

**PASQUOTANK COUNTY, NORTH CAROLINA  
JANUARY 15, 2003**

The Pasquotank County Board of Commissioners met today in a special meeting with the Elizabeth City-Pasquotank Board of Education on Wednesday, January 15, 2003 in the Board Room at the School Administration Building.

**MEMBERS PRESENT:** John W. Kitchen, Sr., Chairman  
Bill Trueblood, Vice-Chairman  
Matt Wood  
Lloyd E. Griffin, III  
John "Hank" Krebs  
Marshall H. Stevenson, Jr.

**MEMBERS ABSENT:** W.C. Witherspoon (due to illness)

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Asst. County Manager/Planning Director  
Sheri S. Bulman, Finance Officer  
Karen Jennings, Clerk to the Board

Board of Education Chairman Mark Small called the meeting to order at 5:04 PM and welcomed everyone present. Dr. Tony Stewart, Superintendent, stated that the purpose of today's meeting is to receive the results of a feasibility study for Elizabeth City Middle School conducted by the architectural firm Rodriguez, Ripley, Maddux and Motley. He introduced architect John Maddux who introduced the other representatives of the firm, Mr. Duane Harver, Mr. Roger Stroud, and Mr. Ted Ambrose.

Mr. Maddux outlined the goals of the study and the impact issues. Mr. Stroud and Mr. Sean Robey reported on the testing that was done during the course of the study, and the drainage issues, structural and foundation issues that were encountered. Mr. Maddux reported that the study concluded that the current site of Elizabeth City Middle School is small according to state standards and does not leave much room for playing fields. He said reuse is however doable if additional property is purchased for the fields. He stated that site work would be expensive because of the potential for flooding. Mr. Maddux said the study found that the annex portion of the building is not usable and recommends that it be torn down because of the amount of money that would have to be spent to renovate it. He said the study also found that the gym is usable with renovations, and that the 1923 portion of the building could be re-used and renovated, however that the basement of the building should be used for storage only. He said that consideration must however be given to safety, security, and the impact on the educational environment. Mr. Maddux stated that the bottom line is that a new school could be built for the cost of renovating the old building.

Mr. Duane Harver presented three options for using the current school site and the advantages and disadvantages of each. Each option would accommodate 800 students.

Option A would provide for renovation of 64,348 square feet and a new addition of 68,191 square feet for a total of 132,539 square feet. The total project cost of Option A is \$16,259,133.

Option B would provide for renovation of 64,348 square feet and a new addition of 63,285 square feet for a total of 127,633 square feet and total project cost of \$15,322,611.

Option C would save the existing gym and provide for renovation of 76,848 square feet and a new addition of 60,712 square feet for a total of 137,560 square feet and a total project cost of \$15,728,326.

Mr. Harver said that the fourth option is the construction of a new building on 23 acres of county property beside Pasquotank County High School. The facility would be 112,951 square feet at a total cost of \$14,943,456.

Mr. Maddux said the preferred option is the construction of a new middle school. It is recommended that the 1923 portion of the existing school be renovated and used as county or city offices. He said in addition to having a lower construction cost, the operational costs would be less for a new school.

After discussion and questions by members of the Board of Commissioners and the Board of Education, Mr. Maddux agreed to provide each group with a copy of tonight's presentation so that each board can discuss the options and possibly recommend additional options to be considered.

The meeting was adjourned at 6:45 PM.

---

CHAIRMAN

---

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA  
JANUARY 27, 2003**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, January 27, 2003 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** John W. Kitchen, Sr., Chairman  
Bill Trueblood, Vice-Chairman  
Matt Wood  
Lloyd E. Griffin, III  
John "Hank" Krebs

**MEMBERS ABSENT:** Marshall H. Stevenson, Jr. (Out of Town)

**OTHERS PRESENT:** Randy Keaton, County Manager  
Rodney Bunch, Asst. County Manager/Planning Director  
R. Michael Cox, County Attorney  
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman John Kitchen. Chairman Kitchen asked that a moment of silence be observed in memory of Commissioner W.C. Witherspoon. He then called on the Rev. Melvin Tate, Pastor of Mt. Lebanon AME Zion Church, to give the invocation. Vice-Chairman Bill Trueblood led in the Pledge of Allegiance to the American Flag.

**1. APPROVAL OF MINUTES OF JANUARY 6 AND JANUARY 15, 2003  
COMMISSIONER MEETINGS:**

The minutes of the January 6 and January 15, 2003 Commissioner meetings were presented for approval.

Motion was made by Lloyd Griffin, seconded by Hank Krebs to approve the minutes of the January 6 and January 15, 2003 Commissioner meetings as presented. The motion carried unanimously.

**2. APPROVAL OF AMENDMENTS TO THE AGENDA:**

Chairman Kitchen asked if there were any amendments to the agenda. Vice-Chairman Trueblood requested that a Closed Session be added for the purpose of discussing a personnel matter, the location or expansion of a business or industry, and the condemnation of property.

Motion was made by Bill Trueblood, seconded by Hank Krebs to approve the amendments to the agenda as presented. The motion carried unanimously.

**3. PUBLIC HEARING ON ZONING TEXT AMENDMENTS:**

Chairman Kitchen called on Planning Director Rodney Bunch to outline seventeen proposed zoning text amendments recommended by the Planning Board. The amendments will correct inconsistencies and make minor changes in the zoning ordinance. Mr. Bunch reviewed the amendments as follows:

**#1. Article 4 – Section 4.02 “Word & Term Definitions”**

*To correct reference to Albemarle Regional Health Services and to include that a manufactured home, class A is not permitted as an attachment.*

#27 Dwelling, Single Family (attached): An addition to a single family dwelling for the housing and caring for an immediate family member (mother, father, son, daughter, brother, sister, grandparent, grandchild, nephew or niece) is allowable so long as the same is in compliance with the ~~Albemarle District Health Department~~ Albemarle Regional Health Services Regulations. The addition shall be attached to the principal building and include a doorway which provides access to the addition from within the principal building. The addition shall not consist of a manufactured home, manufactured home, class A or mobile homes as defined within this ordinance.

**#2. Article 5 – Section 5.07 “A-1, Agricultural District”**

*To remove language referring to abbreviated plat.*

The district is defined as large, open land areas. The regulations of this district are designed to retain the open characteristics of the land. For that reason, the permitted uses are limited in number. Residential development shall be allowed only when division of a tract or parcel of land does not constitute a

subdivision ~~or meets the requirements for an abbreviated plat review~~ as defined in the Pasquotank County Subdivision Regulations. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

**#3. Article 5 – Section 5.07A “A-2, Agricultural District”**

*To remove language referring to abbreviated plat.*

The district is defined as large, open land areas. The regulations of this district are designed to retain the open, agricultural characteristics of the land. For that reason, the permitted uses are very limited in number. Residential development shall be allowed only when division of a tract or parcel of land does not constitute a subdivision ~~or meets the requirements for an abbreviated plat review~~ as defined in the Pasquotank County Subdivision Regulations. (See Articles 6 through 8 for permitted uses and area and yard requirements.)

**#4. Article 6 – Section 6.02**

**“Only One Principal Building, One Principal Use on Lot and Orientation of a Building”**

*To provide that more than one principal non-residential building would be permitted on the lot.*

~~In all districts every principal building hereafter erected or altered shall be located on a separate lot, as defined in the Ordinance, and in no case shall there be more than one principal building and permitted accessory buildings on the lot nor more than one principal use (e.g. commercial, industrial or residential) per building and lot, provided that this requirement shall not apply to motels where permitted, nor to a bona fide farm use. This Ordinance in no way regulates the orientation of a building.~~

**1. Principal Building**

**Residential** – No more than one principal building shall be permitted on a lot. This requirement shall not apply to the multi-family zoning district.

**Non-Residential** – More than one principal building may be located on a lot provided a minimum 20 foot width paved access road is maintained from a public street to each principal building for use by service or emergency vehicles. A 20 foot separation shall be maintained between each principal building.

**2.** There shall not be more than one principal use (e.g. commercial, industrial or residential) per building and lot. This requirement shall not apply to telecommunication/broadcast towers and ancillary structures or outdoor advertising signs where permitted.

**#5. Article 4 – Section 4.02 “Word & Term Definitions”**

*To clarify front property lines for lots with frontage on more than one street right-of-way.*

**#49 Lot Line, Front:** Any boundary line of a lot running along a street right-of-way line. ~~If a lot abuts two right-of-way lines, the front lot line shall be the shorter of the two. If a lot abuts more than two right-of-way lines the front lot lines shall be determined by the Board of Adjustments.~~ **If a lot abuts more than one street right-of-way line the front lot line shall be determined at final subdivision plat approval or by the placement of the structure provided appropriate setback requirements are met.**

**#6. Article 8 – Section 8.02**

**”Notes to the Table of Area, Yard and Height Requirements”**

*To simplify wording for side yard setbacks for corner lots.*

**Note 3a – “Corner Lots”**

~~On a corner lot, in a residential district area, a side yard setback consisting of a minimum distance of 20 feet shall be maintained between any building and the side street. On a corner lot in a commercial, agricultural, or industrial district, a side yard setback consisting of a minimum distance of 20 feet shall be maintained.~~ A minimum setback of 20 feet shall be maintained between any principal building and the side street. This requirement shall not be applied so as to reduce the building width of a residentially zoned corner lot of record at the time of passage of this Ordinance to less than 40 feet, nor to prohibit the erection of any accessory building where this requirement cannot reasonably be complied with as determined by the Board of Adjustment.

**#7. Article 8 – Section 8.02**

**Note 3e – “Accessory Buildings Structures”**

*To revise requirements for location of residential accessory structures.*

~~Detached garages and accessory buildings to residential uses may be constructed provided they are located no closer than five feet to any adjoining lot line, except on the street side yard of a corner lot where the setback shall be one-half of the distance for the required front yard setback. In addition there shall be a minimum distance of ten (10) feet maintained between the residential structure and the accessory building.~~

Accessory structures (detached garages, storage buildings, swimming pools, etc.) to residential uses may be constructed provided:

- It shall not be located closer than 10 feet to any adjoining lot line,

- It shall not be located within a deeded drainage/utility easement as required by Albemarle Regional Health Services or Pasquotank County,
- On a corner lot it shall not be located closer to the street side yard property line than one-half of the required front yard setback, and
- A minimum distance of ten (10) feet shall be maintained between the residential structure and the accessory building. Carports and swimming pools are excluded from this requirement.

**#8. Article 8 – Section 8.02**

Note 3f – “Swimming Pools”

*To delete note 3f as swimming pools are included in note 3e.*

- ~~Swimming pools constructed as an accessory use to a residence may be located no closer than ten (10) feet to any adjoining lot line, except on a corner lot where the setback shall be one-half of the distance of the required front yard setback. A deck, walkway or patio may encroach the setback provided it is no closer than five (5) feet to any adjoining lot line.~~

**#9. Article 8 – Section 8.02**

Note 3c – “Fences and Walls and Plantings”

*To add language preventing fences, walls and vegetation being established within drainage/utility easements.*

In residential zones, fences and walls not over four feet high may project into or may enclose any front yard; ~~however, no fence may be constructed on or in a public street right-of-way.~~ Side and rear yards may be enclosed by fences or walls up to six feet high. In the Industrial and Commercial zones a solid or open fence or wall may be erected to a maximum height of ten feet. ~~However, no fence, wall or plantings may be established on or in a public street right-of-way or within deeded drainage/utility easements as required by Albemarle Regional Health Services and Pasquotank County.~~

**#10. Article 7 - Section 7.01 “Table of Permitted Uses”**

*To permit accessory buildings or uses (i.e. sheds, swimming pools) in A-2 and M-F districts*

Permitted Uses	R-15	R-15A	R-25	R-25A	R-35A	RMH-15	RMH-25	RMH-35	C-1	I-1	I-2	A-1	A-2	O&I	M-F
Accessory Buildings or Uses (see Section 7.02, Note 1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**#11. Article 7 – Section 7.02 “Notes to the Table of Permitted Uses”**

Note 5 - “Kennel Operations”

*To add language that would require a kennel operation adjacent to a lot used for residential purposes be enclosed within a building. And to add language that permit outside runs for the animals to get fresh air and exercise.*

If the rear lot lines or side lot lines of a kennel operation, which is permitted in the C-1 commercial district directly abuts a residential district or a lot used for residential purposes, then such operation shall be completely enclosed within a building except for outside runs. ~~No outside storage of animals may be permitted.~~ Animals shall not be stored outside overnight.

**#12. Article IV - Section 4.02 “Word & Term Definitions”**

*To add language defining an outside run in relation to kennel operations.*

**Kennel Run, Outside** – A fenced area outdoors for individual animals to get exercise.

**#13. Article 9 – Section 9.03**

“Additional Restrictions Imposed on Certain Special Uses”

903-15 “Mining and Quarrying”

*To denote No Trespassing signs shall be posted a maximum distance of 250 feet apart rather than a minimum distance of 250 feet apart..*

Item O – No trespassing signs shall be posted around the site being mined or quarried at a ~~minimum~~ maximum distance of 250 feet apart indicating that a mining or quarrying operation is being conducted on the property.

**#14. Article 7 - Section 7.01 “Table of Permitted Uses”**

*To relocate specific requirements for location of bars, cabarets and discos from “Notes to Table of Permitted Uses” to “Additional Restrictions on Certain Special Uses”.*

Table of Permitted Uses	R-15 R-15A R-25 R-25A R-35A RMH-15 RMH-25 RMH-35	C-1	I-1 I-2	A-1 A-2	O&I	M-F	P-1
Bars, Cabarets, Discos (See Section 7.02, Note 8) (See Section 9.03-3)		S					

~~Article 7 – Section 7.02, Note 8, “Bars, Cabarets, and Discos”~~

~~Bars, Cabarets, and Discos are permitted upon meeting the following requirement:~~

~~A minimum separation of one thousand (1,000) feet from the nearest property line of any residential zoning district, church, child nursery, school, college or university shall be required for purposes of such establishments.~~

~~Bars, Cabarets, and Discos which, because of their very nature, are recognized as having potential objectionable operational characteristics, particularly when located near a residential area, church, child nursery, school, college or university.~~

Article 9 - Section 9.03 Item 9.03-3 Bars, Cabarets, and Discos may be permitted in districts designated in the Table of Permitted Uses, provided:

- a. Bars, Cabarets, and Discos which, because of their very nature, are recognized as having potential objectionable operational characteristics, particularly when located near a residential area, church, child nursery, school, college or university. Therefore, a minimum separation of one thousand (1,000) feet from the nearest property line of any residential zoning district, residential use property, church, child nursery, school, college or university shall be required for purposes of such establishments.

#15. Article 7 – Section 7.01 “Table of Permitted Uses”

To allow Mini-Warehouses/RV/Boat Storage as a special use in the A-1 Zoning District.

Table of Permitted Uses	R Districts RMH Districts MF District	C-1	I-1	I-2	A-1	A-2	O&I	P-1
Mini-Warehouses/ Recreational Vehicle/Boat Storage (see Section 9.03-15)		P	P	P	S			

Article 9 - Section 9.03 Item 9.03-15 Mini-Warehouses/Recreational Vehicle/Boat Storage

- a. Maximum lot size shall be 3 acre(s);
- b. Front and rear setbacks to comply with zoning district, 30 foot side setbacks shall be maintained to any structure;
- c. Opaque screening shall be required for property lines that abut a residential district or a lot used for residential purposes.
- d. Travel Surface materials must consist of minimum 4 inch stone base, asphalt, or concrete.

#16. Article 9 “Special Use Permits”

To correct an apparent contradiction, between the following sections:

Section 9.02-4.1 “Special Use Permits Issued by the Board of Adjustment”

Although the Board of Adjustment may grant more than one extension of a permit, no single extension shall exceed a period of six months unless otherwise stated.

Section 9.03-23 “Temporary Field Office”

- d. Duration for special use permit will be one year. The applicant may reapply for the special use permit to be extended in increments of no more than one year. Applications for extensions must be submitted prior to expiration date of the special use permit;

**#17. Article 7 - Section 7.01 “Table of Permitted Uses”**

*To add language to provide for pet grooming and to combine Veterinaries and Kennels on the same line since they are permitted exactly the same.*

Permitted Uses	C-1	I-1	I-2	A-1	O&I
<u>Veterinaries/Pet Grooming/Kennels</u> (see 7.02, note 5)	P	P	P	P	S
<del>Kennels</del> <del>—(see 7.02, note 5)</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>S</del>

Members of the Board questioned item #15 which would allow mini-warehouses/RV/boat storage as a special use in the A-1 district. They asked what generated this request. Mr. Bunch explained that there appears to be a growing need for mini-warehouses and he has received inquiries from individuals who would like to locate them outside of commercial districts. He said the Planning Board discussed this concern and felt this was something that would not cause problems in neighborhoods and could be useful in some areas. The Planning Board made the recommendation that these facilities be permitted with a special use permit so there would be some controls. Commissioner Matt Wood noted that it appears this would not benefit the general public, but would only benefit those who would potentially develop a mini-warehouse. Chairman Kitchen stated that item #15 would be pulled out and considered separately from the other proposed amendments so that further discussion can be held.

Chairman Kitchen declared the meeting to be a public hearing on the 17 zoning ordinance amendments and asked if anyone would care to comment on the proposed amendments. He recognized Mr. Junius Johnson of 893 Simpson Ditch Road. Mr. Johnson spoke in favor of amendment #15 as he would like to develop a mini-warehouse off of Simpson Ditch Road near Fun Junction and the Landfill. He said there is a need for this type of a facility with the growth in that area. He stated that the people who live in that area would not have to drive miles out of the way to store their belongings if a mini-warehouse were allowed in the area.

At the absence of comments, the public hearing was closed and Chairman Kitchen asked for the Board’s consideration of amendment #15.

Motion was made by Bill Trueblood, seconded by John Kitchen to approve zoning ordinance amendment #15 as proposed by the Planning Board.

Discussion followed and Commissioner Wood said he feels that it would be more advantageous to the general public to require that a developer of a mini-warehouse request a rezoning if located in an agricultural zone rather than being allowed to apply for a special use permit. He said this would empower the people who live in a particular area to have input in the process. Commissioner Hank Krebs said he would like to see some guidelines from the Planning Board for changing text amendments to special uses and the impact on an area.

Mr. Rodney Bunch outlined the procedure that would be followed for a rezoning, or for a special use permit if this amendment is approved. Mr. Bunch added that Mr. Johnson’s property abuts property that is zoned industrial and an alternative would be for Mr. Johnson to request an extension of the industrial zoning to encompass the property proposed for the mini-warehouse.

Vice-Chairman Bill Trueblood stated that a special use permit would provide an opportunity for anyone to ask questions and for the Board of Adjustment to look at a particular area and determine if the use would be a viable use in the area. The Board of Adjustment could place additional requirements. He added that the special use permit could be denied if it were determined the use is not compatible with the area.

Commissioner Wood said it appears that a lot of responsibility has been placed on the Board of Adjustment. He added that the Board of Commissioners is completely out of the loop when it comes to approval of special use permits and he has a problem with this process.

The motion to approve proposed zoning amendment #15 failed by a two to three vote with Commissioners Kitchen and Trueblood voting in favor and Commissioners Wood, Griffin, and Krebs voting against the amendment.

Motion was made by Bill Trueblood, seconded by Hank Krebs to approve the proposed zoning amendments #1 through #17 excluding #15. The motion carried unanimously.

**4. APPROVAL OF FINANCE COMMITTEE RECOMMENDATIONS:**

The Board considered the following items recommended by the Finance Committee:

*a. Tax Releases*

Releases:

		County	City
1.	Mildred James		1,150.00
2.	Diana Vashell Meads		127.14
3.	Gary Chapman	350.02	252.34
4.	Shirley S. & Edward Everton	181.63	
5.	Nancy Bailey Hill	111.63	80.48
6.	Mildred Berry	651.88	
7.	Paul Bernard Searles	140.35	106.18
8.	Kirsten Leigh Kelley	112.83	
9.	Larry Rayman Crawford	189.20	136.40
10.	Dwight Eugene Berry, Jr.		3,240.82
11.	Richard O'Daniel	179.23	129.21
12.	Richard Lee Hull	139.06	
13.	Vincent R. & Mary E. Stiffel	2,884.01	
14.	Vance Meads & Sons, Inc.	668.19	

*b. Budget Amendments*

Albemarle Community Penalties

Increase	010.0230.4370.03	Albemarle Community Penalties	56,104.00
Increase	010.5865.5121.00	Salaries & Wages	38,433.00
Increase	010.5865.5181.00	FICA	2,940.00
Increase	010.5865.5186.00	Workers Compensation	600.00
Increase	010.5865.5440.00	Contracted Services	5,731.00
Increase	010.5865.5261.00	Departmental Supplies	500.00
Increase	010.5865.5310.00	Travel	2,000.00
Increase	010.5865.5325.00	Postage	100.00
Increase	010.5865.5321.00	Telephone	1,400.00
Increase	010.5865.5400.00	Rent	2,000.00
Increase	010.5865.5331.00	Utilities	2,200.00
Increase	010.5865.5500.00	Capital Outlay	200.00

*c. Approval of Lifting of Hiring Freeze*

The Finance Committee has recommended that the Board approve lifting of the hiring freeze with the exception of one housekeeper position, the Assistant Park Ranger position, and the Assistant Emergency Management Coordinator position.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to approve the recommendations of the Finance Committee as presented. The motion carried unanimously.

The following tax releases and refunds have been approved by the Finance Officer since the last meeting:

Releases:

		County	City
1.	Richard Wade Reid	44.54	
2.	Victoria Pastor Long	22.15	
3.	Darnelle Brown	57.36	
4.	William Arthur Lehmann		50.59
5.	Joseph Robert Reinhart	95.98	74.19
6.	James Michael Harris	49.54	

7.	Essie Mae Tyler	96.58	74.63
8.	Joel Richard Schwendinger	36.03	30.98
9.	Janet Symons Whidbee	26.19	
10.	William M. Russell, MD	95.00	
11.	William Thomas Rice	5.04	
12.	Cheryle Tade Carkin		36.62
13.	Michael Herman Jackson	7.27	
14.	Garland Leroy Carpenter	29.59	21.33
15.	E.J. Russell Electric		41.02
16.	Martin Carroll Simpson, Jr.	38.18	32.53
17.	Tara Ann Cooper	4.95	3.57
18.	Wendy Michelle Winterburn	55.43	39.96
19.	Raymond Richard Cole	41.63	
20.	Edward Dinsmore Johnson, Jr.	8.52	
21.	Michael Anthony Leis	9.72	7.01
22.	Michael Anthony Leis	21.98	15.85
23.	Billy Jack Schatt		26.20
24.	Martha Brooks	21.63	15.60
25.	Kenneth Wayne Eckenrode	38.10	
26.	Natalie Anne Raulerson	63.47	50.76
27.	George Raper & Son Inc.	17.88	13.31
28.	Shannon Mimaus	41.75	
29.	Christopher Thomas Duty	10.54	
30.	Donald Thomas Garrett		8.06
31.	Paul Ross Mullenix	48.90	35.27
32.	Grace Whiteman Gray	68.76	49.59
33.	Cynthia Pierce Manali	19.69	
34.	Larry Anthony Hughes	10.48	7.56
35.	George Lee Brown	6.24	
36.	John Robert Adkins	69.75	
37.	Jarrod Michael Nelson	34.32	25.58
38.	Franz Frederick Karnuth	4.30	
39.	Della Riggs Harward	7.31	

Refunds:

		County	City
1.	Dale Lorenza Jones	31.44	
2.	Mincy Renee Seymore	29.67	26.39

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

OWNERS NAME	PARCEL ID NUMBER	REASON FOR RELEASE
James Poole Heirs	P64-60	Unoccupied since 1995
Jeff Overton Heirs	P67-44	Unoccupied since 1985

**5. ADOPTION OF SERIES RESOLUTION FOR ISSUANCE OF \$1,650,000 WATER & SEWER REVENUE REFUNDING BOND:**

The Board considered adoption of a series resolution authorizing the issuance of a \$1,650,000 water and sewer system revenue refunding bond. County Manager Randy Keaton explained that once this resolution is adopted it will give the final approval for the refunding bond and allow the closing to take place on February 28. He noted that the county had borrowed \$3.5 million in 1996 for a Water System project. With the lower interest rates, the Board had agreed to pay off about \$1 million of the bonds and to seek bids to refund the remaining bonds. The combination of paying down the debt and refunding at the new interest rate of 2.9% will save \$884,000 in interest and the bonds will be paid off in five years as opposed to thirteen years.

Commissioner Kitchen introduced the following resolution, a copy of which had been made available to each Commissioner and which was read by its title:

SERIES RESOLUTION OF THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF PASQUOTANK, NORTH CAROLINA  
AUTHORIZING THE ISSUANCE OF AN \$1,650,000 WATER  
AND SEWER SYSTEM REVENUE REFUNDING BOND, SERIES  
2003 OF SAID COUNTY PURSUANT TO THE PROVISIONS OF  
SECTION 211 OF THE BOND ORDER ADOPTED BY SAID  
BOARD OF COMMISSIONERS ON APRIL 13, 1994.

Following the consideration for the foregoing resolution by the Board of Commissioners, upon motion of Commissioner Griffin, seconded by Commissioner Wood, the foregoing resolution was adopted by the following vote: Ayes: Commissioners Kitchen, Trueblood, Wood, Griffin and Krebs. Noes: None.

**6. ADOPTION OF 2001 COUNTY MANAGEMENT RECORDS RETENTION & DISPOSITION SCHEDULE:**

Chairman Kitchen asked the Board's consideration of the County Management Records Retention & Disposition Schedule. The Records Retention & Disposition Schedule is published by the State Division of Archives & History and outlines the length of time that official records must be kept and when they can be destroyed. Once approved, the schedule will be provided to county departments.

Motion was made by Lloyd Griffin, seconded by Bill Trueblood to adopt the 2001 County Management Records Retention & Disposition Schedule. The motion carried unanimously.

**7. CONSIDERATION OF PROPOSAL TO JOIN LAWSUIT TO RECOVER REVENUE WITHHELD BY THE STATE OF NORTH CAROLINA:**

County Manager Randy Keaton explained to the Board that Currituck County has decided to join a lawsuit with a number of cities and counties in North Carolina against the Secretary of Revenue for withholding city and county funds last year due to the state's economic problems. Pasquotank County had approximately \$265,000 withheld by the Governor during the last fiscal year. The law firm Boyce & Isley has agreed to handle the case on a contingency fee basis not to exceed 15%, however each city and county who joins the lawsuit is being asked to contribute up to \$1,000 for advance costs. If the Board agrees to join the lawsuit, it would need to adopt a resolution authorizing the lawsuit and would need to notify Boyce & Isley by January 31, 2003.

Motion was made by Matt Wood, seconded by Bill Trueblood to adopt a resolution authorizing a lawsuit to recover revenue withheld by the State of North Carolina.

Discussion followed and Commissioner Krebs stated that even if the county joins the lawsuit and wins the case, the money to pay the counties will have to come from somewhere and the state does not have the money. He said if the state had plenty of money he could understand joining the lawsuit, but if the suit is settled it will come from somewhere.

The motion carried by a four to one vote with Commissioner Krebs voting against adoption of the resolution to join the lawsuit.

The resolution as adopted by the Board is as follows:

**RESOLUTION  
PASQUOTANK COUNTY BOARD OF COMMISSIONERS AUTHORIZING A LAWSUIT TO  
RECOVER REIMBURSEMENT AND RECEIPT OF REVENUE DUE THE COUNTY OF  
PASQUOTANK BEING ILLEGALLY WITHHELD BY THE STATE OF NORTH CAROLINA**

**WHEREAS**, the 641 towns, cities and counties of North Carolina have long depended on tax revenues to which by law they are entitled upon collection by the Secretary of Revenue, and the General Assembly until now has historically held local governments harmless by appropriated reimbursement when one or more local revenue sources is diminished or eliminated; and

**WHEREAS**, local government revenues for FY 2001-2002 were withheld illegally for FY 2001-2002 by the Secretary of Revenue and it appears the Governor will order the Secretary to withhold FY 2002-2003 local revenues due to be paid beginning September 15, 2002, and otherwise; and

**WHEREAS**, no administrative remedy exists to correct the illegal conversion of the local revenues and a genuine controversy exists about proper interpretation of the law as to ownership of the local tax revenues, and enactment of the pending clarifying legislation favoring local governments will likely not be enacted; and

**WHEREAS**, the General Court of Justice is the sole, proper and independent branch of government to make a final legal determination of the rights of the respective parties.

**NOW, THEREFORE, BE IT RESOLVED** that Pasquotank County hereby authorizes its County Attorney, R. Michael Cox, to retain *Boyce & Isley, PLLC* of Raleigh, North Carolina by the payment of a sum of money, not to exceed \$1,000.00, for "costs" related to this litigation, and further, to contract for attorneys' fees on a contingent fee basis, as determined by the appropriate court, but in no event in excess of fifteen percent (15%) of monies actually recovered for the County of Pasquotank. In return for this compensation, the firm shall diligently prosecute this action through the trial and appellate courts of this state by joining Pasquotank County as a party to the pending litigation in Wake County, entitled in part "*County of Cabarrus, et al versus Tolson.*" The focus of the Litigation contracted for shall be to declare the legal rights of local governments, including Pasquotank County, to recover past tax revenues and reimbursements withheld by the State of North Carolina, and to enjoin withholding future tax revenues.

**ADOPTED** this the 27<sup>th</sup> day of January, 2003.

**8. GLEN COVE CANALS STREAM RESTORATION PROJECT:**

The County Manager reported to the Board that he received a letter from the state today about the Glen Cove Canals Stream Restoration Project indicating that they had received the grant application and after preliminary review found that it was complete. A site visit of the canals will be arranged during the next few weeks. The second grant cycle will be in March when the state will notify the county of the status of its application.

**9. LETTER TO SHERIFF'S DEPARTMENT:**

Board members were provided with a copy of a letter a family in South Carolina sent to Sheriff Randy Cartwright regarding assistance they received from the Sheriff's Department in a custody issue. The letter commended certain Sheriff's Department employees for their help during a very stressful situation.

**10. FIRE & RECREATION CONTRACTS:**

County Manager Randy Keaton reported that a letter regarding the fire and recreation contracts and a proposed funding formula have been delivered to the city, and the city has been notified that the Chairman and the County Manager are willing to meet with the Mayor and City Manager whenever they are ready to discuss the contracts.

**11. CITY WATER PROBLEM:**

The County Manager informed the Board that the city is currently experiencing a very serious water shortage. The county water department has been working with the city to provide water to the city. The County Manager reported that three schools were closed today due to low water pressure and schools are being delayed tomorrow for two hours. Two hotels had to close today due to low water pressure. Elizabeth City State University has closed its campus and a shelter for some of the students was opened at Northside Elementary School's multi-purpose room. The County Manager said the City Manager has indicated if the situation is not soon stabilized, mandatory water restrictions may be implemented. The Board asked that the County Manager offer whatever assistance the county can provide until the water pressure is restored.

**12. PROCEDURE WITH REGARD TO VACANT AND DILAPIDATED BUILDINGS:**

The Board discussed the possible establishment of a procedure for handling and responding to complaints regarding vacant, unsafe and dilapidated buildings. Planning Director Rodney Bunch suggested that such a procedure be established in order to have a systematic approach in handling these complaints. He stated that these types of structures are scattered throughout the county and the Planning Department responds on a complaint basis. He also noted that manpower to handle the complaints is also an issue. The Board discussed whether to prioritize response according to need or geographical area. Chairman Kitchen asked the Board Members to think about how to best deal with this issue before the next meeting in order to develop some guidance and direction for the Planning Department.

**13. RESOLUTION IN MEMORY OF COMMISSIONER W.C. WITHERSPOON:**

Chairman Kitchen asked the Board's approval of a resolution in memory of Commissioner W.C. Witherspoon who passed away on January 18, 2003, recognizing his contributions to Pasquotank County and his years of service on the Board of Commissioners. The resolution would be given to Commissioner Witherspoon's widow.

Motion was made by Matt Wood, seconded by Lloyd Griffin to adopt a resolution in memory of Commissioner W.C. Witherspoon to be presented to his widow. The motion carried unanimously and the following resolution was adopted.

**RESOLUTION IN MEMORIAM  
W.C. WITHERSPOON**

**WHEREAS**, the Pasquotank County Board of Commissioners acknowledges with deepest regret the death of County Commissioner W.C. Witherspoon, who had just begun his seventeenth year and fifth term on the Board of Commissioners; and

**WHEREAS**, Mr. Witherspoon was a very dedicated public servant who gave unselfishly of himself and his time to the office of County Commissioner. He was extremely admired by the public and by his peers on the Board of Commissioners. He had genuine concern for the welfare of his fellow citizens and constantly strived for peace and harmony; and

**WHEREAS**, during Mr. Witherspoon's tenure as a County Commissioner numerous achievements were realized that will forever benefit the citizens of Pasquotank County, including development of a 911 system, implementation of countywide zoning, an aggressive school construction program, development of the Pasquotank County Commerce Park, and recruitment of a state prison, to name just a few; and

**WHEREAS**, Mr. Witherspoon was always willing to offer his time and assistance to any person without regard to race or wealth, and he served the citizens of Pasquotank County as their friend and representative; and

**WHEREAS**, Pasquotank County and its people have benefited from Mr. Witherspoon's knowledge, leadership and concern for his fellow citizens. His contributions will forever serve as an example of untiring and dedicated public service. He will be missed by all those whose lives he touched during his 90 years, especially the members of the Board of Commissioners who saw him as friend, mentor, peacemaker, and father figure.

**NOW THEREFORE BE IT RESOLVED** that the Pasquotank County Board of Commissioners mourns the loss of Mr. W.C. Witherspoon and extends to his wife, Leronia, our sincere sympathy.

**FURTHER BE IT RESOLVED** that the Board expresses our appreciation for his leadership, his unselfish and dedicated devotion, and his significant impact on Pasquotank County. We are proud to honor his life and his memory.

**ISSUED** this 27<sup>th</sup> day of January, 2003.

**14. RESOLUTION REGARDING MEDICAID:**

Chairman Kitchen asked that the Board adopt a resolution requesting that the State of North Carolina assume the full costs of Medicaid which is costing Pasquotank County \$2 million per year.

Motion was made by Hank Krebs, seconded by Lloyd Griffin to adopt a resolution requesting the State of North Carolina to phase out county contributions to Medicaid. The motion carried unanimously.

**15. ROAD NAME POLICY:**

Chairman Kitchen asked the County Manager to place on the agenda for the next Commissioner meeting a discussion on the county's policy governing the naming of streets and roads. He said the current policy has been in effect since 1989 and the Board needs to consider whether to amend the policy or leave it as is.

**16. CALL FOR PUBLIC HEARING ON NAMING OF CONNECTOR ROAD:**

Chairman Kitchen requested that a public hearing be scheduled at the February 17 meeting on the possible naming of the new connector road.

**17. REPORT FROM COUNTY ATTORNEY:**

County Attorney Mike Cox stated that he has been looking into the ways surrounding counties are handling legal work for the Department of Social Services. He said he is currently handling legal matters related to adult protective services and The Twiford Law Firm handles child protective services matters. He is supposed to assume the child protective services matters in a couple of months when the six month contract with The Twiford Law Firm expires. He said the Board might want to consider retaining separate counsel for Social Services matters due to the volume of work. Chairman Kitchen said the Board had previously agreed to retain The Twiford Law Firm until such time it is determined otherwise. He said he will discuss with the Social Services Board renewal of the contract with The Twiford Law Firm.

**18. REPORTS FROM COMMISSIONERS:**

Commissioner Hank Krebs reported that he attended a meeting of the Fire Chiefs Committee last week and it was decided that two fire departments will respond to any emergency on the bypass. He stated that grant funds have been obtained for the fire department training and six or seven courses will be offered to the fire departments.

Commissioner Lloyd Griffin reported there was an incident over the weekend at the Elizabeth City Regional Airport when an airplane ran into a hangar. He said he does not know the extent of damage to the hangar, but the plane will probably be a total loss.

Commissioner Griffin stated that he recently attended a meeting of the Albemarle Commission at which a report on the annual audit was given. He said he also learned at that meeting that Washington County has reached an impasse regarding the OLF.

Commissioner Matt Wood reported that he and Chairman Kitchen attended the Legislative Goals Conference last week in Raleigh on behalf of Pasquotank County. He said they worked to get a proposal by some of the larger counties defeated which would have amended the Tier System.

**19. RECOMMENDATIONS FROM BOARD APPOINTMENTS COMMITTEE:**

Vice-Chairman Bill Trueblood reported that the Board Appointments Committee would like to recommend the following appointments:

Newland Water Management & Watershed Improvement Advisory Board – Appoint Commissioner Hank Krebs as the ex officio County Commissioner member.

Albemarle Smart Start Partnership Board – Appoint Commissioner Marshall Stevenson.

District Jail Commission – Appoint Commissioner Lloyd Griffin.

Albemarle Hospital Authority Board of Commissioners – Appoint Maryella Leigh to fill the unexpired term of Phil Donahue who has resigned.

Motion was made by Hank Krebs, seconded by Matt Wood to approve the appointments to boards and committees as recommended. The motion carried unanimously.

Chairman Kitchen appointed Commissioner Hank Krebs to be the liaison between the Board of Commissioners and the SPCA.

**20. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER, A CONDEMNATION MATTER, THE LOCATION OR EXPANSION OF A BUSINESS OR INDUSTRY AND TO CONSULT WITH THE COUNTY ATTORNEY REGARDING A LEGAL MATTER:**

Chairman Kitchen asked if there was any further business to come before the Board in Regular Session. There being no further business, he asked for a motion that the Board enter Closed Session to discuss a personnel matter, the Khan condemnation, the location or expansion of a business or industry and to consult with the County Attorney regarding a legal matter.

Motion was made by Hank Krebs, seconded by Matt Wood that the Board enter

Closed Session to discuss a personnel matter, the Khan condemnation (Pasquotank County v. Khan), Spence, et al. v. Granger, et al., and the location or expansion of a business or industry. The motion carried unanimously.

Upon the end of Closed Session;

Motion was made by Lloyd Griffin, seconded by Bill Trueblood that the Board return to Regular Session. The motion carried unanimously.

Motion was made by Bill Trueblood, seconded by Matt Wood that the meeting be adjourned. The motion carried unanimously and the meeting was adjourned at 10:25 PM.

---

CHAIRMAN

---

CLERK