

**PASQUOTANK COUNTY, NORTH CAROLINA
JANUARY 7, 2008**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, January 7, 2008 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Cecil Perry, Chairman
Marshall Stevenson, Vice-Chairman
Matt Wood
Bill Trueblood
Jeff Dixon
Jimmie Harris

MEMBERS ABSENT: Lloyd E. Griffin III (*Out of Town*)

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Asst. Manager for Planning & Economic Dev.
R. Michael Cox, County Attorney
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Cecil Perry. The Rev. Tony Rice, Pastor of New Beginning Fellowship Church, gave the invocation and Vice-Chairman Marshall Stevenson led in the Pledge of Allegiance to the American Flag. Chairman Perry welcomed everyone present.

1. PRESENTATION OF PIN TO EMPLOYEE FOR YEARS OF SERVICE:

Chairman Perry called on the following employee and presented him with a pin recognizing his years of service to Pasquotank County:

Walter B. Jones, Solid Waste Department, 15 years of service

The Board congratulated and thanked Mr. Jones for his service.

2. DISCUSSION REGARDING HUNTING DOGS:

Chairman Perry recognized several individuals who had signed up to address the Board regarding hunting with dogs.

Mr. Randy Meads stated that he would like to address the Board regarding Mr. Lane's proposal for a hunting dog ban in Pasquotank County. He stated that he has been involved in meetings with Mr. Lane to discuss this issue. He said if the Board approves the proposal, it will virtually eliminate all dog hunting in Pasquotank County, not just deer hunting with dogs. It will also provide that if an individual allows his dog to go onto another person's property, they would be subject to a fine. Mr. Meads stated that most hunting in Pasquotank County is organized through the hunting clubs. He said if dog hunting were eliminated, the hunting clubs will probably fold and everybody will go back to hunting the way they did before the organized clubs. He stated that there are enough rules already and no more rules are needed. Mr. Meads noted that when he turns out his dog, he cannot control where he goes. He said people who live in rural Pasquotank County should not complain about dogs, just like people who live near the airport should not complain about the noise. He added that if hunting dogs are prohibited in the county, all dogs should be prohibited.

Mr. Grover Sanders of 690 Blount Road stated that representatives from the hunting clubs have met with Mr. Lane and some members of the Board over the past several months. He said at the meetings basically the same thing was said over and over. Mr. Lane had suggested a compromise and he thought they had done a pretty good job of working together. He said the hunting clubs have contacted a lot of people and told them what would happen if changes were not made. He stated that according to Mr. Lane he has not had a problem this hunting season. He added that he understands Mr. Reid has had a few problems from people they did not talk to. Mr. Sanders said he feels that the majority of the hunters in Pasquotank County have done their part to work with Mr. Lane. Mr. Sanders added that Mr. Lane has assured him he has not had any problems and that he appreciates what the hunting clubs have done.

Mr. Carl Estus, President of the SPCA, stated that the animal shelter does get in some hunting dogs and quite often they are flea and tick infested and sometimes they look like they are starved. He said very seldom do any of the dogs have any kind of identification that will enable the shelter staff to contact the owners. He said it seems that possibly some of the hunting dogs that are brought to the shelter are abandoned on purpose.

Mr. Wade Reid of Four Forks Road stated that he owns 450 acres of farmland on Body Road. Over the past several years, he had made complaints to the Board of Commissioners and asked for help when he thought he had exhausted all opportunities to deal with hunting dogs. Mr. Reid explained that he raises cattle, and almost every weekend and every holiday during hunting season, he has hunting dogs running across his land and chasing his cattle. He said for a \$20 hunting license, the hunters are allowed to run their dogs across his property that he has worked hard to buy, pay taxes on, and earn a living on. He stated that he does not see how the \$20 hunting license trumps his rights as a property owner. He said the hunters have said tonight that when they turn out their dogs, there is no way to control them. Mr. Reid asked that the Board of Commissioners give him and other land owners a way to control those dogs. He said week after week this year the dogs on his property have caused his cattle to run through fences and have caused deer to run through fences. He stated that every time strange dogs come on the property, his cattle are chased and could very possibly run into the highway and cause a serious accident. He said this is an unacceptable hazard and an unacceptable problem to have to deal with week after week and holiday after holiday. He stated that he cannot leave home on a Saturday without having deer dogs running in his pasture causing his cattle to stampede. He said deer hunters do not respect his property at all, and most of the time they come in on the county landfill property. He asked the Board of Commissioners to police that property. Mr. Reid stated that several weeks ago he caught three dogs on his property and hunters were coming across the swamp from the county landfill to reclaim their dogs. He said they were all carrying guns and were very belligerent when they came to reclaim their dogs. He pointed out that his experience is that the hunters want to take control of his land at all costs and are not respecting property rights. He stated that there is no one present tonight who would not be upset about hunters running through their backyards and destroying their property. Mr. Reid stated that like Mr. Lane, he also wants compromise. He said he does not think there is anything wrong with having to ask people to have permission to run a pack of hunting dogs on his property.

Ms. Shannon Anderson of Banks Road explained that she is a still hunter and agrees with Mr. Lane's proposal to limit dog hunting. She said it is very aggravating for her when she works all week and gets up at 4:30 on a Saturday morning and goes out to her back property to wait for a deer to come out. Because there is a pack of dogs being run, a deer does not come out. Ms. Anderson stated that she agrees with using dogs for fox, bear, boar, and bird hunting, but she does not agree with using ten dogs to run one deer. She said nine times out of ten, the dog hunters are trophy hunters, are only after the bucks for their racks, and do not eat the meat. She stated that the hunters and their dogs should have permission to hunt on someone else's land.

Mr. Wayne Parker of Esclip Road stated that he is from a farm family, born and raised in Weeksville on a farm. He said that comments have been made that hunting is a sport. He stated from a farming standpoint, hunting is a necessity because one deer can eat a lot of soybeans and cause a lot of harm. He said it has been pointed out to him that property owners can be liable for the actions of the hunters if they give them permission to hunt on their property. Mr. Parker advised that there is now a coyote problem in some areas of the county. He said the deer hounds were also chasing coyotes this year and three or four have been killed within a mile of his house which is near Weeksville School. He stated that the coyotes would not have been killed if the dogs had not been running them. He said the deer, coyote, and fox populations need to be controlled by running dogs. He said the people who hunt in Weeksville obey the law and the Weeksville Hunt Club has done a good job of enforcing rules and making sure its members obey the laws.

Mr. Barry Lowry of Peartree Road said he would like to apologize to Mr. Reid and Mr. Lane because he wishes the hunters could control where their dogs go, but they cannot. He said they hunt on a lot of land in Weeksville and the majority of the time people want them to hunt on their land to keep the deer population under control. He said there are currently many vehicle accidents caused by deer which will only get worse if the deer population is allowed to grow. He stated that farmers can shoot deer any time of the year in their fields, however they have to leave them in the field. Mr. Lowry stated that it is true the hunters do not eat all of the meat from the deer they kill, however they share it with other people in the community so it is not wasted.

Mr. Grover Sanders stated that hunters killed over 100 deer in the Weeksville area this past hunting season and the meat was divided up and given to people in the community. He said he is not against still hunting, but if they cannot hunt with dogs, he does not believe the still hunters can kill enough deer to control the population.

Mr. Jim Anderson of Banks Road stated he is not against deer hunting, dog hunting, or dog running. He said the hunters are doing a good job talking to other hunters this year because there have been fewer problems in his area. He said however he still finds deer carcasses in his area with missing antlers and nobody took the meat. He stated that Mr. Lane's proposal will not eliminate dog hunting altogether, but would provide a means for law enforcement to do something in the event dogs are on private property without permission from the property owner and the hunters are belligerent. He added that deer dogs are now the only animals that do not have to be controlled by their owners.

Mr. David Paget of Harris Road stated that he still had deer dogs on his property Sunday night running deer.

Mr. Victor Pasworth of Horner Street asked what a deer dog looks like. He said it seems there are already rules in place, such as no trespassing laws, which could be enforced to address the problems that have been discussed.

Mr. Keith Foster of Anderson Street explained that 90% of the deer hunt is spent catching dogs. He said when property owners see hunters parking their trucks on the road in front of their houses, they are trying to catch their dogs. He also commented that some of the people who have spoken tonight have been arrested in the past for killing dogs, so they are not animal rights activists like they claim to be.

Mr. Keith Teague said he has lived in Weeksville since about 1976 and has become familiar with the situation regarding dogs over a period of more than 20 years. He stated that he catches the dogs, puts them in a special pen, feeds and waters them, and calls their owners. Mr. Teague said he hunts, his sons hunt, and they live adjacent to a state road. He stated that he has posted his land and has registered it with the Wildlife Commission. The tract adjoining his land has been posted as well. Mr. Teague explained that he lives next to a swamp and when the hunting dogs are released, they come to his house, and on occasions as many as 12 to 15 dogs have been running around his house. He said he has never shot dogs and will not allow his sons to do so. He stated that he spent all of Thanksgiving Day from 8:00 AM until 4:00 PM chasing dogs. He contacted the dogs' owners and told them the dogs had gotten in his yard, and they were not belligerent to him because they are his friends. He said there needs to be a balance between hunting and property owners' rights. He suggested if hunters put out a lot of dogs, that they have enough people available to catch the dogs before they get onto someone else's land. Mr. Teague stated that this is not about pitting hunters against landowners, but is about the fact that if someone owns a piece of property they should be able to control the use of that property. He said other counties have done things like indicating a demarcation line where they allow dog hunting in one portion of the county and not another. He stated that things are much different now than they were when he moved to Weeksville in the 1970's because there has been so much development, especially around the waterfront. Mr. Teague said there is a problem and he asked that the Board consider trying to balance individuals' rights of ownership of land with the rights of the people who want to hunt with dogs on land where they have permission to hunt.

Mr. Tommy Williams of Weeksville Road stated that he moved back to Pasquotank County five years ago and every year since then the dog problem has gotten worse. He said he has seen a deer hunter shoot his own dog on his property and the dog went to his house and died. He stated that hunters have backed their trucks up to his property line where his house is and started firing their weapons across his property at a clump of woods. He said he often sees rounds ricocheting off of the ground. Mr. Williams said he is worried that somebody might get shot. He stated that he thinks the county has a serious problem and he thinks personally that his property rights have been taken away from him.

3. PRESENTATION BY MR. DOUG LANE REGARDING HUNTING WITH DOGS:
Chairman Perry recognized Mr. Doug Lane who gave a PowerPoint presentation regarding hunting dogs. Mr. Lane said the goal of his presentation is to require that hunters have written permission before allowing dogs on posted private land. He stated that hound hunting for deer is a practice that belongs to an earlier time. He said in the past there were large parcels of

unpopulated land in Pasquotank County to support hound hunting, however that has changed. He explained that Pasquotank County's population has increased from 47 persons per square mile in 1900 to an estimated 140 persons per square mile in 2006 with a total current population of about 40,000. Mr. Lane stated that hound hunting deer can be dangerous in populated areas because the target is a fast moving deer; the killing range of the high powered weapons the hunters are using is over one mile; the weapon is discharged in any direction; and the bullet impact point is not known. He said in the last three years, the county has approved sixteen subdivisions with well over 1,100 lots. In Mount Hermon Township the area where the hunters hunt is seen by the hunters as one block of land while it is in reality 131 separately owned parcels of private property. Mr. Lane said his property is roughly 50 acres and in the past the hunters would turn their dogs loose on one side of the property and they would come out on the other side of the property with anything coming out of the property getting shot. He stated that he has had high-powered rifle fire coming in on him. He said this has a negative impact on him as he does not feel safe on his property because of the rifle fire, and he cannot plan outside activities as an artist, photographer, and sculptor. He stated that he cannot plan his activities because the hunters can run dogs 365 days a year except for Sundays and it takes away his use of his property. He explained that it also has a negative impact on others like Mr. Reid who has a farm and has cattle on his farm. When the dogs chase the deer, the deer will go among the cattle and the cattle stampede, the fences get broken, and every Saturday during deer season, Mr. Reid must remain on his property because if his cattle leave his property, he is liable. The time he spends watching after his cattle and repairing his fences is time he loses earning his income. There is also a negative impact on subdivisions because the deer dogs chase deer through the backyards where children might be playing. Mr. Lane stated that dog hunting also has a negative impact on still hunting. He said people who own or rent property so they can still hunt and take the time to develop it so they can hunt often lose that opportunity because someone runs hunting dogs through the property. He explained that the laws for this sport have basically not changed for over 100 years. He said there is no General Statute that prohibits dogs used in the sport of hunting from trespassing on private property, but there needs to be. He stated that the North Carolina Supreme Court held that hunting is pure sport to be followed in subordination to established property rights and subject to the laws of trespass. He said case law supports what he is proposing. Mr. Lane said 41 states ban hound hunting for deer, and within the last five years, Georgia and Florida have addressed this issue. Georgia requires 1,000 continuous acres and a permit for dogs and vehicles, while Florida requires registration of dogs and property and written permission of the land owner which is what he is seeking. Mr. Lane reported that half of North Carolina bans this sport including Chowan County. He said that requiring written permission to allow dogs on private land is needed in the other half of the state. He stated that the petition seeks requiring permission and does not seek a total ban. It represents a reasonable compromise and will give landowners legal recourse and will calm a dangerous conflict that local law enforcement has little control over. He said his presentation is made on behalf of the citizens of Pasquotank County concerned about their safety and current regulations governing hound hunting for deer. He asked on behalf of all property owners that the Board pass an ordinance requiring that hunters have written permission before allowing dogs on posted private land.

Commissioner Jimmie Harris asked Mr. Lane if he wants to take away the enjoyment that hunters have of running hunting dogs and hunting. He said he has never known a hunting dog to be a ferocious dog if he is properly fed and taken care of. He made a motion that the Board do nothing to honor Mr. Lane's request until a game warden can advise the Board as to what is needed. The motion however died for the lack of a second.

Commissioner Jeff Dixon said that Mr. Lane's petition sounds vaguely familiar. He asked if it was copied from another county. Mr. Lane said he put the petition together himself. He stated that he has done legal research and is trying to seek a balance that allows the hunters to hunt, but gives property owners some legal recourse.

Commissioner Matt Wood said this is a complex issue and he has been on both sides of it because he has a lot of friends who hunt, but he is also a landowner and has had dogs on his property. He stated that the whole state has not addressed the issue and no local government in eastern North Carolina has created any kind of local ordinance, with the exception of Chowan County. He said the main thing to keep in mind is that there is a population of almost 40,000 in Pasquotank County and it is growing. He stated that everyone needs to be respectful of each other and try to work with each other. He said it appears from the comments tonight that the county is still not where it needs to be with regard to this issue. He asked that everyone keep

talking about this and try to work on a solution. He added that he is not ready to vote on anything tonight, but would like to see continued discussion.

Commissioner Bill Trueblood stated that he thinks this proposal warrants more discussion. He said there have been good meetings and discussions with Mr. Lane, Mr. Reid, and the hunters. He stated that some of the concerns have been addressed as a result of the meetings although not all of the problems have been resolved.

Motion was made by Bill Trueblood, seconded by Matt Wood to refer Mr. Lane's proposal to the appropriate committee so that all the members of the Board might understand exactly what is taking place and determine what the appropriate action should be. The motion carried by a five to one margin with Commissioner Harris voting against the motion.

4. COMMENTS FROM MR. TOMMY WILKINS:

Chairman Perry recognized Mr. Tommy Wilkins who stated that he had addressed the Board regarding the railroad situation in July of last year to ask for the Board's support concerning the inactive railroad crossings. He said the Board responded by drafting a resolution in August requesting that state representatives and the Board of Education contact the railroad company and the Department of Transportation to try to resolve the concerns. He stated that in late October or early November the railroad gave permission for the inactive crossings to be paved over, and in December that was accomplished. Mr. Wilkins said he would like to thank the Board for its support in drafting the resolution because he feels it had an impact on getting things moving forward. He stated there are still four inactive crossings in the city that are a city responsibility and the City Manager wants written permission from the railroad before he will take any action. Mr. Wilkins said if the Board has any suggestions as to how to help the city move this issue along, they would be appreciated.

Vice-Chairman Marshall Stevenson stated that the Board would like to thank Mr. Wilkins for his perseverance in this issue. He said every time he crosses the railroad tracks at Peartree Road he is thankful for Mr. Wilkins' work in helping get this job done. He stated that the county has been trying to get the tracks on Peartree Road paved over for about two years.

5. CONTINUATION OF PUBLIC HEARING ON ZONING VARIANCE ZV 07-03:

Chairman Perry declared the meeting to be a continuation of the public hearing on Zoning Variance ZV 07-03. Mr. Garry Manning, the applicant, and Planning Director Shelley Cox were sworn in by the Clerk.

Ms. Cox presented the staff analysis and findings. She explained that Mr. Manning has requested to create a lot for his child that does not have the required 25 feet of road frontage and is not within 1,000 feet of a public water system as required by Article 8, Section 8.02 of the Pasquotank County Zoning Ordinance. Although the lot to be created is greater than 10 acres and does not require subdivision approval, it will not be considered buildable unless the variance is granted. Ms. Cox said the parcel proposed in this application consists of approximately 103 acres and the Hollowell Family Partnership owns even more than that in the general vicinity. She stated that the property is zoned A-1 Agricultural and a portion of this property is located within the Accident Potential Zone 1 based on its proximity to the U.S. Coast Guard runways on the opposite side of Weeksville Road. In addition, a large percentage of road frontage along Weeksville Road that is owned by the Hollowell Family Partnership is located within a Clear Zone for the runways. Ms. Cox noted that staff has previously recommended denial of this request for several reasons. The main reason is that there are several alternatives available to them in creating a buildable lot in this vicinity. She said there are four findings of fact the Board needs to make in considering a zoning variance and she provided the four findings upon which staff's recommended denial is based as follows:

1. *Special conditions and circumstances do exist that are peculiar to the land, which are not applicable to other land in the same district.* There are Clear Zones and Accident Potential Zones for the U.S. Coast Guard Base that affect portions of the applicant's property.

2. *The literal interpretation of the provisions of the Zoning Ordinance will not deprive the applicant of rights commonly enjoyed by the other properties in the A-1 (Agricultural) zoning district under the terms of the Ordinance.* The parcel involved in the request consists of 172 ± acres and there is a large amount of property that is not affected by the Clear or Accident Potential Zones. The applicant can create

a lot out of this property and meet both the requirements of the Zoning Ordinance and the U.S. Coast Guard regulations.

3. ***The special conditions and circumstances do not result in the actions of the applicant.*** The Clear Zones and Accident Potential Zones existing on the applicant's property have been established by the U.S. Coast Guard and restrict the use of certain portions of the applicant's property.

4. ***Granting this variance will confer on the applicant special privilege that is denied by the Zoning Ordinance to other land in the same district.*** The Zoning Ordinance requires that buildable lots have at least 25 feet of road frontage on a state maintained road and be within 1,000 feet of a public water system. It is feasible for the applicant to create a lot that meets these requirements regardless of the Clear and Accident Potential Zones.

Mr. Garry Manning of 1604 Weeksville Road stated that he appreciates the Board's time in considering his request. He stated that one of the things pointed out by the County Attorney in December was the ongoing litigation regarding ten acre lots. He asked that his situation not be compared to that situation because he is simply requesting a variance. He said the Hollowell Family Partnership only allowed the right of way for the road to be built across the property and the partnership still retains ownership of the property. The road was built by Barnhill Contracting and approximately 90% of the road that his son, Nathan, would be using is in the Clear Zone, as well as much of the land around it. Mr. Manning said the Clear Zone restricts the property such that there can be no standing structure which means it would have to remain as agricultural or a roadway, rendering the property useless for buildings. He stated that he has spoken with the Coast Guard about this location and this eleven acre tract seemed to be the prime area for his son to build his home. He said if Nathan has to purchase a 25 foot tract of land up to Weeksville Road, it would divide the Hollowell Family Partnership property, and would create an undo burden on him to have to purchase the additional property at fair market value which would increase his financial burden. He stated that selling him 25 feet for a roadway would still not guarantee easy access for emergency vehicles. Mr. Manning explained that this land has been in his family for years and years and they have a well-maintained road. He said this ordinance stands in their way. He stated that they are asking for a 200 foot variance from the requirement for the lot to be located within 1,000 feet of a public water supply because the lot is 1,200 feet from a public water line. He said his son plans to put in a well for drinking water and a water treatment system. If he were to hook onto the county water line, he would have to buy a 200 foot right of way to get to county water. Mr. Manning said he has already had the power companies look at the property and has applied for a septic tank permit and they are ready to go. He stated that he does not want his son to have to purchase more property and they do not want to divide up the Hollowell Family Partnership, and would like to simply allow him to use the road maintained by Barnhill. He said he believes they have addressed all four of the relevant factors in their variance request.

After questions and comments from Commissioners, Chairman Perry asked if there were any further public comments. At the absence of further comments, the public hearing was closed.

Commissioner Stevenson noted that he has read Mr. Manning's factors relative to the issuance of a variance very carefully and believes that every one of them makes sense to him.

Chairman Perry said while the county has rules by which to govern, they are made to allow deviation from time to time to meet the needs. He stated that he supports this request because he believes it is in the best of interest of the family.

Commissioner Wood stated that the Board has seen lots of problems with privately maintained roads and that is why these ordinance provisions were adopted. He said he supported making these rules because there are dozens of lots in Pasquotank County that will be developed and open farmland being cut up into ten acre lots with no road access. He added that the potential could be hundreds of lots. He stated this will not be the last time the Board will hear this request.

Commissioner Trueblood commented that nobody supported this ordinance more than him because he knew the county needed something in place. He said it may not be ideal, but Pasquotank County needed something in order to address concerns that were not unique to the Hollowell and Manning property.

Motion was made by Bill Trueblood, seconded by Marshall Stevenson to approve Zoning Variance Request ZV 07-03 based on his belief that the intent of the ordinance was for unique situations where a family has a child or grandchild to whom they want to give a piece of property to build a house. The approval is based on the following factors presented by Mr. Manning:

1. *That special conditions or circumstances exist which are peculiar to the land, structure, or building and which are not applicable to other land, structures, or buildings in the same district.* Yes, the county and USCG established clear zones and fly zones restricting the use of much of the land owned by the Hollowell Family Limited Partnership (HFLP). The other available land they own that meets the zoning ordinances, Note 9, A&B, would be too valuable for Nathan to afford since he has to pay fair market value. The proposed lot will front an existing well-maintained road allowing easy access for emergency services. If the surrounding land was ever sold, the HFLP would legally require the new landowner to permit unlimited lifetime right of way to the lot. Nathan plans to use a drinking water well and treatment system. This lot is 1,200 feet from Pasquotank County water which 1,000 feet of that is located on HFLP property. A variance of only 200 feet is requested.

2. *That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.* Yes, it would deprive Nathan of being a homeowner on family property that has been in the family for six generations. After consideration of many factors the HFLP selected this plot to be the best piece of land to build. The HFLP agreed to sell him this lot.

3. *That the special conditions and circumstances do not result from the actions of the applicant.* No, the fly zones and clear zones were established by the county and the USCG. Also, in 2007 an appraiser concluded that the "Highest and best use" of the HFLP property fronting Weeksville Road and not in the clear zone would be residential making this too expensive for Nathan. However, he can afford the proposed lot.

4. *That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district.* No, due to (1) the fly zones and clear zones' effect on the HFLP land, (2) the adjacent well-maintained road with guaranteed lifetime right of way, and (3) the lower value of the desired lot, this is a unique situation. The granting of the variance will not confer on the applicant any special privilege.

The motion carried by a six to none margin.

6. APPROVAL OF AMENDMENTS TO THE AGENDA:

Chairman Perry asked if there were any amendments to the agenda. It was requested that the agenda be amended to add the following items: 1) Recommendation from Finance Committee to approve a proposal to update aerial photography; 2) Recommendation from Finance Committee to release a portion of the tipping fees for First Baptist Church parsonage demolition; 3) Recommendation from Finance Committee to reduce the salary for the Register of Deeds; and 4) Recommendation to reject the bids received for grading work at the site of the RO water plant and rebid as an informal contract.

Motion was made by Matt Wood, seconded by Marshall Stevenson to amend the agenda to add the four additional items to the consent agenda. The motion carried unanimously.

7. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of December 12 and December 17, 2007 Commissioner Meetings

b. Approval of Tax Releases and Refunds

The Finance Committee has recommended approval of the following tax releases and refunds:

Releases:

		County	City
1.	Delton Wayne Stuck	142.03	
2.	Theresa P. Walston	179.10	146.86

3.	Ida R. & Arbelvia Jr. Walker	361.00	
4.	Ida R. & Arbelvia Jr. Walker	346.56	
5.	J.H. Maintenance & Repair	132.00	
6.	Earl D. Johns	130.05	
7.	W.H. Morris	350.00	
8.	W.H. Morris	344.00	
9.	Brickhouse Concrete Works	137.50	
10.	Robbin M. Binkiewicz		146.25
11.	City Center West Prop Owners	808.50	662.97
12.	City Center West Prop Owners	260.00	213.20
13.	City Center West Prop Owners	199.00	163.18

Refunds:

1.	First Bank Richmond NA	210.90	
2.	First Bank Richmond NA	131.54	

c. Approval of Budget Amendments

The Finance Committee has recommended approval of the following budget amendments:

Central Fire

Increase	010.0700.4970.00	Loan Proceeds	318,824.00
Increase	010.4340.5500.00	Capital Outlay	318,824.00

Special Appropriations

Increase	010.0230.4390.04	EDTAP	45,999.00
Increase	010.6600.5620.02	EDTAP	45,999.00

Special Appropriations

Increase	010.0230.4390.05	Rural General Public Program	38,417.00
Increase	010.6600.5620.03	Rural General Public Program	38,417.00

DSS/Health Dept

Increase	010.0500.4831.00	Interest Earned	4,013.00
Increase	010.4192.5440.00	Contracted Services	31,691.00
Decrease	010.6900.5991.00	Contingency	27,678.00

d. Approval of Restrictive Covenant for South Park Sports Complex

The County Attorney has requested approval by the Board to place a restrictive covenant on the parcel of land acquired in May 2007 for the South Park property to state that the property can only be used for recreational purposes.

e. Approval of Additional Surplus Furniture Items

The Board needs to declare the following miscellaneous furniture items surplus so that they can be advertised on Govdeals.com:

Meridian phone system	12 miscellaneous office chairs
24 children's chairs	5 wooden computer desks/carts
2 children's tables	2 wingback chairs
1 card table	1 piece porcelain sink
miscellaneous shelving units	Stove
2 ABC rolling book shelves	cabinet unit
10 plastic computer carts	1 blue couch
9 wooden office desks	1 filing cabinet
large front desk/display	1 water fountain
4 wooden tables	2 newspaper racks

f. Approval of Appointments to Boards and Commissions

The Appointments Committee has recommended the following appointments:

Child Fatality Prevention Team & Community Child Protection Team – Appoint Jerry Newell to replace former EMS Director, Dean Schaan.

ABC Board – Appoint Anthony Jerome Turner to replace Myrtle Rivers, contingent upon the city's approval, since this is a joint appointment.

g. Approval of Capital Project Ordinance for CDBG Project

The Board needs to approve the following Capital Project Ordinance for the new scattered site CDBG project:

CAPITAL PROJECT ORDINANCE

BE IT ORDAINED by the Board of Commissioners of Pasquotank County, North Carolina, that, pursuant to N.C. Gen. Stat. §159-13.2, the following Capital Project Ordinance is hereby adopted:

Section 1. The project authorized is the Scattered Site Community Development Block Grant Project.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Clearance Activities	\$ 20,000
Planning	3,500
Relocation Assistance	155,000
Rehabilitation	185,000
Administration	<u>36,500</u>
Total	<u>\$ 400,000</u>

Section 4. The following revenues are anticipated to be available to complete this project:

Scattered Site CDBG 07C1669	\$ 400,000
Total	<u>\$ 400,000</u>

Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy federal regulations and the terms of the bond order.

Section 6. Funds may be advanced from the Construction Fund for the purpose of making payments as due. Reimbursement requests should be made to the trustee in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this Capital Project Ordinance shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

ADOPTED this the 7th day of January, 2008.

h. Approval of Proposal for New Aerial Photography

The Finance Committee has recommended that the Board approve a proposal from North Carolina Emergency Management/Flood Plain Management for updated aerial photography. They will cost share on a 50/50 basis if the county can let them know by January 10. The county would not have to pay for the maps until they are delivered, which would be in the next fiscal year. The total estimated cost is \$39,700 of which Pasquotank County would be responsible for one-half of the cost or \$19,850.

i. Release of Portion of Tipping Fees for First Baptist Church

The Finance Committee has recommended that the Board approve a release of \$7,200 from the tipping fees associated with the demolition of the First Baptist Church parsonage in exchange for the church allowing county employees to park in its parking lot during construction of the Library and Public Safety Building.

j. Reduction in Register of Deeds Starting Salary

The Finance Committee has recommended that the Board lower the Register of Deeds salary to \$45,738, which is the salary to be used in calculating the filing fee for election.

k. Recommendation to Reject Bids for RO Site Work and Rebid as an Informal Contract

The Finance Committee has recommended that the Board reject the bids received for the RO plant site work and to rebid the project as an informal contract.

Motion was made by Bill Trueblood, seconded by Marshall Stevenson to approve the consent agenda as amended. The motion carried unanimously.

The following tax refunds less than \$100 have been approved by the Finance Officer:

Refunds:

		County	City
1.	Norman C. James, Jr.	6.13	
2.	River City Community Development Corp.	60.50	49.61
3.	Mceva R. Bowser Etal	45.14	
4.	Mceva R. Bowser Etal	47.02	

The following requests for release or refund of the solid waste availability fee have been approved by the Tax Administrator:

OWNER'S NAME	PARCEL ID NUMBER	REASON FOR RELEASE
Freewill Independent Church	35-B-17	Unoccupied since 2006
Marjorie Ann Berry	P64-52A	Unoccupied since 1999
Zachariah Lewis, Jr.	P30-36	Unoccupied since 1994
Gerda C. Eichler	P140-95B	Unoccupied since 2005
Thomas & Gerda Eichler	P140-95A	Never occupied
Abe Shannon Etal	P95-24	Unoccupied since 1997

8. CONSIDERATION OF AMENDMENT TO DECLARATION OF RESTRICTIVE COVENANTS FOR THE PASQUOTANK COUNTY COMMERCE PARK:

The Board considered a proposed change in the restrictive covenants for the Commerce Park to clarify that plans and specifications must be submitted to Pasquotank County within two years after the date of purchase of a lot from the county. Failure to submit plans and specifications or a request for an extension of time, as required by the covenants will be deemed a violation of the covenants and require the property to revert to Pasquotank County in exchange for the purchase price. County Attorney Mike Cox explained that this amendment is not a substantive change, but will just tighten up some language with regard to the two-year provision.

Motion was made by Matt Wood, seconded by Jeff Dixon to approve the proposed amendment to the Restrictive Covenants for the Pasquotank County Commerce Park as presented. The motion carried.

9. CONSIDERATION OF CHANGE OF MARCH 3, 2008 COMMISSIONER MEETING:

The Board discussed changing the March 3 Commissioner meeting due to the fact three Board Members will be attending the NACo Legislative Conference in Washington, DC March 2-5. After brief discussion;

Motion was made by Matt Wood, seconded by Bill Trueblood to move the Commissioner meetings and committee meetings in March, 2008 from the first and third Mondays to the second and fourth Mondays. The motion carried.

10. CONSIDERATION OF FAMILY SUBDIVISION REQUEST FS 07-08:

The Board considered Family Subdivision Request FS 07-08 by Joseph Sharber to create a gift lot for a child in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. Planning Director Shelley Cox explained that the total lot area proposed is 43,000 square feet for the gift lot and 6.95 acres for the residual tract. In addition, 2.61 acres is proposed to be combined with an adjoining parcel that is owned by Mr. Sharber. The grantor, Joseph Sharber, has owned the property since 1962 and is requesting to give a lot to his daughter, Mary Sharber Temple. Ms. Cox said there is a shed noted on the plan within ten feet of the property line which is exempt from the setback regulations since it is a bona fide farm related structure. She stated that a birth certificate has been provided to verify that this subdivision qualifies as a gift lot to a child. In addition, an improvement permit has been issued by Albemarle Regional Health Services. Ms. Cox said the application meets the minimum standards required for a family subdivision, and staff recommends approval of the request.

Motion was made by Jimmie Harris, seconded by Marshall Stevenson to approve Family Subdivision Request FS 07-11 as presented. The motion carried unanimously.

11. REPORT FROM COUNTY MANAGER:

County Manager Randy Keaton stated that at the last meeting the Board discussed a request from the Homeless Coalition to have temporary use of the old Elizabeth City Middle School gym. He advised that Sheriff Randy Cartwright has checked out the shower facilities and they are not in working condition and the heads and nozzles have been removed. He said he will advise the Homeless Coalition that the ECMS gym is not a viable option.

Mr. Keaton said he had sent out an agenda for a meeting of the Personnel Committee tomorrow at 2:00 PM. He stated that it has been suggested the meeting time be moved. The members of the Personnel Committee agreed to move the meeting to 4:00 PM.

Mr. Keaton advised that he and the Solid Waste Director will be meeting with representatives from Republic this Wednesday and will meet with the trucking firm on Thursday. He said they should have some information to provide to the Board on landfill disposal after those meetings. He stated that representatives from Isle of Wight County, Virginia will be coming to Pasquotank County on Friday to tour the county's convenience sites and to look at the recycling program. He said it is ironic that Pasquotank County looked at the Isle of Wight County sites when considering taking over the operation of the convenience sites in Pasquotank County.

12. REPORT FROM CLERK:

The Clerk reported that the Chamber Annual Meeting will be held on January 31 from 6:00 until 9:00 PM. She asked that those planning to attend let her know so that tickets can be purchased. The Clerk also provided possible dates for the annual Commissioners Luncheon hosted by the Extension Service. The Board selected March 10 as the date for the luncheon.

13. REPORTS FROM COUNTY COMMISSIONERS:

Commissioner Jeff Dixon stated that the two exit doors at the Health & Social Services Building swell up when the sun hits them and this could be a potential safety hazard in the event of a fire or other emergency. He asked the County Manager to follow up on getting the doors repaired. Commissioner Dixon advised that the drainage work at the Health & Social Services Building has gone very well. He added that the Social Service Department's heating assistance funds have been depleted. He said that people with medical conditions are getting priority while the elderly on fixed incomes with no medical conditions are not getting any assistance. He stated that there are a tremendous amount of people in the county who cannot afford to heat their homes. He asked if there are other resources that might assist these individuals.

Commissioner Bill Trueblood suggested that the agenda for the retreat include discussion of the stormwater drainage basins that have been identified, how the county should go about implementing the drainage districts, and whether they should be implemented countywide or individually for each district.

Chairman Perry reported that he has been approached by the Martin Luther King Breakfast Committee and was asked to invite members of the Board to the breakfast. He asked that any Commissioners available that day join him at the breakfast. The County Manager added that the Martin Luther King Day march will end at the Courthouse this year instead of the City Hall.

Chairman Perry asked if there was any further business to come before the Board. There being no further business, he asked for a motion to adjourn the meeting.

Motion was made by Jimmie Harris, seconded by Jeff Dixon to adjourn the meeting. The motion carried and the meeting was adjourned at 9:05 PM.

CHAIRMAN

CLERK

