

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 10, 2011**

The Pasquotank County Board of Commissioners met today in a special meeting on Thursday, February 10, 2011 in the Community Room at the W.C. Witherspoon Memorial Library.

MEMBERS PRESENT: Lloyd E. Griffin, III, Chairman
Jeff Dixon, Vice-Chairman
Bill Trueblood
Cecil Perry (*Arrived at 10:20 AM*)
Dr. William R. Sterritt (*Left at 10:15 AM*)
Gary G. White
Joseph S. Winslow, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Wayne Harris, Economic Developer
Karen Jennings, Clerk to the Board

The meeting was called to order at 8:03 AM by Chairman Lloyd Griffin.

1. CLOSED SESSION TO PRESERVE THE ATTORNEY CLIENT PRIVILEGE:

Chairman Griffin asked for a motion that the Board enter Closed Session to preserve the Attorney-Client Privilege.

Motion was made by Gary White, seconded by Joe Winslow that the Board enter Closed Session to preserve the Attorney-Client Privilege. The motion carried.

Upon the end of Closed Session;

Motion was made by Gary White, seconded by Joe Winslow that the Board return to Regular Session. The motion carried.

The Board met with Mr. Craig Poff of Iberdrola Renewables to discuss his company's proposal to build a wind farm in Pasquotank and Perquimans Counties. Mr. Poff explained that his company is proposing to construct about 150 wind turbines, with about 75 in each county. He asked to discuss possible economic incentives with the Board in Closed Session. All Commissioners and staff were requested to sign confidentiality agreements.

Motion was made by Bill Trueblood, seconded by Joe Winslow that the Board enter Closed Session to discuss incentive negotiations and the expansion or location of a business or industry. The motion carried.

Commissioner William Sterritt left the meeting during this time and Commissioner Cecil Perry arrived at the meeting.

Upon the end of Closed Session;

Motion was made by Jeff Dixon, seconded by Bill Trueblood that the Board return to Regular Session. The motion carried.

2. DISCUSSION REGARDING PAYMENT TO RO WATER LINE CONTRACTOR:

County Manager Randy Keaton and Water Superintendent John Gregory provided some history regarding construction of the 12-inch force main from Rebellion Point Road down Dry Ridge Road to Nixonton Road. He said during April and May of 2010 the weather was bad and when the contractor had installed about one-half of this line, the Department of Transportation implemented a stop work order because they felt the work was not meeting DOT standards. At the same time the contractor was in this area, he had seeders come in and try to re-seed the shoulders with no success because of the weather. The seeders loosened up the shoulders and were knocking out big chunks of frozen ground which clogged up the ditches. All of this had to

be cleaned out before DOT would lift the stop work order sometime in June and allow the contractor to resume laying water line. Mr. Gregory said the contractor has indicated that the delay time had cost him about \$82,000. He advised that the county ran into another situation near C.A. Perry & Son where some ditches had to be dug out. He said the contractor has asked when he can expect to get paid for his work from Rebellion Point to Albemarle Drive. He stated that no change order or documentation of the work performed had been presented to the county, but invoices were just received this Monday totaling \$93,000. Mr. Gregory said Hobbs Upchurch & Associates had an inspector onsite every day who was responsible for documenting what was done each day, how many people were on the job, and what problems they were having. He stated that the Hobbs Upchurch inspector was terminated in January and he has not yet been able to talk with him about this situation. He said he would like to have an opportunity to talk with this inspector and look at his log book before making a recommendation.

County Manager Randy Keaton stated that this has been discussed for a long time and there has even been a placeholder number in the project budget because it was known there would be some additional costs. He said however until the contractor sent this information on Monday, there was no detailed list of the costs.

Commissioner Trueblood stated that he believes the subcontractor is due some money. He said this is the same contractor who will be laying the 24 inch line to the Wesley 1 & Wesley 2 wells and the county is dependent upon having this project done. He stated the somewhere along the line this contractor needs to be compensated an amount because he spent a lot of time going behind the seeder who tore up the shoulders and making shoulder improvements requested by the Department of Transportation as a result of washouts. He said he believes the county needs to find some way to compensate the contractor in advance.

Motion was made by Jeff Dixon, seconded by Bill Trueblood to approve a \$25,000 change order in advance in order to make a partial payment to Temple Grading for the 12 inch water line, contingent upon receiving all of the documentation from Hobbs Upchurch & Associates, and to request Temple Grading to sign a lien waiver to ensure that the subcontractor receives payment. The motion carried.

Staff was directed to obtain the log book from Hobbs Upchurch & Associates for the water line project and provide the Board with a report.

Motion was made by Gary White, seconded by Cecil Perry to adjourn the meeting. The motion carried and the meeting was adjourned at 11:25 AM. The motion carried.

CHAIRMAN

CLERK TO THE BOARD

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 14, 2011**

The Pasquotank County Board of Commissioners held a retreat on Monday, February 14, 2011 in the Education Center at Albemarle Hospital.

MEMBERS PRESENT: Lloyd E. Griffin, III, Chairman
Jeff Dixon, Vice-Chairman
Bill Trueblood
Cecil Perry
Dr. William R. Sterritt
Gary G. White
Joseph S. Winslow, Jr. (*arrived at 11:13 AM*)

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Sheri Small, Finance Officer
Wayne Harris, Economic Developer
Karen Jennings, Clerk to the Board

The retreat was called to order at 8:34 AM by Chairman Lloyd Griffin. Chairman Griffin gave the invocation and led in the Pledge of Allegiance to the American Flag.

1. EXPECTATIONS OF COMMISSIONERS AND STAFF:

Economic Developer Wayne Harris facilitated this agenda item. Board members and staff listed their expectations of the Chairman and Vice-Chairman, and Board members listed their expectations of each other as well as the County Manager, County Attorney and Clerk. Staff also listed their expectations of Board members.

2. VIDEO TELECONFERENCE WITH FLEMING BELL:

The Board met via video teleconference with Mr. Fleming Bell, Professor of Public Law & Government with the UNC School of Government. Mr. Bell reviewed with the Board the procedures for small boards and outlined how they are different. He also reviewed *Mason's Ten Principles of Parliamentary Law* and answered questions from the Board.

3. VIDEO TELECONFERENCE WITH DR. JOHN STEPHENS:

The Board met via video teleconference with Dr. John Stephens, Associate Professor of Public Administration & Government with the UNC School of Government. Dr. Stephens discussed with the Board ways to work together and manage differences and conflict.

4. DISCUSSION REGARDING OPEN MEETINGS LAW AND QUASI-JUDICIAL DECISIONS:

County Attorney Mike Cox outlined with the Board what constitutes an official meeting and the Open Meetings Law. He outlined the nine subject-matter exceptions to the Open Meetings Law likely to be used by local governments. Mr. Cox also reviewed quasi-judicial decisions, conditional use permits and variances, as well as the standards that must be met when issuing a conditional use permit or a variance.

5. DISCUSSION WITH HOSPITAL CHIEF FINANCIAL OFFICER:

The Board met with Mr. Ray Owings, Chief Financial Officer for Albemarle Hospital. Vice-Chairman Jeff Dixon stated that one of the items for discussion is payment for EMS. County Manager Randy Keaton explained that currently the county projects each year the difference between the revenues and expenses for EMS. Albemarle Hospital is notified of the difference and this is the hospital's contribution. At the end of the year, if there is excess revenue the hospital's appropriation is reduced by that amount the following year. Mr. Keaton said the initial subsidy began back in the early 1990's before the hospital became an authority. Once the hospital became an authority, this payment was spelled out in the lease agreement in addition to the lease payment. Mr. Keaton stated that the subsidy normally runs between \$500,000 and \$600,000 per year. Mr. Owings explained that in the past when hospital property was sold, it was part of the agreement with the county that the proceeds would be equally split between the

hospital and the county. He said a couple of years ago when the county needed some help, in exchange for funds the hospital reduced part of the lease payments. Mr. Owings stated from the hospital's standpoint there is another piece of property for sale and the hospital's share would be about \$800,000 if the sale goes through. He said the hospital would be willing to forego its share in exchange for some consideration on the funds the hospital pays the county, either for EMS or the lease. He said if the county wants to consider a cap on the EMS payment by the hospital, he would suggest a permanent cap of \$350,000 to \$400,000 per year. Alternatively, he suggested that the county look at some reduction in the annual lease payments. Mr. Owings said the hospital would be interested in discussing with the Board not taking any of the proceeds from the sale of the land if the county would be willing to consider either of these proposals. He noted that anything he offers is subject to approval by the Hospital Board.

The Board discussed the proposal and the possible effects of placing a cap on EMS payments and members voiced their opinions. After lengthy discussion, it was recommended that staff and EMS Board members meet and discuss this proposal and come back to the Board with a recommendation.

6. REVIEW OF GOALS:

The Board reviewed the current status of the goals that were established by the Board during the 2007, 2008 and 2010 retreats and determined which ones to keep as goals and which ones to remove from the list. The Board also established new goals going forward.

Before adjourning, the Board reviewed a list of upcoming meetings. It was suggested that the Board hold another retreat in August or September.

Motion was made by Cecil Perry, seconded by Jeff Dixon to adjourn the retreat.
The motion carried and the retreat was adjourned at 3:20 PM.

CHAIRMAN

CLERK TO THE BOARD

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 21, 2011**

The Pasquotank County Board of Commissioners met today in a special abbreviated work session on Monday, February 21, 2011 at the old Elizabeth City Middle School.

MEMBERS PRESENT: Lloyd E. Griffin, III, Chairman
Jeff Dixon, Vice-Chairman
Bill Trueblood
Cecil Perry
Dr. William R. Sterritt
Gary G. White
Joseph S. Winslow, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Sheri Small, Finance Officer

Mr. Norman Watts from the Fraternal Order of Police and Mr. John Young from the Police Athletic League provided the Board with a tour of the old Elizabeth City Middle School. The Board was able to see the work that has been done in the school building and the gymnasium to provide recreational opportunities for young people in the community. Mr. Watts and Mr. Young thanked the members of the Board of Commissioners for their assistance and support. The meeting was adjourned at 3:50 PM.

CHAIRMAN

CLERK TO THE BOARD

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 21, 2011**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, February 21, 2011 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Lloyd E. Griffin, III, Chairman
Jeff Dixon, Vice-Chairman
Bill Trueblood
Cecil Perry
Dr. William R. Sterritt
Gary G. White
Joseph S. Winslow, Jr.

MEMBERS ABSENT: None

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Karen Jennings, Clerk to the Board

The meeting was called to order at 7:00 PM by Chairman Lloyd Griffin. Miss Mary E. Sharpe, Chairman of the Trustees at Union Chapel Missionary Baptist Church, gave the invocation and Chairman Griffin led in the Pledge of Allegiance to the Flag.

Chairman Griffin welcomed Mr. Tony Royle, a member of the Pasquotank County Youth Council who was observing the meeting.

1. PRESENTATION OF ECONOMIC IMPROVEMENT COUNCIL ANTI-POVERTY PLAN FOR COMMUNITY SERVICES BLOCK GRANT:

Chairman Griffin called on Ms. Lillian Dance from the Economic Improvement Council to present the Anti-Poverty Plan for the EIC Community Services Block Grant. Ms. Dance explained that the plan covers the upcoming fiscal year beginning on July 1, 2011 and ending June 30, 2012. She noted that the ten county region which the Economic Improvement Council serves has been allotted \$371,909 for the 2011-2012 fiscal year. She stated that the programs they will be providing for those persons who are economically disadvantaged and who meet income guidelines are: 1) Job Referral and Placement; 2) Housing Referral and Placement; 3) Child Care Assistance; 4) Weatherization Assistance. The Board thanked Ms. Dance for her report.

2. PUBLIC HEARING ON REZONING REQUEST RR11-01 TO REZONE 25 ACRES FROM A-1 TO C-1 AT THE INTERSECTION OF US 17 AND OLD FOREMAN BUNDY ROAD IN MOUNT HERMON TOWNSHIP:

Chairman Griffin asked Planning Director Shelley Cox to outline Rezoning Request RR11-01. Ms. Cox explained that this property is approximately 50 acres in its entirety. It is located adjacent to U.S. 17 and Old Foreman Bundy Road. The Estate of Glennie Wilson has requested to rezone the rear portion of the property. Ms. Cox provided an aerial photo of the property and a zoning map of the area. She said the front portion of the property is already zoned C-1 Commercial and the back side of the property which consists of approximately 25 acres is zoned A-1 Agricultural. The property owners are requesting that the rezoning be completed so the entire 50 acre parcel will be zoned Commercial. Ms. Cox stated that the current A-1 district is defined as large, open land areas and the proposed C-1 district is defined as certain areas designed to serve both non-residents and residents using the major state and county roads that run through the county. The district is designed to accommodate retail or service establishments customarily patronized by transient traffic as well as non-transient traffic. Ms. Cox said it is her understanding from the applicant that they do not have current plans in place for developing this property because it is owned by heirs and will go up for auction next month. She outlined the surrounding land uses and zoning districts. The 1996 official Land Use Map classifies this site as Limited Transitional, and the draft Land Use Map classifies this property as Commercial. Ms. Cox advised that the area requested for rezoning is not within the 100 year flood zone and access is provided along U.S. 17 and Foreman-Bundy Road. Before the site could be developed, driveway permits from the North Carolina Department of Transportation would have to be

obtained. She stated that notification of the rezoning request was provided to all adjoining property owners and an advertisement was placed in the newspaper and on the county's public access channel. She said the Planning Board reviewed this request on January 27 and voted to recommend approval, and staff is also recommending approval.

Chairman Griffin declared the meeting to be a public hearing and asked if anyone would care to comment on Rezoning Request RR11-01. At the absence of comments, the public hearing was closed and Chairman Griffin asked for comments from Board Members.

Vice-Chairman Dixon asked if DOT would allow a cutout driveway on Old U.S. 17 and if there is access on Old Foreman Bundy Road from this property. Ms. Cox said she could not speak for DOT regarding their policy on curb cuts on Old U.S. 17 and she is not aware of any restrictions or limitations that DOT has in this area. She said if the property is developed in the future DOT has representation on the Technical Review Committee and makes recommendations and has requirements for turn lanes if there is a lot of traffic expected to be generated. She added that there are a number of things that DOT could put into place to regulate traffic in that area.

Commissioner Sterritt said he was not aware that there is a Foreman-Bundy Road and an Old Foreman-Bundy Road. He asked where Old Foreman-Bundy Road crosses U.S. 17. Ms. Cox pointed out the area on the aerial photo.

Mr. Charles Wilson of 1073 Horseshoe Road explained that the property is his grandmother's. He said Old Foreman-Bundy Road was a continuous road and when the bypass came through the bend of the road was changed so there is a dead end on both sides. He stated that access could be provided via Impact Drive or there would be other ways for the state to allow access.

Assistant County Manager Rodney Bunch explained that prior to the bypass being built, years ago when zoning was initially implemented, the main corridors were zoned which included U.S. 17, and a setback of about 1,000 feet was zoned commercial which is why part of this parcel is already zoned commercial.

Commissioner Perry asked if the property extends to where Old U.S. 17 and the U.S. 17 Bypass come together. Ms. Cox responded that the property does not have frontage on the U.S. 17 Bypass, but does have frontage on Old US 17 and Old Foreman-Bundy Road.

Motion was made by Jeff Dixon, seconded by Joe Winslow to approve Rezoning Request RR11-01 based on the following findings of fact:

- The proposed rezoning is consistent with both the 1996 Official Land Use Plan and the Draft Land Use Plan.
- The size of the tract (approximately 25 acres) does not constitute spot zoning since it is contiguous with a much larger area that is zoned C-1, Commercial.
- The impact to the adjacent property owners and the surrounding community is reasonable because the property is already partially zoned C-1 and located near a major highway interchange.

The motion carried unanimously.

3. PUBLIC HEARING ON AMENDMENT TO FLOOD DAMAGE PREVENTION ORDINANCE:

Planning Director Shelley Cox explained that the Board is being asked to consider a proposed amendment to the Flood Damage Prevention Ordinance that would remove language that allows for the automatic adoption of flood hazard data in Pasquotank County. Ms. Cox stated that this text amendment is being proposed by staff in direct relation to the community assistance visit that was held in December when a representative from the State Division of Emergency Management performed a flood plain audit of the county's flood plain records for the last ten years. She said one of the items noted in his report was the need to amend the Flood Damage Prevention Ordinance. She stated that currently there is language in the ordinance that provides for automatic adoption of any revisions if new maps or data are created for the county. She said this has been determined to be illegal by the North Carolina Attorney General's Office. The amendment will provide that the Board will have to adopt any future changes to the flood maps so they are not automatically adopted.

Ms. Cox advised that the purpose of the Flood Damage Prevention Ordinance is to make the county eligible for federally backed flood insurance policies. FEMA and the state require that the county do certain things and have certain requirements in order for the county property owners to be eligible for flood policies. Flood maps are generated by the state and the federal government and they are passed on to local governments to adopt and enforce. Ms. Cox said when new construction permits are issued, the first thing the Planning Department does is to look at the flood maps to determine whether the new construction is located in the 100 year flood zone or the AE flood zone. If it is located in a flood zone, they determine the base flood elevation that is required. Ms. Cox said in the southern portion of the county, they commonly see five or six foot base flood elevations. She stated that they have to ensure that the finished floor of the construction is at or above the base flood elevation. She said another requirement is that flood vents have to be installed if the foundation is below base flood elevation so if a 100 year flood event does occur and that area floods, the hydrostatic pressure of the flood waters hitting the foundation does not demolish the foundation. The vents would allow the water to flow through the foundation and out the other side which would minimize the amount of damage that would occur to the structure from flooding. Ms. Cox advised that the state is supposed to come in every five years and perform the community assistance visit, however in this case they had gotten behind and it had been ten years since they had visited the county. She stated that she received a letter from the representative who had performed the visit and he had flagged 41 structures that he thought might possibly be in violation of the flood ordinance. She said after she had investigated these addresses, she found that only one was actually in violation of the ordinance and the violation was easily correctible. Additionally, the file on a house constructed in 2004 could not be located.

Chairman Griffin declared the meeting to be a public hearing on the proposed amendment to the Flood Damage Prevention Ordinance. He asked if anyone would care to comment on the proposed ordinance amendment. At the absence of comments, the public hearing was closed. Chairman Griffin asked for comments from members of the Board. Commissioner Sterritt asked who is responsible for visiting the address on Becca Drive that was in violation of the ordinance to see if a vent blockage has been removed. Ms. Cox said it is her responsibility as the flood zone administrator to make sure the vent blockages are removed. She said in this particular situation plywood had been cut the size of the vents to block the vents. She stated that this could be easily corrected by removing the plywood to open up the vents. She said FEMA and the state want local governments to monitor enforcement of flood plain regulations pretty closely because if the county does not enforce its flood regulations, it could lose its federal backing for flood insurance policies.

Motion was made by Cecil Perry, seconded by Joe Winslow to approve the following proposed amendment to the Flood Damage Prevention Ordinance. The motion carried unanimously.

Flood Damage Prevention Ordinance Amendment

The purpose of the proposed amendment is to remove language that allows for the automatic adoption of flood hazard data in Pasquotank County.

Article 3. GENERAL PROVISIONS

Section B. Basis for Establishing the Areas of Special Flood Hazard.

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated December 4, 1985, with accompanying maps and other supporting data, and any revisions thereto are adopted by reference and declared to be a part of this ordinance.~~

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Pasquotank County dated October 5, 2004, which are adopted by reference and declared to be a part of this ordinance.

Ms. Cox noted that the state is working on some new modeling programs and anticipates coming out with new flood maps for our area at the end of this year.

4. AMENDMENTS TO THE AGENDA:

Chairman Griffin asked if there were any amendments to the agenda. It was requested that the agenda be amended to add the following items recommended by the Finance Committee: 1) Approval of request from Register of Deeds Office to lease a new multifunction copier/scanner/printer; 2) Approval to request contractor laying 24 inch water main to Wesley 1 well site to start at the other end of the pipe and construct back to existing 24 inch pipe; and 3) Receipt and review of school facility needs survey.

Motion was made by Jeff Dixon, seconded by Cecil Perry to amend the agenda to add the three additional items to the consent agenda. The motion carried unanimously.

5. CONSIDERATION OF REVISION TO PROPOSED LOCAL ACT REGULATING CENTER-FIRED RIFLES:

County Attorney Mike Cox explained that after the last meeting he sent the proposed Local Act Regulating Center-Fired Rifles to Representative Bill Owens. He said he received a call from Representative Owens last week advising that he had been contacted by property owners voicing concerns that the Local Act, if enacted, would prevent them from shooting animals which are harmful to their property, such as groundhogs or coyotes. Mr. Cox said there has also been an issue regarding depredation of farmland. Commissioner Winslow stated as he understands it, land owners, not just farmers, want the right to shoot small predators on their land without being eight feet in the air.

Mr. Cox asked for direction from the Board on amending the proposed act. Board Members discussed this issue and expressed their thoughts. Commissioner Trueblood said the eight foot rule was implemented for public safety, however he has a real problem understanding that any property owner who is shooting a coyote or a groundhog at ground level would be prosecuted unless they shoot across a field into someone's house. Commissioner Winslow said the question arises from the standpoint of whether the farmer, if he is not hunting, can shoot a varmint without the barrel of his rifle having to be eight feet in the air. He stated that they want this ability and not have to worry that someone will decide they are hunting and they will be penalized because of that. Commissioner Perry asked if the proposed act could include an exception for farmers and land owners protecting their property. Commissioner Sterritt noted that a slug could be used in a shotgun and the slug would travel a long ways. He said shotguns are not just for birdshot or buckshot. He stated that if the wild hogs move from the Rosewood area to other areas of the county, the land owner should have the right to get rid of them and he does not know whether it could be done with a high-powered rifle. He added if someone is standing in the middle of a field shooting towards something and misses, the bullet keeps traveling which could cause a problem. He said he does not think it is feasible for each farmer to have a stand on every corner of his field in order to get eight feet in the air to shoot down at deer damaging their crops. Vice-Chairman Dixon said he agrees with Commissioner Sterritt. He stated that the language should not just be specific to coyotes and groundhogs because there are wild dog packs, neotomas, feral hogs, and other predators that can also destroy property or livestock. He said he believes the proposed law should include some exemptions. Chairman Griffin stated that the law should reference predators, depredation of property, and varmints/nuisance animals.

The majority of the Board with the exception of Commissioner Sterritt concurred with the concept of including an exemption to the proposed local act regulating the use of a center-fired rifle while hunting to allow a land owner or farmer to be exempt from the provisions of the law if a center-fired rifle is being used for depredation or the killing of a varmint or predator which is destroying a crop, livestock or the land itself.

Mr. Cox noted that he has also drafted a clarification in the language of the proposed local act to state that "It is unlawful to hunt with a center-fired rifle except from a permanent or portable stationary stand which raises the lower level of the barrel to a minimum of eight (8) feet above ground level". The Board agreed with the clarification.

6. APPROVAL OF CONSENT AGENDA:

The Board considered the consent agenda.

Motion was made by Bill Trueblood, seconded by Cecil Perry to add the three amendments to the agenda as recommended by the Finance Committee in Item #4 to the Consent Agenda. The motion carried unanimously.

a. Approval of Minutes of January 31 and February 7, 2011 Commissioner Meetings

b. Approval of Tax Releases, Tax Refunds and Solid Waste Fee Releases

The Finance Committee has recommended approval of the following tax releases, refunds and solid waste fee releases:

Releases:

		County	City
1.	Steve J. Goyette	130.20	
2.	American Metal Transfer LLC	224.64	172.65
3.	Mattie Louise Burten	176.61	
4.	Joshua Hayden Mitcheltree	152.86	122.59
5.	Steven Shane Absher	103.33	
6.	Gateway Bank & Trust Co.	130.57	
7.	Gateway Bank & Trust Co.	130.69	
8.	Michael B. Bouchard	160.87	
9.	Luke Van Voorhees	126.99	
10.	James E. & Roberta K. Butler	137.18	
11.	Matthew Paul Reimer	119.63	
12.	Ruth Jones Eason	132.00	

Refunds:

1.	Lawrence & Gail Balance	425.19	
2.	Brenda R. & Joseph G. Chambers	132.00	
3.	James E. & Roberta A. Butler	178.48	
4.	Hersey L. & Andrea Combs	132.00	
5.	James T. Fletcher Air Ser. Inc.	1,919.97	
6.	Jerald Irvin Robinson	48.67	

Solid Waste Fees:

OWNER'S NAME	PARCEL ID #	REASON FOR RELEASE
Harold Chambers	P35-56	Not Livable
Erma L. Green	28-B-7	Vacant since 2007
Ladicon Corp.	P123-19	House unlivable
JC Lewis Heirs c/o Dorothy Egleston	22-F-21	House unlivable
Evelyn R. Poole Etal	P98-15	House unlivable
Edward F. & Ruth Self	P111-22	Unoccupied
Abe Shannon, Etal	P95-24	House unlivable
Booker T. Walton Lf Est.	P59-10	Vacant for 5+ years
Samuel T. Williams Heirs	P77-3	House unlivable

c. Approval of Quarterly Fiscal Monitoring Report from East Carolina Behavioral Health

The Finance Committee has recommended approval of the quarterly fiscal monitoring report for East Carolina Behavioral Health for the quarter ending December 31, 2010.

d. Approval of Family Subdivision Request FS 11-05

Staff has recommended approval of Family Subdivision Request FS 11-05 by Fannie G. Cowell to create a gift lot for a grandchild in accordance with Article 5, Section 303 of the Pasquotank County Subdivision Ordinance. The request is to create a 2.00 acre gift lot to be conveyed to Amanda Cowell Carawan. A total of 206.54 feet of road frontage is provided to the parcel off of Double Bridge Road. Documentation has been provided that the plat qualifies as a family subdivision and a septic evaluation permit has been issued by Albemarle Regional Health Services. Staff has advised that the application meets the minimum requirements for a family subdivision and recommends approval of the request.

e. Approval of Request from Board of Education to Transfer Funds

The Finance Committee has recommended approval of a request from the Board of Education to transfer \$103,718.71 from their current expense fund balance to the capital outlay fund to pay for design work that was done by LS3P Associates and Cheatham & Associates on the Northeastern High School roofing project and the Central Elementary School HVAC replacement project.

f. Approval of Request for Funding from Potato Festival

The Finance Committee has recommended approval of a request from the Potato Festival for funding in the amount of \$2,500 with the funds to come from Pasquotank County's occupancy tax account.

g. Approval of Budget Amendments

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

Solid Waste

Decrease	065.7425.5980.21	Transfer to Capital Reserve	189,020.00
Increase	065.7425.5960.01	Capital Reserve	189,020.00

EMS

Increase	010.0991.4991.00	Fund Balance Appropriated	90,000.00
Increase	010.4370.5500.00	Capital Outlay	90,000.00

Special Appropriations

Decrease	010.6900.5991.00	Contingency	124.03
Increase	010.6600.5610.08	Community Relations Commission	124.03

Special Appropriations

Decrease	010.6900.5991.00	Contingency	10,000.00
Increase	010.6600.5625.02	Airport Authority	10,000.00

Jail

Increase	010.0991.4991.00	Fund Balance Appropriated	231,000.00
Increase	010.4320.5440.10	Tri-County Jail	231,000.00

h. Approval of Change Order for Hobbs Upchurch & Associates

The Finance Committee has recommended approval of a recommendation from the Water Committee for \$8,272 in additional inspection fees to be paid to Hobbs Upchurch & Associates for January inspections.

i. Approval of Request from Register of Deeds Office to Lease a New Multifunction Copier/Scanner/Printer

The Finance Committee has recommended approval of a request from the Register of Deeds Office to lease a new copier/printer/scanner to replace a scanner and printer that are broken and a copier that has reached the end of its normal life. The difference in cost is \$1,194.58 per year and there are sufficient funds in the Register of Deeds automation and preservation fund which can be used to lease the equipment. The machines the new unit will be replacing which include a standalone scanner, a Cannon wide format printer, and a copier need to be declared surplus so they can be sold on Govdeals.com.

j. 24-Inch Water Line to Wesley 1 Well Site

The Finance Committee has recommended that the Board request the contractor laying the 24 inch water line to the Wesley 1 well site to start at the other end of the pipe and work backward to lessen the need to de-water, but to de-water if necessary, and to agree for the county to pay for any additional couplings that may be required by starting at the other end of the project. This is in an effort to get the work underway and try to reduce the cost for de-watering the ground.

k. School Facility Needs Survey

The Finance Committee received and reviewed the School Facility Needs Survey prepared by the Board of Education at its meeting today. The Board does not have to approve or commit to fund the projects, but needs to certify that it has received and reviewed the plan. Following review by the Board of Commissioners, the plan has to be submitted to the Department of Public Instruction. The Board's minutes should reflect that the Board has received and reviewed the School Facility Needs Survey.

Motion was made by Jeff Dixon, seconded by Cecil Perry to approve the consent agenda as amended. The motion carried unanimously.

7. CONSIDERATION OF RESOLUTION FOR INTER-COUNTY PUBLIC TRANSPORTATION AUTHORITY TO SEEK LEGISLATION THAT WOULD ALLOW REGIONAL FUNDING FOR THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY:

Chairman Griffin recognized Mr. Herb Mullen, Director of Inter-County Public Transportation Authority. Mr. Mullen asked for the county's support in seeking an amendment to the Elderly & Disabled Transportation Assistance Program legislation which is part of the Rural Operating Assistance Program. He said the amendment would allow the ICPTA to directly apply for the ROAP funds regionally and take the counties out of the fiduciary reporting requirements. He stated that the amendment would allow him to tap into federal transportation funds that have been unspent for several years in the State of North Carolina. He requested that the Board adopt a resolution indicating its support for him to seek the amendment to the legislation.

Motion was made by Bill Trueblood, seconded by Cecil Perry to adopt the following resolution allowing ICPTA to seek legislation to amend the Elderly and Disabled Transportation Assistance Program. The motion carried unanimously.

Resolution for Albemarle Regional Health Services D/B/A Inter-County Public Transportation Authority to seek Legislation to amend N.C.G.S. 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program.

WHEREAS, Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority is a Public Transportation Authority created under N.C.G.S. 160-575, which serves the counties of Chowan, Perquimans, Pasquotank, Camden, and Currituck.

WHEREAS, this amendment will, by local resolution, allow the member counties of a Regional Public Transportation Authority created under N.C.G.S. 160-575 to apply for the county's Elderly & Disabled Transportation Assistance Program funding regionally through the Regional Public Transportation Authority and combine the funding to seamlessly serve the entire region.

WHEREAS, by assuming the responsibility of completing the grant application, directly receiving, and reporting on this funding regionally, the Regional Public Transportation Authority created under N.C.G.S. 160-575 will assume all fiduciary, reporting, public notification, and audit requirements associated with the N.C.G.S. 136-44.27.

WHEREAS, the purpose is to amend N.C.G.S. 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program to accomplish the following objectives:

- ✓ Reduce the number of Rural Operating Assistance Program (ROAP) accounts ARHS-ICPTA manages from thirty (30) down to six (6).
- ✓ Allow a Regional Public Transportation Authority created under N.C.G.S. 160-575 to leverage the region's current EDTAP allocation against the FTA Section 5310 Grant for Elderly Individuals and Individuals with Disabilities created under SAFETEA-LU, which is a 50/50 grant.
- ✓ Reduce the number of grant applications and reports NCDOT will have to review concerning North Carolina's ROAP program.

NOW, THEREFORE, be it resolved; that Albemarle Regional Health Services d/b/a Inter-County Public Transportation Authority will seek Legislation to amend N.C.G.S. 136-44.27 North Carolina Elderly and Disabled Transportation Assistance Program.

8. CONSIDERATION OF REPORT ON MEADS POOL:

Chairman Griffin called on Mr. Carl Ralph to provide a report on the assessment of Meads Pool. Mr. Ralph reported that they were able to get things to work and were satisfied that they would be able to operate the pool after making various repairs. He provided the Board with a list of repairs that need to be made at the pool. Chairman Griffin asked Mr. Ralph if he is asking the county for a contribution. Mr. Ralph said they would entertain any contribution the county might desire to give them. He stated that last year when they began looking into the pool, they had said they would take care of the cost of verifying it to their satisfaction, and the county agreed to allocate \$1,500. He said he will be turning in the bills so that Mrs. Meads can be reimbursed up to \$1,500. He added that at this time it would be a lot easier on him and Mrs. Meads if the county had funds to contribute. Chairman Griffin asked Mr. Ralph if he had thought about making a presentation to the Recreation Advisory Committee and asking for funding to assist with the repairs. He noted that the Mayor had discussed with him a possible

summer swimming program. Mr. Ralph said they have not requested any assistance from the city, primarily because the pool is owned by the county. Chairman Griffin asked what the next step would be. County Manager Randy Keaton said the next step would be for the County Attorney to draft a lease agreement.

Commissioner Sterritt commented that he thinks it is very important to the community to have this happen because water safety is an element everyone should be concerned with. He said there have been some unnecessary drownings in this area because people did not have a place to swim. He asked Mr. Ralph if all of the repairs would take place at no cost to the county. Mr. Ralph responded that yes they could. Commissioner Sterritt asked questions about specific mechanical issues and conditions of the pool. Mr. Ralph said the motor, pump and filtration system are operational and his biggest concern related to cost is to make sure the deck does not have any trip hazards. Other expensive items would be the replacement of the main drain cover to comply with state and federal requirements, and painting the pool if needed.

Vice-Chairman Dixon asked if the entire parcel of property would be tied up in the lease agreement. The County Manager said when the county previously leased the pool to Mr. Ralph the lease was only for the pool and parking lot and that would probably be the case this time.

Commissioner Perry asked if lifeguards would be provided. Mr. Ralph said they will have lifeguards on the property whenever the pool is in use.

Mr. Ralph explained that he and Mrs. Meads would like to lease the pool for ten years. Mr. Cox noted that a ten year or longer lease is treated as a sale under state statutes. He suggested possibly trying to tailor an agreement for 9½ years such that Mr. Ralph could still have use of the pool for ten seasons.

Commissioner Trueblood asked whether the county is locked into an agreement with Mr. Ralph and Mrs. Meads or if discussions should be held with the Mayor to discuss the city's possible interest in this project. Chairman Griffin said the county should continue to move forward with the agreement and if the city wants to participate financially, they will have that opportunity.

Commissioner White asked if the County Manager has any concerns regarding the proposed agreement. Mr. Keaton said since there are a number of repairs to be done he thinks the county should be able to inspect the repairs as they are being made since the pool is county property. He added that the county does carry insurance on the property as well even though the tenant will also be providing insurance. He noted that maintenance will be a continual problem at the pool because of its age.

Chairman Griffin suggested that the agreement contain a provision to allow county employees to use the pool one day for an employee picnic. Mr. Keaton said this was done for two or three years the weekend after the pool had closed to the public for the season.

Commissioner Sterritt asked if the lessee would pay the county anything in the lease agreement. Mr. Keaton said the lessee has proposed a \$1 lease because they will have a fairly significant investment in getting the pool up and running. Commissioner Trueblood added that the pool will also provide a service for county residents. Commissioner Sterritt noted that the pool would be a great thing for the community and it really needs to be operational. He stated that in addition to providing a place for people to go to swim or learn how to swim, the pool will also employ a number of teenagers during the summer which is also a plus.

After further discussion;

Motion was made by Cecil Perry, seconded by Joe Winslow to direct staff to move forward with drafting a lease agreement with Carl Ralph and Shirley Meads for Meads Pool. The motion carried unanimously.

9. REPORT FROM ASSISTANT COUNTY MANAGER:

Assistant County Manager Rodney Bunch stated that three Commissioners, the County Manager and he will be going to the Northeast State of the Region event at the Bob Martin Center in Williamston this Friday. He said they will need to leave at 7:30 AM.

10. REPORTS FROM COMMISSIONERS:

Commissioner Dixon asked if the Board needs to adopt the Rules of Procedure the Board reviewed at the retreat with Fleming Bell from the School of Government. The County Attorney stated that the Board's current Rules of Procedure are very close to the model rules presented at the retreat. He said there are however a few provisions he would like to bring back to the Board for consideration.

Commissioner Trueblood stated that he and the County Manager attended the recent meeting of the Parks & Recreation Advisory Board and they are moving forward with the South Park project. He said they look forward to being able to play ball on the fields by this fall. Commissioner Trueblood reported that the Finance Committee heard a lot from the Water Committee this afternoon and members of the Board will probably be getting more information over the next few days related to the ongoing process of trying to complete the RO project.

11. RECOMMENDATIONS FROM APPOINTMENTS COMMITTEE:

Commissioner Perry presented the following list of recommendations from the Appointments Committee:

Newland Water Management & Watershed Improvement Advisory Board – Nominate Doug Temple to fill a vacancy on the board. Final approval of this appointment will be on the next agenda.

Aging Advisory Council – Reappoint Sue Norton to an additional term.

Highway 17 Association Board of Directors – Reappoint Jeff Dixon to an additional term.

Elizabeth City Downtown Committee – Reappoint Cecil Perry to an additional term.

Jury Commission – Reappoint Lee T. Jones to an additional term.

Region R Workforce Investment Consortium Board – Reappoint Lloyd Griffin to an additional term.

Tourism Development Authority – Reappoint Jeff Dixon, Jean Baker (subject to approval of City Council), Toni McGovern, and Arthur McPherson to additional terms.

Albemarle Commission – Reappoint Lloyd Griffin to an additional term.

Criminal Justice Partnership Advisory Board – Reappoint Gary White, Roy Daniels and Kelli Robeson to additional terms.

Elizabeth City Area Chamber of Commerce – Reappoint Jeff Dixon to an additional term.

Motion was made by Cecil Perry, seconded by Joe Winslow to approve the reappointments to boards and committees as recommended by the Appointments Committee with the exception of the appointment to the Newland Water Management & Watershed Improvement Advisory Board which will be held over until the next meeting. The motion carried unanimously.

12. REPORT FROM CHAIRMAN:

Chairman Griffin requested that letters be sent to the Fraternal Order of Police and the Police Athletic League thanking them for the tour of the old Elizabeth City Middle School they provided today.

Chairman Griffin noted that the Clerk has prepared a report on the Board's retreat and included it in the agenda packets.

Chairman Griffin advised that he received a letter today from the Rural Center reporting that certification has been received from Gateway Bank & Trust indicating that 36 new full-time positions were created and maintained for 18 months after substantial completion of the sewer improvements. The letter stated that Gateway Bank exceeded their job creation commitment and the project is released from further job creation goals that were a condition of the Rural Center grant.

Chairman Griffin asked staff to investigate and provide the Board with a report on the Sea Level Rise Policy and what it is all about. Commissioner Trueblood noted that he was out on one of the RO well sites observing drilling and at the 90 foot level the well driller was bringing up shells.

Chairman Griffin stated that staff has been looking at different proposals related to the development of wind turbines in Pasquotank County and the process is moving forward. He stated that today's meeting will be recessed until tomorrow at 3:30 PM in the Emergency Operations Center in the Public Safety Building for a conference call to discuss ongoing incentive negotiations and matters relating to the location or expansion of industries or other businesses.

Motion was made by Cecil Perry, seconded by Jeff Dixon to recess tonight's meeting until tomorrow, February 22 at 3:30 PM in the Emergency Operations Center. The motion carried unanimously and the meeting was recessed at 8:35 PM.

CHAIRMAN

CLERK TO THE BOARD

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 22, 2011**

The Pasquotank County Board of Commissioners met today in a recessed regular meeting on Tuesday, February 22, 2011 in the Emergency Operations Center in the Pasquotank County Public Safety Building.

MEMBERS PRESENT: Lloyd E. Griffin, III, Chairman
Jeff Dixon, Vice-Chairman
Bill Trueblood
Dr. William R. Sterritt
Gary G. White
Joseph S. Winslow, Jr.

MEMBERS ABSENT: Cecil Perry

OTHERS PRESENT: Randy Keaton, County Manager
Rodney Bunch, Assistant County Manager
R. Michael Cox, County Attorney
Wayne Harris, Economic Developer
Karen Jennings, Clerk to the Board
Collin Flatness, IT Director

The meeting was reconvened at 3:35 PM.

1. CLOSED SESSION TO DISCUSS INCENTIVE NEGOTIATIONS AND MATTERS RELATED TO THE LOCATION OR EXPANSION OF INDUSTRIES OR BUSINESSES:

Chairman Griffin asked for a motion that the Board enter Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss ongoing incentive negotiations and matters relating to the location or expansion of industries or other businesses in the area served by the county.

Motion was made by Joe Winslow, seconded by Gary White that the Board enter Closed Session pursuant to G.S. 143-318.11(a)(4) to discuss ongoing incentive negotiations and matters relating to the location or expansion of industries or other businesses in the county. The motion carried.

Upon the end of Closed Session;

Motion was made by Bill Trueblood, seconded by Gary White that the Board return to Regular Session. The motion carried.

2. APPROVAL OF CHANGE ORDER WITH TEMPLE GRADING:

Commissioner Trueblood stated that the Board previously granted permission to pay Mark Saunders, a waterline subcontractor for Temple Grading, a portion of his claim. He said the actual change order has now been submitted by the engineer for the \$25,000 that was previously discussed and he would like for the Board to approve the change order.

Motion was made by Bill Trueblood, seconded by Joe Winslow to approve a change order in the amount of \$25,000 with Temple Grading. The motion carried.

The County Manager noted that the change order does say the \$25,000 is partial compensation while the final numbers are being worked out.

Chairman Griffin asked if there was any further business to come before the Board. There being no further business;

Motion was made by Gary White, seconded by Bill Trueblood to adjourn the meeting. The motion carried and the meeting was adjourned at 4:58 PM.

CHAIRMAN

CLERK TO THE BOARD