business to discuss, the Regular Meeting was adjourned around 8:00 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

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ATTACHMENT A

Perquimans County Board of Adjustment

MINUTES

Monday, July 1, 2024

The Perquimans County Board of Adjustment held its meeting on Monday, July 1, 2024, at 6:30 PM in the Community Meeting Room of the Perquimans County Library.

MEMBERS PRESENT: Wallace Nelson, Chairman  
Charles Woodard, Vice Chairman  
Tim Corprew, Member  
James Ward, Member  
Kyle Jones, Member  
Joseph Hoffler, Member

MEMBERS ABSENT: None

OTHERS PRESENT: Rhonda Repanshek, Planner  
Trevor Miles, Planning and Zoning Technician  
John Moser, Property Owner/Variance Applicant  
Frank Heath, County Manager  
Mary Hunnicut, Clerk to the Board  
Hackney High, County Attorney

**Board of Adjustment Chair, Wallace Nelson, called the meeting to order at 6:30 pm and established a quorum.**

**He then announced the case to be heard, zoning variance ZVA-24-01, requested by John and Regina Moser, to build a second principal residence on tax parcel 4-D036-0016-NL, also known as 181 Northlight Drive. Subject property is zoned Rural Agriculture (RA) and is a 10.1 acre lot at the east corner of the intersection of Northlight Drive and Radmer Lane, both of which are unimproved private roads.**

**Chairman Nelson then asked Planner Repanshek to present the meeting type and confirm the proper public notices, which is as follows:**

“This is a quasi-judicial public hearing for a zoning variance request and staff has met NC General Statute 160D rules as well as County Zoning Ordinance rules by mailing letters to neighboring property owners and posting a sign on-site in the required time frame.

I’d like to point out to the Board that the usual quasi-judicial cases you vote on are for Special Use Permits where the applicants are already approved by ordinance to do their specific request as long as they meet certain criteria and the governing board just verifies the applicant meets the basic requirements and then tweaks the conditions based on the specific case.

A variance is different. If you approve a variance, you’re saying that everyone in the entire County has to follow this rule except this one applicant. So as a Board of Adjustment, you need to have a good reason, or multiple good reasons to allow an exception. There is no script for the motion in the staff report because you have 4

1

Findings that the state of NC dictates you must vote on. And they are in your Board of Adjustment packet on page 4.”

Planner Repanshek then asked Chairman Nelson if he would like her to summarize the case notes while she was at the podium.

**Chairman Nelson responded by stating that he was going to announce the procedures first, which are as follows:**

1. Petitioner will state their case

2. Chair will ask for any persons objecting or wishing to be heard

3. Rebuttal by either side

4. Chair will summarize the evidence presented

5. Decision of the Board – by Roll Call vote

6. If case is approved, state conditions to be imposed

**Planner Repanshek then stated that she had pictures to present to the board, so Chairman Nelson swore in both Planner Repanshek and John Moser, the property owner.**

After being sworn, Planner Repanshek provided a summary of the case as follows:

“The applicants have a 10.1 acre lot which meets minimum road frontage requirements, can meet setback requirements, has the potential to sustain a septic system and has the potential for a drinking water well, all of which would allow the applicants to construct a second, site-built home on the same parcel. IF it were on a state maintained road OR an approved, improved private subdivision road that was graded and paved to NC DOT standards, we would not be hearing this case today. The problem is that the roads are part of an exempt major subdivision and are gravel. By keeping the lots larger than 10 acres, the original developer avoided county rules for major subdivisions, avoided county fees and were not required to install infrastructure.

Here are some photos to present to the Board proving the road condition and also an email from a neighbor at 201 Northlight Drive that asked to be submitted ‘for the record’. I explained to the neighbor that written communication is considered hearsay evidence and carries little weight in a quasi-judicial hearing and that to benefit the applicants the most then they should attend this hearing and have the opportunity to be questioned and cross-examined, but they said they are out of town and could not attend.

The applicants do have 2 options that will meet county regulations, one being to keep the proposed structure to 800 square feet or less or to bring in a temporary manufactured home as allowed for medical disability cases, but the applicant can explain why these 2 options would be hardships for them.”

Mr. Moser then approached the podium to explain his reasons for requesting the variance and for wanting to build the second dwelling.

He explained that they had resided in Perquimans County for 25 years, and that approximately four months ago they came to the determination that, due to personal health reasons, they were no longer able to care for the property as was needed. He also explained that the reason for wanting to build the second residence is so that their daughter could move on-site with their two grandchildren, who are both severely autistic and unable to care for themselves.

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Mr. Moser further explained that he is no longer able to care for his farm on the property due to contracting COVID and developing a COPD-type respiratory condition. He also stated that he spoke with the Northlight Farms Homeowners Association, and explained that the restrictive covenants for the subdivision require any secondary dwelling to be a minimum of 1000 square feet. He then stated that due to the fact that each grandchild needs a separate bedroom, the secondary dwelling would need to be 1363 square feet. He also explained that his daughter understands that the parcel can never be subdivided, and that if it were to be sold, the entire property would need to be sold as one.

The floor was then opened for anyone else to speak. No one else approached the podium to speak.

Chairman Nelson then elaborated that the board could vary any condition of the zoning ordinance only upon showing of the four conditions listed in the Zoning Ordinance, the first being as follows:

(1) Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

Mr. Nelson then asked if anyone had motion on the floor regarding this finding. Commissioner Jones asked Chairman Nelson if the board members could ask questions of Attorney High. Chairman Nelson responded in the affirmative. Commissioner Jones then asked Attorney High if there was a legal definition of unnecessary hardship, as used in the above condition. Attorney High responded that there is not. Commissioner Jones then asked to what degree is the term "unnecessary hardship" referring to the property itself and not to personal circumstances. Attorney High confirmed that the term "unnecessary hardship" refers to hardships related specifically to the property in question, and not to personal circumstances.

Commissioner Corprew then asked if the size of the property and the difficulty in maintaining it and the farm located on the property could be considered a hardship relating specifically to the property. Attorney High responded in the affirmative.

Commissioner Jones then asked if each of the findings have to be approved by 80 percent of the board. Attorney High then responded that each of the findings only needs a simple majority, but that the ultimate approval/denial of the variance requires a supermajority.

A Commissioner asked if a vote on the findings needed to occur tonight. Attorney High responded that there is no requirement to vote on the findings or approval/denial tonight, and that the variance request could be tabled pending further research.

County Manager Frank Heath then stated that a response is required in a certain number of days after the date of completion, which was May 30<sup>th</sup>, 2024. County Manager Heath stated that he thought the requirement is 120 days.

Attorney High then stated that he believed the request could be tabled, and the issue of the timeline of approval could be researched.

Commissioner Jones then asked Attorney High if they were to establish the findings based solely on the evidence presented tonight, and Attorney High responded in the affirmative.

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Commissioner Corprew then made a motion to table the request until the next Board of Adjustment/County Commissioners meeting. Vice Chairman Woodard seconded the motion. The motion passed 4 in favor, with Commissioners Ward and Jones dissenting.


Commissioner Jones then asked Attorney High if the evidence presented can be discussed amongst the members of the board outside of the hearing, with Attorney High responding that the only discussion allowed would be amongst the board members and himself for the purposes of the discussion about any legal aspects of the hearing, and that the evidence presented should not be deliberated on outside of the confines of the hearing.

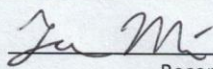
Chairman Nelson made a motion to adjourn the Board of Adjustment meeting to be able to convene the Board of Commissioner meeting. The motion passed unanimously.

\* \* \* \*

**Meeting adjourned at 7:00 pm.**

Minutes approved this 3<sup>rd</sup> day of September, 2024.





Chairperson

Recorder

Attachments: Exhibit A – Photos of Northlight Subdivision Roads  
Exhibit B – Email from Applicant's Neighbor



photo below: Intersection of Northlight Drive and Body Road



Exhibit  
A



standing at Body Rd. entrance,  
Photo below: Looking SE down Northlight Drive,

Photos taken June 26, 2024 by R. Reparshek



photo above: Looking NE down Rodmer Lane



181 Northlight Drive



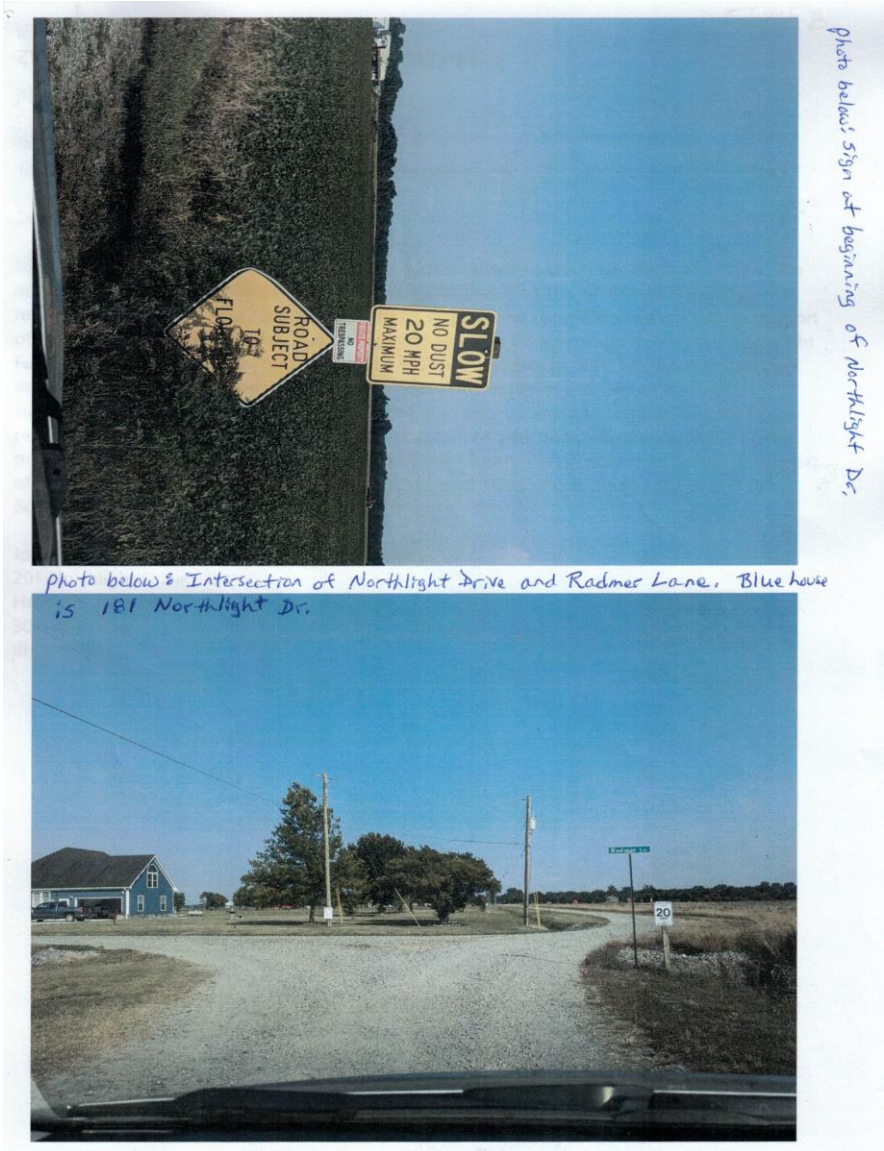


Exhibit I

**ZVA-24-01 John & Regina Moser 181 Northlight Drive**

jfhughes274 <jfhughes274@verizon.net>  
 Thu 6/27/2024 3:32 PM  
 To: Rhonda Repanshek <RhondaRep@perquimanscountync.gov>  
 To: Rhonda Repanshek - Perquimans County Planner

Dear Rhonda,

My wife and I are the owners of the property at 201 Northlight Drive, Hertford, NC 27944. The applicants John & Regina Moser are our abutting neighbors to the northwest. Regarding the referenced Zoning Variance Request, we want to state for the record that we are fully in support of approval of ZVA-24-01 as requested by the Mosers. The Covenants governing the Northlight Farms Subdivision allow the construction of a second residence of 1000 SF minimum or larger on each Lot. As all Lots in the Subdivision are 10.0 acres or larger and cannot be further subdivided per the Covenants, they are of more than adequate size to support two principle residences. We have no objections to the construction of a second principle residence on the property at 181 Northlight Drive as proposed by the Mosers. Please accept this email in support of full approval of ZVA-24-01 by the Perquimans County Planning & Zoning Office and the Board of Adjustment (BOA).

Joseph F. Hughes & Martha C.D. Hughes, Owners  
 201 Northlight Drive  
 Hertford, NC 27944  
 301-643-0813  
 jfhughes274@verizon.net



North Carolina General Statute. Chairman Nelson then asked Planner Repanshek if she had any additional comments since the last meeting. Planner Repanshek stated she did not have any additional comments.

Chairman Nelson then asked Mr. Moser if he had anything to add or any questions. Mr. Moser stated he did not have anything to add at this time. Chairman Nelson then stated that the county attorney was asked to do research for the Board. Attorney High started by stating that a summary of the law was provided to County Manager Heath. Attorney High then stated that the statute that controls this case is 160D-705, subsection D, which sets the standards and limits for a variance. Attorney High then summarized the four findings that must be found in the granting of the variance and what criteria can be considered with those findings. Attorney High also pointed out that the variance requires a four-fifths majority vote of the board as currently constituted, and that given that only five members of the board were present, this would require a unanimous decision.

County Manager Heath then asked if Attorney High could provide a definition for “unnecessary hardship” as used in the statute. Attorney High stated that although the statute did not provide an exact definition, he was able to provide several examples of what did and did not constitute an unnecessary hardship. Attorney High also pointed out that a variance must relate to the property and conditions of the property and not conditions relating to the owner of the property, and that the conditions of the hardship must be peculiar to the property and not the general area around the property.

County Manager Heath then asked a question regarding the language in 160D-705 (d)(2), which provides for a variance to be granted when appropriate, to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability and whether this supersedes the previously mentioned language conditioning the granting of a variance on hardships relating to the property.

Attorney High also stated that it depends, and that based on the case law and facts of this case, it may be directly applicable that bringing in an elderly parent that might have some conditions to either live with the family or in an adjacent structure that’s on the same property is a change in personal circumstances and not a condition peculiar to the property, but that there might also be some implications to consider when the person with the condition is already living there versus being moved in.

County Manager Heath withdrew a question he had asked Attorney High about the property.

Mr. Moser then made the comment that he did not *want* to build a second house, but that due to his medical condition he *needed* to build a second house. Chairman Nelson then made the comment for the record that the swearing-in of Mr. Moser from the previous meeting covered any comments made during this meeting.

Commissioner Corprew then asked Planner Repanshek if the Planning Department had received any response to the second round of letters sent to adjoining property owners. Both Planner Repanshek and Technician Miles confirmed that no one had responded to the second round of letters.

Chairman Nelson then called Robert Fetherston of 105 Sebastian Drive to present his testimony. He was sworn in by Chairman Nelson. Mr. Fetherston introduced himself as the owner of two tracts in Northlight Farms and stated that he had not received a notification letter. He then stated that he was the HOA

Perquimans County Board of Adjustment  
**MINUTES**  
Monday, August 5, 2024

The Perquimans County Board of Adjustment held its meeting on Monday, August 5, 2024, at 6:30 PM in the Community Meeting Room of the Perquimans County Library.

MEMBERS PRESENT: Wallace Nelson , Chairman  
Charles Woodard, Vice Chairman  
Tim Corprew, Member/Commissioner  
James Ward, Member/Commissioner  
Kyle Jones, Member/Commissioner  
Joseph Hoffer, Member/Commissioner

MEMBERS ABSENT: None

OTHERS PRESENT: Rhonda Repanshek, Planner  
Trevor Miles, Planning and Zoning Technician  
John Moser, Property Owner/Variance Applicant  
Frank Heath, County Manager  
Mary Hunnicut, Clerk to the Board  
Hackney High, County Attorney  
Robert Fetherston, Northlight Farms HOA President.

**Board of Adjustment Chair, Wallace Nelson, called the meeting to order at 6:31 pm.**

**He then announced the case to be heard,** zoning variance ZVA-24-01, requested by John and Regina Moser, to build a second principal dwelling on tax parcel 4-D036-0016-NL, also known as 181 Northlight Drive. Subject property is zoned Rural Agriculture (RA) and is a 10.1 acre lot at the east corner of the intersection of Northlight Drive and Radmer Lane, both of which are unimproved private roads. This was continued from the previous Board of Adjustment meeting on 7/1/2024.

Chairman Nelson then established a quorum. He then asked attorney High if the quorum was of the members present or if it was a quorum of the members constituting the Board. Attorney High stated that there was a quorum either way. It should also be noted that Mr. Hoffer was absent at the beginning of the meeting.

Chairman Nelson then asked Planner Repanshek to confirm that proper public notices have been sent and if there was anything to be added since the previous meeting.

Planner Repanshek then stated that letters were mailed to the neighbors giving notice of the continuation of the public hearing and that notice was posted on site as required by the local zoning ordinance and

1

North Carolina General Statute. Chairman Nelson then asked Planner Repanshek if she had any additional comments since the last meeting. Planner Repanshek stated she did not have any additional comments.

Chairman Nelson then asked Mr. Moser if he had anything to add or any questions. Mr. Moser stated he did not have anything to add at this time. Chairman Nelson then stated that the county attorney was asked to do research for the Board. Attorney High started by stating that a summary of the law was provided to County Manager Heath. Attorney High then stated that the statute that controls this case is 160D-705, subsection D, which sets the standards and limits for a variance. Attorney High then summarized the four findings that must be found in the granting of the variance and what criteria can be considered with those findings. Attorney High also pointed out that the variance requires a four-fifths majority vote of the board as currently constituted, and that given that only five members of the board were present, this would require a unanimous decision.

County Manager Heath then asked if Attorney High could provide a definition for “unnecessary hardship” as used in the statute. Attorney High stated that although the statute did not provide an exact definition, he was able to provide several examples of what did and did not constitute an unnecessary hardship. Attorney High also pointed out that a variance must relate to the property and conditions of the property and not conditions relating to the owner of the property, and that the conditions of the hardship must be peculiar to the property and not the general area around the property.

County Manager Heath then asked a question regarding the language in 160D-705 (d)(2), which provides for a variance to be granted when appropriate, to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability and whether this supersedes the previously mentioned language conditioning the granting of a variance on hardships relating to the property.

Attorney High also stated that it depends, and that based on the case law and facts of this case, it may be directly applicable that bringing in an elderly parent that might have some conditions to either live with the family or in an adjacent structure that’s on the same property is a change in personal circumstances and not a condition peculiar to the property, but that there might also be some implications to consider when the person with the condition is already living there versus being moved in.

County Manager Heath withdrew a question he had asked Attorney High about the property.

Mr. Moser then made the comment that he did not *want* to build a second house, but that due to his medical condition he *needed* to build a second house. Chairman Nelson then made the comment for the record that the swearing-in of Mr. Moser from the previous meeting covered any comments made during this meeting.

Commissioner Corprew then asked Planner Repanshek if the Planning Department had received any response to the second round of letters sent to adjoining property owners. Both Planner Repanshek and Technician Miles confirmed that no one had responded to the second round of letters.

Chairman Nelson then called Robert Fetherston of 105 Sebastian Drive to present his testimony. He was sworn in by Chairman Nelson. Mr. Fetherston introduced himself as the owner of two tracts in Northlight Farms and stated that he had not received a notification letter. He then stated that he was the HOA

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president for Northlight Farms HOA and had been the HOA president for approximately 8 years. He then noted that the covenants for Northlight Farms clearly allowed in-law suites, that there are other in-law suites in the neighborhood, and that the covenants state that the in-law suite must be at least 1,000 square feet. Mr. Fetherston then stated that the HOA had already approved Mr. Moser’s proposal, and that he did not understand why Mr. Moser was having to go through this process when the county had already approved the covenants for Northlight Farms.

County Manager Heath then stated for the record that the county does not approve the covenants for any neighborhood.

Commissioner Corprew then attempted to make a motion to approve the variance but was reminded that each of the four findings requires a separate motion prior to a motion to approve the variance as a whole.

Commissioner Jones then asked that there be some brief discussion regarding whether Mr. Moser’s situation rises to the level of being an unnecessary hardship resulting from the conditions pertaining to the property itself, and stated that while he did feel for Mr. Moser given his current medical condition and the great difficulty Mr. Moser’s daughter is dealing with taking care of her children, he did not feel that there was enough evidence presented to prove that the hardship was caused by conditions peculiar to the property itself, and that all the evidence presented so far only proved that the hardship was caused by personal circumstances. Commissioner Jones then stated that because of this, the required elements needed to approve a variance were not present. He also stated that in his opinion, the covenants are not relevant.

Commissioner Corprew then asked what the difference between allowing an 800 square foot Accessory Dwelling Unit (ADU) and a 1300 square foot ADU was.

Commissioner Jones responded by saying that he felt almost the entirety of the hardship comes from personal circumstances, and that from his reading of the statute this is not sufficient to satisfy the requirements of the statute.

County Manager Heath then asked if the commissioner would need to simply make a motion to approve the standard, and Attorney High stated that each of the four standards would need to be approved separately. He also noted that the four standards only require a simple majority for approval, but the overall approval of the variance requires a 4/5<sup>th</sup> majority.

It was at this point that Commissioner Hoffer entered the room, approximately 25 minutes into the meeting.

Commissioner Ward asked if there were other in-law suites in the neighborhood, and if they were all under 800 square feet. Mr. Fetherston stated that there were, and that one was being constructed right now, and also reiterated that the covenants state they must be over a thousand square feet. Commissioner Corprew asked how they were approved, which County Manager Heath answered by stating that except for one, they were in existence prior to the changes regarding ADUs being made to the zoning ordinance.

Planner Repanshek then stated that one, 800 heated square foot ADU had been approved in 2024 in that neighborhood.

County Manager Heath then clarified for the record that the County did approve one, 800 square foot ADU in 2024, after the Northlight Farm Covenants had been recorded, and that for that situation, the County Zoning Ordinance regulations controlled over the Northlight Farm covenants.

Commissioner Corprew then asked where the 800 square feet came from. County Manager Heath answered that it was decided by the Planning Board and Board of Commissioners.

Mr. Fetherston asked what year those changes took place. Planner Repanshek answered that it had been changed within the last two years. Mr. Fetherston then asked why the County didn’t make Northlight Farms change their covenants. County Manager Heath answered that the County does not control the covenants of Northlight Farms, nor does the county enforce or police any neighborhood covenants.

County Manager Heath then stated that the Board had broad discretion in determining if unnecessary hardship existed and encouraged the board to make a determination. Commissioner Jones then stated that he would like to vote in favor of the variance if he could, but that he felt that hardship resulted from personal circumstances as well as conditions which were common to neighborhood at its inception. County Manager Heath then clarified that Commissioner Jones was referring to standard two, and also added that it is questionable if the Federal Fair Housing Act has a role to play in that standard as well.

Commissioner Jones then asked Attorney High if the nature of the unnecessary hardship in standard one referred to the property or personal circumstances. Attorney High then responded that anytime the statute refers to unnecessary hardship, it refers to the property.

Attorney High then stated that to keep the process moving forward, one of the Commissioners would need to make a motion regarding finding number one and continue making motions for the remaining three findings. Chairman Nelson then asked if there had been any ex-parte communication between any of the board members regarding the variance, to which all board members stated no.

Commissioner Corprew then asked if 160D-705 was a North Carolina General Statute, and Attorney High answered yes.

Attorney High then explained how to word the motion for the first finding.

**Vice-Chairman Woodard made a motion to find that an unnecessary hardship would result from the strict application of the ordinance regulations.** Commissioner Corprew seconded the motion. The motion passed by show of hands, 5 in favor, 1 opposed, with Commissioner Jones voting against.

**Vice-Chairman Woodard made a motion to find that the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make reasonable accommodation under the Federal Fair Housing Act for a person with a disability.** Commissioner Corprew seconded the motion. The motion passed by show of hands, 5 in favor, 1 opposed, with Commissioner Jones voting against.





**ATTACHMENT B****Amendment to Safety & Health Policy****Perquimans County Driving Policy*****Introduction***

The safe operation of all County-owned vehicles is the responsibility of all County employees tasked with driving as a part of their job. All persons who drive any type of vehicle for Perquimans County must ensure that due caution is used at all times during the operation of that assigned vehicle. The driver must also understand that they are ultimately responsible for not only the safe operation, but within reason, the mechanical safeguards associated. This policy covers safe operation, maintenance, and training for all those required to operate any type of County-owned vehicle. Examples of vehicles include, but are not limited to all County-owned passenger vehicles, pickup trucks, light vehicles, ambulances and vans. All County-owned vehicles will be operated only by Perquimans County employees or by authorized volunteers for the specific purposes related to their job duties and functions. Vehicles will be maintained in a safe condition at all times. In the event of an unsafe mechanical condition, the vehicle will be immediately placed out of service and the appropriate supervisor will be notified.

***Responsibilities*****Department Heads/Supervisors**

1. Must ensure that all employees/volunteers authorized to drive County-owned vehicles:
  - a) Are at least 18 years of age.
  - b) Have and maintain a valid North Carolina Driver's License. (This includes licenses required for the class of vehicle authorized to drive.)
2. Must maintain a list of all employees authorized to operate County vehicles in their department.
3. Not allow the operation of any County vehicle when it is apparent that the employee is taking medication that may cause drowsiness or disorientation or is under the influence of any intoxicating substance.
4. Immediately remove from service any vehicle with any safety defect.
5. Ensure that there are copies of the *Perquimans County Incident Procedures* in each County vehicle glove compartment.
6. In the event of a vehicle incident where there is personal injury or property damage, Department Head may require a post-accident drug screening.

Effective April 2024

**Authorized Employees/Volunteers**

1. Operate County vehicles in a safe, responsible manner and obey all traffic laws.
  - a) Pay close attention and avoid distractions.
  - b) DO NOT read, write, apply makeup, shave, etc. while operating a County vehicle.
  - c) Cell phone use is strictly prohibited without a hands-free device. If an employee does not have a hands-free device, they must pull off of the roadway to use a phone.
  - d) DO NOT drive under the influence of any illicit drugs or alcohol.
2. Ensure all vehicle occupants are utilizing seat belts before putting the vehicle into motion.
3. Follow safe fueling procedures; ensure the vehicle is turned completely off before fueling. Failing to do so is not only unsafe, but can cause damage to the vehicle.
4. Safety defects or vehicle problems must be reported to the Department Head, who will keep record and notify appropriate parties.
5. Employees must travel the most direct route to and from their destination. County vehicles are for "official use only" and are not to be used for personal business.
6. Except for employees who transport community members or detainees as part of their job, non-county employees are not to be transported in any County vehicle. DO NOT stop for hitchhikers.
7. DO NOT drive if taking any medications that can cause drowsiness. Employees that this applies to have are obligated to report such use to their Department Head.
8. Report all incidents as soon as they happen.
9. Pass only in safe areas and when excessive speed is not required.
10. Ensure there are no loose articles on the floorboards.
11. Stay at least four seconds behind any vehicle ahead.
12. DO NOT speed or tailgate.
13. Drive as the conditions dictate; slower in hazardous conditions or areas.
14. Think ahead; anticipate hazards.

Effective April 2024

15. Vehicle backing:
- a) Back slowly and be prepared to stop. If available, use a ground guide whenever possible.

b) DO NOT back up if anyone/anything is in the vehicle's path of travel.

c) Check clearances.

d) Get out and check behind you if you cannot determine safety from the driver's seat.
16. Stopping and Parking:
- a) Park only in proper areas, not roadsides.

b) Use warning flashers and raise hood if vehicle becomes disabled.

**Training**

The County will hold training for all authorized employees and volunteers to operate County-owned vehicles. Employees will be mandated to participate in Defensive Driving Training that will be held by the NCACC Risk Management Group every other year. Online training opportunities will also be recommended through NEOGOV.

**Vehicle Inspection**

**Mechanical Inspections:** All inspections and service will be conducted by a qualified vehicle mechanic. Routine services will need to be conducted every 5,000 miles or every six months, whichever comes first. Routine services will consist of, but not limited to the following: fluid system levels and visual inspection, belts and hoses, battery condition, filter replacement, lubrication, oil changes, and tire tread.

**State Inspections:** A North Carolina State Inspection will be conducted on an annual basis. The annual State Inspection will consist of, but not limited to the following: lights, visual inspection of brake system, horn, steering system, wiper blades, and tires.

Inspections are not designated to any particular mechanic or company. This determination will be made by the Department Head.

If at any time it is determined that a vehicle is unsafe, the vehicle will immediately be taken out of service until the department can fund the repairs.

Effective April 2024

***Perquimans County Incident Procedures***

In the event of being involved in a vehicle accident, the following procedures must be followed (if able):

1. Check yourself and other involved parties for injuries.

2. Call 911 to report the accident. Inform the telecommunicator of any potential injuries, if an ambulance is needed, if the vehicle is able to be driven or needs to be towed and any other major concerns. (DO NOT admit responsibility.)

3. Notify your Department Head as soon as possible.

4. Cooperate with any law enforcement officers.

5. Move the vehicle only at the direction of law enforcement.

6. Complete the *Incident Report Form* that accompanies this procedure list. While at the scene, try to obtain the following information:

a) Name, address, and driver's license number of the other driver(s).

b) Make, model, and license plate number of other involved vehicle(s).

c) Roads and intersections of the scene.

d) Contact information of any witnesses.

e) Investigating officer's name and agency.

7. Do not sign any forms unless required by law enforcement.

8. If you are injured and are advised to be seen by a health care professional, please do so.

Inform all healthcare providers that this will be a Worker's Compensation case. Have them contact the Human Resource Coordinator for claim information - (252) 426-2842.

9. If required to submit to drug screening, make sure to sign authorization for your Department Head to obtain the results.

**Upon return to department:**

1. Immediately have your Department Head sign your Incident Report Form and have them submit it to the Human Resource Coordinator or County Manager to be filed.

2. If there is an injury related to this incident, review page 36 of the Personnel Policy that addresses Worker's Compensation Leave.

3. Ensure that your Department Head and the Human Resource Coordinator are made aware of any necessary details related to or following your

END OF ATTACHMENT B

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## ATTACHMENT C

### DOT SUBSTANCE ABUSE POLICY FOR PERQUIMANS COUNTY

To maintain a drug-free work force and to eliminate the safety risks, lost time and reduced productivity that results from the use and the influence of alcohol and/or drugs in the workplace, Perquimans County, hereafter called County, has adopted a substance abuse policy. The intention of this policy is to make the County a safer and better place to work.

#### POLICY STATEMENT:

The use, possession, purchase, sale or manufacture of alcohol, illegal drugs, or non-prescribed drugs while on County property, while operating County vehicles, or while engaging in County business is strictly prohibited.

#### SCOPE:

##### Employees Subject to Testing:

All applicants for full or part-time positions of Perquimans County and all full-time employees who during the exercise of their employment are required to drive a County vehicle or who performs any safety-sensitive duties as defined by Title 49, Code of Federal Regulation. This applies to every person who operates a County vehicle or who operates a commercial motor vehicle in interstate or intrastate commerce, and is subject to the commercial driver's license requirements of 49 CFR part 383.

#### ALL EMPLOYEES OF PERQUIMANS COUNTY WHO, AT ANY TIME, MAY DRIVE A COUNTY VEHICLE ARE CONSIDERED FOR THE PURPOSES OF THIS DOT SUBSTANCE ABUSE POLICY TO PERFORM SAFETY-SENSITIVE DUTIES.

##### Alcohol:

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having alcohol concentration of 0.04 or greater.

No employee shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol, unless the alcohol is manifested and transported as part of a shipment.

No employee shall use alcohol while performing safety-sensitive functions.

No employee shall perform safety-sensitive functions within four hours after using alcohol.

No employee required to take a post-accident test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.

##### Controlled Substance:

The U.S. Department of Transportation (DOT) requires testing for amphetamines, cannabinoids, cocaine, opiates, phencyclidine, and illegal substances or non-prescribed drugs.

No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the employee uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a commercial motor vehicle.

No employee shall report for duty, remain on duty or perform a safety-sensitive function, if the employee tests positive for controlled substances.

##### Prescribed Medications:

All employees in safety-sensitive functions taking prescribed medications that could impair their ability to safely operate a County or commercial motor vehicle or related activities associated with loading, unloading, inspection and maintenance or other activity that is classified as "on duty time" 49CFR 395.2, must report this to their immediate supervisor or substance abuse manager as directed by this policy.

#### QUALIFICATIONS FOR EMPLOYMENT AND PROHIBITED CONDUCT:

##### Prohibited Conduct:

County prohibits any alcohol misuse and/or any drug use that could affect performance of safety-sensitive functions, including:

##### Alcohol:

1. Use while performing safety-sensitive functions.
2. Use during 4 hours before performing safety-sensitive functions.
3. Reporting for duty or remaining on duty to perform safety-sensitive functions with an alcohol concentration of 0.04 or greater.
4. Possession of alcohol, unless the alcohol is manifested and transported as part of a shipment. This includes the possession of medicines containing alcohol (prescription or over-the-counter), unless the packaging seal is unbroken.
5. Use during the 8 hour following an accident, or until he/she undergoes a post accident test.
6. Refusal to take a required test.

NOTE: An employee found to have alcohol concentration of 0.02 or greater but less than 0.04 shall not perform, nor be permitted to perform, safety-sensitive function for at least 24 hours.



**Controlled Substance:**

1. Use of any drug, except by doctor's prescription, and then only if the doctor has advised the driver that the drug will not adversely affect the employee's ability to safely operate the CMV.
2. Testing positive for drugs; and
3. Refusing to take a required test.

**Consequences and Disqualifications:**

1. The employee shall not perform or be permitted to perform a safety-sensitive function if any of the above listed prohibitions are violated.
2. Any employee violating these prohibitions will be referred to a Substance Abuse Professional for evaluation, regardless of employment status.

**TESTING CIRCUMSTANCES:**

All applicants for part-time for full-time safety-sensitive positions, and all persons transferring from non safety-sensitive positions with the County will be directed to submit to a Controlled Substance test.

A drug test will be conducted during the pre-employment process and negative drug test result must be received before a final offer of employment is made.

**Post-Accident Testing:**

If any employee in a safety-sensitive position, while operating a County vehicle or equipment, is involved in an accident that involves a fatality, or any accident in which the driver is issued a citation under state or local law for a moving traffic violation arising from the accident, that employee will be required to submit to an Alcohol and a Controlled Substance test. Testing will be administered immediately following the accident or as soon as medically and legally possible.

The alcohol test must be administered within 2 hours following the accident and in no case shall more than 8 hours elapse before the test is administered. It is the employee's responsibility to notify the County immediately to ensure actions are taken to meet the testing requirements.

The driver must refrain from using alcohol for 8 hours following the accident, or until he/she submits to an alcohol test, whichever comes first.

The drug test must be administered within 32 hours following the accident. The driver must remain available for testing, or the County will consider the driver to have refused to submit to testing.

**NOTE:** Nothing in the requirement should be construed as to require the delay of necessary medical attention for injured people following an accident.

**Random Testing:**

All employees of the County in safety-sensitive positions will be subject to random testing for alcohol and controlled substances. Random testing will be done on percentage basis in a fair and equal manner.

For alcohol testing an employee shall only be tested while the employee is performing safety-sensitive functions, immediately prior to performing, or immediately after performing safety-sensitive functions.

For drug testing an employee may be tested at any time the employee is at work for the County.

Selection of employees for random testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with drivers' Social Security numbers, payroll identification numbers, or other comparable identifying numbers.

Each time a random selection is made, every employee will have an equal chance for being selected. Random tests will be unannounced and spread reasonably throughout the year. Employees when notified that they have been selected for random testing will proceed immediately to the collection site.

**Reasonable Suspicion Testing:**

Any employee in a safety-sensitive position, while on County property, while operating a County vehicle, or while engaging in County business, who acts in an abnormal manner sufficient to cause reasonable suspicion that he/she violated this policy, may be required to submit to an alcohol and/or a controlled substance test upon the approval and direction of an officer of the County.

**Return-to-duty Testing:**

Any employee in a safety-sensitive function that, based on County approval, is allowed to return-to-duty following referral, evaluation, and treatment as a result of a positive alcohol or drug test will be required to submit to a return-to-duty alcohol and/or controlled substance test. An alcohol concentration of less than 0.02 and a negative drug test will be required before a return-to-duty decision is made.

**Follow-Up Testing:**

In the event an employee is allowed to return-to-duty following referral, evaluation, and treatment, a minimum of 6 unannounced alcohol and/or drug tests will be required during the next 12 months of employment. Follow-up testing may continue for up to 60 months following return-to-duty at the County's discretion, based on recommendations from the Substance Abuse Professional.

All alcohol testing will be done immediately before, during, or immediately after performing safety-sensitive functions.

Controlled substance testing may be performed at any time the employee is at work for the County.

**ALCOHOL TESTING METHODOLOGY:**

**BREATH ALCOHOL TECHNICIAN (BAT):**

Alcohol testing will only be performed by a certified Breath Alcohol Technician (BAT) trained and certified in the principles of Evidential Breath Testing Devices (EBT) methodology, operation, and calibration checks; the fundamentals of breath analysis for alcohol content; and the procedure required for obtaining a breath sample, and interpreting and recording EBT results.

**Evidential Breath Testing Devices (EBT):**

Alcohol testing will only be performed using evidential breath testing devices (EBT's) approved by the National Highway Traffic Safety Administration (NHTSA).

Alcohol Testing must be either performed by a Certified BAT employed by the County or an outside BAT. All alcohol testing will be conducted in a location that affords visual and aural privacy to the individual being tested. Unauthorized persons will not be permitted access to the testing location when a test is in progress. Alcohol testing will be performed using only the U. S. Department of Transportation Breath Alcohol Testing Form.

**ALCOHOL TESTING PROCEDURES:**

Using the Evidential Breath Testing Device the certified Breath Alcohol Technician will open an individually sealed mouthpiece and attach it to the EBT. The employee will be instructed to blow into the mouthpiece forcefully until an adequate amount of breath has been obtained.

The EBT will record the result and display it on the device and print the result immediately. The result will be recorded on the Breath Testing form and attached to the form with tamper proof tape.

When the result is less than 0.02, no further testing is authorized and the result will be transmitted to the County in a confidential manner and will be stored to insure confidentiality is maintained.

When the result 0.02 or greater, a confirmation test must be performed to verify the initial test. The confirmation test will be conducted no less than 15 minutes and no more than 20 minutes after initial test. In the event the initial and confirmation test results are different, the confirmation test result is deemed to be the final result upon which any action under the terms of this policy shall be based.

Following completion of the test, the BAT will date the form and sign the certification on the form. The employee will sign the certification and fill in the date on the form. This insures that each employee is attesting to the fact that the reported result is specific to the employee.

Refusal to test will be treated the same as if the results is 0.04 or greater.

County will maintain alcohol and drug test results in a secure and confidential manner, so that disclosure of information to unauthorized persons does not occur. Employee information shall only be released as required by law or as expressly authorized.

- An employee shall have access to any of his/her alcohol and drug testing records upon written request.
- The County must allow any DOT authorized agency access to facilities and records in connection with the County's alcohol misuse and drug abuse prevention program.
- When requested, the County shall disclose post-accident testing information to the National Transportation Safety Board as part of an accident investigation.
- The County will make records available to a subsequent employer upon receipt of a written request from the employee.
- The County may disclose information to the employee or to the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual. This may include worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

If an employee attempts but fails to provide an adequate amount of breath the County will be immediately notified and will direct the employee to obtain, as soon as practical, an evaluation from a licensed physician who is acceptable to the County concerning the employee's medical ability to provide an adequate amount of breath.

If the physician determines that there is a medical reason that prevents the employee from providing an adequate amount of breath, he/she will provide the County with a written statement of the basis for his or her conclusion.

If the physician determines there is no medical reason to prevent the employee from providing an adequate amount of breath, he/she will provide the County with a written statement of the basis for his or her conclusion and it will be regarded as refusal to take the test. The terms of this policy will then be administered.

**SPECIMEN COLLECTION PROCEDURES:**

Specific guidelines will be followed in urine specimen collections for the purpose of drug testing. In accordance with the Department of Health and Human Services (DHHS) guidelines a clear and well documented procedure for collection, shipment and accession of urine specimens from the County to the laboratory will be followed. Procedures will account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen.

The County may chose to do urine specimen collections in-house or utilize the services of an outside source, which may be a doctor's office, clinic, hospital or other facility that meets security requirements as specified by DHHS guidelines. The collection site will be a secure location to allow for maximum privacy, which includes a toilet for completion of urination, a source of water for washing hands, and where practicable, excluded from the area provided for urination.

No other person will be present or gain access to the collection area during the collection process. All specimens must remain in the direct control of the collection site person. No one other than the collection site person may handle specimens prior to their being placed securely in the mailing container.

When reporting to a collection site for specimen collection each employee will be required to provide a photo I.D. Employees will be asked to remove all unnecessary outer garments (i.e., coat or jacket), and secure all personal belongings (individual may retain his/her wallet).

Employees will be allowed to provide his/her specimen in the privacy of a stall.

The split sample method of collection will be used. At least 45 ml of urine must be collected, 30 ml to be used as the primary specimen and 15 ml to be used as the split specimen. Both bottles will be shipped in a single container.

If the collection site person believes tampering or adulteration has occurred, a second specimen shall be collected immediately under the direct observation of a same gender collection site person. Both samples will be sent to the lab.

Refusal to test will be handled the same as verified positive result.

In all cases the employee and the collection personnel shall keep the specimen in view at all times prior to being sealed and labeled. The specimen will be labeled with tamperproof seals and the employee will sign appropriate places on the Chain of Custody and initial the seal on the bottle attesting to the fact that the specimen is specific to the individual providing the sample.

#### **TESTING METHODOLOGY:**

Only laboratories certified by the Department of Health and Human Services (DHHS) will be used for drug urinalysis.

Every specimen is required to undergo an initial screen followed by confirmation of all positive screen results. This screen confirmation process utilizes highly sophisticated techniques to detect minute levels of prohibited substances in urine.

#### **Reporting of Results:**

The laboratory is required to report the test results directly to the County's Medical Review Office (MRO) within 5 working days. The report, shall indicate the drug-metabolites tested for, whether the results are positive or negative, the specimen number assigned by the County and the drug testing laboratory identification number.

#### **Review of Results/MRO:**

The medical review officer (MRO) is a license physician and possesses knowledge of drug abuse disorders. The MRO may be an employee of the County or one contracted to provide the services required. The MRO will review and interpret positive results obtained from the laboratory. The MRO through a verification process will assess and determine whether alternate medical explanations could account for the positive test results. The MRO may conduct medical interviews of the employee, review the employee's medical history and review any other relevant bio-medical factors. Additionally, the MRO will examine all medical records and data made available by the tested individual, such as evidence of prescribed medications.

The MRO will give the individual testing positive an opportunity to discuss the test result prior to making a final decision. After the final decision is made, the MRO will notify the County as prescribed below.

If during the course of the interview with an employee who has tested positive, the MRO learns of a medical condition which could, in the MRO's reasonable medical judgement, pose a

risk to safety, the MRO may report that information to the Department of Transportation (DOT) or the County.

The MRO will notify each employee who has a confirmed positive test that the employee has 72 hours in which to request a test of the split specimen. If the employee makes such a request, the MRO will direct, in writing, the laboratory to provide the split specimen to another certified laboratory for analysis. If the analysis of the split specimen fails to reconfirm the presence of the drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or instestable, the MRO will cancel the test and report cancellation and the reasons for it to the DOT, the County, and the employee. A request for testing of the split sample and associated costs are the responsibility of employee.

If the MRO, after making and documenting all reasonable efforts is unable to contact the tested person, the MRO will contact a designated management official of the County to arrange for the employee to contact the MRO prior to going on duty. Within 5 days after a documented contract by designated management official of the County instructing the employee to contact the MRO, the employee has not done so, the MRO will verify the test positive and report it to the County.

#### **DISCIPLINE AND CONSEQUENCES:**

##### **Pre-Employment/Pre-Duty:**

An applicant for part-time, full-time, or transfer from non safety-sensitive to a safety-sensitive position with a verified positive controlled substance test result will be denied employment.

##### **Reasonable Cause:**

Any employee of the County subject to the terms of this policy, as a result of reasonable cause testing, with a verified positive controlled substance test result and/or an alcohol breath test with a confirmed test result of 0.04 or greater will be subject to disciplinary action up to and including termination. If terminated, employee will be referred to a qualified substance abuse professional.

If the confirmed alcohol breath test result is 0.02 or greater but less than 0.04 the employee will be subject to disciplinary action including, but not necessarily limited to a twenty-four hour suspension followed by a retest of the employee's Breath Alcohol content at his or her expense.

##### **Post-Accident:**

Any employee of the County subject to the terms of this policy, as a result of a post-accident test, with a verified positive controlled substance test result and/or a confirmed alcohol breath test with a confirmed test result of 0.04 or greater will be subject to disciplinary action up to and including termination. If terminated, employee will be referred to a qualified substance abuse professional.

If the confirmed alcohol breath test result is 0.02 or greater but less than 0.04 the employee will be subject to disciplinary action including, but not necessarily limited to a twenty-four hour suspension followed by a retest of the employee's Breath Alcohol content at his or her expense.



**Random:**

Any employee of the County subject to the terms of this policy, as a result of a random test, with a verified positive controlled substance test result and/or a confirmed alcohol breath test with a confirmed test result of 0.04 or greater will be subject to disciplinary action up to and including termination. If terminated, employee will be referred to a qualified substance abuse professional.

If the confirmed alcohol breath test result is 0.02 or greater but less than 0.04 the employee will be subject to disciplinary action including, but not necessarily limited to a twenty-four hour suspension followed by a retest of the employee's Breath Alcohol content at his or her expense.

**Substance Abuse Professional Services:**

In all cases with a verified positive controlled substance test result and/or a confirmed alcohol breath test result the employee will be referred to a Substance Abuse Professional (SAP) for evaluation, referral and treatment. The referral to the SAP applies even if the employee is terminated. The employee is responsible for any expense incurred under such treatment or rehabilitation subject any health insurance benefits which may apply.

If an employee should approach the County for assistance through rehabilitation for drug abuse or alcohol abuse prior to a testing request by the County, all possible and positive consideration for a medical leave of absence for treatment and/or counseling will be pursued. If an employee is terminated, the County will not be obligated to provide assistance beyond the last day of employment.

Supervisory Training as required will be provided all supervisors.  
Educational materials as required will be provided to all employees in safety-sensitive positions.  
Any questions regarding this policy should be directed to:

\_\_\_\_\_

N. Paul Gregory, Jr.

\_\_\_\_\_

County Manager

County official designated to answer questions about this policy.

**END OF ATTACHMENT C**

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