

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 15, 2010**

The Pasquotank County Board of Commissioners met today in an abbreviated work session on Monday, February 15, 2010 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Marshall H. Stevenson, Jr., Chairman
Lloyd E. Griffin, III, Vice-Chairman
Bill Trueblood
Cecil Perry

MEMBERS ABSENT: Matt Wood (*Out of Town*)
Jeff Dixon (*Out of Town*)

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

The work session was called to order at 3:31 PM by Chairman Marshall Stevenson. He stated that the County Manager will provide information on anticipated budget problems in this fiscal year. Mr. Keaton explained that he and the Finance Officer have looked at the large revenue items and have determined that there will be shortfalls in sales tax, wine and beer tax, land transfer tax, inspection fees, and investment earnings.

Lottery revenue is anticipated to exceed the budgeted amount by approximately \$200,000 due to the state releasing lottery money that was withheld from the second quarter of last year. There is also \$430,000 in closeout funds available from the COA/Old Library renovation project, including \$100,000 in principle and \$330,000 in interest earnings that can be used for bond payments. This would free up \$430,000 general fund money that had previously been budgeted for debt service.

Mr. Keaton said once all of the changes are made, it would result in about a \$27,000 positive bottom line. He stated that these are not all of the revenues, but they are the ones he feels are the most significant.

Mr. Keaton stated that ad valorem taxes is the biggest single revenue item in the budget and he does not feel that enough information is available yet to provide an estimate. Even though ad valorem tax collections are behind where they normally are at the end of January, there have been a couple of significant payments received in February. A 95% collection rate was budgeted and at the end of January the collection rate was at 90%. He said at the end of February he should be better able to provide an estimate on ad valorem tax revenues.

The work session was adjourned at 4:00 PM.

CHAIRMAN

CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA
FEBRUARY 15, 2010**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, February 15, 2010 in Courtroom C in the Pasquotank County Courthouse.

MEMBERS PRESENT: Marshall H. Stevenson, Jr., Chairman
Lloyd E. Griffin, III, Vice-Chairman (*Arrived at 7:40 PM*)
Matt Wood
Bill Trueblood
Cecil Perry

MEMBERS ABSENT: Jeff Dixon (*Out of Town*)

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 Marshall Stevenson. Commissioner Cecil Perry gave the invocation and Chairman Stevenson led in the Pledge of Allegiance to the American Flag.

1. COMMENTS REGARDING FILLING OF VACANT COMMISSIONER SEAT:

Chairman Stevenson announced that the Democratic Party Executive Committee has recommended the appointment of Mr. Charles Jordan to fill the seat vacated due to the death of Commissioner Jimmie Harris. He stated that this recommendation will be placed on the March 1 Commissioner meeting agenda for consideration by the Board. Arrangements will also be made to have the individual selected by the Board sworn in at that meeting.

2. PUBLIC HEARING ON FINAL DRAFT OF PASQUOTANK COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE:

Chairman Stevenson declared the meeting to be a public hearing on the final draft of the Multi-Jurisdictional Hazard Mitigation Plan Update. Ms. Rebecca Christenbury, Assistant Emergency Management Coordinator, explained that following the public hearing the plan will be sent to the North Carolina Division of Emergency Management for review. The state will send the plan back to the county for any revisions and once revisions are made, the plan will be forwarded to the Federal Emergency Management Agency. After being reviewed by FEMA, the plan will be brought back to the Board of Commissioners and the City Council for adoption. The plan has to be adopted by October 30, 2010.

Chairman Stevenson asked if anyone would like to comment on the final draft. At the absence of comments, the public hearing was closed.

3. PUBLIC HEARING ON ORDINANCE DEFINING AND REGULATING PEDDLERS AND SOLICITORS:

Chairman Stevenson declared the meeting to be a public hearing on an Ordinance Defining and Regulating Peddlers and Solicitors. County Attorney Mike Cox explained that there have recently been some issues in Pasquotank and Camden Counties with door to door salespersons who have been unruly, and this ordinance would require anyone who plans to go door to door to get a permit from the Sheriff's Department. He said charitable, religious, civic, or fraternal organizations who receive no compensation are exempt, as well as students who are conducting fund-raising activities, and bona fide nonprofit organizations. The ordinance includes a penalty provision with a fine of not more than \$500 or imprisonment for not more than 30 days for each separate violation. It also gives the county the authority to seek an injunction.

Chairman Stevenson asked if anyone would like to comment on the proposed ordinance. Mr. Carl Estus of 412 Pasquotank Station Road asked to what extent this ordinance would cover religious groups who go door to door soliciting for their church. He said they are in his neighborhood every three or four months and they don't seem to take no for an answer. Mr. Cox responded that the ordinance exempts representatives of religious groups as long as they are non-profit.

At the absence of further comments, the public hearing was closed.

Motion was made by Bill Trueblood, seconded by Cecil Perry to adopt the proposed Ordinance Defining and Regulating Peddlers and Solicitors. The motion carried.

4. AMENDMENTS TO THE AGENDA:

Chairman Stevenson asked if there were any amendments to the agenda. Commissioner Matt Wood requested that the agenda be amended to add to the consent agenda the following items; 1) Recommendation from Finance Committee to approve two change orders for RO project; 2) Recommendation from Finance Committee to add Chief Plant Operator position for the Water Department; and 3) Approval to declare a 1995 Saturn as surplus so that it can be sold on Govdeals.com.

Motion was made by Matt Wood, seconded by Cecil Perry to amend the agenda to add the three items recommended above to the consent agenda. The motion carried.

5. APPROVAL OF CONSENT AGENDA:

The Board considered the following consent agenda:

a. Approval of Minutes of January 25 and February 1, 2010 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, tax refunds and solid waste fee releases:

Releases:

		County	City
1.	Rodney McDonald Medders	111.11	85.10
2.	Donald Roy Ekstrom	149.53	
3.	Joshua Adam Tidey	134.78	108.68
4.	Jacob M. Sanders	117.23	95.18
5.	Leonard Edward Cortez	119.05	
6.	Michael R. Sarniak, Jr.	100.82	
7.	Frances L. Perry	120.00	
8.	Lassiter Construction Co., Inc.	120.00	

Refunds:

1.	Gen Alumni Assoc of EC State	120.00	
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Solid Waste Fees:

	Owner's Name	Parcel ID Number	Reason for Release
1.	Brickhouse & Joyce Riddick	P11-35	House vacant
2.	Harold Chambers	P35-56	Not livable
3.	Jeffrey K. & Michael Lassiter	35-A-20	Not livable
4.	Lassiter Construction Co.	P97-26	House vacant
5.	JC Lewis Heirs	22-F-21	Not livable
6.	Zachariah Lewis, Jr.	P30-36	Not livable
7.	Moses R. White, III	P135-3	Not livable
8.	Bobbie G. Moore & Miles Harris	P120-193	Not livable
9.	Phillippe D. Respass	12-E-3	House vacant

c. Approval of Budget Amendments

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

Tax Administrator

Increase	010.4140.5261.00	Departmental Supplies	5,000.00
Decrease	010.6900.5991.00	Contingency	5,000.00

EMS/Hospital Revenue

Increase	010.0400.4437.00	Revenue for Services	100,000.00
Decrease	010.0700.4920.01	Albemarle Hospital Revenue	100,000.00

d. Approval of Policy on Use of Courtrooms and Meeting Rooms

At the last meeting the Board reviewed a proposed policy on the use of courtrooms and meeting rooms in the Courthouse and recommended several changes. The revised policy incorporates the changes that have been made.

e. Approval of Change Orders for RO Project

The Finance Committee has recommended approval of two change orders for the RO project. The first change order in the amount of \$9,000 would allow the placement of a combination HVAC unit in each of the well houses in lieu of the exhaust fan and louver. The second change order in the amount of \$12,615 is for additional stainless steel casing in the four production wells. The total of \$21,615 for the change orders will come from contingency.

f. Approval to Add Chief Plant Operator Position for Water Department

The Finance Committee has recommended the addition of a Chief Plant Operator position in the Water Department in advance of the completion of the RO plant. Salary range for the position is \$35,025 to \$49,036.

g. Approval to Declare 1995 Saturn as Surplus

The Tax Department has acquired a 1995 Saturn in a tax foreclosure. The County Manager has requested that the Board declare the vehicle as surplus so it can be sold on Govdeals.com.

Motion was made by Bill Trueblood, seconded by Cecil Perry to approve the consent agenda as amended. The motion carried.

The following tax releases have been approved by the Finance Officer:

Releases:

		County	City
1.	Jeffrey K. Holder	10.40	
2.	Jeffrey K. Holder	99.77	
3.	Mary Elizabeth Cera	38.50	29.61
4.	Paul Mathew Denten	98.28	
5.	Thomas Charles Roguski, Jr.	47.27	
6.	Lee Doyle Pipkin		7.34
7.	William Arlo Temple III	40.48	
8.	George Clay Manos, Jr.	14.63	
9.	Gwendolyn G. Manos	19.66	
10.	William Clarence Owens III	70.18	
11.	David McKenly Turner	8.28	
12.	Cornelius N. Claiborne	96.00	78.85
13.	Billy Lee Rountree	4.95	4.05
14.	Jacqueline Ann Harris	9.38	7.68
15.	John L. Knight, Jr.	96.17	
16.	David Alan Brothers	70.76	57.90
17.	Jeffery Carl Lovett	96.12	
18.	Kinetta Jetton Holley		16.39
19.	Roy Lee Moore, Jr.	50.27	41.13
20.	Hitesh Kumar Patel	3.39	2.76
21.	Cynthia Beatrice Moore	3.69	2.84
22.	Charles Edward Crudup	71.25	59.81
23.	Amber Leigh Scullari	2.26	
24.	Kenneth Dwayne McFarland	7.82	
25.	Kenneth Dwayne McFarland	8.17	
26.	Wildflower Fatema Smith	24.98	19.22
27.	Homer Simpson, Jr.	14.74	
28.	Roscoe Wright	60.67	
29.	Decardo Tieyeast Sykes	17.11	19.00
30.	Charles Eddy Wharton, Jr.	16.94	
31.	Charles Eddy Wharton, Jr.	29.84	
32.	Kyle Robert Forster	81.51	
33.	Robert Wayne Fletcher, Jr.	53.01	
34.	Troy William Andrews	78.74	
35.	Henry Alex Campbell III	43.01	40.19
36.	Joseph Etheridge	58.62	
37.	Joseph Farly Strejck	22.41	17.24
38.	Calvin Lee Boone, Jr.	24.15	19.76

39.	Rogest Nathend Green	28.61	
40.	Douglas Wayne Siedenbug	5.03	
41.	Amber Leigh Scullari	41.69	

6. PUBLIC HEARING ON SUBDIVISION VARIANCE REQUEST #10-1 FOR BATEMAN ESTATES, SECTION D, FOR A VARIANCE FROM ARTICLE IV, SECTION 1 WHICH STATES THAT ALL NEWLY CREATED LOTS MUST HAVE VEHICULAR ACCESS TO AN INTERNAL STREET:

Chairman Stevenson declared the meeting to be a public hearing on Subdivision Variance Request #10-1 for Bateman Estates, Section D. Planning Director Shelley Cox was sworn in by the Clerk to the Board to testify in this matter.

Ms. Cox explained that this request is for a subdivision variance for Bateman Estates, Section D, and there is also a sketch plan on tonight's agenda to review a 28-lot residential subdivision for Section D which is adjacent to the existing Bateman Estates Subdivision. She said the Subdivision Ordinance states that new lots cannot be created along an existing NCDOT right-of-way and must have direct vehicular access to a new interior street. The sketch plan for Section D proposes that two new lots be created along Chances Lane which is a state-maintained right-of-way. Ms. Cox said the property is currently zoned R-15 residential and is in farmland. The entire property consists of approximately 54 acres, 32 of which are proposed to be developed into Section D of Bateman Estates. The variance is just for the two lots along Chances Lane and does not include the other 26 lots. Ms. Cox stated that the Planning Board did recommend approval of the sketch plan as presented. She said she would like to note that in issuing a variance, there are four findings of fact that must be made. In considering the variance, the Board must take into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon traffic conditions in the vicinity.

The Board reviewed the four findings and responded as follows:

- a) That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this Ordinance would deprive the applicant of reasonable use of his land. *As the sketch plan is currently drawn, the two lots facing Chances Lane would not be able to be used.*
- b) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner. *The two lots would not become part of the subdivision unless the variance is allowed and therefore the property owners would not have enjoyment of the property.*
- c) That the circumstances giving rise to the need for the variance are peculiar to the parcel and are not generally characteristic of other parcels in the jurisdiction of this Ordinance. *The circumstances are peculiar in the way the sketch plan is currently drawn. The lots would not be able to be part of the development because they do not have access to an interior street and would be isolated.*
- d) That the granting of the variance will not be detrimental to the public health, safety, and welfare or injurious to the other property in the territory in which said property is situated. *Allowing the lots to be developed is not out of character or would not affect the public health and safety.*

Mrs. Doris Creps of 1033 Bateman Drive asked to address the Board and was sworn in by the Clerk. Mrs. Creps explained that these two lots are in standing water most of the time and she believes it would require putting more drainage which she thinks would be a problem.

At the absence of further comments, the public hearing was closed and Chairman Stevenson asked for comments from Commissioners. Commissioner Wood said he cannot see any reason why the Board can reasonably say this should not be allowed.

Motion was made by Matt Wood, seconded by Cecil Perry to approve Subdivision Variance Request #10-1. The motion did not pass with Commissioners Wood and Perry voting in favor of the motion and Commissioners Trueblood and Stevenson voting against the motion.

7. CONSIDERATION OF SKETCH PLAN FOR BATEMAN ESTATES, SECTION D, IN NIXONTON TOWNSHIP:

The Board considered the sketch plan for Bateman Estates, Section D. Chairman Stevenson recognized Mr. William Creps of 1033 Bateman Drive who had signed up to address the Board on this issue. Mr. Creps stated that he and his wife have concerns regarding the proposed addition of 28 building sites known as Bateman Estates, Section D. He provided pictures showing the rear and side of his property. He explained that his lot borders the swamp at the end of Bateman Drive and is already in the swamp by 10 to 16 feet. He said during heavy rains and certain storms, the entire swamp fills up with water from the river. He stated that he is concerned that the proposed Section D will result in additional flooding. He said the new homes along Section C in Bateman Estates have had standing water in front of them for the past four months. This will result in a mosquito problem during the warm months. He stated that standing water has also become an issue on some properties in Section B and these problems will only be accentuated with the development of Section D. Mr. Creps requested that the sketch plan for Section D be denied and that the drainage issues be addressed so as to not negatively impact existing property owners who have invested significantly into the development of their property.

Note: Vice-Chairman Lloyd Griffin joined the meeting at this time.

Planning Director Shelley Cox outlined the sketch plan request. She said the plan is currently for 28 residential lots, however the denial of the variance would have an impact on the sketch plan as it has been designed. She stated that the Planning Board reviewed this request last month and recommended approval as designed. At that time many of the residents of Bateman Estates came forward and spoke during the Planning Board meeting and expressed concerns regarding drainage. Ms. Cox stated that before tonight's meeting she invited the property owners to come and meet with her and Engineer Greg Johnson to discuss their concerns and to give them some information as to what they will be looking at and at what stage of development the drainage plan will be reviewed. She said what is being reviewed tonight is a sketch plan which is a conceptual layout of the subdivision. They will be looking at the road layouts and the size of the lots, and they do not currently have any information regarding drainage or drainage calculations, and there has not been a full engineering review of the development at this point. If a sketch plan is approved for this development, then it would go forward to the preliminary plat stage during which they will look at construction drawings. This is when McDowell & Associates would have to develop a drainage plan and calculations and Greg Johnson will review those to insure that the surrounding area will not be negatively affected. Ms. Cox said the drainage plan could significantly change the layout of the development, but this will not be known until the calculations are reviewed. She noted that with the denial of the variance for the two lots facing Chances Lane, the developer may try to reroute the entrance from Davis Bay Road to Chances Lane and run a street from Kenneth Drive to Chances Lane to eliminate double road frontage along Chances Lane. She said at this point it is in the Board's discretion as to how this request will be handled. Commissioner Wood said he would like to see this lay on the table until the revised sketch plan is submitted.

Motion was made by Matt Wood, seconded by Bill Trueblood to delay action on the sketch plan for Bateman Estates, Section D until an amended sketch plan is submitted. The motion carried 5-0.

8. REPORTS FROM COUNTY MANAGER:

County Manager Randy Keaton provided Board Members with a copy of a letter to Whaley Contractors that has been drafted to clarify some questions with regard to what is and is not permitted in the construction and demolition area at the landfill. He stated that the letter is for informational purposes only and is not a warning letter. He said there were some questions about the disposal of pallets and cardboard at the landfill and the letter provides clarification to the contractor.

Mr. Keaton reported that some type of incident occurred in the parking lot beside the library today during which one person was apparently trying to steal another person's car. He said there was some altercation and the person who was trying to steal the car left and the police were called. He said he does not have all of the information at this time and is waiting for the police report. He added that he does not know whether this was a random act or whether the two people knew each other.

9. REPORT FROM COUNTY ATTORNEY:

County Attorney Mike Cox reported that he attended the County Attorneys Conference last Friday and Saturday and one item discussed that is important to the Board is the new ethics law. Board Members will be required to have two hours of ethics training by the end of this calendar year. He said he will forward information to the Board on the dates the training will be offered. The County Manager noted that ethics training will also be done in conjunction with other meetings members of the Board may be attending, such as district meetings, the NCACC Annual Conference, and training for newly elected officials. He added that each time a Commissioner is re-elected he will have to have another two-hour training session on ethics.

Mr. Cox stated that he would like to note for the sake of the public in attendance tonight that once property is zoned residential, it is out of the Board's hands to deny a subdivision if it meets the standards.

10. REPORTS FROM COMMISSIONERS:

Commissioner Matt Wood reported that the COA Board of Trustees' search for a President will be coming to a close fairly shortly.

Commissioner Cecil Perry reported that he did not travel to Greenville last Saturday to interview teacher fellow candidates. He said the evaluation will be held on February 27, however he will not be going. He added that this will free up Commissioners' travel funds.

Vice-Chairman Lloyd Griffin reported that he was late for tonight's meeting because he met with the Camden County Board of Commissioners to discuss how the aviation park is moving forward and trying to work the education component with the school system, COA and Elizabeth City State University. He said it is interesting that the infrastructure has been built and now the human infrastructure has to be built. He stated that he has met with the Perquimans Superintendent of Schools and the principal and some staff at the high school and middle school. He has also met with the Chowan County School Superintendent, and the Elizabeth City-Pasquotank Board of Education has been to DRS. He noted that meetings are yet to be held with seven more counties to give them the opportunity to understand how the region's support is needed to provide basic reading, writing and arithmetic skills which will play a key component in providing local job opportunities for young people.

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

Motion was made by Lloyd Griffin, seconded by Cecil Perry to adjourn the meeting. The motion carried and the meeting was adjourned at 8:00 PM.

CHAIRMAN

CLERK