

**PASQUOTANK COUNTY, NORTH CAROLINA  
FEBRUARY 16, 2009**

The Pasquotank County Board of Commissioners met today in a regular meeting on Monday, February 16, 2009 in Courtroom C in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Marshall H. Stevenson, Jr., Chairman  
Lloyd E. Griffin III, Vice-Chairman  
Matt Wood  
Bill Trueblood  
Cecil Perry  
Jeff Dixon  
Jimmie Harris

**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 Marshall Stevenson. Dr. Roosevelt Askew, Pastor of Memorial Missionary Baptist Church, gave the invocation and Vice-Chairman Lloyd Griffin led in the Pledge of Allegiance to the American Flag.

**1. COMMENTS FROM DOUG LANE:**

Chairman Stevenson recognized Mr. Doug Lane who said he would respectfully request that the Board address the trespass by deer dog issue at its March 2 Commissioner meeting and bring this issue to a vote. He said the petition he introduced a year ago was not well written. He stated that Chowan County passed an ordinance four years ago that is well written, protects public safety, and greatly reduces the trespass issue. He said he would respectfully urge the Commissioners to become familiar with the Chowan ordinance. He stated that he is dropping the wording in the petition in favor of the Chowan ordinance. He provided each Board member with a copy of the Chowan ordinance and related information.

**2. PUBLIC COMMENTS ON PROPOSED HOSPITAL MANAGEMENT AGREEMENT BETWEEN ALBEMARLE HOSPITAL AND UNIVERSITY HEALTH SYSTEMS:**

Chairman Stevenson explained that at this time the board will accept comments from the public regarding the proposed Hospital Management Agreement between Albemarle Hospital and University Health Systems.

Mr. Michael Cholot of 108 Craven River Court, Camden said he is here tonight as a citizen of the area, a registered nurse, and a 15-year employee of Albemarle Hospital. He asked for the Board's support of the affiliation between Albemarle Health and UHS. He said in the past fifteen years that he has been at the hospital, the mission has always been to provide good quality care because that is what the community wants and deserves. He stated that small community hospitals have always struggled to do this and Albemarle Hospital is probably no different. He said before he began working at Albemarle Hospital he worked at Chowan Hospital for about a two year period during the two years leading up to the buyout of Chowan Hospital by UHS. He stated that the attitude at that time was just to exist. If there were holes in the carpet or dents in the walls, they lived with it because there was no money to maintain otherwise. There was no introduction of new services, certainly not to the extent that was done at Albemarle Hospital, and at times there was a decrease in services because of lack of employees and not being able to offer a competitive wage. At times they went without equipment because there was not money to fix it. Mr. Cholot said that is why he believes Albemarle Hospital is responsible in going forward with trying to get the management agreement. He stated that it has many benefits in that it will allow continuation of the good works the hospital does in the community, including the Community Care Clinic. He said as an employee the number one thing that is important to him is that no one will get laid off and they get to maintain current wages and salaries. Above all

else, it provides a better chance for them to do what they do and they don't fall into an area of maintaining and can continue to grow.

Mr. Jack Horton stated that he has been a resident of Pasquotank County for 67 years. He said he has never worked at a hospital, but has been a patient at Albemarle Hospital many times. He explained that he has nothing but compliments for the service and care that he has received at Albemarle Hospital and he has conveyed those sentiments to Ms. Tanner, however he cannot say everything he wants to say in three minutes. He passed out a list of questions he thinks should be answered before action is taken on this agreement. Mr. Horton said he does not want to lose this hospital in any way, shape or form, and the debacle in Chowan County worries him.

Judge Herbert Small stated that he knows everyone has worked hard on this agreement and he would like to thank everyone for their work. He said he is very interested in healthcare in the community and has read the proposed agreement several times and portions of it many times in trying to understand it all. He explained that he found several things that give him a great deal of concern. One is that the Albemarle Hospital Authority has the right to determine the size of workforce and the compensation, benefits, and the programs that will be operated by the hospital, however University Health Systems may amend or modify and enforce personnel policies in hiring and discharging. He said consequently the Hospital Authority establishes the rules and regulations, but UHS can modify them to suit their needs. Judge Small said another concern with the agreement is that when talking about expanding services, they say to serve the residents of Pasquotank County, as it appears to limit the area of service to Pasquotank County and excludes other counties. He stated that another area of concern is the expense of the incentive bonus. He said it seems to him a fair arrangement would be to have it based on a percentage of gross collections, not gross billings. Judge Small stated that he has been connected with the hospital in many ways and has been a patient there and has been on the Board of Trustees. He said fifty years ago, when the Hospital Board made a decision to move the hospital to a new site because it had no room to expand, the majority of the people were opposed to it. He stated the hospital is in a similar situation now and has to move forward because it is an isolated hospital with limited growth. Judge Small said although he does not agree with all of the terms of the agreement, he thinks it is time to make a decision. He stated that the hospital has to expose itself to the risk of the management of University Health Systems in order to progress. He said the hospital is isolated and needs the benefit of the consolidated purchasing agreement and needs the supervision of being combined with other hospital units and medical services which it is unable to do on its own. He explained that he finally decided late today that it will be in the best interest of the medical community for the agreement to be approved. He said it is a risk that has to be taken.

Ms. Mary Ann Keyes stated that she has worked in hospitals her entire career and is now retired. She said she understands the challenges that hospitals are facing. She stated that she feels the community owes a great deal of gratitude to the hospital management through the years, as well as the Board of Trustees and the Board of Commissioners. She said that Albemarle Hospital is a very substantial hospital and at this point in time the hospital is looking at the affiliation from a position of strength which is a very good place to be. She explained that many hospitals in the country are suffering without the ability to make the choice as to who to affiliate with and many are being bought by for-profit institutions because they are on their last leg and there is no other chance for them. She said this is not the kind of affiliation being suggested by the management team of Albemarle Hospital. Ms. Keyes said there are several benefits for Albemarle Hospital in this affiliation agreement including the ability to have purchasing power, continuing education for staff, access to unique specialists, assistance in recruiting doctors and other professionals, student affiliations, increase in referral base and expertise, broader impact of wellness programs throughout the region, and it brings prestige and political clout. She stated that Albemarle Hospital will retain local control. She said through the affiliation agreement there is very little to lose and a lot to gain and she asked the Board's support of the agreement.

Dr. Dan Terryberry explained that he has served as a physician in this area for 17 years and has served on the Board of Albemarle Health for the past four years. He said the physicians are big stakeholders in this management agreement. He noted they initially had some concerns, however UHS and Albemarle Hospital have done a great job in trying to allay those concerns and fears. He stated that about twenty physicians are present tonight and they represent about 80% of the admissions to Albemarle Health and about 85% to 90% of the dollars that flow into this small hospital. He said the physicians are in support of this agreement. He explained that the doctor patient relationship will supersede all other things and if transfers are necessary they will not be dictated by a management agreement but by what is best for the patient. Dr.

Terryberry said he would like to assure everyone that the physicians hold the doctor patient relationship in the highest regard and will not let that be broken down. He added that the physicians are in support of the management agreement.

Ms. Jennifer Palestrant, President of the Elizabeth City Area Chamber of Commerce, representing 650 businesses in Elizabeth City, Pasquotank County, and Camden County, said she is here tonight to speak in favor of the Albemarle Health/UHS agreement. She explained that before she became President of the Chamber, she had the privilege for three years to be Executive Director of the Wesley Hospitality House which is the guest house for Albemarle Hospital. She said she was a partner with Albemarle Health to provide lodging and support to those families who were in the area because they had a loved one in the hospital. She stated that she learned there is an incredible level of care and professionalism at Albemarle Health. She explained that 80% of community hospitals in the United States today have some sort of affiliation and this model is spreading across the country and is a good financial model and good people model because it allows purchasing power and gives a broader range of resources. She said UHS is a good fit because it is northeast North Carolina based and it understands the issues faced by Albemarle Health including Medicare and Medicaid levels. Ms. Palestrant stated that other benefits include medical students, distribution and sharing of staff with Chowan Hospital. She said when she works with the Economic Development Commission and they look at bringing new businesses into the area, healthcare ranks near the top with education in terms of the things people are really concerned about. Ms. Palestrant asked the Board to look at this agreement as collaboration and not competition in order to have the best possible healthcare for the entire region.

At the absence of further comments, the public comment session was closed and Chairman Stevenson asked for discussion or comments from the Board.

Motion was made by Matt Wood, seconded by Cecil Perry to support the affiliation agreement between Albemarle Hospital and University Health Systems.

Discussion followed and Commissioner Jeff Dixon, who is also a member of the Hospital Board, explained that this idea was discussed by the Hospital Board at a retreat almost two years ago and when it was first presented he was not completely sold on it. Since that time he has done a lot of research about small hospitals' survival, healthcare system trends, and University Health Systems. Commissioner Dixon said an article in *North Carolina Business Magazine* reported that Pitt is the second largest hospital in North Carolina with 745 beds and it just built a \$160 million heart institute. Ninety percent of the doctors graduating from East Carolina Medical School continue to practice in North Carolina, and sixty percent of those doctors stay in Northeastern North Carolina. University Health Systems is made up of twelve hospitals in Northeastern North Carolina. Commissioner Dixon said as an elected official he is reminded all the time that he was elected to keep taxes down, but he is also reminded that he is supposed to improve the quality of life for citizens of the county. He stated that he thinks this affiliation agreement will improve healthcare for everyone in this county because it will help recruit physicians which is currently a problem. He said the citizens of the county appear to be split on this issue however he said he plans to support the agreement.

Commissioner Bill Trueblood stated that after wrestling with this issue for the past two months and doing a lot of research, he finally made his decision at 4:00 this morning. He said it came down to what is best for the patients of Albemarle Health, and employees, doctors and those who do not use the hospital are secondary. He stated that he has made a decision to support the management agreement because it will be best for the future of Albemarle Health.

Commissioner Cecil Perry said he is also going to support the agreement, however it is not based on what he has heard tonight because he has also done research on this issue since it first came to his attention. He stated that he has not heard anyone present a valid reason why the county's citizens should not be able to take advantage of the services that will be provided through this agreement. He said he has had discussions with someone from a community whose hospital is affiliated with UHS and was told Albemarle Hospital would be "crazy not to". Commissioner Perry said he is supportive of the agreement because he thinks it would bring about better services and would be in the best interest of the citizens of the community.

Commissioner Jimmie Harris stated that he has been studying and thinking about this agreement for some time and he will not support it because he has not been convinced it is what the people

of the county want. He said he has watched the hospital grow over the years into what it is today and he does not want to lose the hospital.

Vice-Chairman Lloyd Griffin asked if the new care facility that was built at Pitt was a joint effort by Pitt and UHS. Hospital CEO Sharon Tanner explained that the facility that was built adjacent to Pitt Hospital in Greenville is part of Pitt and is their heart center. It brings the number of beds at Pitt Hospital to just under 900 beds. Commissioner Griffin said he would like to clarify that Pitt Memorial Hospital is not taking over Albemarle Hospital. Negotiations have been held with University Health Systems, which was set up by the Board of Governors through the State of North Carolina, to manage the hospital. He said there is a difference between the two organizations. Vice-Chairman Griffin said he understands another floor of the hospital was closed two weeks ago. He asked at what dollar amount the agreement will start and if it will be after revenues have decreased.

Commissioner Matt Wood stated that he disagrees with going into the details of the agreement. He said the job of the County Commissioners is essentially as landlords of the facility and the people of Pasquotank County own the assets of the hospital. The county a few years ago turned over the management of the hospital to the Hospital Authority which has now come back to the county with this proposal. Commissioner Wood said it is time to move forward with this affiliation agreement. He said he has supported the affiliation, has served on the Hospital Authority, has worked with the members, respects the decision the Hospital Authority has made, and hopes his fellow Commissioners will also respect it.

Vice-Chairman Griffin said he feels the members of the Board of Commissioners were left out of the original discussions when they should have had an opportunity to voice their concerns at the very beginning of this process. He said he does not feel the hospital has acted in good faith on the 2000 lease. Commissioner Perry stated that he believes every member of the Board had an opportunity to be directly involved.

Motion was made by Matt Wood, seconded by Lloyd Griffin to call for the question on the motion. The motion carried unanimously.

The motion to approve the Hospital Management Agreement between Albemarle Hospital and University Health Systems carried by a four to three margin with Commissioners Perry, Wood, Trueblood, and Dixon voting in favor and Commissioners Stevenson, Griffin and Harris voting against the motion.

**3. PUBLIC HEARING ON PROPOSED STORMWATER DESIGN MANUAL, STORMWATER ORDINANCE, AND CHANGES TO EXISTING ORDINANCES TO REFLECT THE PROPOSED NEW REGULATIONS:**

Chairman Stevenson declared the meeting to be a public hearing on a proposed Stormwater Design Manual, Stormwater Ordinance, and changes to existing ordinances to reflect the proposed new regulations. He asked if anyone would care to comment.

Mr. Jimmie Winslow stated that he has had relationships with several counties and cities with regard to watershed projects for the last 50 years. He said he helped cut out the swamps to alleviate flooding problems. He explained that there are flooding problems in areas of Pasquotank County because the swamps are completely clogged. He said if the swamps would drain, there would not be a need for holding ponds. He asked the Board to consider cleaning out the main drainage which is full of trees, limbs and leaves rather than requiring developers to use development land to construct holding ponds.

Chairman Stevenson explained that the county is looking at a long range plan for cleaning out Knobbs Creek. Assistant County Manager Rodney Bunch stated that the county has completed the first phase of a study of the Knobbs Creek Basin to try to determine blockage. Proposals have been solicited to do more extensive work and meetings have been held with the Corps of Engineers and with CAMA to discuss the possibility of making improvements through that swamp but a thorough field survey must be conducted and applications submitted to get the permits that are necessary before going out for bids. Mr. Bunch said it is anticipated this would be a very expensive project. The next step would be to bring the proposal to the Board to move forward on trying to obtain the permits. The proposal should be ready for the Board to consider in the next thirty days.

Commissioner Trueblood explained that the Stormwater Manual is an entirely different project outside of the scope of working up the Knobbs Creek Basin to try to eliminate the flooding issues. He said if and when the Knobbs Creek Basin gets cleaned out, with the Stormwater Manual in place it can help eliminate future drainage problems.

Mr. Bob Luther said cleaning out the Knobbs Creek Basin would certainly eliminate the problems experienced by Oxford Heights and Northeastern Terrace, but he asked the Board to not forget Charles Creek, Newbegun Creek, and Symonds Creek. Commissioner Trueblood stated that seven or eight basins have been identified within Pasquotank County and with Knobbs Creek being the most congested and most developed and with the potential of having more development, it was felt that should be where the project should begin.

County Attorney Mike Cox noted that the Stormwater Ordinance refers to a Stormwater Administrator in several places. He said he would recommend that the Stormwater Administrator be the County Manager or his designee.

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

Motion was made by Matt Wood, seconded by Lloyd Griffin to approve the proposed Stormwater Design Manual and Stormwater Ordinance as presented and to designate the County Manager or his designee as the Stormwater Administrator.

Discussion followed and Commissioner Dixon asked who would hear appeals for variances from the Stormwater Ordinance. The County Attorney said the Board of Commissioners would hear variance requests and four criteria would have to be met similar to subdivision and zoning variance requests. The drainage engineer would be Greg Johnson who would be called in when needed.

Chairman Stevenson asked Mr. Johnson to give a synopsis of what this does to development. Mr. Johnson explained that from an engineering standpoint he does not believe there will be a gross difference because the current ordinances require analysis of a 10-year storm. Those requirements have not changed, but have been refined and tightened up and the one-inch storm and the 25-year storm have been added. He said the 25-year storm helps calibrate what a more intense storm might be.

Commissioner Cecil Perry asked what benefits this manual and ordinance would provide for the county. Mr. Johnson responded that this will create a better stormwater management model for the county with more modern requirements and refined techniques. He said the quality of pre to post is very important as far as the impacts downstream on existing developments. He said with the new regulations, flow rates will be calculated differently and should be more accurate and realistic. He noted that the manual outlines how to do that and ensures that the requirements are met with the latest technology. The manual is the tool engineers and surveyors will use to create the model of their proposed development to make sure it meets requirements. Mr. Bunch added that this will also give the county's engineer information from each project as a record so he will have more data to refer to with future projects.

Commissioner Jeff Dixon asked why Pasquotank County's requirements are exceeding the state level to the point that it is costing the local businessman more money to develop his property, driving up costs, and becoming an unfriendly community to businesses. He asked what the driving force is. Mr. Johnson stated that the present regulations use the 10-year storm as the basis for design which is in the county's ordinances now. They have added to the 10-year storm the one-inch storm and the 25-year storm and there should only be a small percentage of difference. He said there should not be a gross difference in the impact on any commercial area.

Commissioner Bill Trueblood said he would like for everyone to understand that all of the civil engineers in the area were given the opportunity to comment and participate in the development of this stormwater manual, and if they had concerns they were addressed and the document was actually revised based upon their input.

Commissioner Matt Wood stated that the public's interest in stormwater is weather-driven and the last eighteen months have been dry which has lessened citizen complaints regarding nuisance flooding. He said this study got started some time ago because of concerns from citizens who wanted to be protected against nuisance flooding and because of concerns regarding water

quality. He stated that a lot of water quality has been lost, some because development has not been done properly. He said he believes these regulations are a step forward to protect the environment and to protect citizens from nuisance flooding in a well-researched, scientific analysis of what development actually does. Commissioner Wood noted that this is progress. Mr. Johnson added that he thinks it will actually help developers because they will have written guidelines to follow.

The motion carried by a six to one margin with Commissioner Harris voting against the motion.

**4. PUBLIC HEARING ON SUBDIVISION TEXT AMENDMENT STA 09-01 TO AMEND THE STORMWATER DRAINAGE REQUIREMENTS FOR SUBDIVISIONS:**

Chairman Stevenson declared the meeting to be a public hearing on Subdivision Text Amendment STA 09-01 which amends Article IV of the Subdivision Ordinance to require that subdivisions be designed to meet the minimum requirements found within the Pasquotank County Stormwater Ordinance and the Stormwater Design Manual.

Planning Director Shelley Cox explained that this amendment directly correlates to the discussion the Board just had regarding the Stormwater Ordinance and Stormwater Design Manual. The amendment would take out all of the requirements from the Subdivision Ordinance regarding drainage and refer all stormwater management requirements to the Stormwater Ordinance and Stormwater Design Manual.

Commissioner Dixon asked if any current projects will be affected. Mrs. Cox stated that any projects currently under review will not be affected by the new requirements, but any new projects will fall under the new regulations.

Chairman Stevenson asked if anyone would care to comment on Subdivision Text Amendment STA 09-01. At the absence of comments, the public hearing was closed.

Motion was made by Cecil Perry, seconded by Lloyd Griffin to approve Subdivision Text Amendment STA 09-01 as presented. The motion carried unanimously and the following Subdivision Text Amendment was approved.

**19. Stormwater Management**

Subdivisions shall be designed to meet the minimum requirements found within the Pasquotank County Stormwater Ordinance and the Stormwater Design Manual.

**Stormwater Drainage**

~~Each subdivision shall provide adequate storm drainage for all areas in the subdivision. A combination of storage and controlled release of stormwater run off is required. The release rate of stormwater from all developments shall not exceed the 10 year stormwater run off from the area in its natural state (post development vs. pre-development). All free flowing storm drainage systems shall be designed to accommodate the run off generated by a 10 year design storm or North Carolina Department of Transportation (NCDOT) standards if more restrictive. The following information must be provided:~~

- ~~A. Elevation survey of entire tract with topo lines at one (1) foot intervals;~~
- ~~B. All culvert inverts (including driveway culverts);~~
- ~~C. Direction of flows;~~
- ~~D. Downstream analysis (cross sections) of drainage way to outlet (creek, stream, river, etc.);~~
- ~~E. Stormwater storage analysis (storing the differential between the outlet ditch capacity at bank full and the 10 year storm event throughout the proposed development area) and show minimum lot elevations;~~
- ~~F. Drainage calculations for drainway design within boundaries of proposed subdivision and off site, if appropriate;~~
- ~~G. Show total pre development and post development run off in CFS (cubic feet per second) volume leaving development area;~~
- ~~H. Along all existing drainage ways within proposed development areas, swales (minimum 6:1 side slopes) are preferred over traditional ditches. Maintenance easements the width of the swale shall be centered over the swale;~~
- ~~I. If swales are not utilized, then all ditches and canals will require minimum of 30 feet of open space from the top of bank on one side or the other (maintenance area); and~~
- ~~J. Developer will be responsible for upgrading drainage system to outlet (upgrade and outlet to be determined by the Pasquotank Soil and Water Conservation Office) subject to obtaining permission from all property owners adjacent to the watercourse outlet.~~

~~Plans must address maintenance of the drainage system and who will be the responsible party to ensure proper maintenance is performed on the drainage system. The plan will be reviewed and inspected by County Technical Staff members.~~

~~20. Developments Must Drain Properly~~

~~A. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface shall not be regarded as unduly retained if:~~

- ~~a) the retention results from a technique, practice or device deliberately installed as part of an approved Sedimentation or Storm Water Control Plan; or~~
- ~~b) the retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.~~

~~B. Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.~~

~~21. Stormwater Management~~

~~A. All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:~~

- ~~a) no development may be constructed or maintained so that development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing damage to such higher adjacent properties; and~~
- ~~b) no development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.~~

**5. PUBLIC HEARING ON ZONING TEXT AMENDMENT ZTA 09-01 TO ALLOW INDOOR RECREATIONAL ESTABLISHMENTS COMMERCIALY OPERATED IN THE A-1 AGRICULTURAL ZONING DISTRICT:**

Chairman Stevenson declared the meeting to be a public hearing on Zoning Text Amendment ZTA 09-01 to allow indoor recreational establishments commercially operated in the A-1 agricultural zoning district.

Planning Director Shelley Cox explained that this zoning text amendment was applied for by Mr. Bob Luther, the owner of what was formerly Luther's Greenhouses on Peartree Road. Mr. Luther indicated that someone was interested in potentially operating a cheerleading type indoor recreational facility at the site of the former greenhouses. Since the property is zoned agricultural Mr. Luther was advised that he would have to go through the text amendment process to amend the Zoning Ordinance to allow an indoor recreational type use in the A-1 agricultural district. Mrs. Cox said staff is recommending that the ordinance be amended to permit indoor recreational establishments commercially operated in the A-1 district with a conditional use permit. She advised that conditional use permits require a two-pronged review, as they will go to the Planning Board first and then to the Board of Commissioners. All adjacent property owners would have to be notified and a public hearing is required so the public will be aware of what is going on and will have the opportunity to comment and voice their concerns. Mrs. Cox stated that staff has recommended approval of this request and the Planning Board reviewed the request and also has recommended approval.

Chairman Stevenson asked if anyone would care to comment on the proposed zoning text amendment. At the absence of comments, the public hearing was closed.

Commissioner Cecil Perry asked if the cheerleading facility will be non-profit or for profit. Mrs. Cox responded that the text amendment is for commercially operated indoor recreation establishments which would be for profit.

Assistant County Manager Rodney Bunch reminded the Board that this zoning text amendment does not relate specifically to one cheerleading school, but could be any indoor recreational commercially operated business. The activities would be regulated by a conditional use permit issued by the Board of Commissioners.

Motion was made by Jimmie Harris, seconded by Bill Trueblood to approve Zoning Text Amendment ZTA 09-01 to allow indoor recreational establishments commercially operated in the A-1 agricultural zoning district. The motion carried unanimously.

**6. PUBLIC HEARING ON CONDITIONAL USE PERMIT CUP 09-01 TO PERMIT A RETAIL FLOORING BUSINESS IN THE I-1 INDUSTRIAL ZONING DISTRICT:**

Chairman Stevenson declared the meeting to be a public hearing on Conditional Use Permit CUP 09-01 to permit a retail flooring business in the I-1 industrial zoning district. Since this will be a quasi-judicial proceeding, the Clerk swore in those who plan to testify including Planning Director Shelley Cox and Engineer Ken Sisk, representing the applicant.

Mrs. Cox explained that this request for a conditional use permit has been applied for by Frank Cudequest. The location of the property is 724 Pitts Chapel Road which is at the intersection of Pitts Chapel Road and Sand Pit Road. The zoning classification of the property is I-1 industrial and Mr. Cudequest is requesting a conditional use permit to operate a retail flooring establishment at that location. Environmental Health has approved an on-site septic system for this site and the site is not located within a flood zone. The total site area is .84 acres and one access will be provided along Pitts Chapel Road as their driveway. A site plan for this proposal has been reviewed by the Technical Review Committee and the plan includes construction of a 3,600 square foot building with five parking spaces. The Board of Commissioners previously approved a rezoning at this site from A-1 to I-1 industrial. Mrs. Cox advised that in granting a conditional use permit the Board must make four general findings of fact, and can impose additional conditions if they deem reasonable and appropriate. She stated that all of the adjacent property owners were notified of this request and an advertisement was published in the local newspaper as required by the Zoning Ordinance, and no feedback, concerns or comments have been received from any adjoining property owners in that area. She said the Planning Board reviewed this request last month and voted to recommend approval.

Chairman Stevenson asked if anyone would care to comment on Conditional Use Permit CUP 09-01. Mr. Ken Sisk said he believes the request is pretty straightforward. He stated that this will be an addition to that little strip of road that will fit right in and will look nice with the landscaping planned.

Vice-Chairman Lloyd Griffin asked if the Technical Review Committee has begun to consider provisions to allow for the widening of Pitts Chapel Road since there is now growth in that area. Mrs. Cox said this subject has not been brought up by the Department of Transportation and the businesses that have located along the road are relatively small businesses so there will not be a lot of traffic generated. She stated if a commercial subdivision were to locate in this area, then it would become necessary to require the installation of turn lanes or road improvements. Vice-Chairman Griffin said he is not asking for these to be put in now, but is asking that the right-of-ways be protected for future growth along that corridor because at one time the Four Forks Road area was a growth area of the county. He suggested that this be a consideration by the Technical Review Committee. At the absence of further comments, the public hearing was closed.

Motion was made by Jimmie Harris, seconded by Bill Trueblood to approve Conditional Use Permit 09-01 to allow retail flooring sales at 724 Pitts Chapel Road based on the following findings of fact:

- a. The use will not materially endanger the public health or safety if located where proposed and approved because this is a small traffic business that will not highly increase traffic on the road, therefore it will not endanger the public in any way.
- b. The use meets all required conditions and specifications because planning staff have reviewed the plans and the project and have advised that they meet all of the required conditions and specifications, and the Planning Department's direction and investigation into the conditions and specifications is accepted.
- c. The use will not substantially injure the value of adjoining or abutting property because the adjoining and abutting property is a similar type business and there are substantial buffers from the residential areas so they will not be negatively affected. All of the adjacent property owners have been notified, none of which have chosen to come forward.

- d. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for Pasquotank County because the Pitts Chapel Road area has been an area of development for the last several years and this is not a substantial change.

The motion to approve Conditional Use Permit 09-01 carried unanimously.

**7. AMENDMENTS TO THE AGENDA:**

Chairman Stevenson asked if there were any amendments to the agenda. It was requested that the agenda be amended to add to the Consent Agenda approval of a resolution requesting state loan or grant assistance for the RO project.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to amend the agenda to add to the Consent Agenda a resolution requesting state assistance for the RO project. The motion carried unanimously.

**8. APPROVAL OF CONSENT AGENDA:**

The Board considered the following consent agenda:

a. Approval of Minutes of February 2, 2009 Commissioner Meeting

b. Approval of Tax Releases and Refunds

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

Releases:

		County	City
1.	Timothy J. Kessell	146.63	
2.	Mary Foskey	120.00	
3.	Benjamin Clayton Giese	103.50	89.87
4.	Mary Aiken Brunowsky	109.67	
5.	Caleb H. & Arnold R. Parker	506.99	
6.	Julie Ann Lee	151.03	123.57
7.	James Oliver Byrd, Jr.	101.42	
8.	Charles Leo Briggs	110.55	
9.	Tommy S. & Connie A. Wooten	452.10	

Refunds:

1.	Warden Gordon		188.10
2.	Gregory S. & Nicole Lee	157.21	

c. Approval of Request from Tourism Development Authority for \$7,000 from Pasquotank County's Tourism Reserve Fund to Assist with the 2009 4<sup>th</sup> of July Fireworks

The Finance Committee has recommended approval of a request from the Tourism Development Authority for \$7,000 from Pasquotank County's Tourism Reserve Fund to assist with the 2009 4<sup>th</sup> of July Fireworks.

d. Approval of Change Order #11 for Albemarle District Jail Project

The Finance Committee has recommended approval of a change order in the amount of \$676,254 for the construction of a generator building, fuel pad, and loading zone at the new Albemarle District Jail. All costs associated with the change order have been verified by the architect for the project as well as the electrical engineer.

e. Adoption of Resolution Requesting State Assistance with RO Project

The Board considered the following resolution requesting state assistance with the RO project:

WHEREAS, The Federal Clean Water Act Amendments of 1987 and Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater or drinking water system improvements.

WHEREAS, The Pasquotank County Board of Commissioners has need for and intends to construct a drinking water system project described as a 2 MGD Reverse Osmosis

Water Treatment Facility, Discharge Force Main, Wells, Storage Tanks & Distribution Main.

WHEREAS, The Pasquotank County Board of Commissioners intends to request state (loan or grant) assistance for the project.

NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF PASQUOTANK COUNTY:

That Pasquotank County Board of Commissioners, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State (loan or grant) award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the (unit of government) to make scheduled repayment of the loan, to withhold from the (unit of government) any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Randy Keaton, County Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 16<sup>th</sup> day of February, 2009 at Elizabeth City, North Carolina.

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

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

Refunds:

1.	Alexander Wray Growers	6.68	
2.	Ecrest LLC	88.60	72.66
3.	Ecrest LLC	98.45	80.55

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

OWNER'S NAME	PARCEL ID NUMBER	REASON FOR RELEASE
Terrance M. Meads Lf Est	P88-19	Unoccupied for three years
Samuel E. Poole	50-N-31	Unoccupied for 10 years

**9. REPORT FROM COUNTY MANAGER:**

County Manager Randy Keaton reported that the North Carolina 911 Board will be here this Thursday at 9:00 AM in the Public Safety Building to hold a seminar on the uses of 911 fees. He said anyone interested in attending or providing feedback is welcome to attend.

Mr. Keaton reported that he and Chairman Stevenson are fully trained and certified in Incident Command Structure after attending classes last week.

**10. REPORT FROM COUNTY ATTORNEY:**

County Attorney Mike Cox explained that a local act is a local act of the General Assembly, not of the Board of Commissioners. He said the information handed out by Mr. Doug Lane quotes him as saying that the county cannot regulate hunting and that all hunting regulations must come from the state level. He stated that he will clarify with Mr. Lane what a local act is.

**11. REPORTS FROM COMMISSIONERS:**

Commissioner Cecil Perry reported that he took part in the interviews for students who were part of the North Carolina Teaching Fellows Program this past Saturday in Greenville as a County Commissioner representative for the eastern district of the state. He said 102 students were interviewed Saturday and all of the school systems in the surrounding area had candidates being interviewed with the exception of the Elizabeth City-Pasquotank County School System. The Board requested that the Chairman send a letter to the Chairman of the Board of Education asking why there were no Teaching Fellows candidates from the Elizabeth City-Pasquotank Public Schools this year. Chairman Stevenson asked the County Manager to first confirm with the School System that there were no applications from Pasquotank County this year.

Vice-Chairman Lloyd Griffin asked the Assistant County Manager to explain his memo to the Board regarding the Division of Water Quality site reviews. Mr. Bunch explained that the county received copies of letters sent from the Division of Water Quality to developers of two subdivisions in the county. DWQ had done field inspections to monitor compliance with stormwater permits and found discrepancies in these two subdivisions. Letters were sent by DWQ to the developers outlining items that needed to be addressed. DWQ was asking the county to consider withholding building permits or certificates of occupancy in these subdivisions until the stormwater issues were resolved. Mr. Bunch said he wanted the Board to be aware of this. He added that the county has not withheld any building permit requests or certificates of occupancy.

Chairman Stevenson said at the last meeting he passed out to the Commissioners a 34-page document and tonight Mr. Doug Lane has given out an addendum to that document regarding the deer hunting with dogs issue. He stated that the Board needs to make a decision whether and how to proceed in this matter. He said it has been discussed to possibly have public input on this issue at the next meeting. He asked if there is support from the Board to do this. After discussion, the Board deferred until the next meeting a decision on whether to call for public input.

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

Motion was made by Cecil Perry, seconded by Jeff Dixon to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 9:10 PM.

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CHAIRMAN

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CLERK

**PASQUOTANK COUNTY, NORTH CAROLINA  
FEBRUARY 23, 2009**

The Pasquotank County Board of Commissioners held a budget work session on Monday, February 23, 2009 in the Commissioners Board Room in the Pasquotank County Courthouse.

**MEMBERS PRESENT:** Marshall H. Stevenson, Jr., Chairman  
Lloyd E. Griffin III, Vice-Chairman  
Matt Wood  
Bill Trueblood  
Cecil Perry  
Jeff Dixon  
Jimmie Harris

**MEMBERS ABSENT:** None

**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 5:00 PM. County Manager Randy Keaton updated the Board on revenue projections for the remainder of the fiscal year. He explained that sales tax revenues and land transfer tax revenues have decreased dramatically over the last two months. He suggested until more data is available that the sales tax revenue estimates be adjusted downward by another \$200,000 to \$8,100,000. Mr. Keaton explained that land transfer tax collections continue to decrease with each month finding a new low. He said year to date land transfer tax collections are down 55%. He noted that the Board had earlier in the year agreed to cut land transfer tax estimates by \$1,000,000 to take it down to \$1,100,000, but based on the trend he believes land transfer tax revenue estimates should be taken down another \$200,000 to \$900,000. After other revenue adjustments including a \$190,000 decrease in inspection and recording fees, the projected shortage in revenue for the fiscal year stands at \$1,427,094. Cuts that have already been made this year total \$769,375 leaving a shortfall of \$657,719. Mr. Keaton said he has identified and would recommend additional cuts and savings totaling \$424,719 which include Medicaid savings; two more days of leave without pay for employees or as an option suspending the 401K for the remainder of the year; an additional 1% cut from COA and the School System; Parks & Recreation additional cuts, Central Fire Department cuts; and anticipated Medicaid stimulus funds. After these additional cuts and savings, the budget shortfall stands at \$260,219.

The County Manager provided information to the Board regarding services the county is mandated to provide and non-mandated services. The Board discussed possible ways to make further budget cuts totaling \$250,000 through the end of the current fiscal year. After lengthy discussion, the Board directed the County Manager to come back at next week's Finance Committee meeting with a proposal for cuts totaling more than \$250,000 from the current year's budget, preferably recurring items that could be carried into July 1. The Board could then choose the cuts to implement.

Motion was made by Lloyd Griffin, seconded by Cecil Perry to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 6:05 PM.

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CHAIRMAN

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CLERK